



Did Carrington come on board with a draft of money or was he merely a witness when the ship was first commissioned? As far as my memory serves me, he came on board with a draft of money from the Admiralty.

During the commissioning of the ship on board, was the amount of money paid to Carrington as a witness, or was it a loan of money? I cannot say positively, but I think the latter.

The ship's books will show the fact? Of course, your Royal Highness.

During this examination by his Royal Highness, continual cries of "withdraw" resounded from the Opposition.

By Lord GREY.—Can Sir John Balfour inform us where Lieutenant Lord Captain Alborough is? He lives near Carrington.

The Duke of Clarence.—I move that the ship's books of the *Postion* and the *Thistle* be produced; they are easily procured.

Lord MELVILLE, we believe, observed, that it would be more convenient that an authentic statement, as to the point in question, should be made from them.

Lord GREY.—I should wish to ask where Captain Jones is? I don't know where he is. The reason I know where he is, is that I correspond with him continually.

The Lord CHANCELLOR.—With respect to these ship's books, I think it would be sufficient for some proper person to make an authentic copy of so much of them as relates to the point in question, to the accuracy of which that person may be able to swear; because, it may be inconvenient to produce the books here.

Mr. BROUGHTON.—I don't know whether your Lordships will allow me to make objection to the production of any testimony, or also documentary, on this subject. (Order, order!) I only wish to remind your Lordships; because there can be no contradiction to Carrington in this respect, as he said he did not know whether he was rated as a midshipman or not till he left the service.

The Lord CHANCELLOR.—That is not the only question that arises, Mr. Broughton.

Lord GREY now moved that Sir John Balfour should withdraw, and that he should have the leave of the House to quit London. Agreed.

Mr. BROUGHTON.—Now, my Lords, before the cross-examination of Pomi is gone into, perhaps you will allow me to state, on account of the surprise which we are taken, that notwithstanding your Lordships were of opinion that we could not examine that witness as to the bribery alleged to have been attempted to be carried on by a certain person called Rignati, whom we submit was the agent of Vilmacetti, we do not want that part altogether, but reserve to ourselves the liberty of submitting to your Lordships, that if we are able to show, by other acts, that he was an agent to the Milan Commission, we shall be entitled to go into that part of his conduct; and we trust, my Lords, that that fact may now no longer be kept from our knowledge which has been so concealed, contrary to every principle of justice, thought it most essential to the defence of her Majesty the Queen—namely, who is the address party in support of this Bill?—without knowing which, it appears to me, that, considering the situation in which her Majesty now stands, it is utterly impossible for us to proceed one step further, according to the substance, and even according to the forms, of a judicial proceeding.

The Lord CHANCELLOR.—A witness has been called and examined in chief. I apprehend, according to all principles of regularity, it is highly improper to create interruption between the examination-in-chief and cross-examination of any witness. Whatever application may be made to the House after the cross-examination has terminated, the House will attend to, and then be able to judge of.

Lord CHANCELLOR.—To me, my Lords, the nature of the present proceeding, and the party instituting it, are perfectly clear and plain; and I can only account on one ground for the Noble Lord on the other side not stating at an earlier opportunity who was the prosecuting party in the present proceeding, to prevent all misunderstanding. It really does appear to me, my Lords, that the question now before your Lordships is so made a question by the State, in which I conceive the State to be the complaining party. The Crown is the head of the State, and the Crown, I apprehend, and not the King individually, is, in a constitutional point of view, and in a strictly legal point of view, the prosecuting party; and, my Lords, I can only account for my Noble Friend on the other side, if he will allow me so to call him, not having taken an earlier opportunity of declaring this to the House, by his reliance upon the effect that would be produced by the fairness and candour which has drawn upon him the liberal approbation even of his political opponents, and I have no doubt he conceived that his conduct throughout the whole of this business would preclude him from the necessity of stating still more clearly who was the prosecuting party to this Bill—because, my Lords, I think it must be allowed on all hands, that my Noble Friend has at least, by his own conduct, practically exemplified a distinction (which to myself is clear and obvious) between a Minister of the Crown, as the head of the State, and the King as an individual.

The Lord CHANCELLOR moved that the Council should withdraw.

The Council withdrew accordingly.

Lord CHANCELLOR resumed.—My Lords, I am not correct in having made this distinction, I should be happy to be set right. I confess the distinction is satisfactory to me; and I think it would have been desirable, in order to preclude all misunderstanding, that it should have been stated earlier. At the same time, I think no party in this case has so little reason to complain of that statement not having been made as the learned Counsel for her Majesty; because it does appear to me, that if any advantage has been felt on any side, by representing this pro-

secutor as a mysterious and indefinite being, it has been wholly on the side of her Majesty's Council, who have certainly had an opportunity of taking the fullest advantage of the name which naturally attaches to a Secret Commission, and which must be increased by its being instituted abroad. This subject, having been so frequently brought up, I could not feel satisfied with this attempt to explain to the House what appears to me to be a just view of the case.

Lord LIVERPOOL.—Certainly the Noble Lord opposite is right, in his conception on the present occasion, and it seems to me somewhat extraordinary that if this really be any difficulty, which it appears to me not to be, that it should not have been stated in the outset, instead of being brought forward in the present stage. I have no difficulty, whatever, in conceiving how this matter stands. It may be difficult to draw an analogy with regard to this House in a legislative proceeding, and the Courts below, as far as regards the technical question of who is or who is not the prosecutor. But your Lordships will be able to recollect, through the whole proceeding from beginning to end, whatever may be your ultimate decision as to this proceeding, that there has been nothing mysterious in its character. On a certain day, I believe the 7th of June, or thereabouts, I did lay upon the table of this House, by his Majesty's command, as I stated, certain papers relative to the conduct of the Queen when Princess of Wales. The first question that arose was, how the House was to deal with these papers. I proposed that they should be referred to a Secret Committee. Many Noble Lords objected to that, and thought the proper course of proceeding was for the Executive Government, or for myself, in the situation which I hold in the Executive Government, to introduce a Bill on my own responsibility, upon the matter contained in these papers. After a delay, into the cause of which it is not now necessary to enter, the papers were referred to a Secret Committee, the report of which is now on your Lordships' table. The day after the report, I laid also on the table of this House the present Bill, not as the Bill of the Secret Committee, but individually as my own Bill, the preamble of which, I fully expected, could be supported and established. Your Lordships ordered a copy of that Bill to be sent to her Majesty, and you also ordered his Majesty's Attorney-General, either by himself or some other person, to support the charges contained in the preamble of that Bill. Whether those charges are or are not supported, will be the ultimate question for your Lordships to determine after the case has been gone through on both sides.

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Lord CHANCELLOR objected to this Bill being brought in solely under the influence and support of his Majesty's Government, in preference to the personal character and responsibility of an individual.

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Q. Did you ever state that you resided in a house at the Barona. Is that house now called the Villa Bergami? Yes, at present it is called the Villa Bergami. Q. How long has it been so called? A little time ago. Q. How long ago? About three months ago. Q. Do you swear it was not called that till the latter end of August, or thereabouts? After it was purchased by the Baron it was called the Villa Bergami. Q. How long ago it was called the Villa Bergami? Bergami bought it in 1816. Q. After Bergami purchased it, did you continue to work there as a carpenter? I did. Q. Did you continue to work at the Villa Bergami up to the present time? When he was the Master, I worked for him; when other persons were Masters, I worked for them. Q. When did you last see Bergami? I don't quite recollect, it must have been in August I think. Q. Where? At his house. Q. Did you see him any where else? I have seen him at other places, but I don't recollect the date of the house. Q. Did you see him the day you left the Villa Bergami? I did not. Q. How long before? I left the Villa Bergami on the 24th of September. I leave him in August, but I do not know the day. Q. Will you swear that you did not see him in September? I cannot swear, I must have seen him the latter end of August, or the beginning of September. I have no recollection, however, of seeing him. Q. How long before leaving the Villa did you see Bergami? I cannot tell whether it was the end of August or beginning of September. Q. How many days was it before you left? I do not know how many days. Q. More than a week? More than a week. Q. Was Bergami living there at the time you left? No, he had set out—gone away. Q. Who did you see to come over as a witness? No one; my own will. Q. Do you mean to swear you came voluntarily, without any person applying to you for the purpose of procuring your evidence? I heard that Bolazzi, the Advocate Bolazzi was receiving testimony, and I went to him and said, I had something to say about that Lady, who had done a great deal of good.

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Lord MELVILLE moved, that the proper officer should attend at the bar, with such parts of the books of his Majesty's ship *Postion* as were calculated to show the situation which Wm. Carrington held on board that ship.—Ordered.

The witness Philipps Pomi (mistakenly called Pomi in our last publication) then read, and was cross-examined by the Attorney-General.

Q. Did you ever state that you resided in a house at the Barona. Is that house now called the Villa Bergami? Yes, at present it is called the Villa Bergami. Q. How long has it been so called? A little time ago. Q. How long ago? About three months ago. Q. Do you swear it was not called that till the latter end of August, or thereabouts? After it was purchased by the Baron it was called the Villa Bergami. Q. How long ago it was called the Villa Bergami? Bergami bought it in 1816. Q. After Bergami purchased it, did you continue to work there as a carpenter? I did. Q. Did you continue to work at the Villa Bergami up to the present time? When he was the Master, I worked for him; when other persons were Masters, I worked for them. Q. When did you last see Bergami? I don't quite recollect, it must have been in August I think. Q. Where? At his house. Q. Did you see him any where else? I have seen him at other places, but I don't recollect the date of the house. Q. Did you see him the day you left the Villa Bergami? I did not. Q. How long before? I left the Villa Bergami on the 24th of September. I leave him in August, but I do not know the day. Q. Will you swear that you did not see him in September? I cannot swear, I must have seen him the latter end of August, or the beginning of September. I have no recollection, however, of seeing him. Q. How long before leaving the Villa did you see Bergami? I cannot tell whether it was the end of August or beginning of September. Q. How many days was it before you left? I do not know how many days. Q. More than a week? More than a week. Q. Was Bergami living there at the time you left? No, he had set out—gone away. Q. Who did you see to come over as a witness? No one; my own will. Q. Do you mean to swear you came voluntarily, without any person applying to you for the purpose of procuring your evidence? I heard that Bolazzi, the Advocate Bolazzi was receiving testimony, and I went to him and said, I had something to say about that Lady, who had done a great deal of good.

An objection having been made to the translation, the Interpreter (punctuated) said, that his first impression was, that the witness had said, "I went to see her," but Mr. Cohen (the Queen's Interpreter) told him, that "to me" was not in the answer. In order to explain, the following question was put to the witness.

Q. Do you mean that the Princess had done you much good, or much good to others? To me, my Lords, I can only account on one ground for the Noble Lord on the other side not stating at an earlier opportunity who was the prosecuting party in the present proceeding, to prevent all misunderstanding. It really does appear to me, my Lords, that the question now before your Lordships is so made a question by the State, in which I conceive the State to be the complaining party. The Crown is the head of the State, and the Crown, I apprehend, and not the King individually, is, in a constitutional point of view, and in a strictly legal point of view, the prosecuting party; and, my Lords, I can only account for my Noble Friend on the other side, if he will allow me so to call him, not having taken an earlier opportunity of declaring this to the House, by his reliance upon the effect that would be produced by the fairness and candour which has drawn upon him the liberal approbation even of his political opponents, and I have no doubt he conceived that his conduct throughout the whole of this business would preclude him from the necessity of stating still more clearly who was the prosecuting party to this Bill—because, my Lords, I think it must be allowed on all hands, that my Noble Friend has at least, by his own conduct, practically exemplified a distinction (which to myself is clear and obvious) between a Minister of the Crown, as the head of the State, and the King as an individual.

The Lord CHANCELLOR moved that the Council should withdraw.

The Council withdrew accordingly.

Lord CHANCELLOR resumed.—My Lords, I am not correct in having made this distinction, I should be happy to be set right. I confess the distinction is satisfactory to me; and I think it would have been desirable, in order to preclude all misunderstanding, that it should have been stated earlier. At the same time, I think no party in this case has so little reason to complain of that statement not having been made as the learned Counsel for her Majesty; because it does appear to me, that if any advantage has been felt on any side, by representing this pro-

secutor as a mysterious and indefinite being, it has been wholly on the side of her Majesty's Council, who have certainly had an opportunity of taking the fullest advantage of the name which naturally attaches to a Secret Commission, and which must be increased by its being instituted abroad. This subject, having been so frequently brought up, I could not feel satisfied with this attempt to explain to the House what appears to me to be a just view of the case.

Lord LIVERPOOL.—Certainly the Noble Lord opposite is right, in his conception on the present occasion, and it seems to me somewhat extraordinary that if this really be any difficulty, which it appears to me not to be, that it should not have been stated in the outset, instead of being brought forward in the present stage. I have no difficulty, whatever, in conceiving how this matter stands. It may be difficult to draw an analogy with regard to this House in a legislative proceeding, and the Courts below, as far as regards the technical question of who is or who is not the prosecutor. But your Lordships will be able to recollect, through the whole proceeding from beginning to end, whatever may be your ultimate decision as to this proceeding, that there has been nothing mysterious in its character. On a certain day, I believe the 7th of June, or thereabouts, I did lay upon the table of this House, by his Majesty's command, as I stated, certain papers relative to the conduct of the Queen when Princess of Wales. The first question that arose was, how the House was to deal with these papers. I proposed that they should be referred to a Secret Committee. Many Noble Lords objected to that, and thought the proper course of proceeding was for the Executive Government, or for myself, in the situation which I hold in the Executive Government, to introduce a Bill on my own responsibility, upon the matter contained in these papers. After a delay, into the cause of which it is not now necessary to enter, the papers were referred to a Secret Committee, the report of which is now on your Lordships' table. The day after the report, I laid also on the table of this House the present Bill, not as the Bill of the Secret Committee, but individually as my own Bill, the preamble of which, I fully expected, could be supported and established. Your Lordships ordered a copy of that Bill to be sent to her Majesty, and you also ordered his Majesty's Attorney-General, either by himself or some other person, to support the charges contained in the preamble of that Bill. Whether those charges are or are not supported, will be the ultimate question for your Lordships to determine after the case has been gone through on both sides.

The Marquis of LANSDOWN thought the distinction taken by Lord Gathorpe did not exist, and conceived, that as truth was the object of the present inquiry, that part of the correspondence between Colonel Browne and Mr. Powell, which had been alluded to on Saturday, ought to be produced.

The Lord CHANCELLOR thought, that the cross-examination of Pomi ought to proceed. It was not fit that the regular course of the proceeding should be interrupted. Those who advised this measure were answerable to the Country for instituting it, and would cheerfully meet their responsibility, when the period arrived when that question was to be entered into.

Lord CHANCELLOR objected to this Bill being brought in solely under the influence and support of his Majesty's Government, in preference to the personal character and responsibility of an individual.

Lord GREY denied that this Bill, as had been stated, had been brought in, in the manner stated, and contended that the charges only had been brought forward under the responsibility of his Majesty's Ministers. If, however, they must assume that the whole proceeding had originated with Government, then it followed, as a matter of course, that the House had a right to inquire into the conduct of every person who had been employed by the Government, including Colonel Browne, and all the subordinate agents who had been engaged under him. If this were to be admitted, then the evidence offered by the Council for the Queen, as to the conduct of Rignati, was perfectly admissible. He, it was clear, had been employed under Col. Browne, and therefore it was important to know the degree of agency which had been entrusted to him, and clearly to ascertain whether, in point of fact, this man had or had not been employed to tamper with and corrupt the witness under examination. He was distinctly of opinion that the question proposed to be put to Pomi, on this subject, on Saturday,