

### PRIVILEGE OF PARLIAMENT.

[Amongst the numerous publications which have been produced during the present discussions in England relative to the Privileges of Parliament, none, on the part of those who are opposed to the recent exercise of those privileges, has attracted a greater share of attention than the following report of a Speech delivered by Lord ERSKINE, in the House of Lords, on the 7th May, upon the occasion of a notice given by Lord GREY, for a call of the House on the 30th of that month, to take into consideration the State of the nation.]

“ Lord ERSKINE said he felt himself called upon to say a very few words to their lordships. He said he entirely agreed with his noble friend who gave the notice, that notwithstanding any imperfections with which time might have visited our happy Constitution, it was the best and wisest upon the face of the earth, and under which there was the greatest enjoyment of happiness and freedom; but it was impossible to contemplate that perfection without adverting to the principles which were its essential characteristic. Its characteristic indeed had been correctly and luminously expressed by his noble friend (Lord Grenville) who sat next him, when he said, ‘that Parliament was the author of it, and that like our ancestors, from whom we inherited our freedom we should rally round Parliament;’ so said his lordship because in rallying round Parliament, or in other words, round the King, Lords and Commons, we were rallying round the Constitution and the Laws; around which all were disposed to rally. It was the cause of the immediate reference to this sound doctrine that obliged him to address their lordships. His noble friends had adverted to the late exercise of Privileges by the House of Commons, and of the sensation they had created. If they alluded only to the disturbances in this great city which they inhabited, he joined in lamenting them; but if they involved, in this sentiment, the legal resistance by those who had been the objects of them; if they alluded to actions which though not pending, were in immediate prospect, he must declare that he considered it to be a matter of the greatest magnitude and importance, which the laws alone ought to determine, and with which their lordships had at present no manner of concern. If the Privileges of the Commons under the Constitution had been invaded, the Commons wanted no assistance from the Lords to protect them; the Laws would protect them; and if in the invasion of their Privileges the Lord's Privileges were by analogy invaded, it left became them to be forward in their assertion: more especially as the question might come legally and judicially before them.—No man would more zealously defend the Privileges of Parliament, or of either House of Parliament, than he should; and he admitted, that what either branch of the Legislature had been for the course of ages exercising with the acquiescence of the whole Legislature, would, in the absence of Statutes, which would be the grand question, be evidence of the common Law of the Land. The jurisdiction of Courts rested in a great measure upon the same foundation; but besides that, these precedents, as applicable alike to all of them, were matters of grave and deliberate consideration—they were, and must be, determined in the end by the Law. He knew that the contrary was insisted upon by the Commons, when they committed Lord Chief Justice Pemberton for holding plea of them in his Court; but so far was he from considering such a claim as matter of argument under this Government of Law, that I say advisedly, (said his Lordship,) that if, upon the present occasion, a similar attack was made upon my noble and learned friend (Lord Ellenborough) who sits next me, for the exercise of his legal jurisdiction, I would resist the usurpation with my strength, and bones and blood. Why was any danger to the House of Commons or the Country to be anticipated by a sober appeal to the judgment of the Law? If his noble and learned friend and his brethren the Judges had no jurisdiction over the Privileges of the House of Commons, they would say they had no jurisdiction. If they thought they had, they would give a just decision according to the facts and circumstances of the case, whatever they might be. These facts and circumstances are considered, however, too clear for inquiry; yet the King's Attorney General and a Member of the House of Commons, when called upon by the Sergeant for advice upon the subject, was obliged, and most properly, to admit that there was no precedent to be found for his forcible prosecuting, and that if death ensued he could not undertake to insure him against a conviction, and an execution for murder. Was this the character of an immemorial and an acknowledged jurisdiction? But it was said that there was an end of the Privileges of Parliament if they must pray in aid the King, or any other authority, to support their jurisdiction. Yet, in the very instance alluded to, they were obliged to pray in aid the King—not of his laws indeed, to which the people would have paid the most implicit obedience, but of his bayonets, which, when contrary to Law, they would resist. He desired to warn their Lordships against too hasty a resort to force, until right had determined its application. It was a dangerous resort, which never could be necessary in the government of the British people, when the Laws were on the side of authority; let the Laws speak first, and if they were disobeyed, the people, instead of resisting, would obey, and execute them themselves. There was another view in which this question must be looked at. He was giving no opinion whatever on the subject, but stating only the question. Suppose there should be positive statutes upon this subject, before the possible origin of any jurisdiction of the House of Commons—it was contended that there were—he was still giving no opinion; but was it not open to the subject, if he were advised to plead such statutes in bar of the privileges in the cases contended for? and could any authority but a Court of Law overrule such a plea? could the Commons themselves resist the effect of such statutes, to which they were parties? There might be statutes, indeed, on such a subject, which, except in form, wanted no judicial cognizance, because every man could read for himself. If a written law would bear two interpretations, and the worst interpretation had been given to it by a series of decisions, that worst interpretation was undoubtedly the law; but where a statute spoke a clear,

plain, unambiguous language, the people had a right to the protection of its letter, and they ought to insist upon that protection. The Parliament might repeal it, but whilst it was a statute, neither the King, Lords, or Commons, or all three of them, had any dominion over it. It might appear he was putting an almost impossible case; but on that very ground he had defended from death the subjects of this country, and perhaps more than them; their Lordships might not have been sitting to-day to hear him, if upon these grounds he had not successfully defended the dominion of the Laws. He was then told that a conspiracy to levy war against the King was treason, as an attack upon the natural life of the King; he had said, No! because the statute of Edward 3, under any interpretation, had said No also. He was told that Lord Hale and Lord Coke were against him; to which he answered, irreverently perhaps, but in other respects rightly, that their authorities were no more against a positive, unambiguous statute, than so many large flies buzzing against a wall; and so he should for ever maintain, Lord Erskine here said, ‘I would rather die, my Lords, than submit to any dominion but that of the law. I know the law upon this subject, my Lords, as well as any of your Lordships; it is impossible I should not; and it would be criminal to surrender or even to withhold my opinion. If he had been warm upon the subject he must be pardoned; he could not alter his nature—what he had ever been through life he must be to-day; what had been the character of his mind and understanding must continue to be its character. He made no apology to his noble friends for this expression of his opinion. They would little deserve the character they justly had in the country, if they were ‘capable’ not merely from courtesy but even from confidence and affection to compromise opinions upon such grave and important questions. He was most sincerely attached to the principles of those with whom he had so long acted, and particularly to his two noble friends, whose unquestionable integrity and superior talents entitled them to the great station which they must ever hold in the opinions of mankind. It was to secure that pre-eminence that he made these observations, because he knew that nothing could ever secure contentment and happiness in this country, but the protection and dominion of the Law.”

### REVOLUTION IN SWEDEN.

LONDON, JUNE 7.—An important piece of intelligence has been received from Sweden.—The Crown Prince, the intended Successor to the Usurper of the Throne of Gustavus, is dead. He was reviewing some troops in the neighbourhood of Helsingborg, when he suddenly fell from his horse and expired. The Gottenburgh Papers attribute it to an apoplexy; the reports of private persons assign poison as the cause, and that this was ascertained on an examination of the body after his decease. Men are apt to suppose that when Princes die suddenly, their deaths are occasioned by violent means. We find, however, that the Crown Prince had been previously unwell, though the Stockholm Gazette of the 25th, four days before his decease, states that he had recovered from his indisposition, and was able to continue his journey. Had poison been the cause, his death would have been more lingering. We should not have found him able to review troops and sit on horseback only the moment before he died. His death has given great confidence to the party that espouse the cause of the Son of Gustavus, and a letter from a correspondent mentions an insurrection to have taken place in his favor at Stockholm.

### PRIVATE CORRESPONDENCE.

“ HARWICH, JUNE 6.—We this day had three vessels from Rotterdam, with passengers; and a packet from Gottenburgh with mail and passengers. By the former we learn that the King of Holland and his wife have left that country, and that he has positively abdicated his Throne, the consequence whereof, it is considered, will be the immediate annexation of Holland to France. The country therefore is represented as being in the greatest consternation and tumult; and several of the most respectable houses are making up their affairs to quit the country. The feelings of the Dutch are said to be now worked up to a pitch, that they are ripe for revolt (but, I fear, any attempt would be but in vain.) It is, however, confidently reported in Holland that hostilities are about to commence between France and Russia, whose Emperor is stated to be in such complete dislike, that it is expected he will share a similar fate to his predecessor.”

“ By the Gottenburgh packet, we have advices of an insurrection at Stockholm, a strong party having thrown themselves in favour of the Son of the deposed Gustavus; and Frederick of Augustenburgh, the declared Hereditary Prince, has been poisoned! Whilst taking an airing on horseback, he suddenly fell, and expired immediately, and on examining his body, it was found that his death had been occasioned by poison.”

Letters from Dunkirk were received yesterday morning, to the date of Monday last. Bonaparte had left that place, on his journey to Rouen; and a report prevailed, that his first measure on his return to Paris, would be, to declare war against the United States of America.

It has for some time been reported, that the French government had refused granting licences for the further exportation of grain, unless England would consent to take wine and brandy also. We yesterday saw some letters from the French coast, which state the contrary to be the fact.—They inform us, that the products of France were still allowed to be exported, with the exception of a few forbidden articles. Several ships laden with grain, arrived within the last two days.

### EXTRACT OF A LETTER.

“ GOTTENBURGH, MAY 28.—I have this afternoon read a letter from Hamburg, dated 22d inst. stating that a new decree of Bonaparte's has been published, which confiscates all American property imported into France and her dependencies, since 20th May, 1809; and orders the proceeds to be placed in the public treasury. The writers give it as their opinion, that it will be acted upon in all the

Danish, Prussian, and Mecklenburgh ports. The property in Sweden, is considered perfectly safe.

Extract of a letter from Constantinople of the 2d of April. “ There will shortly arrive from Egypt fresh troops, who will join the Janissaries, lately raised in the camp of the Grand Vizier, at Schumia.

It appears that the Porte is determined not to change its system. Baron de Hukfel, a Russian Banker, and Charge d'Affaires to the Kings of Denmark and Saxony, has had several conferences with our ministers, in which he has made propositions for peace. We are informed that those of the Ottoman minister have not been deemed admissible at St. Petersburg, and in consequence we expect important events as soon as the fine season commences.”—(Abeille du Nord, May 18.)

CONSTANTINOPLE, MARCH 25.—A very active recruiting is carrying on in all the provinces of the Turkish Empire; the Asiatic Pashaliks, in particular, raise a great number of men. The Turks appear to have somewhat recovered from the state of stupefaction into which they were plunged by the late campaign. The Grand Seignor will place himself at the head of the troops from Asia, on which he has a greater reliance than on those from Europe. He has caused them to be exercised for some time, and provided with arms on the European model.—Correspondent May 18.

Our letter from Plymouth states, that the Star cartel is arrived at that port from Morlaix, bringing several Officers who had been made prisoners at the battle of Talavera.—She left Morlaix on the 31st ult. and happily repeats the report made by the last cartel, namely, that although the arrangements are not finally settled for a general exchange of prisoners, yet there is the fullest expectation of the speedy settlement of the matter. We give this information to all parties in question, and do heartily pray for a happy issue to this important negotiation.

The East India Company have presented the PERSIAN AMBASSADOR with a most superb dirk, the handle set with precious stones, and the blade most ingeniously carved; the case to preserve it is of crimson velvet, the seams of which are covered with narrow gold lace.

A gentleman of the name of Weston, has won an extraordinary match against time. He was to drive a favorite trotting horse, in harness, 100 miles in 12 hours. He started on the Newmarket road at 6 o'clock on Saturday evening and by the same hour next morning he finished the distance, having a full half hour to spare, bating a minute and a second.

### BOSTON, JULY 30.

#### LATEST FROM LONDON.

Letters have been received by the Caroline, from London, to the 11th June; they state, that the Deputation, which waited on the Board of Trade, were informed by the President, Lord BATHURST, that Admiral Sumateuz, must have mistaken the spirit of his instructions, and that new orders would be immediately sent to him not to molest American vessels bound into or out of the Baltic, with original cargoes on board.

#### NORTH OF EUROPE.

Numerous accounts from Sweden state, that the British Naval Commander in Chief in the North had notified, that no neutral vessels would be allowed to enter into, or sail from, any of the Swedish ports, to any other ports, excepting they had previously taken out British Licences to trade. Circumstances make it probable, the instructions to the British Admiral, were in consequence of the Non-Intercourse Law of the United States, as Capt. Trevet mentions, that the British Admiral had stated, that the restrictions would be removed when the repeal of that Law was known. The law in question expired the first of May, information of which might be received at Gottenburgh by the middle of June. There are conjectures afloat, that these new instructions were in retaliation at the measures of the American minister of the Court of St. Petersburg, respecting licenced and other vessels. His conduct in that particular has been severely remarked upon in the English papers.—Centinel.

#### FRANCE AND RUSSIA.

Reports are current, from different sources, that a rupture between Russia and France was expected to take place, and that the former would make common cause with England and Turkey. They need confirmation.

A gentleman arrived at Baltimore, from Sylt, reports, that by a recent order, colonial produce was permitted to be transported to Altona; that prices were extremely low; that no confiscations had taken place, nor were any apprehended from the inclination of the Danish government, but it was a matter of speculation and of fear, that Bonaparte would order confiscations, in which case, no hesitation would be felt in complying with his demand.

#### VERY LATE FROM SPAIN.

On Friday evening, Capt. Vinal, in the brig Enterprise, arrived here from Algeiras, (Spain.) He furnishes a detailed account of the seizure by a military force, and sale, without form or trial, but in the name of the French Imperial Government, at Malaga, of the brig Two Marias, Doane, of Boston, with fish; schooner Four Brothers, Grozer, of Provincetown; and schooner Hope, Noble, of Portsmouth, with cocoa, logwood, &c. put into Malaga in distress.

The French were in possession of Malaga the 13th June. King Joseph had visited it, but had gone to Granada.

Capt. V. left Algeiras the 19th June. On the 19th, 5000 Spanish troops, under General Laci, arrived there in English transports from Cadiz.—Their object was said to be an attack on the rear of the French invaders of Cadiz. Two privateers were ready for sea at Malaga; and two others fitting out.

#### LATEST FROM PORTUGAL.

Arrived at Portland on the 21st inst. ship Hestichel, Capt. Lewis, in 40 days from Lisbon. When Capt. L. left Lisbon, the squadron of the Portuguese, English, and French forces were as follows:—

The head-quarters of Sir Arthur Wellesley on the 10th June, was at Serrochio, in the vicinity of Almeida: his force (wholly British) consisted of 16,000 men.

A division of 1000 English and 6000 Portuguese, are