

disastrous events reported to have taken place, what would have been their feelings? Would they not have said, "Upon my word this is more than Englishmen ought to bear." This was obviously exciting the minds of the persons addressed to opposition to the Government. As to the report of the country gentlemen, who, like the Jury, perhaps, disliking the struggles of political life, were said to spend their time in fattening cattle, and planting cabages, he would make no remark upon it. Men had different tastes, which each had a right to indulge in. He had heard, indeed, that the man who could make two cabages grow where one had grown before, was a benefactor to his country. "Bloody Nerves," &c. Who could be intended by this term? It must be meant to be applied to the Government. The passage immediately following abounded with the reign of terror and blood had been intended for taken as a whole, must have been intended for excitement. It could not be done in stronger terms. He need not say that Nero, who was so literal meaning in the allusion to Nero, who was said to have ripped open his own mother. But could any one doubt that there was an intention of excitement against the Government, by this allusion to the most hateful act of the most hateful reign ever known in the world, and the comparison attempted between it and the deeds of the British Government? The letter went on to direct the calling of a public meeting to inquire into the circumstances before described. No one would say that public Meetings were the proper place for such a discussion. If the Meeting were legal, and the soldiers had committed the wildest and most brutal excesses, was there no law to punish them? Could they not be prosecuted in a legal manner? In such a case a man could not be permitted to write down the reputations of the accused, but was bound himself to turn public accuser and prosecute the parties. A Meeting was called in consequence of the letter, inflammatory resolutions were passed on the conduct of men which ought in any case to have been submitted to a Jury to determine its legality. There was next a supposition that the Meeting to be called would be subject to interruption by military violence. What was this but to assume that the Country was under martial law? Did not this tend to excite sedition? There were only two ways of interpreting it.—The inference must be, that any person or number of persons, however peaceably and usefully employed in the callings of life, were subject to be interrupted by the troops; or else it must mean that which would be much more wicked and seditious, that the People ought to meet according to their inclinations in whatever numbers, and to pass whatever resolutions they might, in spite of the Government or any of its authorities. The writer, in observing "this may be a libel," &c. proved that though he had written in haste, he was conscious of having written that which was likely to be deemed libellous. It was no matter what opinion he entertained of the law or present practice in cases of libel. The next passage referred to a celebrated period of our history, in which the Bishops had opposed a declaration of freedom of conscience and general toleration.—He wished only to take the fair and natural construction of the words. He asked the Jury to consider the terms as plain men. But what could be inferred from the allusion to the abdication of the Government by James II. but an insinuation that he hoped for the same consequence if he should be tried like the seven Bishops.—As to the nature of the libel subscribed by those learned and pious men, had he (Mr. Vaughan) been a soldier living in those days, he would have been distracted enough to shoot too. But what resemblance was there between their case and the present? The seven Bishops had refused merely to read a declaration in the churches for liberty of conscience, which declaration was founded on a power arrogated by the Crown, and before declared to be illegal by the Parliament, of dispensing, on its own authority, with the penalties against Catholics and Dissenters. They respectfully entreated the King to forbear from pressing it, and humbly remonstrated against it. [Mr. Justice Best said, their remonstrance was couched in a Petition.]

The Learned Serjeant resumed.—In the arduous proceedings of the times, and in opposition to the attempts of their infatuated Monarch, they acted to the best of their ability. There was not the slightest degree of parallel between their cases and the present, and yet the Jury would perceive that the same consequences were anticipated. The reference to the soldiers must have been meant for an intimation, that the soldiers of those times were more debased and cruel than those of James, "tearing the living flesh from their bones." This was obviously intended to bring the Government into contempt and dislike among the soldiery. He had gone through the whole letter. It would be for the Jury to say, whether it was seditious or not. In the small compass of a letter it would have been difficult to introduce stronger matter. The Jury would see how necessary it was to take the present course, in order to put down the libels which had been spread, and were still spreading over the country. He hoped he felt as much as any man for the liberty of the press, which, according as it was used, became an engine of powerful utility or of tremendous evil. Persons were at liberty to write what they pleased, but they were liable to punishment for improper writings. Juries were the best censors of the press. They were the guardians of the law, and by them only could its justice be administered purely. Of this justice it might be said, as was

said of the divine law, "her seat is the bosom of God, her voice is the harmony of the world. All things do her homage; the weakest as enjoying her protection, and the strongest as not exempt from her power."

Mr. Samuel Brooks, of Westminster, being then sworn, deposed to having received the letter containing the alleged libel through the hands of Mr. Bickerstaff. He believed it to be Sir Francis Burdett's writing. He had mislaid the envelope, and did not know where to find it. Supposing the letter intended for publication, he had given copies of it to the London Newspapers, among the rest to *The British Press*. The Editors inserted it on their own responsibility, as nothing was paid for it. He did not so easily recognize the letter to Lord Sidmouth to be the Baronet's hand-writing. He did not believe the envelope to be written by Sir Francis at all.

Mr. Took, of Bedford-row, London, knew the hand-writing of Sir Francis Burdett, and believed the Letters and envelope to have been written by him.

William Simpkins, keeper of the toll-gate near Kirby, saw Sir Francis Burdett about 100 yards from his dwelling on the 22d of August last; saw him again on the 23d.

Cross-examined by Sir Francis Burdett.—Did not know that Kirby was on the borders of the county.

Mr. Brooks called again.—*The British Press* of the 25th of August, containing the letter in question, being put into his hand, supposed that must have been about the time when he received it, or a day or two after.

The letters were then put in and read.

The Clerk announced to his Lordship, that there was a letter in an envelope, addressed to Lord Sidmouth.

Mr. Denman objected that it was only a letter, and an envelope.

The letter from Sir F. Burdett to Lord Sidmouth was then read. It was dated Cottesbrooke, August 28, 1819. In substance it adhered to the application made by Lord Sidmouth to the Editors of the different Newspapers, respecting the publication of the letter of the 22d; it acknowledged that he was the author, and stated that, upon subsequent consideration, he saw nothing in it which he, as an honest man, was disposed to retract.

The letter which formed the subject of the information was next read. With the reading of this letter Mr. Serjeant Vaughan closed the case on the part of the Crown.

Mr. Denman now rose, and submitted that there was no case for prosecution. The information alleged a libellous publication in the County of Leicester, of which there was no proof. It might be assumed from the date that the letter was written in Kirby Park, and there was no evidence that Sir F. Burdett was in that neighbourhood at the date of the letter. But there was nothing more proved than that he was seen there. The writing and composing of a paper, however unworthy the contents, were not criminal. There must be an act of publication proved by direct evidence upon the accused party. The charge was that he had published this letter in the County of Leicester; but it might as well have been published in any other County. It was quite as consistent that he might have written the letter in his study, taken a ride out, met Mr. Bickerstaff in another County, and there delivered the letter to him. Such a thing could be in no way inconsistent with the facts just given in evidence. There was no proof that the letter was published in the County of Leicester; and a Jury would be prejudiced if they found a man guilty of an offence alleged to be committed in one County, without proof that it was committed in such County.

Mr. Clarke objected to this mode of argument, as being an address to the Jury, and not a point of law submitted to the Bench.

Mr. Denman said there were many cases in point, and one of them was the very case alluded to by Mr. Serjeant Vaughan—that of the seven Bishops, where the Judges gave their opinion that there was no proof of the petition to the King having been published in the County of Middlesex, until Lord Sandford proved that he had presented it to the King on behalf of the Bishops.—Now he submitted that there was no proof as to what County the letter was written in. But even if the letter was put into a post-office in the County of Leicester, it was no publication in that County, because it was not shown to any one there; nor was it any publication at all until it arrived at the place of its destination. Mr. Denman quoted some other cases in support of his argument. He admitted that Sir Francis Burdett might very properly have been brought before a Jury in Middlesex; but he maintained that the fact of publication ought to be clearly shown, that the case might come within the jurisdiction of that Court, and that it could not be tried in any jurisdiction except where it was issued. The simple fact of writing the letter was no libel; it was not a libel until it was delivered. Sir Francis might have rode out as far as Oakham, in Rutlandshire, which was not far off, at the time when he was seen riding out on the 23d of August, and left the letter there. It was then in his opinion a case which could not go to a Jury. The seven Bishops wrote their petition in Surrey, yet they were not tried in that County, but in the County in which it was delivered to the King. There was no proof of this letter having been seen by any human eye in the County of Leicester, until it was shown in the Court that day. Therefore there was no proof of its having been written or published there.

Mr. Phillips followed on the same side. The writing of the letter was not a publication by Sir Francis Burdett; it never was published until it came to Middlesex; and there was not even any evidence to show that the letter was ever written in Leicestershire. In the case of the seven Bishops, they admitted that they wrote the paper in Surrey, and then it was admitted on behalf of the Crown, that there was not any evidence of justification in Surrey. The present was a case not only in point, but even much stronger; for there was neither admission nor evidence to show that this letter was written in Leicestershire.—There was not the slightest evidence to show where Mr. Bickerstaff received the letter. The chuz rested on the Crown to show how it came out of the hands of Sir F. Burdett to Mr. Bickerstaff. No such thing was done, and therefore there was a complete chuz in the evidence.

Mr. Justice Best said, he was of opinion that there was evidence sufficient to go to the Jury; and the objection now put might hereafter be urged in another place, in arrest of judgment, if a conviction should take place. The case of the seven Bishops was different, for the libel then was tried in the county in which it was alleged to have been committed. In the case of Justice Johnson, it was decided that he might be tried in Middlesex for the letter which he had sent to Mr. Cobbett, and which was published in his *Register*; but that decision did not show that he might not be tried in Ireland, where the letter was written. On the same principle, it did not follow, from the cases quoted, that Sir F. Burdett might not be tried in Leicestershire. It would be for the Jury to say, whether they thought there was sufficient evidence to show, that the letter was written in Leicestershire.

After a lapse of about ten minutes.

Sir Francis Burdett rose for his defence. He acknowledged the handsome treatment which, under all the circumstances, he had received at the hands of the Learned Serjeant, his prosecutor. The manner in which the charge had been conducted had, indeed, from the politeness which had been mingled with it, almost invalidated the accusations; for it would be difficult to believe the accounts of the information, when applied to one who had been so highly complimented. He would commence with a few observations on informations *ex-officio*. In such remarks he did not intend to apply any thing personally to the Learned Serjeant; nor yet was he at all willing to do so with regard to the person now holding the office of Attorney-General, especially as that Gentleman was not present. This was a circumstance which he much regretted, as it was always much more pleasant to state any grounds of complaint or dissent before the face, than behind the back of the objectionable party. He was in a very singular situation before the Jury. He was called upon to dispute with the Gentlemen of the legal profession as to where what was technically termed the venue of a criminal process should be laid. The first question, however, was, as to the grounds of the information. He complained of being deprived of the safest bulwark for this part of the Constitution; he meant the finding or rejecting of a bill by a grand jury before any steps taken in a criminal prosecution. Had that been done, he might have been spared all the trouble and expense which had been brought on him, and the inconvenience both to the Court and Jury. They were asked to do in his case what Sir Francis had the power to do. They were called on to decide where a particular act had been committed, in absence of every vestige of proof for that purpose. They were told of presumption as that proof. Presumption in an English Court of Justice! Every thing in the case was indeed presumption without proof. Suppose the letter in question had been put in the post-office by him or his servant; suppose that or any other letter to have given the mind of the writer unexpressed, he might, upon mere mature reflection, find that its contents were contrary to reason and common sense, he might cause it to be withdrawn and delivered back to himself—he might destroy it. What publication would there be or could be alleged in such a case? According to the argument used for his case, publication did not take place at the spot where the letter might be sent, but where it should have been written. And when this extraordinary principle was established, there was no proof then offered of the fact, but the Jury were required to presume on it. He would show them how this presumption was supported. The envelope of the letter was lost, and so far from there being any proof of its having been put into the Post-Office in Leicestershire, he declared he did not know himself, nor did any of his servants at the post, where the letter had been put into the post. He recurred to the power of filing *ex-officio* informations; a power which had never been openly tolerated, but had been curtailed at the Revolution, and always discontinued since the great law authorities. Lord Chief Justice Hale not only disapproved of it, but pronounced it to be, in point of law, not allowable in this our free Constitution. Such a power was obviously contrary to *Magna Charta*. Its exercise was hostile to reason and common sense. At the Revolution a Committee had been appointed to secure to the People all the benefits of that important measure, the Chairman of which was Sir John Treby. The power of filing *ex-officio* informations was one of the first things they attacked.—This power was withdrawn entirely from the master of the Crown Office, with whom it then resided; and so it would have been altogether most probably. But it never had been presumed that a power thus expelled from the Constitution would ever be claimed or exercised by the

legal servants of the Crown. If it had been, that power would have been desired to them such by his official title. This power made the situation of Attorney-General full of danger to the public and reputation; it was a rock on which honour and virtue were almost sure to split. The Attorney-General had been called an officer of the Crown; that was not the case. The Attorney-General was invariably the mere creature—the mere tool of the Court—an instrument merely in the hands of that Court, to work the purposes of political malignity.—

Justice Best said he could not sit and hear such language applied to a responsible Officer of the Crown.

Sir F. Burdett, with deference, would dispute the Attorney-General was not an Officer of the Crown, he was only the creature of the breath of the Ministry; his official existence was limited by the success of him who gave it, and expired with his power. There was a difference of opinion between him and the Crown Lawyers.—And when those Gentlemen came forward to charge him with being *in malo animo*, he certainly had a right to examine *quis animo* they made such a charge. If the Attorney-General were really an Officer of the Crown, acting on his own discretion, why was he not made as independent as the Judges? And, indeed, considering how much it really depend on the discretion of that officer, (Sir Francis) was almost inclined to think that ought to be more independent, at least, than he was. The unsupported charge then under consideration was a pregnant instance of the scandalous abuse of the powers intrusted to him. Nothing could be clearer than that the prosecution ought to have commenced by preferring a bill before the Grand Jury. Here was a sufficient example of the justice of *ex-officio* informations. He referred them to the opinions of Justice Blackstone, Lord Hale, and others, upon this subject. The power had been added to the Royal functions for the purpose of providing remedy for aggressions wherein a moment's delay of the penalty beyond what was absolutely necessary might prove seriously dangerous to the Public. It was declared to be necessary to prevent inconvenience or suffering to the interests of the People (*in quibus detrimentum*), in cases where the most trifling delay of justice or punishment would operate injuriously. The object of it was to save time. How strange and flagrant was its abuse, when from the manner of exercising this power it so frequently, and in all cases where it was used, produced only delay. Why did not the Attorney-General send him to a Grand Jury in Middlesex, and try him there? The reason was, that he despised a conviction in Middlesex, and expected he should find men in this county who entertained strong prejudices against him for his supposed political principles. In doing this, the Attorney-General libelled the Juries of both places. He libelled the People of Middlesex, by despairing of obtaining a verdict there; and he libelled those of Leicester, by supposing them all possessed of political prejudices. And what must the Jury think of prosecuting him in a place, which, in point of law, was a disturbed district? They could not mistake the motives of the Right Honourable Gentleman in so doing any more than they could mistake his in writing the letter. He next addressed to the subject of libel. It had been said by the Learned Serjeant, that there was nothing more easy than to define libel. He confessed he had not that sort of capacity which he could not take to himself. The term itself was borrowed from the Civil Law. The word was derived from *libellus*, a little book, and of itself had no disgraceful meaning. The signification was criminal only when accompanied by criminalizing evidence.—Had he been accused of burglary, or any other crime of a specific nature, even more outrageous, he could have grappled with the charge; but this libel, nobody knew what it meant. It was a thing of undefinable origin and quality; it was one of the cardinal vices of the Star Chamber.—It was never distinctly understood. As was well known, writings were declared libellous in one county, which in another were declared to be not libels; and frequently one Jury acquitted a charge of libel affecting the same publication, which had been convicted by another. The whole system of the law of libel had been borrowed from the slavish code of the Imperial Romans. Libel and sedition were the great instruments worked by that despotic government to annihilate eminent men. It was really curious to observe the wretched artifice by which the ordinary practice of the law of libel was furthered in the Court of King's Bench. A libel could not be said to break the peace; it was therefore said that it had a tendency to break the peace. Just so a man upon the southern road might be charged with a tendency to go to London. The old law of England required proof of a *corpus delicti*, a substantial offence of some kind before conviction. The King's Bench, however, got possession of a jurisdiction, and obtained cognizance of the new cases, and immediately the distinctions of truth or falsehood of the libel became an object of positive insignificance. He could never be brought to the belief that the immorality of a libel could be the same whether true or false. The truth must always weigh, and he did not think the Public could be otherwise than benefited by Sir John Treby. In the case of the seven Bishops, which had been so much alluded to, he found something remarkably applicable to the present case. Judge Powell said on that occasion, *sedes* that the libel must be proved to be wicked, malicious, or malicious and false. Now this was the Revolution, an event which was considered necessary to reduce the despotism of all the insti-

tutions in the Country. And among the ensuing causes of that Revolution, perhaps there was none which operated with greater effect than the admirable demeanour of the Judges at the time. According to the opinion of Chief Justice Wright, it was always necessary that an intention should be manifested by proof. He contrasted this with the present indefinite law of the subject, which he asserted to be on that account even worse than the law which, as he subjected authors or writers to never-ending peril, even when they were least conscious of having incurred it. *Miseræ est servituti ubi jus vagum*. Such was the feeling of that honest lawyer Sir Edward Coke, which observation was again quoted with apparently as much feeling of its correctness by Mr. Justice Blackstone.—Remarking still further on the indefinite nature of libel, he observed, there were instances of persons having stood in the pillory for libels for which they had afterwards been honoured and rewarded. It was wonderful to observe the nature of some books which had been pronounced libellous. An extraordinary instance of this kind was the book of Mr. Somers, published as an appeal in favour of the Church of England, and was yet pronounced to be a libel by the then Attorney-General. It appeared to him that the Learned Serjeant would have made a more eligible Attorney-General to Nero. He had boasted to be sure that he had lived in the days of James II. he would have been among the most disaffected of his followers. He was sorry that the patriotism of the Learned Gentleman had been lost to the Country by the earliness of its date. He begged leave to remind the Learned Gentleman of the line in the Roman poem.

"Nulli gravis est presentis Abilitas."

He complimented the Whig Administration under Mr. Fox on the moderate use they had made of the power of filing *ex-officio* informations. The only case in which they had exercised it was the most execrable that could well be imagined. A writer in the *Morning Post* had described the shipping and transports of a departing expedition as being not sea worthy. If any thing could be deemed unequivocally mischievous in the way of libel, it must be such a libel on a large appointment of force directed to act on the offensive in time of war. Mr. Fox's friends, however, went out; those of the libellous author went in. He withdrew his plea of not guilty, and was not only not punished, but well paid and respected among his superiors. On the other hand, there was Mr. Locke's book on Government, one of the profoundest treatises ever penned, was in great danger from time to time of being condemned as libellous, and would have been so condemned inevitably, had it been written and published a few years before it actually appeared. He addressed himself again to the nature of Grand Juries, their constitutional and protecting purposes, and regretted that this charge had not been preferred before one, so important and proper as it would be for it to undergo such a decision. He did not so much regret having his case submitted to a Special Jury, as it was in the outset proof that the accusation against him was not of a very heinous nature. Special Juries were formerly instituted to refer cases of complicated and litigated accounts. This was done with the consent of both the contending parties, and then there was little to complain of. "*Volenti non fit injuria*." But power from its origin was always on the increase. The system of Special Juries, like the fox, whose nose being introduced, was said to be able to thrust his head and shoulders in after, grew upon the business of the Court, and blended with it, so as at last to have worked itself among the most important parts of the jurisdiction of the Country. Sir Francis then entered into a defence of the letter, and his general conduct and opinions, as far as they regarded popular rights and the general safety of the Country, which he thought could only be preserved by Country Gentlemen showing an unflinching earnestness in protecting those rights. He denied the allegation of wishing to excite the People to sedition or violence, or contempt of the Government. On the contrary, it was from a wish to unite the People and the richer classes in stronger ties of sympathy, that he had been induced throughout the whole period of his political life. Adhering to the motto of the Attorney-General, in laying the *reminiscentia* in Leicestershire, he had no dread of the particular political sentiments of the Jury. He most men often entertained prejudices, and especially on such a point. But he did not believe that he should suffer from any mere difference of opinion which might happen to exist between them. He rather expected that his Jury would treat the charge of the Attorney-General as *libellus*, the constable, was treated by the Magistrate, when he brought what he called a "malefactor" before him. *Libellus* not being able to make any specific charge against his Prisoner, the Magistrate advised that he should be set at liberty, and suffered to go upon his lawful occasions until some charge should be discovered, to which the wise constable cheerfully assented. The Honourable Baronet entered at considerable length into the subject of a Reform in Parliament, and quoted a long list of authorities favourable to the doctrine of a more extensive representation of the People. Amongst these were Lord Camden, Lord Bolingbroke, Swift, Locke, Lord Clarendon, Lord Chatham, Mr. Justice Blackstone, the Duke of Richmond, Mr. Pitt, and Mr. Fox. He was ashamed to weary them with so many quotations, but it was of the greatest importance that he should not be suspected or treated as if he used reform as a mask or cover for hostility and mischievousness. It was too much to talk of reform as wild and visionary, when it had been supported by such men and with so much

ability. His object in laying those statements before them was to show, that there was no culpability in losing freedom, and in endeavouring to obtain that Parliamentary Reform which was essential to the welfare and liberty of the People. For himself, this had been his object from the commencement of his life. He would read to them extracts of speeches made by him in Parliament on four several motions. The subject of the first two was respecting the usage of soldiers. They had heard what Chief Justice Holt thought of soldiers interfering with the execution of the laws, and they could judge whether he thought them a part of the Government. But Blackstone's language, he was afraid, tended to excite dissatisfaction far beyond any thing in his letter. Here the Hon. Baronet read Blackstone's observations on the danger of a distinction between the soldiers and the community—the cruelty of having a body of men reduced to a state of servitude in the midst of a free nation.

Sir Francis afterwards read over a great number of extracts from Newspapers and other publications, for the purpose of justifying what he had written, by showing that similar sentiments had been expressed respecting the business at Manchester, in various Papers, and at numerous Public Meetings.

Having concluded his defence, which occupied nearly four hours, Sir Francis proposed to call several witnesses, who would prove that the Manchester Yeomanry had done those acts to which he alluded in his letter. The Judge declared such evidence to be inadmissible. Sir Francis bowed, and sat down.

Mr. Serjeant Vaughan made an animated and able reply, enforcing all he had stated in his opening speech, and at the same time replying to the legal objections which had been taken by Mr. Denman.

Mr. Justice Best, after having observed, that all that had been said on *ex-officio* Informations, on Special Juries, on Parliamentary Reform, and on evidence respecting the Manchester proceedings, was extraneous, proceeded to state his opinion, that Leicestershire was the place of prosecution, and was properly made the place of prosecution. Libel and Sedition were not charges that could not be grappled with, and that could not be understood. It was unfortunate to have quoted from Bolingbroke and Swift, who were both discredited. If the paper in question was written with the same pure spirit with which Locke, that great and immortal writer, wrote, it was no libel. Without Liberty of the Press there could be no free Government. Government that should cease to continue to feel attached to it. But the question was, whether this paper did not excite to dissatisfaction—or, in other words, was not addressed to the passions? If there were only a few intemperate expressions, it was no libel; but if the writer stated what he could not have known to be true or false—if he addressed himself to the lower orders, he felt it his duty, in terms of the Act of Parliament, to direct them to find the Defendant guilty. If they had no reason to suppose him wrong, they were to take the law from him. He had then on hesitation in saying, that it was a libel. What it proper, that a man of education and high station, like Sir Francis Burdett, should state that blood had been spilled, because he had found it in a Morning Paper? Nothing occurred that could form any excuse for the most intemperate men, in saying, that a reign of terror and blood was commenced in this County. If terror and blood were on one side, what must have been upon the other? He was sorry to find the passage there which stated, "a man can die but once"; there never was a more striking instance of the mock heroic. The Defendant knew perfectly well that no attempt would be made to interrupt the Meeting at Westminster. Could any one tell him that any thing could be more pregnant with mischief, than the passage respecting the punishment of soldiers? The Government rested not on the army, but on the affections of the People. If the paper was calculated to do infinite mischief, that mischief must have been intended. More poisonous ingredients were never condensed in one paper.

The Jury conversed together in the box for about two minutes; the Foreman then stepped into his place, and called out, "Guilty of Libel."

Mr. Denman remarked, that the verdict did not find the publication in Leicestershire.

Mr. Serjeant Vaughan contended it did.

Mr. Justice Best (to the Foreman)—Do you find the libel published in Leicestershire?

Foreman. Guilty of libel, in Leicestershire.

Mr. Justice Best. You find the publication of the libel in Leicestershire?

Foreman. Yes.

Mr. Justice Best. Had you not better, then, find the general verdict, Guilty?—that is the common form.

The Foreman assented.

Mr. Justice Best. Was not that your meaning when you found the verdict? Foreman. Yes.

The verdict was received with marked silence by the very respectable auditory of both sexes within the Court; but on its being announced outside, the crowd expressed their disapprobation by hisses.

On his departure from the Court, Sir Francis Burdett was accompanied by a number of personal friends, and by some thousands of the inhabitants of Leicestershire, who followed him to the Three Crowns Inn, repeatedly cheering and waving their hats.

After he had retired into the Inn, the crowd increased, and shrouded out for Sir Francis to make

his appearance at the window. A Gentleman came to the window and addressed the populace. He hoped they would excuse Sir Francis for not addressing them on this occasion, because he was so fatigued with the long defence he had made, that he was quite exhausted. This announcement was received by the populace with loud applause.

Sir Francis Burdett afterwards appeared at the window, and begged that the people would go quietly to their homes. This request was immediately attended to, and the multitude, after giving three cheers, departed.

APPREHENSION OF THE SUPPOSED MURDERER OF THE LATE MR. PARKER AND HIS HOUSE-KEEPER AT WOOLWICH.

PORTSMOUTH, March 21.—Last night information was given to E. Carter, Esq. one of the Magistrates of this town, that a suspicious character was residing at the Red Lion, rather an isolated tavern in this town. It appeared he had been loitering about this town nearly the whole of the winter, and had been to France, from whence he returned a few days before the murder; he was then absent a few days, and arrived here on the Saturday evening, by the Rocket day-coach, as the murder was committed the previous Friday evening. He had repeatedly boasted that no police force ought to take any man—he would shoot them first, and said he carried pistols well loaded about him. He often exhibited a number of curious old trinkets; & from these circumstances, Mr. Carter ordered the gaoler, Mr. Hunt, and the turnkey, Hill, to go to the tavern last night at eleven o'clock. They found him seated in a little parlour near the bar, and immediately Mr. Hunt (whose person he knew) opened the door, he hurried his hand into his waistcoat pocket, and drew a pistol, which was loaded to the muzzle. Hill sprang at him, and in grasping the pistol, tore his thumb against the flint, by which means it dropped out; the thumb is severely cut; in this momentary struggle Hunt fell on his knees, and the fellow got from him. Hill, the turnkey, then rushed on him, but not before he had time to draw another pistol, also loaded to the muzzle, which he pushed close to Hill's belly, and pulled the trigger; fortunately it snapped, and before he had time to re-cock, the landlord, Heath, came in, and seized him behind, the fellow all this time roaring out that he was murdered. Mr. Hunt had now recovered himself, and after giving him two or three blows with his staff, succeeded in placing on the handcuffs, and led him to the goal. He is a good-looking man; he had on three waistcoats and four coats, and wore spectacles, which he seems to have had no need of, but supposed, with the additional clothes, to be for the purpose of disguise. He also wore a foraging cap, with a gold band. He gave out that he was a relation of a highly respectable officer of the garrison, but who would not allow his visits. This is notoriously false, and he turns out to be a relation of the man servant of the gentleman mentioned. He is a native of Ireland, by trade a tailor, but pensioned from the Artillery at 91. per day; he sometimes goes by the names of John Nesbitt or Watson; has a wife and six children, living within a few doors of the late Mr. Parker's house. He has a new French travelling trunk, with a small new hand-trunk within, containing a great number of old-fashioned gold and pearl trinkets, large breast pins, a gold watch seal, with the initials T. P. engraved on it; a child's silver-mounted coral, with the engraving filled with a small file, which was also found; two old-fashioned watches, one of them a gold one, maker's name, "Vick, London;" a pair of old-fashioned tea-tongs; a silver sauce ladle, marked with two swallows across; two table-spoons marked T. M. P.; some table spoons without a mark; a singular silk sack, orange ground, traversed with dark blue, supposed to belong to some society. He had 16 Bank of England notes, mostly dated 1st and 2d March; one of them was *much burnt*, and marked on the back Mr. Bohn and Mr. Baldwin, Feb. 21, 20; most of them marked Mrs. Nesbitt. In his trunk was a pair of nankeen trousers, not worn since they were washed, but on one side of the waistband a considerable hole is burnt, and apparently not long done, certainly since they were washed; in his pocket-book were found two directions—"Mr. Booth, Ranelagh Road, Thames Bank, No. 6, London." He says, that four months ago he was accused at Woolwich of breaking into the Pay Serjeant's house of the Artillery, and robbing him of a sum of money; that he was in the custody of two Constables, but escaped from them both, and came down here, and went to France. A girl of the town, with whom he cohabited, was taken up this morning, who states that he would not sleep by himself, and being very restless when with her, she asked him the reason, when, enjoying her to secrecy, he said he had committed murder, that he had killed two men and one woman. He was about to leave Portsmouth to go to France. In his pocket was found a new powder-horn, nearly full. He was in the habit of visiting the theatre, and often sat in the stage-box. He is rather sullen, not at all inclined to converse. Three men are with him night and day. Information was immediately sent to Mr. Brine, Police-officer, London. In his trunk were found a great number of letters, directed to different individuals, but not a word written inside. He writes very badly, and seems to have been practising, as a copy-book was found, with copies of great moral tendency written in them by the Prisoner. The pistols are French, and of very indifferent manufacture.

LONDON.

SATURDAY, MARCH 21.

Paris Papers of Tuesday and Wednesday have arrived at our office. The *Moniteur* contains copies of several official papers, published by the Spanish Government, which, however, for the greater part, only confirm accounts which have already appeared in this Paper. Of these the most important is, the decree for abolishing for ever in Spain the odious tribunal of the Inquisition.—Humidity triumphs at the fall of this dreadful monument of crime and cruelty. The persons confined in its dungeons have been set at liberty; those who had suffered for their political opinions have obtained their freedom unconditionally, but those who were confined for some error of faith are referred to the Bishops of their respective dioceses, who are to decide respecting them according to the terms of the Constitution.

The King has commanded, that in all the towns of the kingdom the election of Magistrates shall be immediately undertaken, in pursuance of the regulations prescribed in the Constitution of the Cortes. Don Miguel Goyona de Mendoza de Rubianes has been appointed political Governor of Madrid. In making this appointment, his Majesty speaks of the expediency of putting into force of trust and power those who enjoy popularity. The Liberty of the Press is also officially announced by the King, but this advantage is neutralized by the appointment of a Junta of Censorship. The *Gazette* extraordinary of the 12th March contains a proclamation addressed to the People, exhorting them to the maintenance of tranquillity and of confidence in the Government, expressing his anxious regard for their happiness, and assuring them, that in him the Constitution of the Cortes shall find its firmest support.

The rumour is still repeated, that an insurrection has broken out among the troops at Lisbon, and that among the first acts of the insurrection was the arrest of the several English Officers in the Portuguese service.

In Madrid, the greatest tranquillity prevails.—It seems, however, that the Duke of Alagon, Ramirez, Montenegro, and some others, remarkable for their attachment to arbitrary power, have thought it prudent to leave Madrid until the public mind shall have regained its wonted tranquillity. At Valencia, General Elio, a tortoise for his cruelties, almost fell a victim to the hatred of the People; his escape was miraculous.

The Constitution was proclaimed at Pamplona before the decision of the King was known to that city. The Captain-General of the province took the necessary oath to maintain it, and the Bishop of the Diocese assisted at the *Te Deum* in honour of the event. The account of the King's decision was received in Pamplona, as in every other part of the Kingdom, with tumultuous joy, and the city was illuminated for three successive nights. Two thousand troops had commenced their March from Coruna, towards Madrid, and had arrived on the frontiers of the Kingdom of Leon, when they were apprised of the King's decision.

It is a curious fact, that the person first released, when the doors of the Madrid Inquisition were opened, was an Englishman, Capt. King. He had been confined there fifteen days, for having aided in the formation of a design for a monument of the Constitution, which the *Liberals* in Madrid were preparing to erect, when they heard what was passing in Andalusia.

An improvement is making to the entrances of the House of Commons; the passages are to be widened, and the door-ways heightened, that when the new Parliament assembles, the Members may walk in upright, and not be obliged to stoop and lean sideways, as they have been compelled to do heretofore.

The following is a correct statement of the progress of the General Election, up to Wednesday evening, March 23:—

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| Members of the late Parliament re-elected. | 370 |
| New Members. | 109 |
| Members already elected. | 497 |
| Members yet to be elected, to complete the new Parliament. | 171 |
| Total number of Members of Parliament for Great Britain and Ireland. | 659 |
| Members of the late Parliament retired, or not re-elected. | 109 |

The Westmoreland Election has terminated, as might be expected, in the defeat of Mr. Brougham. This Gentleman is singularly unlucky in his attempts to stand upon popular grounds. Twice he was rejected by Liverpool; and twice he has been rejected by Westmoreland. We know no person who ought to be more sensible of the advantages of close boroughs. He is always sure of being returned, where there is nobody to oppose, and none to vote. He consoles himself, however, with being quite certain of coming in for Westmoreland next time. We remember he solaced himself with the same prophecy at the last election. But he promises to make a tour next summer through the county, and to visit all his friends personally. He will also wait upon his opponents, and endeavour to remove the calumnies which had prejudiced his conscientious enemies against him. The well known severity of manners, possessed by the Hon. Gentleman, as well as the conciliating language which he so habitually employs, will, no doubt, be successful, and he will thus be spared the painful necessity of doing what he so heroically announced his determination to do, "sell his last shirt, by G—d," to obtain success.—*Courier*.