

LONDON.

WEDNESDAY, JULY 12. We have this morning received papers direct from Madrid, to the 29th ult. They announce the arrest of two individuals at Burgos, named Don Baltasar Casqueiro and Don Francisco Ramirez, who were journeying through the province, and announcing that "Madrid was in great commotion—that the King had been compelled to fly, and that the inhabitants had declared against the garrison." Amongst their luggage were found packets of cartridges, 24 sheets of office circulars, not filled up, and a foreigner's guide. It is added, that "the House at which they stopped in Burgos, has not the reputation of being attached to the new institutions." An investigation respecting them is proceeding.

The last accounts received at Barcelona, from Majorca, state, that on the 14th ult. there were 39 dead of the epidemic at San Severa, and 93 infected. At Arta there were 14 dead, and 42 infected. Happily this dreadful scourge is acknowledged to be hitherto confined to those two places. It is represented as an instance of a character, that "there is scarcely an instance of any infected person having recovered." 4185 piastres have been collected at Barcelona, for the relief of that afflicted Island in donations, and 2889 piastres by way of loan.

THURSDAY, JULY 13.

We have received the following from Galis this morning. It will be further seen, by our extracts from the Virginia Papers, that the departure of the French Ambassador from the United States is mentioned, but without a single word that can indicate the slightest ground for supposing that any misunderstanding between the two Governments has been the cause of M. de Neuville's return.

CALAIS, JULY 12.—We have just received from L'Orient, news of the arrival in that port of M. Hyde de Neuville, our Ambassador to the United States of America, accompanied by the whole of the French Legation. Nothing has yet transpired respecting this unlooked-for return; nevertheless his Excellency is reported to have uttered the following words: "We most hope that this will be arranged," which would give reason to suppose, that this is a momentary rupture between the two countries."

We have received Virginia Papers to the 11th ult. The following are extracts:—"NORFOLK, JUNE 7.—The Minister of France and family embarked on board the French frigate Seine, Captain Bourgonville, on Tuesday, the 30th ult. for L'Orient. She dropped down the Bay early on Thursday."

The Canada Newspapers give us evidence of miserable malice, which we did not suppose, if entertained, could find open defenders among respectable writers against one of our distinguished fellow-citizens.

Some exhibitor of wax-figures at York had in his collection, a representation of our Major-General Jackson; the exhibition of this figure, says the Newspapers, was highly offensive, not particularly to the inhabitants of York, but to every British subject whose heart beat in unison with loyalty to his Sovereign. Revenge was determined on; the offensive figure was taken, unresistingly, from the waxen group, and hung 'as high as Haman,' to use the words of the writer who gives the account of it. What an exploit! what enlightened minds have conceived it; what daring hands achieved it; how loyal be these men of York!

It would be gross injustice to the British nation to impute to it the disposition indicated in this instance of stupid malignity. Regarding the authors of it as ignorant zealots, they merit pity more than any other sentiment. The writer of the York Observer, however, who applauds this magnanimous feat, deserves the punishment which is justly due to all mischievous instigators of national broils. Let it be the business of the virtuous and reflecting part of both Nations, to counteract the effects of such folly. We are persuaded there is no part of the United States, in which a transaction like that at York, would not have been universally condemned."

DEATH OF THE BISHOP OF WINCHESTER.—Died, at twelve o'clock yesterday, at his Palace, in Chelsea, after a long illness and general decay of nature, the Hon. Brownlow North D.C.L., Lord Bishop of Winchester, Prelate of the Order of the Garter, Provincial Sub-Dean of Canterbury, and Visitor of Magdalen, New Trinity, St. John's, and Corpus Colleges, Oxford, F. A. and L.S. His Lordship was aged 79, having been nearly 40 years Bishop of that Diocese. The virtues of Christianity, grafted upon his singularly mild and indulgent disposition, formed a character, whose loss is truly afflicting to his family and friends.

Tuesday, (the 11th inst.) as the female servant of Mr. Manning, of Bathoaston, was cutting vegetables in the garden behind her master's house, which leads to the river Avon, Mr. M.'s eldest son, in a fit of insanity, seized the woman, and plunged into the river with her! His sister, who saw the transaction, instantly gave alarm; but a considerable time necessarily elapsed before the parties were rescued from the water, and it was with difficulty they were then separated, the man having so firmly grasped his intended victim in his arms. The subject of mental derangement died the next day, but the woman recovered.—Bath Paper.

DREADFUL ACCIDENT.—Yesterday morning, when the Horse Guards were relieving, and the new and old Guards were mounted in two lines fronting each other, one of the horses reared, and the rider, a fine young man, pulling the reins, the horse fell on his back upon the unfortunate young man, and killed him on the spot. The body was carried to the Cauteen, where the Regimental Surgeon attended, but to no purpose.

BOVARIE.—A work has been published lately, containing a "System of Education, drawn up in the Imperial Council of State, under Bonaparte's revision, for the *chateau* King of Rome." The following Certificate of Napoleon's School character, which is extracted from it, is curious:—"ROYAL MILITARY SCHOOL AT BRIENNE."

Examination, 1784.—Account of the King's Scholars of an age to enter the service, or to be sent to the school at Paris, namely:—"M. de Bonaparte (Napoleon) born the 15th of August, 1769; 4 feet 10 inches 10 lines high; has gone through the fourth class; of a good constitution, and excellent state of health; has a docile, courteous, and grateful disposition; has always distinguished himself by his application to the mathematics; is tolerably acquainted with history and geography; but indifferently skilled in accomplishments, and in Latin, in which he has only gone through the fourth class. He would make an excellent seaman. Deserves to be admitted into the School at Paris."

CITY, ONE O'CLOCK.—The approach of the settling day at the Stock Exchange (Tuesday next), is, as usual, attended with the most ridiculous and alarming reports, which are circulated with much industry for the purpose of depressing the Funds. Yesterday the rumours were, immediate hostilities between France and America; and that an express from Paris brought accounts of the French Fleet having fallen five per cent; then there was a serious division in the Cabinet, and other reports which we must decline stating. They had the effect of depressing the Funds 1 per cent.

The second payment of the new Loan was made this morning (half a million), and it is expected the Bank will now take in the Omnium; that is, pay the future instalments, being allowed 5 per cent. per annum interest for the money advanced.

Our Dover letter this morning, announces that his Excellency the Duke Deazes, Ambassador from the Court of France to this Country, and suite, arrived yesterday afternoon, under a salute from the guns at the heights. His Excellency will probably reach town this day.

The Paris Papers of Tuesday have reached us in the capital of M. Hyde de Neuville, his Majesty's Ambassador to the United States; but they do so without the slightest remark indicative of surprise at his Excellency's return, or of any suspicion that it has been the result of a misunderstanding between the two Governments. We know not, indeed, any question of policy at all likely to produce such a result.

The Budget of Weyland Means has been adopted in the Chamber of Deputies by a majority of 139 against 6.

By mails which arrived this morning, we have received Dutch Papers to the 12th, and Hamburg Journals to the 7th inst.

The following letter has been received at Hamburg, by way of Marsilles, from Algiers:—"ALGERS, JUNE 3.—It was on the 7th of May that five corsairs put to sea from this port, it is supposed with the intention of cruising on the coasts of Spain, Portugal, and France, and capturing all North German ships, and in general, the ships of all Nations who have no treaty with this Government, and are not represented by a Consul. The red flag was flying when the squadron sailed."

On the whole, the Algerines are as insolent and vain-glorious as they were before the visit of the combined squadron last year, and the declaration of the four great Powers. All this seems to have made no impression on them. Those Nations which pay, will be left at peace. They do not attack the ships of those nations who have an armed force in the Mediterranean.

The plague still rages here. At Oran, where one-half of the population was swept away last year, and where there are now only from 5 to 6000 inhabitants, 50 persons die daily. The mortality is not so considerable at Algiers. We have this year another plague, namely, swarms of locusts, which ravage the Country."

The Times publishes a letter to-day, from Dover, in which it is stated that the account we gave on Monday last, of the outrages committed there upon the Italians who had arrived at that port, was "an infamous libel on the inhabitants of that place," and that the whole of it, was "a downright falsehood." Probably so. We copied the article from the Times, if, simply omitting some parts which were too coarse for our columns. We hope the Times will explain how it came to lead us into such an error.—Courier.

Quirós made his triumphant entry into Madrid on the 21th ult. An immense multitude was assembled on the occasion, and the procession was preceded by bands of music, playing inspiring and patriotic airs. The municipal bodies, and deputations from the patriotic societies, met him at the gate of the city. He was in an open carriage—the streets were strewed with flowers and tapestries—the national colours were hoisted on all the public crosses, and crowns of oak and laurel were thrown from the windows as Quirós passed. He proceeded to the Hall where the Municipal Bodies were assembled, and was received with tumults of applause, after which, he received St. Don Carlejon, addressed him on the first landing. He then sat down upon the King, and accepted the most gracious reception from his Majesties.

Scrimshaw.—A melancholy and shocking event took place here yesterday (Tuesday 11th inst.): a person named Thomas Rayson, a native of Bradbury, near Ashborne, in this county, and a Traveller for the house of Mr. Fowatt, draper, Ludlow-street, London, in a fit of mental derangement put an end to his existence. He had come to Derby by the Manchester Mail, and on the arrival of the coach at the New Inn about two o'clock, he retired to a neighbouring field adjoining Dales-lane, where he attempted to execute his dreadful purpose by cutting his throat with a small pen-knife, but, being interrupted after having inflicted two ineffectual wounds, he returned to the town in a hurried manner, and concealing his wounds with a handkerchief, he ran hastily down the Bridge Gate, and on reaching St. Mary's bridge, instantly precipitated himself head-long over the balustrade into the river. Several persons had followed him, attracted by his disordered manner, but were unable to prevent the shocking catastrophe. Mr. Thomas Borchell, and Mr. Goulding, hair-dresser, (whose active humanity on the occasion we have much satisfaction in thus recording), immediately plunged into the water, and by their prompt exertions succeeded in taking out the body ere it had time to disappear, but though it was in the water but a few moments, life was found to be extinct, which was attributed chiefly to the effects of a contusion received in the violence of the fall from a projecting part of the bridge. All means to restore animation were found unavailing. The deceased had bank-notes, &c. on his person to the amount of £102; a five pound note which he held in his hand at the time, and which was afterwards secured as it floated on the water. A Coroner's Jury sat on the body this forenoon, and brought in their verdict:—That the deceased was at the time of committing the unfortunate act, a Lunatic.—Derby Mercury.

COMMON COUNCIL.—The Lord Mayor held a Court of Common Council yesterday, at Guildhall, which was very fully attended.

CALLING OUT THE MILITARY.—After the minutes of the last Court had been read, Mr. Alderman Withman rose to ask a question of his Lordship, relative to the statements of the military being called out in various parts of the City, on the occasion of the last Common Hall, under the wish or desire of the Lord Mayor.

The Lord Mayor shortly replied, that the troops were sent at his particular request; and that being charged with that very heavy and important duty of the preservation of the peace of this great Metropolis, in consequence of incendiary placards, which had been posted throughout the City, and the state of popular feeling, he felt it his duty to avail himself of the precautionary presence of the military. It was by his particular request that they came, and not at the instance of the Secretary of State.

several other Gentlemen, supported the Resolutions. Several persons rose to speak, but their Remarks were not printed, and the Resolutions were put and carried in the affirmative.

The Lord Mayor has before the Court the Answer of his Majesty to the Address, voted on the 13th of June last, which was read, and ordered to be entered on the journals.

After some ordinary business had been transacted, the Court adjourned.

COURT OF KING'S BENCH, LONDON, JULY 14. SHERRIFF vs. SHERRIFFSON.

This was an issue directed by the Lord Chancellor, to try whether Elizabeth Sherriffson, Plaintiff, an infant, was daughter of the late Colonel and Mrs. Sherriffson.

The Solicitor-General opened the case, and in support of his statement called witnesses who were present when Mrs. Sherriffson was said to be delivered, on the 30th of January, 1807.

Mrs. Sherriffson was also called, from whose testimony it appeared, that she was married to Col. Sherriffson on the 30th of April, 1806. The Colonel was desirous of having a child, and on the 30th of January the child was brought forward as his child. Mr. Fitz-symonds, an Apothecary, her Accoucheur, one Kitty Ivers, Mrs. Gibson, and another, were in the room. No doubt had been entertained respecting the birth of the child until after Colonel Sherriffson's death, in July last.

On the part of the Defendant, the Rev. Mr. Sherriffson, Mr. Scarlett, after stating the case, called Mrs. Gibson, who deposed, that she went with Mrs. Sherriffson to Sycamore-alley, and procured the child which was impugned upon Colonel Sherriffson. The mother of the child was recently selling apples at the corner of a street in Dublin.

Nelly Cunningham, a servant of Mrs. Sherriffson, gave the mother of the child, Mrs. Magin, three crowns for her.

The mother of the child was examined; she said her maiden name was Higgins. In 1807 she lived servant at a public-house in Sycamore-alley, Dublin, kept by Barney Carr. She was delivered of a bastard child in that house; and, four days after, went to lodge at Mrs. Burn's opposite. When she had been a few days with Mrs. Burn, an old woman came and asked if there was not a girl there who had lately been brought to bed? The witness said that she had. The old woman then told witness that she came from her mother to take away the child. Witness was loth to let it go, because she thought they wanted to put it in the Poor-house. The old woman took out a book, and swore it should not go to the Poor-house; and told witness that her mother would never look on her again if she did not give up the child. Mrs. Burn asked witness how she meant to maintain it? at last witness gave it up, and the old woman took it away. She never saw her child since until the last summer, or the old woman until the same time. As soon as she did see the old woman, who was Nelly Cunningham, she knew her for the woman who had taken her child.

The Lord Chief Justice summed up the evidence to the Jury, who, after a short consultation, returned a verdict for the defendant, thereby establishing the illegitimacy of Miss Sherriffson. The cause occupied twelve hours.

WEXFORD ASSIZES.—At ten o'clock on Thursday morning the Hon. Baron McClelland opened the Commission, when the following Gentlemen were sworn on the Grand Jury:—The Hon. Lord Viscount Stopford, Foreman.

Robert S. Carey, Esq. M.P. Wm. Bolton, Sir Frederick Flood, Bart. Robert Donohoe, Thomas Kavanagh, Richard Donohoe, Cesar Colclough, Wm. P. Pigott, Francis Leigh, John Gouldard Richards, Harry Alock, Hugh Donohoe, Chas. Tottenham, Jun. Jas. R. Cookson, Walter Redmond, Robert Obyrne, Samuel Boyce, John W. Cotter, Christian Wilson, Pierce S. King, Esqrs.

On Friday, John McGrath, James and John Bryan, brothers, Matthew W. L. and Simon Keane were convicted of burglary, robbery, and aggravated assault in the house of Tobias Rosier, of Newbawn, Esq. on the night of the 27th March. They were immediately sentenced to death, but the time of execution was not then named. The principal evidence was Thomas Power, an accomplice, who turned informer; he and McGrath were arrested at Waterford, by Sheriff Alcock, whose vigilance we have had frequent occasions of applauding.

Afterwards came to be tried Timothy Connolly for a robbery at the house of James Poole of Growstown, near Tagmon, Esq. 11th Poole was acquitted. The principal witness in this cause was John Moran, who keeps an eating-house in George's-street, Waterford, and with whom some of the stolen goods, watches and spoons, were found. The evidence of Moran drew forth a strong disapprobation from the Court, and, chiefly in consequence of a charge made by P. Obyrne, the former noticed in the preceding paragraph; he was directed to be indicted for knowingly receiving stolen goods, and to be transmitted to Waterford to take his trial at the Assizes.

WATERFORD.—Printed and Published by BENJAMIN PERRIN, Chronicle-Office, Quay. Agents for England—Messrs. NEWTON and Co. No. 1, Warwick-square, London. Agents for Ireland—J. K. JOHNSON & Co. No. 1, Lower-market-street, Dublin.

PARLIAMENT. HOUSE OF LORDS—FRIDAY, JULY 14. THE QUEEN.

The Earl of SHAFTESBURY presented the Report of the Committee appointed to search for precedents respecting the communicating a list of witnesses to persons accused. The Report was read by the Reading Clerk at the Table, stating that the Committee had carefully searched back to a very early period, but found no instance of a Bill of Attainder, a Bill of Pains and Penalties, or an Impeachment, in which a list of witnesses was granted to the accused. The Report proceeded to state that they found only two cases, (and those of impeachment,) in any material respect differing from the rest; and of those the particulars were quoted, namely, the case of Mr. John Bennet, Judge of the Prærogative Court of Canterbury, in 1621; and that of the Earl of Strafford, 1640. In these cases, as well as we could collect from the rapid reading of the Report, the substance of the charges was communicated to the accused, but not any list of witnesses.

The Lord ERSKINE, My Lords, having on a former occasion stated my opinion to the House, that in the unhappy case respecting which we are called upon to legislate, a list of the witnesses in support of the accusation ought to be communicated to the Queen, and having also stated the grounds upon which I had formed that opinion, I shall now trouble your Lordships with but a very few words upon the question. This is a criminal charge against the Queen, as, if it is not, I should like to be informed what it is. The Bill charges her Majesty with indecent familiarity, adulterous intercourse, &c. with Pergami or Bergami, but without specifying time or place. Thus, from the year 1814, when her Majesty quitted this Country, to 1820, during which period this illustrious Personage travelled to a variety of places, the charges extend over the whole of that period, and during the whole progress of her different journeys, without any point of time, or any place being fixed upon for her Majesty to be acquainted with the nature of the proof, or the time or place to which it is to apply. It was well observed upon a former occasion by my Noble Friend (the Earl Grey), who deservedly stands high in estimation, that if her Majesty were furnished with a list of the witnesses against her, she might then be enabled to send for witnesses, in order to rebut the charges, or to obtain the means, from a knowledge of the character or situation of the witnesses against her, of cross-examining them, and thus to make them hear witness against themselves, if it should turn out that they had been stating falsehoods, that the proceedings might go on *de die in diem*; but that if a list of the witnesses was denied, then her Majesty would, after the examination of the witnesses for the accusation, naturally require delay. In this I most entirely agree, satisfied as I am, that the most effectual mode of going on with the proceedings without delay, would be to grant to her Majesty a list of the witnesses against her. If we look to the analogies bearing upon this case, we shall find that all the reasoning that applies to the excellent statute of William III. applies with still more force to the case of the Queen. What was the object of that statute? To interpose between the weakness of the individual accused of high treason, and the power and influence arrayed against him, and to shield him, by every possible means, against any undue exercise of that power or influence. In the first place, the indictment for high treason must be drawn with the utmost particularity, stating the specific acts alleged against the prisoner, with the day and place on and at which it was done; and thus the prisoner has the means, without difficulty, of meeting each specific charge against him. He has then a list of the jurors who are to try him, and whom, as it might in some cases endanger his life to state his reasons for challenging them, he has the liberty of challenging to a certain extent preemptorily; and he has also furnished him a list of the witnesses who are to be examined against him. All these securities are afforded to a prisoner in such a situation by this admirable Statute, which has sometimes been copied at and imitated at, but which has now, for nearly a century and a quarter, been in operation, and has raised, in the highest degree, the character of British justice. With all these safeguards and securities for a person under accusation in the ordinary course of law, surely your Lordships will not refuse to this illustrious Lady those facilities which are absolutely necessary to her defence. How is it possible to cross-examine the witnesses against her with any effect, unless there is the means of knowing who they are, and what was their former life? Every one acquainted with the proceedings in Courts of Law, knows how much depends upon cross-examining the witnesses for the prosecution, in order to elicit

from that cross-examination the falsehood of their statements, if falsehood there be. It is far from my intention to impute falsehood to the witnesses to be examined against the Queen, nor have I any bias upon this question. It is the very excellence of that profession of which I have been so long a Member, to remove from the mind any disposition to bias upon questions for adjudication, and to give it that tone of impartiality to weigh and decide justly upon the circumstances of every case. It is in this spirit that I call upon your Lordships to do what I consider to be substantial justice—to give to the Queen a list of the witnesses. Observe in what situation her Majesty is placed by the allegations in the preamble of this Bill. Witnesses may be called to prove circumstances occurring in 1815, 16, 17, 18, or 19, and how is it possible for her Majesty to anticipate to what period, or to what place, the witnesses are to be called upon to depose, unless a list of them is furnished to her, to enable her to obtain information respecting them? If you refuse the list, her Majesty will, of course, be entitled to delay, after the examination of the witnesses against her is gone through, in order to prepare the means of her defence. And then in what situation is this illustrious Lady placed, as well as your Lordships? Charges against her are sworn to, and go forth to the Public, exciting a prejudice against her, and which, after all, may turn out to be false. But in what a situation are your Lordships placed in the mean time? In Courts of Law, if a trial is adjourned from day to day, the Jury is either locked up, or required to pledge themselves that they will not communicate with any human being upon the subject of the trial. Will your Lordships consent to be locked up during the interval between the conclusion of the evidence against the Queen, and the commencement of her Majesty's defence? But will it not be a great evil, that so long an interval should elapse between the accusation and the defence, whilst charges against her Majesty, supported, it may be, by false evidence, (for how is it to be known, unless there exist the means of cross-examination, arising out of a previous knowledge of the witnesses?) are making their way amongst the Public, and perhaps totally destroying her Majesty's reputation in public opinion? This is a state of things which ought not to exist; but which can only be prevented by giving her Majesty a list of the witnesses against her. It may be answered, that a Court of Parliament is not a Court of Law, that the forms are necessarily and unavoidably different, and that, were my doctrine to prevail, no trial could take place at all in Parliament. But I contend, you ought to take special care not only that your forms are not used to the perversion of justice, but that every means is adopted to prevent any perversion of justice. Let your Lordships only look at the allegations in this Bill, and consider the difficulties in which this illustrious Lady must be involved, in endeavouring to shape her defence without the possibility of knowing what specific acts are to be attempted to be proved against her, and this arising from the very nature of the allegations, spread over, as they are, a space of several years, and embracing a number of places at a considerable distance from each other. Were the odious charge to be committed with any foreign Prince or person of high distinction, it might be known with some certainty in what way the charge could best be met; but here, from the very condition of the party with whom the offence is alleged to have been committed, from the vague nature of the allegations, and the want of any point of time being fixed, it is next to impossible to know what the nature of the proof is that is to be adduced. If we look to the proceedings in the Ecclesiastical Courts with regard to divorce, we shall find that the utmost precision is required in the bill in setting forth dates and places, and that it may be easily known to the party sued what the nature of the evidence is that is to be adduced; but even then a divorce is only pronounced *a mensa et thoro*, and a divorce *vinculo matrimonii* can only be obtained in this House (except in a few cases where it cannot take place), and then the examination of witnesses openly at the bar of this House, subject to cross-examination by the adverse party, who is in full possession of all the points they are to be called to prove. Thus we have every analogy in favour of giving this illustrious Lady a list of the witnesses against her; and this more particularly applies, when we consider the vague and indefinite nature of the charges alleged against her in this Bill. The inherent familiarities alluded to in the charges are said to have taken place at various times and in different places, and this renders it the more necessary that the illustrious Person accused should be informed of the particulars. But when, in addition to this, your Lordships reflect on the prices that have been taken to collect the evidence against the Queen, you will have another argument to show the necessity of supplying all the means that can be required to make a proper defence. Another strong circumstance will be found

in the nature of the penalties to which she is exposed by this proceeding—the penalties are degradation and divorce; and I say, my Lords, that the party accused becomes entitled to your consideration, when you reflect upon the severity of those penalties, combined with the numerous difficulties against which she has to contend. Let it be remembered, my Lords, that we stand alone all other countries in the administration of justice; and while we reflect on that let us take care that we shall not be found asleep on our posts, instead of exercising the vigilance of sentinels to protect the reputation we have gained. Let us stand by the principles of ancient times; by the principles of the Revolution, and by the Statute of King William, and in doing so let us grant what is asked in the present case by the party which stands in that situation to which no fair indulgence ought to be denied. His Lordship concluded by moving three Resolutions to the following effect:—"1. That a list of the witnesses should be furnished forthwith to her Majesty's legal advisers."

"2. That the delivery of such list should not exclude the House from the right of examining any witness, if necessary, and examined in the list."

"3. That copies of the deposition should also be furnished."

The LORD CHANCELLOR said, that however painful the task was to his feelings, he was bound, by his duty to their Lordships, to the Constitution, and to the Administration of Justice, to state his sentiments on the question now before the House. He was ready to admit, with regard to precedents, that they were not to look to those times in which the accused party was not allowed to proceed in a way which was necessary to a fair defence. Such precedents, instead of being imitated, deserved to be reprobated by their Lordships. It was proper to recollect, that the parties concerned were; but still the same principles of justice must be applied in this case which were applied in all cases, and he much regretted to find distinctions taken between the first and lowest subjects in the Country, as if any distinction could be made in the principles upon which they were to be tried. No man living could doubt, that if a list of witnesses was given, the accused party would have a great advantage. This was, in many cases, a fair advantage to the person whose duty it was to examine the witnesses, and for this reason, that the evidence might be shaken, may, reduced to dust and ashes, even as it was pronounced, not by contradictory evidence, but by the cross-examination. But there was another side to be considered. Their Lordships were bound to inquire whether it was not better to submit to a particular mischief, than to establish a principle injurious to the general administration of justice? He was no grumbler against the statute of William, nor did he think that his Noble and Learned Friend intended to include him in that charge; but he would desire his Noble and Learned Friend to read the work of a great lawyer, and he might add, an excellent Whig, upon that statute, he meant Justice Foster, where he would find it recorded as his opinion, that the statute worked great injustice in some cases. His Noble and Learned Friend had admitted the same fact in his own Resolutions, he had altered and improved the statute. He did not object to that, for if the statute was excellent, the improvement must be more excellent still; but it proved one thing, which was this—that if the principle of the statute was to be adopted, they ought, even in the Noble Lord's own opinion, to do more than was done by the Statute. When he (the Lord Chancellor) was called upon, in his situation as Attorney-General to prosecute persons for High Treason, he had felt it his duty to conduct the prosecution with a view to that statute. He was much abused at the time, and he honoured the feeling which operated in favour of the accused at all times, but being called upon to prosecute, the statute told him that he could not examine a single witness whose name was not in the list. He found, that if in writing the name of a witness, a case which had occurred, the letter A was substituted for the letter O, the person in whose name the mistake took place could not be examined. He found that trials for High Treason differed from all other trials in this respect; that even if there was not one word of truth in the defence set up, yet, if the person conducting the prosecution could not foresee the course that was to be taken by the Defendant, he could not escape from the consequences of his error by calling a single witness whose name was not in the list. But while he stated this, he did not mean to grumble at the statute. His Noble Friend might say that this looked a little like it, but he would undertake to assert, that though he knew the Noble Lord to be a good-natured man as any in the Country, he would have grumbled more than himself, had he to struggle against the impediments of the statute, as was the lot of the Attorney-General at the period to which he alluded. The Noble Lord had said, that the proceedings of Parliament should be assimilated to the proceedings of the Courts below; the more they were the more he should like them; but was Parliament to direct itself of all its functions in

cases where justice could not be done by the ordinary tribunals? The Act of William had never been applied to Parliamentary proceedings. If now admitted, it would be a departure from the general practice, and he would ask his Noble Friend, if in Courts of Justice, whose witnesses were examined viva voce, the rule of giving a list of witnesses were established in all cases, what would become of the general administration of justice? If he were asked why, on general principles, the rule should not be extended to all occasions, he would answer, because it could not be done with safety; because it could not be done, except at the sacrifice of the interests of justice in general cases. The Noble Lord had dealt much on the particular case; but what was there to distinguish it from others in which the rule was not admitted? Was it the high station of the party? If so, he would ask their Lordships, how they could, with safety to the general interests of justice, adopt a rule in that case which must be attended with danger and inconvenience in others? With regard to the Milan Commission, he should not say one word more than that *ex-parte* collection of evidence was perfectly consistent with the character of any honourable man, and might possibly have had the effect of preventing that investigation which it must be the wish of all persons to have avoided. As to the Ecclesiastical Courts, they could not try the case; and how would Parliament proceed, if they thought otherwise? "would they order the head of the Court to stand in a white sheet for disobeying the order of the House in refusing to proceed to the trial? The accusation was confined to the conduct of one particular individual, and, under all the circumstances, the question for their Lordships to consider was this, whether they would sacrifice a principle necessary to the administration of justice, and especially to the Parliamentary administration of justice, in favour of a particular case? He believed that by acceding to the present motion they would sacrifice a great and essential constitutional principle, and therefore he could not, consistently with his duty, both to those who were in and those who were out of Parliament, give his assent to the motion before the House.

The Marquis of LANSDOWN said, that the impressions with which he entered the House had been considerably strengthened by the speech of his Noble and Learned Friend, which was one of the most able and convincing, as well as the most calm and dispassionate, that ever had been delivered within the walls of that House. In the first instance, he felt no inconsiderable satisfaction in reflecting that his Noble Friend had been induced to give notice of his present motion (after an incidental conversation, and not a debate, as the Noble Lord on the Woolsack had intimated), before any application was made on the part of her Majesty. He felt gratified in reflecting that the notice had preceded the application, for the principle was necessary to be adopted, not in justice to her Majesty alone, but to every party concerned in this great cause. It was necessary, in justice to her Majesty, and in justice to the accusing party, represented by the Noble Lords on the other side, who could be supposed to have no other wish or interest than that every thing should be fairly done. It was in conformity to the rules of public justice, and not in opposition to any party except one, if such a one existed, which he hoped was not the case, that might wish to cast a slur and stigma on their Lordships' decisions. Much had been said on the subjects of precedent and analogy. A long Report of precedents had been read that night, which contained no information that would guide their proceeding. It was true that Ministers might, in the first instance, have possessed themselves of all the precedents in similar cases. No proposition, however, of that kind had been made, and it was proper that it should not have been made, for the Noble Earl (of Liverpool) had rightly stated on a former night, that they were not about to follow, but to create precedent. Why, then, he would ask, if they admitted that there was no precedent in existence which it would be right to follow, why should they now require that precedent should be followed after such a description of the case? He would challenge them to show a single instance before the present, in which a Bill of Pains and Penalties, preceded by a Secret Committee, had originated in that House. He did not mention this with a view to blame the proceeding, but in order to show that the whole was a departure from precedent, and it was surely too much that those who had induced the House to depart from all precedent, to violate all analogy, and to put to sea with them in the perilous voyage, it was too much to call upon them to look to those very landmarks which they had first induced them to neglect. (Hear, hear!) The Noble and Learned Lord had argued throughout as if there were some settled law, some fixed maxims and rules, in need round by all the guards which the wisdom of our ancestors had established; to be referred to in the present case. But were they sitting in any known tribunal? They certainly were exercising

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