



defendants had been acquainted—that they had been in correspondence on the day of meeting—that they had been in conversation with each other—that they were not strangers either to each other or to the intended objects of the meeting, from which circumstance, as it appears to me, they must have gone upon some preconcerted scheme. The meeting was attended by many persons armed with bludgeons, not merely meant for show, but merely meant for intimidation, but so used as nearly to put a considerable number to flight. Could it be called a peaceful meeting? Banners were carried, having on them the usual cant inscriptions: "No Corn Laws," "Annual Parliaments, Universal Suffrage, Vote by Ballot." Bludgeons were to be found almost in every hand; the crowd was more numerous than on any former occasion; and after this, could it be fairly considered as a deliberative assembly, met together for a peaceful and constitutional purpose? A stage or platform was erected, on which the leaders mounted, two of the principal of whom were the present Defendants. It was previously agreed, perhaps, that Sir Charles should take on him the office of Chairman, and he was clamorously called to it. He acquiesced and took the Chair, and having taken it, you will hear what passed; you will hear the seditious words alleged to have been spoken by him for the purpose of bringing the Government into hatred and contempt. Gentlemen, there is often a great difficulty in bringing witnesses to tell all the words uttered on such an occasion. No prudent man would venture to mix in such a crowd; but curiosity in some overcame their prudence, and some did go there, from whom you shall hear the substance of what was said by the present Defendants. I shall not here state word for word, what their testimony will be; I merely generally advert to its character, on which it will be for you eventually to decide. After the tumult of the meeting had subsided, Sir Charles Wolseley said—

Mr. Pearson—My Lords, the witnesses should be sent out before the Learned Counsel enters immediately on his case.

Mr. Serjeant Cross—Yes, the witnesses on both sides.

The Court then ordered the witnesses out, and after a pause of some minutes.

Mr. Benyon resumed—Having, Gentlemen, already stated to you the erection of a platform or hustings, the numbers assembled, the bludgeons with which they were armed, the prominent part taken by the Defendants, and Sir Charles Wolseley being in the Chair, I shall now state to you what he said on that occasion. He said he was the first who made a kick at the Bastille in France, and he hoped he should be present at the destruction of other Bastilles in England; he declared his hatred of spies and their employers, Castlereagh and Sidmouth, and added, that as long as the People were unrepresented, taxation was tyrannical, and resistance was justifiable. I have here only pointed generally to the words he said, and if you believe he actually made use of them, I can make use of no language, my imagination can frame none, more calculated to disturb the public peace, and bring the Government of the Country into hatred and contempt. Harrison, the other Defendant, followed Sir Charles Wolseley, and declared against petitioning the Legislature, as degrading and humiliating. He said a meeting should be held at Oldham, congregated so as to form a National Union, from whence a new and enlarged Representation should emanate. That the two Defendants were well acquainted, I shall show you that two days after the meeting a letter was written by Sir C. Wolseley to the Postmaster at Stockport, complaining of some delay that took place in the delivery of a letter addressed to Harrison; and though this be not necessary to prove the fact of such acquaintance, I think, for the sake of the ends of public justice, I may as well read it to you. [Here the Learned Counsel read the letter.] To this the Postmaster replied, no letter was stopped, and generally replied the charge made against him by the Defendant. This, Gentlemen, shows a correspondence between the Defendants; but if any doubt remain upon this subject, I shall read you another letter, addressed by Harrison to a man in Chester Castle, of the name of Baguely, which was opened by the direction of the Magistrates, in consequence of the Prisoner's improper behaviour. This letter I shall read to you; it states the circumstances of the meeting, the numbers assembled, the banners used, and the Presidency of Sir C. Wolseley. If they, Gentlemen, you consider the words of Sir Charles to be seditious, it is in vain that you may hear it said Harrison does not participate in Sir Charles Wolseley's guilt. So far, Gentlemen, I have given you an outline of the evidence I intend producing, and here let us pause and see if it will bring home to the Defendants the charge against them in the indictment. They are charged with having attended a tumultuous meeting, with unlawfully assembling to disturb the public peace, and conspiring by seditious speeches to excite the People to a hatred of the Government and Constitution as by law established. From what I have already said, you will see that seditious language was used; but you are not to build any thing on what I say, unless it is substantiated by evidence on incontrovertible evidence. With respect to the nature of the meeting; that was a legal, quiet, constitutional meeting, for the purpose of petitioning for a Reform in Parliament, is wholly disapproved by Harrison, for he says the period for petitioning is at an end. It was not then for Reform they were assembled; his letter disavows it. Nor can the other Defendant, if I prove the use

of seditious words against him, creep out of this prosecution by alleging he had no concert and no participation with any guilty act or acts of Harrison. If even he did not use seditious words, he was Chairman when and where they were used, and so far attaches to himself whatever criminality they naturally bring with them. I do not say it is improper to meet in order to petition for Reform in Parliament; to meet for the purpose of addressing the Legislature to obtain redress from actual or supposed grievances. Heaven forbid I should tell you, standing in this place, that such meetings are not proper, or not legal. No, Gentlemen, the right of petition has been handed to us as a valuable legacy from our forefathers, and I trust we shall ourselves hand it down unimpaired to our posterity. With respect to the banners having on one side of it the motto of "No Corn Laws," I say, if the meeting had assembled for the purpose of discussing that question, it would certainly be unobjectionable. Still, petitions of that kind should be conducted with quiet and decency, and not in such a manner as to threaten and intimidate and endanger the public tranquillity.

John Kenyon Winterbottom examined by Serjeant Cross—I saw a public meeting at Stockport on the 28th June; it was between one and two o'clock; I attended near it, at a place called Sandy Brow; I think 4 or 5000 people were assembled; I was not near enough to observe if they were of the town or not. They were very quiet when I first saw them; most of them had sticks, apparently got from hedges, newly got, and not like walking sticks; they were generally pretty straight. The population of Stockport is about 20,000 persons. There was a hustings, or a scaffold; I saw several persons there; Sir Charles Harrison I knew; he is a schoolmaster; he lived then at Stockport. The first thing I observed was a hissing by the whole multitude; I was not aware of what occasioned it.

The next thing I observed, was the passing some resolutions; the Chairman was Sir C. Wolseley; I did not perceive how he got into that situation; he was there when I reached. I was about one hundred yards from the scaffold, and I could indistinctly hear all that was said. I only heard Sir Charles say "unanimous." I did not vote. I saw persons vote by holding up of hands and sticks, but on the occasion of passing a resolution, I saw no dissenting sticks held up. I saw no respectable inhabitant take any part in the proceedings; I felt perfectly secure at the time I saw the meeting, and continued to feel that confidence till the night; but if they were kept till night, then I considered it would be dangerous; I only heard Sir C. Wolseley say the word "unanimous." I heard Harrison say, "the House of Commons were the People's Servants; that it was as absurd to petition them as it would be to a master to petition his own son for his horse;" he said, "there was a barrier between the Throne and the People, which must be removed, either by force from heaven or hell, in order that they might see whether a man or a pig was upon the throne." He said, "the united will of the People was sure to prevail—it was an axiom that could not be controverted; it might be necessary in some cases to petition the House of Lords, who were by the Constitution placed in a different situation from that of the House of Commons—but in the present corrupt state of things it was useless, and he would not recommend it."

Cross-examined by Mr. Pearson—I was about 100 yards from the hustings; there were women at the meeting, I should think a hundred or two; not so many as 500; perhaps there were children there; I don't know on the side next myself, but children were playing.

Examined by Mr. Harrison—I live in Stockport, at the Church gate; I am an attorney; I took notes of what I heard; I have not got them; I heard you distinctly, and when I said "I heard indistinctly," I applied it generally to all the speakers; I heard enough in what you said.

Thomas Bolton examined by Mr. Ashworth—Lives at Stockport; recollects the meeting on the 28th of June; saw numbers of country people coming into town by different roads; was at the meeting; saw Sir Charles going up to it; observed a flag; on one side was "No Corn Laws," on the other "Annual Parliaments, Universal Suffrage, and Vote by Ballot;" it was furled; afterwards saw it lowered, for the purpose of putting on it a red cap of liberty; got so near the hustings as to be within ten yards; saw Sir Charles Wolseley on the hustings; the Reverend Mr. Harrison was there; Harrison was on the left of Sir Charles; there was speaking; observed a conversation passing on the stage; Sir Charles had a part in it; Harrison apparently joined in it; can't tell what was said; don't recollect any thing particularly being done; Sir Charles was received by loud huzzas; did not observe a Chairman; the first attention he paid was to Sir Charles; took a minute of what he said within an hour after it was spoken; can produce it if necessary. Here the witness produced it, and read from it as follows—

"Sir Charles was happy at addressing the people of Stockport from the present place, Sandy Brow. It was a place consecrated to the cause of Liberty by the absence of friends he should have been happy to meet there, and he trusted Sandy Brown would be more famed in history than the field of Waterloo. Was there a peace-officer present, he trusted they came to keep the peace, and not to break it. But was there any of your spies, your note-taking, or black book gentry, tell your employers, the tools of a Castlereagh and a Sidmouth, that I hate them, that I detest them, that I eternally execrate them. He (Sir C.) was proud to say he was at the taking of the Bastille in France, and he should be happy to be at the taking of a Bastille in England; and were all hearts but as firm in the cause as his own, they should soon put an end to the present tyranny and corruption." That was all witness took notes of.

Cross-examined by Mr. Dickenson. I am a cotton-broker at Stockport; I have only a small part of Sir C.'s speech; it was not all uttered at a time; he called upon the peace-officers to keep the peace; his address was generally to be peaceable. At the time of the cap being put on, Sir Charles turned round, and there was a demur; the cap was then put on, and afterwards the flag was hoisted, I did not hear Mr. Wilson object to it; he might have done so for any thing I know. Upon Sir Charles turning round, there was a stop or a demur; it might have been in consequence of his being displeased; it was put on and hoisted, and the meeting continued; it was quite peaceable.

John Johnson examined by Mr. Williams—Witness is a land-surveyor at Stockport; was at the meeting; saw Sir Charles on the hustings; was within six yards of him; he said he was the first at the taking of the Bastille in France, and he hoped he should soon be at the demolishing of the bastilles in this country. When he said this, he pointed north-west. He told the people to be firm and united, for in a few weeks the great struggle would be made and ended. He said the ground whereon they were was sacred to the cause of Liberty, as they had there once defeated their enemies. He said more, but I do not recollect it. Mr. Harrison stood next to him; he also spoke. He said they wanted to get to the throne, to see if there was a pig or a man on it, and if there were 10,000 walls between them they would blow them on either to heaven or hell. When he used the words "a man or a pig," they were received with acclamations.

Thomas Walsh examined by Mr. Deacon. I am a clerk at Manchester. I was at the Stockport meeting on the 28th June. I stood about twenty yards from the hustings. I heard Mr. Harrison reading a letter to the multitude. The substance of the letter was, that the Devil had created man for happiness, and a sufficiency of all good things to render him happy; but as the majority of that meeting were extremely unhappy and miserable, and rendered so by their rebels, and intentions of the Devil had been frustrated, and rebellion against that Government became almost a duty. Sir Charles was not present at this time. This was the general text upon which Harrison went. Sir Charles advised while Mr. Harrison was reading. He was proposed as Chairman, I think, by Mr. Harrison. They shook hands. Sir Charles next spoke. He thanked them for the honour they had done him in appointing him Chairman. He said he was no orator, but a determined friend of the People, and a friend to Annual Parliaments and Universal Suffrage, and if any spies or informers were about him, let them tell the Castlereags and Sidmouths who employ them, that he abhorred and execrated them and their proceedings. This was received with much applause. He was then silent, and the business of the day was proceeded in. Several resolutions were proposed by different persons. They were read by Sir Charles. One of them was, that Lord Sidmouth was guilty of high treason. I cannot say that Sir Charles put this resolution. There was no opposition to any of the resolutions.

Another resolution was, that there should be a general meeting of delegates at Oldham, or some other place agreed upon, to consider the best means of obtaining their rights. Another resolution was, that a subscription should be entered into to prosecute his Majesty's Ministers. The resolutions were read separately. I do not recollect who read the resolutions. They were read by some one on the hustings. He was near Sir Charles. Several persons spoke on various subjects; I think Sir Charles put the question on the resolutions to the meeting. Several had furnished walking-sticks. They occasionally brandished their sticks as they cheered. Mr. Wilson, of Dewsbury, and Mr. Fitton, of Roston, also spoke. Sir Charles spoke again; he said he was a determined friend of the People, and should remain so while the last drop of blood remained in his veins. He said his political career commenced in France, and he was one of those who mounted the ramparts at the destruction of the Bastille in that Country, and he would not shrink from attacking the Bastilles in his own Country. This was spoken with much warmth. Johnson read a very dull speech. A person in sailor's dress, in alluding to the panic which prevailed at a former meeting at Manchester, said that such conduct would not do at Oldham, they must boldly lay hold of the rope, and they would soon capsize Commodore Sidmouth and his crew. This was said in the hearing of Sir Charles. There were some flags; one was surmounted by a cap of liberty. The motto were, "No Corn Laws," and "Annual Parliaments." Harrison spoke after Sir Charles. He said that a deputation from the delegates should present their petitions in person, and to remove all obstacles in the way, for he did not know whether there was a man or a pig there. He said, as Ministers had procured a Bill of Indemnity to protect themselves, this meeting indemnified all the speakers, if any thing seditious he said. This resolution was passed with a cry of "we do, we do."

Cross-examined by Mr. Pearson—The public dispersed quietly about four o'clock. No mischief was done.

Re-examined—Hearing an alarm that the military were coming, I saw a great number of sticks held up, as I thought, in defiance.

Redmond Shawcross examined by Mr. J. Lloyd—I was at the Stockport meeting. As soon as I arrived on the field, a man named Collier, from the Police-Office, was knocked down by a number of people. They said he was a spy, and they would do all the rest so. Sir Charles was not there at the time.

John Staveley Barrett examined—I am a tradesman at Stockport; I was at the meeting of the 28th June, a little before 12; I went as a spectator. Sir Charles in company with Parson Harrison; they were standing together, and appeared to have known each other; they stood near the Union Rooms. I saw Sir Charles turn round. He said he commenced his political career in France. He was the first to mount the Bastille in France, and he hoped soon to do so in this Country. There was a report that the cavalry were coming; Sir Charles told the people to stand by their hats, and the people shouted, "I saw some very stout sticks, larger than walking sticks. They looked as if they were cut out of King's Wood, or from the tops of oak trees. I saw a great number of people at a public-house, whom I afterwards saw at the meeting; they talked about Sir Charles Wolseley. They were wishing that the cavalry would come, for they were prepared for them on that day. They had very large sticks. They said that Sir Charles was a great friend of theirs, and that many other gentlemen would shortly join to their side. I did not take notice of what Harrison said.

Cross-examined—I left the meeting before it concluded. I saw one man with a pistol in his pocket.

Examined by Mr. Harrison—I saw the handle of the pistol; it was not the handle of a knife. I should imagine it was not the handle of a tinder-pistol.

Mr. Serjeant Cross—Perhaps he wanted to strike a light there.

Thomas Cartwright examined by Serjeant Cross. I was a householder in Stockport in June last. I am a mercer and draper. I saw many persons coming into town from the Ashton side on that day. I saw all, or many of them, furnished with large sticks; many of them appeared to have been fresh cut from the trees, the bark was recently peeled off; some of them had large heads. I felt an apprehension of fear at seeing such large weapons. The body of the meeting was composed of men; I did not see a child or female, except on the outskirts. I heard Sir Charles say, "These hives to the Prosecutors of Baguely, Drummond, and Johnson." I knew that these persons had been prosecuted for a conspiracy. I think there were 5000 persons in the crowd. I was afraid that by the minds of the multitude were inflamed by the speeches usual on those occasions, the consequences might be serious.

Cross-examined. The people were so furnished with weapons, that it indicated to me a greater apprehension of danger than usual. The sticks were large boughs of trees. All the people had not sticks, but some thousands had them. The people gave three huzzas. The Gentleman pointed to me as Sir Charles came forward and hived. The same person directed the people to hiss. The woman and children were so placed, that in a conflict between the people and the cavalry, they must have been destroyed; but there were not many women or children.

Re-examined. The women and children could go away if they pleased.

Ralph Oldham, postmaster, at Stockport, produced a letter which reached him on the 2d June. Mr. Lloyd proved it to be Sir Charles's writing. Here the two letters alluded to in the opening speech were put in and read.

Aaron Collier examined. I am a constable. I was sent to watch the Meeting on Sandy Brow. I got there betwixt twelve and one o'clock. I saw the hustings erected. I did not see Sir C. Wolseley arrive. I do not know Harrison. I was standing in the crowd. Some one said, pointing at me, "that is Nadin's runner from Manchester." I walked on without taking any notice. When I had gone about ten yards I was struck with something. I heard some one say that I was a spy. Not half a minute after this I was hit on the head and knocked down senseless. On recovering, I found myself in a house, and a woman was washing my head.

Here the case for the prosecution closed.

Mr. Pearson then addressed the Jury on behalf of Sir C. Wolseley. The Learned Counsel contended that the meeting was a legal one, and that there was no evidence of a conspiracy, there being no proof of a previous acquaintance between the parties, but a casual conversation in the streets immediately prior to the meeting.

Mr. Harrison commenced with some observations on the speech of Mr. Marshall, one of the Judges on the bench. After which he proceeded nearly as follows:—"If it were not for this speech, I do not know, Gentlemen, that I would have addressed you; and not having money to fee a Counsel, I was obliged to defend myself. But if I fall, the earth shall quake as I do; I shall not be without violence—that is, the violence of my prosecutors. If in the heat of a discourse my figures may have been too strong, what public ingenuity can escape? Did I stand before you conscious of crime, my conscience would tell it. Had I any intention of producing a sanguinary Revolution, I would take the bar and plead guilty. When I considered the sham indictment—when I considered I was bound hand and foot

with the Hon. Baronet, I looked to see where I was to be plunged, ay, even into hell. For the indictment, it is not worth reading. Had I been unjustifiable in my conduct, I should not object to being tried, but an unconscious of my crime, I love my Country; and if I am asked what is my Country to me, I say I love it, and it is necessary for me to vindicate my character to you and my Country will acquiesce here; if I am banished from my native home, my Country will maintain them, and instead of one father they will find ten. With the strength of Heaven I shall not improve the opportunity afforded me, and vindicate my character. I wish not for ransom, I wish not for plunder; and however Reform may be called "a nostrum," I say that whatever makes known honest, and but more good, must prove a service to the community. Reform would, I know, in a great measure, effect these desirable objects. I do not want the rights of others, nor do I think Parliamentary Reform would make poor men rich, or rich men poor. It gives a wrong direction to my Lord's speech, I hope he'll rectify it. Once the Constitution is gone, it is gone for ever; so say I; and "Military despotism will ensue;" that is what the Reformers have all along dreaded. Take it for granted, Gentlemen, that you read the newspapers—that you read what is done in the House of Commons; and you can judge of the propriety of what is said of it by the Learned Judge. I take it also for granted, that you have read the *Cherwell Chronicle*, in which his charge is contained, and it is on that account I dwell so much upon it. That the Constitution of Great Britain is excellent, none of us doubt, but not that as established by law, or else it would be a most fluctuating Constitution; and if any laws be added to it, it cannot remain the Constitution, but must change, and sometimes be better and sometimes worse. "Vagabond orders," says the speech, were to effect improper things; harsh expressions in any sense, but more so as applied to me. I have endeavoured to stop the progress of vice and irreligion, which are abounding in the present day. The cheering doctrines of redemption have been my constant theme, and are still the delight of my soul. If it be blasphemy to glory in the truths of the Gospel—that be grateful to our Divine Saviour came down from Heaven, and took on him the nature of man, for the purpose of securing us a victory over Sin, Hell, and the Great-Ghoul—then indeed I have been a "Vagabond Order"—then have I been a blasphemer. Pamphlets, containing improper things, have been circulated; but I consider it an Englishman's right to read every work, and then think of it as he feels proper. The leaders of Reform are charged with seditious insinuations; I know of none who do so; and if such practices were now followed, it would be against the law; that I know; but then it is because of a recent enactment that makes it illegal. But the Reformers are charged with every thing to bring them into dispute. That is said of large meetings of the People, equally applied to election and other county meetings. Mr. Harrison proceeded in a long series of observations upon reform, in the course of which, referring to the Judge's speech, he said, I cannot suppose my dating on his speech will offend the Learned Judge, for he look'd upon me while I was doing so with a very placid countenance. (Continued laughter through the Court.) Gentlemen of the Jury, I hold in my hand another help, unthought, unasked, unthought, and unexpected, as if that Providence who knew my condition had given me a help when I needed it. That help is, "A few Brief Remarks," by Jerome Bentham (a Leigh)—a great lawyer, one of the ablest in England, perhaps I might say in the world, and I dare say, if their Lordships spoke of him they would say the same. But, Gentlemen, I have not yet read over the indictment, and I shall proceed to read it. (Laughter.) He here read it—it excited the continued assiduity of the crowd who heard him. He now commenced (a quarter to seven o'clock) reading Bentham's remarks, after which the trial was adjourned till to-morrow.

Such was the public interest excited by this trial, that respectable personages were seeking admittance through the Governor's house, soon after six o'clock this morning. The Court was excessively crowded all day.

SECOND DAY—TUESDAY, APRIL 11.

The trial resumed at the sitting of the Court, at nine o'clock.

Mr. Benyon (Attorney-General for Chester) commenced his reply. Gentlemen of the Jury, I now beg leave to enter your attention while I reply to the observations made by the Defendants, and offer such comments on the evidence as the nature of my case demands. We must first, Gentlemen, recur to the charge made against the Defendants, for it has been endeavoured to put a different interpretation on it from that which it requires; and we shall also have to consider the legality of one of the counts of the indictment, to which some objections have been taken by the Learned Counsel for Sir Charles Wolseley. We have alleged, first, that these parties assembled to disturb the public peace, and by different means to excite in the minds of the People a contempt and hatred of the Government and Constitution of the realm as by law established. This general allegation appears to me to contain two offences—First, that of assembling an unlawful assembly; and, secondly, by seditious words & other means, exciting the People to contempt and hatred of the

Constitution as by law established. The Learned Counsel has, Gentlemen, endeavoured to impress it on your minds, that the assembly was not unlawful, because not so stated on the record, because it did not appear that it was in terror of the people, and that it was not proved in evidence to have any tendency of that nature. But it is not because people of nerve were not alarmed, that it may therefore be pronounced not unlawful. If the number of people was so great, if they had weapons in their hands, if they were attended by such banners, and insignia as must naturally produce terror—if all this be proved in evidence—then the Meeting at Stockport was unlawful. If ever there was a tumultuous assembly, it is that to which our attention has been attracted yesterday and this day. The Learned Counsel for the Defendants made several allusions to the trial of Mr. Hunt, at York; and I did not attempt to stop him. But whatever was done at York, the Justice of Chester has nothing whatever to do with it. I am obliged to the Learned Counsel for his mention of the case of the King and Hunt, and I say, if that were a case for conviction, the case before us is ten times stronger. Hunt was taken from the Meeting at Manchester before he spoke. Here, seditious words have been used; this Meeting had considerably more of terror in it—and, in short, it has every one conceivable circumstance, with one exception, namely, that here seditious words were actually used. If, then, we are to call to mind what was done by others at that Meeting, we find the case ten times stronger as to this. Hawkins, and other learned authorities, have been cited as to the legality of one of the acts charged in the indictment; with that you have nothing to do. There seems to me no necessity for dividing the case; the facts of it are perfectly clear before you. With respect to the legality of the Meeting, one may say it was assembled under the special pretext of petitioning for Parliamentary Reform. Parliamentary Reform! I check myself; for though many of these unhappy Meetings were assembled under such unhappy motives, the mask was here completely thrown off, and there was no man who heard of the Meeting of the 28th June but must know that it had no more to do with petitioning for Reform than it had with any other purpose that the imagination of man could suggest. In this case the Defendants stood together on the hustings; they were each participants in the whole course of the proceedings, and if any thing unbecomingly to Sir C. Wolseley had occurred, if he found he was not in good company, would he not have left them? He gave his complete assent to whatever was said by Harrison; and if the language used by Sir C. Wolseley was in point of law, equally guilty with the person who uttered it. The Meeting was also attended with flags.

Mr. Park here observed, that there was no evidence of more than one flag having been used.

Mr. Benyon proceeded—Well, one flag is as good as one hundred. The inscriptions upon it sufficiently prove the objects of the meeting. Gentry attended from distant places, and even from different counties, armed with sticks and other offensive weapons. And then can it be gravely contended, that such an assembly were met together for the purpose only of obtaining Parliamentary Reform? It has been set up, as a justification of this meeting, that every man has a right to meet for the purpose of petitioning. It has even been said, that people may proceed to such meetings with flags and other insinuations, provided their object be petition. But, Gentlemen of the Jury, will you believe that this is the way to obtain a repeal of the Corn Laws, if they be objectionable? And as to all the farago of Annual Parliaments, Universal Suffrage, and Vote by Ballot, if any man, or set of men, were grave and quietly to petition for their adoption, I should lament their folly, while I pitied their judgments, and should think they meant not reform, but a complete overthrow and revolution; for, depend upon it, if ever these things are granted, this will no longer remain a happy country, with a mixed and balanced Constitution, but will become a wild and dangerous republic. If things will prove of service, I should find no fault with their quietly assembling to procure them, but I do find fault with those who attend such meetings with insignia only calculated for the purposes of intimidation. Harrison said, "we don't come here to petition the House of Commons," and Sir C. Wolseley assented to it. "We won't," said Harrison, "we petition the Sovereign, not the House of Lords, in its present corrupt state."

Harrison—I hope, my Lord, you will keep the Learned Gentleman to the truth.

Mr. Benyon. I wish you, Gentlemen of the Jury, to take nothing from me. If inadvertently state any thing inconsistent with my notes of the evidence, it will be in the power of their Lordships and yourselves to correct it. It will be, however, in your recollection, that Harrison did not advise the petition to the House of Lords or Commons. Then add to that the *barriers* and the "ten thousand walls," and ask yourselves if I am wrong in stating, that it was no more a meeting for the purpose of petition than any thing that the imagination of man can suggest? Now we come to the seditious expressions. I shall not draw your attention to them further than this: You recollect the expressions used by Sir Charles Wolseley, relative to the Bastilles, as well as those of Harrison about his ignorance whether a man or a pig filled the Throne, as well as the other expressions of contempt of the Sovereign, and it will be for you, as men of education and as men of sense, to say whether these

expressions were not seditious, and were not used, as the language itself imports, for the purpose of bringing the Royal authority into contempt. The second count charges the Defendants with a conspiracy, and I shall convince you that it is not vulnerable either in law or in fact, but made out in many different ways by the evidence; by what occurred before and at the meeting, as well as by what was anticipated from the contemplated meeting at Oldham, to be held on a future day. If the witnesses are to be believed, I shall demonstrate a conspiracy. All this, Gentlemen, is to depend—most depend on the evidence you have heard, and not upon what learned men have said. Mr. Bentham, every one admits, is a clever man; but he might as well talk of what occurred in China, as of what was going on in this Court. He might certainly write or comment upon the nature of an indictment, but he could not know the nature of the facts to be proved, and not knowing this, he was totally incompetent to form a just opinion of the case. It was urged, that Sir C. Wolseley could not be made responsible for what was said or done by any other persons at the meeting; but let me ask you, Gentlemen, who, he might not, if he disapproved of what was said, have retired; and whether his remaining was not an approval of the observations used by Harrison? I give Sir Charles Wolseley credit for wishing to preserve peace in the meeting. A record for their own safety would have presented them from meeting the countable face to face. As to the expressions relative to the Bastille in France, had Sir C. Wolseley gone no further than expressing his satisfaction at its destruction, I should not have objected to it, but I object to his instituting a comparison between that and any jail in this country. At that time a man could be immersed in a prison by a *lettre de cachet*, without any opportunity or means of inquiring into or vindicating himself from the charge against him; but here it was not in the power even of the King to commit a man to goal without leaving him his right of Habeas Corpus—of demanding his trial, or his immediate discharge. Where, then, is there any similarity between either the prisons or Constitution of the two Countries? But I will tell you what was meant by the mention of the Bastille. One of the first steps to the French Revolution was the destruction of that establishment. The destruction of the Bastille, together with the expressions of Sir C. Wolseley, but was there any similitude, any resemblance between the occasions or the manner in which the different expressions were used? Every man is accountable for his words, and if the words of Sir C. Wolseley can bear an innocent interpretation, let the Defendants have all the benefit of it in a criminal prosecution. I think them highly criminal. The evidence on the part of the Prosecution has been corroborated by that for the Defendants; and, under all the circumstances of the case, I cannot but feel satisfied, that we have demonstrated the meeting to have been unlawfully assembled, and that such seditious expressions were made use of, as to bear on the first count of the indictment. With regard to that for conspiracy, I think we have satisfactorily proved it. We have given in evidence a letter of Sir Charles Wolseley, where he complains of a letter to Harrison having been delayed in its progress. We have shown them to have been together before the meeting, to have been together on the hustings, Sir Charles Wolseley, as Chairman, taking a leading part, assenting to all that was said by Harrison, and we have given you beside a letter from Harrison to Chester Castle, in which he details the numbers who attended, and the general circumstances of the meeting. Could Sir Charles Wolseley have come to that meeting, & be called by acclamations to the Chair, without a previous knowledge of what was to be done? But even though he had had no such knowledge, I say that at that meeting they conspired to bring the Government and Constitution of the Country into hatred and contempt. This, of itself, I allege, constitutes a conspiracy. The conspiracy took place at the meeting, and that a previous conspiracy was not necessary has been ruled by his Lordship (Mr. Serjeant Marshall), with the assistance of an able lawyer, the Solicitor-General, in the case of Baguely and Drummond. An agreement at the Meeting, without previous concert, is evidence of conspiracy. No man alive has greater veneration than I have for Mr. Justice Bayley; but I do not understand that that Learned Judge has considered previous concert necessary to conspiracy. I am, besides, supported by the cause of Baguely. My Learned Friend, Mr. Park, seems to dissent from this application of Baguely's case; but I will refer to the recollection of his Lordship.

Mr. Serjeant Marshall said his recollection corresponded.

Mr. Park said, that in that case he had been concerned for the prosecution; and he remembered that evidence had been given of the parties having previously been seen together; and of their having met at an assembly at Oldham, and at the Blanket Meeting at Manchester, at which Meetings they had concurred in acts similar to those with which they then stood charged.

Mr. Serjeant Marshall. If I remember right, the point made by the Defendant was, that there had been no evidence given to show a previous

conspiracy; but the Court was of opinion, that the moment they began to act together, there was a conspiracy.

Mr. Serjeant Cross. That is to say, my Lord, in other words, that there may be an open, as well as a concealed conspiracy. We put it entirely upon the ground that the open acts of the parties were open acts of conspiracy.

Mr. Benyon continued—Gentlemen, I need not labour the question further. I think it is as clear as a case as ever was submitted to a Jury. I beg pardon for detaining you so long. I leave it wholly in your hands, knowing you will show favour to the Government on the one side, or to the Defendants on the other. If you have any reasonable doubt on your minds, give the benefit of it to the Defendants. Justice must be done, without any consideration as to the parties immediately interested; and I hope you will give such a verdict as will prove satisfactory to the County of Chester, as well as to your own consciences and to the Kingdom at large.

The Chief Justice then commended his charge to the Jury. The first count upon the indictment, his Lordship said, consisted of two points: the one charging the unlawful assembly, and the other the unlawful assembling, followed by the seditious speeches. The second count charged conspiracy between the Defendants. He would state (his Lordship continued) to the Jury a definition of the term "unlawful assembly," and he should adopt the same definition which had been quoted by the Learned Gentleman who was of Counsel for Sir Charles Wolseley, the definition which had been given by that celebrated writer on criminal law, Mr. Serjeant Hawkins. Mr. Serjeant Hawkins had said, that such a meeting of great numbers of people, with such circumstances of terror as could not but endanger the public peace, and raise fears and jealousies among the King's subjects, would properly be called an unlawful assembly. This was the position of Mr. Serjeant Hawkins, which he had illustrated thus: as when great numbers of people, complaining of some grievance, met in a warlike manner to consult together upon the most proper means of redressing them, because no one can force what may be the extent of such an assembly. His Lordship would call the attention of the Jury particularly to those words, "because no one can force what may be the extent of such an assembly;" and he would request them to bear in mind, that such was the reason given by the author why those meetings were dangerous to society. From Mr. Harrison's expression, that it was as absurd to petition the House of Commons, as for a gull-man to petition his groom for his horse, it was manifest, that the object was not to petition Parliament, or to obtain a Reform by legitimate means. That a barrister said to exist, was to be removed by force from Heaven or Hell, was the opinion of Mr. Harrison, a dissenting clergyman. The object for which the barrister was to be removed by force from Heaven or Hell was to see whether the throne was occupied by a pig or a man. It would be a waste of time, it would be quite useless, to point out to them that the object of such language must be to bring the Government into contempt. The opinion that it was useless to petition the Lords, it would also be useless to say was of the same import. From the evidence of Thomas Walsh it appeared, that Sir Charles Wolseley had put on the cap of liberty.

Mr. Park appealed to Mr. Serjeant Marshall's notes, that it was not in evidence that Sir Charles Wolseley had put on the cap.

Mr. Serjeant Marshall read his note, which did not bear that Sir Charles had put on the cap.

The Chief Justice proceeded. It was not certain, then, whose hand had put on the cap, but the flag was lowered when Sir Charles came, and the cap of liberty was upon Sir Charles, then, was present when it was done. After reading Walsh's evidence respecting the allusion to the Bastille, his Lordship said, that it had been most truly and forcibly stated by the Attorney-General, that there was no Bastille in this country. He left it to them to judge, whether the opinion meaning that could be put upon the words, in justice and fairness to the Defendant, was not the meaning put upon them by the Attorney-General. The destruction of the Bastille in France was followed by the destruction of the Crown, of the Nobility, of the Clergy, of all that was virtuous and wise in the land. He left it then to them, therefore, whether they were not bound to take the meaning put on the words by the Attorney-General. Sir Charles Wolseley said, that if all their hearts were as firm as his, they would soon put an end to the present tyranny and corruption. Did these words require explanation? If sedition were to be illustrated by the strongest instances, could a more forcible instance be found? This was addressed to a multitude of 5000 from different parts, armed with sticks, pelted, cut from trees, and having large knots. This evidence was entirely uncontradicted. The Defendant could have disproved it with ease if he had not used the words. His Lordship here read the evidence, that "when the cap of Liberty was brought forward there was a demur, and Sir Charles turned round." What Sir Charles said, the witness, of course, could not hear. Altho' it did not appear then, as he had originally taken it, that Sir Charles had put up the cap with his own hand, it was in evidence, that Sir Charles turned round, and did not object. It had been attempted to persuade them, that Sir Charles came to the meeting by accident. Did Sir Charles, a Baronet, a man of rank, a man of fortune, come from a distant county by accident? This was trifling, with the most ordinary understanding.