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Sept. 29, 1832.

## THE BRITISH AMERICAN,

SEPTEMBER 29, 1832.

We have received European Papers up to the 8th ult. three days later than our last, they contain nothing interesting of a political nature.

To the Editor of the British American.

Sir,

It is with extreme pleasure that I witness in this Island throughout, the rapidity with which we advance towards perfection in the leading interests of our country. [Agriculture] as also those improvements calculated to encourage it. But there is something more necessary, without which, no country however happily provided for in other respects, cannot be said to enjoy full share of any other cause, except the greatest ignorance, to follow the tops of hills instead of the sides of them, and prefer a constant ascent and descent to the level which the new line of roads now follow.

It happened Mr. Editor, that I was one of those liberal Jurymen who travelled through the untrodden woods of Fowlsheugh, and met the most ignorant, for nearly 7 miles, and was much astonished that in so short a distance from the Capital to find such a convenient and valuable tract of land unsettled; at this moment thought I, it must be from an impolitic cause, and that the land he exhibited the "bonnie acres and well stocked farms."

The writer in the Royal Gazette, seems to have been in full possession of the facts of, and on what grounds the Jury returned their verdict, in the enormous sum of £700, as the probable cost, and that we "did nothing but to send up the poor man to the gallows by the ignorant Jurors." There is nothing more easy Mr. Editor, than to be mistaken, and such must have been the case of this parish paid officer. I had nearly made up my mind to have treated his assertion with contempt, but reconsidering the respectability and character of my brother Jurors, [one of whom is a worthy member of our present House of Assembly] I could not help answering a fool according to his own folly, lest he be wise in his own conceit; he also states, after making the following extract from the Act,—"It is but just and reasonable that the proprietors should contribute to the formation of such roads," that we required our dictionary to learn the definition of the word *Contribute*, thus treating us as though we were men void of common sense; and nearer the mark he says, "The proprietors, he observes—"Jurors are not to set themselves up as the redressers of past grievances;" thus directly charging the jury with impure principles, of violating the trust reposed in them; by endeavoring to make it appear that the jurors by their verdict had attempted to extract from the Proprietors of those lands a larger sum than they were entitled to pay. The day is past, Mr. Editor, when this scurrilous writer had the opportunity of writing abuses against a liberal public, without the chance of having the same abuses returned upon your liberal impressions laid before us, it is now in our power to resent such iniquity. The following were the twelve Jurymen who attended, in giving publicity to what, it is presumed, their oath will (not to a discerning public,) be in the eyes of the Honourable, he says, "contrary, that they have done their duty to their King and country, and that the Proprietors possess the full advantage allowed in their verdict."—Foreman J.S.M. Donald, Esq., W. Crossly, J. Simpson, M. Doherty, J.

W'Donald, S. Boyver, D. Ewen, E. Robinson, W. White, W. Dockendorf, and W. Douce.

I must further assure this Parish-paid Officer, that his conduct is very wrong, must be discontinued, or there will be a noise in the new world. I am Sir, with much respect, a constant reader of your paper, and an nothing more or less than a Proprietor, Agent, Leaseholder and a plain Farmer.

ONE OF THE JURY.

*Leatherhall Cottage, Sept. 28, 1832.*

### A REFORMER OF FORTY YEARS SINCE.

THOMAS MUIR, the subject of the following account, in July 1793, landed in Ireland, on his return from France—and after remaining in that country for six days, he crossed to Edinburgh in Scotland, anxious to reach Edinburgh to meet his accusers. He had scarcely however been an hour in Scotland, ere he was pounced on by the minions of the law, and carried straightway to the jail of Stranraer, where he was kept for several days, till a communication was made to the Crown Lawyers at Edinburgh, from whence a messenger at arms was immediately dispatched for him, and in his custody, as a prisoner, Mr. Muir was taken to Edinburgh early in August, 1793.

On the 30th of that month he was brought to the bar of the High Court of Justiciary—after a lengthened trial of eighteen hours, found guilty of sedition, and sentenced to transportation for fourteen years.

A trial more important never occurred in this country. It created, at the time, uncommon interest. All classes of the community were attracted to the bar in Parliament, it gave rise to an interesting and solemn debate. It even attracted the attention of foreigners. And though forty years have now nearly elapsed since the trial itself occurred; and all the chief actors in it are dead and gone, we are persuaded that the short account and exposition of it, which we have now resolved to submit to the consideration of the public, cannot be read, and especially by the lovers of Rational Reform and Freedom, at this particular period, without feelings of astonishment, indignation, and regret.

Any person will at once perceive that Mr. Muir was tried and convicted, simply because he was a Reformer. This truly was "the head and front of his offending." And now we think it may be of importance to look for a little at the character and constitution of the Court before which he was tried.

We omit in the mean time the pages respecting the Court. The system of permitting the Judge to pick 15 Jurymen out of 45, previously selected by some Clerk of the Court, needs no comment.

It affords some consolation however to the friends of humanity, to know that the case of Mr. Muir did not escape the notice of a few virtuous and patriotic men, at that time in Parliament. They too struggled for him, but in vain. On the 10th March 1794, a distinguished countryman, the Right Honourable William Adam—now the venerable Lord Chief commissioner of the Jury Court in Scotland—made a splendid speech of three hours duration, in the House of Commons, in which he reproached the whole of the proceedings against Mr. Muir. And we have peculiar pleasure in stating, that this is not the only occasion on which this amiable and excellent Judge appears to have exerted himself in the cause of the people. His Lordship once took the direct course of moving an address to the Crown on behalf of Mr. Muir.

The motion was seconded by Mr. Fox.

It was opposed by the Lord Advocate, and by Mr. Pitt. And if any one will take the trouble to peruse the debates in Parliament at that

period, he will find that stronger language was used by the greatest statesmen of the age, (Pitt and Sheridan, especially) condemnatory of these political Trials in Scotland, than has ever uttered within the walls of Parliament, even during the days of the immortal Hampden. We refer our readers to the Appendix for a short abridgment of it.

On a division the numbers were—

For the motion of Mr. Adam, . . . 32

Against it, . . . 171

Majority against the motion, . . . 139

April 15, 1784, the Earl of Lauderdale, after a speech of nearly four hours, introduced a similar motion in the House of Lords, which was seconded by the late Earl of Stanhope, who met with a worse result, for it was negatived without a division.

We beg our readers to remember, that this took place under the administration of Mr. Pitt. "After he had once forsworn the error of his way, (i. e. his early zeal for Reform) he said to corruption: thou art my brother; thou art my power; or rather place his god, the spirit of a Reformer before a spectre of the light;—he detested it as the wicked do the light;—and he hunts their repose even after the conscience has ceased to sting their souls. We must be pardoned for using this language. We know of no epithet too harsh for him, who was profane enough to thirst for the blood of his former associates in reform, of the very men whom he had station, had secured in popular courses;—and not content with despoiling the people of the power which he had mounted on their backs, for the purpose of their destruction. When the wars and the taxes, which we owe the lamentable policy of this rash statesman, shall be forgotten, and the turmoils of this stormy age shall live only in historical records, when those venal crowds shall be no more, and new subjects shall be the spoil of the myriads whom he has undone; the name of this great criminal will excite the most lively emotions, and will be that where his apostasies are enrolled, where the case of the African slaves and of the Irish catholics stand black in the sight; but most of all will the heart shudder at his persecutions of the Reformers, and at his attempts to naturalize in England a system of proscriptions, which nothing but the trial by Jury, and the English Judges, could have prevented from sinking the whole land in infamy and blood."

Soon after the division in Parliament, the sentence against Mr. Muir, was carried into further execution. He was shipped off to Botany Bay. Yes, reader, we grieve to state, that a man of his high talents and refined feelings, was placed in chains—beside the most atrocious criminals, the refuse and dregs of the human race—and, in such company, he was sent to endure his confinement in the desolate shores of the remote Southern Ocean.

And for what?—We will not trust ourselves to say any thing more on that point. Read his defence.

It is impossible to form any adequate conception of the state in which Mr. Muir's feelings must have been, when he left England. The reader is left to fancy them if he can, for it does

\* Edinburgh Review, April, 1810, p. 120

It will be observed that Harry, Tooke, and other Reformers were also tried in England in 1793—94; so anxious were the ministry to get a conviction against them, that the present Earl of Eldon, then Secretary of State, proposed to send one of our eight hours against Harry. Lord Erskine dashed his philosophy to pieces by such a torrent of manly eloquence, that the Jury returned a verdict of Not Guilty.