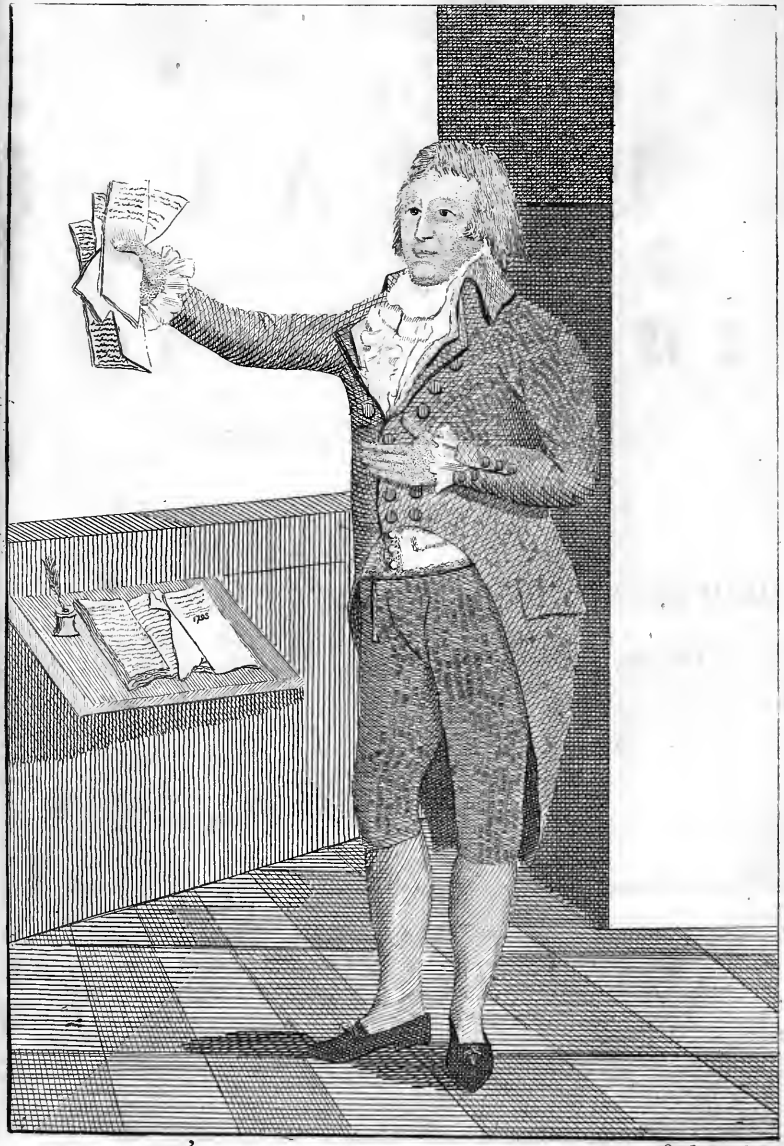
Trial
of
Eros

Containing

The Trials of .....

1. Archibald Hamilton Rowan Esq:
2. Joseph Gerald.
3. Thomas Muir.
4. Robert Watt and David Downie.

Engraved for S. CAMPBELL's Edition of MUIR's TRIAL



THOMAS MUIR ESQ YOUNGER
of Huntershill

Scoles sculp.

AN

ACCOUNT

OF THE

TRIAL

OF

THOMAS MUIR,

ESQ. YOUNGER, OF HUNTERSHILL,

BEFORE THE

HIGH COURT OF JUSTICIARY AT EDINBURGH,

On the 30*th* and 31*st* days of August, 1793,

FOR

SEDITION.

Dedimus profecto grande patientiæ documentum : et sicut vetus aetas vidit, quid ultimum in *libertate* esset ; ita nos quid in *servitute*, adempto per *inquisitiones* et loquendi audiendique commercio. *TACIT.*

—NEW-YORK—
PRINTED AND SOLD BY SAMUEL CAMPBELL ;
NO. 37, HANOVER-SQUARE.
1794.

Tolbooth, EDINBURGH, *September* 16, 1793.

SIXTH MONTH OF MY IMPRISONMENT.

TO THE PUBLIC.

THE Publiſher makes no apology for the delay of the account of this trial. His object was not to gratify the tranſient curioſity of the preſent day, but to preſent to his countrymen the faithful record of a tranſaction which implicates ſome of their moſt material intereſts. Truth and accuracy were what he chiefly ſtudied. He wiſhes that ſeveral of his cotemporaries, who have likewiſe exhibited an account of this trial, had been actuated by the ſame principles.

He is greatly indebted to ſeveral gentlemen, who liberally furniſhed him with notes of the evidence. In particular, he begs leave to ex-

preſs his warmeſt acknowledgements to Mr. Moffat, the friend of Mr. Muir, who attended him in the court. From the peculiar ſituation of the Publiſher, it would be improper in him to ſpeak of Mr. Muir himſelf. It is ſufficient to ſay, that at his requeſt he took the trouble to look over the notes which were taken of the ſpeech delivered to the Jury, and he has the authority of that gentleman, for declaring, that he believes that the account given of that ſpeech, is as accurate as could poſſibly be preſented, of what was, to all, evidently delivered without previous preparation, and entirely regulated by the circumſtances which occurred in the courſe of the trial, and which came out in the evidence.

JAMES ROBERTSON.

THE

PREFACE.

IN the following ſheets we have particularly attended to fidelity in compilation and detail—We aim not to injure our cotemporaries, by arrogating ſuperior merit: All will, we truſt, contribute to the general object, which ought to be the exhibiting to the Public a candid ſtatement of this very momentous and intereſting Tryal. We have taken the liberty of prefixing a few general obſervations, not from a wiſh to prejudice the mind, or warp the underſtanding of the reader—not with a deſign to arraign the juſtice of the ſentence of the Criminal Court, or to excite hatred or oppoſition to the orders of judicial authority; but as a debt which we owe to the cauſe of Liberty and Reform.

From the period immediately ſucceeding the Revolution until the preſent moment, the theme of every lover of his Country has been a Parliamentary Reform in the Commons Houſe. The Patriot eſteemed it as the only bulwark againſt the encroachments of deſpotical power—the Stateſman calculated its beneficial conſequences to Society; and, in the energetic language of the illuſtrious Chatham, ſtiled it, "The infuſing a new portion of health into the vitals of the conſtitution;"—while the Philoſopher beheld in it the reign of Reaſon, and the triumph of Truth.

The conteſt with America involved in it, not barely the authority of the mother country over our Colonies, but alſo the natural and imprescriptable Rights of Man. The duties and the prerogatives of a member of the body ſocial, and the abſtract principles of political philoſophy became the topics of univerſal diſcuſſion. Thinking men ſaw no evil in the downfal of ignorance and ſuperſtition; they viewed, with pleaſure, the general diſſemination of knowledge, and hailed the ſun of reaſon as it daily burſted through the clouds of prejudice.

In 1782, while this country was immerging with rapidity into the abyſs of deſtruction, a meeting of Gentlemen pledged themſelves as the advocates of Reform. Amongſt theſe were men, whom the nation fondly numbered among their friends, and honoured as the props of the Liberties of Britain. But mark the iſſue! Theſe deceptive ſeducers having, under the maſk of public virtue, and the ſemblance of patriotiſm, obtruded themſelves into the higher offices of ſtate, baſely abandoned the cauſe of reaſon and the people. Hence, let Scotſmen learn to appreciate that invaluable precept, ſo often inculcated—"*truſt to principles and not to men.*"

Again, in 1792, a number of Patriotic Gentlemen having convened, for the purpose of interchanging their sentiments on the subject of a Parliamentary Reform, published a Declaration, which was announced in the newspapers of the day.

DECLARATION

Agreed to on the 11th of April 1792, by that Society.

"A number of persons having seriously reviewed and considered the actual situation of public affairs, and state of the kingdom, and having communicated to each other their opinions on those subjects, have agreed and determined to institute a Society for the purpose of proposing to Parliament and to the Country, and of promoting, to the utmost of their power, the following Constitutional Objects, making the preservation of the Constitution, on its true principles, the foundation of all their proceedings :——

First—To restore the Freedom of Election, and a more Equal Representation of the People in Parliament.

Second—To secure to the People a more frequent Exercise of their Right of Electing their Representatives.

The persons who have signed their names to this agreement, think that these two fundamental measures will furnish the power and the means of correcting the abuses, which appear to them to have arisen from a neglect of the acknowledged principles of the Constitution, and of accomplishing those subordinate objects of Reform, which they deem to be essential to the Liberties of the People, and to the good Government of the Kingdom."

—SIGNED BY—

Charles Grey, Esq. M. P.
Hon. T. Maitland, M. P.
George Rous, Esq.
William Cunninghame, Esq.
John Tweddell, Esq.
Earl of Lauderdale,
Nicolls Raynsford, Esq.
James Mackintosh, Esq.
Thomas Christie, Esq.
Malcolm Laing, Esq.
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James Archdekin, Esq.
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Rev. Dr. Kippis,
James Jacque, Esq.
Francis Love Beckford, Esq.
Adam Walker, Esq.
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John Furnell Tuffen, Esq.
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Joshua Girby, Esq.
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Joseph Spurrel, Esq.
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J. Philips, Esq.
J. Porter, Esq.

William Sharp, Esq.
John Barnes, Esq.
Joseph Ruse, Esq.
T. Gordon, Esq.
Mr. J. Griffin,
Mr. Edward Hall,
William Bosville, Esq.
John Redman, Esq.
J. B. Gawler, Esq.
Rev. J. C. Banks,
Bertie Greatheed, Esq.
Thomas Crookenden, Esq.
Ben. Bakewell, Esq.
Col. Hastings,
D. E. Macdonnel, Esq.

Non-Resident Members who have signed the Declaration.

Right Hon. Earl of Buchan,
Sir J. E. Swinburne, Bart.
Professor Millar,
G. Lloyd, Esq. Suffolk,
W. Belham, Esq. Bedford,
Capel Loft, Suffolk,
W. Davy, Esq. Devonshire,
James Milnes, Esq. Yorkshire,
Robert Monteith, Esq. Glasgow,
J. Richardson, Esq. Glasgow,
J. Losh, Esq. Cumberland,
J. Grigby, jun. Esq. Suffolk.

Treasurers.

Right Hon. Lord Kinnaird.
George Tierney, Esq.

Such are the generous purposes of this Association: And on similar principles, and with the same objects in view, have the numerous Societies of the Friends of the People been instituted. Calumny has, however, erected her baneful influence: The public peculator beheld, with dismay, the general spread of political knowledge, and availing himself of the troubles in France, began the cry of danger in Church and State. The misrepresentations of detraction misled many sensible men, and induced them to oppose Reform. Time has demonstrated the fallacy of these accusations; and the rejection of their petitions was universally received with respectful tranquility. To traduce virtuous intention, is in private life the resource of the lurking assassin; and in public, the expedient of malignant craft. But the artifices of venality are in vain; and the Friends of the People regard with scorn the illiberal attacks of their enemies.

On perusal of the subsequent indictment, the following observations naturally suggest themselves:—

I. The petitioning Parliament for redress of grievances, whether real or imaginary, is warranted by the Bill of Rights and Revolution Settlement.

II. British subjects are entitled to assemble in a peaceable manner, in order to interchange their sentiments on alledged grievances, to consult and to consider on the proper, necessary, and Constitutional means of application for address. This is, indeed, no parliamentary privi-

lege—no concession of the Sovereign. It is a right connate with the existence of Society and Government.

III. Any individual, or any body of men, are entitled to invite their fellow-subjects to co-operate with them in such application: And the convening any meeting for purposes not inimical to the Constituted Government and peace of the community, is authorized by the immutable decrees of natural justice, and is in strict conformity to the acknowledged principles of the British Constitution.

IV. But if in such Conventions the addressing those assembled on the subject of Parliamentary Reform, has criminality attached to it, we ask—Why are not Pitt and Richmond torn from behind the entrenchments of corruption, and dragged to the bar?

V. To compare the British Constitution, and much more so its practical Government, with a Constitution or Government existing or imaginary, can be, and is no violation of law. A contrary doctrine is not only repugnant to human reason, but destructive to human society. Truth can only be elicited by the collision of sentiment. All improvement existed in theory, before it was known in practice. Had such an intolerant principle predominated, Britons would not have experienced the advantages resulting from the Christian Religion, the Reformation, and the Revolution. The various modifications of government, into which civil society is divided, is a speculation always affording entertainment, reflection, and instruction to the philosophic mind. But these enquiries are not to be contracted and confined to the closet of the scholar. The interests of the human species are too deeply interested in the research, to preclude the developement of political truth, while the meanest spot of the globe, consecrated by Liberty, is to mankind an object worthy of their veneration and their love. The man, therefore, who can, with advantage, institute a comparison between two States, with respect to the expences necessary for carrying on the functions of Government, but neglects to do so, does not acquit himself in his duty to his country. With respect to Britain, it is not perhaps the Civil List which ought to claim disapprobation;—wealthy people can afford a liberal establishment and revenue to their Sovereign. But we hesitate not to advance that the holders of the four first offices of State have in places, pensions, perquisites, and douceurs, an annual income superior to the annual aggregate expenditure of the united cantons of Switzerland. And further, that in Great Britain more than six millions Sterling are annually torn in sinecures, and excess of salary beyond what is adequate to professional trouble—Torn, we say, from the vitals of commerce, the pittance of the mechanic, and the industry of the peasant.

VI. The barely *recommending* of any book, whatever its contents may

be, to the perusal of another, can be no violation of law. But we acknowledge and admit, that the selling, as also the circulating and dispersing of books, *known and ascertained to be seditious*, is unquestionably a violation of law. Here, however, difficulties must arise as to the import of terms, and the existence of guilt. Many juries have found Mr. Paine's Works libellous and seditious; others have returned a contrary opinion. In this decrepancy of sentiment, what criterion of truth and justice remains to direct the judgment of the impartial? In such circumstances we conceive, that should a Jury return the verdict of Guilty, the sentence of the Court ought to be characterised by leniency. The Dialogue of the Governors and Governed is a detached selection from "The Ruins of Empires," by M. Volney, the celebrated Syrian and Egyptian Traveller, whose works have been circulated through the whole extent of Europe, and perused with avidity. The Patriot is a periodical performance to be found in every bookseller's stall, and every corner of Britain. With respect to the Irish Address, the situation of Mr. Muir was peculiarly delicate. Upon its transmission to Mr. Muir by the Dublin Society, he was bound in honour to announce the receipt of it, and produce it to the Convention at Edinburgh. It is difficult to conjecture by what means the Convention could discover its contents, and determine its reception or rejection, without favouring it with a reading As we are now enabled, without personal danger, to submit *ad-locum* to general scrutiny, we leave it to our countrymen to decide, whether or not "The proposing that it "should be received, and lie on the table of the said meeting, and "also the moving, that the thanks of the meeting, or some ac-"knowledgment should be returned to those from whom the fore-"said paper or address came;" be a violation of any known law, or the established principles of justice.

In the above general and preliminary remarks, we have been cautious, although bold—respectful, although determined. We, therefore, submit the following authentic Narrative of the Trial to the consideration of the Public, and let them determine whether the Lord Advocate was entitled to bestow on the unfortunate Pannel the charitable and compassionate epithets of WRETCH, FIEND, and DEMON OF DISCORD.

Edinburgh,
Sept. 9. 1793.

ADDRESS TO THE PUBLIC.

IN the different accounts which have been publiſhed of Mr. Muir's trial mention is made of my having been committed to priſon for prevarication, or an attempt to conceal the truth. Theſe accounts, in ſo far as they regard me, being defective. I think it incumbent upon me, in juſtice to myſelf and my character, to preſent the public with a candid ſtatement of the whole matter.

Being called to the bar of the Court, and having taken the oath to tell the whole truth, and nothing but the truth, I was interrogated, "Has any perſon inſtructed you what you ſhould ſay?" I anſwered, None; but mentioned that ſeveral perſons had deſired me to tell the truth. I was then aſked who had done ſo? My anſwer was, that I did not recollect; but that no perſon had given me any particular inſtructions, what I alluded to having been only the general obſervation of ſeveral perſons with whom I had ſpoken on the ſubject. I was then queſtioned when I had been cited as a witneſs; upon which I produced my ſummons, bearing date the 26th of Auguſt. I was again interrogated, if it was after the citation that I had the converſations referred to, and with whom I held theſe? To which I replied, That it was both before and after citation; but, as it was only a kind of general inſtruction, I could not recollect any particular perſon.

I was then ordered to withdraw; and, on being again called into Court, was ordered to priſon for three weeks.

This ſentence not a little ſurpriſed me, as I was totally at a loſs to gueſs the cauſe, not having been conſcious of any wrong. Indeed the whole error (if it may be ſo called) was the effect of confuſion and miſtake, which were natural enough, conſidering my utter ignorance of law proceedings, and that I never before had been examined as a witneſs in a Court of Juſtice.

I do not mean to reflect on the Court, but to juſtify myſelf from the charge of prevarication, or of concealing the truth, which I had no idea of committing. On the contrary, it appears to me that I was to blame only for an over anxiety to tell the whole truth in terms of my oath; for had I anſwered the firſt queſtion in the negative, (which I was entitled to do, as no perſon had put words in my mouth) I would not have had the mortification of being impriſoned.

Conſcious of the purity of my intentions, I ſubmit my caſe to the public; and, leaving it with them to judge with candour, I have only further to obſerve, that I grieve not ſo much on account of my confinement, of the injury it may do me in buſineſs, or my reputation, as I am ſorry that, from my being rejected, Mr. Muir may be the greater ſufferer of the two, as he was prevented from having the benefit of my evidence, which would have tended highly to his exculpation of the charges againſt him.

JOHN RUSSELL.

Edinburgh Tolbooth,
Sept. 3, 1793.

IN the ſecond Edinburgh edition of Mr. Muir's Trial, was inſerted a note, contradicting a very material part of Anne Fiſher's evidence; and as every fact, illuſtrative of that extraordinary trial, is of the greateſt importance, we conſider it our duty to preſent to the public, the obſervation then made.

Concluſion of Anne Fiſher's evidence.—' As the witneſs was withdrawing, one of the Jury (Captain Inglis) deſired ſhe might be called back, and aſked her, If there was no quarrel or miſunderſtanding between the family and her at parting. She anſwered, that ſo far from that, her miſtreſs gave her five ſhillings over her wages, and Miſs Muir gave her a petticoat, and ſame other articles of clothes.'

The Note.—' This part of Fiſher's teſtimony, we have authority to ſay, is totally falſe; ſhe did not receive a farthing from Mrs. Muir beſides her wages, nor any article of clothes from Miſs Muir; and ſhe was not permitted to remain in the houſe after the term day.'

We have ſince learnt, that this witneſs was engaged for the purpoſe of carrying meſſages between Mr. Muir's town and country houſes, and that ſhe was only occaſionally employed as an under ſervant. Our readers may judge what opportunities ſhe could have, in that ſituation, of frequently hearing the private converſation of Mr. Muir's family. We are alſo informed that ſhe, like the Rev. Mr. Lapſlie, was preſent at the précognition of other witneſſes; and that ſhe was frequently *cloſeted* in the Star Inn, Glaſgow, with an active Sheriff [Honeyman] of the weſt, who probably taught a certain Judge [Lord Juſtice Clerk] to expatiate ſo warmly on her *ſingular abilities*.

THE

TRIAL

OF

THOMAS MUIR, Esq.

YOUNGER, OF HUNTERSHILL.

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THE Members of the Court of Justiciary assembled precisely at ten o'clock in the forenoon. Mr. Muir, who had obtained his liberation upon bail, soon afterwards appeared, and placed himself at the bar.

His Majesty's Advocate, for his Majesty's Interest, was then in the usual form, called against the Pannel. Mr. Muir was desired by the Lord Justice Clerk to listen to the Indictment against him, which was to be read immediately by the Clerk of the Court. Of that Indictment the following is a true copy.

"GEORGE, *&c.* WHEREAS it is humbly meant and complained to us by our right trusty ROBERT DUNDAS, Esq. of Armiston, our Advocate for our interest, upon THOMAS MUIR, younger, of Huntershill, THAT, by the laws of this and every other well governed realm, the wickedly and feloniously exciting, by means of SEDITIOUS SPEECHES and HARANGUES, a spirit of disloyalty and disaffection to the King and the Established Government; MORE ESPECIALLY, when such speeches and harangues are addressed to Meetings or Convocations of Persons, brought together by no lawful authority, and uttered by one who is the chief Instrument of calling together such Meetings: AS ALSO, the wickedly and feloniously ADVISING and EXHORTING persons to purchase and peruse seditious and wicked publications and writings, calculated to produce

duce a ſpirit of diſloyalty and diſaffection to the King and Government; AS ALSO, the wickedly and feloniouſly DISTRIBUTING or CIRCULATING any ſeditious writing or publication of the tendency aforeſaid, or the CAUSING diſtribute or circulate any ſuch ſeditious writing or publication: AS ALSO, the wickedly and feloniouſly PRODUCING and READING ALOUD, in a public meeting or convocation of perſons, a ſeditious and inflammatory writing, tending to produce in the minds of the people a ſpirit of inſurrection and of oppoſition to the Eſtabliſhed Government: AND, the PUBLICLY APPROVING of, and RECOMMENDING, in ſaid meeting, ſuch ſeditious and inflammatory writing, are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and ſeverely puniſhable: YET TRUE IT IS, AND OF VERITY, that the ſaid Thomas Muir is guilty actor, art and part, of all and each, or one or other, of the ſaid crimes, aggravated as aforeſaid: IN SO FAR AS on the 3d day of November 1792, or on one or other, of the days of that month, or of October immediately preceding, or of December immediately following, the ſaid Thomas Muir having been preſent at a meeting in the town of Kirkintilloch, pariſh of Kirkintilloch, and county of Dunbarton, denominated, 'A Society for Reform,' or bearing ſome ſuch name; and alſo, having ſometime during the courſe of the ſaid month of November aforeſaid, been preſent at another meeting at Miltoun, pariſh of Campſie, and county of Stirling, which meeting was alſo denominated, 'A Society for Reform,' or bore ſome ſuch name, (and both of which ſocieties above-mentioned the ſaid Thomas Muir was the chief mean of inſtituting and forming;) he did, at times and places foreſaid, with wicked and ſeditious intention, addreſs and harangue the ſaid meetings; in which ſpeeches and harangues, the ſaid Thomas Muir did ſeditiouſly endeavour to repreſent the Government of this country as oppreſſive and tyrannical, and the Legiſlative Body of the ſtate as venal and corrupt, particularly by inſtituting a compariſon between the pretended exiſting Government of France and the Conſtitution of Great Britain, with reſpect to the expences neceſſary for carrying

carrying on the functions of Government; he endeavoured to vilify the Monarchical part of the conſtitution, and to repreſent it as uſeleſs, cumberſome, and expenſive: AT LEAST, the ſaid Thomas Muir did uſe words and arguments of the above ſeditious tendency and import. FURTHER, the ſaid Thomas Muir did, ſometime during the courſe of September, October, or November 1792, in the town of Glaſgow in the county of Lanark, Kirkintilloch in the pariſh of Kirkintilloch, and county of Dunbarton, and Miltoun in the pariſh of Campſie and county of Stirling aforeſaid, and elſewhere, wickedly and feloniouſly exhort and adviſe ſeveral perſons to purchaſe and peruſe various ſeditious pamphlets and writings; PARTICULARLY, the ſaid Thomas Muir did, ſometime in the months aforeſaid, within his father's houſe at Glaſgow aforeſaid, or ſome other place to the Public Proſecutor unkown, wickedly and feloniouſly adviſe and exhort John Muir ſenior, late hatter in Glaſgow, Thomas Wilſon barber in Glaſgow, and John Barclay reſiding in the pariſh of Calder and county of Lanark, to read Paine's Rights of Man, and to purchaſe the ſame; which book or pamphlet entituled, Paine's Rights of Man, is a moſt wicked and ſeditious publication, calculated to vilify the Conſtitution of this country, to produce a ſpirit of inſurrection among the people, and to ſtir them up to acts of outrage and oppoſition to the Eſtabliſhed Government. FURTHER, the ſaid Thomas Muir did, in the courſe of the months of September, October, or November aforeſaid, wickedly and feloniouſly diſtribute and circulate, or cauſe to be diſtributed and circulated, in the towns of Glaſgow, Kirkintilloch, and Miltoun aforeſaid, and at Lennoxtoun in the ſaid pariſh of Campſie and county of Stirling, or elſewhere, a number of ſeditious and inflammatory writings or pamphlets; particularly a book or pamphlet entituled, 'The Works of Thomas Paine, 'Eſq.' Alſo, a writing or publication, entituled, 'A Declaration of Rights, and an Addreſs to the People, approved of by a number of the Friends of Reform in Paiſley;' Alſo, a paper or publication entituled, 'A Dialogue be'twixt the Governors and the Governed;' Alſo, a paper or publication, entituled 'The Patriot:' Particularly, the ſaid Thomas Muir did, ſome time in the month of October

or

or November aforesaid, at Kirkintilloch, aforesaid, or at some other place to the Public Prosecutor unknown, wickedly and feloniously deliver and put into the hands of Henry Freeland, weaver, in Kirkintilloch, a seditious book or pamphlet, entituled, 'The Works of Thomas Paine, Esq.' which the said Henry Freeland carried away with him; which book or pamphlet, along with the other wicked, seditious, and inflammatory passages, contains the following:

Paine's Works, p. 13. 'Monarchy is ranked in Scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them.'

P. 20. 'In short, Monarchy and succession have laid not this or that kingdom only, but the world, in blood and ashes; it is a form of Government which the Word of God bears testimony against, and blood will attend it.'

P. 21. 'Why is the Constitution of England sickly, but because Monarchy hath poisoned the Republic?—the Crown hath engrossed the Commons.

'In England a King hath little more to do than to make war, and to give away places; which in plain terms is to impoverish the nation, and set it together by the ears. A pretty business indeed for a man to be allowed eight hundred thousand pounds Sterling a-year for, and worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived.'

P. 78. 'What are the present governments in Europe but a scene of iniquity and oppression! What is that of England? Do not its own inhabitants say it is a market where every man has his price, and where corruption is common traffick, at the expence of a deluded people? No wonder then that the French Revolution is traduced.'

P. 85. 'But the *second* head, that of a nation establishing a particular family with *hereditary powers*, does not present itself as despotism, on the first reflection; but, if men will permit a second reflection to take place, and carry that reflection forward but one remove out of their own persons to that of their offspring, they will then see that hereditary succession becomes in its consequences the same despotism to others which they reprobate it for themselves.

P. 86.

P. 86. ' It operates to preclude the consent of the succeeding generation, and the preclusion of consent is despotism.

Part II. p. 30. ' All hereditary government is in its nature tyranny. An heritable crown, or an heritable throne, or by whatever fanciful name such things may be called, have no other significant explanation, than that mankind are heritable property. To inherit a government is to inherit the people, as if they were flocks and herds.

P. 51. ' The act called the Bill of Rights comes here into view. What is it but a bargain which the parts of the government made with each other to divide powers, profits, and privileges? You shall have so much, and I shall have the rest; and with respect to the nation, it said, for *your share*, YOU *shall have the right of petitioning*. This being the case, the Bill of Rights is more properly a Bill of Wrongs, and of insult.

P. 54. ' The attention of the Government of England (for I rather choose to call it by this name, than the English Government) appears, since its political connection with Germany, to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestic concerns are neglected; and with respect to regular law, there is scarcely such a thing.

P. 126. ' The time is not very distant when England will laugh at itself for sending to Holland, Hanover, Zel, or Brunswick, for men, at the expence of a million a-year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England.'

AND the said Thomas Muir did, some time in October or November aforesaid, within his own or his father's house at Huntershill, in the county of Lanark, or at some other place to the Public Prosecutor unknown, wickedly and feloniously put into the hands of William Muir, weaver in

Kirkintilloch, eleven number of a ſeditious book or pamphlet, entituled, 'The Patriot', which the ſaid William Muir carried away with him, and kept poſſeſſion of; and which book or pamphlet contained among others the following ſeditious paſſages:

Patriot, No. V. p. 168, *and* 169. 'They have loſt 'the diſtinguiſhing character between freemen and ſlaves; 'they have loſt the diſtinguiſhing character of Engliſh-'men! They have loſt what the moſt tyrannical Kings of 'England would never force from them! They have, in a 'great meaſure, loſt what their forefathers ſpent their blood 'and treaſure to defend—the greateſt jewel that any people 'can poſſeſs—their conſtitutional and natural liberty—their 'birth-right and inheritance derived from God and nature! 'They have loſt the conſtitutional means of redreſs for all 'their grievances! What is it indeed they have not loſt 'by that hated ſeptennial law, which has fettered down the 'elective power of the people, like a dog in a manger, who 'is only ſuffered to go abroad *once in ſeven years* for an 'airing!'

No. VI. p. 184, & 185. 'Rouſe then ye Britons! A-'wake from the ſlumbering ſtate of apathy in which you have 'ſo long ſuffered yourſelves inglorioufly to remain! Open 'your eyes to the injuries which have been heaped on you; 'and aſſert your right to have them redreſſed. Evince to all 'the world that you are the true deſcendants and ſons of your 'once famed glorious anceſtors; prove yourſelves worthy to 'inherit, in its higheſt degree of perfection, that *conſtitution* 'which they raiſed by their valour and cemented with their 'blood:—Raiſe your voice—the voice of the people—and 'ſound in the ears of Tyrants, and their abettors, that '*you will* be *free*, and you are ſo: That voice is the noble, 'the mighty *fiat*, which none can, or dare to, attempt to 'gainſay.'

No. XI. p. 375. 'And what would he (Earl of Chat-'ham) have thought, if he had lived to hear people now 'talk of a happy and glorious conſtitution, evidently 'built upon corruption and ſupported by peculation? And 'what would he have conjectured, had he ſeen a procla-'mation iſſued to intimidate and prevent the people from

'exerciſing

exercifing their right of conferring upon, and publifhing their grievances ?'

No. XII. p. 414. 'But we fhould afk, here, what is the difference between a King of England taxing his fubjects without confent of Parliament, and taxing them with the confent of Parliament, which Parliament the King, or his Minifter, can influence as he pleafes to approve of war or peace, and to vote fuch fupplies as may be required ; no matter how grievous or burdenfome, nor for what bafe or corrupt purpofes they are granted : One would think that the latter method is equally *oppreffive*, and deferving of reprobation ; for being done with a feeming legality, and under a form and femblance of *conftitutional* procedure, the people are made parties to their own oppreffion, and the greateft infults are added to the heavieft injuries.'

P. 419. 'Here we fee clearly the origin of the immenfe overgrown landed property of our race of nobles and rich commoners ; a right founded in murder, defolation, rapine, and profcription of the firft owners and holders of the landed property in this kingdom, among our Saxon anceftors ; and by this we may eafily trace the means by which our nobility are at this moment not only in poffeffion of one branch of the legiflature by hereditary claim, but by which they have alfo monopolized, with the addition of a few rich commoners, the *majority of voice in the Houfe of Commons*, which, fhame to tell, is bare-facedly called the Repreftntation of the *People*. This we pledge ourfelves to prove to the fatisfaction of our readers in the courfe of this work, and indeed of a few more numbers.'

nd the faid paper or publication, entituled, 'A Declaration of Rights, and Addrefs to the People, approved of by a number of the Friends of Reform in Paifley,' diftributed and circulated as aforefaid, contained the following ffages :

Paifley Declaration, p. 4. '1. Being fubject to the legiflation of perfons whom *other men have placed over you*, it is evident you are denied that which is the right of every one, and without which none are *free*. For to be *enflaved*, is to have no will of your own in the choice of thofe law-makers, which have power over your *properties*, your *families*, your

This is of every who lo his vote

 lives,

'*lives*, and *liberties*. Those who have no votes for electing 'representatives are not free, as the rights of nature, and 'the principles of our constitution, require, but are enslaved to the representatives of those who have votes.'

P. 5. '3. Should you not associate in your own cause, and 'with one voice? the voice of united millions, demand reform in the national representation.'

P. 8. '10 But such a Parliament cannot be had unless we 'will revert to the first principles of our constitution, which 'we have so shamefully abandoned. A government where 'the executive and legislative power meet in a single person has no more pretence to freedom; it is perfect despotism; and the people who submit to it are in a state of 'slavery. If the will of the Prince *must* be *law*, in what 'manner it is announced, whether the mandate issue directly from the throne itself, or through the medium of the 'House of Commons, is a matter of indifference. If that 'assembly is no longer the representative of the people, the 'constitution is *changed*. If those men who are said to represent us are only the *registers* of the *Royal edicts*, the 'government is degenerated into an *absolute Monarchy*. 'Since electing a Parliament is our only security against 'an *arbitrary* power in the Crown, election itself must be 'not only the common right, but the common *duty*, of all 'the people.'

P. 15. 'But the evils of long Parliaments--are they not 'writen in *tears* and in *blood?* And have they left us aught 'of liberty but the name? With the poor exception then, of 'one year of freedom in *seven*, and that in favour of no 'one-*seventh*, part of the nation, it is demonstrated that you 'are *constantly taxed without being represented, and compelled 'to obey laws to which you never gave assent.* Are not these 'the very definitions of slavery? And, are you not thus 'degraded to a level with the very *cattle* in the field, and 'the sheep in the fold; which are a property to those who 'rule over them, and *have no power to say*, why are we 'bought and sold? why are we yoked and laden with heavy burdens? why are we *fleeced* and led to the slaughter? 'Demand then with one voice, friends and countrymen 'that share in making your own laws to which, by the constitution

'ſtitution and the laws of nature, you are entitled; call 'for the *Bill* which would reſtore your loſt conſtitution, 'and recover your ſtolen rights! Purſue the only courſe 'which can ever effect any conſiderable reduction of debts 'and taxes, or materially advance the intereſt of manufac-'tures and commerce! In ſhort, be free, proſperous, and 'happy! and give your poſterity the ſame cauſe to revere 'your memories, as you have to bleſs *thoſe progenitors* who 'left you an inheritance in a free conſtitution.'

And the above writing or publication, entituled, 'A 'Dialogue between the Governors and the Governed,' diſtributed and circulated as aforeſaid, contained, among others, the following paſſage:

Dialogues. '*Civil Governors.* The law enacts that ye be ſubmiſſive.

'*People.* The law is the general *will*, a new order.

'*Civil Governors.* You will be a rebellious people.

'*People.* Nations cannot revolt; tyrants are the only *rebels*.

'*Civil Governors.* The King is with us, and he commands you to ſubmit.

'*People.* The Kingly office originates in the people, who 'elect one of themſelves to execute it for the general good. 'Kings, therefore, are eſſentially indiviſible from their na-'tions. The King of ours, then, *cannot* be with you; you 'only poſſeſs his phantom.' And the Military Governors ſtepping forward, ſaid, "The people are timid, let us "menance them, they only obey force. *Soldiers, chaſtiſe "this inſolent rabble.*"

'*People.* Soldiers, you are of our own blood! Will you 'ſtrike your brothers? If the people periſh, who will main-'tain the army?---And the ſoldiers grounding their arms, 'ſaid to their chiefs, "We alſo are the people, we are "the enemies of ----------." 'Whereupon the *Eccleſiaſti-'cal Governors* ſaid, "There is now but one reſource left. "The people are ſuperſtitious; we muſt frighten them "with the name of God, and of Religion.---Our dearly be-"loved brethren, our children! God has appointed us to "govern you."

'*People.* Produce to us your heavenly powers.

'*Prieſts.*

'*Priests.* You must have faith, reason will lead you astray.

'*People.* Do you govern then without reason?

'*Priests.* God ordains peace: Religion prescribes obedience.

'*People.* Peace presupposes justice; obedience has a right to know the law it bows to.

'*Priests.* Man is only born into this world to suffer.

'*People.* Do you then set us the example.

'*Priests.* Will you live without Gods and without Kings?

'*People.* We will live without Tyrants, without Impostors.'

FURTHER, the said Thomas Muir having, upon the 11th, 12th, or 13 days of December 1792, or on one or other of the days of that month, being present at a meeting calling itself 'The Convention of *Delegates* of the Associated 'Friends of the People,' or assuming some such name; which meeting was held in a room commonly called Laurie's Room, in James's Court, in the City of Edinburgh, he did then and there, with a wicked and seditious design, produce, and read aloud to the said meeting, a writing or paper, entituled, 'Address from the Society of United 'Irishmen in Dublin, to the Delegates for promoting a 'Reform in Scotland.' Which writing or paper was of a most inflammatory and seditious tendency, falsely and insidiously representing the Irish and Scotch nations as in a state of downright oppression, and exciting the people rebelliously to rise up and oppose the government. And which paper or writing, among other passages, contained the following:

P. 1. 'We take the liberty of addressing you in the spirit of 'civic-union, in the fellowship of a just and common cause. 'We greatly rejoice that the spirit of freedom moves over 'the surface of Scotland, that light seems to break from 'the chaos of her internal government, and that a country 'so respectable for her attainments in science, in arts, and 'in arms, for men of literary eminence, for the intelligence 'and morality of her people, now acts from a conviction 'of the union between virtue, letters, and liberty; and

'now

'now rises to distinction, not by a *calm, contented, secret* 'wish for a reform in Parliament, but by openly, actively, 'and urgently *willing* it, with the unity and energy of an 'embodied nation. We rejoice that you do not consider 'yourselves as merged and melted down into another coun- 'try, but that in this great national question you are still 'Scotland.'—Also,

'We will lay open to you our hearts: Our cause is your 'cause. If there is to be a struggle between us, let it be, 'which nation shall be foremost in the race of mind. Let 'this be the noble animosity kindled between us, who shall 'first attain that free constitution from which both are 'equi-distant, Who shall first be the saviour of the empire. 'The sense of both countries, with respect to the intole- 'rable abuses of the constitution, has been clearly manifest- 'ed, and proves that our political situations are not dissi- 'milar, that our rights and wrongs are the same.'—Also,

'We will not be the dupes of such ignoble artifices. 'We see this scheme, of strengthening political persecution 'and state inquisition, by a fresh infusion of religious fana- 'ticism. But we will unite, and we will be free. Uni- 'versal emancipation, with representative legislature, is 'the polar principle which guides our Society, and shall 'guide it, through all the tumult of factions, and fluctua- 'tions of parties. It is not upon a coalition of Opposition 'with Ministry that we depend, but upon a coalition of 'Irishmen with Irishmen; and in that coalition alone we 'find an object worthy of reform, and, at the same time, 'the strength and sinew both to attain and secure it. It is 'not upon external circumstances, upon the pledge of man 'or minister, we depend, but upon the internal energy of 'the Irish nation.—We will not buy or borrow liberty 'from America or from France, but manufacture it for 'ourselves, and work it up with those materials which the 'hearts of Irishmen furnish them with at home.—We do 'not worship the British, far less the Irish constitution, as 'sent down from heaven; but we consider it as human 'workmanship, which man has made, and man can mend. 'An unalterable constitution, whatever be its nature, must 'be despotism. It is not the constitution, but the people, which

'which ought to be inviolable; and it is time to recognise and renovate the rights of the English, the Scotch, and the Irish nations.'—Also,

'You have our ideas—answer us, and that quickly.—This is not a time to procrastinate.—Your illustrious Fletcher has said, that the liberties of a people are not to be secured without passing through great difficulties; and no toil or labour ought to be declined to preserve a nation from slavery. He spoke well; and we add, that it is incumbent on every nation who adventures into a conflict for freedom, to remember, it is on the event (however absurdly) depends the estimation of public opinion; honour and immortality, if fortunate; if otherwise, infamy and oblivion. Let this check the rashness that rushes unadvisedly into the Committee, of national character; or, if *that be already made*, let the same consideration impel us with active, not passive perseverance, with manly confidence, and calm determination, smiling with equal scorn at the bluster of official arrogance, and the whispers of private malevolence, until we have planted the flag of freedom on the summit, and are at once victorious and secure.

'*M'Allister*, 102, *Grafton Street, Printer.*'

WHICH seditious paper or writing, containing, among others, the above passages, the said Thomas Muir did, immediately thereafter, wickedly and feloniously, propose should be received, and lie on the table of the said Meeting; and did also move, that the thanks of the Meeting, or some acknowledgement, should be returned to those from whom the foresaid paper or address came. AND MOREOVER, the said Thomas Muir did, then and there, wickedly and feloniously express his approbation of the sentiments contained in the said paper or address, or, at least, did declare, that it was altogether harmless, or used words and expressions of a similar import, notwithstanding that many of those who were present at the foresaid meeting did oppose and object to the foresaid paper or address being read, or allowed to lie on the table, or in any shape acknowledged by the said Meeting. AND the said Thomas Muir having

having been brought before John Pringle, Esq; our Sheriff-depute of the county of Edinburgh, upon the 2d day of January 1793, did, in his presence, emit and sign a declaration, but immediately thereafter, the said Thomas Muir, conscious of his guilt in the premises, did, in order to evade punishment, abscond and leave the kingdom; and having been indicted at the instance of our Advocate, for our interest, to stand trial before the High Court of Justiciary, upon the 11th day of February last, the diet was afterwards continued to the 25th of that month to give him the better opportunity of appearing, if he was so disposed; but the said Thomas Muir having notwithstanding failed to appear, he was, on the 25th of February last, fugitate by a sentence of the said High Court. AND the said Thomas Muir having lately, in a private and clandestine manner, come into this Country, by the way of Ireland, he was discovered at Portpatrick, apprehended, and committed prisoner to the tolbooth of Stranraer, in the county of Wigton, on the 30th or some other day in the month of July last; and, at same time, sundry papers found in his possession were together with his pocket-book, sealed up in the presence of William Ross, Esq; one of our Justices of Peace for the shire of Wigton, under the seals of the said Thomas Muir and the town seal of Stranraer. AND the said Thomas Muir having been afterwards transmitted to Edinburgh, by warrant of our High Court of Justiciary, along with the said pocket-book and papers, the sealed parcel containing the same was opened in presence of him, the said Thomas Muir, and Harry Davidson Esq; Sheriff-substitute of the county of Edinburgh, upon the 10th day of August current, the seals having been previously inspected by the said Thomas Muir, and declared by him to be entire, and an inventory of the contents thereof was made, and signed by the said Thomas Muir and Harry Davidson, and others then present. AND the above mentioned declaration, emitted by the said Thomas Muir before the Sheriff-depute of Edinburgh upon the 2d of January 1793, together with a copy of 'Paine's Works,' recommended and circulated as aforesaid; as also, a copy of the said 'Declaration of Rights, and an Address to the people, approved

 'of

'of by a number of the Friends of Reform in Paisley,' circulated as aforesaid; as also, a copy of the 'Dialogue between the Governors and the Governed,' circulated as aforesaid; as also, a copy of 'The Patriot,' circulated as aforesaid; as also, a copy of 'the Address from the Society of United Irishmen in Dublin,' to the Delegates for promoting a Reform in Scotland,' produced, read, and approved of by the said Thomas Muir, in manner aforesaid, and attested by the subscriptions of James Denholm, James Campbell, and others; and also, a book, entituled, 'The Book of the Records of the Association of the Friends of the Constitution and of the People of Kirkintilloch, volume 1st, Entered at Kirkintilloch, November 1792;' and also the foresaid inventory, made up before the said Thomas Muir and the Sheriff-substitute of Edinburgh, upon the said 10th day of August current, with the whole articles and papers there in contained and referred to, will all be used in evidence against the said Thomas Muir, and will for that purpose in due time be lodged with the Clerk of the High Court of Justiciary, before which he is to be tried, that he may have an opportunity of seeing the same. AT LEAST, times and places above mentioned, the said seditious speeches and harangues were uttered, the said seditious books or pamphlets recommended to be purchased and perused, the said seditious books or pamphlets circulated and distributed, as aforesaid, and the said wicked and inflammatory address produced, read, recommended, and approved of in manner above mentioned, and the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other of the foresaid crimes. ALL WHICH, or part thereof, being found proven, be the verdict of an assize, before our Lord Justice General, Lord Justice Clerk, and Lords Commissioners Justiciary, in a Court of Justiciary to be holden by them within the Criminal Court-house of Edinburgh, the said Thomas Muir OUGHT to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

LIST

LIST OF WITNESSES.

1. John Brown, weaver at Lennoxtoun, in the parish of Campsie, and county of Stirling.
2. John Speir, weaver at Lennoxtoun aforesaid.
3. William Robertson, excise-officer at Lennoxtoun aforesaid.
4 Francis Clark, callico printer at Lennox Mill, parish and county aforesaid.
5. Alexander Johnston, bleacher at Kincaid Printfield, in parish of Campsie aforesaid.
6. Henry Freeland, weaver in Kirkintilloch.
7. Willaim Muir, weaver in Kirkintilloch.
8 John Scott, wright in Kirkintilloch.
9 Robert Weddel, weaver in Kirkintilloch.
10. James Baird, hosier in Kirkintilloch.
11. The Rev. Mr. William Dunn, minister of Kirkintilloch.
12. John Scott, weaver in Townhead of Kirkintilloch.
13. Willim Knox, weaver there.
14. James Muir, student of divinity residing at Campsie.
15. Anne Fisher, servant, or late servant, to Mr. John Carlisle collector of the cess in Glasgow.
16. Thomas Wilson, barber in Glasgow.
17. William Reid, bookseller and stationer in Glasgow.
18. James Brash, bookseller and stationer there.
19. David Blair, manufacturer in Glasgow.
20. John Muir, senior, late hat-manufacturer, presently residing in Glasgow.
21. John Barclay, residing in the parish of Calder, in the county of Lanark, and one of the elders of the said parish.
22. The Reverend Mr. James Lapslie, minister of Campsie.
23. James Campbell, writer to the signet.
24. James Denholm, writer in Edinburgh.
25. Hugh Bell, brewer in Edinburgh.
26. John Buchanan, baker in Canongate of Edinburgh.
27. Mr. John Morthland, advocate.
28. William Skirving of Strathruddie, residing in Edinburgh.

29. Lieutenant-Colonel William Dalrymple of Fordell.
30. Mr. Robert Forſyth, advocate.
31. Richard Fowler, ſtudent of medicine, reſiding, or lately reſiding in Edinburgh.
32. John Pringle, Eſq; Sheriff-depute of the county of Edinburgh.
33. William Scott, ſolicitor-at-law, and procurator-fiſcal of the ſaid county of Edinburgh.
34. Joſeph Mach, writer in Edinburgh.
35. Sir James Colquhoun of Luſs, Baronet, Sheriff-depute of the ſhire of Dunbarton.
36. William Honyman, Eſq; Sheriff-depute of the ſhire of Lanark.
37. Harry Davidſon, Eſq; Sheriff ſubſtitute of the county of Edinburgh.
38. George Williamſon, meſſenger in Edinburgh.
39. Mr. James Carmichael, commander of the Juſtice hulk, in the ſervice of the Board of Cuſtoms.
40. William Roſs, Eſq; one of the Juſtices of Peace for the county of Wigton.

LIST OF ASSIZE.

Sir John Clerk, of Pennycuick, Baronet.
Sir William Dick, of Preſtonfield, Baronet.
Sir John Inglis, of Cramond, Baronet.
Sir Archibald Hope, of Craighall, Baronet.
5 Sir James Fowlis, of Collington, Baronet.
Sir Philip Ainſle, of Comley-Bank.
Charles Watſon, of Saughton.
James Forreſt, of Comiſton.
Thomas Craig, of Riccarton.
10 Captain John Inglis, of Auchindinny.
John Wauchope, of Edmonſtone.
John Balfour younger, of Pilrig.
David Johnſton, of Bavelaw.
John Davie, of Gaviſide.
15 Andrew Wauchope, of Niddry Mariſhal.

John

John Trotter, of Mortonhall.
Gilbert Innes, of Stow.
John Davidſon, of Ravelrigg.
James Rocheid, of Inverleith.
20 John Newton, of Curriehill.
James Calderwood, Durham, of Polton.
Thomas Wright, of Greenhill.
James Gillſpie, of Spyelaw.
Thomas Sivewright, of South-houſe.
25 James Kerr, of Woodburn.
John Alves, of Dalkeith, portioner.
Partrick Pridie, hatter in Edinburgh.
Thomas Brown, bookſeller there.
Andrew Smith, perfumer there.
30 James Charles, hoſier there.
Alexander Inglis, merchant there.
William Pattiſon, merchant there.
William Cooper, upholſterer there.
Andrew Ramſay, ſlater there.
35 Thomas Duncan, bookſeller there.
William Dalrymple, merchant there.
Francis Buchan, merchant there.
James Mansfield, banker there.
Donald Smith, banker there.
40 James Dickſon, bookſeller there.
Samuel Patterſon, merchant there.
George Kinnear, banker there.
Andrew Forbes, merchant there.
John Horner, merchant there.
45. Alexander Wallace, banker there.

WM. NAIRNE.
ALEX. ABERCROMBY.
JOHN SWINTON.

To this indictment, Mr. Muir pleaded, Not Guilty. He was then aſked by the Lord Juſtice Clerk, if he had any objections to the relevancy of the charges which it contained. Mr. Muir replied that he had uniformly conſidered the Jury as

as the only judges of the law and of the fact; and that, in this ſtage of the trial, he would plead upon no point, which might preclude the determination of the Jury, by a previous deciſion of the Court.

In point of form, it is required in Scotland, that the perſon accuſed ſhould communicate upon the evening preceding the trial, in writing the ſubſtance of his defence with a liſt of the witneſſes intended to be adduced in exculpation. Mr. Muir had complied with this rule, and the Clerk of Court read the following defences:

DEFENCES.

The Criminal Libel is falſe and injurious; ſo far from exciting the people to riot and inſurrection, it can eaſily be proved, by a numerous liſt of witneſſes, that, upon every occaſion, the pannel exhorted them to purſue meaſures moderate, legal, peaceable, and conſtitutional. The charge of diſtributing ſeditious publications, and of adviſing the people to read them, is equally falſe and calumnious. The pannel admits, that on the great national queſtion, concerning an equal repreſentation of the People in the Houſe of commons, he exerted every effort to procure in that Houſe, a full, fair, and equal repreſentation of the people, as he conſidered it to be a meaſure, (and ſtill does,) the moſt ſalutary for the intereſt of his Country. But the pannel offers to prove, that as he conſidered the information of the People to be the chief thing requiſite to accompliſh this great object, he uniformly adviſed them to read every publication, upon either ſide, which the important queſtion of Parliamentary Reform had occaſioned.

Annexed are a liſt of witneſſes in exculpation.

Under proteſtation to add and eik.

(Signed) Thomas Muir.

List *of* Witnesses, *adduced in Exculpation.*

William Riddle, baker in Glaſgow,
John Hamilton, manufacturer, St Andrew's Square; Glaſgow.
David Dale, jun. manufacturer there:

Baſil

Basil Ronald of Broomelone, glover in Glasgow.
Alexander Park, writer in Glasgow.
George Waddel, manufacturer in Glasgow.
George Russel, merchant in Gallowgate, Glasgow.
John Brock, manufacturer in Glasgow.
John Wilson, shoemaker in Gorbals of Glasgow.
John Lockhart, mason there.
Walter Hart, heritor in Tradestown, Glasgow.
Hugh Moodie, spirit dealer in Glasgow.
James Cooper, shoemaker, Glasgow.
John Gray, manufacturer, Glasgow.
Daniel M'Arthur, one of the masters of the grammar-school, Glasgow.
James Richardson, sen. merchant, Glasgow.
William Clydesdale, cabinet-maker there.
John Tennant, brewer there.
George Bell, jun. manufacturer there.
George Stayley, manufacturer in Balmanno Street, Glasgow.
Robert M'Kinlay, print-cutter in Mr. Fulton's employment, near Paisley.
William Orr, jun. manufacturer in Paisley.
James Craig, manufacturer, Water Brae, Paisley.
James Gemmel, merchant, Storie Street, Paisley.
William Muir, Fisherrow, Paisley.
Hamilton Ballantyne, Storie Street, Paisley.
James Muir, weaver, Shuttle Street, Paisley.
John Buchannan, foreman at Kincaid Printfield, in the parish of Campsie.
Robert Honorie, printer there.
Patrick Horn, printer there.
Smollet M'Lintock, block-cutter there.
William Henry, of Borrowstown parish, Baldernock.
James M'Gibbon, printer, at Kincaid printfield.
John Freeland, distiller in Kirkintilloch.
Andrew Rochead, younger of Duntiblaemill, parish of Kirkintilloch.
Robert Boak. surgeon in Kirkintilloch.
John Edmond, print-cutter, Kincaid printfield.
Robert Millar, weaver in Cambauslang.

The

The Rev. Mr. William Dunn, minister of Kirkintilloch.
David Wallace, late servant to James Muir of Huntershill, now to James Stark of Adamslie.
Robert Scott, weaver in Kirkintilloch.
Archibald Binnie, type-founder, Edinburgh.
Charles Salter, brewer in Edinburgh.
Peter Wood, teacher in Portsburgh.
John Buchannan, baker in Canongate.
—— Bell, tobacconist, Canongate.
William Skirving, Edinburgh.
Maurice Thompson, starch-maker there.
Andrew Wilson, brewer in Portsburgh.
John Smith, weaver, Lothian Road.
Peter Hardie, brewer in Portsburgh.
Col. William Dalrymple, of Fordel.
William Johnston, Esq; Edinburgh.
The Right Hon. Lord Daer.
—— Newton, residing St. Patrick's Square, Edinburgh.

The following Interlocutor was then pronounced by the Court upon the relevancy.

"The Lord Justice Clerk, and Lords Commissioners of "Justiciary, having considered the criminal libel, raised "and pursued at the instance of Robert Dundas, Esq; of "Arniston, his Majesty's Advocate, for his Majesty's in-"terest, against the said Thomas Muir, pannel, they find "the libel relevant to infer the pains of law, but allow the "pannel to prove all facts and circumstances that may tend "to exculpate him, or alleviate his guilt; and remit the "pannel with the libel, as found relevant, to the know-"ledge of an Assize."

ASSIZE.

Sir James Foulis of Collinton.
Captain John Inglis of Auchindinny.

John

John Wauchope of Edmonſton.
John Balfour, younger of Pilrig.
5 Andrew Wauchope, of Niddry-Mariſhall.
John Trotter of Morton-Hall.
Gilbert Innes of Stow.
James Rochead of Inverleith.
John Alves of Dalkeith, Portioner.
10 William Dalrymple, merchant, Edin.
Donald Smith, banker, Edin.
James Dickſon, bookſeller, Edin.
George Kinnear, banker, Edin.
Andrew Forbes, merchant, Edin.
15 John Horner, merchant, Edin.

Immediately afterwards the Lord Juſtice Clerk, aſked Mr. Muir, if he had any thing further to ſtate, in ſupport of theſe defences, as in the further courſe of the trial, he would be precluded from adducing any thing extraneous.

Mr. Muir then roſe up and ſaid, according to the rule of court, I have the evening before this day, communicated to the public proſecutor the ſubſtance of my defence in writing. The truth of every word in that defence, I ſhall ſtrongly prove before I leave this bar. I admit that I exerted every effort, to procure a more equal repreſentation of the People in the Houſe of Commons. If that be a crime, I plead guilty to the charge. I acknowledge that I conſidered the cauſe of Parliamentary Reform to be eſſential to the ſalvation of my Country: But I deny that I ever adviſed the People to attempt to accompliſh that great object, by any means which the conſtitution did not ſanction. I grant that I adviſed the people, to read different publications upon both ſides, which this great national queſtion had excited, and I am not aſhamed to aſſign my motives. I conſider the ignorance of the people, on the one hand, to be the ſource from which deſpotiſm flows. I conſider, upon the other hand, an ignorant people, impreſſed with a ſenſe of grievances, and wiſhing to have theſe grievances redreſſed, to be expoſed to certain miſery and to complete ruin. KNOW-

LEDGE muſt always precede REFORMATION, and who ſhall DARE to ſay that the PEOPLE ſhould be debarred from INFORMATION, where it concerns them ſo materially? I am accuſed of ſedition; and yet, I can prove by thouſands of witneſſes, that I warned the people of the *danger* of that crime, exhorted them to adopt none but meaſures which were conſtitutional, and intreated them, to conneſt *liberty* with knowledge, and both with morality. This is what I can prove. If theſe are crimes, I am guilty.

Captain Inglis, before being ſworn, mentioned that he was a ſervant of Government; that he underſtood Mr. Muir was accuſed of a crime againſt Government; and that he did not conſider it as proper, that Mr. Muir ſhould be tried by a Jury compoſed of ſervants of Government; that his mind felt ſcrupulous, laboured under much anxiety, and he begged leave to decline being a Juryman. Captain Inglis was informed by the Court, that there was no impropriety in his being a Juryman, although belonging to the ſervice of Government.

The Lord Juſtice Clerk, in the uſual form, aſked Mr. Muir, if he had any objections to ſtate to the firſt five gentlemen, whoſe names he had ſelected from the liſt of aſſize.

Mr. Muir ſaid: Of theſe gentlemen I have no perſonal knowledge. Their ſituations in life are reſpectable, and I believe them to be men of truth, and of honour; yet my ſituation and theirs is ſo peculiar, that I am obliged to object to them being upon this Jury. The queſtion of Parliamentary Reform has agitated deeply, in proportion to its magnitude, the minds of men in this country; different opinions have been adopted, and different parties have been formed. Theſe gentlemen belong to an aſſociation which aſſembled in Goldſmith's Hall, calling themſelves the Friends of the Conſtitution, united to ſupport it againſt Republicans and Levellers, and expreſſing their zeal to ſuppreſs tumult and ſedition. I belong to the aſſociation of the Friends of the People. Viewing a reform in the repreſentation of the people as a meaſure the moſt conducive to the ſtability of the conſtitution, and to the felicity of the people,

people we united our common exertions, by legal measures, to accomplish that object.

To the constitution, in its genuine principles, we have solemnly pledged ourselves—Never have we professed to be its enemies, yet the association in Goldsmith's Hall, by a deliberate and public act of their's, have declared, that we were the enemies of the constitution. Equally zealous in our declarations to the world—in our reprobating riot and sedition; and sincere in our hearts, that association has denounced us to this country, as attempting to kindle the torch of civil war, and to lay it in blood and in destruction. The fact upon which I found this charge is notorious, and cannot be denied. A Convention of Delegates, from all the Societies of the Friends of the People in Scotland, assembled in this city, upon the 11th day of December last. Of this Convention I had the honour of being a member. The convention accorded with the association in Goldsmith's Hall, in their zeal to support the constitution, in their abhorrence of sedition, and in their determination to concur with good citizens in their suppression of riot and of tumult. To testify then to this association, their principles and their object, the Convention ordered a number of its members to repair to their Hall, and to subscribe the book which they had opened, of adherence to the constitution. In this number I was included. We did so. And, What were the consequences? The association erazed our names, and published in the papers of the day their proceeding. Was not this an act of public proscription against us all? Accused this day of sedition, of an attempt to overthrow the constitution, shall those men be my Jurymen? who have not merely accused me, but likewise judged and condemned me without knowing me, without leaving me the possibility of the power of vindication. This trial is no trivial matter. It affects me, but it affects the country more. The noise of it will pass down to other times, and posterity may fancy their most valuable rights connected with its consequences.

A respectable gentleman of the five to whom I now object, has felt the delicacy of his situation, and has honourably avowed his scruples. Such sentiments, so respectful in themselves, I trust are common to all his colleagues.

 This

This is not the only objection I ſtate to the Gentlemen of Goldſmith's Hall being of my Jury. I am accuſed of circulating the works of Mr. Paine. That aſſociation has publicly advertiſed their horrors at the doctrines contained in theſe books. Nay, more, they have offered a reward of five guineas, to any who will diſcover a perſon who may have circulated them! If this is not prejudicating my cauſe, I demand to know what prejudication is?

Upon theſe two objections, I ſhall make no further obſervations. To ſuppoſe them not well founded, would be to inſult the common ſenſe and the common feelings of mankind.

I demand juſtice. Let me be tried fairly, not by a Jury of the aſſociation of Goldſmith's Hall, not by a Jury of the Aſſociation of the Friends of the People, but by men unconnected with either, whoſe minds cannot poſſibly be ſuppoſed warped with prejudices. I THEREFORE SOLEMNLY PROTEST, that no perſon who is a member of the Aſſociation in Goldſmith's Hall, ſhould, or can, be of the Jury in my trial.

Solicitor-General BLAIR replied, That he conſidered this objection to be of the moſt extraordinary nature. The pannel is accuſed of forming aſſociations, contrary to the Conſtitution, and he preſumes to object to thoſe Gentlemen, who formed aſſociations in its defence. With equal propriety might the pannel object to their Lordſhips on the Bench, to be his judges in this trial: their Lordſhips had ſworn to defend their Conſtitution.

Mr. MUIR. This day, I will not deſcend into the quibbles of a Lawyer. I object to theſe gentlemen, not becauſe they aſſociated in defence of the conſtitution. I too, as well as they, have aſſociated in defence of the conſtitution. But my objection is, that they, by an act of theirs, have publicly accuſed me of being an enemy to the conſtitution, have already pronounced the ſentence of condemnation, and have impoſed upon my name the ſeal of proſcription.

LORD JUSTICE CLERK.—If the objections of the pannel were relevant; it would extend far indeed; it would go to every perſon who had taken the oaths to government. I can ſee nothing in the objection, and I am clear for repelling it.

LORD

LORD HENDERLAND.—I can ſee nothing in the objection; theſe gentlemen entered into a ſociety for a particular purpoſe, and had the right of judging of the qualification of their members; they did not think Mr. Muir or his friends proper members. In no trial whatever could this be a good objection.

The objection was repelled. Mr. Muir, however, continued to repeat it, as every five were ſworn.

When the liſt of the five laſt was preſented, he ſaid it was not ſufficient to ſay that theſe gentlemen were free to form a ſociety, this is a fact which no man in his ſound ſenſes will diſpute. But, this ſociety when formed, had opened, in a public place, a book for public ſubſcription. By repeated advertiſements they had called upon every friend to the conſtitution, every enemy to ſedition and tumult, every perſon inimical to a public diviſion of property by a levelling ſyſtem, to come and ſubſcribe their names in that book, as expreſſive of their attachment to the conſtitution, to property, and to peace. Every porter, every chairman from the ſtreets, was allowed to inſert his ſubſcription. Why were the names of the pannel and his friends expunged? Was it not a public denunciation of their being the ſupporters of that ſyſtem of plunder and of diſorder, which that aſſociation was to oppoſe?

When the Jury were ſworn in, Mr. Muir again ſtated, that he believed them to be men of truth and integrity, but never would ceaſe recalling to their attention the peculiarity of their ſituation. They had already determined his fate. They had already judged his cauſe; and, as they valued their reputation, their own internal peace, he entreated————Here Mr. Muir was interrupted by the Court, who concurred in opinion, that his conduct was exceedingly improper, in taking up their time, as the objection had been repelled!

The counſel for the Crown now proceeded to call the witneſſes.

ALEXANDER JOHNSTON.

Mr. MUIR objected to this witneſs. He ſaid he did not know

know him. He did not remember if ever he had ſeen him, but he could clearly prove, by reſpectable witneſſes, that this perſon had ſaid, upon hearing of his arrival in Scotland, that he would do every thing in his power to have him hanged.

Mr. Muir was aſked if he could condeſcend upon any particular circumſtances of malice, which this witneſs entertained againſt him. He replied that he did not know him, therefore could ſpecify no circumſtances from which the propoſed witneſs might have entertained malice againſt him; but the fact that he had ſo expreſſed himſelf was certain and true, and if permitted, he would immediately ſubſtantiate what he had aſſerted, by the moſt convincing proof.

The objection was repelled. The Court obſerved, that witneſſes might be averſe to bear teſtimony. That for this purpoſe they might make ſimilar aſſertions in order to diſqualify themſelves. That if, upon objections of this kind, they were to be caſt, the ends of public Juſtice might be defeated; beſides, it was obſerved, that the witneſs would be purged of malice upon oath.

The objection was over-ruled, and the witneſs was adduced.

ALEXANDER JOHNSTON,

Depones, That he was preſent at a meeting in Kirkintilloch, ſometime in the month of November laſt, but does not remember the day. That the meeting had then no name, but has been ſince known by the name of a Reform Meeting. Mr. Muir was preſent who harangued the meeting. As far as he recollects, Mr. Muir addreſſed the Preſident; ſtated the diſadvantages in the Repreſentation, ſome Boroughs being rotten, others having no vote. He ſtated the population of England, and Scotland, and mentioned, that from the ſmallneſs of the number who voted, the people were not fully repreſented. Mr. Muir ſaid, that if a man paid £. 20,000 for a ſeat in Parliament, he behoved to derive ſome intereſt from his ſeat, and he referred to the people, whether it was reaſonable that a man ſhould pay ſo much for a ſeat in Parliament, without deriving ſome emolument

lument in return. That the Duke of Richmond, had complained of this, and had £. 30,000.—He was ſilent.—That Mr. Muir compared our Conſtitution with the French, and ſaid, that beyond a doubt they would be ſucceſsful. That they were more equally repreſented, and their taxes much leſs. That two thirds of the French national debt was already paid. That a manufacturer in this country could not bring his goods to market with the ſame advantage as the French Manufacturers; of courſe, we ſhould loſe our trade. Mr. Muir ſaid, the Society ought to be acquainted with the principles of thoſe members they admitted. That the ſole intention of theſe Societies, was to procure a more equal and a ſhorter duration of Parliament. That the means theſe Societies were to uſe, for theſe ends, was to petition Parliament, and to communicate their reſolutions, and extend their knowledge, by publiſhing and circulating uſeful publications. That in order to obtain that knowledge, they ought to get *all* political pamphlets from a neighbouring Bookſeller? but he did not mention any pamphlet in particular.

Upon the interrogatory of the Solicitor-General. Deponed, That nothing was ſaid about a King, but that the Conſtitution ought to conſiſt of King, Lords, and Commons. There was mention made of Paine's Rights of Man, but not by Mr. Muir. One man in the Society, not in a public manner, but to his neighbour privately, ſaid, he had read that work. The moſt of the members were young weavers, from eighteen to twenty years of age. He knew of no previous meeting at Kirkintilloch, this one being the conſtituting one. Mr. Muir did not come into the meeting till after it was conſtituted, but had promiſed in the morning to be there. He ſeemed to be the principal man in that Society, and ſaid, he belonged to other Societies, of the ſame ſort: He recommended a timeous accompliſhment of the buſineſs, in order, that when the different meetings had communicated with each other, they might lay it before Parliament. At the time he recommended the above meaſure, ſome of the members wiſhed to form meetings. Being interrogated by Mr. Muir, he deponed, That Mr. Muir did recommend peace and regularity to the meeting, and

obſerved

obſerved that any tumult or diſorder would ruin their common cauſe. He told the meeting, that there was no other mode of procuring redreſs, but by applying to Parliament, and he recommended to the meeting to be ware of admitting immoral characters as members.

ROBERT WEDDEL,

Depones, That he remembers a meeting in Kirkintilloch, about the beginning of November laſt, which was called the meeting of the Friends of the People, or, for a Parliamentary Reform. That Mr. Muir was at this meeting, which was the conſtituting meeting---came in after the meeting began, and made a ſpeech in which he adviſed regularity in their proceedings; and mentioned that they ought to proceed, in a conſtitutional manner, as the law now is, by King, Lords, and Commons. He ſaid nothing about the expence of a King, nor the burden of taxes, nor the comparative expence of the French Government, nor did he mention the ſucceſs of their arms. He ſpoke about ten minutes. After the meeting broke up, the witneſs met Mr. Muir with ſome others, in Mr. Wallace's, Baker in Kirkintilloch, where the converſation was about the politics of the country---there were about eight preſent in Mr. Wallace's, or one fourth of the number that was at the meeting. The witneſs was Vice-Preſident of the meeting, Mr. Freeland was Preſident, and James Baird was Secretary, there were no other officers, and all theſe were with Mr. Muir in Wallace's. He does not remember the particulars of the converſation, but Flower on the French Conſtitution was mentioned, which he never before had heard of. He thinks it was Mr. Muir that mentioned this book, in ſpeaking of new publications, and he remembers books being ſpoken of. Depones, That at the meeting, one Boyd aſked Mr. Muir's opinion about Paine's Works, when Mr. Muir ſaid, that it was foreign to their purpoſe. He remembers this, becauſe he was angry at the queſtion being aſked.

Upon the Lord Advocate's interrogatory, Whether Flower's book had been recommended, Mr. Muir objected to the queſtion. The witneſs was removed.

Mr.

Mr. Muir.--There is no accusation brought against this book in the libel. Let it be admitted that this book is of a seditious or a treasonable nature, yet, as I am not accused of either recommending or circulating it, how can any thing under this indictment, concerning it, be adduced in evidence against me? I plead upon a great principle of natural justice: I look forward to other times, and I tremble for the precedent. If this were not the case. I would not say that I merely approved of that book of Mr. Flower's, but, in this great audience, I would recommend its principles, in general, to every man who valued the interests of his country, and whose feelings interest him in the happiness of human kind.

Lord Advocate.—The charge against the Pannel is sedition, and it is branched out under various heads. One of these was, advising people to purchase seditious books; and he was entitled to examine as to such facts, though every particular book or fact was not condescended on in the libel.

Mr. Muir.—Neither in justice nor in law has the Public Prosecutor a right to bring against me a general charge. Every criminal charge, upon the facts, must be special, in order that the pannel may know the crime that is alledged against him, and accordingly prepare the special matter of his defence.

Lord Justice Clerk.—By the Statute of James VI. wherever art and part is libelled, there can be no objection to the generality. This is a proper question; and it has a tendency to establish the major proposition, and it ought to be sustained.

The Lord Advocate gave up the question.

The witness was again calledin, and deponeed, That he knows of no books having been recommended to be purchased in consequence of this meeting, except Henry's History of England. The books purchased by the witness for the Society or others, were three or four copies of the Political progress,—three or four copies of the Paisley Declaration, one copy for his own use and one for the Society: That he was not ordered by the meeting to buy them, but bought them for his own use, and to show his neighbours.

He never purchaſed any of Paine's Pamphlets, but he got a copy of that pamphlet, he does not know from whom, and which happened ſometime before the meeting. He never ſaw the Dialogue between the Governors and the Governed He ſaw the Patriot, and was ſhown it by Mr. William Muir. Upon being interrogated by the Pannel, depones, That he recommended Henry's Hiſtory but no other book, —That he recommended order and regularity; and upon the Solicitor General's interrogatory, depones, That Mr. Muir particularly ſaid, that they would be the more ſucceſsful the more they were conſtitutional: That their end was to obtain a more equal Repreſentation in Parliament: That the witneſs meant by that a *more* equal Repreſentation; but he does not know the preciſe terms: That he cannot ſay more, but there were different opinions in the Society, one part of them wanting it confined to the landed intereſt, another to have it that every man ſhould have a vote, but Mr. Muir gave no opinion. Upon Mr. Muir's interrogatory, depones, that Mr. Muir recommended to avoid riot, and ſaid, that tumult would ruin the cauſe; he alſo adviſed them to take care of the moral character of the members whom they admitted. He does not remember whether Mr. Muir ſaid he would deſert them, if they became unconſtitutional, and he does not remember that he recommended them to purchaſe any other book than Henry's Hiſtory of England.

REV. MR. JAMES LAPSLIE.

The Public Proſecutor next adduced as a witneſs Mr. Lapſlie—

Mr. MUIR—Let this witneſs be removed. I have *many* objections to ſtate againſt him.

Mr. Lapſlie was accordingly removed.

Mr. MUIR—I have ſaid that I have many objections to ſtate, both to the admiſſibility and credibility of this witneſs. My delicacy with regard to that man, will, at preſent, permit me to adduce the leaſt weighty only; for I mean to prove the moſt important, in a different ſhape, in a criminal proſecution againſt him, when he and I ſhall exchange places at this bar. I know not what title this Reverend

verend Gentlemen has to act as an agent for the Crown; but this I offer to prove, that he assisted the Messengers of the Law, in exploring and citing witnesses against me; that he attended the sheriffs in their different visits to the parishes of Campsie and Kirkintilloch, that previously to the precognition, he conversed with the witnesses of the Crown, that he attended their precognition, put questions to them and took down notes; nay, more, that, without being cited by the Prosecutor, he offered himself ultroneously against me, and insisted that his declaration should be taken in the unusual form, with his oath attending it, to attest its truth. Upon other matters I shall not dwell; it is sufficient for me say, that this witness attended the precognition of other witnesses: The uniform and the late decisions of your Lordships have sustained this objection—the witness therefore cannot be examined.

The Lord Advocate said, that he knew the Court had sustained the objection in many late cases. He would not dispute the point of Law at present, afterwards indeed he might upon some future occasion, but consented that Mr. Muir should be allowed to prove the first part of his objection, of Mr. Lapslie's activity as an agent in collecting evidence against them.

In proof of the objection Mr. Muir called

HENRY FREELAND,

Depones, That he knows Mr. Honeyman, (Sheriff of Lanarkshire) and saw him at Kirkintilloch, in company with Mr. Lapslie and another gentleman, a writer in Glasgow. Mr. Honeyman examined the witness about Mr. Muir; and, during the precognition, Mr. Lapslie also put questions to the witness. He asked him, if he had got a College education, which being answered in the negative, Mr. Lapslie said he was a clever fellow, and when he saw him write, he said it was a pity such a clever fellow should be a weaver, and that it was in Mr. Honeyman's power to procure him a birth, which was said in presence of Mr. Honeyman. That when Mr. Honeyman examined him about how often Mr. Muir had been at Kirkintilloch meetings, Mr. Lapslie also asked him if Mr. Muir had been

more than once there. That on the above occaſion when Mr. Lapſlie praiſed the witneſs's abilities, the witneſs anſwered, that it was flattery, when Mr. Lapſlie clapped him on the ſhoulder, and ſaid it was no ſuch thing, but that it was probable Mr. Honeyman would ſee him again.

Mr. Muir then called

ROBERT HENRY,

Who deponed, That he was examined by Mr. Honeyman about Mr. Muir: That Mr. Lapſlie was preſent all the time he was ſo examined.

ROBERT M'KINLEY

Was then called, who deponed, That he was examined at Campſie by Mr. Honeyman, in preſence of Mr. Lapſlie and Mr. Shiels. Mr. Lapſlie ſpoke to the witneſs before the examination, and told him to ſpeak the whole truth, and frequently exhorted him, during the examination, to tell every thing as it concerned Mr. Muir, and not him the witneſs.

Mr Muir proceeded to call James M'Gibbon, when the Lord Advocate gave up Mr. Lapſlie's evidence; conſequently there no longer remained any neceſſity to examine more witneſſes, with regard to the conduct of that gentleman. The Proſecutor ſaid, that he gave up Mr. Lapſlie as a witneſs, not on the ground of his being preſent at the precognitions, but becauſe he appeared, if not an agent, at leaſt to have taken an active part in the buſineſs.

The evidence for the Crown then proceeded.

HENRY FREELAND.

When this witneſs appeared, Mr. Muir obſerved, that the Jury would remember, that from what this witneſs had already deponed, it would appear that he had got the promiſe of a good deed.

Then the witneſs being examined, depones, That he was preſent at a meeting in Kirkintilloch, which was called a Society for Reform, on the 3d November laſt. He was preſident that night and ſat in the Chair. Mr. Muir was there, and made a ſpeech of about a quarter of an hour.

The

The general purport of the ſpeech was about ſhortening the duration of Parliament, and a more equal repreſentation. He thought the taxes might be leſſened by theſe means: That the Reform was not to take effect as to the King and Houſe of Lords, but only of the Commons. He mentioned the ſucceſs of the French arms, and that liberty would be eſtabliſhed in France. He ſpoke of books in general, but he does not recollect the name of any being mentioned but Henry's Hiſtory of England: in general it was political books. The books this witneſs remembers to have ſeen, are the Proceedings of the Weſtminſter Aſſociation, the Patriot, and Paiſley Declaration. It had been ſuggeſted by one Boyd to purchaſe Paine, but Mr. Muir ſhook his head, and ſaid it was foreign to the purpoſe: That the witneſs ſome time before this ſpoke to Mr. Muir about Paine's book, and aſked it as a favour to get the loan of it, and Mr. Muir bid him ſearch his great coat pocket, and he would get it, and that he got it accordingly: That this was on the Tueſday; eight days before the meeting, at which time Mr. Muir had ſent for him to Mr. Wallace's, and told him that he had heard of the intended ſociety, and that the witneſs was to be a member; and that Mr. Muir and the witneſs afterwards talked of ſocieties in general: That the witneſs took Paine home with him, and read it, and gave it to his ſiſter: That he gave it to one Scott, and alſo to one Stewart, who had ſought it ſeveral times, and was angry he had not got it ſooner: That Mr. Muir ſaid, when the witneſs firſt aſked the book from him, that he thought it had a tendency to miſlead the people, and that nothing further paſſed in reſpect to it; and that he has concealed nothing: That he was ſurpriſed Mr. Muir did not recommend it, becauſe every body elſe ſpoke well of it, and was ſurpriſed that Mr. Muir ſaid it had a bad tendency: That Mr. Muir did not approve of the book, but on the contrary, ſaid it had a bad tendency: That he knows no particular reaſon for his being ſent for: That he knows books were bought for the ſociety; and that he wrote to Mr. Muir, ſaying that the books then in circulation gave ſatisfaction: That he received a letter from Mr. Muir, telling that Mr. Provan's cauſe had been decided

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ded in the Court of Seſſion: That he got two letters from Mr. Muir, in which he deſired the witneſs to impreſs the ſociety with the importance of ſending a delegate to the Convention, and hoped to ſee him there, but ſaid nothing about the books: That the Paiſley Declaration purchaſed for the Society was not recommended by any particular perſon: That the book before mentioned was afterwards given up by the witneſs to the Sheriff; and the book being ſhown to him, he thinks it the ſame: That he cut up the leaves: That the witneſs firſt mentioned the book to Mr. Muir: That there were two pamphlets in Mr. Muir's pocket. Upon Mr. Muir's Interrogatory—depones, there was an intention of having this ſociety long before the witneſs ſaw him: That Mr. Wallace, at whoſe houſe there was an adjournment from the meeting as aforeſaid, was an old ſervant of Mr Muir's father, and Kirkintilloch is within four miles of Hunterſhill, his father's houſe: That he did not recommend any other book than Henry's Hiſtory of England: That he told them all riot would be ruin to the cauſe, and recommended them to be conſtitutional and regular: That the people were to petition Parliament, and that there was no other way of getting a Reform. That on Paine being recommended in the ſociety, Mr. Muir ſaid it was foreign to the ſubject: that the witneſs having heard that a Proclamation of the King was againſt that book, he was upon that account curious to ſee it, and he firſt ſpoke of it to Mr. Muir.

WILLIAM MUIR.

When the oath was propoſed to be adminiſtered to this witneſs, he refuſed to ſwear, as being contrary to his religious principles. Being aſked what theſe principles were, he declared he was one of thoſe who are called the Mountain: That he had no objections to be examined: That he would tell the whole truth, but could not wrong his own conſcience by taking an oath, which he thought unlawful.

The Court obſerved to him, that if he would not ſwear, no other alternative remained to them, but to commit him to priſon; that there was no way by which he could ever obtain his liberation, and that his impriſonment would be perpe-

perpetual. He replied, that he could not help it, and that he knew the Lord was present in prison, as well as present any where else.

The Judges asked him, if he believed in the Bible; to which he answered, he did. He was then interrogated, if he could point out any particular passage which taught him the unlawfulness of taking an oath. In order to remove his scruples they quoted several passages from the Bible, but he still adhered to his first declaration, saying, that he could not take the oath without deserting his principles, which he was determined never to do.

The LORD ADVOCATE moved, that this person should be committed to prison for his contumacy, informed him there was no way by which he could ever be set free; and, in express words, declared that his imprisonment would be eternal.

Mr. MUIR—I believe this person to be a good and conscientious man. Whether he be right or wrong in refusing to take this oath, is not an object of my inquiry. He is adduced as a witness by the prosecutor against me. I have therefore the most material interest that he should be sworn, but rather than he should suffer for acting according to the dictates of his conscience, I wave my right, and I will admit every word which he utters, although not upon oath, to be as true as if it were.

The Court observed, that neither they, nor the jury could listen to any evidence but what was given upon oath. The law expresly required it, and it could not be dispensed with, and that the Prosecutor and public justice was concerned in this matter also.

William Muir persisted in his refusal. The Court committed him to prison, declaring they knew no mode by which by the law of Scotland, he could be liberated. By the officers of Court he was conducted to prison.

JOHN BROWN

Depones, That he was present at a meeting at Campsie, about the month of October or November last: That Mr. Muir and Mr. Buchanan both spoke at the meeting: That he also was at a meeting in Kinkintilloch: That he does not under-

underſtand theſe meetings were called by Mr. Muir: That he has bought Paine's book, but does not recollect whether he did ſo before or after the meeting: That he bought it merely from curioſity, ſeeing the title in a window: That he does not remember, whether or not that book was mentioned at the meeting: That he does not recollect Mr. Muir mentioning France: That the tenor of Mr. Muir's ſpeech was to inculcate upon them the neceſſity of ſobriety, to purſue conſtitutional meaſures, and to read conſtitutional books: That there were no books in the meeting, and that at a converſation he heard Mr. Muir ſay, That Paine's book was not a conſtitutional book, and would not do.

ANNE FISHER,

Depones, that ſhe was ſometime ſervant to Mr. Muir's father; ſhe knows about the time libelled, Mr. Muir was much buſied about reading and writing, but does not know the ſubject: That ſhe was ſent to Mr. Mennons' with a meſſage from Mr. Muir, and with a paper, which ſhe thinks was entitled a Declaration of Rights, which had not been printed as he wanted, and to get it corrected. She ſaw at that time, a good many country people coming about Mr. Muir's father's ſhop: That Mr. Muir has frequently ſaid to theſe country people, that Mr Paine's book was a good book: That ſhe has frequently bought this book for people in the ſhop, and that this was ſometimes at the deſire of Mr. Muir, and ſometimes at that of theſe people. She bought both the firſt and ſecond part of Paine's, at different times, and when ſhe returned with them, ſhe ſometimes laid them on the table, and ſometimes gave them to the people, that ſhe bought two different parts at different times, for Alexander Muir, Mr. Muir's uncle. She was ſent for a copy by Mr. John Muir hatter, but is not ſure whether or not ſhe got it. That John Muir was much preſſed upon by the Pannel to purchaſe the book: That, to the beſt of her remembrance, ſhe bought one for one Barclay: That ſhe knows Mr. Muir's hair dreſſer Thomas Wilſon, and ſhe has heard Mr. Muir adviſing him to buy Paine's Rights of man, and to keep them in his ſhop to enlighten the people, as it, confuted Mr. Burke entirely: She read this book herſelf,

and

and got it in her maſter's houſe: That ſhe has ſeen one copy on fine paper, and one or two coarſe ones: That, to the beſt of her remembrance, ſhe has ſeen the Paiſley Declaration on Mr Muir's table, and ſometimes in the dining room: That ſhe thinks ſhe has ſeen the Dialogue in Mr. Muir's room, and as he heard him read it, in preſence of his mother, ſiſter, and others, in his father's back ſhop: That Mr. Muir ſaid, it was very clever, and wrote by one Vilnew, one of the firſt wits in France: That ſhe does not remember to have ſeen the Patriot: That ſhe thinks ſhe has heard part of the Paiſley Declaration read by Mr. Muir in the ſaid back ſhop, in preſence of ſomebody, that being the common place where he read theſe books: That ſhe has been ſent from the back ſhop upſtairs for ſome books: That ſhe does not recollect whether he thus read theſe books on a market day; and that ſhe has known him read ſome French law books: That ſhe has heard him ſpeak about Reform and members of Parliament: That if every body had a vote, he would be made member for Calder: that members of Parliament were to have thirty or forty ſhillings a-day; and that, in that caſe, there would be none but honeſt men to keep the Conſtitution clear: That ſhe has heard it ſaid, by Mr Muir, that France was the moſt flouriſhing nation in the world; as they had aboliſhed tyranny and got a free government; that ſhe heard him ſay the Conſtitution of this country was very good, but that many abuſes had crept in which required a thorough Reform: That the Courts of law required Reform alſo, for they got their money, for doing nothing but pronouncing ſentence of death upon poor creatures; and that it was an uſeleſs parade of their coming in to Glaſgow: That ſhe recollects, about that time, of Mr. Muir being Council for two ſoldiers; at their trial ſhe heard him ſay, that he told the Judges and the Jury, as much as what they had to expect.

Mr. Muir aroſe, and made a motion for the witneſs to withdraw.

Mr. Muir then ſaid, that the conduct of the Lord Advocate was, in every reſpect, highly reprehenſible. He has put a variety of queſtions to witneſſes, with regard to crimes of which I am not accuſed. The indictment charges

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me with making ſeditious ſpeeches at Kirkintilloch and at Campſie, vilifying the Conſtitution and the King, and inflaming the minds of people to rebellion. It charges me with diſtributing ſeditious books; and it ſpecifies that I gave away Mr. Paine's Works, ſome numbers of the Patriot, the Dialogue by Volney, betwixt the Governors and the Governed, the Paiſley Declaration of Rights, and of having read, in the Convention, the addreſs from the Society of United Iriſhmen in Dublin. The indictment charges nothing more, there is not a ſingle letter within its four corners which points out to me the charge of ſpeaking diſreſpectfully of Courts of Juſtice, tending, in any manner, to excite the people againſt the adminiſtration of the law. Compared to a crime of this nature, the giving away to ſingle individuals, ſingle copies of books and pamphlets, which may be eſteemed ſeditious, is a trifle, light as air. If the public Proſecutor had evidence that I was guilty of this crime, he was deficient in his duty to the public, in not making it an article of accuſation. He ſhould have manfully, in the light, brought it forward againſt me, joined a fair iſſue betwixt us, and then I would have defended myſelf the beſt way I could. But to attempt to ſteal in as evidence in this way, to prove a crime which he durſt not openly libel, becauſe he knew it could not be ſupported, merits the ſevereſt reprobation. But what is the tendency of this little art? this domeſtic and well tutored ſpy, is brought to prove words which may irritate your minds againſt me,---Yes, this is the artifice, this is its object, but your juſtice will render it ineffectual. You will feel the ſame contempt which I do. Let us paſs from that---I contend upon the great principal of natural juſtice, upon the conſtitutional law of this country, that no perſon can be tried for a crime of which he has not been previouſly accuſed. What is the purpoſe of an indictment, but to ſpecify the crimes which are to be proved, in order that the Pannel may have an opportunity to prepare his defence? Why is the indictment ſerved upon him fifteen days before the trial, but to enable him to accompliſh this purpoſe? It is vain to ſay, that under the general charge of ſedition, every thing tending to prove it can be adduced, although not ſpecially mentioned.

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If this is now to be adopted as law, what portion remains to us of our national liberties is for ever torn away. Every thing is insecure, an indictment will no longer be regarded, but as a piece of unmeaning paper. The unfortunate man who receives it may say, I am charged with robbery. I have many witnesses to prove I did not perpetrate this crime, but what avails preparing a defence? Not a single witness may perhaps be adduced against me for that offence. I may never hear a word of it in Court, but I may be instantly called upon to defend myself against a charge of murder, of sedition, or of high treason. In short, if, under the specious pretence of being allowed to introduce what is not specified in the libel to support its generality, you establish a precedent of this kind, you strike the fatal blow against individual security, and of general safety. What has been called the criminal law of this country, its forms, its precedents, and its principles, are for ever gone. It is vain to say that the statute of James VI. allows this proceeding. That statute is now obsolete. By the law of Scotland it has gone into disuetude. It was enacted under a despotic reign, when the freedom of Scotland was trampled under the foot of power. It opposes every principle of justice; and will you, after the lapse of so many years, descend into the grave, drag the pestilential carcase, in order that it may poison the political atmosphere?---One word more upon this subject: The charge against me is sedition. That crime, from its very nature, supposes, and, in fact, it has often happened, that it may be attended by rapine, and by murder. If, therefore, under the generality, you allow a charge of vilifying the Courts of Justice, which I never heard of before, you must, by the same parity of reasoning, allow a charge of plunder, equally unheard of, to be adduced as an agravation of the general crime of sedition.

This question is of little importance to the individual, who is now struggling for the liberties of his country. But the eyes of your children will be fixed upon this trial, and they will tremble and shudder at the precedent. I feel for the country,---I feel for posterity,---I will not sanction the procedure which is to produce to both, a system of injustice, of ruin, and of murder.

LORD

LORD ADVOCATE said ---Mr. Muir is indicted for the crime of sedition, and that crime may consist of many facts and circumstances, and of these the strongest must be, feloniously and seditiously stirring up the inhabitants against a lawful King and a good Constitution: That, to prove this, he was entitled to bring in evidence every word of any conversation which might have passed betwixt Mr. Muir and ignorant people; every paper, every fact, and every witness which could be got: That no person could deny the relevancy of the fact, *viz.* the abusing and vilifying the Courts of Justice to be an aggravation of the crime of sedition; it is that crime of which the Pannel is accused, and he certainly would be permitted to bring forward every thing which could support the charge. If it had been necessary to specify, in the indictment, all the facts against the Pannel, that indictment would have covered, by its magnitude, the walls of that Court.

Mr. MUIR.--This is not the time to entertain your Lordships with trothy declamation, with sounding, but unmeaning periods. I pleaded upon just principles; every person here must see their strength, and must admit their truth. If these are given up, if these are violated, PROPERTY, and LIBERTY, and LIFE are insecure. Once more; can the Lord Advocate himself say, that if he was to bring the general charge of murder against me, and should specify that I had murdered James, would he be allowed to prove, under the generality, that I had murdered John? Can there be any thing more plain, more just, and which requires less argument than the simple proposition which I support? That if you accuse a man of a crime, you must tell him what that crime is, in order that he may be able to defend himself against the accusation. Particular acts must be specified, in order that the Pannel may be able to prove, that either these acts in themselves were innocent, or that he was not accessary to them. If you destroy this proposition, if you sanction the reverse, what remains to this country, but the melancholy prospect of ruin and of despair?

LORD SWINTON was of opinion, that reflecting on Courts of Justice was included under the general charge of sedition, and that the objection was groundless.

LORD

Lord Dunsinnan, concurred with Lord Swinton, and declared, that the various circumstances which may come out in evidence need not be specified.

Lord Abercromby could not entertain the smallest doubt of their being a necessity for specifying in the libel, every seditious expression that might have been used.

Lord Justice Clerk was clearly of opinion, that when one crime is charged, another, and a different one cannot be proved under that libel. This none could dispute. But was that the case here? The Pannel is accused of sedition; and will any person say, that it is not a circumstance of sedition for the Pannel to have inflamed the minds of the people against Courts of Justice, so important, and so material a branch of the Constitution. Under the Statute of King James wherever art and part is libelled, the Prosecutor can prove every fact and circumstance, and no objection of generality is admitted.

The objection was over-ruled. The witness was called back, who deponed: That she had heard Mr. Muir say, that a monarchical government would be the best in this country, under proper restrictions; but that republican governments were the best: That she has been sent by Mr. Muir to an organist in the streets of Glasgow, and desired him to play *ca ira*.

Mr. Muir was asked, if he had any questions to put to this witness. He replied; I disdain to put a question to a witness of this description. The witness turned round to Mr. Muir, and said she wished to ask him one question. This the Lord Justice Clerk would not permit, as he would suffer no altercation of that kind. The Court expressed their strongest disapprobation of the terms which Mr. Muir had used; and Lord Henderland said, that if Mr. Muir had been acting as a counsel at the bar, instead of being in that situation, he would immediately have sent him to prison for it! The conduct and the accuracy of this witness, was much applauded by the Court.

As the witness was withdrawing, a Juryman called her back, and asked her, if she had had any quarrel in Mr. Muir's father's family, to which she replied, that so far from that, her mistress had given her 5*s*. more than her wages, which were

were at her option, and that Miſs Muir, had given her a petticoat, with ſome other preſents. denied

THOMAS WILSON,

Depones, That the witneſs was in uſe to dreſs Mr. Muir, and dreſſed him in Autumn laſt: That Mr. Muir having aſked the witneſs if he had bought Paine's Works; on being told that he had not, he adviſed him to get a copy, as a barber's ſhop was a good place to read, but he did not buy it. That he bought a copy of the Addreſs to the Addreſſors, and kept it a day or two, but this was not by Mr. Muir's advice. That he remembers an old man from the country coming to Mr. Muir, when he was dreſſing him, and Mr. Muir told the witneſs, that the old man was a great reformer. Upon which the old man replied, that Mr. Muir was only taunting upon him.

Upon being interrogated by Mr. Muir, depones, that he has heard Mr. Muir ſay, that he would maintain the Conſtitution: That he wiſhed for peace and good order, and good morals among the people; and that he never heard him ſay any thing againſt the King: That he has ſeen Mr. Muir's Library in the country, which is a large room open to all the family.

The Lord Advocate ſtated to the Court, that he was informed that William Muir, the perſon committed to priſon, was a pariſhioner of the Rev. Mr. Dunn's, miniſter of Kirkintilloch, one of the witneſſes incloſed againſt the Pannel. That if Mr. Dunn was allowed to converſe with him, he might remove his error, and preſerve him from ſuffering the dreadful puniſhment due to his obſtinacy. He therefore moved their Lordſhips to allow Mr. Dunn to converſe with William Muir for the purpoſe.

Mr. Muir oppoſed the motion.—He ſaid, he had already conſented, and would ſtill conſent to admit the declaration of William Muir againſt him to be true, although not accompanied by an oath. To prevent the witneſs from ſuffering any puniſhment, he would ſurrender the right which the law gave him; but, that he certainly would object to conver-

converſation betwixt that witneſs and Mr. Dunn: Not that he ſuſpected any thing improper to take place in that converſation, but that this was a great and important cauſe; a trial that might create precedents dangerous to thoſe who might come after. By the law of Scotland all witneſſes muſt be examined apart from each other. The law is jealous of their converſation: The law dreads their colluſion, in framing together a conſiſtent ſtory. If, in this caſe, you allow Mr. Dunn and the witneſs, of both of whom I have no ſuſpicion, to converſe together, you cannot refuſe it to others. It will be ſufficient for two witneſſes, who may have an intereſt in a trial, to play the ſame concerted game, in order to tell the ſame concerted ſtory with more accuracy, and with greater ſafety.

The Lord Advocate declared, that he would depart from Mr. Dunn as a witneſs, and that the converſation ſhould proceed in the preſence of an officer of the court, or of ſome perſon on the part of Mr. Muir.

Mr. Dunn was called in. He was ordered to converſe with the witneſs in preſence of one of the macers; enjoined not to ſpeak on the ſubject of the trial, but ſolely about the witneſs's ſcruples to take the oath.

JOHN MUIR,

Deponed, That he knew Mr. James Muir's father; and that he ſaw Mr. Muir at his houſe in September: That Mr. Muir and he had a converſation about Mr. Paine's book; when he aſked Mr. Muir, as a favour, to get him it; when Mr. Muir ſaid, he had it not, but would ſend for it; and that a ſervant girl was accordingly ſent for it, and ſaid ſhe had purchaſed it at Braſh and Reid's, Bookſellers, in Glaſgow; that he read it and took it home with him, but that he would not have bought it, if he could have got the loan of it.

JOHN BARCLAY,

Deponed, That he is acquainted with Mr. Muir; that he had a converſation with Mr. Muir about Paine's book: That he aſked Mr. Muir what book it was, when he anſwered, that

that he might buy it, if he chose, as it was printed; but afterwards said it was not a book for us.

Upon Mr. Muir's interrogation, deponed, That he is an elder of the parish of Calder, and that he voted on the same side with Mr Muir, in the election of a minister; that, in consequence of this, he was frequently with Mr. Muir; and, in his library, from which he borrowed some books; that he had many conversations with Mr. Muir, and heard him say, that this constitution was an excellent one, and the best in the world; that he has heard him praise the King, and always heard him speak of order, regularity, and obedience to the ruling powers; that he called upon Mr. Muir since he came to Scotland, who sent down a message that he could not see him, as he would have no correspondence with any who might be cited against him as witnesses on this trial, until it was finished.

JAMES CAMPBELL,

Deponed, That he was present at a meeting of the Convention; that he called there on his way home from the Parliament House; that Mr. Muir was not there, but came in soon after and read a paper, which, being shewn to him, he admitted to be the same with the Address from the Society of United Irishmen of Dublin; that Colonel Dalrymple opposed the paper being read, and talked of taking a protest; that, after Mr. Muir read it, he said nothing more; but, before he read it, he spoke of answering it; but, in this, there was no vote taken; that he does not know how the paper came, and that a copy was afterwards sent him in a blank cover. Being interrogated whether the purport of Mr. Muir's speeches approved or not of this paper, says, he knows nothing more than that he proposed its being read and answered. Depones, That it was assigned as a reason for not receiving the Address, that they had no connection with it; that Mr. Muir thought there was no impropriety in receiving and answering it, and would take the burden on his own shoulders.

JAMES DENHOLM,

Deponed, That he was present at a meeting of the Convention

vention in December; that Mr. Muir was there, and he heard him read that paper, called the *Irish Address:* That objections were made to its being read, and Mr. Muir answered, that he saw no harm in it. Colonel Dalrymple protested, and he believes, Mr. Bell did so also; but he does not remember Mr. Monthland being there; that he thought it possible it might be illegal; that he saw it on the table, but does not know whether Mr. Muir brought it or not; that he understood that Mr Muir moved, that an answer should be sent; that this was dissented to, but he does not recollect for what reason, and he thinks that it carried, *Not to be sent.* The Address being shewn to him, he admitted it to be the same which he had formerly signed.

Being interrogated by Mr. Muir; deponed, That he never heard him say any thing unconstitutional; that the purpose of the Association was to get a Reform in Parliament; that he knows of no other object, but that he understood their object was an alteration, and that he was not a member of the Convention.

ROBERT FORSYTH,

Deponed, That he was present at a meeting of the Convention; that Mr. Muir was there, and read a printed paper; that there were some objections made to the reading of it; that the witness himself made one, which was, 'That it was not expedient to have any connection with others;' that it was a paper which we ought not to have any thing to do with; that it was a paper containing some expressions too strong, such as, 'an inviolable constitution was a tyranny,' that Mr. Muir defended the paper, and said, it should lie upon the table.

Upon Mr. Muir's interrogatories, the witness thinks the Convention came to a resolution to adhere to the genuine principles of the Constitution; that the object was to reform the elections, and shorten the duration of Parliament; that Mr. Muir never advised any deviation from the constitution; that he never heard him speak ill of the constitution, but that he heard him advise order.

WILLIAM MUIR.

The ſcruples of this witneſs having been removed; he was brought to the bar and conſented to take the oath. Deponed, That he was twice preſent in Wallace's houſe in Kirkintilloch, once before the ſociety was formed, and once along with Mr. Muir; that Freeland was there, and Wallace; that, at this meeting, a copy of Paine's Works was taken out of the great-coat pocket of Mr. Muir: that he does not remember what was ſaid about the book; that he is not ſure that Mr. Muir ſpoke of the will of the people being the ſovereign will, but that it was ſaid Paine ſaid ſo; that he got eleven copies of the Patriot, and a copy of the Political Progreſs; that he got them from Mr. Muir in his father's houſe, at Hunterſhill, who bade him keep them, and to ſhew them to a ſociety he was in, which was a ſociety for the purpoſe of purchaſing and reading books.

Being interrogated by Mr. Muir; depones, That he does not remember to have heard him ſpeak againſt government; that Mr. Muir did not adviſe unconſtitutional meaſures; that he heard him ſpeak about the government; that he heard him tell how Sarum was repreſented.

The Lord Advocate cauſed the ſentence of fugitation againſt Mr. Muir to be read, [which is annexed in the Appendix] and afterwards propoſed to prove the Declarations before the Sheriff, and the papers that were found upon Mr. Muir when before the magiſtrate at Stranraer. In order to ſave time and trouble, Mr. Muir agreed to admit them without proof, but under this expreſs condition, that none of theſe papers ſhould be uſed in evidence againſt him of any criminality.

If theſe papers, ſaid Mr. Muir, had afforded any weighty diſcoveries of my guilt, the Indictment ſhould have ſo ſtated. It was impoſſible that theſe papers could afford the ſmalleſt preſumption againſt me, and therefore there is not a ſingle article of the Indictment alledged that they were of a culpable tendency. It is indeed ſtated in the libel, that theſe papers were found upon me; but that they are of a felonious or a ſeditious tendency, is no where ſet forth. In the concluding propoſition of the Indictment, in which the whole

whole criminal charge is recapitulated, these papers are passed over in silence. In proof of this permit me to read the conclusion:

"AT LEAST, times and places above mentioned, the "said seditious speeches and harangues were uttered, the "said seditious books or pamphlets recommended to be "purchased and perused, the said seditious books or pam-"phlets circulated and distributed, as aforesaid, and the "said wicked and inflammatory address produced, read, "recommended, and approved of, in manner above men-"tioned; and the said Thomas Muir is guilty actor, or art "and part, of all and each, or one or other of the foresaid "crimes. ALL WHICH, or part thereof, being found "proven, by the verdict of an assize, before our Lord Jus-"tice General, Lord Justice Clerk, and Lords Commission-"ers of Justiciary, in a Court of Justiciary to be holden "by them within the Criminal Court-house of Edinburgh, "the said Thomas Muir OUGHT to be punished with the "pains of law, to deter others from committing the like "crimes in all time coming."

The Lord Advocate in reply stated, that he was entitled to bring forward every circumstance which could criminate the Pannel, although these circumstances were only collateral, nor in issue or necessary in the conclusion.

[*The Clerk of Court accordingly read, the declarations, the passports, and the other papers, which are annexed in the appendix.*]

When the Clerk of Court proceeded to read the letter signed J. Muir, the Pannel arose, and said, That he saw it was vain for him to make any objection, however strong it might be in law, it was sure to be over-ruled; but every mind tinctured with humanity, would shrink at the wanton disclosure of the anxiety, and the grief of a private family; especially when the Prosecutor had himself admitted, that the papers which he had read, and proposed to read, were not necessary to the conclusion of the libel.

The Lord Advocate stated, that his conduct proceeded from no idle curiosity, that the letters found upon Mr. Muir would completely do away the assertion of his anxiety to return home, and prove the guilt attending his flight.

 I am

I am convinced, ſaid Mr. Muir, of the reverſe. I gladly join iſſue with the Proſecutor, and conſent to theſe letters being read.

After the papers ſubjoined in the Appendix, had been read, the Lord Advocate declared the proof finiſhed on the part of the Crown, and Mr. Muir commenced his proof in exculpation.

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PROOF IN EXCULPATION.

WILLIAM SKIRVING,

Depones, That it was thought proper that Mr. Muir ſhould attend a meeting at the Friends of the People in London; that on this account he left Edinburgh and went to London in January laſt; that he received a letter from Mr. Muir, dated from London, mentioning that he had appeared in the Society at London, of which Mr. Grey is a member, and giving an account of what had been done there; that owing to ſome late circumſtances which occurred in his family he cannot at preſent find Mr. Muir's letter, but that, according to the beſt of his recollection, he thinks, Mr. Muir wrote him, he was adviſed by ſome friends to go to France, as he might have ſome influence with the leading people, in mitigating the fate of the King; that while Mr. Muir was at Paris, he received a letter from him, giving an account of the execution, and that Mr. Muir mentioned in that letter, that he would return as ſoon as his friends ſhould be of opinion his preſence was neceſſary in Scotland; that he has been frequently with Mr. Muir in private, and has often heard him ſpeak in public, in the Societies; that he never heard him ſpeak againſt the conſtitution, adviſed the people to diſorder or ſedition, but that he always inculcated upon them, that there was no other mode of obtaining the propoſed reform than by applying to Parliament by reſpectful petitions; and that Mr. Muir never ſubmitted to his conſideration any plan of government; that the general tenor of Mr. Muir's Addreſs to the People in the Societies, was

was to impreſs upon their minds the neceſſity of good order, and that before they attempted public Reformation they ſhould begin by reforming themſelves; that he does not believe Mr. Muir is connected with any Society, abroad or at home, for the purpoſe of exciting ſedition; that he never heard Mr. Muir ſpeak againſt the monarchical part of our conſtitution, and that he has been in his company in his moſt unguarded moments; that he remembers a private converſation with Mr. Muir, in which he diſapproved of many of the principles in Paine's book, and both agreed that many of them were impracticable; that he was happy to find the Pannel of this opinion, and he then told the Pannel, that he had written on the ſubject, and propoſed to give lectures on government; that Mr. Muir approved ſo much of the propoſal, that he informed him that, for himſelf, he would diſpoſe of eighty or a hundred tickets.

Upon the interrogation of the Lord Advocate, if he was not the perſon who had deſigned himſelf, on a late occaſion *Secretary General* to the aſſociation of the Friends of the People;—anſwered, That it was a mere miſtake in writing out the Petition, for he was Secretary to the General Aſſociation of the Friends of the People.

Being interrogated by Mr. Muir, if he remembered the tenor of the anſwer which he propoſed in the Convention to the Addreſs of the Society of United Iriſhmen in Dublin, depones, That he cannot recollect.

JAMES CAMPBELL,

Depones, That in the beginning of laſt winter, he acted as agent for Mr. Muir; that while the Pannel was in France, he received from him two letters from Paris, which he produced, and likewiſe had received another from Calais, upon which at preſent he could not lay his hands. Theſe two letters were read by the Clerk of Court, and are ſubjoined in the appendix. They expreſſed Mr. Muir's willingneſs to return home whenever it ſhould be neceſſary, but at the ſame time his regret for ſo ſoon leaving an amiable ſet of acquaintances, with whom his friendſhip was juſt commencing.

Upon the Pannel's interrogatory, he depones, That he never

never heard him attempt to excite the people of the Societies to ſedition or outrage; that he exhorted them to avoid riotous conduct, to behave orderly, peaceably, and, above all, to attend to the moral characters of thoſe whom they admitted members; that he alſo remembers Mr. Muir's opinion of Paine's book was, that it might be dangerous for people of weak minds.

JOHN BUCHANAN,

Depones, That he has often heard Mr. Muir ſpeak in the Societies; that he never adviſed ſedition, riot, inſurrection, nor unconſtitutional meaſures, but, that they ſhould act peaceably and orderly; that he ſaid, the conſtitution ought to direct all their applications to Parliament; and, that he uſed to ſay in converſation, that the conſtitution ought to be to us the polar ſtar, and that we ſhould begin our Reformation by firſt erecting among ourſelves the temple of morality; that he had more ſenſe than to think of procuring a redreſs of grievances by any other than conſtitutional meaſures; and that he does not remember of hearing him give any opinion upon Paine's books.

WILLIAM JOHNSTONE,

Depones, That the principles of Mr. Muir were firmly for ſupporting the conſtitution as it ſtood at preſent; and that all the other principles, held by him, grew out of this one; that Mr. Muir never adviſed tumult, but recommended ſobriety, and ſaid, that nothing would do but an application to Parliament by way of a Petition; that it is inconſiſtent with his knowledge that Mr. Muir circulated any books or pamphlets; that while Mr. Muir was in France, he received from him one or two letters upon general ſubjects, but that he remembers Mr. Muir expreſſed in them his intention of returning home; that he had ſought for theſe letters, but could not lay his hand upon them.

MAURICE THOMPSON,

Depones, That he once heard Mr. Muir in a ſociety of the Friends of the People deliver a ſpeech, but does not remember much of it; that he heard him ſpeak about reform, meaſures

measures which were constitutional, and the necessity of being moderate, and never heard him advise the people to excite disturbances.

CHARLES SALTER,

Depones, That in societies he has heard Mr. Muir speak three or four times; that he exhorted them to constitutional measures, peace, and order.

PETER WOOD,

Depones, That he has heard the Pannel speak in societies, and impress upon them the necessity of petitioning the House of Commons; that he never heard him speak against the King or House of Lords; that he never saw him distribute any books or pamphlets; and that he heard him say, no members should be admitted into the societies who were inclined to faction.

DAVID DALE, Jun.

Depones, That he has seen Mr. Muir at the Star Inn at Glasgow, in meetings of the Friends of the People; that he remembers a motion was made, that books should be recommended to the society; that this motion was opposed by Mr. Muir, who argued, that most books were written too much in the spirit of party; that no truth could be got from them, and that the only way to procure knowledge was by general reading; that he advised the people to inform themselves on both sides of the question;—to seek reform by measures calm and constitutional; and that they had no other mode of obtaining it than by petitioning Parliament; that he never heard him say any thing which had a tendency to excite sedition; and that he always advised the people to be quiet and orderly; that he never knew of his distributing books, or recommending Paine's Works; and that he advised the Friends of the People to expel any member who might behave seditiously or disorderly.

Being interrogated by the Lord Advocate, depones, That it was at a meeting of the Friends of the People, at the Star Inn, that he heard Mr. Muir oppose the recommending of

of particular books; that he does not recollect the particular month when this occurred.

Being interrogated, if he recollects when Mr. Muir was first apprehended, depones, he could not precisely. Being asked, if he thought it was in the month of January, or in any of the succeeding months; depones, he could not be positive, but thinks he might have heard it about five months ago. Upon which the Prosecutor observed, he had a very short memory; to which the witness assented.

WILLIAM RIDDELL,

Depones, That Mr. Muir always advised peaceable and constitutional measures; that he does not remember of hearing him recommend any books in particular; that he never saw any disorder in the meetings of the Friends of the People, and that he does not recollect Mr. Muir's advising to petition Parliament.

WILLIAM REID,

Depones, That he is a bookseller in Glasgow, and acts in the company under the firm of Brash and Reid; that he remembers to have asked Mr. Muir's opinion about the propriety of selling Paine's book; that Mr. Muir said it was an improper book, and that in selling it there might be danger.

Upon the interrogatory of the Prosecutor, depones, that Mr. Muir gave him this advice a few days before Mr. Honeyman, the sheriff of the county, came to take precognitions concerning that book.

GEORGE WADDEL,

Depones, That he has been at meetings of the Societies of the Friends of the People in Glasgow; that at one of these meetings, he remembers Col. M'Leod and Mr. Muir being present; that when a motion was made for recommending particular books, both Col. M'Leod and Mr. Muir opposed it, as in most books there was too great a mixture of truth and falsehood; that the only books which he remembers them to have recommended, were, Blackstone's Commentaries upon the Laws of England, and Erskine's institutes of the Law of Scotland; that Mr. Muir advised

moderate

moderate meaſures; that this was the continual ſubject of his diſcourſe; that he ſaid he would glory to have the table of the Houſe of Commons covered with petitions; that he ſpoke to Mr. Muir about an addreſs of congratulation to the French, in imitation of Dundee, but that Mr. Muir diſapproved of it.

JOHN RUSSEL.

After this witneſs had been ſworn, the common queſtion was put to him, if any perſon had inſtructed him what to ſay, He anſwered; None, except to tell the truth. Being aſked who inſtructed him ſo, he replied, He could point out no perſon in particular, but that it was the general advice of all to whom he ſpoke. He was obliged to produce his ſummons to be a witneſs, and it appeared that the citation had been given him four days only before his examination. He was informed by the Court, that any who ſpoke to him, muſt have done ſo in the interval of theſe four days, and that therefore it was impoſſible that he could forget all their names. The witneſs replied, that the general inſtruction to *ſpeak the truth* was ſo common, that he could not remember at preſent, any particular perſon who had given it.

The Lord Advocate moved, That the witneſs ſhould be committed to priſon for prevarication!

Mr. Muir aroſe, and attempted to ſpeak in defence of the witneſs, but as he was beginning, was interrupted by the Court, who commanded him to ſit down, as he had no right or title to interfere in the buſineſs.

Lord Henderland gave his opinion: Every appearance was againſt the witneſs; that he wiſhed to conceal the truth; that he merited puniſhment, and ſhould be committed to priſon for a certain period.

The reſt of the Judges concurred with Lord Henderland; and Mr. Ruſſel was committed to priſon for the term of three weeks, as guilty of concealing the truth upon oath.

JOHN BROCK,

Depones, That he was at one meeting of the Friends of the People, in the Star Inn at Glaſgow, where he heard Mr. Muir recommend adherence to the Conſtitution, and to good order, and that he declared, he would leave the Friends

of the People, if ever they ſhould proceed to riotous meaſures; that he has heard him ſpeak of books of the Law, but cannot be poſitive to any in particular, only, he thinks he remembers to have heard him mention a work of Mr. Locke's.

WILLIAM CLIDDESDALE,

Depones, That he never joined himſelf to any Society of the Friends of the People, but that he is a member of the Society in Glaſgow, for the Reform of the Boroughs; that about the 13th December laſt Mr. Muir, when the witneſs was preſent, viſited the Society, ſaid that the Borough Reformers had made great exertions; recommended to them perſeverance, firmneſs, and meaſures which were peaceable; that he did not exhort them to riot or inſurrection; that he remembers of hearing Mr. Muir obſerve, that ſome things in Paine's book were extremely good, and ſome things impracticable; that he heard him run down Liberty and Equality, as it implied violation of property, and aſſigned, that a diviſion of property was a chimera which never could exiſt.

GEORGE BELL,

Depones, That in the Society of the Friends of the People at Glaſgow, he has heard Mr Muir ſpeak, and that he has heard him declare that he would admit no members into the ſociety, but ſuch as acknowledged the King, Houſe of Lords, and Houſe of Commons; that he never heard him ſpeak againſt the Conſtitution, and that he did not recommend any books in particular, but only ſuch books in general as would inform their minds, and render them better members of Society.

REV. DANIEL M'CARTHUR,

Depones, That he remembers to have had a converſation with Mr. Muir in the Coffee Room at Glaſgow, in the months of September or October laſt; that he ſaw Mr. Muir and another gentleman walking together; the gentleman having gone away, Mr. Muir came up to the witneſs, and ſaid, that the perſon with whom he had been, was Chairman of the Society of the Friends of the People in Edinburgh;

burgh ; that the witnefs faid to Mr. Muir, Do you not think this a wrong time for to infift for a Reform in Parliament ? To which Mr. Muir anfwered, That he thought it a proper time, as the country enjoyed the bleffings of peace, that there was no comparifon betwixt this country and France ; that in France, they had fought a revolution, and had brought it about, but that in Britain we wanted no Revolution, but only a moderate Reform.

JAMES M'GIBBON,

Depones, That he was a member of the Society of Reform in Campfie ; that Mr. Muir came there, and that he did not recommend any books in particular, nor did he fpeak againft the King, Houfe of Lords, or Houfe of Commons.

ROBERT HENRY,

Depones, That he is a member of the fame fociety with the preceding witnefs ; that Mr. Muir came there ; that he fpoke of no books in particular, and heard him fay nothing againft the King, Lords, and Commons, but that he recommended peaceable meafures.

WILLIAM ORR,

Deponed, That Mr. Muir and Colonel Dalrymple came to Paifley ; that in the company of the witnefs they vifited, and addreffed the different fociefies of the Friends of the People there ; that Mr. Muir, in his fpeeches, inculcated a firm attachment to the King and Conftitution ; that he recommended peace and regularity, and reprobated riot and fedition ; that he exhorted the people to be fteady, and to purfue their object by all legal means ; that after having gone through the different fociefies, Mr. Muir, Colonel Dalrymple, and the witnefs, went to Sinclair's Inn, in Paifley ; that in the courfe of private converfation, he heard Mr. Muir fay nothing againft the King and Conftitution, but that he heard him fay, that the King was the beft of princes.

JAMES CRAIG,

Depones, That in the fociefies of the Friends of the Peo-

ple in Paiſley, he heard Mr. Muir declare, that the Conſtitution was a good Conſtitution, and that the King was the friend and father of his people.

JAMES RICHARDSON,

Deponed, That he is a member of the ſame ſociety of the Friends of the People in London of which Mr. Grey is a member; that he is not a member of any ſociety of the Friends of the People in Scotland, but that he was preſent at a meeting of the Friends of the People in Glaſgow, when he heard Mr. Muir exhort the people to keep up the Conſtitution, and that if any of them were againſt it, they ſhould be expelled; that in a maſterly manner, he expoſed Liberty and Equality if it implied diviſion of property, and that he ſaid ſuch a ſyſtem was totally impracticable, and he uſed every argument to excite the people to keep to the Old Conſtitution.

Mr. MUIR now declared, That he had finiſhed the proof in exculpation; that it was in his power to adduce many more witneſſes, but that he deemed it totally unneceſſary.

The LORD ADVOCATE then roſe and addreſſed the jury,

Gentlemen of the Jury,

It is my duty, now, to require your moſt attentive and deliberate conſideration of what you have heard. The moment is come, when the truth or falſhood of what is laid to the charge of the Pannel at the bar, is to be aſcertained. He is a man, who, under the pretext of a reform, as I ſhall afterwards ſhew you, has been ſowing miſchief and ſedition: he appears here before you, after being a fugitive from his country; and it is now that by your verdict, a verdict which is uncontroulable, and from which there is no appeal, his guilt muſt be eſtabliſhed, or the imputation thrown out againſt him, completely wiped away. It is a moment which I have long wiſhed to ſee; for during the circumſtances which occurred laſt winter, among the numerous liſt of offenders who appeared, this is the man who of them all appeared to me the moſt criminal, and whom I moſt wiſhed to lay hold of; he in every thing betrays a moſt decided

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ſpirit againſt the Conſtitution, and all under the veil of Parliamentary Reform.

This country has ſeen many inſtances of pernicious effects of ſeditious writings and conduct, but I am perſuaded a wider range of diabolical miſchief will appear in this man, than ever was ſeen in England, or any where elſe.—Who could believe that a man of a liberal education, an Advocate at this bar, could be found among villagers, and manufactures, poor and ignorant, for the purpoſe of ſowing ſedition and diſcontent?

The charges againſt the Pannel are divided into three heads, all centering however, in the general charge of exciting ſedition and diſcontent, by various ſteps of conduct. He has circulated Paine's works, a book which one of his witneſſes ſays, he declared to be dangerous to weak minds, with an obſtinacy and pertinacity, which plainly indicated that his wiſh was to alter or overturn the Conſtitution. He went to Kirkintilloch and Campſie, carrying Mr. Paine with him, and adviſed the conſtituting of meetings, which, without him, would never have been eſtabliſhed; he came like the dæmon of ſedition, recommending that club government, which has produced all the anarchy we ſee in France, and which cannot be ſupported in any well eſtabliſhed government.

He has been in a convention of people, calling themſelves Reformers; but the ſpirit of the people ſhewed itſelf, and it no longer exiſts: he in that meeting endeavoured to ſupport and defend a paper coming from our ſiſter kingdon: It came from the Society of United Iriſhmen, highly ſeditious, if not treaſonable; and yet he was the ringleader to produce, to read, and approve.

Theſe three charges, then, Gentlemen, which unite themſelves in one, that of exciting diſcontent againſt Government, have been brought with deliberation; and, it is now my duty to ſhew you, have been eſtabliſhed by the evidence.

I wiſh to have the opinion of a reſpectable Jury on the ſubject. Whether ſedition is a crime of the deteſtable nature I repreſent it? I bring forward the arm of Juſtice to

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ſuppreſs it; and it is in your power to invigorate it, or palſy it in a moment.

Gentlemen, as the charges are threefold, the evidence muſt be of three kinds. I ſhall ſpeak of each in their order, and I muſt ſay, that if ever a ſtrong body of evidence appeared in a difficult caſe, it is to be ſeen here.

The firſt charge is, making ſeditious ſpeeches and harangues, and encouraging improper meetings. To ſupport this, we find that he went to Kirkintilloch and Campſie, and recommended improper publications to enlighten their minds; but in this he does not appear to have been very ſucceſsful, if we take the Vice Preſident as an example of their influence. The evidence here reſts chiefly on *Johnſton* and *Freeland*, particularly *Johnſton*, and we ſhould remark the mode in which he gave his evidence; he was calm, accurate, and clear. *He* and *Freeland* agree that the Pannel ſpoke of the ſucceſs of the French arms: With what motive could he diſcourſe on ſuch a ſubject to weak, uninformed, illiterate people, but to fulfil his ſeditious intentions? He talked of the weight of taxes Gentlemen, we may ſee theſe burdens lightened; but if this gentleman's mode of doing it were to go on, what ſort of relief we ſhould have by the diminution of our taxes and the payment of our debt, are topics of which you will judge as you ought to do. He ſaid that their taxes would be leſs, if they were more equally repreſented, and that from the flouriſhing ſtate of France, they could not bring their goods to market ſo cheap as Frenchmen. What could poſſibly be more calculated to produce diſcontent and ſedition? Had ſuch ſocieties previouſly exiſted, the caſe would have been different; but he appears as the ringleader, he was there on the Tueſday preceding, converſing about it; he came to the meeting and harangued them; he adjourned with them afterwards to Wallace's: Can any evidence be more connected or more clear that he was the main inſtrument?

The ſecond charge is the circulating ſeditious books, containing the paſſages libelled in the indictment, which you may read. *Freeland* is again an evidence here; and I muſt obſerve, that it appears to be doubtful, whether he told all he knew; from his face he plainly prevaricated; and, when

when closely questioned, the sweat broke upon it. He told you the story of getting Paine's book out of Muir's pocket. I may here observe, that such a mode of circulating a book is that which a man in his situation will naturally adopt; he will not go on openly, but privately, and under various pretexts; by his fruits must you know him; you must compare his actions with his professions, and then judge.

We have evidence of his recommending and buying the Paisley Declaration and other books, which go to prove he is tainted from head to foot, and is as unworthy to live under the protection of the law as the meanest felon.

You would observe his conduct, Gentlemen, on Anne Fisher leaving the foot of the table. What can be laid to her charge? her evidence was clear and correct, and was founded on the best basis, her's being confirmed by the testimony of others. But what was his conduct? the only thing, indeed, which he could do,—an endeavour to shake her testimony by an illiberal and unfounded insinuation, that we procured our information only from domestics.

To what then amounts her testimony, which stands beyond a doubt: That she was sent repeatedly from her master's house, the Pannel's father, who I understand is a respectable man; far be it from me to attach any criminality to him; the Pannel has the miserable reflection that the distresses which have embittered the lives of his parents have been brought on by himself;—that she was sent repeatedly to buy Paine and other works for country people that came to the shop, who by this man's persuasion must out with their miserable sixpence to purchase *Paine's Rights of Man;* that he used constantly to be reading seditious publications in the back shop.—It was there, in that cathedral of sedition, he sat like a spider, weaving his filthy web to catch the unwary.

The witness specifies the people to whom he procured Paine's book—his own uncle, John Muir the hatter, Barclay the elder, and Wilson the barber. I have produced all of them in support of the girl, except the uncle, whom I declined making an evidence against his nephew. He advised Wilson, who completely supported the girl in this,

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to keep a copy in his ſhop to enlighten his cuſtomers minds; for that it confuted Burke entirely,—Mr. Burke, a man whoſe wonderful talents and genius have lately been ſo much exerted in the ſervice of his country.

From theſe circumſtances I have only to deſire you to look at Paine's book, at the paſſages in the indictment; and if you are loyal to your king, if you are loyal to your country, and would preſerve it, you will find this man guilty, who has given ſo decided an opinion in favour of that wretched outcaſt. His works I never read till my official duty compelled me to it; I need not give my opinion of it; the determinations of courts of law, and the unanimous opinion of the country, have marked the deteſtation in which they are held.

[His Lordſhip here read ſome of the paſſages in the indictment.]

What avails then, Gentlemen, all this evidence of attachment to the king and conſtitution, when he unequivocally approves ſentiments ſuch as theſe? We are told, indeed, by one of his witneſſes, that he adviſed him not to ſell Paine; but unfortunately the anſwer given to the queſtion put to him upon his croſs examination, proves that they were not his real ſentiments, but for fear of danger, as the book began to be taken notice of.

We find from the evidence of the girl Fiſher, that the very organiſt could not paſs the houſe of this oracle of miſchief, without being deſired to play *ça ira*.

He uſed to ſay, too, that if every man had a vote, he would be member for Calder, and members would have thirty or forty ſhillings a-day. All theſe circumſtances go to prove inconteſtibly, that France and French principles were continually in his view, and that he aimed at the deſtruction of the preſent government; with reſpect to which, however, I hope his prophecies will be as falſe, as they have already been, in regard to the ſucceſs of the French.

I may here remark, that the evidence of Fiſher appears in a trifling inſtance to be contradicted by the elder Barclay; but you ſhould remember the ſalvo with which that old gentleman choſe to premiſe his evidence.

I come now to the third charge, which relates to Mr. Muir

Muir's conduct in the Convention. It is here incontestibly proved, that he read, approved, and defended, the Irish Address. Will you approve this paper? Will you disregard this convincing proof of his guilt? Be his studies ever so great, be his views ever so extensive, will you permit him arrogantly to set up his seditious opinions in opposition to the government and constitution? His conduct in some instances would almost appear to be marked with insanity, were we not finding him the determined ringleader in an uniform scheme of sedition.

This, Gentlemen, finishes my remarks upon the evidence; upon the evidence which I think is invincible; but there are two topics on which I must beg to make some observations.

Mr. Muir told us, that he was carried out of this country by business of importance, and that he was detained in France; and that he always wished to have a trial, I could have no objections to his proving this: It would have argued some degree of honour. But his professions are false and confuted. He left this country under an impression of guilt; and lately returned, the pest of Scotland, with the same intention as before.

The reason of his going to France, it seems, was the influence he might possibly have in saving the life of the King of France; and he was sent there by the Friends of the People. Never was I more astonished than at the impudence of this evidence. Did Skirving know or recollect that he was almost accusing him of high treason? But why was he interested in this event? It was an event, as his witnesses tell you, that would hurt the common cause.—What cause? their intention of effecting a change in the government of this country: There then he stands a missionary from a society in this country to France,—a circumstance which greatly confirms his guilt.

When the trial was coming on, I postponed it longer than I ought to have done, to give him every chance; and I inserted it in the papers, which might perhaps reach him roaming in some part of the world.

The shipmaster's receipt bears date the 16th May. What became of him from this date to the 31st July when he was

apprehended. He informed nobody of his coming home. How wonderful that no letter was driven by the winds or impelled by the waves, to give notice of what he ſays was his earneſt wiſh. The reverſe in fact appears to have been the caſe. By the letter of J. Muir, his father, we find him in Ireland, doing we know not what; except what we learn from the diploma of the worthy ſociety of United Iriſhmen. He is at laſt apprehended returning into this country, with all the inſignia of ſedition about him.

I have but one remark more. You may in ſome degree judge of a man, by the company he keeps: amongſt Muir's papers we find a letter here in my hand addreſſed to the Rev. *Fiſche Palmer*, a man who is indicted to ſtand trial at Perth, in the courſe of a few days, and whom moſt of you muſt know. The impreſſion of the ſeal too is worth remarking, a *cap of liberty on a ſpear*, and under is the motto *ça ira*. I beg your attention, Gentlemen, to the quotation I ſhall now read from a celebrated French author, in treating of the Britiſh Conſtitution. [The paſſage his Lordſhip read, was from *De Lolme*, on the Conſtitution of England, from the middle of p. 534, to the end.]

I hope, Gentlemen, this caſe will be viewed by you in a light ſuch as this, that you will protect your King from the attacks of his enemies, that you will protect this temple of freedom from the attempts of the factious, but particularly againſt that man at the bar, who has been ſowing ſedition with ſo liberal a hand. You now, however, may ſeize him in his career, and by your verdict do juſtice to your country, and honour to yourſelves.

The Lord Advocate here finiſhed his addreſs to the Jury, ——He ſpoke two hours and ten minutes. We are ſorry, that our preſent ſituation has precluded us from ſtating his Lordſhip's ſpeech at full length, but the foregoing embraces the moſt material parts, and correſponds exactly with what we have already ſeen publiſhed, and announced to be "a "comprehenſive, and in many parts a literal abſtract of the "moſt material parts of his Lordſhip's ſpeech."

Mr. Muir then addreſſed himſelf to the Jury as follows:

Gentle-

Gentlemen of the Jury,

I rise, in my own defence.—All that malice could devise; all that slander could circulate; has been directed against me. I speak with joy, and with triumph. After an investigation into my public transactions, and into my private conduct, the most minute and the most unexampled, which ever occurred in this country; my *moral character* stands secure and unimpeached. With the anonymous, the worthless, and the paid assassins of public reputation, I disdained to enter the lists. To this *day* I looked forward with expectation; when before you, in the presence of Scotland, I should not merely remove the suspicion of guilt, but should demonstrate my innocency. I will not imitate the example of the Public Prosecutor, who has finished his pleading. Sounding, and unsubstantial declamation is unsuitable for you, and it is unworthy of me. This is not an hour to temporize. The eyes of this country are fixed upon us both. The records of this trial will pass down to posterity. When our ashes shall be scattered by the winds of heaven, the impartial voice of future times will rejudge your verdict. Let faction rage;—let the spirit of party, in the present hour, proudly domineer.—The illusion will soon vanish away. In solitude the power of recollection will assume its influence; and then, it will be material to you, whether or not you have acted uprightly, or sinned against your own eternal conscience, in my acquittal, or in my condemnation!

Before I enter into a particular vindication of myself, let me take notice of two circumstances, strongly insisted upon by the Public Prosecutor, which have little relation to the general nature of the evidence which has been adduced.—Long, indeed, has he harangued upon them; and has concluded his speech by exhibiting them in every shape which his imagination could invent. He maintains, that a consciousness of guilt obliged me to leave this country after an information had been filed against me, and after I had been examined by a magistrate. I will admit the fact of my departure.—In these days—in these circumstances—is that to be ascribed to conscious guilt alone? If the whole strength of arbitrary power is extended against an Individual, is

there merit in exposing himself as a sacrafice which cannot be useful to the country, and which may only present posterity with a new addition to the immense catalogue of the victims of despotism.—If two motives had only existed to which you could assign my departure, you are bound to ascribe it to the most charitable. But what were the circumstances attending my departure? Did they bear any resemblance of a flight? Did I not publicly anounce it the preceding evening in a numerous meeting of citizens? Did I not cause it to be published in a public paper? Did I affect the garb and disguise of concealment? In London did I remain in obscurity? Did I not appear in a distinguished Society, the Society of the Friends of the People? And did not that Society publish afterwards a resolution, announcing in its preamble my presence among them?

But I went immediately afterwards to France. Mr. Skirving, who was examined with regard to a letter he received from me, before my departure from London, has said, in his evidence (and his words I have accurately in my notes,) that I proposed to go to Paris, as it was the advice *OF SOME FRIENDS*, and might be of some service in mitigating the fate of the late King.

The words of Mr. Shirving, "SOME FRIENDS," have been *curiously* represented.—It is stated that these "*some* "*friends*," must have been the members of that truly respectable Society; and it is boldly argued, that I went to France as a Missionary from that body. Nothing can be more ridiculous.—Nothing can be more injurious.—Mr. Skirving never said so!—No person can, or *dare*, say that I ever went as a missionary, delegated from individuals, or by Societies, to any foreign power. Building then upon this unsubstantial basis of words, never uttered in evidence by Mr. Skirving, nor which ever could possibly be uttered, I am accused of a species of high treason, in corresponding with a foreign power without any legal authority from home. The charge of corresponding with foreign power is equally ridiculous with the misrepresentation upon which it is founded; but let it be considered as serious, I *dare* the proof.

I chal-

I challenge the Profecutor to adduce the fmalleft veftige of evidence.

Yes; I will admit, I wrote to Mr. Skirving my intention of going to France; nor will I deny the motive. I faw, in the execution of the late King, a fpecious pretext to plunge the country in war, and to extend the effufion of *human blood* to every corner of the world! I may have erred. I may have acted from enthufiafm; but it was enthufiafm in the caufe of man. If, at the period when it was free to every perfon to publifh their fentiments upon that awful queftion, I wifhed likewife to publifh mine, can that be imputed to me as a crime? Can the intention of pleading the caufe of mercy, of individual and of general humanity, be conftrued into guilt? If it can, I am then guilty. Has not the Profecutor lamented that difaftrous event? And will he accufe a man who wifhed to prevent it? Who, with many friends to humanity, of every nation, and of every party, in private, in public, in converfation, and from the Prefs, exerted their abilities to ward off an event which they forefaw was to introduce years of blood and of forrow! But allow, that at firft glance, my departure from Scotland; my journey to Paris, afforded a prefumption of guilt; that prefumption is obviated by my RETURN.

The Profecutor has boafted of his humanity, in granting me the delay of a few weeks, by poftponing my trial, in order that I might return from Paris.—But was *he* ignorant that hoftilities at *that time* were commencing—that the communication was clofed; that it was tedious and difficult to procure paffports. Of that difficulty no perfon here can poffibly have any doubt.

Do not all my private letters, which have this day been read, prove my uneafinefs upon account of the delay, and my anxiety to return? But, at the period when I procured my paffport, the flames of war were blazing over moft of Europe—I knew only two ways by which I could poffibly return home. The firft, by the way of Hamburgh; the fecond by the longer, but the more certain circuit of America.—I adopt the latter, as more fafe, and lefs liable to interruption.—I left Paris.—I went down to the

port

port of Havre-de-Grace. I found a veſſel which was to ſail for New York —The receipt found in my pocket book, when I was ſtopped upon my landing in Scotland, from the maſter of that veſſel for the payment of my paſſage, proves that I had actually taken my paſſage in that ſhip. That veſſel, in taking in her freight, and by an embargo, was detained for near three months. —— In this interval, another American ſhip, the Hope, of Baltimore, arrived. The Captain was to touch in at Belfaſt, in Ireland, for part of his cargo, on his return to America.—This I conſidered to be a fortunate accident.—I immediately embraced this opportunity of returning by the way of Ireland to my country, not to implore favour, not to aſk protection, but to DEMAND juſtice. To paſs from France, to any of the dominions of Britain, I had no paſſport,—my paſſport was to America. I braved every danger. After a ſhort paſſage I was landed in Ireland. There I remained no longer than nine days. I concealed not my name, I appeared publicly, and in the places of moſt public reſort. To all I announced my ſituation and intention. The Proſecutor has either deſignedly, or ignorantly, laid hold of the circumſtance of the indorſation of the municipal officers of Havre-de-Grace, upon my paſſport. The Deparment of Paris granted me a paſſport in the end of the month of April, and I arrived at Havre on the 3d or 4th of May. The firſt ſtep which a ſtranger is obliged to take, upon arriving at the place of his deſtination in France, is to proceed to the Municipality, to ſhew to them the paſſport from whence he came, to have it reviſed and atteſted by them, in order to enjoy ſecurity within their juriſdiction. The indorſation, as I have ſtated, of my Pariſian paſſport, by the municipal officers at Havre, is of the 3d or 4th of May laſt. From this circumſtance the Lord Advocate infers, that I muſt immediately have found a veſſel to carry me home. He makes no allowance for the ſtate of the two nations; he makes no allowance for the difficulties which neutral veſſels have, in paſſing betwixt both; and he knows nothing of the embargoes which theſe veſſels muſt conſtantly experience, in the different belligerent ports. Well, then, ſometime in the month of May I

muſt

muſt have landed in Ireland! Public report has ſaid, that inſurrections have been in that country. The Proſecutor has cried out, That I was the dæmon of ſedition! And he inſinuates, that there is a probability that I was the cauſe of theſe inſurrections. I ſmile at the accuſation; which he himſelf in his own mind muſt deride. It could have been eaſy for me, by the teſtimonies of my friends in Ireland, whom I love, and whom I honour, to prove how I paſſed my time. But for me to dwell upon this is unneceſſary. You, of the Jury, muſt have experienced the ſame emotions, and at preſent indulge the ſame feelings as I do.

From Ireland, the Proſecutor ſays, I attempted to land in Scotland in a clandeſtine manner; and ſo ſays (his compoſition) the Indictment.

In the liſt of witneſſes adduced againſt me, I ſaw the names of Carmichael, the perſon who firſt recognized me at my landing at Portpatrick, and of Mr. Roſs the magiſtrate at Stranraer, before whom I firſt appeared. The Lord Advocate charges me with coming to Scotland in a clandeſtine manner. He ſerves upon me, in the liſt of witneſſes, the only witneſſes who could prove the fact; Carmichael, the cuſtom-houſe officer, and Mr. Roſs the magiſtrate, to whom I ſurrendered. I expected Carmichael and that gentleman would have been incloſed with the other witneſſes of the Crown. I would have adduced them as witneſſes to prove that ſo far from concealing myſelf, I announced myſelf publicly, and without diſguiſe; ſo far from attempting evaſion, my only anxiety was to put myſelf in the hands of the Law; and under the protection of its magiſtrates. The conduct of the Public Proſecutor, is in every reſpect uniform. He is guilty of another piece of diſingenuity, by ſerving upon me in the liſt of the witneſſes of the Crown, the names of Carmichael and Roſs. I could not entertain the leaſt poſſible doubt, but that they were to be adduced. This was an art to prevent me citing them at my own inſtance. It has ſucceeded. I am deprived of their teſtimony. But why did not the Proſecutor, at leaſt, produce the declaration which I made before the Magiſtrate at Stranraer: That declaration, freely and voluntarily emitted, would have proved that I came into the country in no unbecoming manner.

Much

Much of the invective of the Profecutor was founded upon my coming into this country in concealment. This circumftance, the Indictment charges as an aggravation of the crime. Judge then, Gentlemen, of the rectitude of the Profecutor's conduct, when he declaims upon a fact which he fhrinks from proving, and which by his art in ferving the lift of witneffes upon me, he has prevented me from confuting.

I truft, now, you will be convinced, that no confciofnefs of guilt led me from Scotland, no improper motive carried me from England to France; and that no deep, and fecret intention, induced me to return in difguife to my country. The object of that return was to demand juftice, to wipe away the imputation of that crime of which I now ftand charged. And what is that crime? Sedition.—Is there a term fo vague and fo undefined, fo familiar to power, fo familiar to corruption. All who ever dared to oppofe ARBITRARY POWER, and who in the hour of danger came forward to fave their country, have been branded by the epithet of feditious. The term is therefore no longer a term of opprobrium. In one age, it has been applied to men rejected by fociety, whofe names were honoured by after times, and upon whofe virtues, and upon whofe fufferings, the fucceeding age reared the majeftic pillar of the conftitution. I am then accufed of fedition, and I afk you of the Jury, to point out the corner of this land where fedition has exifted. And tell me truly where the fmalleft veftige of this crime has appeared. Upon you the eyes of the people are now placed. Upon your confciences the oath of God is binding. Point out then to us, where the fhadow of fedition has been defcried. Have the facred rights of property been any where invaded? Has the blood of the citizens flowed by the hands of the Friends of the People? O! No.—But the Profecutor has talked of the danger the People of this country were in laft winter, of deep-laid plots, and of tremendous confpiracies! and I am the man, whom he charges as the author of the whole, whom he repreefents fimilar in malignity to the dæmon of mifchief! and whom he honours with the title of the *peft of Scotland!* Well then, let it be fuppofed that an attempt was formed to overthrow the Conftitution, to kindle

kindle the torch of civil war, to lead rapine and murder along the land; Where has the proof of this design been found? Has it been discovered in the meetings of the Friends of the People who, conscious of the purity of their intentions, affected no concealment, assembled with doors open to all; and who hatched their hellish designs, (if such they were) in no midnight cavern. Could in the crouds, that were admitted to attend the deliberations of these societies, be found no ruffian, who could at least give a bold and manly testimony against them, and against me? But to support the accusation, the walls of a private house must be invaded; domestic secrets must be explored, and the testimony of a miserable scullion girl, and a hair-dresser, must be brought forward, with regard to words, spoken where suspicion the most vigilant must have been asleep, under the guardianship of a paternal roof. And are these the witnesses, who are to prove against me this mighty crime, which, supposing *them* to have been honoured by my confidence, would have required the co-operation of thousands of bearded men in arms.

Gentlemen of the Jury, Let us this night throw away vain pretext: Let us act fairly and candidly. I smile at the charge of sedition. You yourselves are conscious that no sedition has existed in this country, and in your own minds you deride the accusation. I know for what I am brought to this bar; it is for having strenuously and actively engaged in the cause of Parliamentary Reform; for having exerted every effort, by constitutional measures, to procure an equal representation of the people, in the House of the People. Let not the Prosecutor skulk in darkness: Let him come manfully forward, and avow the cause which has impelled him to bring me here. I will give you little trouble: I will prevent the lassitude of the judges: I will save you, the Jury, from the wretched mockery of a trial, the sad necessity of condemning a man, when the cause of his condemnation must be concealed, and cannot be explained. Yes, I plead guilty. I openly, actively, and sincerely embarked in the cause of a Parliamentary Reform, in the vindication and in the restoration of the rights of the people. Nor will I blush to unfold to you my motives; they are supported by their own intrinsic strength, but they are likewise

 held

held up by the great and the venerable names of the living and of the dead. I contended for an equal representation of the people, in what I shall ever call the House of the People, because I considered it a measure essentially necessary to the salvation of the State, and to the stability of your boasted constitution. Wherein then consists the excellency of that time-tried fabric, cemented by the blood of your fathers, flowing from the field and from the scaffold. I will tell you: It consists in the due balance of its three impelling powers, KING, LORDS, and COMMONS; If one of these powers loses its vigour, the constitution in proportion loses its vigour; If one of these powers becomes only a shadow of what it ought to be, if it becomes merged and absorbed into any of the other two, your constitution then also becomes a shadow, and it is annihilated. And do you not know, and does all the world not know, and if any were the proud structure of the constitution has suffered the ravages of time or of corruption, it is in its popular branch. Is it not a fact indisputable, that the representation of the people is not such as it once was, and is not such, as I trust in God, one day it shall be. The man then who sounds the alarm, when he discovers the aproach of danger, who summons all who may be concerned in its reparation, is surely no enemy to the country, no foe to the constitution, because he labours in its preservation and protection *.

Such were the motives of my conduct. If I am guilty, I have in my guilt many associates, men who now enjoy the

* And, as it is essential to the very being of Parliament, that elections should be absolutely free, therefore all undue influences upon the electors are illegal, and strongly prohibited. For Mr. LOCKE (on Gov. p. 2. § 222.) ranks it among those breaches of trust in the executive magistrate, which, according to his nations, amount to a dissolution of the government.—" If he employs the force, " treasure, and offices of the society, to corrupt the representatives, " or openly to pre-engage the electors, and prescribe what manner " of persons shall be chosen: For thus to regulate candidates and e- " lectors, and new-model the ways of election, what is it, says he, " but to cut up the government by the roots, and poison the very " fountain of public security?" *Blackstone, B. I. ch. 2. p. 179.— Edition, Lond. 1787.*

the repoſe of eternity, whom your fathers admired while living, and to whom you, their children, have erected ſtatues. I have no time to run over all the venerable catalogue. But, is there a man ignorant of the illuſtrious Locke, and was not this ſage in philoſophy, this advanced champion the cauſe of liberty, and of man; this friend to the Britiſh conſtitution, who wrote his Treatiſe on Government in its defence; in defence of the laſt glorious revolution, by the deſire of the Prince; who was the leader of the men who planned it;—was not he an advocate for a reform in Parliament, for a more equal repreſentation of the Commons in the Houſe of Commons? Will you venture to tear the records of *his* fame, to ſtigmatize *his* memory, and to brand *him* with the epithet of ſeditious?

Let us rapidly proceed down to more modern times. Let us paſs over in ſilence many illuſtrious names, whoſe memory with that of the Conſtitution will periſh together. Let us come to your own days. Are ye ignorant of Blackſtone;—the man who firſt collected the laws of his country, from the deformed chaos into which they had been thrown, who arranged them with elegancy, and who adorned them with every flower which the claſſic field could produce? Are not the volumes of this reverend judge in the hands of all? Should they not be familiar, at leaſt to thoſe who are called to decide concerning the conſtitution? And has not Blackſtone, not with the levity of ill-pondered words, not in the private hour of relaxation, not in the heat of popular debate, but in the calmneſs and ſolitude of ſtudy, maintained the ſame propoſitions which I maintain, been guilty of the ſame ſedition of which I am guilty, when he pronounced that the Conſtitution was imperfect, in its popular branch, and if any where ALTERATION was neceſſary, it was there to be deſired. I entreat you to liſten. I will read you, what this beſt expounder of the conſtitution has ſaid. Let the words be engraved on the tablet of your hearts.

"And this conſtitution of ſuffrages is framed upon a "wiſer principle, with us, than either of the methods of "voting, by centuries or by tribes, among the Romans. "In the method by centuries, inſtituted by Servious Tul-

"lius,

" lius, it was principally PROPERTY, and not numbers, that
" turned the ſcale: in the method by tribes, gradually in-
" troduced by the tribunes of the people, NUMBERS only
" were regarded, and property was entirely overlooked.
" Hence the laws paſſed by the former method had uſually
" too great a tendency to aggrandize the patricians or rich
" nobles; and thoſe by the latter had too much of a level-
" ling principle. Our conſtitution ſteers between the two
" extremes. Only ſuch are entirely excluded, as can have
" no will of their own: there is hardly a free agent to be
" found, who is not entitled to a vote in ſome place or o-
" ther in the kingdom. Nor is comparative wealth or pro-
" perty entirely diſregarded in elections, for though the
" richeſt man has only one vote at one place, yet, if his pro-
" perty be at all diffuſed, he has probably a right to vote at
" more places than one, and therefore has many repreſen-
" tatives. *This is the SPIRIT OF OUR CONSTITU-*
" *TION: not that I aſſert it is in fact quite ſo perfect as I*
" *have here endeavoured to deſcribe it; for, if any ALTER-*
" *ATION might be wiſhed or ſuggeſted in the preſent frame*
" *of parliament*, it ſhould be *in favour of a MORE COM-*
" *PLETE REPRESENTATION OF THE PEOPLE.*"

If Blackſtone then wiſhed for a more equal repreſentation of the people, if he dared to publiſh and to enforce his wiſh; and if I have merely done the ſame, where is the difference in our guilt? But there is a difference, and that difference is great. A learned profeſſor of the laws of England, in the Univerſity of Cambridge, a grave writer, in the ſolitude of his retirement, a ſolemn judge, upon the tribunal of England, proclaiming that a reform in the repreſentation of the people was juſt, and eſſential to the true ſpirit of the conſtitution; how ſuperlatively criminal muſt his conduct be when compared with mine?

But vengeance ceaſes at the verge of the grave. There factions and parties rage in vain. If I have been guilty of an atrocious crime, I ſhall not demand the protection of the dead, I ſhall not wander among the tombs, and cry for the ſupport and the aſſiſtance of thoſe who cannot hear me, but I ſhall loudly demand the protection of the living, of men high in rank, exalted in power, and who enjoy the confi-

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dence of their king. Can it ever be forgotten, that in the year 1782, Mr. Pitt was ſtained with the ſame guilt? Did not he preach up the neceſſity of a reform in the repreſentation of the people? Did not he adviſe the people to form ſocieties; and did not he countenance theſe ſocieties, by his preſence? I appeal to the reſolutions which he ſubſcribed in the Thatched Houſe Tavern. I atteſt the motions which he made for Reform, in the Houſe of Commons. Beware how you condemn me. Beware how you brand me with the opprobrium of being ſeditious At the ſame time you condemn the confidential Miniſter of the King. Nay more Sir, in bringing this charge againſt me you accuſe your Sovereign; for can it be ſuppoſed that he would permit a man to enjoy his confidence, who in the year 1782 by being a reformer, as I am in the year 1793, wiſhed to precipitate this country into anarchy, deſolation, and, into all the horrors which you have deſcribed.

But if the attempt to procure a Reform in Parliament be criminal, your accuſation muſt extend far and wide. It muſt implicate the Miniſters of the Crown and the loweſt ſubjects. Have you forgotten that in the year 1782, the Duke of Richmond, the preſent Commander of the forces, was a flaming advocate for the univerſal right of ſuffrage? Do you not know that he preſided in ſocieties, and like Mr. Pitt, adviſed an univerſal formation of ſuch ſocieties all over the kingdom? Have you never read his famous letter to Colonel Shariwin, in which his principles, his teſtimony, to a full and complete repreſentation of the people, are indelibly recorded? Is guilt the paſſing unſubſtantial faſhion of the day? Does it vary according to times and to ſeaſons, and to circumſtances? Shall what was patriotiſm in 1782, be criminal in 1793? You have honoured me this night, by the title of the peſt of Scotland. And if the ſame offences merit the ſame appellations, you muſt likewiſe liberally beſtow this epithet upon the firſt Lord of the treaſury, and upon the Commander of the forces. But what term of ſuper-eminent diſtinction will not you, the Public Profecutor; you the Lord Advocate for Scotland, appropriate to yourſelf? Were not you, not many months ago, likewiſe a reformer? Did you not contend and act

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for a more equal representation of the people in the House of Commons? Were not you one of those men, who, for that purpose, assembled lately in this city, in what they called a Convention, and assumed to themselves the title of Delegates from the Counties? Were not you, yourself, employed in framing a bill for the extention of the elective franchise? Every charge in your indictment against me recoils upon yourself; in accusing me, you charge yourself with sedition. If it was lawful for you and your friends to meet in societies, and in conventions, for the purpose of a Reform in Parliament, unless the standard of guilt shrinks and extends as caprice or power may order, it surely must have been permitted to me and my friends also to meet, and to act on the same principle.

But I advance in this tract no farther, although my assertions and my arguments are just, yet the subject of them is so connected with ridicule, as to render them not so seeming in this solemn trial.

Gentlemen of the Jury, If the real cause of my standing as a Pannel at your bar, is for having actively engaged in the cause of a Parliamentary Reform, I plead guilty. My conscience, however, will whisper consolation to me under my condemnation. I engaged in that cause, for I thought the measure was to save the country; that a more equal representation would dry up the sources of corruption, would diminish our taxes, and stop the effusion of our blood. That such were my motives, appears from every part of the evidence against me. The Public Prosecutor shrunk from the examination, even of the testimony of his own witnesses. He averted his eyes from the proof, in order to indulge himself in vain declamation and unbecoming invective. I will not, however, imitate his conduct. I will examine minutely every branch of the proof which he has adduced against me; and you will be convinced that after every word and action of mine has been scrutinized; after even the levity of the most unguarded hour has been explored, and while instructed spies have watched every book, had marked every word, not the vestige of sedition can be discovered.

The first charge against me is, That at meetings of the people

people which I myself had convocated. I made seditious harangues; vilified the King and constitution; represented the monarchical part of our government as cumbersome and expensive; instituted a comparison betwixt our system and that of France, and did every thing to inflame the minds of the people to insurrection and rebellion. It is particularly alledged that I was guilty of these crimes at two meetings, the one at Campsie, and the other at Kirkintilloch.

To prove this charge, Alexander Johnstone is adduced. You will remember, that I offered to prove that this witness had expressed himself in the most rancorous terms against me; that he would do all in his power to get me hanged. By respectable witnesses, I could easily have supported this averment; but I was not allowed by the Court, as I could not specify the particular cause which had excited the malice of a man I did not know, and whom I do not remember to have ever seen. But what does even Johnstone say? I will read you from my notes the whole of his evidence. Correct me if I have erred in taking down any thing differently from what has been stated. I believe that my notes are accurate, but mistakes are not impossible.

[*Here Mr. Muir read over the whole of the evidence.*]

What does this witness then say? He says, that I stated, in the meeting at Campsie, the disadvantages in the representation, from boroughs being rotten, and from others having no vote, the population of England and Scotland, the small number of electors in both; and that the people were not fully represented. And is this sedition? Is not the fact notoriously true? Has it not been resounded innumerable times within the walls of the House of Commons itself? Has not the table of that House been covered with petitions, expressing it in language infinitely stronger than mine? If to state truth be sedition, why did our legislature slumber? Why slumbered the law; and why was not public vengeance armed with the sword of justice, when this crime dared to pollute the sanctuary of the legislature, by its appearance within it?

Johnstone depones, that I said, If a man gave 20,000l. for a seat in parliament, he behoved to derive some interest from

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it. Is not the fact true? Do not we daily know of ſums of money being given for ſeats in that houſe, and can there be a concluſion in Euclid, more certain than the inference which I draw from the fact? It may be ſaid, that the Houſe may be pure and uncorrupted, even although ſuch ſums of money are given for admiſſion into it; that men may do ſo in order to ſerve their country, or to diſplay their abilities.—Grant all this; but have we not ſeen much greater ſums thrown away at conteſted elections, by men who never opened their mouths within the walls of St. Stephen's Chapel; whoſe patriotiſm never ſhone forth; and whoſe abilities were never diſcovered? The witneſs depones. that I ſaid the Duke of Richmond had been bribed into ſilence by 20 or 30,000l. And ſuppoſing I had ſaid ſo, that this was the ſalutary opiate, which calmed and cooled the fever of his brain, and probably ſaved him the mortification of ſtanding his trial, alſo, for the crime of ſedition; what has this to do with the preſent matter? It is not the Duke of Richmond, but it is the king himſelf that I am accuſed of vilifying. This aſſertion of Johnſtone's is indeed too ludicrous for ſerious argument.

Gentlemen, before I proceed farther, let me make one remark. I am to be tried by the law of Scotland; and, by that law, two witneſſes are neceſſary to prove a crime.—This is a rule full of humanity; but, at the ſame time, by cutting off proof, it may, and has upon ſome occaſions defeated the ends of public juſtice. If, however, the concurrence of two witneſſes were to be rigorouſly inſiſted upon, it muſt be in a caſe ſimilar to mine, where their teſtimony is to go to words, *volantia verba*, neither engraved in marble, nor recorded in braſs. You know the infinite variety of circumſtances depending upon the ſpeaker, the occaſion, the manner, the perſon to whom they were uttered, and his ſituation; by which, the meaning of the ſame words, can be diverſified and modified, tortured into guilt, and explained into innocence. By the law of England, which is likewiſe the ſame with ours in the caſe of treaſon, the bare uttering of words, without any overt act, cannot be admitted as evidence to prove the crime.

Johnſtone depones, that I compared our conſtitution with the

the French, and ſaid that their arms would be ſucceſsful; that their repreſentation was more equal; two thirds of their debt paid, and that their manufacturers, in the competion with ours, would have the advantage. Whoever heard before, that it was unlawful to compare the Britiſh conſtitution with that of another country? If the Britiſh conſtitution is the boaſt of ages, the pride and glory of the world, Can it ſuffer by any compariſon? On the contrary, will not its ſplendour brighten by the foil? But does Johnſtone ſay, that I gave the ſuperiority to the French conſtitution over the Britiſh? No.—Does he aſſert, that I exhorted the meeting to reject the Britiſh conſtitution, to adopt the French; and to adopt the French as the better model? No; not a word. What then ſays he? That I merely compared the two together. Is this ſedition?—Alas! we are all ſeditious. Is there a man here, or in this country, who has not, in his own mind, and who has not in words, made a ſimilar compariſon?

Johnſtone next obſerves, That I mentioned, that two thirds of the French national debt was already paid; that their taxes were leſs, and that I aſcribed this to the people being more equally repreſented in their legiſlator. I may have ſaid ſo, or I may have not ſaid ſo. My remembrance does not carry me. Whether the fact was true, at that time that I ſpoke in the meeting, of two thirds of their national debt being paid, and of their taxes being leſs, I know not. Certain it is, before and ſince, I have often heard it to be ſo, in word and in writing; but I will ſay this to you, and I will ſay it to all Scotland, that an equal repreſentation of the people is the moſt direct and ſalutary method to diminiſh and pay off the national debt; to alleviate the weight of taxes, and to remove the clogs of induſtry. Nothing can be truer than the inference which Johnſtone ſays I drew, that a people equally induſtrious, muſt have the advantage over another, who pay greater taxes, and who groan under the burden of a greater debt. If I were connected with this laſt nation, I certainly would adviſe them to take every conſtitutional ſtep to procure a diminution of their debt and of their taxes. And what does Mr. Johnſtone ſay? That I adviſed the ſociety to petition Parliament,

ment, and that the ſole intention of theſe ſocieties was to procure a more equal repreſentation and a ſhorter duration of Parliaments. Do you ſay then that the object of theſe ſocieties is unconſtitutional? Or do you ſay, that theſe ſocieties, in the means which I adviſed them to make uſe of in order to accompliſh that object, were to act unconſtitutionally? You can do neither. Under the free government of Britain, every man has a right to look after thoſe whom he is ſuppoſed to delegate to the Houſe of Commons, to be the arbiters of his liberty, his fortune, his life. He has a right to come and ſtate to them his wrongs and his apprehenſions; and the mode which the conſtitution has pointed out is by petition.

Johnſtone depones, that I adviſed the people to conſult together to communicate and diffuſe their knowledge: The advice was a good advice; and ſuch an advice as I would give were I ſtill in the ſame ſituation. What! Is the time now come when the mind muſt be locked up; when fetters muſt be impoſed upon the underſtanding, and when the people, the great maſs of human being, muſt be prohibited to receive information, and to communicate among themſelves the information which they may have received. Miſerable people.—Country to be deplored!—Ignorance is the ſource from which deſpotiſm flows. The remembrance of former liberties will make you only more wretched. Extinguiſh then (if poſſible) the light of heaven, and let us grope, and let us ſearch for conſolation, if it can be found, under the darkneſs which ſhall ſoon cover us. But the proſpect before us is not ſo diſmal.—We live, and we act under the Britiſh conſtitution. A conſtitution which, in its genuine principles, has for ages conſecrated freedom. We live, and we remember the glorious revolution of 1688, which baniſhed deſpotiſm, and placed the family of Hanover upon the throne. We remember the Bill of Rights; nor ſhall we forget one of its moſt ſacred clauſes, which declared, eſtabliſhed, and ſanctioned the unalienable claim of the citizen to petition Parliament. Now, as members of the Britiſh conſtitution, acting under the Bill of Rights, how ſhould our conduct be ſhaped? Do we complain of general grievances, ſuch as, an unequal repreſentation of the people?

ple? It would be arrogance in a part to ſpeak the language of the whole. Let thoſe, then, who feel moſt ſenſibly the preſſure of this general grievance, not preſume to complain for the nation, but conſult the nation. And how are they then to conſult the nation, but by bringing the people together in ſocieties, to deliberate and to reſolve? Would you wiſh the people to act unadviſedly. Would you propoſe they ſhould carry petitions to the doors of the Houſe of Commons, without knowing the real ſignification of the import of theſe petitions? Let us apply to our political conduct a rule ſure and unerring in private life.—Think; deliberate before you act. An unequal repreſentation is a general grievance.—Before we ſeek to obtain its redreſs, let us enquire, in the firſt place, if it is generally felt; and in the ſecond, if redreſs is generally wiſhed for. In applying for a general remedy, let us firſt be convinced of the general diſeaſe. Without this, a few factious may preſume to ſpeak for the nation; may impoſe upon the weak, and may plunge the *many* into inextricable confuſion and miſery. The great propoſition, then, which I maintained is, that the people ſhould conſult together; that they ſhould form themſelves into ſocieties; for it is only by ſo doing that they can conduct themſelves with wiſdom, and hope for ſucceſs.

The Bill of Rights declared the unalienable, impreſcriptible right of the people to petition Parliament, and if you condemn me for adviſing the people to petition with reflection, with united and general deliberation, for redreſs of general grievances, ye tear the record of our liberties, and ſcatter the fragments where they never can be collected.

In adviſing then, even according to Johnſtone's evidence, the people to inform themſelves, reciprocally to communicate their information, and then wiſely and deliberately to petition Parliament, you do not condemn me, but you trample upon their liberties, and you proſcribe the conſtitution. If I declared, at the meeting of Campſie, that the people ſhould adopt every mean to inſtruct themſelves with regard to their political rights, I declare and I inculcate the ſame now before you, and before this great audience.

Hear farther what Mr. Johnſtone ſays. I have his words accurately in my notes. I adviſed the ſociety to get ALL

the political pamphlets from a neighbouring bookfeller.—The advice was a right advice. I did not lift myfelf under the banners of faction. I combated neither for miniftry nor for oppofition, for the ins nor for the outs; I fought in the caufe of truth, and how is that caufe to be fucceffful, but by general, complete, and impartial information of the different arguments, advanced upon either fide of the great queftion of Parliamentary Reform? Gentlemen, remember who the witnefs is, who brings forward this important truth in my favour. It is Alexander Johnftone, the firft witnefs adduced by the Profecutor, againft whom I objected on account of the expreffions which he had ufed indicating his intention to ruin me, which by refpectable witneffes I offered, inftantly, to prove, but which proof was not allowed by the Court. When this man fpeaks what is ftrongly in my favour, you cannot fufpect him; nay more, what he has faid, affords a clue to my conduct. Fond of reading myfelf, purchafing, for information, almoft every new publication, was it not natural and juft for me to recommend a fimilar line of conduct to men, who, from their union, were enabled to defray the expence? If I had been the tool of party and of factions; if truth had not been my object, I would have faid to this fociety, 'purchafe not the books which are written againft Parliamentary Reform; they are merely the productions of penfioned hirelings; but read every treatife written in its defence.—Thefe are the productions of enlightened, and of philanthropic men, and they are ftamped by the fignature of genius.' You will remember what the witnefs has faid upon the interrogatory of the Solicitor General, relative to what I mentioned concerning the King, Lords, and Commons; What was the reply of the witnefs? It was this, that I faid, the conftitution ought to confift of King, Lords, and Commons. Is this vilifying the Monarchy? Is this reprefenting that part of the government as expenfive and cumberfome, as the indictment fets forth? Is this inflaming the minds of the people and exciting them to infurrection and rebellion?

This witnefs has likewife depofed to a remarkable fact I will ftate you his words accurately. If I am in error, you will correct me from your notes, "In that meeting there

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" was mention made of Paine's Rights of Man, but not by " Mr. Muir. One man in the ſociety, not in a public man- " ner, but to his neighbour privately, ſaid ; that he had read " Paine's Works." What was that to me? And ſuppoſing I had overheard this man uſe theſe words; could I be blamed for merely poſſeſſing the faculty of hearing? Does Johnſtone ſay, that I participated in this private converſation? He ſays no ſuch thing. Does he ſwear that I recommended Paine's Works, or introduced the mention of them in the meeting? No. How then is the other charge in the indictment ſupported by the teſtimony of this witneſs?—of my adviſing the people to read ſeditious books, and circulating ſuch among them.

Johnſtone has told you, that moſt of thoſe who compoſed this meeting were weavers, moſtly young men from eighteen to twenty years of age. What is the inference which the Lord Advocate has deduced from this? I bluſh to mention it.—That people, in that ſituation, and at that time of life, have no right to interfere in public affairs! People in that ſituation! What ſituation? Who compoſe the great maſs of ſociety? Who ſupport the State? Who contribute to its wealth? Who muſt fight in its defence? People at that period of life!--What period? When the heart is uncorrupted; when the ſoil is beſt prepared to receive good ſeed, and when the feelings of the mind can be moſt eaſily led over to the ſide of virtue and humanity. Becauſe the majority of the members of that ſociety might be weavers, they muſt be held up in deriſion! Becauſe the majority of them might be young men, they muſt be cenſured for preſuming to intereſt themſelves in the happineſs of that country in which they were to ſpend their future days, and whoſe conſtitution was to operate upon their future lives! But you have ſeen ſeveral of the members of that ſociety, and thoſe too adduced by the Proſecutor, (Mr. Johnſtone in the number), and did you think them ſo young, ſo frivolous, and ſo ill taught as he repreſented? This is a matter which regards you, as you were the witneſſes, and you muſt judge for yourſelves. Finally, hear the concluſion of the depoſition of this witneſs, which ſtates, " That I recommended peace " and regularity to the meeting, and obſerved that any tu-

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" mult or diſorder would ruin their common cauſe;" and that I told them, " there was no other mode of procuring " redreſs, but by applying to parliament;" and that I recommended to them " to beware of admitting any immoral " characters as members."

The next witneſs adduced for the Proſecutor, is Robert Waddell, vice preſident of the ſociety at Kirkintilloch, who ſwears to the particulars which occurred at the ſame meeting, in which the preceding witneſs was preſent.

[*Mr. Muir then read over his notes of this witneſs's depoſition.*]

In what reſpect does this witneſs criminate me? Does he not agree preciſely with Johnſtone, concerning my general conduct. I am accuſed of viliſying the king and conſtitution; and what does this witneſs ſay? That I made a ſpeech, in which I adviſed regularity in their proceedings; and that they ought to proceed in a conſtitutional manner, as the law now is, by King, Lords, and Commons. The indictment alledges, that I ſpoke and reprobated the monarchical branch of the conſtitution. But the witneſs ſwears, that I ſaid nothing about the expence of the King, nor the comparitive expence of the French conſtitution, nor the ſucceſs of their arms. Gentlemen, I ſpeak with candour; it is not in my remembrrance, that I ſpoke concerning the comparative excellency of the French or Britiſh conſtitutions. You hear one witneſs declaring, that I merely compared them together; you hear this witneſs declare, that I made no mention of either conſtitution; both of them may have ſpoken truth according to the impreſſion which was on their minds, but they ſhew you the danger of truſting to the memory of witneſſes, when it relates to words ſpoken in the warmth of a public diſcuſſion, and attempted to be recollected after the lapſe of many months. But give whatſoever degree of ſtrength you chuſe to Johnſtone's evidence, draw from the compariſon, which I inſtituted between the French and Britiſh conſtitutions, an inference as highly criminal as you poſſibly can; the teſtimony of that man is completely overthrown by this witneſs. Mr. Waddell has ſtated to you what paſſed after the meeting was over, in private company, in the unguarded hour, when the

the mind dreads no danger, and when vigilance is asleep; Can any thing prove more strongly than the deposition of this man, the innocency of my conduct? The conversation related to politics, and to new publications; and surely materials of that kind are infinitely more noble in their nature, than those which deform convivial society, and disgrace the man. He remembers me speaking of Mr. Flower's boook upon the French constitution; a book which the Lord Advocate, although not specified in the libel, wished to insinuate as being seditious, and consequently an aggravation of my crime. Of the truly respectable author of this book, I know nothing; but if, from writing, a true idea may be formed of the heart which guides the pen, there is no man that I would more fondly call my friend. It is true, I recommended Mr. Flower there, because I recommended his principles every where. I will do so still; I will do so in your presence, in the presence of the Court, and to this great audience. You, who wish for a Reform in Parliament, read and weigh well the lessons, which this good man has given and inculcated. Let personal reformation precede public; let the torch of knowledge lighten the path of liberty; but above all, let sound morality, and genuine Christianity be the goals from which you commence your political career. A people ignorant---never can enjoy freedom; a people immoral---are unworthy of the blessing.

The witness next mentions, that the only book which I recommended to be purchased, was Dr. Henry's History of England. I am an enemy to the constitution,—and yet I recommended to the people the book best calculated to instruct them in its principles, and in its progress; a book, applauded in private and in public by the Earl of Mansfield, and upon whose application, the author received an honourable pension from the King; honourable to the granter, to the receiver, and to him who first noticed the modest merit of the writer.

The witness next proceeds to mention, that at the meeting, a person of the name of Boyd proposed, that Paine's Works should be purchased and recommended. What was my conduct upon the occasion? I said, it was foreign to their

their purpoſe; and foreign, ſurely, indeed it was. Without approving of Mr. Paine's principles, without condemning them, I ſhall afterwards more fully ſhew you, that the advice was ſuch as became them and me, in our ſituation at the time.

The witneſs mentions, that he purchaſed for the Society three or four copies of the Political Progreſs. Does he ſay, that it was at my deſire, or on my recommendation? No. —That he purchaſed for his own uſe, and that of his neighbours, three or four copies of the Paiſley Declaration of Rights; that he got a copy of Paine's pamphlet, but knows not from whom; that he never ſaw the Dialogue betwixt the Governors and the Governed, one of the charges againſt me in the libel; and that a Mr. William Muir ſhewed him a number of the Patriot. In the name of common ſenſe, what connection have I with this extraneous matter! How does it tend towards my crimination? The witneſs ſwears poſitively, that the only book which I recommended to be purchaſed by the Society, was Henry's Hiſtory of Britain.

The witneſs declared, that a more equal repreſentatiion of the people was the object of the Society. Being aſked by the Solicitor General, what he meant by a more equal repreſentation. He ſtopt for a moment to conſider. O! what matter of triumph was this! Then burſt the contemptuous ſneer; and then with affected ridicule was pointed out, the abſurdity of men ſo ignorant, embarking in the cauſe of reformation, when even their Vice Preſident, the witneſs who from his ſtation, if any had known, he ſhould have been the man. But by all, excepting by Mr. Pitt and the Duke of Richmond, who contended for reformation, no ſpecific plan has yet been propoſed. In all that was ſaid in the late debate in the Houſe of Commons, no ſpecific plan was brought forward. Is it then a matter of ſurpriſe that the witneſs ſtopt for a moment to conſider his anſwer to the queſtion? His anſwer was ſuch as did honour to the coolneſs of his mind, and to the ſoundneſs of his underſtanding, Two opinions, replied he, divided the Society. One was, for confining the right of election to landed property; the other, for extending it to the body of the people; that he,

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for his own part, had not yet made up his mind upon either. Being aſked my opinion, he ſwears, I gave none.

The witneſs depones to my expreſs language, that I ſaid to the meeting, that they would be the more ſucceſsful, the more they were conſtitutional. Is this preaching up ſedition? Is this inflaming the minds of the multitude to rebellion? With every witneſs adduced againſt me this day, this witneſs likewiſe corroborates my earneſt advices to the people to be regular, to be moderate, and to be moral.

The next witneſs propoſed to be adduced againſt me was, the Reverend James Lapilie. My objections to his admiſſibility were ſuſtained, before I advanced upon the threſhold of my proof, by the Lord Advocate's giving him up. Sorry am I indeed for the Proſecutor's timely precaution; proof was thickening faſt againſt this gentleman; proof of practices, proof of crimes, which———but I go no farther; the day will come, when this gentlemen and myſelf ſhall exchange ſituations at this bar. I truſt that by your verdict I ſhall be acquitted, and the moment after, I ſolemnly pledge myſelf to this nation, to exhibit againſt him a criminal accuſation of the moſt ſerious kind. To ſay more would not be right, as tending to excite a prejudice againſt him in the day of his own trial. It is ſufficient for me, that, even in this ſtage of the buſineſs, after the proof I was leading, my moſt rancorous enemy, would have bluſhed to have brought forward this man's teſtimony.

The next witneſs was, Henry Freeland, preſident of the ſociety, at Kirkintilloch The indictment charges me with having convocated the ſocieties at Campſie and at Kirkintilloch. The witneſs depones, that there was an intention of having a ſociety at Kirkintilloch, long before ever he ſaw me. Does this witneſs, the firſt preſident of that ſociety who, if any man could, muſt have been well informed of the circumſtances leading to its formation, ſupport the charge of the libel? Quite the reverſe. I ſhall poſtpone the moſt material part of his depoſition to the laſt. In my ſpeech, he mentions, that I ſpoke about ſhortening the duration of Parliaments and a more equal repreſentation; that I ſaid, that I thought taxes might be leſſened by theſe means, and that the reform was not to take place as

to the King and Houſe of Lords, but only of the Commons. Call you this ſedition! Does not every thing brought forward by theſe witneſſes of the Crown, confute the falſe, the injurious, and the ſcandalous charge in the libel, of vilifying the Conſtitution, and of exciting the people to rebellion againſt the King?

Mr. Freeland ſaid, that I mentioned the ſucceſs of the French arms, and that liberty would be eſtabliſhed in France. Call you this likewiſe a crime? At the time when I ſpoke was it not true? Were not the armies of France in every part victorious? and could I, not poſſeſſed of the power of penetration into the future, be ſure that they were not to accompliſh their object? Are not opinions, after all that has happened during the laſt months, as much divided as they were then? Can you go into private or into public company, where this topic forms not the moſt material part of their converſation? If merely to ſpeak upon this ſubject be ſedition, you are all contaminated.

Mr. Freeland concurs with the other witneſſes in remembering, that I recommended no other book to the meeting, than Henry's Hiſtory. That I told them all riot would be ruin to the cauſe; exhorted them to be conſtitutional and regular, and told them, that they were to petition Parliament, and that there was no other way of getting a reform.

I now come to the moſt material part of Mr. Freeland's evidence, which relates to my lending him a copy of Paine's Works. Now let us take his evidence in the connection of time. He tells you, that, having heard that a proclamation was againſt that book, he was upon that account curious to ſee it, and that he *firſt* ſpoke of it to me; that upon Tueſday, eight days before the ſociety met, when I happened to be at Kirkintilloch, in the houſe of Wallace, to which I had ſent for him, that I bid him ſearch in my great coat pocket, and he would find the book; but that he had before this time, for the reaſon which he had mentioned, aſked the loan of it from me. He further tells you, that when he firſt ſpoke of that book to me, I ſaid, I thought it had a tendency to miſlead the people; that he was ſurpriſed I did not recommend it, becauſe every body elſe ſpoke well of it, and that I did not approve of it.

This

This is Mr. Freeland's depofition as to what paffed between him and me, when he received Mr. Paine's Works. But his teftimony goes farther, and corroborates that in which all the witneffes are unanimous, concerning what paffed in the fociety when that book was mentioned; of its being fuggefted by one Boyd, to purchafe it; but that I fhook my head, and faid it was foreign to the purpofe.

Gentlemen, This is the moft material evidence which the Profecutor has been able to produce. A wide field is now before us, and that I may deviate as little as poffible from precifion, I fhall arrange what I have to fay, under diftinct heads.

In the *firft* place, the indictment charges me of feloniouffly and wickedly circulating and diftributing this book, in order to inflame the minds of men againft the Conftitution. You are the judges of the law and of the fact. Your decifion will not feparate them from each other, but combine them both together. It is neceffary for me to inform you, that, without a criminal intention, there can be no crime; and has not the indictment itfelf fet forth, that I did not circulate thefe books merely, but that the circulation proceeded from fuch intention. Now, I afk you to lay your hands upon your breafts, and to fay, where, in the circumftances of this cafe, is the fhadow of felonious defign. The Works of Mr. Paine had been publifhed and fold every where. The papers of the day teemed with fucceffive advertifements, announcing where they were to be procured. What excited this curiofity in the public mind, without uttering a fingle fyllable upon the intrinfic merit or demerit of thefe works, is eafy to tell. The fituation of France roufed the attention of Europe. To that country every eye was turned, and every man who could wield a pen, was employed in difcuffing the principles which the Revolution had brought forward. Mr. Burke entered the field of controverfy. The name of that gentleman would give fale and diffufion to any production. Mr. Burke fought upon one fide of the queftion. He was encountered upon the oppofite by Thomas Paine. Both of them champions of approved vigour, and of undoubted prowefs. —Could public curiofity not be awakened to the conten-

tion of ſuch men? It was ſo moſt completely: and, the Works of Mr. Burke and of Thomas Paine, flew with a rapidity to every corner of the land, hitherto unexampled in the hiſtory of political ſcience. Is there a ſingle man among you, who has not read the Works either of Paine or of Burke? Is there a perſon upon the bench, upon the Jury, or in this audience, who has either not purchaſed or lent the Treatiſe upon the Rights of Man! Now, if one of you lent to a friend or relation, who might participate in the common curioſity, a ſingle pamphlet of Mr. Paine's, you are as guilty as I am; but why ſhould I uſe the term guilty? NONE of us are guilty in lending that book, becauſe we harboured no evil deſign.

If there had been a public law of the Kingdom condemning that book, the preſumption of ignorance, could not be admitted by its rigid rule. And the mere act of giving away a ſingle copy, would have been conſidered as a violation of its letter. But, at the period when I lent Mr. Freeland Paine's Works, was the ſentence of reprobation thundered againſt them? No—I then was guilty of offending no exiſting Law. I was not certified of my danger. I was not put upon my guard. Was there a judgment of any court in England or in Scotland againſt this book at that time? No—Then I had no cauſe for alarm; but ſome months before, a proclamation againſt ſeditious writings had been iſſued. A proclamation, gentlemen, is not law. It can declare and it can enforce what the law has already enacted, but it has no legiſlative authority. But was there any mention of Mr. Paine's Works in that proclamation? None.—What were the conſequences of this proclamation? You know them well.—If there had been a demand before for political books, that demand increaſed in a tenfold proportion. Concerning the particular books to which the proclamation might be ſuppoſed to allude, curioſity was more highly excited, and converſation became more keenly intereſted. Now, mark the circumſtances, in which Mr. Freeland applied to me for the loan of that book. Here, take notice of his expreſs words, "that having heard a proclamation of the King was uſed againſt it, he was, upon that account, curious to

ſee

ſee it, and firſt ſpoke of it to Mr. Muir." Now I aſk you if any thing like felonious intention in Freeland can be diſcovered, in applying for it to me; a proclamation had been iſſued againſt ſeditious books, and a natural curioſity was excited in him to ſee what theſe books were, which he had heard reported to be ſeditious; a curioſity which, at the time, was common to all. I aſk, if you could ſuppoſe there was a felonious intention in my lending it? Did I introduce the converſation by ſpeaking of it. Did I adviſe him to read it, to adopt its principles, and to contribute his exertions to carry them into practice? No.—He expreſsly tells you, that I did not approve of the book; that I ſaid it had a tendency to miſlead the people, at which he was ſurpriſed, as it was otherwiſe approved by all. To what then reduces itſelf this mighty crime of ſedition for which I ſtand here? To gratify the natural curioſity for a perſon who tells you, he lives in my neighbourhood, and is a diſtant relation; I lent a book, which was in univerſal circulation, unnoticed by Courts of Juſtice, uncondemned by law.

If you have come here this day with an intention to bring me in guilty, whether right or wrong, ſay ſo boldly, openly, and let me add, honeſtly. Reſort not to wretched pretexts and expedients to juſtify a ſtretch of power. Theſe pretexts are ſoon ſeen through by the penetrating eye of mankind, and to the guilt attending the determination, will be added the contempt which the pretext will juſtify.

Gentlemen, in the *ſecond* place, I would direct your attention to what Mr. Paine's writings are, and to the particular manner in which they are preſented in accuſation, in my trial. I will allow that any writing which calls upon the people to riſe in arms, to reſiſt the law, and to ſubvert the conſtitution is ſomething worſe than ſeditious, that it is treaſonable, but do the writings of Mr. Paine ſtand in that predicament? Can you point me out a ſingle ſentence where he provokes inſurrection? Mr. Paine's writings are indiſputably of a ſpeculative nature. He inveſtigates the firſt principles of ſociety; he compares different forms of government together; and where he gives the preference, he aſſigns his reaſons for ſo doing.

I have

I have neither time, nor inclination to entertain you by dissertations upon the Liberty of the Press. If that liberty is sickly, the Constitution is likewise diseased. If that liberty is extinguished, the constitution expires. You will ask, What is the precise notion which I affix to the term Liberty of the Press? I will tell you honestly, and without disguise.—By the Liberty of the Press, I mean not the power of assassinating the reputation, of torturing the feelings of individuals. No crime in my estimation can be more heinous.—By the Liberty of the Press, I mean not the power of degrading, and of contaminating the public mind by corruption of public morals.—By the Liberty of the Press, I understand not the power of inflaming the minds of men against the constitution, of stimulating the people to insurrection, and of tearing down the barriers of public property, and of public security. Where government is established, that government must be respected. And the truest republic, which ever yet existed, never could tolerate the internal foe, who, within its own precincts, founded the charge to civil war.—By the Freedom of the Press, I understand the inalienable right of publishing truth; of presenting to the world, whatever may tend to public good, and may not hurt the feelings of individuals, morals, nor established laws.

Constitutions of government are the workmanship of men; that constitution is the most perfect, which can be most easily amended. There are constitutions, which, step by step, without convulsion, and without blood, have advanced to superior degrees of perfection; which, by their own internal energy, have effected their own reformation, and avoided the calamities of a revolution. These progressive constitutions, if I may use the expression, must always cherish and support the liberty of the press, as the chief instrument of their preservation. Look back, I beseech you, to the ancient system in France. To you the observation may be singular, but I am confident in my own mind it is just. If, while the vestiges of their ancient constitution still remained, while the remembrance of the States General was not yet forgotten, the freedom of the press had not been annihilated, their constitution would have become progressive;

greſſive; its reformation would gradually have been operated, and by the exertions of good men and of patriotic writers, all the calamities which we now deplore in the revolution would have been averted. How grateful ſhould we be to eternal providence, that our Conſtitution poſſeſſes in itſelf the power of amendment, that, without a revolution, it can rectify its abuſes; and that, ſilently and without diſorder, it can advance towards that chaſtened liberty, which conſtitutes human felicity. You have read the hiſtory of the Britiſh Conſtitution; and what is it but the hiſtory of a continual progreſs? You will next aſk what has been the impelling cauſe of this progreſs? I anſwer, the right of the univerſal diffuſion of information, by means of the Liberty of the Preſs. If you deſtroy that liberty, you accompliſh one of two things.—The people will be buried in ignorance; the iron throne of deſpotiſm will be erected, and the ſilent ----I cannot, will not contemplate the picture. If you deſtroy the Liberty of the Preſs, you may perchance do ſomething elſe, which is horrible to think upon. This high ſpirited and generous people will not ſoon forget their loſt rights. You have removed what led to progreſſive perfection. Evil will proceed to evil. What originated ſolely from corrupted men, will be imputed to the conſtitution itſelf. By undermining its beſt prop, its moſt ſolid and maſſy pillar, I repeat it, and never ſhall ceaſe to repeat it, the liberty of the Preſs, you expoſe this holy fabric to a blow, which will ſhake it from its foundations. Let us then apply this argument to the caſe of Mr. Paine. This work is merely of a ſpeculative nature, upon the principles of government. If Mr. Paine's Work is inconſiſtent with the Britiſh Conſtitution, what is the conſequence? If the book is written with ingenuity, it will acquire readers. No man in his ſound ſenſes, the keeneſt advocate for a Parliamentary Reform, but will avert his eyes, bathed in tears, and in horror of ſoul, from a revolution. He will compare the principles of Mr. Paine with the Conſtitution. If Mr. Paine has pointed out any thing defective in the Conſtitution, he will contribute his humble efforts to have that defect repaired. If, upon the other hand, he ſhall imagine, that Mr. Paine has taken an erroneous view of this edifice,

has

has misrepresented its properties, he will become more and more sensible, from his inquiry, of the security which he enjoys under its protecting roof. The sense of danger will be removed, and his mind, undisturbed by gloomy apprehensions, will enjoy tranquility. O! how little do ye deem the British Constitution, who think that it is built upon the sand, which when the rain descendeth, and the floods cometh, and the winds blow, and beat upon it, that it shall fall. No—when the rains descend, when the floods come, when the winds blow, it shall not fall, for it is founded upon a rock: I then maintain, although not in accents sweet to the ear of corruption, grateful to courtly pride, nor acceptable to ill-got power, that those speculative writers, who investigate the principles of our Constitution, who compare that Constitution with those of other countries, perform a meritorious service to this nation: these writers either impel us to rectify that which is wrong, or more strongly confirm us in our love and in our attachment to that which is right. Let Mr. Paine then be considered as the bitterest enemy to our Constitution, yet as long as he confines himself to speculation, we should be grateful. Our best interests are involved in the Constitution, and like those still of a higher class, superior to time, and which extend to eternity, are too apt to be forgotten, and to make little impression. If Mr. Paine then has called our attention to the Constitution, he has performed to us an essential service, he has led us to contemplate all its perfection, and roused us from our lethargy to rectify wherever, by time and by corruption, it may have suffered decay.

Shall the lending of a single copy of the works of this writer be held criminal? When was there ever such a violation of the rights of Britons? Mr. Paine has composed no model of a perfect commonwealth, as Mr. Hume has done; yet, the political works of Mr. Hume, you have all read, and you have all applauded. If you condemn a man for lending Mr. Paine's Works, you do what even was not attempted to be done in the reign of Henry the VIII, when the Constitution lay expiring on the rack of despotism, making exertions, which only could discover remaining life, but at the same time the privation of strength.

Along

Along with equality of political rights, has Mr. Paine preached equality of property? a chimera which may enter into the brains of thofe, who may dream of a golden age, but who know not human nature. Yet, under that arbitrary reign, did not Sir Thomas More, enjoying the confidence of the King, and placed at the head of the law, publifh his Utopia, the plan of his republic, of which an equal divifion of property, an Agrarian law, an univerfal community, formed the bafis. In this enlightened age, when, after fo many fiery trials, our conftitution, in its pure and genuine principles, ftands unveiled to our view, will you condemn a man for lending a work, equally fpeculative, and if fuch a thing exifted, as a well founded panic againft levellers, infinitely more dangerous.

I fhould be the laft man to propofe to your imitation, the conduct of defpots; but I call upon you to ponder well the words of a man, who rendered the terms republic and pure and undefined defpotifm the fame; Cromwell. Under his protectorfhip, when Harrington publifhed his Oceana; informers denounced the work. "My caufe is too ftrong," faid Cromwell, "to be hurt by paper fhot;" and if you fay that, by any publication, the Britifh conftitution can be injured, you yourfelves are guilty of the crime of libelling its ftrength.

To conclude upon this head, I maintain, that to fuppref works purely fpeculative, provoking not the people to difobedience to the laws, nor to rebellion, however much thefe works may differ from the conftitution, is to deftroy the Liberty of the Pref, to trample upon the beft and the fureft bulwark, which defends the approaches to that refpected building. If, to lend the Works of Thomas Paine to-day be fedition, to lend a tranflation of the republic of Plato to-morrow will be treafon. Gentlemen, the Works of Mr. Paine are lying before me. I could read to you many paffages to prove, that they are merely of a fpeculative nature. You are exhaufted; equally fo am I. And yet, we have fome length of field before we conlude to travel over. For thefe paffages I refer you to the celebrated fpeech of Mr. Erfkine; one of the beft friends the conftitution ever knew, although of that reprobated caft, the Friends of the People. Gentlemen, I

 trust

truſt that you will now be perſuaded, that neither the publiſhing nor the lending of a ſpeculative political book is ſedition. But I now call your attention to another circumſtance, the manner in which criminality is attached to that book and to myſelf. Various detached paſſages are quoted from it in the indictment. They are called wicked, inflammatory and ſeditious. In the ſacred name of juſtice, will you condemn any book for detached paſſages, ſeparated from the whole connection, cut off from reciprocal explanation, and from which neither its general tenor nor ſcope can be diſcovered. If you do this, where is the book in which you cannot diſcover ſedition, by diſſecting its ſeparate ſentences and paragraphs. For my part, if you proceed on in this manner, I do not know a more dangerous collection than the books of holy inſpiration. Separate verſe from verſe, and then combine them, according to your pleaſure, and you may make the Bible one of the moſt ſeditious and treaſonable books which ever was written. But you are neither to condemn that book, nor me, for thoſe detached paſſages exhibited in the indictment. You muſt carry along with you the whole works of Mr. Paine, you muſt ſcrutinize line by line, and you muſt pronounce upon the general context. If you find it provoking the people to reſiſtance, calling them forth to arms, to ſubvert the conſtitution; then, no doubt, it is ſeditious. But, if you find the author indulging himſelf in nothing but philoſophical and political ſpeculation, however much your principles and his may differ, you cannot condemn him for compoſing it, or me, after it was compoſed and publiſhed, for lending it to a relation.

If you condemn books for being ſeditious, upon account of paſſages culled from this page and from that page, and artfully combined together, you have it in your power to award a proſcription againſt books and univerſal literature. As I have already mentioned, there is not a ſingle book, in which, by diſſecting it in this manner, ſentence by ſentence, and paſſage by paſſage, you may not diſcover immorality, blaſphemy, and treaſon. Indeed, if the ſad objects of reflection which preſent themſelves to my mind, when I contemplate the ſtate of my country, could permit me to indulge

dulge in a vein of ridicule, I would advise you at once to lay the axe to the root of the tree, and to bring an indictment against the alphabet itself, as it is the source of the evil you dread, as its parts form the component elements of sentences and of paragraphs, which may contain the most dangerous sedition, and the most horrible treason. But this is not an hour to indulge the sport of humour.

I will admit, that the passages from Mr. Paine and the books exhibited in the indictment may be highly criminal, but will any person venture to say, that I lent these books, for containing such passages, that I particularly pointed them out, and gave them my warmest approbation? If the Prosecutor has a right to presume, that it was upon account of these passages I lent these writings, I too have a right to draw a contrary presumption in my favour. If there are sentiments in the Works of Mr. Paine, (and many such there are) fraught with universal benevolence, inculcating universal amity and brotherhood, and of a tendency to dispel those passions and those prejudices, which animate and impel nation against nation into the field of blood and of carnage, I am entitled to plead upon these passages: I have a right to say, that it was the antidote and not the poison I recommended; And you must know, that the law of this country obliges you, where opposing presumptions are of equal strength, to let the balance preponderate on the side of mercy.

Gentlemen, I shall conclude upon the subject of Mr. Paine's Works by observing, That all the witnesses have uniformly sworn, that I refused to recommend them; that when the matter was proposed, I said, the principles contained in them might mislead the people, as they were foreign to the object of the society, and might misguide weak minds. There is not a witness adduced by the Prosecutor, who says the contrary of this; and will you agree in opinion, that the charge in my indictment of circulating and recommending these books, has the slightest shadow of support? I will tell you the reason why I did not recommend Mr. Paine's books to the societies in Scotland, and why I declared them foreign to their purpose.—Mr. Paine is a republican, and the spirit of republicanism breathes through

all his writings. This is his darling ſyſtem. The object of theſe ſocieties was, by conſtitutional means, to procure a reformation in the conſtitution, and not a revolution, which implied its deſtruction: to have their long loſt rights reſtored, but not the aſſumption of new rights derived from a different ſyſtem. The people of Scotland were rapidly advancing to a true ſenſe of their conſtitutional liberties: They demanded an application to them of the conſtitution, in its genuine principles, in which they beheld their ſecurity confirmed, and their happineſs eſtabliſhed. That they might advance with more ardour in this cauſe, it was neceſſary that they ſhould know the conſtitution; what it had been in its vigour, and what it now is in its decay, in conſequence of the corruption of men and of ages. What did I do to effectuate this legal and peaceable object? I did not preſent to them the ſplendid fabrics of ancient or of modern republics; I wiſhed them to keep their eyes confined at home, to repair their own manſion rather than pull it down, and expoſe themſelves to the inconveniencies and to the dangers of building upon new plans, the advantages or diſadvantages of which could be only known by the uncertain experience of future ages. All the witneſſes who ſpeak of my conduct in the ſocieties tell you, that I recommended none but conſtitutional meaſures; and that the only book which I recommended to them was Henry's Hiſtory of England, as the beſt calculated, by its accuracy and plainneſs, to give them inſight into the nature and progreſs of their conſtitution.

If, in my library, in converſation upon the ſubject of government, the plans adopted by different political writers had been diſcuſſed, doubtleſs, I might have given opinions different from thoſe which I conſidered it my duty to advance when acting under an eſtabliſhed conſtitution, and employed in thoſe meaſures, which it pointed out, to effectuate a redreſs of grievances. When Mr. Hume publiſhed his Eſſay upon a Perfect Commonwealth, did not he, as ſtrongly as he poſſibly could, declare that he thought this model preferable to the Britiſh conſtitution, even in its pureſt and beſt principles? But ſuppoſing Mr. Hume to have been a member of the Society of the Friends of the People, what would

would have been his conduct in it? Would he have said to men who were assembled to renovate constitutional rights only, You must give up the constitution entirely; it is defective and imperfect when compared to the offspring of my fancy; it is this last which you must adopt, and reject the former. But Mr. Hume would have held forth no such language; he would have said to them, 'The grievances of which you complain can be redressed by the energy of our own constitution; the redress of these grievances is the only object of your association. If then reformation is your object, and not revolution, however much you may approve of my speculative system, it must not operate upon you for a moment in practice.'

It was upon this principle that I refused to recommend the Works of Mr. Paine; that I said, that they were foreign to the purpose, and might mislead weak minds. But was it ever before held criminal in an author, to publish what speculative systems of government he pleased, provided he confined himself in the retirement of speculation, and did not advance forth to the field of action? Was it a crime of Plato, under the Athenian republic, to compose his beautiful system, of one more perfect? Was it high treason in Cicero, under the Roman Commonwealth, to write those applauded works, which have been lost in the darkness of the Gothic night, and of which, a few fragments could be found only, when the morning of letters began to dawn upon Europe? Was Sir Thomas More led forth to the scaffold for composing his Utopia, Harrington proscribed for his Oceana, or Hume exiled for his Commonwealth? These authors indulged themselves in a liberty, which, if we now are to be deprived of, we must be left hopeless, and in despair, as the attempt at amendment and reformation will be for ever precluded.

Upon the principle which I have explained, I should have thought it equally, if not more dangerous and inexpedient, to have recommended in a Society of the Friends of the People, Plato's Republic, or Hume's Commonwealth. Inexpedient! because these writings might have had a tendency to lead these societies from their constitutional object; dangerous! because, if presented to weak understandings, and

and to fervid imaginations, they might have influenced them to depart from thofe ends, which, by calmnefs, perfeverance, and legal meafures, they were fure at laft to accomplifh, in purfuit of chimeras, brilliant but delufive, always feemingly approaching, but always in reality flying farther away.

Gentlemen, I conclude my obfervations upon the fubject of Mr. Paine's Works. You will remember it was only a fingle copy which I lent; the circumftances attending it, which, admitting the book to be as feditious and as treafonable as can be imagined, precluded the idea of a felonious circulation. You are the firft Jury in Scotland, before whom Mr. Paine was either directly or indirectly brought; I truft, that you will act in fuch a manner as to do honour to yourfelves, in doing juftice to him and to me; that you will not attempt to annihilate political fcience, by condemning a work in its nature purely fpeculative; that, in this country where our chief glory has arifen from literature, you will not limit her refearches, but indulge her in her unbounded flight, into every region where the materials of human happinefs and human improvement can be collected. Above all I entreat you, that you would not fet the dangerous precedent of condemning a book, for fentences detached from the whole, when you do not confider the general tenor and fcope. I tell you that if you do not carry away this book from your table to your chamber, read every line, and compare the whole in connection, you do me moft flagrant injuftice. *Finally*, I muft tell you, that you are not bound by what any Jury has done in England—you are bound by the Law of Scotland; and this is the firft trial of the kind which ever occurred here:---Even the decifions in England have loft the refpect due to them, although they were to be held out as precedents. We have feen Juries one day condemning the author and the publifhers, and upon the fucceeding day we have heard other Juries pronounce a verdict of acquittal.

The next witnefs is Anne Fifher, a late fervant in my father's houfe. Her evidence comes forward to you with peculiar diftinction; carefled by the Profecutor, and complimented by the Court;—her wonderful accuracy extolled, and her abilities admired. I will foon fhew you, Gentlemen,

tlemen, that ſhe has but few pretenſions to that accuracy, of which the Lord Advocate ſpoke in ſuch terms ;—that her memory poſſeſſes a ſingular quality, retentive to whatever may militate againſt me, but heſitating and confuſed to whatever may ſeem in my favour What this domeſtic and well inſtructed ſpy has given in evidence againſt me, fills my mind with little concern ; on the contrary it affords me much ſatisfaction to find that when I was ſurrounded in the place where I expected moſt ſecurity,--- where all ſuſpicion was lulled aſleep, my conduct was ſo guarded.——What do I ſay?—Guarded ! Innocence has no need to be on the watch.

My conduct has been ſuch, as even malice itſelf cannot condemn. But before I proceed to read her evidence from my notes, let me ſolemnly caution you againſt the dangerous precedent of giving credibility to witneſſes of this kind, under accuſations of this nature. The crime of ſedition, if you attend to its eſſence, never can be committed within the walls of a private houſe. It ſuppoſes the highest publicity, the convocation of many. But if power ſhall ſay, that words ſpoken in an unguarded moment within the ſacred walls of a family, amount to this crime, What will follow? Not *thoſe* with whom you may have acted in your political life, and who, with the impreſſion of the oath of God upon them, can beſt tell the truth ; not *thoſe* whom you may have admitted to your friendſhip, and to your confidence, and who beſt know the ſecrets of your ſoul ; but the meaneſt of your domeſtics, who could hardly approach your preſence even in their menial duties, who, (if the expreſſion may be uſed) to the members of a family are almoſt unknown ;—Theſe ! Theſe ! The meaneſt and the loweſt—will be brought forward to ſwear away your property, your reputation, and your life : And ſuch is this witneſs, who is adduced againſt me with ſuch parade.- O ! Beware how ye ſanctify the ſhameful proceeding. It is not me you wound alone, but you deſtroy the confidence which ſubſiſts between man and man ; you lead, by your own hands, to the fire-ſides of your children and your deareſt relations, the fiends of ſuſpicion and of danger ; and ye forever

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put an end to that reciprocity of communication, which enlivens and endears domeſtic ſociety.

Now let us hear what this witneſs has to ſay? I will read you from my notes, her evidence. If I have erred in taking it down, you will pleaſe correct me.

[*Here Mr. Muir read from his notes, the evidence of Anne Fiſher.*]

The teſtimony of this witneſs ſeems to relate to two of the principal charges in the indictment; the firſt, to my having made ſpeeches in public ſocieties, vilifying the King and conſtitution. The ſecond, to my having diſtributed and recommended ſeditious books, *viz.* Mr. Paine, the Patriot, the Paiſley Declaration, and the Dialogue between the Governors and the Governed. Under theſe two different articles, let us examine the teſtimony of this witneſs. *Firſt*, To my making ſeditious ſpeeches; *Secondly*, To my circulating ſeditious books.

Every thing which the Proſecutor could adduce againſt me, he has told you that he would adduce under the *generality* of the term Sedition, even although it ſhould not be ſpecified in the libel. The Court likewiſe has permitted him ſo to do; and in the caſe of this witneſs, you can ſee an exemplary illuſtration of this right, if it can be ſo called. Accuſed of making ſeditious harangues in public, this wretched girl is adduced to ſwear to what ſhe ſays, ſhe may have heard in private, when inſtructed to take her watch, ſhe ſtood and marked to deſtruction thoſe who fed her.

And what is the dreadful language ſhe has heard me uſe in my unguarded moments. I will repeat all that ſhe ſays, I will recall to your remembrance her expreſs words, and upon them I will make no comment. "That if every body "had a vote, I would be made member for Calder;—that "members of Parliament would have thirty or forty ſhillings "a-day, and that, in that caſe, there would be none but ho-"neſt men to keep the conſtitution clear." You remember how the Public Proſecutor enlarged and expatiated upon theſe words of this witneſs. Now, after labouring ſo long in vain, he fancied, he had got ſomething againſt me. I ſmiled at the indecency of his exultation; but next moment I bluſhed when I reflected he was a lawyer, and

and chief Council in Scotland for the Crown. Here said the Prosecutor, " you see the cloven foot.—You see French principles manifested. Here you discover the whole tincture of his soul. Members of Parliament to have thirty or forty shillings a-day for their attendance--to be honest men and, to keep the constitution clear ! Is not this evidence, that he means to introduce in place of our House of Commons a National Convention, on French principles, and according to French forms "

Sorry am I to record the ignorance of this Lord Advocate of Scotland. Is there a man who has hardly opened the volume of the history of our constitution, who does not know, that until a very late period indeed, when corruption glided in, and tainted and poisoned the whole, members of Parliament received their wages from the hands of the people alone: O ! how I speak it with joy when I view the past ; with sorrow, when I contemplate the present; they would have scorned to have received the price of their attendance from any other hands, than from the hands of the people. Then the constitution possessed all its energies. Then toward the constitution in the strength of age, but with the bloom of youth. The people delegated none, but men whose virtues they knew, and none but men who possessed public virtues could be found to undertake the important mission. Look back I entreat you to all the great and good men whom English History records. Turn your eyes to the Hampdens, to the Sidneys, to the Marville's of former times ; to those men whom———-but I stop ; they received their wages directly from the people. Let the Lord Advocate pronounce their eulogium by his invective. If what I have said be sedition, when overheard by that spy Fisher, I shall next moment render myself infinitely more criminal ; for I declare to you, that we never can expect a virtuous House of Commons a *Constitutional* House of Commons, a House of Commons, such as it once was, connected with no other interest than the interest of the people ; until such time as its members shall receive a compensation for their attendance from the people and from no other quarter, be entitled to no other reward than the approbation of their own minds, and the applauses of

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their fellow-citizens, of whofe rights, and of whofe liberties, they have been the undaunted, uncorrupted defenders.

Fifher proceeds to ftate, that fhe has heard me fay, That France was the moft flourifhing nation in the world, as they had abolifhed tyranny, and got a free government; And that, further, fhe has heard me fay, that the Conftitution of this country was very good; but that many abufes had crept in, which required a thorough Reform.

Gentlemen, even in my moft unguarded hours, this domeftic fpy cannot, by her evidence, fupport a tittle of the indictment, where it charges me with vilifying the King and Conftitution.

Of her idle ftory of what I faid concerning Courts of Juftice, that they need a reform, and that this Court in particular got their money for nothing, but pronouncing fentence of death upon poor creatures; and that their parade in coming into Glafgow was ufelefs, I difdain to take notice. Only, you will difcover her exquifite art. This day, I am tried before this very Court, and fhe fuppofes, that, by inventing and throwing in a circumftance of this kind, in order to irritate the judges againft me, fhe will more completely execute the wretched job fhe has undertaken to perform. Were there not more fervants in the houfe, who had infinitely better opportunities to hear my converfation; and muft fhe, the loweft of them all, with whom fhe cannot pretend I had ever two minutes converfation, be fingled out, and pitched upon for this drudgery?

This witnefs depones, that fhe heard me fay, a republican form of government was the beft, but a monarchical form of government, under proper reftrictions, would be the beft in this country. With all her art, and with all her memory, fhe cannot depone to a fingle circumftance which can ftrike againft me. Even from her own account of my private converfation, it appears, that when I fpoke of republican forms of government, it was purely in the abftract, without any allufion to this country, without expreffing any wifh to fee any particular mode of them introduced; and that when I fpoke of this country, I never deviated from the conftitution, but faid that a limited monarchy, under reftrictions, was the beft adapted to its intereft.

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The next article of ſedition to which ſhe depones, is of the moſt extraordinary kind, that I had ſent her to employ an organiſt on the ſtreets of Glaſgow, to play the French tune of *Ca Ira*. What! was a tune, unintelligible to the multitude, to light up the flames of civil diſcord, and to be the forerunner of the revolution? Have you read the words of that popular ſong? Could you diſcover a ſingle alluſion in them to the ſtate of England? But ſuppoſing you did, there is a preſumption from your ſtation in life, that you are acquainted with the French language; but is it ſo with the multitude of our weavers in that quarter of the country? Britain has always cheriſhed freedom, and ſhall it be deemed criminal in me to liſten to the effuſions of joy, poured out by a neighbouring people, on obtaining that firſt of human bleſſings, which always conſtituted our peculiar diſtinction? But I know it well. The word *Freedom* is ſoon to be proſcribed from our language; it carries alarm and ſedition in the ſound. If I had cauſed to be recited one of thoſe noble choruſes of the Grecian drama, in which, with the enthuſiaſm of liberty, the glories of the Republics of Athens or of Sparta were diſplayed, in language more than mortal, my offence would have been deemed the ſame with that of amuſing myſelf, by hearing the national ſong of France. If it had been poſſible for me to have cauſed to be ſung, upon the Streets of Glaſgow, one of the Pſalms of the Hebrews, in the original language, in which the triumphs of the people and the deſtruction of tyrants are recorded in a ſtrain of the higheſt poetical inſpiration, the criminality would have been the ſame with that of liſtening to *ca ira*.

Let me abandon the ſubject. My political career has neither been obſcure nor inglorious. It has undergone the ſevereſt ſcrutiny which ever fell to the lot of man; and after every engine has been employed, after heaven and earth have been moved, the tremendous charge of ſedition is to be ſupported by the teſtimonies of domeſtic ſpies, ſwearing, not to my ſerious occupation, but to the amuſement of an idle hour, in liſtening to a foreign tune.

Let us next attend to the evidence of Fiſher, as far as it relates to ſeditious publications. She ſwears that I uſed

to recommend to a great many country people who came to my father's ſhop to purchaſe and to read the works of Mr. Paine, as they compoſed a very good book. How can you believe the general averment? In the number of country people, ſhe can only ſpecify one; John Barclay, and when you come to his evidence, you will ſee that he gives her the flatteſt contradiction. She depones, that ſhe has bought, at two different times, for my uncle Alexander Muir, at my deſire, a copy of the firſt part, and a copy of the ſecond part of the Rights of Man. Can you ſuppoſe, that if my intentions had been felonious, I would have introduced ſuch writings into my own family? Can you imagine that I could have wiſhed to involve, in the conflagration of my country, my neareſt relations to whoſe property I may eventually ſucceed? Why is not Alexander Muir brought forward as a witneſs? Certain it is, that he was cloſely interrogated, before the inquiſition held by Mr. Sheriff Honeyman. But the Lord Advocate ſays, that his feelings would not permit him to examine the uncle againſt the nephew. Wonderful humanity! Goodneſs ever to be remembered and extolled! But did not you, Sir, adviſe and direct the whole proceedings againſt me; and will you have the effrontery to maintain that Alexander Muir was not dragged like a felon from his own home, by the myrmidons of power, carried before your friend Honeyman, and that every art was employed to wring from him every domeſtic ſecret?

Speak then to us of your humanity—continue to ſpeak to us of your feelings!

Fiſher next depones, that I much preſſed John Muir to purchaſe Paine's works, that he was prevailed upon, and that ſhe was ſent accordingly to purchaſe them. Now you will hear the evidence of this man, immediately in expreſs contradiction to this witneſs. She next tells you, that I adviſed another domeſtic, Wilſon my hair dreſſer, to purchaſe Paine's works and keep them in his ſhop, in order to enlighten the people, and you will hear Wilſon immediately expreſs himſelf far otherwiſe. She ſpeaks of carrying ſome paper, which ſhe thinks was a Declaration of Rights, to a Printing Office to be corrected. Every thing in her evidence is made to tally with the indictment; I am accuſed

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of circulating a paper, entitled a Declaration of Rights by the Friends of Reform in Paifley. And this refpectable perfonage! fo highly complimented by the Court, muft likewife fwear fomething concerning this. Yet her tenacious memory utterly fails her. She thinks fhe can only remember what the title was, but nothing more. She knows nothing of the fubftance of the writing, but her evidence is to give a colour to the allegation of my having circulated that paper from Paifley; and to furnifh ground for infinuating, that—I myfelf was the author of it.

Gentlemen, the witnefs next fwears to a fact which muft rouife, as having domeftics yourfelves, your keeneft indignation. Vigilant has this family fpy been in the courfe of her duty. She tells you what books fhe has feen lying upon my table. Not contented with defcribing the title of the books, fhe muft go more deeply; and fhe informs you that fhe faw, in my houfe, a copy of Paine's writings upon *fine paper*, and one or two copies upon *coarfe!* Gentlemen, from this moment, lock up your libraries. If they are extenfive, as you have heard mine is, there is no crime in the whole catalogue, of which, by the teftimony of your own fervants, you may not be found guilty. The poffeffion of Plato, of Harrington, or of Hume, will mark you down for republicans. The misfortune of having the Alcoran of Mahomet, will caufe the fhipwreck of your faith, and ftigmatize you as the difciples of the conqueror of Mecca. Well do I congratulate the Lord Advocate of Scotland.—He has difcovered a new region in the fphere of criminality.—He will not merely confine himfelf to a voyage of difcovery; But, along with his affociates, he will make many voyages to this fertile land, and return home, loaded with many valuable cargoes. But feriofnefs becomes this place. Can it be believed, that in the clofe of the eighteenth century, that this night the fervants of a man fhould be examined concerning what particular books he may have had in his houfe; and that the proof of the poffeffion of particular books may ruin his reputation; fweep away his property; and deprive him of his life!

Let us proceed with this witnefs. If you poffefs the common feelings of men, every fentiment of indignation

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muſt be excited, not againſt her---ſhe is to be pitied---her taſk has been a dreadful one ;---but againſt the manner in which the crime of ſedition has been attempted to be proved.

The libel charges me with feloniouſly circulating a Dialogue betwixt the Governors and the Governed, extracted from the ruins of Volney. This dialogue is narrated in the indictment, and it is charged to be felonious and ſeditious. There is not a word in this dialogue which is not true. Alas! in colours but too faithful, it delineates the mournful hiſtory of ſix thouſand years ;---the crimes of deſpots, and the artifices of impoſtors, to ſubjugate, and to blind the people. It is purely abſtracted. It is entirely ſpeculative. To no particular nation, much leſs to England, does it allude ; if to any, it muſt be to France, under the ancient ſyſtem. Yet, this dialogue is libelled as ſeditious and inflammatory. The truth is, the crime of ſedition *muſt* be brought home againſt me ; and the poſſeſſion of any book, as well as that of Volney, muſt be employed to ſubſtantiate it. Let us hear what the witneſs ſays concerning the felonious circulation. She heard me read it in the preſence of my mother, ſiſter, and ſome other people ; that I ſaid it was very clever, and done by *Velnew*, one of the firſt wits in France. Who were thoſe other people who were in company with my mother and ſiſter when I read it ? Her accuracy, ſo much extolled by the Court, totally fails her. But the propagation of ſedition muſt not be confined to a mother and a ſiſter ; it muſt have a wider range ;—*other people preſent !* and founding upon his beloved *generality*, the proſecutor has reaſon to argue, there might have been a full company, a numerous meeting—nay,—an immenſe congregation.

You have heard the teſtimony of Fither, and theſe are the arts ; and of this claſs are the witneſſes by which I am to fall. By receiving ſuch teſtimony, you forever deſtroy domeſtic ſociety ; you blaſt the bloſſoms of family confidence ; you tender ALL ſuſpicious of ALL ; each relation, to behold in each, a deadly foe.—And is it not ſufficient to weep over public calamities, that wide-ſpreading deſolation which, *at preſent*, paſſes over the nations ; but when we retire to our own homes, we muſt be obliged to confine ourſelves in a diſ-

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mal ſolitude, guarded by ſuſpicion and by danger, where no kindred affections can enter, and where no reciprocal conſolation can be admitted.

I haſten over the evidence of the remaining witneſſes againſt me. I am overcome by the exertions of this day; and you muſt be greatly exhauſted.

The next is the evidence of Thomas Wilſon, my hairdreſſer, and he is brought to bring up the rear of Fiſher's teſtimony. He depones, That I aſked him if he had bought Paine's Works, and that I adviſed him to get a copy of them, as a barber's ſhop was a good place to read in. Does this confirm the teſtimony of Fiſher, who ſays, I deſired him to buy that Work, and to keep it in his ſhop, in order to enlighten the people. Mark the art of Fiſher. How ſtrongly ſhe paints what might ſeem to ſtrike againſt me.---*To enlighten the people!* But does Wilſon concur in this? No.---Wilſon!---the perſon who ſhould have beſt remembered---the perſon to whom the words were addreſſed.

Wilſon tells you, that he bought a copy of the Addreſs to the Addreſſers; but that was not by my advice. He even recollects the *levity* of converſation. An old man, from the country, came in while he was dreſſing me; he remembers me ſaying, that this old man was a great reformer. If I ever ſaid ſo, I wiſh it may not have been in jeſt, but in earneſt; and that the fact, with regard to the man, was true. For I know of none who ſhould be greater reformers, of themſelves and of others, than thoſe who are ſtanding on the brink of the grave, and panting upon eternity. But I am afraid that this witneſs remembers only a piece of unmeaning gaiety. For he adds, the old man ſaid I was only *taunting him.*

The concluſion of the evidence of Wilſon, affords me high conſolation. It is a proof of the innocency of my private life, in moments when I could not poſſibly think of the affectation of integrity. He ſwears, that he has always heard me ſay, that I would maintain the Conſtitution; and that I wiſhed for peace, and good order, and good morals among the people; and that he never heard me ſpeak againſt the King.

The next teſtimony is that of John Muir. He tells you that he had a converſation with me in September laſt, about Paine's

Paine's book, in my father's houſe; that he aſked the loan of it from me; that I told him I had it not. Does this reſemble the conduct of a man accuſed of diſtributing theſe books to all and ſundry, and ſcattering them over every portion of the land? He ſays, I mentioned that I would ſend a ſervant who would get it for him; that a ſervant girl accordingly went and got it. Does not this completely confute the teſtimony of Fiſher, who affirms, that I much preſſed this man to buy the book? and, he tells you, that he himſelf aſked the loan of it.

Is not this a complete contradiction of her teſtimony?

The next witneſs is John Barclay. That old and venerable perſon, whom you ſaw adduced as a witneſs by the Proſecutor; and what does he ſay in his teſtimony? That we were elders in the ſame pariſh; the pariſh of Calder, in which the lands of my father are ſituated. He informs you that at the laſt election of a miniſter for that pariſh, a diſpute had ariſen, concerning the right of election, and that he voted upon the ſame ſide of the queſtion with myſelf. This introduced acquaintance, and acquaintance produced friendſhip. The Lord Advocate, in ſpeaking of this virtuous and venerable old man, exclaimed with inſolent contempt, Such men as *theſe* are the companions, and ſuch men as *theſe* are the friends of Mr. Muir! Yes, I tell the Lord Advocate, I tell the ariſtocracy of Scotland, I glory more in the friendſhip of ſuch an old, poor, and virtuous man, than in the friendſhip of the higheſt titled peer, who derives the ſources of his guilty grandeur from the calamities of the people; who wrings out a ſplendid, but a miſerable revenue from their ſorrow and diſtreſs, from their tears, and from their blood, which he ſquanders in diſſipation, to the ruin of private virtue, and to the contamination of public morals.

Let us ſee then what Mr. Barclay ſays againſt me. That he aſked my opinion concerning Paine's books; and that I told him he might purchaſe them if he choſe, as they were printed; but that I afterwards ſaid, it was not a book for us. Does Mr. Barclay's evidence ſupport the criminal charge in the libel, of my adviſing people to read ſeditious books, and of my circulating them over the country?

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Does not Mr. Barclay's evidence corroborate the teſtimony of every other witneſs? That for the reaſons which I fully explained, I never recommended, Mr. Paine's works; but that even when that work excited the greateſt attention of the country; when mention of it was introduced into every company, and into every converſation, I uniformly expreſſed myſelf, that it was not a book for our purpoſe.—*For our purpoſe*, who were engaged in the cauſe of a Parliamentary and conſtitutional Reform! Is there a ſingle witneſs brought forward by the Proſecutor, who has, in the ſmalleſt degree, ſtated any converſation of mine which was unconſtitutional? Hear what Mr. Barclay ſays, that he was frequently with Mr. Muir, and in his library, from which he borrowed ſome books; that he had many converſations with him, and heard him ſay, that the conſtitution of this country was an excellent one; that he praiſed the King; and that he always ſpoke of order, regularity, and obedience to the ruling powers. In ſhort, Gentlemen, all and each of the witneſſes for the Proſecutor, uſe the ſame uniform language, atteſt that neither in public nor in private, ever a ſingle expreſſion dropped from me, which the moſt *violent aſſociator* could conſtrue into guilt.

The laſt witneſs of whom I ſhall take notice, is William Muir; the perſon whoſe religious principles at firſt induced him rather to ſuffer, according to the elegant expreſſion of the Lord Advocate, *eternal* impriſonment than to take the oath, until his ſcruples were removed by the Rev. Mr. Dunn. He ſwears, that in my father's houſe, at Hunterſhill, I gave him eleven numbers of the Patriot, and a copy of the Political Progreſs. From theſe numbers of the Patriot ſeveral paſſages are quoted in the indictment. Of the Political Progreſs there is no mention made; and, I maintain, that every paſſage in the Patriot, quoted in the libel, is highly conſtitutional. The ſentiments advanced in them may not ſound muſically ſweet to the ears of corruption. They call upon you to ariſe and vindicate the purity of your conſtitution. To vindicate your long loſt rights; and, if my feeble voice could extend to the remoteſt corners of Scotland, I ſhould reſound the ſame ſentiment, in the ſame language. Theſe numbers of the Patriot ſpeak to you concerning ſep-

tennial Parliaments. And, I ſay to you, that the act which converted triennial Parliaments into ſeptennial, violated our holy conſtitution; tore the chartar of our national liberties, and paved the way for the inroads of a frightful deſpotiſm.

But this witneſs concurs with all the preceding witneſſes, with regard to my conduct, and to my principles. He ſwears, That he does not remember to have heard me ſpeak againſt government; that I did not adviſe unconſtitutional meaſures; and that he heard me tell, how Old Sarum was repreſented. Old Sarum repreſented! And, do not the friends of the Conſtitution weep! and do not the enemies of the Conſtitution ſmile, when they hear of ſuch repreſentation.

Before I ſpeak to the third article of accuſation, the reading, in the Convention, the Addreſs of the Society of United Iriſhmen of Dublin, permit me to make one obſervation on the manner in which the Proſecutor ſpoke of the papers found in my cuſtody. Do they correſpond with the view which he repreſented of them? Are they the documents of correſpondence with foreign or internal foes? And, ſuppoſing I had involved myſelf in a correſpondence of that nature, do you believe I could be ſo infatuated as to retain, in my poſſeſſion, that which muſt have been attended with, to me, certain deſtruction. Among my papers, there is not one which can be conſtrued into guilt. They conſiſt of pamphlets unconnected with the politics of the day; and of the various publications of a ſociety, pure and untainted in its principles, of which I have the honour to be a member. But every thing muſt be ranſacked to heap crimination upon my head. One of the letters which I had undertaken to deliver in Scotland, is addreſſed to the Reverend Fiſche Palmer. Mark! cries the Lord Advocate, the company which this man keeps.—Who is Mr Palmer?—A perſon whom I have indicted for ſedition, and who is to be tried in a few days at Perth!—Unheard of cruelty!—Unexampled inſolence!—What! Before this court, this jury, this audience, do you attempt to prejudicate and condemn Mr. Palmer, in his abſence, undefended, and without any poſſibility of defending himſelf? But, exclaims the Lord Advocate,—

Advocate,—The ſeal upon the letter is a proof of the moſt atrocious guilt. What is it?—Horrible to tell! It is the Cap of Liberty, ſupported upon a ſpear, with the words *Ca Ira* above. All is conſiſtent. When you attempt to baniſh the ſubſtance of freedom—the ſhadow muſt follow! When a new coinage takes place, you have given a moſt excellent hint. The officers of the mint, will profit by the leſſon, and they will no more ſcatter ſedition through the land, by impreſſing upon our halfpennies the figure of Brtiannia with a ſpear in her hand, mounted with the *Cap of Liberty*. But I am aſhamed to enter into ſuch trifles. If that letter had contained proofs of ſedition, or of treaſon againſt me, Mr. Palmer, or the writer of it—the ſeal—and the ſpear—and the Cap of Liberty, would have been its feebleſt protection.

Gentlemen, I now come to the laſt charge. That of having read, in the Convention of Delegates, the Addreſs from the Society of United Iriſhmen in Dublin.

I admit the fact, and I glory in the admiſſion. The Proſecutor has repreſented that ſociety, as a gang of mean and nefarious conſpirators; and their diploma of my admiſſion into their number, as an aggravation of my crime. Let me tell the Lord Advocate of Scotland, that ſociety ſtands too high to be affected by his invective, or to require the aid of my defence. I am a member of that ſociety; and, in the laſt moments of my life, to have been ſo, ſhall be my honour and my pride. The Lord Advocate has repreſented to you, in general terms, that this addreſs amounts almoſt to treaſon; but he durſt not attempt to point out, in his ſpeech, a ſingle paſſage which could ſupport the aſperſion. I maintain that every line of that addreſs is ſtrictly conſtitutional. You muſt carry the whole of it along with you into your chamber, and not judge of paſſages ſcandalouſly mutilated in the indictment. The mutilation of the very firſt paragraph of the addreſs, is a proof of the fairneſs, and of the ingenuity of the Proſecutor. I beg leave to read how it ſtands in the indictment, and then to read what follows in the addreſs itſelf:

"We take the liberty of addreſſing you in the ſpirit of "civic union, in the fellowſhip of a juſt and common cauſe.

"We

" We greatly rejoice that the ſpirit of freedom moves over
" the ſurface of Scotland; that light ſeems to break from
" the chaos of her internal government; and that a country
" ſo reſpectable for her attainments in ſcience, in arts, and
" in arms; for men of literary eminence; for the intelli-
" gence and morality of her people, now acts from a con-
" viction of the union between virtue, letters, and liberty;
" and, now riſes to diſtinction, not by a calm, contented,
" ſecret wiſh for a Reform in Parliament, but by openly,
" actively, and urgently *willing* it, with the unity and e-
" nergy of an embodied nation. We rejoice that you do
" not conſider yourſelves as merged and melted down into
" another country, but that in this great national queſtion,
" you are ſtill—Scotland. [*See Appendix.*]

This is the firſt paragraph libelled on. But, even as it is in the indictment. It is not permitted to the United Iriſhmen in Dublin, to congratulate this unfortunate people upon account of former eminence in literature, in arts, and in virtue;—and to expreſs the wiſh, that they would ſtill retain that enviable diſtinction? And, is that laſt and forlorn period now arrived, when thoſe who expreſs ſuch a wiſh, muſt be called *nefarious* conſpirators, and he who has been the organ of its communication, muſt be branded with the epithets of, a " wretch," of an " oracle of diſcord," of " a fiend of ſedition!" The children of your children, in after ages, will not forget this ever-to-be-remembered night. But here let us ſtop. I have ſaid that this indictment mutilated this paſſage, as it does every other paſſage in this Addreſs; It breaks off the paragraph at the words, " You are ſtill Scotland." It breaks off in the middle of a ſentence; and for what purpoſe?—to countenance an inſinuation, that the United Iriſhmen in Dublin wiſhed a diſſolution of the Union betwixt Scotland and England. The Proſecutor cuts off the remainder of the ſentence which demonſtrated the ſenſe, in which the United Iriſhmen underſtood the words " ſtill Scotland," expreſſing ſolely their idea of her ſtill being diſtinguiſhed by her former luſtre. The words which are ſeparated from the ſentence are in the addreſs as follows: " That you are ſtill Scotland—
" the land where Buchanan wrote, and Fletcher ſpoke,
" and

" and Wallace fought." Yes, I give my ſolemn aſſent to this wiſh, and to this hope of the United Iriſhmen. My voice ſhall reſound, Scotland ſhall ſtill be the land, where Buchanan has written, where Fletcher ſpoke, and where Wallace fought.

Let us attend to the mutilation of another paſſage, in this extraordinary indictment. I ſhall read it as it ſtands :—

" We will lay open to you our hearts: Our cauſe is your " cauſe—If there is to be a ſtruggle between us, let it be " which Nation ſhall be foremoſt in the race of mind : let " this be the noble animoſity kindled between us, who ſhall " firſt attain that free conſtitution from which both are equi- " diſtant, who ſhall firſt be the ſaviour of the empire."

" The ſenſe of both countries with reſpect to intole- " rable abuſes of the conſtitution has been clearly manifeſt- " ed ; and proves that our political ſituations are not diſſi- " milar ; that our rights and wrongs are the ſame."

The paſſage libelled upon ſtops at the words " rights and wrongs are the ſame." But it forbears to take in the remainder, in which the ſimilarity of our rights and wrongs is ſpecified. The ſelf-elected magiſtrates of Burghs—the unequal repreſentation of the People in Parliament—and the total privation, in Scotland, of the ſhadow of popular Election.

Gentlemen, I will read over many paſſages of this Addreſs, not merely becauſe they are the production of an immortal pen, but becauſe every word is regulated by the ſpirit of the conſtitution.

[*Here Mr. Muir read moſt of the Addreſs ; but we forbear to inſert the particular paſſages, as the whole is in the Appendix.*]

Can you call this addreſs ſeditious or inflammatory, which contains the following ſentiment? " If Government " has a ſincere regard for the ſafety of the conſtitution, let " them coincide with the people in the ſpeedy reform of its " abuſes, and not by an obſtinate adherence to them, drive " that people into Republicaniſm."

Gentlemen, the Lord Advocate has repreſented the authors of this addreſs, as the meaneſt of mankind, and has expreſsly called them infamous wretches, who had fled from the puniſhment due to their crimes. What ſlander!—what

falſe,

ſalſe, unfounded ſlander !—Has Doctor Drennan ? Has Mr. Hamilton Rowan ; whoſe names are at the herd of this addreſs, fled from crimes and from puniſhment ? " And they are infamous wretches !" If ever after ages ſhall hear of my name, I wiſh it may be recorded, that to theſe men I had the happineſs of being known. To be honoured by the notice of Doctor Drennan is an ambition to which, in the moſt exalted ſtation of life, I would fondly aſpire. To have it ſaid, that I was the friend of Mr. Hamilton Rowan, I would conſider as the paſſport to the only acquaintances whom I value ; thoſe who found their claim to diſtinction upon the only true baſis, their own virtues. Mr. Rowan is indeed indicted to ſtand trial in Ireland, upon a charge ſimilar to my own. Mr. Rowan has not fled. He will boldly meet his accuſation ; and, let me ſay, along with thoſe who know him, that, although it is impoſſible to add any new luſtre to his character, yet, as he has often come forward in the cauſe of individual humanity, he will diſplay himſelf upon that occaſion, the firm, the intrepid, and, I hope the ſucceſsful champion of the liberties of his native country.

I haſten to a concluſion. Much yet remains to ſay. But after, upon my part, the unremitted exertions of ſixteen hours, I feel myſelf nearly exhauſted.

Look once more, I entreat you, to the indictment, and compare it with evidence.

The firſt charge againſt me is, that in public ſpeeches, I vilified the King and Conſtitution. All the witneſſes adduced atteſt, that, both in public and in private, even in my moſt unguarded moments, my language was always reſpectful to the King, and that I always recommended the Conſtitution.

The ſecond charge againſt me, is, that of adviſing the people to read ſeditious books, and of diſtributing inflammatory publications among them : And you hear it proved by the unanimous voice of all the witneſſes for the Crown, that I refuſed to recommend any books, and that the only one which I recommended, was Dr. Henry's Hiſtory of England. You will not forget the circumſtance in which I lent Freeland a copy of Mr. Paine's Works ; nor will you forget

forget the manner in which the writings of that man were introduced in converſation with Wilſon, Muir, and with Barclay. With regard to other books and pamphlets mentioned in the libel, there is not any proof. William Muir has deponed, that I gave him one or two numbers of the Patriot, and ſome other pamphlets, whoſe titles I cannot remember. William Muir is but a ſingle witneſs to this fact; and you know that, by the laws of Scotland, the teſtimony of a ſingle witneſs cannot claim any weight; but I frankly admit and acknowledge that I gave him thoſe numbers of the Patriot and, if I were not now entirely overcome by fatigue, I could demonſtrate to you, that, in thoſe numbers, there is not a ſingle ſentiment unconſtitutional or ſeditious.

I am accuſed of reading the Iriſh Addreſs in the Convention, and of moving a ſolemn anſwer in return. That addreſs is neither ſeditious, wicked, nor inflammatory. There is not a ſentence in it, which I have not defended in your preſence.

You neither can do juſtice to me, nor to the country, if you condemn theſe different publications, upon account of the ſcandalouſly mutilated extracts from them in the libel. You muſt carry the whole of them along with you from this place. It is not upon detached paſſages you are to judge; but you muſt decide upon the whole.

Gentlemen of the Jury,

This is now perhaps the laſt time, that I ſhall addreſs my country. I have explored the tenor of my paſt life. Nothing ſhall tear from me the record of my departed days. The enemies of Reform have ſcrutinized, in a manner hitherto unexampled in Scotland, every action I may have performed, every word I may have uttered.—Of crimes, moſt foul and horrible, have I been accuſed.—Of attempting to rear the ſtandard of civil war, and to plunge this land in blood, and to cover this land with deſolation. At every ſtep, as the evidence of the Crown advanced, my innocency has brightened. So far from inflaming the minds of men to ſedition and to outrage—all the witneſſes have concurred, that my only anxiety was, to im-

impreſs upon them the neceſſity of peace, of good order, and of good morals. What then has been my crime? Not the lending to a relation a copy of Mr. Paine's Works; not the giving away to another a few numbers of an innocent and conſtitutional publication; but, for having dared to be, according to the meaſure of my feeble abilities, a ſtrenuous and active advocate for an equal repreſentation of the People—in the Houſe of the People;—For having dared to attempt to accompliſh a meaſure, by legal means, which was to diminiſh the weight of their taxes, and to put an end to the profuſion of their blood. From my infancy to this moment, I have devoted myſelf to the cauſe of the People. It is a good cauſe.—It ſhall ultimately prevail.—It ſhall finally triumph. Say then openly, in your verdict, if you do condemn me, which I preſume you will not,—That it is for my attachment to this cauſe alone, and not for thoſe vain and wretched pretexts ſtated in the indictment, intended only to colour and diſguiſe the real motives of my accuſation. The time will come, when men muſt ſtand or fall by their actions; when all human peageantry ſhall ceaſe; when the hearts of all ſhall be laid open. If you regard your moſt important intereſts,—if you wiſh that your conſcience ſhould whiſper to you words of conſolation; or ſpeak to you in the terrible language of remorſe,—Weigh well the verdict you are to pronounce. As for me, I am careleſs and indifferent to my fate. I can look danger—and I can look death in the face, for I am ſhielded by the conſciouſneſs of my own rectitude. I may be condenmned to languiſh in the receſſes of a dungeon—I may be doomed to aſcend the ſcaffold—Nothing can deprive me of the recollection of the paſt—Nothing can deſtroy my inward peace of mind, ariſing from the remembrance of having diſcharged my duty.

When Mr. Muir ſat down, an unanimous burſt of applauſe was expreſſed by the audience.

When the exclamations had ceaſed, he aroſe and ſaid,

I have omitted to take notice of the evidence adduced upon my part, I am not going to detain you a moment longer.—To you I leave the import of the whole of that evidence.

The Lord Justice Clerk, in ſumming up the evidence, ſaid,

ſaid, that the indictment was the longeſt he had ever ſeen; but it was not neceſſary to prove the whole, in order to find the Pannel guilty, for the Jury had only to look at the concluding ſentence of the indictment, from which it was plain, that if any one part of the libel was proven, it eſtabliſhed the guilt of the Pannel the ſame as if the whole was ſubſtantiated.

Now, this is the queſtion for conſideration.—Is the Pannel guilty of Sedition, or, is he not? Now, before this queſtion can be anſwered, two things muſt be attended to that require no proof: *Firſt*, that the Britiſh Conſtitution is the *beſt* that ever was ſince the creation of the world, and it is not *poſſible* to make it *better*; for, is not every man ſecure? Does not every man reap the fruits of his own induſtry, and ſit ſafely under his own fig-tree? The *next* circumſtance is, that there was a ſpirit of ſedition in this country laſt winter, which made every good man very uneaſy. And his Lordſhip coincided in opinion with the maſter of the grammar ſchool of Glaſgow, who told Mr. Muir, that he thought propoſing a reform was very ill timed. Yet Mr. Muir had, at that time, gone about among ignorant country people, making them forget their work, and told them that a reform was abſolutely neceſſary for preſerving their liberty, which, if it had not been for him, they would never have thought was in danger. His Lordſhip did not doubt that this would appear to them as it did to him, to be ſedition.

The next thing to be attended to, was the outlawry.—Running away from juſtice, that was a mark of guilt. And what could he do in France at that period? pretending to be an ambaſſador to a foreign country without lawful authority, that was rebellion; and he pretends to have had influence with thoſe wretches, the leading men there. And what kind of folks were they? His Lordſhip *never liked the French all his days, but now he hated them.*

The Pannel's harranguing ſuch multitudes of ignorant weavers about their grievances, might have been attended with the worſt conſequences to the peace of the nation, and the ſafety of our glorious conſtitution.

Mr. Muir might have known, that no attention could be

 paid

paid to ſuch a rabble. What right had they to repreſentation? He could have told them that the Parliament would never liſten to their petition: How could they think of it? A government in every country ſhould be juſt like a corporation; and, in this country, it is made up of the landed intereſt, which alone has a right to be repreſented; as for the *rabble*, who have nothing but perſonal property what hold has the nation of them? What ſecurity for the payment of their taxes; they may pack up all their property on their backs, and leave the country *in the twinkling of an eye*, but landed property cannot be removed.

The tendency of the Pannel's conduct was plainly to promote a ſpirit of revolt, and, if what was demanded, was not given, to take it by force. His Lordſhip had not the ſmalleſt doubt that the Jury were, like himſelf, convinced of the Pannel's guilt, and deſired them to return ſuch a verdict as would do them honour.

The Court retired at two o'clock on Saturday morning, and met again at twelve o'clock of the ſame day, when the Jury returned the following

VERDICT.

EDINBURGH, *Auguſt* 31. 1793.

The above aſſize having encloſed, made choice of the ſaid Gilbert Innes to be the Chancellor, and the ſaid John Balfour to be their Clerk; and having conſidered the criminal libel, raiſed and purſued, at the inſtance of his Majeſty's Advocate, for his Majeſty's intereſt, againſt Thomas Muir Pannel, the interlocutor of relevancy, pronounced thereon by the Court, the evidence adduced, in proof of the libel, and the evidence in exculpation; they are all, in one voice, finding the Pannel Thomas Muir *Guilty* of the crimes libelled; In witneſs thereof their ſaid Chancellor and Clerk, have ſubſcribed theſe preſents, conſiſting of this and the preceding page, in their names and by their appointment, place, and date aforeſaid.

(Signed) GILBERT INNES, *Chan.*
JOHN BALFOUR, *Clerk.*

The

The verdict being recorded, the LORD JUSTICE CLERK addressed the Jury, and said, That this trial had been of the greatest impotance. He was happy that they had bestowed so much attention upon it, and informed them, that the Court highly approved of the verdict they had given. He then desired their Lordships to give their opinion upon this verdict, and what punishment should be inflicted.

Which they did to the following purport :—

LORD HENDERLAND observed, that the alarming situation in which this country was during the course of last winter, gave uneasiness to all thinking men : His Lordship said, that he now arrived at the most disagreeable part of the duty incumbent upon him, which was to fix the punishment due to the crime, of which the Pannel was found guilty. The indictment contained a charge of sedition, exciting a spirit of discontent among the inferior classes of people, and an attack against the *Glorious Constitution* of this country the Jury, by the verdict which they had returned, and to which the Court had alone recourse, had found the Pannel guilty ; and it was their Lordships duty only, now to fix the punishment due to the offence. His Lordship said, that he would not dwell upon the evil consequences of the crimes committed by the prisoner. The melancholy example of a neighbouring country, which would forever stain the page of history, rendered it unnecessary for him to recapitulate the circumstances of the case. In that country, the consequences of such measures have produced every kind of violence, rapine, and murder. There appeared, he said, to have been in this country a regular plan of seditious measures. The indecent applause which was given to Mr. Muir last night, at the conclusion of his defence, within these walls, unknown to that High Court, and inconsistent with the solemnity which ought to pervade the administration of justice, and which was insulting to the laws and dignity of that court, proved to him that the spirit of sediton had not as yet subsided. He would not, he said, seek to aggravate the offence committed by the Pannel, by the misconduct of others, in order to increase the punishment. The punishment to be inflicted is arbitra-

ry, of which there is a variety. Banishment, he observed would be improper, as it would only be sending to another country, a man, where he might have the opportunity of exciting the same spirit of discontent, and sowing with a plentiful hand sedition; whipping, was too severe, and disgraceful, the more especially to a man who had bore his character and rank in life. And imprisonment, he considered, would be but a temporary punishment, when the criminal would be again let loose; and so again disturb the happiness of *the People*. There remains but one punishment in our law, and *it wrung his very heart* to mention it, viz. *Transportation*. It was a duty he considered he owed to his countrymen, to pronounce it, in the situation in which he sat, as the punishment due to his crimes. His Lordship observed, it was extraordinary that a gentleman of his description, of his profession, and of the talents he possessed, should be guilty of a crime deserving such a punishment, but he saw no alterative. For what security could we have against his future operations, but a removal from his country, to a place where he could do no further harm. His Lordship was therefore of opinion, that the Pannel should be recommitted to prison, there to remain, till a proper opportunity should offer for transporting him, to such place as his Majesty, with the advice of his Privy Council, might appoint for the space of *Fourteen years* from the date of the sentence; and that he should not return within that period under the pain of death.

Lord Swinton —The crime with which the Pannel is, by the *Jury* of his country, found guilty, is *sedition*. It is a generic crime, and which is defined by our lawyers, to be a commotion of the people without authority, and of exciting others to such commotion against the public welfare. This crime, he observed, consisted of many gradations, and might have run from a petty mob, about wages, even to high treason. He thought the punishment should be adapted to the crime. The question, he said, was then, What was the degree of the crime the Pannel has been guilty of. That was to be discovered from the libel. of which he has been found guilty by the unanimous verdict of a respectable Jury of his country. It appeared to him, to be a

crime

crime of the moſt henious kind, and there was ſcarcely a diſtinction betwen it and *high treaſon*. As by the diſſolution of the ſocial compact it made way for, and ſo it might be ſaid, to include every ſort of *crime*, *murder*, *robbery*, *rapine*, *fire-raiſings*, in ſhort every ſpecies of wrong, public and private. This, he obſerved, was no theoretical reaſoning, for we had it exemplified before our eyes, in the preſent ſtate of France, where, under the pretence of aſſerting liberty, the worſt ſort of tyranny was eſtabliſhed, and all the loyal and moral ties which bind mankind were broken. Nay, ſhameful to tell, even religion itſelf was laid aſide, and publicly diſavowed by the National Convention.

Certain wretched perſons, aſſuming to themſelves, moſt falſely and inſidiouſly, the reſpectable name of Friends of the People, and of Reform, although they deſerved the *very oppoſite* denomination, by which means they have miſled, and drawn after them, a great number of well-meaning, though ſimple and unwary people.

If puniſhment, adequate to the crime, were to be ſought for, there could be found no puniſhment in our law ſufficient for the crime in the preſent caſe, now that torture is happily abolitiſhed.

By the Roman law, which is held to be our common law where there is no ſtatute, the puniſhment was various, and tranſportation was among the mildeſt mentioned. Paulus, L. 38. Dig, *de Pænis*, writes, *Actores ſeditionis et tumultus, populo concitato, pro qualitate dignitatis. aut in furcam tolluntur, aut beſtiis objiciuntur, aut in inſulam deportanter.*--- We have choſen the mildeſt of theſe puniſhments. By the *Codex*, lib. 9. t. 30. *de Seditioſis et his qui plebem contra rempublicam audent collegere*, l. 1. & 2. ſuch perſons are ſubjected, *ad multam graviſſimam.*—Baldus writes, *Provocans tumultum et clamorem in populo, debet mori pœna ſeditionis.*--- And by a conſtitution of the emperor Leo: *Subdandos autem pœnis eis quas de ſeditionis et tumultus auctoribus vetuſtiſſima decreta ſanxerient.*

The ſole object of puniſhment among us, is only to deter others from committing the like crimes in time coming.— Therefore the puniſhment ſhould be made equal to the crime. All that is neceſſary is, that it ſerve as an example and ter-

ror

ror to others, in time coming, against a repetition of the like offence. In the present case, he thought that *Transportation* was the lighest punishment that could be assigned, and that for the space of fourteen years, under the certification of death, in case of returning before the expiration of that term.

Lord Dunsinnan.—His Lordship spoke in so low a tone of voice, that we had not an opportunity of following him, throughout the whole of his opinion. He however agreed, with the rest of their Lordships, in the punishment which they said Mr. Muir deserved, viz. Transportation for fourteen years, with the usual certification, &c.

Lord Abercromby.---His Lordship did not think it necessary to say much as to the enormity of the crime, after what had been already said. By our law, it might have amounted to treason, and even as the law now stands, it came very near it.

He observed, that Mr. Muir last night, when conducting his defence, had stated, and which was marked, and it had great weight with him, " That the people should be cau- " tious, and by all manner of means avoid tumults and " disorders, for through time the mass of the people would " bring about a Revolution " (Here Mr. Muir rose, and said, " I deny it, my Lord, it is totally false.") If any thing could add to the improper nature of the Pannel's defence, it was his pretended mission to France, and the happiness, he expressed, in the circle of acquaintance he had there. It was evident, said his Lordship, that his feelings did too much accord with the feelings of those monsters.--- His Lordship coincided with the rest of their Lordships, in regard to the punishment, which, they had given as their opinion, Mr. Muir deserved.

Lord Justice Clerk ---His Lordship said, he was considerably affected to see the pannel stand trial for sedition, a man who had got a liberal education, was member of a respectable society, possessed considerable talents, and had sustained a respectable character. His Lordship considered the very lowest species of this crime as heinous, and that it was aggravated according to the object in view. Here the object was important; for it was creating in the lower classes of

of people, disloyalty, and dissatisfaction to government, and this amounting to the highest sort of sedition, is bordering on treason, and a little more would have made the Pannel stand trial for his life.

His Lordship agreed in the propriety of the proposed punishment, and he observed that the indecent applause which was given the Pannel last night, convinced him, that a spirit of discontent still lurked in the minds of the people, and that it would be dangerous to allow him to remain in this country. His Lordship said, this circumstance had no little weight with him, when considering of the punishment Mr. Muir deserved. He never had a doubt but transportation was the proper punishment for such a crime, but he only hesitated whether it should be for life, or for the term of fourteen years!—The latter he preferred, and he hoped the Pannel would reflect on his past conduct, and see the impropriety which he had committed, and that if he should be again restored to his country, he might still have an opportunity of showing himself to be a good member of that constitution which he seemed to despise so much.

After his Lordship had delivered his opinion, and during the time the sentence was recording, Mr. Muir rose and said,

My Lord Justice Clerk, I have only a few words to say, I shall not animadvert upon the severity or the leniency of my sentence. Were I to be led this moment from the bar to the scaffold, I should feel the same calmness and serenity which I now do. My mind tells me, that I have acted agreeable to my conscience, and that I have engaged in a good, a just, and a glorious cause,—a cause which sooner or later must, and will, prevail; and, by a timely reform save this country from destruction.

THE SENTENCE.

The Lord Justice Clerk, and Lords Commissioned of the Justiciary, having considered the foregoing verdict, whereby the assize, all in one voice, Find the Pannel GUILTY of

of the crimes libelled: The ſaid Lords, in reſpect of the ſaid verdict, in terms of an act paſſed in the 25th year of his preſent Majeſty, entitled, "An Act for the more effec-" tual tranſportation of felons and other offenders in that "part of Great Britain called Scotland." *Ordain and adjudge* that the ſaid Thomas Muir be *Tranſported beyond Seas*, to ſuch place as his Majeſty, with the advice of his Privy Council, ſhall declare and appoint, and that for the ſpace of *Fourteen Years* from this date, with certification to him, if after being ſo tranſported, he ſhall return to, and be found at large, within any part of Great Britain, during the ſaid Fourteen Years, without ſome lawful cauſe, and be thereby lawfully convicted, he ſhall ſuffer Death as in caſes of felony, without benefit of Clergy by the Law of England, And ordains the ſaid Thomas Muir to be carried back to the Tolbooth of Edinburgh, therein to be detained till he is delivered over for being ſo tranſported, for which this ſhall be to all concerned, a ſufficient warrant.

(Signed) ROBERT M'QUEEN.

APPEN,

APPENDIX.

NUMBER I.

COPY SENTENCE OF FUGITATION.

February 25, 1793.

THE which day the diet of the criminal letters, raised and carried on at the instance of Robert Dundas, Esq. of Arniston, his Majesty's Advocate, for his Majesty's interest, against Mr. Thomas Muir, younger of Huntershill, Advocate, being called, and the said Mr. Thomas Muir, having been ofttimes called in Court, and three times at the door of the Court-house, he failed to appear.

Whereupon his Majesty's Advocate moved, that sentence of outlawry and fugitation might be awarded against him; and as he understood that bail had been given for his appearance, when apprehended by the Sheriff of the county of Edinburgh, he craved that the penalty in the bond might be forfeited and recovered.

"The Lord Justice Clerk and Lords Commissioners of Justiciary decern and adjudge the said Thomas Muir, to be an outlaw and fugitive from his Majesty's laws, and ordain him to be put to his Highness's horn, and all his moveable goods and gear to be escheat and inbrought to his Majesty's use, for his contempt and disobedience in not appearing this day and place, in the hour of cause, to have underlyen the law for the crimes of sedition, and others specified in the said criminal letters raised against him thereanent, as he who was lawfully cited to that effect, and oftentimes called in court, and three times at the door of the court-house, and failing to appear as said is. And ordain the bond of caution, granted for the appearance of the said Thomas Muir in the Sheriff-court books of Edinburgh, to be forfeited, and the penalty therein contained to be recovered by the Clerk of this Court, to be disposed of as the Court shall direct.

(Signed) ROBERT M'QUEEN, J. P. D."

NUMBER II.

At Edinburgh, the 2d of January 1793.

THE which day compeared, in presence of John Pringle, Esq. advocate, his Majesty's Sheriff Depute of the shire of Edinburgh, *Thomas Muir*, Esq. advocate; who, being examined by the Sheriff, and being interrogated, Whether or not the declarant, in the month of November last, was in the towns of Kirkintilloch, Lennoxtown of Campsie, or Milltown of Campsie? declares, That he declines answering any questions in this place, as he considers a declaration of this kind, obtained in these circumstances, to be utterly inconsistent with the constitutional rights of a British subject: That he has solemnly maintained this principle in pleading for others in a criminal court, and that, when it comes to be applied to his own particular case, as at present, he will not deviate from it: Declares, That he neither composed, published, nor circulated books or pamphlets, inflammatory or seditious: That, in public and private, he always advised, and earnestly entreated those who might be engaged in the prosecution of a constitutional reform, in the representation of the people in the House of Commons, to adopt measures mild but firm, moderate but constitutional; and that he has always inculcated upon all whom he may have addressed upon any occasion, that there was no other mode of accomplishing a constitutional reform, in the representation of the people in the House of Commons, but by the mode of respectful and constitutional petitions to that House, for that purpose: And that he did not doubt but the wisdom of that House would listen to the voice of the people, when thus constitutionally presented: And being shown three numbers of a paper, entitled, The Patriot, the first dated, "Tuesday, April 17th, 1792;" the second dated, "Tuesday, June 12th;" and the third, "Tuesday, July 10th," without mention of the year, and being interrogated, if he gave these pamphlets to William Muir, weaver in Kirkintilloch, and eight other numbers of the same publication? declares, That he adheres to the principles which he has mentioned in the preceding part of this declaration, and declines answer-

anſwering the queſtion. And being ſhown a book, entitled, "The Works of Thomas Paine, Eſq." and interrogated, If he did not give ſaid book to Henry Freeland, weaver in Kirkintilloch, and firſt Preſes of the Reform Society there? declares, That he adheres to his principle, and declines anſwering the queſtion. And being ſhown a pamphlet, entitled, "A Declaration of Rights," and an "Addreſs to the People;" and interrogated, Whether or not he gave the aforeſaid pamphlet to the ſaid Henry Freeland? declares, That he declines anſwering upon the aforeſaid principle. And being interrogated, Whether or not he gave to the aforeſaid Henry Freeland, a book, entitled, "Flower on the French Conſtitution?" declares, That he declines anſwering the queſtion, upon the aforeſaid principle; and all the before-mentioned books are marked as relative hereto, of this date. And being interrogated, Whether or not the declarant was a member of Convention which met in Edinburgh, in the month of December laſt, ſtiling themſelves the Convention of the Aſſociated Friends of the People, and produced to that meeting, a paper, entitled "Addreſs from the Society of United Iriſhmen in Dublin, to the Delegates for Reform in Scotland, 23d November 1792," and moved, that the thanks of the meeting ſhould be returned to that Society, for ſaid Addreſs? Declares and declines anſwering the queſtion, upon the aforeſaid principle. All this he declares to be truth.

(Signed) THOMAS MUIR,
JOHN PRINGLE.

NUMBER III.

COPY DECLARATION

OF

GEORGE WILLIAMSON

At Edinburgh, AUGUST 10. 1793.

GEORGE WILLIAMSON, meſſenger in Edinburgh, declares, That on Friday the 2d of Auguſt inſtant, he received a warrant

rant of the Court of Justiciary, for bringing the person of Mr. Thomas Muir, younger of Huntershill from the prison of Stranraer, to the prison of Edinburgh. In consequence of which, he went to Stranraer, and arrived there in the morning of Sunday the 4th instant, when he received the person of the said Thomas Muir; and he also received from Mr. Kerr, one of the magistrates of Stranraer, a parcel, sealed and entituled "Papers belonging and found on Mr. Thomas Muir, W. R. J P." And which packet was sealed with a seal of the burgh of Stranraer, and also with two seals, which he now hears Mr. Muir declare to be his, and which parcel he now exhibits, with the seals entire.

And the aforesaid parcel having been opened, in presence of the said sheriff substitute, Hugh Warrender Esq. Mr. William Scott, Procurator Fiscal of the shire of Edinburgh, George Williamson, messenger in Edinburgh, and Joseph Mack, writer, Sheriff's Clerk's Office; and also, in presence of Mr. Thomas Muir, who admitted, that this was the parcel containing the articles belonging to him, which were sealed up by the magistrates of Stranraer, and to which he then affixed his seals, and which he observed to be entire, previous to its being opened in his presence: The same was found to contain:

1. Ten copies of a pamphlet, entitled, "Proceedings of the Society of United Irishmen of Dublin. Dublin printed by order of the Society, 1793."
2. A printed copy of the trial, at large, of Samuel Bushby, and Judith his wife.
3. Twenty-nine copies of a printed paper, entitled "United Irishmen of Dublin, 7th June 1793," being an Address from the Catholic Committee, to their Catholic Countrymen.
4. Five copies of another printed paper, being "Resolutions of the Society of United Irishmen, held on the fifteenth of July."
5. Twenty-two copies of a paper, purporting to be an abstract of the trial of Francis Graham, Esq. one of his Majesty's Justices of Peace for the county of Dublin, on the 9th July 1793, before the Hon. Baron Power.

6. A

6. A printed copy of an act to prevent tumultuous rifings, &c. of the 27th Geo. III. printed Dublin, 1787.
7. Eighty-four copies of a printed paper, dated, "Rath Coffey, 1ſt July, 1793;" containing a quotation from Milton, on the liberty of unlicenſed printing.
8. Letter, ſigned J. Muir, dated Glaſgow, 21ſt July 1793, beginning with, Dear Sir, but having no addreſs.
9. Letter, ſigned Thomas Muir, and addreſſed to Captain George Towers, of the American ſhip, the Hope, from Baltimore, care of Meſſrs. Cunningham, and Co. merchants, Belfaſt, and dated Dublin 27th July, 1793.
10. A Red Turkey pocket-book, containing:

1, A paſſport from the Department of Paris, in favour of citizen Thomas Muir, dated 23d April 1793, having upon the back an indorſement, dated 5th May 1793.
2. Receipt by A. M'Dougal to Mr. Muir, for 900 livres, for his paſſage in the cabin of the ſhip from Havre-de-Grace, to the Port of New York, dated Havre-de-Grace, 16th May, 1793.
3. Certificate that Thomas Muir has been duly elected one of the members of the Society of United Iriſhmen of Dublin, dated 11th January 1793, ſigned Archibald Hamilton Rowan, Secretary."
4. Sealed letter, directed, "The Rev. Thomas Fiſche Palmer, Edinburgh."
5. Ditto, directed "Norman M'Leod, Eſq. M. P. Scotland."
6. Ditto, directed "to Mrs. M'Cormick, at Dr. M'Cormick's, St. Andrew's Scotland.
7. Another paſſport, of the department of Calais, in favour of citizen Thomas Muir, dated 15th January, 1793.
8. Paſſport of the Commiſſary of the Section of the Thuilleries, in favour of citizen Thomas Muir, dated 4th May, 1793.
9. Declaration of Reſidence, dated 3d April 1793, in favour of Thomas Muir.
10. Letter, ſigned D. Stewart dated, No. 52. Frith-ſtreet, Soho, London, February 1ſt.
1ſt. (Addreſſed) John Hurford Stone, Eſq. or Thomas Muir, Eſq. Advocate, No. 99. Palais Royal, Paris.
11. Letter, ſigned James Campbell, dated No. 10. St. Andrew's

drew's Square, Edinburgh, 26th January 1793: Addressed to Thomas Muir, Esq. younger of Huntershill.

12. Letter, signed D. Stewart, dated, 52. Frith Street, January 30; Addressed, Thomas Muir Esq. Advocate to the care of John Hurford Stone, Esq. Paris.

13. A Letter, signed W. Skirving, without date, Addressed to Thomas Muir, Esq. younger of Huntershill.

COPY CERTIFICATE.

Society of United Irishmen of Dublin: I hereby certificate, that Thomas Muir has been duly elected, and having taken the TEST, provided in the Constitution, has been admitted a member of this Society.

(Signed) *Arch. Hamilton Rowan*, Sec.

No. 205.
Jan. 11. 1793.

On the margin of the original, is the figure of a harp, with this motto, "*It is new strung, and shall be heard.*"

Which whole pieces of writings, printed papers and letters, were signed by the initials of the Sheriff Substitute, Mr. Scott, George Williamson, and Joseph Mack, of this date, and those taken out of the pocket-book, were again replaced in the pocket book and the whole of the said writings, &c. were also signed with the initials of Mr Muir, excepting the three sealed letters, which he declined to put his initials to, in regard he did not consider them as his property. He further required that the Sheriff Substitute should immediately transmit these three letters to the respective persons to whom they are addressed, as any other proceeding would be a violation of the private rights and property of the persons to whom they belong. *Scott*, on the part of the Public Prosecutor, represented, that this last request cannot, in his opinion be complied with, seeing these letters, with the other papers in the sealed parcel, were transmitted to this office under warrant of the Court of Justiciary, for the purpose of being inspected.

NUM-

NUMBER IV.

RECEIPT OF CAPTAIN M'DOUGALL,

For Mr. Muir's *paſſage from Havre-de-Grace to New-York.*

Received from Mr. Muir, the ſum of nine hundred livres, for his paſſage in the cabin of the ſhip, from Havre-de-Grace to the port of New-York, in finding him with all ſtores.

A. M'DOUGAL.

Havre-de-Grace,
May 10, 1793.

NUMBER V.

PASSPORT AT PARIS.

REPUBLIQUE FRANCAISE,
DEPARTMENT DE PARIS.

Paſſeport delivré en execution de la loi du 7 Decembre 1792, *l' an premier de la Republique Francaiſe.*

Vu l'avis du Conſeil general de la Commune de Paris, laiſſez paſſer le citoyen Thomas Muir, allant a Philadelphie, domicilié a Paris, municipalité de Paris, departement de Paris, natif d'Ecoſſe, homme de loi, agé de vingt huit ans, taille de 5 pieds 3 pouces, cheveux et ſourcils chatain, yeux bleux, nez aquilin, bouche moyenne, menton rond, front haut, viſage long et plein, — pretez-lui aide et aſſiſtance, au beſoin.

Faite en directoire, le 23 Avril mil ſept cent quatre vingt treize ; l' an deuxieme de la Republique Françaiſe ; et a ledit citoyen Muir ſigné avec nous adminiſtrateurs compoſant le Directoire du Departement de Paris. Approbatif

Thomas Muir. *Leblauif,*
Dubois. *Nicoleau, preſid.*
E. J. B. Maillard.

Vu par nous Miniſtres des Affaires Eſtrangeres. A Paris, le 29 Avril, l' an 2'me de la Republique.

Le Brun.
Maill, Garat, Gr.

NUM-

NUMBER VI.

PASSPORT AT CALAIS.

REPUBLIQUE FRANCAISE.

AU NOM DE LA LOI.

Department du Pas de Calais, District, Municipalité de Calais.

Laiſſez paſſer le Citoyen Thomas Muir, Ecoſſaie, domicilé a Edinburgh, municipalité de —— diſtrict de —— department de —— agé de 28 ans, taille de 5 pieds 3 pouces, cheveux, ſourcils, chatain, yeux bleus, nez aquilin, bouche moyenne, menton rond, front rond, viſage et long et plein; et pretez-lui aide et aſſiſtance en cas de beſoin, allant en France, et due a l' etranger.

Delivré en la Maiſon Commune de la Calais, le 15 Janvier, 1793, l' an premier de la Republique Françaiſe.

Thomas Muir.
Mauſſy, Officier Municipal.
Cellierboullie, Secretaire et Greffier que a ſigné avec nous le preſent.

NUMBER VII.

LETTER

FROM J. MUIR, TO CAPT. GEORGE TOWERS.

Glaſgow, 21ſt July, 1793.

DEAR SIR,

I am at a very great loſs how to anſwer your letter, as it's not underſtood by me; but if it's the friend that I have, if it's he, I would be overjoyed to ſee his hand-writing, and to know what has become of him theſe three months. I thought he had been at Philadelphia ere now, where letters are forwarded for him; and if you are to ſtay any time at

at Belfaſt be ſo kind as write in courſe; and I will come over and ſee you and him. You can write the time you mean to ſtay. Mr. John Richardſon, a ſon of Deacon James Richardſon, I ſaw him this week at Greenock, where he is to ſail in the Almy of New-York directly, who has two packets of letters for him; and there is many letters wrote for him to the firſt people in America. And once he were there, he'll get letters to General Waſhington; and I hope, dear Sir, you'll ſhew him every civility in your power, which I hope ſome day gratefully to thank you for it. There is a trunk alſo in the Almy for him, which Mr. Richardſon will deliver into his own hand. Only I ſincerely wiſh you a ſafe, pleaſant, and ſucceſsful voyage, and a happy meeting with your friends. And I remain,

DEAR SIR,

Your moſt humble ſervant,

J. MUIR.

If it's the perſon I mean, a couſin of his, William Muir, formerly of Leith, is lying at Philadelphia. His ſhip is an American bottom. The loſs of this young man has been a dreadful affliction to us. Pleaſe give your friend this letter. I honored his draft in favors of Mr. Maſey. He'll get his letters at the poſt-office Philadelphia.

I hope in a year or two he can return, if he doth not love America; and be ſo good as cauſe him write me one line in your letter. *You can direct it;* and if he doth not *chooſe to ſign it*, you can put to your initials.

NUMBER VIII.

LETTER

FROM THOMAS MUIR, TO CAPT. GEORGE TOWERS.

Dublin, 27th July 1793.

DEAR SIR,

This day I received yours; and will be down upon Tueſday evening. I have taken my place in the coach for to-

morrow.

morrow. I am happy to hear my friends are well. I will write them from Belfaſt. Of this you can give them information. I am,

DEAR SIR,

Your reſpectful Friend,

THOMAS MUIR.

Capt. George Towers, of the American ſhip, the Hope, from Baltimore.—Care of Meſſrs. Cunningham & Co. merchants, Belfaſt.

NUMBER IX.

LETTER

FROM MR. MUIR, TO MR CAMPBELL, WRITER TO THE SIGNET, EDINBURGH.

Paris, Jan. 23. 1793.

DEAR SIR,

I wrote you from Calais and from Paris, and impatiently expect your anſwer. Write me fully about my private affairs, but *about nothing elſe.* Whenever you and my friends judge it expedient or proper, I will immediately return, but I cannot leave Paris without regret. I am honoured by the notice and friendſhip of an amiable and diſtinguiſhed circle, and to a friend of humanity it affords much conſolation, to find according feelings in a foreign land. Preſent my beſt wiſhes to all our friends, to Meſſrs. Johnſton, Skirving, Moffat, Buchanan, *&c.* Intreat you to find means to ſend over the numbers of the two Edinburgh newſpapers. The London papers come here but irregularly. One wiſhes to know what is going on at home; but tell my friends, it is only through the channel of newſpapers I can receive that intelligence. Write me under the following cover, *Au Citoyen de Coudile, hotel de Toulon,* No. I. *rue des Foſſes du Temple.* Communicate this addreſs to all my friends. Inform

form them no letter can reach me, if not part of the postage is paid in Edinburgh.

I am,

DEAR SIR,

Yours, &c.

THOMAS MUIR.

James Campbell, Esq. Writer to the Signet, Edinburgh, Scotland.

P. S. My compliments to Mr. Dick; intreat him to take the charge of my things.

NUMBER X.

SECOND LETTER

FROM MR. MUIR TO MR. CAMPBELL.

DEAR SIR,

I have written you frequently, whenever you think it proper I shall return. At the same time, honoured as I am by the civilities and attention of many amiable characters, it would be with reluctance I could quit Paris for a month or two. About my private business write me, but not a word on any other subject. Remember me to Johnston, Skirving, Moffat, &c. Tell them, no distance of space shall obliterate my recollection of them. Write me punctually, I entreat you. Cause them likewise write me. Omit no post. My address is under cover, *Au Citoyen Coudile, hotel de Toulon*, No. I. *rue des Fosses du Temple.*

I am,

Yours, &c.

Paris, 27th Jan. 1793.

THOMAS MUIR.

James Campbell, Esq. Writer to the Signet, Edinburgh, Scotland.

NUMBER XI.

LETTER

FROM MR. M'INTOSH TO MR. CAMPBELL.

SIR,

I have to acknowledge the receipt of your letter respecting the business of Mr. Muir. I did not lose a moment in finding a safe and speedy conveyance to him at Paris for your letters, and those of his other friends in Scotland, sent to my care. I delayed from day to day in the perpetual expectation of seeing Mr. Muir here on his return. It's now, however, become necessary for me to inform you, that he is not yet come; and considering the extreme anxiety which he must have felt to return as soon as possible, I think it very probable that this delay ought to be ascribed to the embargo laid on the vessels in the ports of France, which may perhaps have rendered it impossible for him, though even at Calais, to make his passage to England. I think this probability at least sufficiently great to be pleaded for a delay of his trial; and it is to enable you and his friends to make any use of it that you may think fit, that I have now thought it necessary to communicate this state of facts to you.

I am, SIR,

St. Charlotte-Street, Portland-Place, Feb. 7. 1793. } Yours, &c.
JAMES M'INTOSH.

NUMBER XII.

ADDRESS FROM THE SOCIETY OF UNITED IRISHMEN IN DUBLIN,

TO THE

DELEGATES FOR PROMOTING A REFORM IN SCOTLAND.

WILLIAM DRENNAN, Chairman.
ARCHIBALD HAMILTON ROWAN, Sec.

'We take the liberty of addressing you, in the spirit of 'civic union, in the fellowship of a just and a common 'cause,

' cauſe. We greatly rejoice that the ſpirit of freedom moves
' over the ſurface of Scotland; that light ſeems to break
' from the chaos of her internal government; and that a
' country ſo reſpectable for her attainments in ſcience, in
' arts, and in arms; for men of literary eminence; for the
' intelligence and morality of her people, now acts from a
' conviction of the union between virtue, letters, and liber-
' ty; and now riſes to diſtinction, not by a calm, content-
' ed, ſecret wiſh for a Reform in Parliament, but by open-
' ly, actively, and urgently *willing* it, with the unity and
' energy of an embodied nation. We rejoice that you do
' not conſider yourſelves as merged and melted down into
' another country, but that in this great national queſtion
' you are ſtill—Scotland,"—the land where Buchanan
wrote, and Fletcher ſpoke, and Wallace fought.

Away from us and from our children thoſe puerile anti-
pathies ſo unworthy of the manhood of nations, which in-
ſulate individuals as well as countries, and drive the citizen
back to the ſavage. We eſteem and we reſpect you. We
pay merited honour to a nation in general well educated,
and well informed, becauſe we know that the ignorance of
the people, is the cauſe and effect of all civil and religious
deſpotiſm. We honour a nation regular in their lives, and
ſtrict in their manners, becauſe we conceive private mora-
lity to be the only ſecure foundation of public policy. We
honour a nation eminent for men of genius, and we truſt
that they will now exert themſelves not ſo much in peruſing
and penning the hiſtories of other countries, as in making
their own a ſubject for the hiſtorian. May we venture to
obſerve to them, that mankind have been too retroſpective;
canonized antiquity, and undervalued themſelves. Man has
repoſed on ruins, and reſted his head on ſome fragments of
the temple of liberty, or at moſt amuſed himſelf in paving
the meaſurement of the edifice, and nicely limiting its pro-
portions; not reflecting that this temple is truly Catholic,
the ample earth its area, and the arch of heaven its dome.

' We will lay open to you our hearts. Our cauſe is your
' cauſe—If there is to be a ſtruggle between us, let it be
' which nation ſhall be foremoſt in the race of mind: let
' this be the noble animoſity kindled between u , who ſhall

' firſt

'firſt attain that free conſtitution from which both are equi-
'diſtant, who ſhall firſt be the ſaviour of the empire.'

'The ſenſe of both countries with reſpect to the intoler-
'able abuſes of the conſtitution has been clearly manifeſt-
'ed, and proves that our political ſituations are not diſſimi-
'lar; that our rights and wrongs are the ſame." Out of 32 counties in Ireland, 29 petitioned for a Reform in Parliament; and out of 56 of the Royal Burghs in Scotland, 50 petitioned for a Reform in their internal ſtructure and Government. If we be rightly informed, there is no ſuch thing as popular election in Scotland. The people who ought to poſſeſs that weight in the popular ſcale, which might bind them to the ſoil, and make them cling to the conſtitution, are now as duſt in the balance, blown abroad by the leaſt impulſe, and ſcattered through other countries, merely becauſe they hang ſo looſely to their own. They have no ſhare in the national *Firm*, and are aggrieved not only by irregular and illegal exaction of taxes; by miſrule and miſmanagement of corporations; by miſconduct of ſelf-elected and irreſponſible magiſtrates; by waſte of public property; and by want of competent judicatures; but, in our opinion, moſt of all, by an inadequate Parliamentary repreſentation—for we aſſert, that 45 Commoners, and 16 Peers, are a pitiful repreſentation for two millions and a half of people; particularly as your Commons conſider themſelves, not as the repreſentatives of that people, but of the Councils of the Burghs by whom they are elected.

Excluſive charters in favour of Burghs, monopolize the general rights of the people, and that act muſt be abſurd, which precludes all other towns from the power of being reſtored to their ancient freedom.

We remember that heritable juriſdictions and feudal privileges, though expreſsly reſerved by the act of union, (20th art.) were ſet aſide by act of Parliament in 1746, and we think that there is much ſtronger ground at preſent for reſtoring to the maſs of the people their alienated rights, and to the Conſtitution its ſpirit and its integrity.

Look now we pray you upon Ireland. Long was this unfortunate iſland the prey of prejudiced factions and ferocious parties. The rights or rather duties of conqueſt were dreadfully

dreadfully abufed, and the catholic religion was made the perpetual pretext for fubjecting the ftate by annihilating the citizen, and deftroying not the religious perfuafion but the man; not popery, but the people. It was not till very lately, that the part of the nation, which is truly colonial, reflected that though their anceftors had been victorious, they themfelves were now included in the general fubjection; fubduing only to be fubdued, and trampled upon, by Britain as a fervile dependency. When therefore the Proteftants began to fuffer what the Catholics had fuffered and were fuffering; when from ferving as the inftruments they were made themfelves the objects of foreign domination, then they became confcious they had a country; and then they felt—an Ireland.—They refifted Britifh dominion, renounced colonial fubfervience, and following the example of a Catholic Parliament juft a century before, they afferted the exclufive jurifdiction and legiflative competence of this ifland. A fudden light from America fhone through our prifon. Our Volun-teers arofe. The chains fell from our hands. We followed Grattan, the angel of our deliverance, and in 1782 Ireland ceafed to be a province, and became a nation. But, with reafon, fhould we defpife and renounce this Revolution, as merely a tranfient burft through a bad habit; the fudden grafp of neceffity in defpair, from tyranny in diftrefs, did we not believe that the Revolution was ftill *in train;* that it is lefs the fingle and fhining act of 82, than a feries of national improvements which that act ufhers in and announces; that it is only the herald of liberty and glory, of Catholic emancipation, as well as proteftant independence; that, in fhort this Revolution indicates new principles, foreruns new practices, and lays a foundation for advancing the whole people higher in the fcale of being, and diffufing equal and permanent happinefs.

Britifh fupremacy changed its afpect, but its effence remained the fame. Firft it was force, and on the event of the late Revolution, it became influence; direct hoftility fhifted into fyftematic corruption, filently drawing off the virtue and vigour of the ifland, without fhock or explofion. Corruption that glides into every place, tempts every perfon, taints every principle, infects the political mind through all its

its relations and dependencies; ſo regardleſs of public character as to ſet the higheſt honour to ſale, and to purchaſe boroughs with the price of ſuch proſtitution; ſo regardleſs of public morality, as to legalize the licentiouſneſs of the loweſt and moſt pernicious gambling, and to extract a calamitous revenue from the infatuation and intoxication of the people.

The Proteſtants of Ireland were now ſenſible that nothing could counteract this plan of debilitating policy, but a radical reform in the houſe of the people, and that without ſuch reform, the Revolution itſelf was nominal and deluſive —The wheel merely turned round, but it did not move forward, and they were as diſtant as ever from the goal. They reſolved.—They convened.—They met with arms.—They met without them.—They petitioned. But all in vain—for, they were but a portion of the people. They then looked around and beheld their catholic countrymen. Three million—we repeat it—three million taxed without being repreſented, bound by laws to which they had not given conſent, and politically dead in their native land. The apathy of the catholic mind changed into ſympathy, and that begot an energy of ſentiment and action. They had eyes, and they read. They had ears, and they liſtened. They had hearts, and they felt. They ſaid—"Give us our rights as you value your own. Give us a ſhare of civil and political liberty, the elective franchiſe, and the trial by jury. Treat us as men, and we ſhall treat you as brothers. Is taxation without repreſentation a grievance to three millions acroſs the Atlantic, and no grievance to three millions at your doors?—Throw down that pale of perſecution, which ſtill keeps up civil war in Ireland, and make us one people. We ſhall then ſtand, ſupporting and ſupported, in the aſſertion of that liberty which is due to all, and which all ſhould unite to attain."

It was juſt—and immediately a principle of adheſion took place for the firſt time, among the inhabitants of Ireland.—All religious perſuaſions found in a political union their common duty and their common ſalvation. In this ſociety and its affiliated ſocieties, the Catholic and the Preſbyterian are at this inſtant holding out their hands and opening their hearts to each other, agreeing in principles, concurring in prac-

practice. We unite for immediate, ample, and ſubſtantial juſtice to the Catholics, and when that is attained, a combined exertion for a Reform in Parliament is the condition of our compact, and the ſeal of our communion.

Britiſh ſupremacy takes alarm. The haughty monopoliſts of national power and common right, who crouch abroad to domineer at home, now look with more ſurpriſe and leſs contempt on this "beſotted" people. A new artifice is adopted, and that reſtleſs domination which, at firſt, ruled as open war, by the length of the ſword; then, as covert corruption, by the ſtrength of the poiſon; now aſſumes the ſtile and title of Proteſtant Aſcendancy; calls down the name of religion from heaven to ſow diſcord on earth; to rule by anarchy, to keep up diſtruſt and antipathy among parties, among perſuaſions, among families, nay to make the paſſions of the individuals ſtruggle, like Cain and Abel, in the very home of the heart, and to convert every little paltry neceſſity that accident, indolence, or extravagance bring upon a man, into a pander for the purchaſe of his honeſty and the murder of his reputation.

'We will not be the dupes of ſuch ignoble artifices. We 'ſee this ſcheme of ſtrengthening political perſecution and 'ſtate inquiſition, by a freſh infuſion of religious fanaticiſm; 'but we will unite, and we will be free. *Univerſal Eman-'cipation with Repreſentative Legiſlature* is the polar prin-'ciple which guides our Society and ſhall guide it through 'all the tumult of factions and fluctuations of parties. It 'is not upon a coalition of oppoſition with miniſtry that we 'depend, but upon a coalition of Iriſhmen with Iriſhmen, 'and in that coalition alone we find an object worthy of re-'form, and at the ſame time the ſtrength and ſinew to at-'tain and ſecure it. It is not external circumſtances, upon 'the pledge of man or miniſter, we depend, but upon the in-'ternal energy of the Iriſh nation. We will not buy or bor-'row liberty from America or from France, but manufac-'ture it ourſelves, and work it up with thoſe materials that 'the hearts of Iriſhmen furniſh them with at home. We 'do not worſhip the Britiſh, far leſs the Iriſh Conſtitution, 'as ſent down from heaven, but we conſider it as human 'workmanſhip, which man has made and man can mend.

'An unalterable Conſtitution, whatever be its nature, muſt be 'deſpotiſm. It is not the Conſtitution but the People which 'ought to be inviolable, and it is time to recognize and reno-'vate the rights of the Engliſh, the Scotch, and the Iriſh na-'tions."—Rights which can neither be bought nor ſold, granted by charter, or foreſtalled by monopoly, but which nature dictates as the birthright of all, and which it is the buſineſs of a conſtitution to define, to enforce, and to eſtabliſh. If Government has a ſincere regard for the ſafety of the conſtitution, let them coincide with the people in the ſpeedy reform of its abuſes, and not by an obſtinate adherence to them, drive that people into Republicaniſm.

We have told you what our ſituation was, what it is, what it ought to be: our end, a National Legiſlature; our means, an union of the whole people. Let this union extend throughout the Empire. Let us unite for all, or each man ſuffer for all. In each country let the people aſſemble in peaceful and conſtitutional Convention. Let delegates from each country digeſt a plan of reform, beſt adapted to the ſituation and circumſtances of their reſpective nations, and let the Legiſlatures be petitioned at once by the urgent and unanimous voice of England, Scotland, and Ireland.

'You have our ideas. Anſwer us, and that quickly.—'This is not a time to procraſtinate. Your illuſtrious Fletch-'er has ſaid, that the liberties of a people are not to be ſe-'cured, without paſſing through great difficulties, and no 'toil or labour ought to be declined to preſerve a nation 'from ſlavery. He ſpoke well: and we add, that it is in-'cumbent on every nation who adventures into a conflict 'for freedom, to remember it is on the event (however ab-'ſurdly) depends the eſtimation of public opinion; honour 'and immortality, if fortunate; if otherwiſe, infamy and 'oblivion. Let this check the raſhneſs that ruſhes unadviſ-'edly into the committal of national character, or *if that 'be already made*, let the ſame conſideration impel us all to 'advance with active not paſſive perſeverance, with manly 'confidence and calm determination, ſmiling with equal 'ſcorn at the bluſter of official arrogance, and the whiſper 'of private malevolence, until we have planted the flag of

'Free-

"Freedom on the ſummit, and are at once victorious and ſecure."

NUMBER XIII.

LETTER

TO THE FRIENDS OF THE PEOPLE.

[*The following Letter was publiſhed in the Edinburgh Gazetteer of March* 1. 1793.]

PARIS, *February* 13. 1793.

Upon the evening of the 8th of this month, I received letters from my father, and from my agent, Mr. Campbell, informing me that an indictment was preferred againſt me, that my trial was fixed for Monday the 11th inſtant; the diſtance, and the ſhortneſs of the time, could not permit me to reach Edinburgh by that day. War is declared between England and France, and the formalities requiſite to be gone through before I could procure my paſſport, would at leaſt have conſumed three days. I will return to Scotland without delay.—To ſhrink from danger would be unbecoming my own character, and your confidence; I dare challenge the moſt minute inveſtigation of my public and private conduct. Armed with innocency, I appeal to juſtice; and I diſdain to ſupplicate favours. I have haſtened to give you an account of my intention; and I am happy that a private gentleman, who leaves Paris to-morrow, affords me an opportunity for the communication.

NUMBER XIV.

LETTER

FROM W. SKIRVING TO D. STEWART, ESQ. NO. 52. FRITH-STREET, SOHO, LONDON, SECRETARY TO THE SOCIETY OF THE FRIENDS OF THE PEOPLE.

Edinburgh, Sept. 2. 1793.

SIR,

I ought to have wrote you on Saturday, to give your Society the means of contradicting the aſperſion, which you will

will ſee by the accounts of Mr. Muir's trial, has been thrown upon them. I have not been able to command a ſettled thought ſince the alarming iſſue of that aſtoniſhing trial. I never had a higher opinion of any perſon's integrity, uprightneſs, and philanthropy; nor is it diminiſhed, but increaſed. The feelings which I muſt therefore have had ſince that event, will plead my excuſe with men of feeling.

In the evidence which I was called on to give, I ſtated the reaſon for his going to London, and that I had received a letter from Mr. Muir, when at London, explaining the cauſe of his proceeding to Paris; which letter I was very ſorry that I could not produce, though I had preſerved it carefully. Being deſired to ſtate, if I could recollect the reaſon which Mr. Muir aſſigned in that letter for his journey to Paris, I ſaid, that it was the opinion of friends, that if Mr. Muir would go to Paris, he might have great influence with many to mitigate the ſentence of the French King. Theſe friends were taken for your Society; and much freedom was uſed, to reprobate both the Society of the Friends of the People in London, for preſuming to ſend a miſſionary into another country, and Mr. Muir, for accepting ſuch commiſſion. But I declare upon my honour, that the thought of his being ſent by the Society of the Friends of the People in London, never came into my mind: And if I expreſſed myſelf ſo, which it is impoſſible I could do, I expreſſed a falſehood; and which I am bound, in juſtice to the Society, in this manner to contradict.

Mr. Muir is behaving with aſtoniſhing manlineſs.

I am, Sir, your obedient humble ſervant,

W. SKIRVING.

F I N I S.

APPENDIX

TO THE SECOND AMERICAN EDITION OF MUIR's TRIAL.

FROM ſundry Britiſh prints, the following circumſtances reſpecting Mr. Muir have been collected, which may not prove unintereſting to the readers of his trial; as it particularly tends to ſhew what rigorous ſteps the Britiſh government have already taken to carry into execution the ſentence paſſed on him by the Court of Juſticiary of Edinburgh.

Proceedings in Parliament.

HOUSE OF PEERS.

FRIDAY, JANUARY 31.

After ſome preliminary buſineſs, the order of the day was read by the Clerk, at the table:

Earl Stanhope roſe, and obſerved, that he did not ſuppoſe he would be contradicted by any noble Lord in the Houſe, when he aſſerted, that an examination into the practice of the Courts of Juſtice in this kingdom, and whatever appertained to them, and the conduct of the Judges, formed an important part of their Lordſhips duty, more eſpecially when any thing occurred which had the ſemblance of injuſtice or oppreſſion. The queſtion which he would have the honour to ſubmit to their Lordſhips was one, to which, from its ſingularity, he could not ſuppoſe they were ſtrangers. If it were aſked, if he had a precedent for what he was going to move, he would reply, that in his mind, precedents were unneceſſary, where oppreſſion was great, or miſconduct manifeſt. For it was the unalienable Rights of the People, not to hold precedents neceſſary, where Magna Charta was abuſed, or the Laws ſtretched to a degree unjuſtifiable. But if ſome noble Lords required precedents to hear him out in his arguments, he would even meet them on this ground, and ſtate three, which were ſtrictly in point. In the reign of William and Mary, there were four Acts paſſed to reverſe four different attainders. Three of theſe, particularly, muſt occur in the mind of every noble Lord preſent. They were thoſe which referred to Alderman Corniſh, Algernon Sidney, and Lord Ruſſel, who were charged with Sedition and Treaſon. In the year 1689, a Bill was brought in to reverſe the ſentence of the Court of Alderman Corniſh, which was read on the 2d. day of June, a firſt time; and was read a ſecond time the ſame day, and then committed. From the corroborating precedents which were now read from the Journals, Earl Stanhope proceeded to obſerve, that the Bill for reviving the Attainder againſt Alderman Corniſh, paſſed the Commons in the courſe

of four days, and was ſent up to the Lords for their concurrence: the Attainder againſt Alderman Sydney and William Ruſſel, commonly called Lord Ruſſel, were alſo made void by a ſimilar proceſs, in conſequence of the recommendation of his Majeſty to the Houſe, to take the ſame into its conſideration. Theſe were the grounds on which he would bring forward his motion, with reſpect to Mr. Muir, the proceedings againſt whom, he pronounced to be of the moſt extraordinary and in his mind, of the moſt unjuſtifiable nature that ever came before a Court of Juſtice. In this unexampled trial their Lordſhips muſt be ſurpriſed to hear, that the Lord Advocate was ſuffered to bring forward every circumſtance which he thought neceſſary to criminate the Pannel, though not contained in the indictment; and the pannel, who according to Law and Juſtice, ought to have availed himſelf of the circumſtance, was not admitted to do ſo; becauſe the Lord Advocate declared, that if the charges were there inſerted, the indictment would cover the walls of the Court. The law, he inſiſted, allows a man fifteen days notice, and a copy of his indictment, that he might produce evidence to refute the charges againſt him, but in Scotland, Meſſrs. Muir and Palmer were not allowed a day to prepare and exculpate themſelves from the charges made againſt them in the indictments. Thus far, he inſiſted, that the proceedings againſt Mr. Muir, were unconſtitutional and oppreſſive; beſides, his Lordſhip contended, that he was entrapped in the moſt ſhameful and unwarrantable manner, by the exculpatory evidence not being given him before the day preceeding his trial. The noble Earl next called the attention of their Lordſhips to an oppreſſed individual, Mr. Palmer. This gentlemen was ſelected by the late Duke of Rutland, as a friend and monitor, and had by that Nobleman been offered preferment in the Church, which for reaſons beſt known to himſelf, he declined. He ſaid, that ſuch was the amiable diſpoſition of Mr. Palmer, that a young gentlemen of the name of Ellis his pupil, had accompanied him in all his misfortunes. Such was his attachment to that unfortunate gentleman, that he left his relations to accompany him on board the hulks, and he was now immured with him to priſon. Nay more, he actually had determined on perſevering in his attachment, and intended to become a voluntary exile, and tranſport himſelf with his friend to Botany Bay! There was, his Lordſhip remarked, an informality in his trial, that he believed no noble Lord in the Houſe would venture to defend: he was tried by one name, and puniſhed by another. Thus the perſon convicted was never indicted, and his challenges, when the Jury were impannelled, abſolutely refuſed on the part of the crown. If ſuch was law, it was oppreſſive, and if in Scotland it were admitted as ſuch, it proved the melancholy fact, that in that country there is no more liberty at preſent, than exiſted there during the arbitrary reign of the family of the Stuarts. If ſuch meaſures were countenanced by their Lordſhips, any man was liable to be entrapped, and tranſported by the Laws of Scotland;

but he would not wish to imitate the example of the Court of Justiciary, by condemning any man before he was heard; his motion will extend no farther, for the present, than that the Judges should be heard in their defence. His Lordship said, that his only wish was to have the sentence of transportation suspended until the business was thoroughly investigated, for it must give pain to their Lordships to hear of the death of this unfortunate exile, on his passage, while they were debating whether he were, or were not legally convicted. Earl Stanhope concluded by moving,

"*That an humble Address be presented to his Majesty, representing, That their Lordships have been informed of the Trial and Conviction of Thomas Muir, Esq. before the Court of Justiciary in Scotland, and entreating that his Majesty may be graciously pleased to countermand the sentence of Transportation: and also to represent that the House intends to proceed and examine into the circumstances; and to beseech his Majesty that the said Thomas Muir be not transported, until the House has had sufficient time to make such examination.*".

Lord Stanhope observed, that if this motion was agreed to, he would follow it up by three others; one of a similar effect with respect to Mr. Palmer, and the others respecting the Judges who presided at their trials.

Earl Mansfield declared, that he found it difficult to reply to his Lordship's speech, which was as extraordinary as his motion, and which was the most singular that it ever had been his fate to hear, since he had a seat in Parliament. The Judges of the Court of Justiciary, to which he had the honour to belong, would, he pledged himself, be ready to meet the question, let it come from whatever quarter it may. The Noble Earl had said, that the speech of the Lord Advocate was highly blamable, when he asserted that all the charges against the prisoner, if inserted in the indictment, would cover the walls of the Court. Their Lordships would indeed be placed in a wretched condition, if they were to be tried by their speeches as reported. A speech of three hours, delivered by the Lord Advocate, had been given in three columns of a newspaper, and this distinguished by marks of artful misrepresentation, while Muir's was given at considerable length, though not half so long in delivery. The matter therefore did not come before their Lordships in any shape that justified them in agreeing to the motion made by the Noble Lord. It had been solemnly determined very lately in that House, that no appeal lay to them from a sentence of the Supreme Criminal Court in Scotland, and he could not agree to the proposition before the House. As to the legality of the evidence, it was a matter to which he would make no reply; but this much the House must admit, that all the charges produced against Muir were proved, because proved to the satisfaction of a Jury: and their Lordships had no right whatever to refuse their verdict.

The Duke of Norfolk said, if the pannel had been prevented from

obtaining exculpatory evidence, it was a matter extremely reprehensible; but as the business did not come before the House assisted by proper documents and affidavits, he did not see how their Lordships could agree to the motion.

Lord Lauderdale agreed with the Noble Earl who proposed the Address to the Crown in some of the principles he laid down, but could not coincide with him in opinion, as to the manner of wording the present motion. He said, the Noble Earl had not brought it forward in the manner he could wish, or in that form he had repeatedly urged him to adopt; he wondered not, indeed, at the general feeling which was excited, the public mind was interested in the discussion of the present motion; nor was he surprised, that the nation should look with disgust at the proceedings of the High Court of Justiciary, with regard to these unfortunate sufferers; he did not, at present, mean to take an enlarged view of the subject; but tho' he should give it but a momentary consideration, he could not avoid giving it a serious attention; the feelings of the public were strongly in favour of those exiles; and no impartial man, who reflected for a moment on their situation, but pitied and condemned: however reluctantly, he was obliged to allow, that the same person, by crossing the Tweed, if tried and found guilty in Scotland, for a similar offence with one he had committed in England, would be torn from his friends, and banished for 14 years; when, in this country, the most severe punishment he would experience, would be twelve months imprisonment; in the present instance, the very publications which were the object of the prosecution, were taken from their pockets, and though procured in this shameful manner, were made the foundation of their trial. The Noble Earl (Mansfield) has told the House, that my Noble Friend's information has been derived from a polluted source; the printed report of a partial pamphlet or newspaper: The Noble Earl is wrong, if he supposes all the reports on these trials are similar--he could show the Noble Earl some editions, which leaned clearly and entirely to one side; but even they did not contradict the statement of his Noble Friend; (Stanhope) there were circumstances which attended these trials, which he hesitated not to say, were most dreadful in their nature, and which, he contended, reflected no small disgrace on the jurisprudence of Scotland; he alluded, he said, to witnesses, who were produced against the pannel, being threatened with imprisonment for life, if they did not disclose every thing required by the Court of Justiciary. He would, on a future day, go more at large into the proceedings of the Scotch Bar, but he would not at present provoke a discussion; he had repeatedly urged the Noble Earl not to bring forward this motion at this time, and in this shape. Since the Noble Lord had persevered, he hoped he would now withdraw, and not require a division—he was always sorry to differ with the Noble Earl, more particularly on any thing which related in the smallest degree to this subject, or those sufferers; but he could not support it in its present shape,

and ſince he could not agree with the Noble Earl, he would give no vote on the queſtion.

The Lord Chancellor ſaid, that he would not have troubled their Lordſhips, but that he wiſhed to remove an impreſſion with regard to the miſconduct of the Magiſtrates of Scotland: it was not, he ſaid, the cuſtom in this country, or in Scotland, for priſoners, when found guilty of any offence, to look for a reviſion of their ſentence from the Parliament of the country. It was a proceeding which appeared to him novel, and he hoped would not be countenanced. There was a ſettled mode laid down for priſoners to proceed, when found guilty by their country, if they imagined any thing had been omitted which might make for their defence; or if any thing after occurred, which they ſuppoſed might induce a mitigation of puniſhment, mercy was open; but they ſhould look for mercy from the Crown, not from Parliament. From his own experience he could ſtate, that any petition preſented to his Majeſty was oftener treated with mercy, than rejected with ſeverity. With reſpect to Meſſrs. Muir and Palmer, no petitions were offered to his Majeſty, or his Miniſters; but though they declined laying any ſtatement of their caſe before his Majeſty, yet the watchful vigilance of the Miniſtry inquired into every minutiæ of the trial, and from the information they had procured on the ſubject, he muſt declare it his poſitive opinion, that the facts proved at the trial warranted the verdict of the Jury, and the ſentence paſſed by the Court of Juſticiary. The Noble Earl has told you, the pannel was not allowed to challenge any of the Jury who were ſelected to try the indictments; but, my Lords, let us examine what were the grounds of the challenge, what the cauſe of the refuſal. The only objection he could offer was, that they were Members of a Society who had declared themſelves attached to the Conſtitution, which had been inſtituted to prevent innovation and diſturbance—he had no other cauſe of challenge; had this been allowed the pannel, the country might be ſearched before a Jury could be procured, who might not be liable to a ſimilar objection. But the Noble Earl has made another objection (a miſnomer in the Indictment) in the caſe of Mr. Palmer; any one acquainted with the Law of Scotland, muſt know that ſuch an error in the Indictment could not reverſe or alter the deciſion, and the only advantage the Pannel could derive was another trial in fifteen days after—theſe are the principal grounds on which the Noble Earl attempts to ſupport his motion, refuſal of challenge, and miſnomer. But, my Lords, theſe are not grounds ſufficiently ſtrong for us to interfere with the deciſions of the Court, or to reverſe that ſentence which was inflicted, on ſober and temperate conſideration. You ſhould not interfere with the ſacred characters of your magiſtrates, till you have reaſons certain and ſatisfactory to convince you of their miſconduct. You are not to rely on the authority of Newſpapers attached to oppoſite parties; nor are you to regulate your opinions from pamphlets; but ſurely, my Lords, you will expect docu-

ments, you will expect satisfactory statements; before you agree with the motion of the Noble Lord, you will expect something more than assertion. He would not now enlarge on the proper conduct of the Court of Justiciary; he should be happy should the conduct of that Court be called in question, to have an opportunity of informing their Lordships his reason for approving it. He should not now volunteer in their defence; if he did, he would only expose himself to the same rebuke which that person received, who warmly volunteered in support of the Government of Venice, and who, after all his exertions, was told 'That that Government required nothing but its excellence for its protection.' He was sure the Constitution of Scotland was admired by the inhabitants of that Country; they were too well acquainted with the happiness they enjoy under it, to require any person to stand up in its defence.

Lord Thurlow made many observations on the danger, and the impropriety of treating, with any ill-grounded contempt, the sacred characters of magistrates. He said, had any doubt, any suspicion of error, been entertained, the matter should have been left, or referred to the Judges, and he was certain those dignified characters would readily acknowledge any mistake, and be happy, on good grounds, to reverse the proceedings. His Lordship went at large into the history of the Court of Justiciary; and asserted, that as the motion stood at present, it could not receive his support. His Lordship was of opinion, that excessive punishments marred the ends to which they were directed. The times, it had been said, called for extraordinary severity in such cases; but it should be strongly imprinted on the mind of every man, that when such times ceased to exist, these decisions might be used as instruments to pervert the arm of Justice to Oppression.

Lord Stanhope said, What, my Lords, is there no other way of obtaining justice in this country, but by petition? Must the injured prisoner stoop and fawn to Ministers for that justice to which he is entitled? Has he no other way left to prevent his transportation to foreign countries, his being banished from his friends, and degraded like a criminal? if nothing will be listened to but petition, talk not to me of liberty; in Scotland there is none. Is this the language to be used in a Free Country? When we come forward here and state oppression, will you, who are the guardians of the people's happiness, turn from the enquiry? If we reject paying every attention to their cause, we discharge not the sacred trust reposed in us—it is for this purpose we hold our seats in the House.

He then divided the House, when there appeared

Content 1. Not content 49.

Dissentient. 1st, Because the attending to the due administration of Justice, and the watching over the conduct of the various courts in this kingdom, is one of the most important branches of the business of this house, and it is at all times also one of its most essential duties.

2dly, Becauſe it obviouſly appears to be proper to examine into the juſtice and legality of a ſentence, before it is executed, and not to permit it to be executed firſt, and then to examine into its juſtice and legality afterwards.

3dly, Becauſe for want of ſuch timely interference on the part of this houſe, it has formerly happened, that, within a ſhort time, no leſs than four unjuſt and illegal judgements were actually carried into execution, as appears from the reſpective attainders of the innocent ſufferers having been afterwards reverſed and made void (when it was too late) by four acts of Parliament, made and paſſed in the firſt year in the reign of their late Majeſties King William and Queen Mary, namely, in the caſes of Alderman Corniſh, Alice Leſhe, Algernon Sidney, and Lord Ruſſel.

4thly, Becauſe it is contrary to the firſt and immutable principles of the natural juſtice, that any thing to the prejudice of a defendant ſhould be brought before a jury in a criminal proſecution, that is "only collateral, not in iſſue, not neceſſary in the concluſion."

5thly, Becauſe it is not (nor ought to be) competent for the proſecutor to produce any evidence to ſupport any matter that is not charged in the indictment; that is to ſay, diſtinctly and preciſely charged, and not by mere epithets or general words, ſuch as oppreſſion, ſedition, vexation, or the like.

6thly, Becauſe in like manner it is not, (nor ought to be) competent for a proſecutor to produce any evidence to prove any crime to have been committed by a defendant, in any other particular than that wherein it is, in the indictment expreſsly charged to have been committed.

7thly, Becauſe no ſuch proceedings as thoſe above ſtated, nor any of them, can be juſtified under pretence, that "If it had been neceſſary to ſpecify in the indictment all the facts againſt the defendant, the indictment would have covered, by its magnitude, the walls of the court." And

8thly, Becauſe in one year of the trial of Warren Haſtings, Eſq. namely in the year one thouſand, ſeven hundred and ninety, there were no leſs than four deciſions of the houſe of Lords upon this ſubject, viz. on the twenty-fifth day of February, when the Lords reſolved,

That the Managers of the Commons be not admitted to give evidence of the unfitneſs of Kelleram for the appointment of being a renter of certain lands in the province of Bahar; the fact of ſuch unfitneſs of the ſaid Kelleram not being charged in the impeachment.

And again on the 4th day of May, when the Lords decided.

That it is not competent to the Managers for the Commons, to put the following queſtion to the witneſs to the Seventh Article of Charge, viz.—Whether more oppreſſions did actually exiſt under the new inſtitution than under the old?

And again on the 18th day of May, when the houſe of Lords reſolved,

That it is not competent to the Managers for the Commons, to give evidence of the enormities actually committed by Deby Sing; the ſame not being charged in the impeachment.

And again on the 2d day of June, when the Lords reſolved,

That it is not competent for the Managers on the part of the Commons, to give any evidence upon the Seventh Article of the impeachment, to prove that the letter of the 5th of May, 1781, is falſe. In any other particular than that wherein it is expreſsly charged to be falſe.

The ſaid diviſions of the Houſe of Lords are founded upon principles not peculiar to trials by impeachment. They are founded upon common ſenſe, and on the immutable principles of juſtice. In Scotland thoſe principles are peculiarly neceſſary to be adhered to, inaſmuch as by the laws of that part of the united kingdom, a defendant is obliged to produce a complete liſt of all his witneſſes in exculpation, the day before the trial.--That alone appears to me a conſiderable hardſhip. But if after ſuch liſt is actually delivered in by the defendant, any facts (or ſuppoſed facts) not particularly ſet forth as crimes in the indictment, may, on the following day, for the firſt time, and without notice, be ſuddenly brought out in evidence upon the trial againſt the defendant; ſuch defendant, from ſuch an entrapping mode of trial, may be convicted, although innocent. Such proceedings, whether ſupported or unſupported by an old Scotch ſtatute paſſed in arbitrary times, ought I conceive, to be reviſed. For, in a free country, there ought not to be one mode of adminiſtering juſtice to one man, namely, to Mr. Haſtings, and an oppoſite mode of adminiſtering juſtice to another man, namely, to Mr. Muir.

STANHOPE.

*** Mr. Muir was conveyed in a King's yacht from Edinburgh jail to Newgate, where he was loaded with irons; and on the 9th of February was conducted to the place appointed for his embarkation to New South Wales. Mr. Palmer, with 60 female convicts, were ſent off ſome days before. They had their heads ſhaved, were denied the uſe of their clothes, and obliged to uſe the ſame apparel and proviſions with the common convicts. On March 15, they were on board a tranſport at Spithead, and were to ſail on the Friday after for Botany Bay.