SPEECHES
IN DEFENCE OF
HER MAJESTY QUEEN CAROLINE.

INTRODUCTION.

STATE OF PUBLIC OPINION.—THE MILAN COMMISSION.

Few events have excited a more deep and general interest among the people of England, than the arrival of Queen Caroline in June 1820, and the proceedings which the king, her husband, immediately compelled his ministers, most reluctantly, most clearly against their own fixed opinions, and therefore most certainly against their duty, to institute against Her Majesty, for the purpose of degrading her and dissolving the marriage. Nor was there the least difference of opinion in the country, whether among those who sided with the Queen, or those who blamed her most, upon the injustice and intolerable cruelty of this conduct on the King’s part. No one pretended to doubt that, from the time of her first coming to England, and her marriage with the Prince of Wales, she had been treated as no wife before ever was, and that after a few months permission to reside nominally under the same roof, but without enjoying any other rights of a wife, she had been compelled to live apart from her husband, and had even received a written notice from him that this separation must be considered as for life. That every engine of annoyance had been set in motion to render her life miserable was also universally known; and every one was aware, that, after all temptations had been thrown in the way to seduce her from her conjugal duty, that a pretext might be obtained for justifying the continual ill treatment of which she was the victim, she had triumphed over all those arts, escaped those snares, and been declared guiltless by a secret tribunal appointed in 1806, to try her behind her back, without any one present on her part, and composed of the political and personal friends of the Prince. Wherefore, when it was asserted that during her residence on the continent, whither she had by a continuance of the same persecution been at last driven, her conduct had been watched and found incorrect, all men said, that if blame
there was, a far larger share of it fell on her royal husband than on herself. But when it was found that he the wrong-doer, was resolved to vent upon his victim the consequences of his own offences,—when it was known that he whose whole life since his marriage, had been a violation of his marriage vows, was determined to destroy his consort after deserting and ill-using her—and when it was announced that his design was, to obtain a release from the nuptial ties, which had never for an hour held him fast, on the pretence of the party so deeply injured by his inconstancy and his oppressions having at length fallen into the snares set for her—the public indignation knew no bounds and all the people with one voice exclaimed against a proceeding so indecently outraging every principle of humanity and of justice. Whether the facts alleged were true or false, the people never gave themselves a moment's trouble to inquire; and if the whole case should be confessed or should be proved, it was quite the same thing; he who had done the wrong had no right to take advantage of it, and if every one tittle of the charges made, had been admitted by the party accused, the people were resolved to stand between her and her persecutor's injustice.

An attempt was made to hurry the House of Commons into the consideration of the subject, before time could be given for that expression of feeling in the country, which the King's friends were well aware must speedily become loud and general. But the Queen's friends were not to be thrown off their guard. Messrs. Brougham and Denman, her Attorney and Solicitor-general, were fully prepared for this sudden movement. It was most signally discomfited. A delay of some days was forced upon the government by the Queen's Attorney-general entering unexpectedly at large into the whole case; and Mr. Canning, to his infinite honour, bore such testimony to the virtues and accomplishments of the illustrious princess, whose honour, whose station, and indeed whose life was assailed, that a division, among the ministers was plainly indicated.

The temper and disposition of the house on this memorable occasion, was observed to be anxiously watched by the King's friends; and the Duke of Wellington sat the whole night under the gallery an attentive listener, and with frequent communications to and from those more immediately engaged in the conflict. All men now felt deep regret that this illustrious person had only of late betaken himself to the pursuits of civil life; for his penetrating sagacity, as well as his honourable feelings, would have been an ample security against
suffering such a course as the King seemed bent upon pursuing, had his Grace been in a position to exercise his proper authority over his colleagues and his master, and to sway their councils as he has since done upon the most important occasions. Nor would the same security have been wanting for the country, had Lord Wellesley fortunately been in his appropriate position, at the helm of affairs. No one was calculated to have such influence over the royal mind; and no one would more certainly have exerted it in the direction which the best interests of the country, as well as the King's own honour, so plainly pointed out. But the counsels of inferior men prevailed; or rather, the resistance of inferior minds only was opposed to the vehemence of the royal will; and it was determined that a bill of pains and penalties should be introduced with all the influence of the crown, for the purpose of dissolving the marriage and degrading the Queen-consort from her exalted station. The offence alleged against her, being adultery, would have been high treason had it been committed within the realm. There were doubts among lawyers whether or not it could be so considered if committed abroad, and certainly the whole proceeding was sufficiently encumbered with difficulties to make its authors anxious that whatever provision loaded it with additional obstacles should be avoided. Accordingly no question was made of higher penalties than degradation and divorce.

It would be needless to enter into the details of this unparalleled and most disgraceful affair. It is enough if we run over the heads merely of its history. The decided repugnance of the House of Commons to the whole proceeding, compelled the ministers to defer the appointment of a select committee, for which they had moved in both houses. Mr. Wilberforce, whose patriotism, matured wisdom, and superiority to all factional views, pointed him out as the fit person to resist the threatened mischief, and dictate the terms which should bind all parties, brought forward a proposition for addressing the Queen, after the negotiation between the Duke of Wellington and Lord Castlereagh on the King's part, Messrs. Brougham and Denman on Her Majesty's, had failed; and the House having agreed to the motion, he as mover, accompanied by Mr. Stuart Wortley,* the seconder, Mr. Bankes, and Sir T. Acland, proceeded to wait upon her with the House's resolutions, declaring its opinion that the Queen might without any sacrifice of her honour, accede to the King's proposal of leaving the country, upon full security being given of enjoying her revenue under the sanction

* Now Lord Waineliffe.
of parliament. Her Majesty received the deputation of the Commons with that great dignity of demeanour which was so habitual to her upon proper occasions, and was altogether unmixed with haughtiness or insolence; but she declined in decided, though kindly terms, acceding to a request which must leave her conduct exposed to suspicion. "As a subject of the state," she said, "I shall bow with deference, and, if possible, without a murmur, to every act of the sovereign authority. But as an accused and injured Queen, I owe to the King, to myself, and to all my fellow-subjects, not to consent to the sacrifice of any essential privileges, or withdraw my appeal to those principles of public justice, which are alike the safeguard of the highest and the humblest individuals."

It now became apparent that the inquiry preparatory to the bill must proceed. Her Majesty petitioned the House of Lords to be heard by her counsel against a secret committee being appointed to examine her conduct in her absence; and the counsel were at half an hour's notice heard, but in vain. It was on this occasion that Mr. Denman, in allusion to the well-known adviser of the Milan commission, Sir John Leach, whose counsels, so pleasing to the King, were supposed to be guided by the desire of supplanting Lord Eldon and obtaining the Great Seal, made that memorable quotation from Shakspere, which was so manifestly delightful to Lord Eldon, and certainly as distasteful to Sir John.

Some busy and insinuating rogue,
Some cogging cozening knave to get some office,
Hath devised this slander.

The Lords then appointed a secret committee, to whom papers in a sealed green bag were delivered. After examining these in secret, they reported that a Bill of Degradation and Divorce should be brought in, which was accordingly done; and it was read a first time on the 5th of July. After rejecting an application from the Queen to be furnished with lists of the witnesses against her, the 17th of August was fixed for proceeding with the case.

On that day this unexampled proceeding commenced,—a proceeding in which the forms of the constitution were observed, while its spirit was outraged at every step,—a proceeding over which the ferocious tyranny of Henry VIII. presided, although the customs of parliament were observed throughout, and which afforded a practical proof, that influence may, with a little delay, effect in the nineteenth century almost all that undisguised and unmitigated prerogative could accomplish in the sixteenth.
The first movement of the Queen's counsel was to demur, as it were, to the bill, and call upon the House to reject it upon the ground of justice and of all constitutional principles, whether the statements in the preamble were true or false. In this preliminary argument, Mr. Denman was universally allowed to have principally distinguished himself; and his great display of eloquence, raised high expectations of what might be accomplished by him during the subsequent stages of the cause—expectations which, however high, were surpassed by the performance. Every effort, however, was for the present unavailing, either to stop the government in its course, or animate and alarm the peers into a resistance on behalf of the constitution and the country. All without perhaps one exception, both of the government and of both Houses, abhorred the measure; and if they could have been sure that throwing it out immediately, would not have occasioned a change of ministry, assuredly the bill never would have remained one hour in existence. But then, as in much later times, the great fear was of letting in the opposition; and Tories were daily seen abandoning their whole principles, upon the pretence that they had no other way of preventing what, to their eyes, seemed the most formidable of all events,—exactly as in the present day we have seen Whigs giving up their most sacred opinions one after another, and attaching not the weight of a feather to retrenchment and popular rights, and the progress of reform, and the rights of colonies, and the maintenance of peace, and the extinction of Slavey, and the prevention of the Slave Trade itself, when weighed in the balance against the one evil of a change which should let in their adversaries, and turn out their patrons from the dispensation of court favour.

The Preliminary objection, in the nature of a demurrer, being overruled, the bill proceeded; that is, the case against the Queen was opened, and witnesses were examined to prove it, after the Attorney-general had opened the charge in a long speech of minute detail,—a course which was extremely ill considered by the advocates of the bill, who would not at all trust their foreign witnesses; for being guided in their detailed statements wholly by the result of the Milan commission, the manifest discrepancies between the answers which their questions shewed that they expected to get, and those actually given, afforded constant occasion to their adversaries to cast discredit upon the testimony. It ought to be mentioned, as one of the manifold irregularities of this proceeding, that now for the first time members of one house acted as counsel at the bar of the
other, in a bill on which they must, if it passed that other, themselves come to sit as judges. But the extreme inconveni- ence of the Attorneys and Solicitors-generals of both King and Queen going out of Parliament during so many months as the case might last, suggested the expediency of the House of Commons passing a resolution which permitted its members to appear as counsel in this bill; and Mr. Williams and Dr. Lushington, who were of counsel for her Majesty availed themselves of this leave, as well as Mr. Brougham and Mr. Denman. Mr. Sergeant Wilde was not then a member of Parliament.

There is no occasion to characterise the evidence which was produced for the bill, otherwise than as it has been since described, in colours which, though they may be strong, are only so because they are so strong as to retain their likeness to the original they represent.

"The Milan Commission proceeded under this superin- tendence; and as its labours, so were their fruits exactly what might have been expected. It is the first impression always arising from any work undertaken by English hands and paid for by English money, that an inexhaustible fund is employed, and with boundless profusion; and a thirst of gold is straightway excited which no extravagance of liberality can slake. The knowledge that a board was sitting to collect evidence against the Queen, immediately gave such testimony a high value in the market of Italian perjury; and happy was the individual who had ever been in her house or admitted to her presence: his fortune was counted to be made. Nor were they who had viewed her mansion, or had only known the arrangements of her villa, without hopes of sharing in the golden prize. To have seen her pass, and noted who attended her person, was a piece of good luck. In short, nothing, however remotely connected with herself, or her family or her residence, or her habits, was without its value among a poor, a sanguine, and an imaginative people. It is certain that no more ready way of proving a case, like the charge of criminal intercourse, can be found, than to have it first broadly asserted for a fact; because this being once believed, every motion, gesture, and look is at once taken as proof of the accusation, and the two most innocent of human beings may be overwhelmed with a mass of circum- stances, almost all of which, as well as the inferences drawn from them, are really believed to be true by those who recount or record them. As the treachery of servants was the portion of this testimony which bore the highest value, that, of course, was not difficult to procure; and the accusers
soon possessed what, in such a case, may most truly be said to be *accusatori maxime optandum*—not, indeed, *confitentes res*, but the man-servant of the one, and the maid-servant of the other supposed paramour. Nor can we look back upon these scenes without some little wonder how they should not have added even the *confitentem reum*; for surely in a country so fertile of intriguing men and abandoned women,—where false oaths, too, grow naturally, or with only the culture of a gross ignorance and a superstitious faith,—it might have been easy, we should imagine, to find some youth, like Smeaton in the original Harry the Eighth's time, ready to make his fortune, both in money and female favours, by pretending to have enjoyed the affections of one whose good nature and easy manners made the approach to her person no difficult matter at any time. This defect in the case can only be accounted for by supposing that the production of such a witness before the English public might have appeared somewhat perilous, both to himself and to the cause he was brought to prop with his perjuries. Accordingly, recourse was had to spies, who watched all the parties did, and when they could not find a circumstance, would make one; men who chronicled the dinners and the *uppers* that were eaten, the walks and the sails that were enjoyed, the arrangements of rooms and the position of bowers, and who, never doubting that these were the occasions and the scenes of endearment and of enjoyment, pretended to have witnessed the one, in order that the other might be supposed; but with that inattention to particulars which Providence has appointed as the snare for the false witness, and the safeguard of innocence, pretended to have seen in such directions as would have required the rays of light to move not straight-forward, but round about. Couriers that pried into carriages where the travellers were asleep at grey daylight, or saw in the dusk of dewy eve what their own fancy pictured,—sailors who believed that all persons could gratify their animal appetites on the public deck, where themselves had so often played the beast's part,—lying waiting-women, capable of repaying the kindness and charity that had laid the foundation of their fortune, with the treachery that could rear it to the height of their sordid desires,—chambermaids, the refuse of the streets, and the common food of wayfaring licentiousness, whose foul fancy could devour every mark that beds might, but did not, present to their practiced eye,—lechers of either sex, who would fain have gloated over the realities of what their liquorish imagination alone bodied forth,—pimps of hideous aspect, whose prurient glance could
penetrate through the keyhole of rooms where the rat shared with the bug the silence of the deserted place,—these were the performers whose exploits the commissioners chronicled, whose narratives they collected, and whose exhibition upon the great stage of the first tribunal of all the earth, they sedulously and zealously prepared by frequent rehearsal. Yet with all these helps to success,—with the unlimited supply of fancy and of falsehood which the character of the people furnished—with the very body-servants of the parties hired by their wages, if not bought with a price,—such an array could only be produced, as the whole world at once pronounced insufficient to prove any case, and as even the most prejudiced of assemblies in the accuser's favour turned from with disgust.—*Edinburgh Review*, vol. lxvii. pp. 41—43.

On the 9th of September an adjournment was resolved on of about three weeks, and on the 3d of October the House again met, when the counsel for the Queen were heard, and witnesses called on her part. The following speech is Mr. Brougham's defence of her Majesty, which he opened on the first day after the adjournment, and finished on the next. Mr. Denman's summing up of the evidence, and application of it to answer the charges, was a magnificent effort of genius. But there is no possibility of giving more than the justly celebrated peroration, and one or two other passages. The last sentence of all was the subject of much misrepresentation at the time, and has been occasionally since. Nor can it be denied that the want of a few words, especially in a spoken composition on such a subject, rendered this unavoidable. Whoever attentively considers the structure of the sentence, and weighs the force of the words, can have no doubt of the sense; but it is not safe to throw so much upon a single particle, as was thus cast upon the word "even;" and a sentence was wanting to bring home the meaning, by pointing the hearer's attention to the contrast exhibited by our Saviour towards convicted guilt, and human injustice towards proved innocence.

The proceedings of 1820, though they ended in the signal dishonour of the Queen's enemies, by no means put an end to their persecutions. Although declared innocent by the fate of the bill, which was withdrawn on the 10th of November, after the second reading had been carried by only nine votes, and when it became manifest that it must be flung out on the next stage, the usual insertion of her Majesty's name in the liturgy was still withheld, and a motion on the subject suggested by Sir Charles Wetherell, a determined, but most honest and consistent, as well as highly-gifted member of
the Tory party, was rejected in the House of Commons. In the following summer, the coronation of George IV. was proceeded with, and of course the Queen claimed to be crowned, as all her royal predecessors had been; but this, too, was peremptorily refused, and the annoyance occasioned by these vexatious proceedings, coming after so long a life of ill-treatment, is generally believed to have hastened her end. The mournful inscription which she desired to have placed upon her coffin is well known,—“Caroline of Brunswick, the murdered Queen of England.”

The last of the following speeches relates to the subject of the coronation, her Majesty’s claim having been referred to the Privy Council, which heard the argument at a very crowded meeting, attended by the Attorney and Solicitor-general for the King, as well as those for the Queen, the former law-officers, however, acting as assessors to the board, the latter appearing at the bar. The Earl of Harrowby, as Lord President, was in the chair; but besides many lay lords, he was assisted by the Lord Chancellor, the Chief Justices, and other heads of the law who belonged to the Privy Council.
THE CASE
OF
QUEEN CAROLINE.

SPEECH.

MAY IT PLEASE YOUR LORDSHIPS,—The time is now come when I feel that I shall truly stand in need of all your indulgence. It is not merely the august presence of this assembly which embarrasses me, for I have oftentimes had experience of its condescension,—nor the novelty of this proceeding that perplexes me, for the mind gradually gets reconciled to the strangest things,—nor the magnitude of this cause that oppresses me, for I am borne up and cheered by that conviction of its justice, which I share with all mankind; but, my lords, it is the very force of that conviction, the knowledge that it operates universally, the feeling that it operates rightly, which now dismays me with the apprehension, that my unworthy mode of handling it, may, for the first time, injure it; and, while others have trembled for a guilty client, or been anxious in a doubtful case, or crippled with a consciousness of some hidden weakness, or chilled by the influence, or dismayed by the hostility, of public opinion, I, knowing that here there is no guiltiness to conceal, nor anything, save the resources of perjury, to dread, am haunted with the apprehension that my feeble discharge of this duty may for the first time cast that cause into doubt, and may turn against me for condemnation those millions of your lordships' countrymen whose jealous eyes are now watching us, and who will not fail to impute it to me, if your lordships should reverse the judgment which the case for the charge has extorted from them. And I feel my lords, under such a weight so troubled, that I can hardly at this moment, with all the reflection which the indulgence of your lordships has accorded to me, compose my spirits to the discharge of my professional duty, under the pressure of that grave responsibility which accompanies it. It is no light addition to this feeling, that I foresee, though happily at some distance, that before these proceedings close, it may be my unexampled lot to discharge a duty, in which the
loyalty of a good subject may, among the ignorant, among the thoughtless,—certainly not with your lordships for a moment,—suffer an impeachment.

My lords, the Princess Caroline of Brunswick arrived in this country in the year 1795,—the niece of our sovereign, the intended consort of his heir-apparent, and herself not a very remote heir to the crown of these realms. But I now go back to that period, only for the purpose of passing over all the interval which elapsed between her arrival then and her departure in 1814. I rejoice that, for the present at least, the most faithful discharge of my duty permits me to draw this veil; but I cannot do so without pausing for an instant, to guard myself against a misrepresentation to which I know this cause may not unnaturally be exposed, and to assure your lordships most solemnly, that if I did not think that the cause of the Queen, as attempted to be established by the evidence against her, not only does not require recrimination at present,—not only imposes no duty of even uttering one whisper, whether by way of attack, or by way of insinuation, against the conduct of her illustrious husband; but that it rather prescribes to me, for the present, silence upon this great and painful head of the case,—I solemnly assure your lordships, that but for this conviction, my lips on that branch would not be closed; for, in discretionally abandoning the exercise of the power which I feel I have, in postponing for the present the statement of that case of which I am possessed, I feel confident that I am waging a right which I possess, and abstaining from the use of materials which are mine. And let it not be thought, my lords, that if either now I did conceive, or if hereafter I should so far be disappointed in my expectation that the case against me will fail, as to feel it necessary to exercise that right,—let no man vainly suppose, that not only I, but that any, the youngest member of the profession would hesitate one moment in the fearless discharge of his paramount duty. I once before took leave to remind your lordships, which was unnecessary, but there are many whom it may be needful to remind,—that an advocate, by the sacred duty which owes his client, knows, in the discharge of that office, but one person in the world, THAT CLIENT AND NONE OTHER. To save that client by all expedient means,—to protect that client at all hazards and costs to all others, and among others himself,—is the highest and most unquestioned of his duties; and he must not regard the alarm—the suffering—the torrent—the destruction—which he may bring upon any other. By, separating even the duties of a patriot from those of an
advocate, and casting them, if need be, to the wind, he must go on reckless of the consequences, if his fate it should unhappily be, to involve his country in confusion for his client's protection!

But, my lords, I am not reduced to this painful necessity. I feel that if I were to touch this branch of the Case now, until any event shall afterwards shew that unhappily I am deceiving myself—I feel that if I were now to approach the great subject of recrimination, I should seem to give up the higher ground of innocence on which I rest my cause; I should seem to be Justifying when I plead Not Guilty; I should seem to argue in extenuation and in palliation of offences, or levities, or improprieties, the least and the lightest of which I stand here utterly to deny. For it is false, as has been said—it is foul and false as those have dared to say, who, pretending to discharge the higher duties to God, have shewn, that they know not the first of their duties to their fellow-creatures—it is foul, and false, and scandalous in those who have said (and they know that it is so who have dared to say), that there are improprieties admitted in the conduct of the Queen I deny that the admission has been made. I contend that the evidence does not prove them. I will shew you that the evidence disproves them. One admission, doubtless, I do make; and let my learned friends who are of counsel for the Bill take all the benefit of it, for it is all that they have proved by their evidence. I grant that her Majesty left this country and went to reside in Italy. I grant that her society was chiefly foreign. I grant that it was an inferior society to that which she once enlightened and graced with presence in this country. I admit, my lords, that while here, and while happy in the protection—not perhaps of her own family, after the fatal event which deprived it of its head; but while enjoying the society of your lordships and the families of your lordships,—I grant that the Queen moved in a more choice, in perhaps a more dignified society, than she afterwards adorned in Italy. And the charge against her is, that she has associated with Italians, instead of her own countrymen and countrywomen; and that, instead of the peeresses of England, she had sometimes lived with Italian nobility, and sometimes with persons of the commonalty of that country. But, who are they that bring this charge, and above all, before whom do they urge it? Others may accuse her—others may blame her for going abroad—others may tell tales of the consequences of living among Italians, and of not associating with the women of her country, or of her adopted country; but it is not your lordships that have any
right to say so. It is not you, my lords, that can fling this stone at Her Majesty. You are the last persons in the world—you, who now presume to judge her, are the last persons in the world so to charge her; for you are the witnesses whom she must call to vindicate her from that charge. You are the last persons who can so charge her; for you, being her witnesses, have been also the instigators of that only admitted crime. While she was here, she courteously opened the doors of her palace to the families of your lordships. She graciously condescended to mix herself in the habits of most familiar life, with those virtuous and distinguished persons. She condescended to court your society, and, as long as it suited purposes not of her, as long as it was subservient to views not of her own—as long as it served interests in which she had no concern,—she did not court that society in vain. But when changes took place—when other views arose—when that power was to be retained which she had been made the instrument of grasping—when that lust of power and place was to be continued its gratification, of the first gratification of which she had been made the victim—then her doors were opened in vain; then that society of the Peeresses of England was withheld from her; then she was reduced to the alternative, humiliating indeed, or I say that her condescension to you and yours was no humiliation.—She was only lowering herself, by overlooking the distinctions of rank to enjoy the first society in the world,—but then it pleased you to reduce her to what was really humiliation,—either to acknowledge that you had deserted her,—to seek the company of those who now made it a favour which she saw they unwillingly granted, or to leave the country and have recourse to other society inferior to yours. I say, then, my lords, that this is not the place where I must be told—it is not in the presence of your lordships I must expect to hear any one lift his voice to complain,—that the Princess of Wales went to reside in Italy, and associated with those whose society she neither ought to have chosen, nor would have chosen—certainly would not have chosen, perhaps ought not to have chosen—had she been in other and happier circumstances.

In the midst of this, and of so much suffering as to an ingenuous mind such conduct could not fail to cause, she still had one resource, and which, for a space, was allowed to remain to her—I need hardly say I mean the comfort of knowing that she still possessed the undiminished attachment and grateful respect of her justly respected and deeply lamented daughter. An event now took place which, of all
others, most excites the feelings of a parent: that daughter was about to form a union upon which the happiness—upon which, alas! the Queen knew too well how much the happiness, or the misery of her future life must depend. No announcement was made to her Majesty of the projected alliance. All England occupied with the subject—Europe looking on with an interest which it certainly had in so great an event—England had it announced to her; Europe had it announced to her—each petty German prince had it announced to him; but the one person to whom no notice of it was given, was the mother of the bride who was to be espoused; and all that she had done then to deserve this treatment was, with respect to one of the illustrious parties, that she had been proved, by his evidence against her, to be not guilty of the charge he launched at her behind her back: and, with respect to his servants, that they had formerly used her as the tool by which their ambition was to be gratified. The marriage itself was consummated. Still, no notice was communicated to the Queen. She heard it accidentally by a courier who was going to announce the intelligence to the Pope, that ancient, intimate, much-valued ally of the Protestant Crown of these realms, and with whose close friendship the title of the Brunswicks to our Crown is so interwoven. A prospect grateful to the whole nation, interesting to all Europe, was now afforded, that the marriage would be a fruitful source of stability to the royal family of these realms. The whole of that period, painfully interesting to a parent as well as to a husband, was passed without the slightest communication; and if the Princess Charlotte's own feelings had prompted her to open one, she was in a state of anxiety of mind and of delicacy of frame, in consequence of that her first pregnancy, which made it dangerous to have maintained a struggle between power and authority on the one hand, and affection and duty on the other. An event most fatal followed, which plunged the whole of England into grief; one in which all our foreign neighbours sympathized, and while, with a due regard to the feelings of those foreign allies, and even of strange powers and princes with whom we had no alliance, that event was speedily communicated by particular messengers to each, the person in all the world who had the deepest interest in the event—the person whose feelings, above those of all the rest of mankind, were most overwhelmed and stunned by it,—was left to be stunned and overwhelmed by it accidentally; as she had, by accident, heard of the marriage. But if she had not heard of the
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dreadful event by accident, she would,ere long, have felt it; for the decease of the Princess Charlotte was communicated to her mother, by the issuing of the Milan Commission and the commencement of the proceedings for the third time against her character and her life.

Sec, my lords, the unhappy fate of this illustrious woman! It has been her lot always to lose her surest stay, her best protector, when the dangers most thickened around her; and, by a coincidence almost miraculous, there has hardly been one of her defenders withdrawn from her, that his loss has not been the signal for an attack upon her existence. Mr. Pitt was her earliest defender and friend in this country. He died in 1806; and, but a few weeks afterwards, the first inquiry into the conduct of Her Royal Highness began. He left her a legacy to Mr. Perceval, her firm, dauntless, most able advocate. And, no sooner had the hand of an assassin laid Mr. Perceval low, than she felt the calamity of his death in the renewal of the attacks, which his gallantry, his skill, and his invariable constancy had discomfited. Mr. Whitbread then undertook her defence; and, when that catastrophe happened, which all good men lament without any distinction of party or sect, again commenced the distant growling of the storm; for it then, happily, was never allowed to approach her, because her daughter stood her friend, and some there were who worshipped the rising sun. But when she lost that amiable and beloved child, all which might have been expected here—all which might have been dreaded by her if she had not been innocent—all she did dread—because, who, innocent or guilty, loves persecution? who delights in trial, even when character and honour are safe?—all was at once allowed to burst upon her head; and the operations began with the Milan Commission. And, as if there were no possibility of the Queen losing a protector without some most important scene against her being played in this too real drama, the day which saw the venerable remains of our revered sovereign consigned to the tomb—of that sovereign who, from the first outset of the Princess in English life, had been her constant and steady defender—that same sun ushered the ringleader of the band of perjured witnesses into the palace of his illustrious successor! Why do I mention these things? Not for the sake of making so trite a remark, as that trading politicians are selfish—that spite is twinbrother to ingratitude—that nothing will bind base natures—that favours conferred, and the duty of gratitude neglected, only make those natures the more spiteful and malignant. My lords, the topic would be trite and general, and I should be ashamed to trouble you
with it; but I say this, in order to express once more my deep sense of the unworthiness with which I now succeed such powerful defenders, and my alarm lest my exertions should fail to do what theirs must have accomplished had they survived.

My lords, I pray your attention for a few moments, to what all this has resulted in. It has ended in the getting up of a story, to the general features of which I am now first about to direct the attention of your lordships. But I must begin by praying you to recollect what the evidence has not only not proved, but is very likely to have discharged from the memory of your lordships,—I mean the opening of my learned friend, the Attorney-general. Now, he shall himself describe, in his own words, the plan and the construction of that opening statement. It is most material for your lordships to direct your attention to this; because much of the argument rests on this comparative view. He did not, then, make a general speech, without book, without direction or instruction; but his speech was the spoken evidence; it was the transcript of that which he had before him; and the way in which that transcript was prepared, I leave your lordships to conjecture, even uninformed to a certain degree as you now must needs be. "I will," said my learned friend—and every one who heard him make the promise, and who knows his strictly honourable nature, must have expected its exact fulfilment—"I will most carefully state nothing which I do not, in my conscience, believe I shall be able to substantiate in proof; but I will also withhold nothing, upon which I have that conviction." I believed the Attorney-general when I heard him promise. I knew that he spoke from his conscience; and now that I see he has failed in the fulfilment, I equally well know that there is but one cause for the failure,—that he told you what he had in his brief, and what had found its way into his brief from the mouths of the witnesses. He could get it in no other way but that. The witnesses who had told falsehoods before in private, were scared from repeating them here, before your lordships. Now, I will give your lordships one or two specimens of this; because I think these samples will enable you to form a pretty accurate estimate, not only of the value of that evidence, where it comes not up to my learned friend's opening, but also to form a pretty good guess of the manner in which that part of it which did succeed was prepared for the purpose. I will merely take one or two of the leading witnesses, and compare one or two of the matters which my learned friend opened, and will not tire you with the manner in which they told you the story.
First, my learned friend said, that the evidence of the
Queen's improper conduct would come down almost "to the
time at which I have now the honour of addressing your lord-
ship's." I am quoting the words of my learned friend, from
the short-hand writer's notes. In fact, by the Evidence, that
"almost" means up to the present time, all but three years;
that is to say, all but a space of time exactly equal to that
space of time over which the other parts of the Evidence ex-
tend. At Naples, where the scene is laid which is first so se-
dulously brought before your lordships, as if the first con-
nection between the two parties began upon that occasion,—
as if that were the night when the guilt intentions, which they
long had been harbouring, but for want of opportunity had
not been able to fulfil, were at length gratified,—at Naples,
I pray your lordships to attend to the manner in which he
opened this first and most important branch of his whole
case, and which if it fails, that failure must affect the state-
ment of circumstances, not only in this part of the Evidence,
but in all the subsequent stages of it. How does my learned
friend open that part of his case? "I shall show you," says
he, "that there are clear, decisive marks of two persons
having slept in the bed, the night that the Queen came home;
the second night she was at Naples, she returned early from
the Opera; she went to her own room, from thence she re-
paired to Bergami's room, where Bergami himself was; the
next day she was not visible till an unusually late hour, and
was inaccessible to the nobility of Naples." Every one of
these assertions, rising one above another in succession and
importance, but even the lowest of them of great moment to
the case against her Majesty,—every one of them not only is
false, but is negatived by the witness produced to support
them. Demont gives no "decisive marks,"—she gives a
doubtful and hesitating story. With one exception, there is
nothing specific, even in what she swears; and with that
shall afterwards come to deal. But she denies that she
knew where the Queen went when she first left her own bed-
room. She denies that she knew where Bergami was at the
time. She says affirmatively that the next morning the
Queen was up and alert by the usual time. Not one tittle
of evidence does she give, or any body else, of her having
assumed access to any one person who called; nor is any
evidence given (to make the whole more complete) that any
body called that morning at all.

Then come we to that which my learned friend opened
more than even his wonted precision. We know that
the rest was from his instructions. It could be from no
other source. He had never been in Italy. Neither he nor my learned friend, the Solicitor-general, have given us any idea of their knowing what sort of country it is; that they know any thing of a Masquerade; that they know any thing of a Cassino. My learned friend has represented as if the being blackballed at that Cassino were ruin to a persons character; forgetting who may be the members of the society at that Cassino; that there may be a Colonel Brown; that it is held at the very place where the Milan Commission was held. "But," says my learned friend, the Solicitor-general, "who ever heard of the wife of a royal prince of this country going disguised to a masquerade?" Who would have thought that, being disguised, and on her way to a masquerade, she did not go in her own state coach, with her livery servants, with a coachman bedizened, with lacqueys plastered, with all the "pomp, pride and circumstance" of a court or a birth-day, but that she went in a common hired carriage, without the royal arms, without splendor or garb, coming out at the back-door, instead of issuing out of the front door, with all the world spectators? Nay, I only wonder that my learned friend did not state, as an enormity unheard of and inexplicable, that she went to a masquerade in a domino and with a false face! My lords, it was not, therefore, from their own personal observation, certainly not from having been present at these royal recreations of Murat's court, that my learned friends obtained their knowledge of this cause; they have it from Demont or Majocchi, the witnesses who have been examined again and again; and who have again and again told the same story; but which story being in part founded in fact, they now recollect only the portion that is true, and forget what is untrue.

"Then," says my learned friend, in this instance which I am now going to state, leaving us to our general suspicions as to where he got his knowledge upon the other circumstances, and coming to something more specific, "I am instructed to state," and in another instance, "the witness says" so and so, shewing he was reading the witness's deposition. "I am instructed to state, that the dress which the Princess had assumed, or rather the want of it in part, was extremely indecent and disgusting;" and he adds afterwards, in commenting upon it, that it was of the "most indecent description;" so that she was, on account of that indecency, on account of the disgusting nature of it, by those who actually saw it, hooted from the public theatre. Your lordships will recollect what it came to,—that the Princess, was there in a dress that was exceedingly ugly,—
the maid Demont said, in a "very ugly" dress; and that was all my learned friend could get her now to assert,—that it was without form and ugly; masques came about her, and she, unknown in her own masque,—for, strange as it may appear to my learned friend, a person at a masquerade endeavours to be disguised,—was attacked from joke or from spite,—oftener from joke than from spite; her own dress being of that ugly description,—for what reason is left to this moment unexplained.

My lords, I should fatigue your lordships if I were to go over other instances,—I shall only mention that at Messina. Voices are said to have been heard. The Attorney general opened, that at Messina he should prove the Princess and Bergami to have been locked up in the same room, and to have been heard speaking together. That is now reduced, by the evidence, to certain voices being heard, the witness cannot say whose. At Savona, where my learned friend gives you, as he generally does in his speech, the very day of the month, the 12th of April, he stated, that the only access to the Princess's room was through Bergami's, where there was no bed, but that in the Princess's room there was a large bed. The witness proved only one of those particulars out of three.

Passing over a variety of particulars, I shall give only one or two instances from Majoochi's and Sacchi's evidence. "The Princess remained in Bergami's room a very considerable time," the night that Majoochi swore she went into his room, "and there the witness heard them kissing each other," says the Attorney-general. Majoochi says, she remained there one of the times ten minutes, the other fifteen; and that he only heard a whispering. Now, as to Sacchi. The story as told by my learned friend, from the brief in his hand, and which therefore Sacchi must have told before at Milan, is that a courier one night returned from Milan, that is, that he, Sacchi, returned as a courier from Milan, for it was he whom he meant,—that finding Bergami out of his own room, he looked about, and saw him come out of the Queen's room undressed,—that all the family were in bed,—that he observed him,—that he spoke to him,—and that Bergami explained it by saying he had gone, hearing his child cry, to see what was the matter, and desired him not to mention ny thing about it. Sacchi negatives this, as far as a man peaking to so unusual a circumstance, which, if it had happened, must have forcibly impressed his recollection, can do o. He denies it as strongly as a man can, by denying all recollection of any such particulars, although not for want of
examination; for my learned friend, the Solicitor-general, questions him over and over again, and he cannot get him to come within a mile of such a fact.

Then come we to the disgraceful scenes, as the Attorney-general described them, at the Barona, which he said,—and if they had been as they were represented to him, I doubt not he used a very fair expression, he did not tell us what they were, but "they were so disgraceful, that it rather made that house deserve the name of a brothel, than of a palace, or a place fit for the reception of her Majesty, or any person of the least virtue or delicacy." Here there is a most entire failure of proof from all the witnesses.

Then we are told, that at Naples the attendants were shocked and surprised by the conduct of the Queen,—that in Sicily no doubt was entertained by them, from what they saw of the familiarities between the parties, that a criminal intercourse was going on there. Not one of those attendants describes that effect to have been produced upon their minds by what they saw. I shall afterwards come to what they did see; but they do not tell you this though frequently urged and kindly prompted to do it. Then, as to the visiting of the nobility,—that the Queen's society was given up by the ladies of rank of her own country, from the moment she left this country,—that they all fell away,—in short, that she was treated abroad, I know not from what motive, with something of the same abandonment with which she was treated in this country,—I well know from what motive. All this is disproved by the evidence. How came my learned friend to forget the fact of that most respectable woman, Lady Charlotte Lindsay, joining her at Naples, after her conduct had been observed by all the servants; with which servants Lady Charlotte Lindsay's waiting woman naturally lived on terms of intimacy and between which servants and her, I have no idea that any thing of that grave-like secrecy existed, which each of them has represented to have existed between themselves up to the time they came to the Cotton Garden depot, and up to the moment that they conveyed from that depot to your lords' bar, the resources of their perjury. Lady Charlotte Lindsay, Lord and Lady Glenbervie, Mrs. Falconet, and others, had no doubt some intercourse with those Neapolitan servants, either directly or through their own attendants, all of whom are represented as having been perfectly astounded with the impropriety, nay, the indecency of the conduct of their royal mistress; and yet those noble and virtuous persons are proved to have joined her, some at Naples, some at Rome, some at Leghorn.
and to have associated with her, in spite of all this open and avowed and ostentatious indecorum.

But, even to a much later period, and in higher quarters, the Queen’s company has been proved, by my learned friend’s case, not to have been treated abroad with the neglect which it experienced here. She has been, in the first place, courteously received, even after her return from the long voyage, by the legitimate sovereign prince of Baden, a prince with a very legitimate origin, though with a somewhat revolutionary accession to his territory. Equally well received was she by the still more legitimate Bourbons at Palermo; but courted was her society by the legitimate Stuarts of Sardinia, the heirs legitimate, as contra-distinguished from the heirs of liberty and of right, to the throne of this realm,—the illegitimate and ousted heirs I call them; but the true legitimates of the world, as some are disposed to term them, who do not hold that allegiance, at least who disguise that allegiance, to the house of Brunswick, which, as good subjects, we all cherish. Nay, even a prince who, I doubt not, will rank in point of antiquity and family even higher than the legitimate Bourbons and legitimate Stuarts,—I mean his highness the Dey of Tunis, the paragon of Moorish legitimacy,—received her Majesty as if she was respected by all his lighter-coloured brethren in the other parts of the globe. And she was also received in the same respectful manner by the representative of the King at Constantinople. So that wherever she has gone, she has met with respect from all ranks, and has associated with the only persons of authority and note whom she could have had as her vindicators. She was received by all those persons of authority and note, not only not as my learned friend expected to prove, but in the very reverse manner, and as from the evidence I have now described her reception and her treatment.

Suffer me now, my lords, to solicit your indulgence, while I look a little more narrowly into the case which was thus opened, and thus partly not proved, partly disproved, by the Attorney-general. The first remark which must strike any one who attends to this discussion, is one which pervades the whole case, and is of no small importance. Is it not remarkable, that such a case, possessed as they are of such witnesses, should have been left so lame and short as they must admit it to be left, when contrasted with their opening? Was ever a cause of criminal conversation brought into court under such favourable auspices? Who are your witnesses? The very two who, of all man and womankind, must know most of this
offence, not only if it were in the daily course of being committed but if committed at all,—I mean, the body servants of the two parties, the valet of the man, and the lady's own waiting maid. Why, in common cases, these are the very witnesses the counsel are panting to have and to bring into court. From the form of the action, they can hardly ever venture to bring the man's servant; but if they can get hold of one by good fortune, they consider their case must be proved; and then the only question comes to be as to mitigation of damages, for as to the fact, no defendant would any longer hold out and resist. And if you believe any part of their case, it was not from over caution of the parties; it was not from any great restraint they imposed on themselves; it was not that, knowing they were watched, they took care to give the world nothing to see; because, if you believe the evidence, they had flung off all regard to decorum, all trammels of restraint, all ordinary prudence, and had given up the reins to this guilty passion, as if they were still in the heyday of youthful blood, and as if they were justified by those ties which render its indulgence a virtue rather than a crime. Yet, with all this want of caution, all these exhibitions of want of circumspection, the man's serving man, and the lady's waiting woman have not been able to prove more than these meagre facts, which, it is pretended, make out the charge. When I said however, there was no caution or circumspection, I mis-stated the case. If you believe the evidence,—and it is the great circumstance of improbability to which I solicit your attention,—if you believe the evidence, there was every caution used by the parties themselves, to insure discovery, which the wishes and ingenuity of their most malignant adversary could have devised to work their ruin and promote his own designs. Observe how every part of the case is subject to this remark; and then I leave to your lordships confidently the inference that must arise from the observation. You will even find, that just in proportion as the different acts alleged are of a doubtful, or of a suspicious, or of an atrocious nature, in exactly the same proportion do the parties take especial care that there shall be good witnesses, and many of them, in order to prove it. It would be a horrible case, if such features did not belong to it; but such features we have here abundantly; and if the witnesses are to be believed, no mortal ever acted as the Queen is represented to have done. Walking arm in arm is a most light thing; it seldom takes place except in the presence of witnesses, and of those some speak most accurately respecting it; but sitting together in an attitude of familiar
proximity, which is somewhat less equivocal, is proved by several witnesses; and those who state it to have been done by the aid of placing the arms round the neck, or behind the back, and which accordingly raises it a step higher,—the witnesses show you that this happened when the doors were open, in the height of the sun, in a villa where hundreds of persons were walking, and when the house and the grounds were filled with common workmen. Several salutes were given; and, as this stands still higher in the scale, it appears that never was a kiss to pass between these lovers, without especial pains being taken that a third person should be by to tell the story to those who did not see the deed done. One witness is out of the room while Bergami is about to take his departure on a journey from the Queen, while in Sicily. They wait until he comes in, and then they kiss. When at Terracina, Bergami is going to land; the whole party are on deck; the Princess and Bergami retire to a cabin; but they patiently wait till Majocchi enters, and then the act is perpetrated. Sitting on a gun or near the mast of the ship, on the knees of the paramour, is an act still higher in the scale of licentiousness. It is only proved scantily by one witness; but of that hereafter. Care is taken that it should be perpetrated before eleven persons. But sitting upon a gun with the arms entwined, is such an act as leaves nothing to the imagination, except the granting of the last favour—the full accomplishment of the purposes of desire;—this must be done in the presence of all the crew, of all the servants, and all the companions, both by day and in the evening. The parties might be alone at night,—then, of course, it is not done; but at all other times it is done before all the passengers and all the crew.

But the case is not left here. As your lordships might easily suppose, with persons so wary against themselves,—such firm and useful allies of their accusers,—such implacable enemies to themselves,—indisputable proofs of the case against them are not wanting to prove the last favour in the presence of good witnesses; and accordingly, sleeping together is not only said to have taken place habitually, nightly in the presence of all the company and all the passengers on board, but always, by land as well as by sea, did every body see it, that belonged to the party of pilgrims to Jerusalem. Nay, so far is this carried, that Bergami cannot retire into the anti-chamber where the Princess is to change her clothes, or for any other purpose, without special care being taken, that the trusty, silent, honest, unintriguing Swiss waiting-maid shall be placed at the door of that anti-room, and told,
"You wait here; we have occasion to retire for an hour or two, and be naked together;" or at least she it at liberty to draw what inferences she pleases from the fact.

But, my lords, I wish I could stop here. There are features of peculiar enormity in the other parts of this case: and in proportion as these disgusting scenes, are of a nature to annoy every one, however unconcerned in the case, who hears them; to disgust and almost contaminate the mind of every one who is condemned to listen to them; in that proportion is especial care taken that they shall not be done in a corner. The place for them is not chosen in the hidden recesses of those receptacles of abomination with which the continent abounds, under the debased and vilified name of palaces; the place is not chosen in the hidden haunts which lust has degraded to its own purposes, some island where vice concealed itself from the public eye of ancient times; it is not in those palaces, in those Capricas of old, that the parties chose to commit such abominations; but they do it before witnesses, in the light of open day, when the sun is at the meridian. And that is not enough: the doing those deeds of unnatural sin in the public high-ways is not enough, but they must have a courier of their own to witness them, without the veil of any one part of the furniture of a carriage, or of their own dress, to conceal from his eye their disgraceful situation! My lords, I ask your lordships whether vice was ever known before so unwary; whether folly was ever known so extravagant; whether unthinking passion, even in the most youthful period, when the passions swell high, and the blood boils in the veins, was ever known to act so thoughtlessly, or recklessly, so madly, as this case compels me to fancy, as these shameless witnesses pretend to represent? And when you have put the facts to your minds, let these considerations dwell there, and let it operate as a check, when you come to examine the evidence by which the case is supported.

But all this is nothing. Their kindness to the enemy— their faithfulness to the plot against themselves—their determination to work their own ruin—would be left short indeed, if it had gone no further than this; for it would then depend upon the good fortune of their adversary in getting hold of the witnesses; at least it might be questionable, whether the greater part of their precautions for their own destruction might not have been thrown away. Therefore, every one of these witnesses, without any exception, is either dismissed without a cause, for I say the causes are mere futility personified, or is refused to be taken back, upon
his earnest and humble solicitations, when there was every
human inducement to restore them to favour. Even this is
not all. Knowing what she had done; recollecting her own
contrivances; aware of all these cunning and elaborate de-
vices towards her own undoing; having before her eyes the
picture of all those schemes to render detection inevi-
table and concealment impossible; reflecting that she had
given the last finishing stroke to this conspiracy of her own,
by turning off these witnesses causelessly, and putting them
into the power of her enemy; knowing that that enemy had
taken advantage of her; knowing the witnesses were here to
destroy her, and told that if she had faced them she was un-
done; and desired, and counselled, and implored, again and
again, to bethink her well before she ran so enormous a risk:
the Queen comes to England, and is here, on this spot, and
confronts those witnesses whom she had herself enabled to
undo her. Menaced with degradation and divorce—knowing
it was not an empty threat that was held out—and seeing
the denunciation was about to be accomplished—up to this
hour she refuses all endeavours towards a compromise of her
honour and her rights; she refuses a magnificent retreat and
the opportunity of an unrestrained indulgence in all her cri-
minal propensities, and even a safeguard and protection from
the court of England, and a vindication of her honour from
the two Houses of Parliament. If, my lords, this is the con-
duct of guilt; if these are the lineaments by which vice is to
be traced in the human frame; if these are the symptoms
of that worst of all states, dereliction of principle carried to
excess, when it almost becomes a mental disease; then I
have misread human nature; then I have weakly and
groundlessly come to my conclusion; for I have always
understood that guilt was wary, and innocence alone im-
provident.

Attend now, my lords, I beseech you, with these com-
ments upon the general features of the case, to the sort of
evidence by which all these miracles, these self-contradic-
tions, these impossibilities, are attempted to be established.
I should exhaust myself, beside fatiguing your lordships, if
I were to pause here and make a few of the cogent remarks
which so readily offer themselves, upon the connection of
that part of the case which I have now gone through, with
the part I am coming to. But there are one or two points
so material, that I cannot omit all mention of them before I
proceed further. I will make this observation, that, if an
ordinary case could not be proved by such evidence as I am
now to comment upon; if it would require very different
proofs in the most common story; if there were even none of the improbabilities which I have shewn—a case such as that I have now described, ought to be proved by the most convincing, the most pure, the most immaculate testimony.

My lords, I do not intend to assert, I have no interest in stating it, that a conspiracy has been forming against the Queen, by those who are the managers of the present proceeding. I say not such a thing. I only will shew your lordships, that if there had been such a men are resort to that if any persons had been minded to ruin her Majesty by such a device; they could not have taken a better course and probably they would not have taken different course from that which I think the case of the prosecution prove them already to have pursued. In any such design, the first thing to be looked to is the agents, who are to make attack against the domestic peace of an individual and to produce evidence of misconduct which never took place. Who are those persons I am fancying to exist, if their existence be conceivable—who are those that they would have recourse to, to make up a story against the victim of their spiteful vengeance? First of all, they would get the servants who have lived in the house. Without them, it is almost impossible to succeed: with them there is the most brilliant prospect of a triumphant result. Servants who have lived in the family were, in fact, all that could be desired. But, if those servants were foreigners who were to be well-tutored in their part abroad, and had to deliver their story where they were unknown, to be brought to a place whither they might never return all their days, and to speak before a tribunal who knew no more of them than they cared for it; whose they had no reason to dread, whose good opinion they were utterly careless of; living temporarily in a country to which they did not care two rushes whether they returned or not and indeed knew they never could return: those were the very identical persons such conspirators would have recourse to. But, there is a choice among foreigners. All foreigners are not made of the same materials; but, if any one country under heaven is marked out more than all the rest as the Officina gentis for supplying such a race, I say that country is the country of Augustus, Clodius, and Borgia. I speak of its perfidies, without imputing them to the people at large; but there in all ages perfidy could be had for money, while there was interest to be satisfied, or spite to be indulged.

I grant that there are in Italy, as in every where else, most respectable individuals. I have myself the happiness of know-
ing many Italian gentlemen in whose hands I should think my life or my honour as safe as in the hands of your lordships. But I speak of those who have not been brought here, when I make this favourable admission. Those who have been brought over and produced at your bar, are of a far other description: —“Sunt in illo numero multi boni, docti, pudentes, qui ad hoc judicium deducti non sunt: multi impudentes, illiterati, leves, quos, variis de causis, video concitatos. Verum tamen hoc dico de toto genere Graecorum; quibus jusjurandum jacet est; testimonium ludus; existimatio vestra tenebrae; laus, merces, gratia, gratulatio propius est omnis in impudentimaidacio.” My lords, persons of this latter description were to be gotten by various means, which the carelessness of the one party, which the wealth and power of the supposed conspirators, placed within their reach. Money, accordingly, has been given, with a liberality unheard of in any other case, even of conspiracy; and where, by some marvel, money could not operate, power has been called in to its aid.

Having thus procured their agents; having thus intrusted them; how were they to be marshalled to compass the common design? Uniformity of statement is above all things necessary in conspiracy. Accordingly, they are taken, one by one, and carefully examined before one and the same person, assisted by the same coadjutors and even by the same clerks; they are moved in bodies along the country, by even the same couriers; and these couriers are not the ordinary runners of the Foreign office of a country which shall be nameless, who had some connexion with the spot, but special messengers, whose attention is devoted peculiarly to this department. Many of the persons intended to be used themselves as witnesses, are employed as messengers; which keeps the different witnesses in the due recollection of their lesson, and has the effect of encouraging the zeal of those witnesses, by giving them an office, an interest, a concern in the plot that is going on. Observe, then, how the drilling goes on. It is not done in a day, nor a week, hardly in a year: but it extends over a long space of time; it is going on for months and years. The Board is sitting at Milan. There they sit at the receipt of perjury; there they carry on their operations, themselves ignorant, no doubt, of its being perjury; but then, so long as it continues, so much the more likely is the crop of gross perjury to be produced. The witnesses are paid for their evidence: the tale is propagated by the person receiving the money carrying it to his own neighbourhood; and he becomes the parent of a thousand
tales, to be equally paid as they deserve; and of which one is as false as the other. You mark the care with which the operation is conducted; there is not a witness (I mean an Italian witness) brought to this country, without previously passing through the Milan drill; because, if they had not passed through that preparatory discipline, there would be want of union and agreement; so that even the mate of the polacca, Paturzo, who was brought here to be examined on the morning after his arrival, was brought through Milan, and passed his examination before the same persons who had taken the former examinations. Aye, and the captain too, who was examined by the Board, more than a year ago, is carried by the way of Milan, to have a conversation with his old friends there, who the year before had examined him to the same story. Here, then, by these means recruited,—with this skill marshalled, with all this apparatus and preparation made ready to come to the field where they are to act,—you have the witnesses safely landed in England; and in order that they may be removed from thence suddenly, all in a mass, they are living together while here; then they are carried over to Holland, and afterwards returned here; and finally deposited, a day or two before their well-earned sustenance and well-earned money require them to appear before your lordships. They are now kept together in masses; formerly they lived in separate rooms; it was necessary not to bring them together before; but those of feeble recollection it was necessary afterwards to keep together, for the convenience of constant mutual communication. There they were, communicating to each other their experiences, animated by the same feelings and hopes, prompted by the same motives to further the same common cause. But not only this; according to the parts of the story which they were to make out before your lordships, they were put together. There are two Piedmontese: they did not associate together in this contubernium, (for I know of no other name by which to denote the place they occupied,) but one of them kept company with the mate and captain of the polacca, because he tells the same story with themselves. It is needless to add, that they are here cooped up in a state of confinement; here they are, without communicating with any body but themselves, ignorant of every thing that is going on around them, and brought from that prison by these means, in order to tell to your lordships the story which, by such means, has been got up among them.

My lords, I fear I may appear to have undervalued the character of these Italians. Suffer me, then, to fortify myself
upon the subject, by saying, that I am not the person who has formed such an estimate of the lowest orders of that country. And perhaps it may be some assistance to your lordships, possibly some relief from the tedium of these comments on the character of the evidence in support of the bill, if I carry you back to a former period of the history of this country, and I shall take care not to choose any remote period, or resort to circumstances very dissimilar from those which mark the present day. Your lordships I perceive, anticipate me. I naturally go back to the reign of Henry VIII., and the proceedings against Catharine of Arragon. And I shall show your lordships in what way we have a right to view Italian testimony, though proceeding from sources calculated to begot impressions very different from the statements of discarded servants. You will find in the records of that age, in Rymer's Collection, some curious documents with respect to the process of Henry VIII. The great object, as your lordships know, was, to procure and consult the opinions—the free, unbiased opinions—of the Italian jurists, in favour of his divorce. Rymer gives us the opinions of the professors and doctors of several of the Italian universitites; and from them you will see that, by a strange coincidence, these Docti gave their "free, unbiased opinions," in nearly the same words. I shall select that of the most celebrated city of the whole, which is known by the appellation of Bologna the Learned. The doctors there say, one and all, that in compliance with the request of the King, they each separately, and unconnected with his fellows, had examined the case; they had taken all care which your lordships are taking on the present occasion; and then, having well weighed the matter, "Censemus, judicamus, dicimus, constantissime testamur, et indubie affirmamus," they say, that having sifted the question, they are one and all of opinion, that Henry VIII., has a right to divorce his queen. But it seems that, from the great similarity of the opinions of the doctors, and of the language in which these were expressed, there existed at that time much the same suspicion of a previous drilling, as appears to have prevailed in a certain other case which I shall not now mention; and that to repel this suspicion, pretty nearly the same precautions were used as in the other case. Indeed, by a singular coincidence, these Doctissimi Doctores of the sixteenth century, were directed to swear, which they might do with a safe conscience, that they had never opened their mouths to one another on the subject, in the same manner as the illiterati et impudentes of the present proceeding swore, that
they had never talked to one another on the subject of what each had to swear. The doctors and divines of Italy swore on the holy gospel, "that they never had, directly or indirectly, communicated their sentence, or any word or thing concerning the same, by sign, word, deed, or hint, until a certain day;" which was the day they all came to understand the matter.

Now, my lords all this appeared *prima facie*, a very sound and specious case; as every security had been taken to guard against captious objections; and with that character it would probably have passed down to posterity, if there had been no such thing as a good historian and honest man, in the person of Bishop Burnet; with his usual innocence, being a great advocate of Henry VIII., in consequence of his exertions in support of the Reformation, tells the tale in the way which I am now going to state; still leaning towards that king, but undoubtedly letting out a little that is rather against himself. Harry first provided himself with an able agent, and it was necessary that he should also be a learned one. He took one, then, to whom my learned friend, the Solicitor-general’s eulogium on the head of the Milan commission, would apply in some of the words; a man of great probity, and singularly skilled in the laws of his country; and, by a still more curious coincidence, the name of Harry’s agent happened to be Cooke. "He went up and down," says Burnet, procuring hands; and he told them he came to, that he desired they would write their conclusions, according to learning and conscience," [as I hope has been done at Milan,] "without any respect or favour, as they would answer it at the last day; and he protested," [just as I have heard some other persons do,] "that he never gave nor promised any divine anything, till he had first freely written his mind;" and he says, that "what he then gave was rather an honourable present than a reward;" a compensation, not a recompense, (to use the language of a right reverend interpreter). These were the very words used in that country at that time, as they have been recently in this.

Then, we have a letter from this agent, as who knows two hundred years hence, there may not be letters from Milan? There is extant a letter of Cooke’s to Henry VIII., dated the 1st of July 1530, in which he says, "My fidelity bindeth me to advantage your highness, that all Lutherans be utterly against your highness in this cause, and have told as much, with their wretched power, malice without reason.

* Bishop Marsh, being a great Germanic scholar, aided the House in explaining this distinction taken by some witnesses.
or authority, as they could and might; but I doubt not," says he, "that all Christian universities," (Christian contradistinguished from Lutheran!) "that all Christian ministers, if they be well handled, will earnestly conclude with your highness. Albeit, gracious lord," now comes he to expound what he means by the well-handling of the Christian universities; "albeit, gracious lord, if that I had in time been sufficiently furnished with money; albeit, I have, besic'e this seal, procured unto your highness 110 subscriptions; yet, it had been nothing, in comparison of that that I might easily and would have done. And herein I inclose a bill specifying by whom and to whom I directed my said letters, in most humble wise beseeching your most royal clemency to ponder my true love and good endeavouring, and not suffer me to be destitute of money, to my undoing, and the utter loss of your most high causes here." Now this, my lords, undoubtedly is the outward history of the transaction; but we have only seen the accounts of Bishop Burnet and of the agent Cooke. Happily, however, the Italian agent employed by Henry VIII, one Peter a Ghinucciis, the Gimercati of that day, left his papers behind him, and we are furnished with the original trial, by which the value of the opinions of these Italian doctors and divines was estimated. "Item, to a Servite friar, when he subscribed, one crown; to a Jew, one crown; to the doctor of the Servites, two crowns; to the Observant friars, two crowns; Item, to the prior of St. John's and St. Paul's, who wrote for the king's case, fifteen crowns," the author was better paid than the advocate, as often happens in better times. "Item, given to John Maira, for his expense of going to Milan, and for rewarding the doctors there, thirty crowns." There is a letter also from the bishop of Worcester to Cooke, directing that he should not promise rewards, "except to them that lived by them, to the canonists who did not use to give their opinions without a fee." The others he might get cheaper, those he must open his hand to; because, he says, the canonists, the civilians, did not use to give an opinion without a fee. Bishop Burnet, with the native simplicity and honesty of his character, sum up all this with remarking, that these Italian doctors "must have had very prostituted consciences, when they could be hired so cheap. It is true that Cooke, in many of his letters, says, that if he had had money enough, he could get the hands of all the divines in Italy; for he found the greatest part of them were mercenary."

My lords, the descendents of those divines and doctors, I
am sorry to say, have rather improved than backslidden from the virtues of their ancestors; and, accordingly, I trust your lordships will permit me to bring the tale down to the present day and to connect the present proceeding with the divorce of Harry the Eighth's time. I trust your lordships will allow me to read to you the testimony, given in the year 1792, of a native of Italy, of distinguished family, who was employed in a diplomatic character, by an august individual, who was near being the victim of an Italian conspiracy: he published a letter, and it is evidence, I say, because it was published before the whole Italian nation in their own tongue, and it states what Italian evidence is made of; and he addressed it, with his name, to the prime minister of the country, that minister enjoying the highest civil and military authority there, and being by descent a subject of the British crown—I mean General Acton. "To the dishonour of human nature," says the writer, "there is nothing at Naples so notorious as the free and public sale of false evidence. Their ordinary tariff is three or four ducats, according to the necessities of those who sell, and the occasions or those who buy it. If, then, you would support a suit, alter a will, or forge a handwriting, you have only to cast away remorse and open your purse, the shop of perjury is ever open." It pressed in upon him in a full tide: he made his appeal in such words as I have now read: he and his royal master, who was implicated in the charge, were acquitted by such an appeal; and I now repeat it, when such evidence is brought to support charges as atrocious, as ruinous, and far more incredible in themselves, than that an Italian should have suborned an agent to injure a fellow creature.

My lords, I have been drawn aside from the observations I was making, generally, of the manner in which this case has been prepared. I pray your lordships to observe how these witnesses all act after they come into court; and the first thing that must strike an observer here, is the way in which they mend their evidence,—how one improves upon the other after an interval of time, and how each improves, when required, upon himself. I can only proceed, my lords, in dealing with this subject of conspiracy and false swearing, by sample: but I will take the one that first strikes me; and I think it will effectually illustrate my proposition. Your lordships must remember the manner in which my learned friend, the Attorney-general, opened the case of Mahomet, the dancer. Again, I take his own words: "A man of the most brutal and depraved habits, who at the Villa d'Este exhibited the
greatest indecencies at various times, in the presence of Her Majesty and Bergami,—exhibitions which are too disgusting to be more than alluded to,—the most indecent attempts to imitate the sexual intercourse. This person deserves not the name of a man,” said the Attorney-general. Now, my lords, I take this instance, because it proves the proposition which I was stating to your lordships, better, perhaps, than any other. All show it, to a degree; but this, best of all; because I have shown your lordships how careful the Attorney-general is in opening the case, and how strong his expressions are; consequently, he felt the importance of this fact; he was aware how damaging it would be to the Queen; he knew it was important to state this, and he felt determined not to be disappointed when he had once and again failed,—he brought three witnesses; and if one would not swear the first time, he brought him again. Now, my lords, if I shew the symptoms of mending and patching in one part of such a case, it operates as volumes against the whole of that case; if your lordships find it here, you may guess it is not wanting elsewhere. But here it is most manifestly to be seen. Your lordships plainly perceived what it was that these witnesses were intended and expected to say. You no sooner heard the first question put,—you no sooner heard the grossly leading questions with which the Solicitor-general followed it,—than you must have known it was expected that an indecent act would be sworn to,—that an exhibition would be sworn to of the most gross and indecent description; and one part of the evidence I can hardly recount to your lordships. Now see, my lords, how the first witness swore; this is their first and main witness, who is brought to prove their whole case,—Majocchi. He will only allow,—and this is the first stage in which this deity of theirs is brought before your lordships,—he will only allow it was a dance. “Did you observe any thing else?” the usual answer. “Non mi ricordo;” but “if there was, I have not seen it,” and “I do not know.” Was any thing done by Mahomet, upon that occasion, with any part of his dress?” says the Solicitor-general, evidently speaking from what he had before him written down; “He made use of the linen of his large pantaloons.” “How did he use his trowsers; Did he do any thing with the linen of his pantaloons or trowsers?”—“His trowsers were always in the same state as usual.” Here, then, was a complete failure,—no shadow of proof of those mysteries which this witness was expected to divulge. This was when he was examined on the Tuesday. On the Friday, with the interval of
two days,—and your lordships, for reasons best known to yourselves, but which must have been bottomed in justice guided by wisdom—wisdom never more seen or better evidenced than in varying the course of conduct, and adapting to new circumstances the actions we perform—wisdom which will not, if it be perfect in its kind, and absolute in its degree, ever sustain any loss by the deviation—for this reason alone, in order that injustice might not be done, (for what, in one case, may be injurious to a defendant, may be expected mainly to assist a defendant in another)—your lordships, not with a view to injure the Queen,—your lordships, with a view to further, not to frustrate, the ends of justice,—allowed the evidence to be printed, which afforded to the witnesses if they wished it, means to mend and improve upon their testimony. Your lordships allowed this, solely with the intention of gaining for the Queen that unanimous verdict, which the country has pronounced in her favour, by looking at the case against her; your lordships, however, whatever might be your motive, did, in point of fact, allow all the evidence against her to be published from day to day. Accordingly, about two days intervened between Majocchi's evidence, and the evidence of Birolo; during which time, Birolo had access to Majocchi's deposition, as well as to his person; and it is no little assistance, if we have not only access to the witness but to his testimony because he may forget what he has sworn, and it is something that he himself, as well as the second, the following, the mending, the patching witness, should see the story first told. Accordingly with the facility which this gave him, forward Birolo comes, after two days interval, and improves upon the story; from a dance, and from the usual handling, or ordinary use of the trowsers, he first makes a rotulo or roll. The witness then begins to hint at some indecency; but he does not mention it. He starts and draws back. For my part I cannot tell what he meant; and he really adds something, which he, in his own wicked imagination, might think indecent, but he is forced to admit he does not know what it meant. But, on the Wednesday following, a third witness comes, the second of the patchers, and he finishes it altogether. He improves even upon Birolo; and he tells you, in plain, down-right terms, that which I have a right to say is, because I can prove it to be, false,—which I have a right to say, before proving it, is false; because I know the same dance was witnessed by wives and daughters, as modest and pure as any of your lordships have the happiness of possessing—by wives and daughters of your lordships in those countries.
Now, another improvement, and mending, and patching, suffer me, my lords, to advert to; for it runs through the whole case. I do not even stop to offer any comment upon the non mi ricordo of Majocchi; nor on the extraordinary fact of that answer being regularly dropped by the other witnesses, as soon as the impression which the repetition had made on the public mind was fully understood; but I wish to call your lordships' attention to the more important point of money. No sooner had Gargiulo the captain, and Paturzo the mate of the polacca, proved that they were brought here by sums so disproportioned to the service, by sums so infinitely beyond even the most ample remuneration for their work; that they were bribed by sums such as Italians in their situation never dreamed of,—no sooner had this fact dropped out, than one and all of them are turned into disinterested witnesses, not one of whom ever received a shilling by way of compensation for what they did. "Half-a-crown a day for the loss of my time, my travelling expences, and a few stivers to feed my family!" The expectation of his expences being paid, began in the instance of the cook, Biollo. He told you he had nothing at all but his trouble for coming here. "Do you expect nothing?"—"I hope to go soon home to find my master." The cook at first was offered and refused money. The others had nothing offered; Demont nothing! Sacchi nothing! though true, he, a courier, turns out to be a man of large property, and says, "Thank God! I have always been in easy circumstances;"—thank God! with a pious gratitude truly edifying. A man who must have a servant of his own,—who had one in England,—who must live here at the expense of four or five hundred pounds a year, which is equal to fourteen or fifteen hundred in Italy,—goes to be a courier, is angry at being turned off, and is anxious to return to that situation! I believe the captain and the mate. They avowed that what they had was enormous payment; and the other witnesses, hearing of the effect of that confession, have, one and all, denied having received anything, and would not even confess that they had any expectations for the future.

The last of these general observations with which I shall trouble your lordships, and which I own I think your lordships must have been impatient I should come to, regards the great blanks among the witnesses for the prosecution,—I mean, the fewness of those witnesses compared with what their own testimony, and their own statement that introduced it, show your lordships the advocates of the Bill ought
to have called. My lords, I conjure you to attend to this circumstance, for it is a most important point in the whole of the case. I say, that if I had not another argument to urge, I should stand confidently upon this ground. If the case were as ordinary as it is extravagant,—if it were as probable as it is loaded in every feature with the grossest improbabilities,—if it were as much in the common course of human events, that such occurrences as those which have been alleged should have happened, as it is the very reverse,—I should still stand confidently and firmly upon that part of the case to which I have now happily arrived. I know, my lords, that it is bold; I know that it is bold even to rashness, to say so much of any point before I have begun even to hint at it; but I feel so perfectly, so intimately convinced, that in such a case as the present, the circumstance to which I refer ought to be fatal to the Bill before your lordships, that I consider myself as even acting prudently, in declaring, by anticipation, what I hold to be its character.

My lords, the Attorney-general told us, that there were rumours at Naples pointing to reasons why the Queen's ladies left her; it turned out, that instead of leaving her, one had joined her at Naples, one had joined her at Leghorn, and another at Genoa afterwards; but my learned friend said, that one left her, and one or two others stayed behind, and rumours were not wanting that their doing so was owing to the impropriety of her Majesty's conduct. Rumours! My learned friend may say, that these were remours which he was unable to prove. But if they were rumours which had any foundation whatever; if they were such rumours as my learned friend had a right to allude to, (even if he had a right to refer to rumours at all, which I deny); if there was a shadow of foundation for those rumours; why did he not call the obvious witnesses to prove it; Where were those ladies, women of high rank and elevated station in society, well known in their own country, loved, esteemed, and respected, as women upon whose character not a vestige of imputation has ever rested,—women of talents as well as character,—the very persons to have brought forward, if he had dared bring them forward—why where all of those kept back, each of whom formed the very signal, and I had almost said extravagant, contrast to all the witnesses, but two, whom my learned friend did venture to call to your lordships' bar? Why were those noble ladies not produced to your lordships? Why had not your lordships, why had not we, the benefit of having the case proved against us, in the manner in which any judge sitting at the Old Bailey would command, upon
pain of an acquittal, any prosecutor to prove his charge against any ordinary felon? Certainly they were in our employment; they were in some way connected with our interest; they received salaries from the Queen, and might be supposed to be amicably disposed towards her. My lords, is there in all that the shadow of a shade of a reason why they should not have been adduced? I am not speaking in a civil action. I am not dealing with a plaintiff's case, in a suit upon a bill of exchange for twenty pounds. I am not even speaking in a case of misdemeanour, or a case of felony, or the highest crime known in the law, between which and the act alleged to have been committed by my illustrious client it is difficult to draw even a technical distinction. But I stand here on a Bill of Pains and Penalties, which your lordships are not bound to pass; which you may give the go-by to; which you are not bound to say yes to or no to. Your lordships are not sitting as commissioners of Oyer and Terminer to try a case of high treason. Gracious God! Is this a case in which the prosecutor is to be allowed to bring forward half a case? Is this an occasion on which the prosecutor is to be allowed to say, "These witnesses I will not call. True it is, they are the best. True it is, that they are respectable; and that they are unimpeachable, no man can deny. If they swear against the Queen, she is utterly undone. But I will not call them. I will leave them for you to call. They are not my witnesses, but yours. You may call them. They come from your vicinity. They are not tenants of Cotton Garden, and therefore I dare not. I will not, produce them; but when you call them, we shall see what they state; and if you do not call them"—in the name of justice, what? Say!—Say!—For shame, in this temple—this highest temple of Justice, to have her most sacred rules so profaned, that I am to be condemned in the plenitude of proof, if guilt is; that I am to be condemned, unless I run counter to the presumption which bears sway in courts of justice, that I am innocent until I am proved guilty. I that my case is to be considered as utterly: ruinous, unless I call my adversary's witnesses!—Oh most monstrous!—most incredible!—My lords, my lords! if you means ever to shew the face of those symbols by which Justice is known to your country, without making them stand an eternal condemnation of yourselves, I call upon you instantly to dismiss this case, and for this single reason; and I will say not another word upon the subject.

Having gone over the general features of this portentous case, I am now to solicit the attention of your lordships,
and I am afraid at greater length than any thing could justify but the unparalleled importance of the occasion, to a consideration more in detail, of the evidence by which it has been supported. And, in point of time, as indeed of importance, the first figure that was presented to your lordships in the group, must naturally have arisen to your recollection the moment I announced my intention of touching upon the merits of the different witnesses,—I mean Theodore Majocchi, of happy memory, who will be long known in his country, and everywhere else, much after the manner in which ancient sages have reached our day, whose names are lost in the celebrity of the little saying by which each is now distinguished by mankind, and in which they were known to have embodied the practical result of their own experience and wisdom; and, as long as those words which he so often used in the practice of the art and skill which he had acquired by long experience and much care,—as long as those words shall be known among men, the image of Majocchi, without naming him, will arise to their remembrance. My lords, this person is a witness of great importance; he was the first called, and the latest examined; beginning with the case, continuing with, and accompanying it throughout. His evidence almost extended over the whole of the period through which the case and the charge itself extends. If indeed you believe him, he was only dismissed, or rather retired from the Queen's service, and refused to be taken back, about the time when the transactions in the charge closed. He, Demont stand aloof from the rest of the witnesses, and resemble each other in this particular, that they go through the whole case. They are, indeed, the great witnesses to prove it; they are emphatically the witnesses for the Bill, the others being confirmatory only of them; but, as willing witnesses are wont to do,—as those who have received much and been promised more, may be expected to do,—they were zealous on behalf of their employers, they each carried the case a great deal further. This is general, with a view to their relative importance, the character of all the witnesses.

Now, only let me entreat your lordships' attention, while I enter on this branch of the subject a little more in detail. I have often heard it remarked, that the great prevailing feature of Majocchi's evidence,—his want of recollection,—signifies, in truth, but little; because a man may forget,—memories differ. I grant that they do. Memory differs, as well as honesty, in man. I do not deny that. But I think I shall succeed in shewing your lordships, there is a sort of
memory which is utterly inconsistent with any degree of honesty in any man, which I can figure to myself. But why do I talk of fancy? for I have only to recollect Majocchi; and I know cases, in which I defy the wit of man to conceive stronger or more palpable instances of false swearing, than may be conveyed to the hearers and to the court in the remarkable words, "Non mi ricordo,—I do not remember." I will not detain your lordships, by pointing out cases, where the answer, "I do not remember," would be innocent, where it might be meritorious, where it might be confirmatory of his evidence, and a support to his credit. Neither need I adduce cases where such an answer would be the reverse of this,—where it would be destructive to his credit, and the utter demolition of his testimony. I will not quote any of those cases. I shall content myself with taking the evidence of Majocchi as it stands; for if I had been lecturing on evidence, I should have said, as the innocent forgetfulness is familiar to every man, so is the guilty forgetfulness; and in giving an instance, I should just have found it all in Majocchi's actual evidence.

At once, then, to give your lordships proof positive that this man is perjured,—proof which I shall shew to be positive, from his mode of forgetting.—In the first place, I beg your lordships' attention to the way in which this witness swore hardly in chief, eke as hardly in cross-examination, to the position of the rooms of her Majesty and Bergami. The great object of the Attorney-general, as shewn by his opening, was that for which the previous concoction of this plan by these witnesses had prepared him; namely, to prove the position of the Queen's and Bergami's rooms always to have been favourable to the commission of adultery, by shewing that they were near, and had a mutual communication; whereas, the rooms of all the rest of the suite were distant and cut off; and the second part of that statement was just as essential as the first, to make it the foundation of an inference of guilt, which it was meant to support. Accordingly, the first witness, who was to go over their whole case, appears to have been better prepared on this point, than any ten that followed; he shewed more memory of inferences,—more forgetfulness of details,—perfect recollection to attack the Queen,—utter forgetfulness to protect himself from sifting of a cross-examination. "Where did the Queen and Bergami sleep?"—"Her Majesty slept in an apartment near that of Bergami." "Were those apartments near or remote?" for it was often so good a thing to get them near and communicating with each other, that it was pressed
again and again. "Where were the rest of the suite; were they distant or near?" says the solicitor-general. This was at Naples; and this is a specimen of the rest,—for more was made of that proximity at Naples than anywhere else, —'Where they near or distant?"—"They were apart." The word in Italian was lontano, which was interpreted "apart." I remarked, however, at the time, that it meant "distant," and distant it meant, or it meant nothing. Here, then, the witness had sworn distinctly, from his positive recollection, and had staked his credit on the truth of a fact, and also of his recollection of it,—upon this fact, whether or not the Queen's room was near Bergami's, with a communication? But no less had he put his credit upon this other branch of his statement, essential to the first, in order to make both combined, the foundation of a charge of criminal intercourse, "that the rest of the suite were lodged apart and distant." There is an end, then, of innocent forgetfulness, if, when I come to ask where the rest slept, he either tells me, "I do no not know," or "I do not recollect," because he had known and must have recollected, that when he presumed to say to my learned friends, these two rooms were alone of all the apartments near and connected, that the others were distant and apart; when he said that, he affirmed at once his recollection of the proximity of those rooms and his recollection of the remoteness of the others. He swore that at first, and afterwards said, "I know not or I recollect not," and perjured himself as plainly as if he had told your lordships one day that he saw a person, and the next said he never saw him in his life; the one is not a more gross or diametrical contradiction than the other. Trace him, my lords, in his recollection and forgetfulness,—observe where he remembers and where he forgets,—and you will find the same conclusion following you every where, and forcing upon you the same conviction. I will give one specimen from the evidence itself, to shew your lordships he has no lack of memory when it is to suit his purpose; when it is to prove a story where he has learned his lesson, and when he is examined in chief. When, in short, he knows who is dealing with him, and is only anxious to carry on the attack, I will shew your lordships what his recollection is made of. You shall have a fair sample of his recollection here. I asked him, "Have you ever seen the villa d'Este since the time you came back from the long voyage?" He had been examined in chief upon this, and had stated distinctly, with respect to the villa d'Este, the state of the rooms; and I wanted to shew the accuracy of his recollec-
tion on those parts where he was well drilled,—"Have you ever seen the villa d'Este since the time you came back from the long voyage?"—"I have." "Was the position of the rooms the same as it had been before, with respect to the Queen and Bergami?"—"They were not in the same situation as before." Then the witness gives a very minute particular of the alterations. A small corridor was on one side of the Princess's room on her return. "Was there a sitting room on the other side of it, not opposite, but on one of the other sides of it?" Now attend, my lords, to the particularity,—"There was a small corridor, on the left of which there was a door that led into the room of the Princess, which was only locked; and then going a little farther on in the corridor, there was on the left hand a small room, and opposite to this small room there was another door which led into the room where they supped in the evening. There was this supping-room on the right, there was a door which led into Bergami's room, and on the same right hand of the same room there was a small alcove, where there was the bed of Bartolomeo Bergami." Again: "How many doors were there in the small sitting-room where they supped?"—"I saw two doors open always, but there was a third stopped by a picture." "Where did her royal highness's maid sleep?"—On the other side, in another apartment." Now, my lords, can any recollection be more minute, more accurate, more perfect in every respect, than Mojocchi's recollection is of all these minute details, which he thinks it subservient to his purpose to give distinctly, be they true or be they not? I do not deny them,—my case is, that much of what is true is brought forward; but they graft falsehood on it. If an individual were to invent a story entirely; if he were to form it completely of falsehood; the result would be his inevitable detection; but if he build a structure of falsehood on the foundation of a little truth, he may raise a tale which, with a good deal of drilling, may put an honest man's life, or an illustrious Princess's reputation, in jeopardy. If the whole edifice, from top to bottom, should be built on fiction, it is sure to fall! but if it be built on a mixture of facts, it may put any honest man's life or reputation in jeopardy. Now, I only wish your lordships to contrast this accuracy of recollection upon this subject, and upon many other points,—a few of which I shall give you specimens of,—with his not having the slightest recollection of a whole new wing having been added to the Princess's villa. He recollects the smallest alteration of a bed-
room or a door; but he has not the slightest recollection of the throwing up a new wing to the house. This memory of his at the least is a capricious memory. But I will shew your lordships that it is a dishonest one also. Of the same nature is his evidence, when any calculation of time is required. He observes the most trifling distinction of time when it suits his purpose; and he recollects nothing of time when it is inconvenient for his object. In proof of this, I request your lordships to refer again to the celebrated scene at Naples. There this witness remembers down to minutes, the exact time which her Majesty passes, upon two occasions, in Bergami’s room; upon the first occasion, she remains from ten to fifteen minutes; on the second, from fifteen to eighteen minutes; that is to say, taking the medium, sixteen-and-a-half minutes, true time. Upon another occasion, he tells you an affair lasted a quarter of an hour. Upon another occasion he fired a gun, and then altogether fifteen minutes elapse—a quarter of an hour there. He is equally accurate about three quarters of an hour in another instance; that is, at Genoa, which I have spoken of before. The other instance was on the voyage. All this fulness of memory—this complete accuracy as to time—was in answer to my learned friend; all this was in the examination in chief; all this was thought by the witness essential to his story; all this garnished the detail of which the story is made up, and gave it that appearance of accuracy which was essential to the witness’s purpose. But when it was my turn to question—when I came to ask him the time, and when the answer would be of use to the Queen; when it was of use, not to the prosecution, but to the defence—see how totally he is lost! Then he does not know whether they travelled all night,—whether they travelled for four hours or eight hours. In answer to a question upon that subject, he says, “I had no watch, I do not know the length of time.” No watch! Possibly. And do not know the length of time! Very likely. But had you a watch when you saw the Queen go into the room of Bergami? Did you accidentally know the time when it suited your purpose to know it to a minute? Why know the precise time so accurately on one occasion, and be so totally ignorant of it on another? He pleads the want of a watch only when it would suit the purpose of the defence, and bring out the truth; or, what comes to the same thing, would convict himself, were he to know the time. With respect to the category of numbers, he cannot tell whether there were two or two-and-twenty sailors aboard the polacca. He cannot tell more
with respect to place, that other category of his deposition. Although he slept in the hold, he does not know where the others slept; he cannot tell where they were by night or by day; he knows perhaps that they were on deck in the day, but he cannot say where they were at night. In short, I ask your lordships, whether a witness with a more flexible and convenient memory ever appeared in a court of justice?

But this is not all, my lords. There is much in the evidence of this man, in which the answer, "I do not recollect," or, "I do not know," cannot, by possibility, be true, if the answers given in the examination in chief be true: as in the first instance which I gave you at Naples. If the minuteness sworn to in his examination in chief was true, and founded in fact, it is impossible that he should have no recollection of the matters to which he was cross examined. If it was true that the rooms and doors were as he described them, he could not, by possibility, know and recollect that fact, and yet be in total ignorance of the other parts of the house. In the same manner, when I examined him respecting Mr. Hughes, a banker's clerk at Bristol, he knows nothing of the name—nothing of his being a banker's clerk—never knew a banker's clerk—has no recollection of him. But when he sees that I have got hold of a letter of his which he knew nothing about at that time, and which he perhaps forgot having committed himself by; the moment he sees that, and before I ask him a single word to refresh his memory, you plainly see by his demeanour and the tone of his answer, that he had never forgotten Mr. Hughes at all, and that he never had forgotten his being a banker's clerk. "Oh!" he says, "I was in the habit of calling him brother, it was a joke on account of the familiarity in which we were." Thus it appears, that the familiarity makes him forget a man of that kind, although he says that familiarity was the ground of his calling him familiarly and habitually brother. It was manifest that Majocchi was not very well pleased to recollect all that passed in that family, he being a married man, and having made a proposal of marriage to a female there, which he attempted to laugh off, with what success, I leave your lordships to judge. He was not willing to recollect the name, or trade, or connection with that family, until he knew that all was known.

But, my lords, before we have done with Majocchi, we have other instances of that extraordinary instrument, as it has been called, I mean, memory; we have other instances of the caprices of which it is susceptible. Your lordships recollect the shuffling, prevaricating answers he gave respect-
ing the receipt of money. He first said, he had received money from Lord Stewart to carry him to Milan. He afterwards, twice over, swore he never received money at Vienna from any person. Then comes the answer which I can only give in his own words; for none other will convey an adequate idea of his style. He says, "I remember to have received no money when I arrived at Milan; I remember I did not: 'non so;' I do not know; 'piu no che si;' more no than yes; 'non mi ricordo;' I do not remember."

Now, my lords, I have a little guess what sort of an evidence this Majocchi gave when he was laying the foundation of that favour which he has since uninterruptedly enjoyed in the councils of our adversaries, I mean, the Attorney and Solicitor-general. When, during his previous examination, he was laying these foundations, deep and wide, upon which his fortune was to be built, your lordships will perceive, that he recollected a great deal which he is now ignorant of. In the opening speech of my learned friend much was stated which this witness was expected to prove, and of which I have before given your lordships an instance or two, and which I will not repeat further than to remind your lordships, that Majocchi was to have proved the kissing in the room between that of the Princess and Bergami at Naples. On the contrary, the witness negatives it in the completest manner, by his saying it was only "whispering," and not kissing. This single instance shews the whole character of this man's testimony; but I will remind your lordships of one or two others, not so striking from the nature of them, but just as fatal to the credit of the witness; because they all shew, that he had told one story to the instructors of my learned friends, a story recorded in the briefs from which they put their questions, and another story to your lordships. When questioned here as to those points, he was staggered for some reason, possibly from knowing the facts and documents which I had got in my possession, but more probably from having forgotten part of his story. This is just one of the means by which to detect a contrived plot. Such partial forgetfulness is much more likely to take place, where the whole is an invention, than where there is truth at the foundation of the testimony. So it is in this case. Majocchi recollects part of his testimony. "Yes," is ready for the question: but parts of it he does not recollect. For it is perfectly evident, that what a person has actually seen is more intensely impressed on his mind and more firmly retained in his recollection, than what he has invented and imagined. I am referring, my lords, to the Solicitor-
general’s examination of Majocchi. He is asked, “Did you bring Bergami any broth?”—“Often,” is the answer. He then states, that he was ordered to sleep in a cabinet adjoining Bergami’s room, and that when there, pretending to be asleep, the Princess passed through to the room of Bergami; and then he is asked, “After the Princess had entered the bedroom of Bergami, did you hear any conversation?”—That would have been enough; it is not a leading question, but it would have been enough to make the witness recollect; but conversation was not what my learned friend was after; “Did you hear any conversation, or any thing else.” That was a broad hint. The man had said something before, which had been taken down, and was in my learned friend’s hand. Now, there was something there which he had said before elsewhere, and my learned friend wanted to get that out here. If it had been true, why should not the man recollect it? But he forgot it. He forgot part of his own invention; a situation to which a certain class of men, that I shall not now mention, are often exposed—a class whom the old proverb advises to have good memories. So my learned friend, skilfully enough, said, “Did you hear any conversation, or any thing else, pass between them?” “Only some whispers.” Now, do your lordships want to know whether my learned friend meant whispering—I say, No. I say, I read as much as if I saw the printed paper which was in his hand.* My learned friend, the Attorney-general had opened very differently; but, besides, from the examination of the Solicitor-general, it is evident, that by his “something else,” more than whispering was expected to come out, had the witness taken the hint. If Majocchi had never before said, that something more than whispering had passed between the parties, my learned friend would have been satisfied. But he proceeds to ask him, “Do you recollect having heard or observed anything when the Princess was in Bergami’s room the second time?”—“Whispering conversation,” says he again. Another instance of the same sort occurs, and I hope it will not be thought too minute to go into it; for it is only in this way that conspiracies are detected, that perjury is exposed, that wickedness is disappointed. My lord, there was a story told about the Princess riding upon an ass. “At Genoa, you saw her royal highness riding on an ass?”—Yes,” There was a great deal more in his former statement than he dared say now. “Did you, upon these occasions, make

* The Briefs of the Crown counsel were all printed at a private press, being drawn from the collections of the Milan Commission.
any observations as to any thing that passed between the Princess and Bergami?—"Yes." My learned friend thought he was quite secure there. It is not a thing that happens every day to see a Princess of Wales riding about on an ass. "State what passed at the time she was riding on an ass?—"He took her round her waist to put her upon the ass." My learned friend thought he was safe landed. "What else?"—"He held her"—Aye, that will do very well; a great deal may be done with the word "holding;" a great deal depends on the tenure—"He held her hand lest her royal highness should fall." Ah! that won't do. My learned friend is not satisfied with that. Indeed, he must have been satisfied easily, if that had contented him. But, having something in his hand which the witness had sworn to before—convinced it must be brought to his recollection again—not knowing he was trying to do a very difficult thing, namely to make a false swearer recollect his fiction, but, trying, as he thought, to make a true man recollect what he had actually seen, my learned friend proceeded—"Did you make any other observations?"—"I have made no other observation; they spoke; they discoursed." The failure of my learned friend was thus complete. And there are a number of anecdotes of the same sort—the breakfast at the Benedictine convent, and other things, which were equally inventions, with this difference, that, as always happens to men engaged in such a vile concern, they forget parts that are just as specific and clear as the parts they recollect; and which, if they had been true, they would have recollected just as well.

I might remind your lordships, upon this head of Majoechi's evidence, of the incredible nature of his story respecting what took place at Naples. He would have you to believe, that having free access to the bed-room of Bergami, through other rooms in which no persons slept, which free access, he was compelled, after repeated prevarications, much equivocal swearing, and several positive denials, at length to admit, after a very pressing examination,—that having this secret, easy, safe access to that place of guilt, the bed-room of Bergami, the Princess preferred the other way, through the room where she knew Majoechi slept, where she saw that he slept in a bed without curtains, in a room so small that she could not go through it without almost touching his bed,—in a room too in which there was a fire to give light, and shew her passing through it. But what is the most monstrous thing of all? he tells you that Her Majesty, in order to make her
detection inevitable, as she passed through the room, went to the bed and looked him in the face, to ascertain whether or not he was asleep! Now, this story defeats itself, and discredits the teller. You cannot believe it; no! it carries its own refutation along with it. What, my lords! are you to suppose that Her Majesty voluntarily passed through a room where she must have been seen if the person was awake, when she knew she might have gone another way, where she could not possibly have been seen? She knew, that Majocchi slept in that room,—she knew the disposition of his bed,—she knew that there was a fire kept in the room—knowing all this, she voluntarily passed through it, stopping in her way to look the witness straight in the face, and make her detection certain if he chanced to be awake! My lords, I say that this is a plain invention, an invention natural enough to come into the head of a person who lives in a country where nightly robberies are committed. I will not say that this witness is a person who had known more nearly that offence, and the precautions taken by those who commit it; but he, at least, was surrounded by adepts in the art, and we generally find in stories of robbers, that indentical particular inserted. The robber comes to the bed of the lady and looks with a candle near her face, to ascertain whether she is asleep. If she is asleep, it is all well and safe; but if she awake, and might give the alarm, he does not care about the alarm, and coolly retires. It is very wise and prudent in the robber to take this precaution, to which he adds that of a dark-lantern. But, for a person who is going to commit adultery in the next room, whose face is as well known to the man in bed as any face that can be shewn, to go up to his bed-side with a candle, and not a dark lantern, in order to discover whether he is asleep or not, is a proceeding altogether incredible. To what would not the simple fact of Her Majesty having been seen in that room, under such circumstances, have exposed her? Would not the fact of being detected looking in the face of Majocchi, have of itself condemned her? The tale is most monstrous and incredible. But it is providentially and most happily ordained, for the detection of guilt, and the justification of innocence, that such inventions are often thoughtlessly devised and carelessly put together; and, in this instance there has been but little caution used in putting together the materials, which have been very thoughtlessly cast.

Now, my lords, I wish, before I close my observations on these stories, that I might recall to your lordships' attention
what this witness has said on another point. He told you, that Bergani began to dine at the table of the Princess at Genoa, when it is notorious that he did not begin to dine with her until some months afterwards. I might recall to your lordships' attention that, in speaking of the night-scene at Genoa, he does not recollect Vinescati, the courier, arriving: he even says, as the thing is much mixed up with fiction, he had forgotten it, and he did not remember his arrival at all. "Do you remember at any time of the night, knocking at the door of Bergani’s bed-room, and endeavouring to wake him?"—"I do remember." "Upon what occasion was that? For what purpose?"—"It was in the night when Vinescati came, and I went to knock." Then, recollecting the contradiction, he said, it was not the night Vinescati arrived, but the night thieves got into house; and then he drops the courier altogether.

But I come to what happened late in the day. Your lordships recollect the account this witness gave of his leaving the service of her Majesty, an account which contains as much gross and deliberate falsehood as ever polluted the walls of a court of justice. And allow me here, my lords, to observe, that where you see one material part of a person’s evidence grossly and palpably false, it dispenses with the necessity of going more into detail, and relieves us from the necessity of proving him a perjurer throughout; the whole of his evidence is discredited; nothing that falls from the lips of a perjured man ought to be entertained; all must be rejected; my lords, in giving you an account of his quitting the service of the Princess, the witness thought it necessary, in order to raise his character, I suppose, to flourish about the cause of his leaving Her Royal Highness. He denied that he had been dismissed by her. He said that he left the service, because he did not like the bad people by whom she was surrounded. This he said, for the double purpose of raising his own credit, and debasing the Queen’s, and vilifying the society by which she was surrounded. But, my lords, this story is false; and I will show the falsehood from his own mouth. When a question was put to him, "Did you apply to be taken back?" what was his answer? "I do not recollect." Here, my lords, you see how he defends and protects himself; for if he had answered, No, he knew we might have called a witness who would have convicted him at once. He was then asked, "Did you ever apply to Schiavini to make interest for your being taken back?" He answers, "Once I did." Now a man might have recollected that, after being told and, might
innocently have forgotten in answer to the first question; but then he would not have immediately recollected all the circumstances; for, the moment that string was touched, his recollection was entire. His forgetfulness quitted him, and he told us the whole history of the transaction; and a very material thing it is for your lordships to attend to. He said, "Yes, yes," Si, si, was his expression; but it was in a sort of joke, "I made the application in joke." That may be so; but if he did not make it in joke, he has perjured himself; if he did make this application in joke, to what follows he must have answered, No. "Did you, or did you not make repeated applications to Hieronimus also to be taken back into her Royal Highness's service?" This could not be all a joke; you could not have joked with several persons on the same string." "Non mi ricordo," "this I do not remember." Now, I say, my lords, that either this last "Non mi ricordo" is gross and wilful perjury, or the first story is gross and wilful perjury, that he left the Queen from his horror of the bad people by whom she was surrounded, and that he made his application to Schiaviani in pure joke. There is no way out of this demelma. The two stories are utterly inconsistent. But your lordships recollect the way in which he told you that he never wished to go back to the service. It was done with some flourish and figure. He said with some indignation, "Rather than go to serve her Royal Highness, on account of the persons that are about her, I will go and eat grass." I ask your lordships, is that the saying of a true or a false man, when he pretends that he would rather eat grass than go back to a house, where he made one application which he pretends to have been a joke, and afterwards will not swear he did not make several applications to get back to the same bad house? My lords, here, I say, is developed the whole mystery of Majocchi and his non mi ricordo. This was his protection and his shelter. I say that rank falsehood appears on the face of this part of the evidence, take it the one way or the other; and I care not which of the two branches of the alternative is adopted.

I now wish to call the attention of your lordships, for a moment, to the next witnesses; but it shall only be for a moment; because I have already anticipated, in great part, what I had to say of them; I mean those well-paid-swearers, the captain and the mate of the polacca. First, as to the mate, there is something in the demeanour of a witness more consonant to a candid and a true story, than the pertness with which that person answered seve-
ral questions; and all those who have been accustomed to see witnesses in a court of justice know, that those who are stating falsehoods are extremely apt to give flippant and impertinent answers. The mate of the polacca is precisely a witness of this kind. Upon being asked, "Was the little gun you spoke of, upon the deck? he answers, "On the deck; we could not carry it in our pocket." I only mention this, because my learned friend the Solicitor-general has said, that he is a witness of great credit. Again, when asked, "How did you travel from Naples to Milan?" he answers, "In a carriage; I could not go on foot." I only state this to remind your lordships of the manner of the witness, which I should not do, if he had not been said to be a witness of the most perfectly correct demeanour on the present occasion. But I proceed to the substance of his evidence: I will venture to say, that a better paid witness, a better paid Italian, for any work or labour, has never yet come to your knowledge. He is paid at the rate of L.2000 sterling a-year; he was the mate in that voyage of a trading vessel in the Mediterranean, and he is now the fourth part owner of a vessel upon his own account. So that to give him a sum in proportion to what he makes when at home—to make it a compensation instead of a reward, according to the Right Reverend Prelate's learned interpretation—that vessel must earn L.8000 a-year; which is somewhat above an income of from sixteen to eighteen thousand pounds in this country. There is not a ship-owner in all Messina, that makes half the money by all the ships he has of his own proper goods and chattels. In that country, a man of two or three or four hundred pounds a-year is a rich man. Fifteen hundred pounds a-year is a property possessed by none, except the great nobility. Clear profits of L.8000 a-year there! Their names would resound over all Italy as the rich of the earth; and not a man of consequence could have gone from this country to that, who would not have tried to procure letters of recommendation to them. The Cobbler of Messina has lived in history; but in his time he was not so well known as these two paltry shippers would be, if, instead of dealing out the instrument he did, these men kept their palaces and spent their four thousand a-year. And this is his story; and if he does not mean so much as this, so much the better in another way; for then is he wholly prejured.

My lords, the captain of the vessel, as might be expected, is paid at a much higher rate than the mate. He is paid L.2400 a-year; he is fed, lodged, and maintained; every
expense is defrayed, and this put into his pocket, and not
for the loss of any profits. I have hitherto been consider-
ing it as a compensation for the loss of his profits. But his
ship is not here; to use the mate's own mode of speech, he
did not bring it here in his pocket; though the owner comes
to England, the ship is employed in the Mediterranean, and
carring her freight; and he is paid this, though he attempts
to deny it,—he is paid this as a recompense and not as a
compensation. The same argument then applies to the cap-
tain as to the mate, but in a greater degree, and I shall not
go through it. But, it appears there was a cause of quarrel
between the captain and the Princess of Wales. He tells
you, with some naïveté, that what he had for himself,
his mate, and the other twenty men of his crew, and for all
his trouble, was a sum considerably less, about a fourth part
less, than he receives now, for coming over to swear in this
business against his ancient freighter. But your lord-
ships recollect what he added to that. He said, "When
we take on board royal personages, we trust more to the
uncertain than to the certain profits." This is a great truth,
well known to many present, that something certain is often
stipulated for, but that something more is often given by
way of honorary and voluntary compensation. Then, my
lords, I only stop here for one moment, to remind your lord-
ships, that according to this, his expectation is not limited
to what he gets, namely, L2,400 a-year, for coming here to
swear against the Queen; but he says he has been employed
by a royal person; and he tells your lordships that the as-
certained compensation bore no proportion to the voluntary
reward which he expected from her Majesty. How much
less then has he a right to limit the bounty of her illustrious
husband, or of the servants of His Majesty, who have
brought him here, if he serves them faithfully, if the case
in his hands comes safe through, and if no accident happens!
If he should succeed in all this, he would then get what
would make a mere joke of the L2,400 a-year; though that
would be infinitely greater than any shipper ever earned by
the employment of his vessel in the Mediterranean Sea.

But independent of the hope of reward, there is another
inducement operating on the mind of this witness from
another quarter. Is there no spite to gratify? The whole
of his testimony, my lords, is bottomed on revenge. I have
a right to say this, because he has told me so himself. He
has distinctly sworn that he had a quarrel with Bergami,
the Queen's chamberlain, whose business it was to pay him
the money; and that he complained to his own ambassador,
that Bergami had kept back from him L.1,300 which he claimed. What happened then? "I have made some application, some demand. When I came here last year, I gave a memorial to my ambassador, Count de Ludolph, and I stated, that as I believed myself to have served the British government, because I had had the honour of bearing the English flag, I expected the present which I had not received; and on account of this memorial which I gave to Count de Ludolph, the English government have known me to be Vincenzo Garguolo of Naples." Now, I mention it as a circumstance which may strike different minds in different ways, but as not immaterial in any view of this case, that the only knowledge the prosecutor of this case has of this witness is, his having made a complaint against the Queen and her chamberlain, for not paying him L.1,300 which he said they owed him. He added, that he had been advised to go to London to see after that sum of money. I warrant you, my lords, he does not think he is less likely to see his way clearly towards the success of his claim, in consequence of the evidence which he has given at your lordships' bar.

My lords, there are other matters in the evidence of these two men which deserve the attention of your lordships. I think that a Princess of Wales on board a vessel, sitting up on a gun, with her arms interwined with those of her menial servant, and sometimes kissing that servant, is a circumstance not of such ordinary occurrence in the Mediterranean, as to make it likely that the captain or mate would forget the most important particulars of it. Yet they do forget, or at least they differ,—for I will not allow they forget—they differ most materially in their history of this strange matter—far more, I will venture to say, than they would differ about the particulars of any ordinary occurrence that really happened. The mate says, that the Queen and Bergami were sitting on a gun, and that they were supporting each other. In the same page, he says afterwards, they were sitting near the main-mast, the Princess sitting on Bergami's lap. Now, the difference between sitting on a gun and near the main-mast may strike your lordships as not important. I state it, because the mate considers it of importance; therefore, I conceive he has some motives for particularizing it; he means to say, I place my accuracy on these details, which I give at my peril. Accordingly he says, that when he saw the Queen on Bergami's knees it was not on a gun, but on a bench near the main-mast; and not one word about kissing do I see in the mate's evidence. He forgets the most important part of the whole; for which reason, your lordships will conclude with
me, I think, that he does not confirm the captain. The captain swears differently. He says, "I have seen Bergami sitting on a gun, and the Princess sitting on his knees, and that they were kissing." But do they speak of the same thing? Yes, if they are to be believed at all; for the captain says immediately after, that the mate saw it as well as himself. The mate, however, never says he saw it; and my learned friends did not dare to ask him if he had ever seen it. The captain says, they saw it together; yet when the men are brought to give their evidence,—and they are brought immediately one after the other,—you see the consequence. They totally differ in their account of the story, and differ in a way clearly to show, that the story cannot be true. Now, what think your lordships of this man's desiring you to believe,—of his expecting you to believe,—that he was a man of such strictness of conduct, and his mate so pure a youth, educated in that primitive, antediluvian Garden of Eden, Naples or Messina, that when he saw a lady go near a man, not touching, observe, but leaning over the place where he was reclined,—nothing indecorous, nothing improper, nothing even light, but only leaning towards the place where he was reposing,—he immediately desired the innocent youth to go away, because, beside being his mate, and therefore, under his especial care in point of morals, by the relation of master and mate, he was also his distant relation, and therefore, by the ties of blood also, he had upon his conscience a responsibility for the purity of the sights which should pass before his youthful eyes, and therefore he could not allow him to remain for a moment near that part of the ship, where these two individuals were because they appeared to be approaching towards each other! Perhaps there may be those who believe all this,—who think it a likely account of the matter. Observe, my lords, he never says that the Queen ordered them to go away, or that any order to that effect came from Bergami. No. The guilty pair never interfered; they were anxious that all the crew should see them; but the virtuous Gargiuolo, reviving in the modern Mediterranean a system of morals far more pure than ever ancient Ocean saw and smiled at "cheered with the sight," would not suffer his mate to see that which might happen, when two persons, male and female, did not touch, but were only near each other. My lords, there may be those who believe all this,—I cannot answer for men's belief—but this I am sure, that if any one do not believe it, he must believe another thing; namely, that Gargiuolo the captain, and the mate Paturzo, speak that which is not true.
There is no way out of this conclusion. Either you must believe that the captain speaks the truth, when he gives this account of his motives,—or you must believe that it is false, and that it is gratuitously false. But not gratuitous, as it respects his own character. He means to set himself up by it; to earn his money the better; and, if possible, to impose upon some credulous minds by it. Perhaps he may have succeeded,—the event will show,—in making more than that uncertain gain the rate of which a man, when dealing with royalty always, increases, and in improving his chance of obtaining the L.1,300 for which he has come over to this country.

My lords, one more statement of these men, and I have done with them. See how well drilled they are! I hold them up as models of well trained witnesses; I regard their perfect drilling as a perfect study for those who may practise that art. I present them as highly-finished specimens of the art in its perfection; and no wonder they are well accomplished; they are the best paid; and therefore they ought to be the choice specimens of that art. Much money has been laid out upon them, and their zeal has been in proportion to the much they have received, and the more they expect. See how well they have been trained! But happily there are limits to this art, as there are to all human inventions. If there were not, God pity those who are attacked! God pity the innocent against whom the mighty engine for tutoring witnesses, for manufacturing testimony may be directed! They cannot perfectly get over the disadvantage of not having access to hear the evidence of each other; but see, when art can do it, how well it is done. The master and the mate are evidently descendants, lineal descendants, of the Doctors of Bologna. Whether their names are the same or similar, like those of Harry the Eighth's agent, and the chief Milan Commissioner, I know not. I have not before me the hundred and ten names of the Doctors; but that these are among their lineal descendants, no man can doubt. They are afraid to have it thought for an instant that they ever spoke to one another upon the subject of their evidence. Intimate in all other respects; living together in the Magazine of Evidence, the barracks of witnesses, in this neighbourhood; sleeping in the same room, supping together, breakfasting together the very morning before they came here, again meeting together the day after the first had been examined, and when the second was to come, for any thing I know sleeping together—the only subject on which they never talked, in all the intimacy
of master and mate, in all the nearness of blood and connexion, and entertaining an affection for each other that would do honour to the nearest connexion, and which I wish some of the nearest connexions, especially of a conjugal kind, had,—the only subject, I say, upon which they never chose to enter, is the subject of the inquiry which now occupies all other men,—the only subject on which all other men save themselves alone can converse!

My lords, this is not peculiar to these two witnesses, but the way in which they tell it is peculiar, and is not marked, on the part of the gallant captain, by the judgment and skill which usually distinguish him. "I am not a person," says he with indignation, "to state what I am obliged to say in this room,—the subject is of such a nature that it cannot be talked of."—What subject? There is nothing so frightful in this subject which you came to support, and which you have witnessed.—"No, no; but it would not be decent, it would not be creditable, that I should tell to others all those things which we say in this house, before these gentlemen, these lords." Did you ever say anything to the mate upon it?"—Oh, never, never!" "Did you tell Paturzo last night, or this morning, that it would not be fit for you and Paturzo to talk about his examination of yesterday?"—"Yes, upon this matter."

This brings me to say a word or two relative to a circumstance in the character of all these recruits in the Cotton Garden depot. I must say, I think that whatever injury this inquiry may do to the highest and most illustrious persons,—however pregnant it may be with every thing offensive to morals and to good taste,—whatever mischiefs to the conduct of social life may arise, for some time to come, from the disgusting details brought forth in the course of this ill-omened proceeding to pollute English society; it must be matter of comfort, that there is one spot on the face of the island, one little land of Goshen, sacred from the squabbles which surround it, free from the neighbouring defilement, and that into this retired and pure society, those subjects which offend the delicate, which alarm the apprehensions of morality, which go so well nigh to contaminate the morals of all classes of the community elsewhere, never, by any mischance, penetrate; and, strange to tell, my lords, that one little spot is neither more nor less than Cotton Garden, in the vicinity of this house, inhabited by all the host of foreign witnesses whose depositions have spread abroad all the impurity that appalls the world! Let no man, then, suppose that the danger is
so great as it has been represented; or that there is any accuracy in the statement, or that there is any ground for the alarm founded upon it that the whole island is flooded with the indecencies which issued forth from the green bag; for there is at least Cotton Garden, where the most strictly modest matron may go, without feeling, that if she carries thither the most chaste virgin, that virgin's face will ever there be suffused with a blush; for in that place, and amongst the witnesses themselves,—amongst the agents of this plot,—amongst the contrivers of it,—amongst those who appear before your lordships to give utterance to the abominations of their own fancy,—amongst them, it turns out, that there is never one whisper heard on anything even remotely connected with the subject which so much vitiates the mind, and debases, I will say, the reputation of this country every where else! If your lordships chose to believe this, far be it from me to interrupt an illusion so pleasing, even by giving it that name; for it is delightful to have any such spot for the mind to repose upon. If you can believe it, do so in God's name! But if you do not believe it, I say, as I said before, you must believe something else; if you do not believe it, you must believe that all the witnesses who have said so, and they are all those who are in that depot, are perjured over and over again.

My lords, the course of my observations has now brought me to personages of still greater importance in this case, than either the captain or the mate, although my learned friend, the Solicitor-general, has stated them to be witnesses of infinite importance,—I mean Demont and Sacchi; whom I trust I shall be excused for coupling together, united, as they appear to be, between themselves by the closest ties of friendship; resembling each other, as they do, in all the material particulars of their history, connected at least with the present story; both living under the roof of the Queen, and enjoying her bounty and protection; both reluctantly dismissed; both soliciting to be taken back into place and favour; knit together since by the same ties of country and friendship; living together in great intimacy, both in their native mountains of Switzerland, and afterwards upon their arrival in this country; remaining in this country about the same period of time, and that above twelve months; employing themselves during those twelve months in the way best adapted to fit them for the business in which they were to be employed, by obtaining access to our best classic writers, and attaining a knowledge of our language, though they mo-
to avail themselves of the assistance of an interpreter, which
was this advantage, that it gives them the opportunity of pre-
paring an answer to the question which they understand,
while the interpreter all unheeded, is performing his super-
luous part of furnishing them with a needless translation.

My lords, the other points of resemblance are so many,
that I shall not detail them; for your lordships will see
them when I come to enter into the particulars of the evi-
dence. But I wish, in the first place, to remind you what
sort of a person Mademoiselle Demont describes herself to
be; because it signifies very little in comparison what we
shall succeed in showing her to be; I had rather take her
own account of herself; I cannot wish for more; and I am
sure she could give us no less, with any ordinary regard to
her own safety; for as to regard of truth, I say nothing
about it upon this occasion. She is a person, it seems, of a
romantic disposition naturally implanted in her mind, and
which has been much improved by her intercourse with the
world. She is an enemy to marriage, as she says in her
letters. She does not like mankind in the abstract,—and
yet "potius amica omnibus quam ullius inimica," I think we
may say, from some things which came out afterwards,—
mankind in the abstract she rather objects to; but she makes
an exception in favour of such a near friend as Sacchi, whom
she dignifies by the title of an Italian gentleman; though
he, ungrateful man, to justify her dislike of mankind, will
not return the compliment, by acknowledging her to be a
countess! But this Italian gentleman, whom she will not
acknowledge to be a servant, came over with her. Marriage,
she says, she does not like. She loves sweet liberty; and
in the pursuit of this "mountain nymph" over her native
hills and in this country, your lordships see the sort of com-
pany in which she is landed, namely that of Mr. Sacchi, not
to mention Krouse the messenger, who goes over to fetch
her, and brings the reluctant fair to appear as a witness upon
the present occasion.

But far be it from me, my lords, to deny the accom-
plishments of this person. Very far indeed from me be any such
thought. She is the most perfect specimen,—she is the
most finished model,—of the complete waiting-maid, that
I believe the world has ever seen in actual existence. I be-
lieve none of the writers of her own country, or of ours
which she is now studying, will give a more complete speci-
men—neither Moliere, nor Le Sage, nor our own Congreve
or Cibber,—than that which she has given, without any as-
sistance, in this house. I cannot deny her the greatest readi-
ness of invention; that she is at no loss in writing I cannot dispute; I must admit, too, that she is not at all sterile in her descriptions upon those subjects on which she enters, until she is brought into contrast with her own letters, and until my learned friend Mr. Williams begins his somewhat uncere-


monious, not to say inconvenient, cross-examination. I cannot deny that she possesses a caution which would do honour to the Machiavel of waiting-nuasts; that she is gifted with great circumspection; that she possesses infinite nimbleness in devising excuses, and adjusting one part of her evidence with another; that all her shifts and her doub-


lings were well devised, and that if the thing could have been done,—which it cannot by the eternal laws of truth—she would have succeeded in blinding and deluding her hearers. She showed great art in endeavouring to reconcile the stories she had told, with the contents of the letters which were produced; which letters she had not forgotten, though she did not know that they were still in existence, and ready to be produced against her. Had she been aware of their preservation, and had her patrons been aware of their contents, your lordships would never have seen her face here; just as you have not seen the faces of some seventy other wit-


nesses, whom they dare not call, and whom they have shipped off, like so much tainted meat, or useless live lumber, for their native country. Far be it from me, then, to deny the accomplishments of this person! Nor do I deny that she is a great adept at intrigue; which, indeed, she picques herself upon. She would never forgive me if I refused her that merit. Her constant practice is, to deal in double entendres; her friend Sacchi—I crave her pardon, Mr. Sacchi—does the same; she in her letters to her sister; and he in his con-


versation with Mr. Marietti. So that it is impossible for us, and may be very convenient for them, to know what they mean. In short, to them may be applied what was said of old of a whole people: "Tribuo illis literas; do multarum artium disciplinam; non adimo sermonis leporem, ingenio-


rum acumen, dicendi copiam; denique etiam, siquà sibi alia sumunt non repugno; testimoniorum religionem et fidem nunquam ista natio coluit: totiusque hujusce rei quæ sit vis, quæ auctoritas, quod pondus ignorant." I hear her candour praised by some persons, and why? Because she admits she was turned off for a story which proved to be false. I hear her praised too for her other admissions; and what were those? When asked, if she was sincere in such and such praises which she bestowed upon her Majesty, she said, in some of them she was, but not in all; in a part she
was, but not in the whole.—"Were you in want of money?"
"Never."—"Did you never write to your sister, 'I am in
want of money?" "It may be so; but if I did so it was
not true." So there is no connexion in rerum natura, in
this person's case, between the thing being true and her say-
ing it, nor any opposition in this person's mind, in a thing
being downright falsehood, and her saying and writing it.
Truly, this is her own account of herself; and yet, to my no
small astonishment, I have heard her praised for the candour
with which she gave this account, by persons of moderate
capacity.

My lords, I need hardly remind you,—I need hardly
remind any person whose capacity is above the meanest,—I
need hardly tell any man, who is not fit to be turned out in
the fields among those animals whom he sometimes abuses
by using,—I need hardly say to any one above this level,
See what is the effect of this! Will it be said—"Be it that
she uses double entendres, that she tells falsehoods freely to
gain her own ends; yet the candour of making these admis-
sions, the ingenuousness of youth with which she informs
you that she tells falsehoods by wholesale, so that she can-
not be depended upon for a word she utters, is a blandish-
ment more seductive than all her personal charms; it binds
us to her, though not her personal lovers; and we open
our ears to all her tales because she is so engaging a liar,
and acknowledges, with so much readiness, that there is
not a word of truth in her whole story?"—My lords, in
any body but a witness you may be pleased with such can-
dour; in any one except one whose credit depends upon the
truth of her story. You may say to any other person,
"Poor, dear, innocent Swiss Shepherdess, how ingenuous
thy mind!" but to a witness! I never before heard so strange
a reason for giving a witness credit, as citing the candour
with which she admits that she is not to be believed.

My lords, look at her letters,—look at her explanations
of them. I will not go through them in detail; but I will
tell you,—and the more you look at them, the more you
will be convinced of this truth,—that her explanations of
them are impossible,—that the double entendres do not fit,
—that the interpretations she gives do not tally with what
appears in black and white. Her gloss does not suit
her text,—the two are totally inconsistent; and the clear
contents of the four corners of the document shew that
what she stated on her oath is untrue. The letters
themselves want nothing to make them perfectly intel-
ligible. But her key does not fit her cypher. The
matter only becomes doubtful as she envelopes it in falsehood, by the inventions of the moment, by her extem-pore endeavours to get rid of the indisputable meaning of the words in her own hand-writing. My lords, a plain man knows how to deal with these things. He does not entangle himself in the miserable webs which this dirty working creature attempts to throw around him; he goes straight on, if he be a wise and an honest man, to see justice done to the object of a perjured conspiracy; he goes straight through, and believes those, and those only, who shew themselves to be worthy of credit; and I pray to God, that your lordships may so believe, and not stand an exception, a solitary exception, to the conduct of all the rest of mankind! I hope your lordships will believe this woman to have been sincere, when she says that the Queen was good and innocent; that she then spoke the language of her heart in the eloquence of her feelings, and has only since been corrupted, when, upon a refusal to take her back into that service where she had never received aught but favour and kindness, she has fallen into the hands of the other conspirators against the honour of her illustrious mistress.

I forgot, my lords, in admitting the qualities of this female, to make another concession. She is kindly attached to her own sister. She loves her with a sincere affection. She tells you so. Her principle in her conduct upon this occasion, if she is believed, is anxiety for her service and interest. Now, I do not believe the story which follows; and it is not I who am calumniating Demont, because I am taking her own account of herself, which I do not believe. Mine is a plain story. She represents herself as affectionate towards that sister, heartily attached to her interest, only anxious to promote it,—her sister just coming into the world at the innocent age of fifteen,—and that she does all she can to obtain a place for that sister in a house which, if you believe a tittle of what she told you, ought to have the name, not of a palace, as the Attorney-general says, but of a brothel. She has two sisters, indeed, and she is equally attached to both. She describes the letter as written immediately after leaving those scenes, immediately after having been unwillingly turned out of this brothel,—unwilling to leave it she says she was, although she admits that (differing from her sisters in that respect) she was rich and they were poor, and was therefore under no necessity of submitting to that contamination, which no necessity ought to induce an honest woman to endure. But though she was under no necessity, the honest Swiss chamber-maid balancers
the profits of her place against its disgrace; acting upon the principle of the Roman emperor, who, so that he raised a tax, was not over anxious as to the materials from which the filthy imposition was obtained. Though she admits that the house is worse than an ordinary brothel, and avows that she loves her sisters, the elder as well as the younger, she is occupied for six months after she leaves it first, in endeavouring to obtain for the virgin of fifteen a place in order to initiate her there; and next, to keep the maturing girl of seventeen in possession of so comfortable and so creditable a situation. Such is Demont by her own account! I do not believe her so bad,—I believe no woman so bad,—as she now finds it necessary to tell you she is, because, unexpectedly, we bring out her own handwriting against her. I believe every word of her letter to be sincere. I believe she did right and well in wishing to retain her own place, to keep one sister there, and then to obtain employment for another; but I also believe, that having been driven from thence, and disappointed in her hopes of being taken back, she invented the story she has now told, not knowing that these letters were in existence, and would be brought in evidence against her. But she was sworn in Lincoln's Inn-Fields before she knew of these letters being in existence. Had she known of this fact, I have no doubt she would rather have forgone all the advantages she has reaped, from coming forward as a leading witness in the plot against the Queen, than have made her appearance at your lordship's bar.

So much for this lady. I now come to that amiable gentleman, Mr. Sacchi. And I observe, my lords, with great satisfaction, a most pleasing symptom of liberality in the present times, as exhibited in the liberal reception which this witness has met with among your lordships, and in the pains which have been taken, both by those who produced him, and those who afterwards examined him, to increase the estimation in which it was wished that he should be held. It shows how the age is improving. It shows how fast vulgar prejudices against Bonaparte and the French nation are wearing away. I well remember the time when nobody would have been very well pleased to bring forward as a principal witness in a case of any kind, a man whose recommendation was, that he had been a soldier of Bonaparte, that he had served in any of his campaigns, and had been promoted by the Corsican adventurer, the daring usurper, the unprincipled revolutionary chief, as it was the fashion so lavishly to call him. Nevertheless, now that witness against the Queen has this merit to boast of, it is brought forward, as if we had ne-
ver heard anything, as if we had never been sickened by whole volumes of abuse which had been poured forth, for the purpose of shewing, that the very name of a French hussar, particularly if he happened to be a servant of Bonaparte, was exactly the name for everything most profligate and abandoned. Now, my lords, without having ever been one of those who approved of the excess to which this abuse was carried, on the part of ourselves and of our neighbours, I nevertheless cannot help thinking, that a cast-off servant, a courier who pretends to be gentleman, and now has his servant to wait upon him, and who says, "Thank God, I was always in easy circumstances," though he was once living on wages of a common courier; who can only say, that he was a common soldier in the French army, and was refused a commission in the Swiss army, but was offered the place of a serjeant,—would, a few years ago, have stood very little chance of mending his credit by this last adjunct. But this is my least objection to Sacchi. I must, indeed, be allowed to say, that the fact of such men having bravery enough to induce their masters to give them a pair of colours, is not the best positive proof of their being the most sincere and the most scrupulous of mankind. But look, my lords, at the account you have of him from himself. He, too, deals in *double entendres*. He has gone by three whole names and a diminutive,—two of them we know, and the third we do not know; but by three names and a half has he gone. When he came to this country he began his *double entendres* as soon as he came in contact with his beloved Demont. He told two *double entendres*,—if I may use four syllables instead of the shorter Saxon word. For if men will do this frequently and continually—if they will do it for a great object,—they get into the habit of doing it for no object, but mere sport and playfulness. He tells first this *double entendre*, "that he had come in the service of a Spanish family." Then he tells another, that "he had a law-suit,"—we have never heard what that was, nor anything more about it—that he came over in consequence of "a law-suit, a process with her Royal Highness." How, then, did he get into the situation in which he is now living with his own servant, seeing that he was so sorry at being turned away from the service of the Queen, where he was first employed at the lowest wages of a courier, and afterwards as a poor equerry? My lords, you must believe that he has got money nobody knows whence, or you must disbelieve his story altogether.

But there is another similarity between Sacchi and Demont.
He is asked, "How much money had you in your name at your banker's at Lausanne?" He answers, "Fifty louis."
—"Will you swear you had not more than that at one time at that banker's?" "I had no more than those fifty louis."
—"Will you swear you never had a credit which empowered you to draw upon that banker for a larger sum than this?" "I never had."—"Have you never represented that you had a larger sum or a greater credit?" "I do not remember to have said." Suppose any of your lordships were asked to speak to a fact, and were to say, "Positively not,"—"most certainly not,"—"I know it is not so,"—nobody would dare to put the next question to you,—at least I know very few of your lordships to whom they would dare to put it,—Did you ever say so?" It could only be put to any one of your lordships in joke, or in consequence of the greatest familiarity subsisting between the parties; for you had answered substantially that question before. If you are a man to be believed upon your oath, have you not answered the question, whether you ever told any person you had more at your banker's, by saying you know you had no more at your banker's? If you had no more at your banker's, you never could have said that you had more; for if you had, you would have been guilty of what Sacchi calls a double entendre. But not so with Sacchi, or whatever his names, great or small, may be,—"I may have done so; I cannot swear when I am in doubt." The same as to his letters. He was asked, "Did you ever represent to any person, after you had left the service of Her Royal Highness, that you were in a destitute condition?" "Never."—"Did you ever entreat any person of Her Royal Highness's household to have compassion on your dreadful situation, after you had left Her Royal Highness?"—"I have never been in a dreadful situation." "Did you ever represent,"—there I was stopped,—"Did you ever say,"—but he had heard all the argument about representing,—"Did you ever say to any person that your conduct towards Her Royal Highness was liable to the charge of ingratitude with respect to a generous benefactor?" "Never."—"Will you swear that you never intreated any one of the suite of Her Royal Highness, after you had left her service, to take compassion on your situation?" "It may be." "Is that your hand-writing?"—a letter being put into his hands,—"It is." "Is that your hand-writing?"—another letter being put into his hands,—"It is." Now, in these letters he has taxed himself with ingratitude in the plainest words. Luckily, he had forgotten those letters. Would any of your lordships
shelter yourselves under such a despicable pretext as to say, "Oh! I did not say it, I wrote it?" *Litara scripta manet*—Your lordships shall see the letters.

But you will recollect what passed afterwards; for I now come to a providential accident, if I may employ such contradictory terms, in compliance with the common use of them; I now come to an accident, but which I call an interposition in favour of innocence, which is always the care of Providence. Sacchi was asked by my learned friend, the Attorney-general, "You have stated, that when you came to this country, you assumed the name of Milani; what was the reason why you assumed that name?" To which he answered, "I took this name on account of the tumult (tumultu) which had taken place, and of the danger I should have run if I had come under my name, knowing that I should have been known."—"When was it that you assumed the name by which you now go?" "It was immediately after the affair that happened at Dover." Now, luckily, he had forgotten the date; happily he did not recollect, that he came over to this country in July in the year 1819, and that the tumult at Dover happened in July 1820. These, my lords, are the providential circumstances by which conspiracies are detected; and but for which, every one of you may be their victims to-morrow. Now, I call upon your lordships to see how the witness gets out of this. After a short interval in the examination, you will find in page 459 of the printed minutes, that which I will read for the sake of connexion; and I do it the more freely, because it is the last quotation with which I shall trouble you from this evidence. In answer to a question put to him by the Attorney-general, Sacchi says, "I took this name on account of the tumult which had taken place, and of the danger which I should have run if I had come under my own name, knowing that I should have been known." "When did you assume the name by which you now go?" Then he instantly recollects, "It was immediately after the affair that happened at Dover." The name he now goes by, he assumed since the affair at Dover; the name of Milani he assumed a year before at Paris. My learned friend, the Attorney-general, leaves him there, concluding, from his experience of these matters, that he would only make bad worse by going on. But one of your lordships took it up; and if there ever was a specimen of shifting and beating about the bush, to shelter a mortal from an unlucky scrape arising out of a false tale, here you had it. The manner in which it was all spoken,—the confusion, the embarrassment, the
perplexity,—I cannot represent. I trust your lordships remember it. But enough remains upon the record, and by that I should be willing to try the credit of Sacchi as a witness. "Had you ever gone by the name of Milani before you came to England?" "I took this name in Paris."—"At what time, in what year, did you take that name in Paris?" "Four or five days before I set out for England."—"When was that?" "In the month of July last year."—"What was your motive for taking that name at the time in Paris?" "As I knew that I was known in London by my own name, I endeavoured to shelter myself against any inconvenience that might happen to me." Not a word about what had happened to others! "What tumult had happened at that time that induced you to take that name?" There is no more getting him out of the potential mood into the past tense, than there is getting him out of knavery into honesty. "What tumult had happened at that time that induced you to take that name?" "I was warned that the witnesses against the Queen might run some risk if they were known,"—forgetting, or wishing to slurr over, that he had used the word "had," and wishing to substitute in its stead another tense. "Had you been informed that they had actually run any risk?" "They had not run any risk then." Then what was the "tumult" which he had spoken of before? The most favourable opportunity is then given him which an honest witness could possibly desire, of correcting himself, and of explaining the whole fact,—an opportunity which counsel might not have been disposed to allow, but which the house very properly gave him. The former questions and answers are read over to the witness, and he is desired to reconcile and explain them. But, with all those advantages, observe, my lords, the lameness of the pace at which he hobbleth off; for on the manner of doing a thing as much may depend as upon the thing done. The former question and answer being read from the minutes, he is asked this question, "Having stated in a former answer that you changed your name to that of Milani in consequence of a tumult that had happened, what did you mean by that statement?" "Whilst I was at Paris a gentleman came, accompanied by the courier Krouse,"—who had been named before,—"and the only time I saw him; and he,"—not Krouse, who might have been called, but the gentleman, who is not named,—"he told me, that it would be necessary to change my name,",—a kind man, though unknown; more kind than many we know better, —"because it would be dangerous to come to England under my own name, as I had told him,"—and these are
inventions after the first part of the sentence,—“had told
him I was known in England under my own name; and
that already something had happened on this account;
not on my account, but on account of other people.”
“Did he tell you that a tumult had taken place?”—now
he is obliged to say something about a tumult, being led
to it by the reading of the question. “He told me some
tumult, some disorder.” “On what occasion did he say
that tumult had taken place?” “He told me nothing else.”
“You are understood to say it was with respect to other
persons; what did you mean by other persons?” “He
meant to say that some disorder had already happened, in
regard to other persons, for similar causes.” “What do you
mean by similar causes?” Now, I never saw a witness who
was brought into a corner by such a question, who did not
answer as this man has done,—“I have repeated what that
gentleman told me.” “Did you understand that it was with
respect to witnesses who had come to give evidence in re-
spect to the Queen?” “I believed it was for this object.”
“Did you know that any witnesses had at that time come
over to give evidence in the cause of the Queen?” “I did
not know with certainty, but in the same way I was coming
I might imagine.”—the potential mood again—“that some
other people might have already come.” And there I leave
him. I do not deny that he might imagine this or any thing
else. I do not deny that other persons might have come as
he was coming. I admit it to be possible. But what I
deny is, that any person could have told him that which
he says he was told. That he may have invented all this
here, when he was pressed from an unexpected quarter, I
readily admit to be possible; but that an unknown gentleman
should have accompanied the well-known Kroese to Paris,
should have told him a pure fiction of the brain, which no
man could have dreamt of a year ago, is as utterly impossible
as that a man should by chance have written the Iliad. My
lords, only see how this stands; for I am afraid you do not
feel it with the force which belongs to it. We now all talk
of the tumult at Dover, and the risk to which the witnesses
were exposed, with familiarity, because they are matters of
notoriety. But carry yourselves back to July 1819—Who
of us all, even in his most fanciful mood, ever dreamt of any
one part of that scene which has taken place—any part of
what we know, or of those consequences which we shall un-
fortunately never live not to know, have followed from these
proceedings,—a tumult in consequence of the arrival of flocks
of witnesses coming, and those regularly insulted, because
witnesses in the Queen's cause? All this is mighty familiar to us now. But go back, my lords, I say, to July 1819. Would any man then have suspected it? I say it was an invention by the witness, to cover his retreat from the position into which he had been unwarily entrapped; and that in the month of July 1814, no man ever told him, or could have told him, that any tumult had taken place, or that any witnesses had been exposed to insult.

My lords, it is only by comparisons like these that perjury can be detected, and conspiracies defeated. And this leads me to remark, that if you defeat a conspiracy by showing perjury, or untrue swearing and perjury, on points however collateral or trifling, there is an end of the credit due to the witness, and a failure of the proof of the conspiracy on the main points, though you should have left them untouched, which, however, is not the case here. But with respect to the witness Sacchi, I may as well now mention that part of the story which he and Rastelli, a turned-off courier like himself, had agreed in trumping up; because, however disgusting, however offensive, the slightest allusion to it, or the recollection of it, may be, I am sure your lordships will see that I cannot avoid reference to it, and comment upon it. Do your lordships think it very likely that any woman,—I might almost say any miserable person who gained her livelihood by prostitution,—would do that thing openly, in the face of day, with a servante servant four quarters from her, without the slightest covering a screen, which Rastelli tells you the Queen did openly, in the neighborhood of the Villa d'Este? Do you believe that with the knowledge that a courier was travelling on one side of the carriage, with the certainty that if surprised asleep, that courier might open the curtain, (for his story is, that he always did so,)—do you believe that, with the rain stinging her in the face to which such a discovery would expose her, by blasting her character even amongst the most abandoned of her sex, any living person would go to sleep in the position described by Sacchi as that in which the Queen and her chamberlain were found by him in the morning asleep in the carriage? But your lordships' credulity must be stretched yet many degrees; for if you should have expanded it so as to take in the belief, that such a thing happened once, it will be nothing compared with what Sacchi has occasion for, in order to be credited, you must stretch your credulity yet many degrees wider, in order to believe his story,—and if you do not believe the whole, you can believe no part of it. This, he said, was the habitual, constant practice,—it hap-
pened again and again,—and he himself saw the self-same thing several times. I appeal to your lordships.—Is this probable? Is it in the common course of things, even with the most profligate and abandoned women, the women who are a disgrace to their sex? I say, unless you believe the parties to be absolutely insane, there is no accounting for such conduct.

My lords, there is an impossibility, I think, physically, in the story which Sacchi tells, at a time when the carriage was going at the rate of nine or ten miles an hour, over such roads as we know are found in that part of Italy, with two hands placed a cross each other, while the parties are fast asleep, and without any power over their limbs. To overcome this difficulty would, I think, have required the testimony of philosophers who had made experiments. And yet we are called upon to believe this on the evidence of Sacchi, such as he has described himself to be, but who has given you no other description of the carriage, except that there were curtains to it. What if it be an English carriage, with glasses and spring blinds? What, if I shew your lordships, by evidence, that it was an English carriage, furnished with glasses and with spring blinds? And even if the glass were down, which is not very likely in the night, how was he to open the curtain without putting his hand in to touch the spring, which he does not say that he did? What if I should prove that Sacchi was not the courier who went that journey, but that it was another courier, of whom you shall hear more. But I contend that it is unnecessary for me to prove this. I deny that I am called upon to prove this. The opposite side had plenty of witnesses to establish their case, if established it could have been. They had abundance of cast-off servants; and if cast off—servants would not answer their purpose, they had the servants now in the employment of Her Majesty. Now, why did they not call them? Again and again let me entreat of your lordships never to lose sight of this fact,—for it is a main if not the cardinal point in this case,—the accuser is not ever or upon any account, to be excused from making out his case. He has no right to put it upon the accused to call witnesses to prove herself innocent, seeing that it is the business of the accuser, by good evidence, whencesoever it may be drawn, to prove the guilt.

But was there any other person in the carriage while this scene was going on? "Non mi ricordo" was the answer of Sacchi, adopting the well-known language of the justly celebrated Majocchi. Now observe, my lords, the caution
of this answer. That question did not come upon him by
surprise. "I shall be asked," thought he, "whether there
was any body else in the carriage. If I say there was any
body there, nobody will believe it to have happened. If I
say nobody was there, and it turns out that somebody was
there, this will destroy my testimony, and therefore I must
say I do not remember." But he shall not stay there. In
that lurking-place he shall not abide. I will drag him out.
The first remark naturally would be—"This could not have
taken place when any person was by; there must have been
nobody else there." My lords, there was somebody else
there, as I will prove to your lordships, during the whole of
the journey. In the next place, after a person has witnessed
such a scene as this, and that person a servant, is it very
likely that, from that moment forward, his lips should be
hermetically sealed? that he should never dream of con-
fiding it to the easy ear, the willing ear, of his tender and gen-
tle and soft friend Demont? that he should enjoy the inti-
mate and delightful intercourse of her society for months,
both abroad and in this country, without talking of this,
from a delicacy, I have no doubt, in their intercourse, far
above that of all other pairs? He was aware that some had
split upon a rock by saying that they had never told their
story to any one until they told it at Milan—boatmen, ma-
sons, carvers, gilders, waiters,—all the witnesses brought
from Lombardy. But he did not choose to say so. He had,
by your lordships' kind permission, seen the evidence taken
at your bar, and had studied it, knowing, as he does, the
English language. He did not, therefore, choose to say,
"I had told it to no one," but thought it more safe to say,
"I had told it to people, though I cannot name one of them
now." I say if it is clear, that such a thing could not pass
and be seen without the eye-witness telling it again, it is just
as clear, that the eye-witness could not tell it again without
well recollecting to whom he had so told it.

My lords, as to the witness Kress and her story at
Carlsruhe, I have only to add, that it is physically impossible
it could have happened, inasmuch as she says she well re-
members it was after the first night they arrived at the inn.
She remembers that by the circumstance of her having been
called in one morning at breakfast——

[At this stage of the speech the house adjourned, and next
day, (October 4th) Mr. Brougham, resumed.]

How comes it to pass, my lords, that with no want of care
in the preparation in this Case; with the greatest display
of skill and management in all the parts of the preparation;
with boundless resources of all sorts, to bring these faculties into play; there yet should be one deficiency so remarkable, that even upon the names of the witnesses being pronounced, it must strike every observer—I mean, the total want of balance between the different countries from which the evidence is brought, and the unfairness shewn towards some great nations, contrasted so manifestly with the infinite attention paid to others; so that while the Italian States, from the greatest to the pettiest, are represented on the present occasion by numberless depaties, I will not say of all ranks—but of all ranks below the lowest of the middle orders—when you come across the Alps, you find Switzerland, the whole Helvetic League, appearing in the person of a single nymph, and the whole circle of the Germanic Empire, embodied in the personage of one waiting maid at an inn—that from Vienna, the capital of the whole country, nobody appears at all—that from none of the other resting places of Her Majesty, in her tour through her native land, does a single delegate arrive—that from none of her abiding places there, least of all from the spot of her nativity, where she was best known, is one deputy to be seen—and that, in fact, every thing on this side the Alps is to be found in the person of one chamber-maid, or cellar-maid, or assistant to the cellar-man or drawer,—for in grave quarters doubts were raised in which of these capacities this Germanic representative was to be regarded. But, whatever doubt we might entertain as to her quality, with respect to her number there is no doubt: she is assuredly the one, single, individual person from the portion of the world, and save and except the Swiss maid, she is the one single individual of all the company who is not Italian. I beg your lordships' pardon, there are two grand exceptions, but they are my witnesses, not any learned friend's, and I reserve them to open my case with.

My lords, I now come to call your attention to this single German individual who appears before you, in proceeding to deal with whom, I was kindly interrupted by the attention of your lordships to the convenience of the parties yesterday. And here, as upon former occasions, I find myself obliged to have recourse to the witness herself, for the description of her own qualifications. She knows them best; she cannot be said to bear an unfavourable testimony for excepting always the single instance of the Queen as shewn forth against her here, there never yet was known any person extremely anxious to fabricate evidence against herself. Now Kress, to take her from her earlier years, appears by her own account to have embraced at the ten
derest age the reputable, the unsuspicous, the unexposed office of a chamber-maid at a little German inn. If your lordships will calculate from the number of years which she mentions back to the time to which her evidence applies, you will find she was just turned of thirteen years when she first became such a chamber-maid at the inn where she was afterwards found. The other places in which she served, it is not quite so easy to discover; but still there is no very great difficulty; and any little impediment in the way of our research into this part of her history is removed by a little attention to what the object is of the person who alone creates that difficulty, and to the motives with which it is thrown in our way. I make Kress herself her own biographer; for she tells you she was in other places,—what places? Mr. So, and So. "Mr. Marwry,—what was he?"—"I was as his servant." She tries to sink, until pressed, what the particular occupation of the master was, and what the particular capacity of herself in his service; and then it comes out, that in all the instances, without one exception, in which she had a place, unless when employed in the laundry of the palace of Baden, she was in all those cases in an inn, and in no other kind of house. However often she may have changed her service, she never has changed her station.

My lords, she lets us a little more into her history afterwards, and into the nature of her professions to credit before your lordships. First, we find in what manner she was induced to give her evidence; and I do entreat your attention to it, because it shows, that if there be any want of witnesses here, particularly from Germany, it is from no lack of agency on the part of those who were preparing the case against the Queen; for the agents in Germany are found in their accustomed number, with their usual activity, and with the full command of their ordinary resources. And I must say, that reflecting upon the Milan Commission as an Englishman, and recollecting that the German agents are not our countrymen, I feel some satisfaction that there was a greater degree of impropriety shown in the conduct of the German agents than we have ever imputed to any one beyond the Alps. I introduce to your lordships fearlessly in support of this proposition, Baron Grimm, the minister of Wurtemberg, the throne of which has been long filled by the Princess Royal of England. But I trace his connection with the parties in this prosecution. He and a person named Reden, (which Reden succeeded Baron Ompneda in his mission to Rome, where he dared to treat the consort of his royal master—his own Queen as well as she is your lordships’—with
insults that made it impossible for her to remain on the spot, even if the defence of her honour had not imperiously called her hither)—Grimm and Reden, and another whose name does not occur to me, but who is also a minister of the Grand Duke, at the place where the scene is alleged to have taken place, were the active and the unscrupulous agents in this part of the plot against Her Majesty. The worthy Baron Grimm, in the zeal which he shows for his employers, I have no hesitation in saying, has scrupled not to throw far away from him all those feelings of decorum, which a man may not dismiss, even in the most ordinary occasions of private life. It seems, however, that in affairs of diplomacy, things may be justifiable in a minister which would disgrace a private individual,—that conduct may earn him the applause of his employers which would call down upon his head the reprobation of every honest man in private life,—that actions may cover him with rewards, which he falsely calls honours, that would dishonour and disgrace him, had he been only acting in his individual capacity. My lords, I say, Baron Grimm did that which would have inevitably worked this destruction to his character, if he had not been a diplomatic agent,—to whom, I presume, all things are lawful.

Baron Grimm, was living in certain apartments,—they were his own by occupation. He heard that the Queen was about to arrive,—he artfully gave them up. He accommodated Her Royal Highness with the use of those rooms. He kindly left the principal apartment, and disinterestedly encountered the inconvenience of a change to other and worse lodgings. He courteously gave her the use of those from which he had himself departed; and, as soon as Her Royal Highness departed from the rooms,—on the very day that she left them,—he returned again to the same rooms, and was found with another coadjutor in this plot, running up and down,—to use Barbara Kress’s expression, “running about the rooms,” examining every thing, looking at the furniture, prying into the beds, taking note of what had passed, that he might report to those who he thought would be pleased to find that he had gone upon such errands, but who I know and feel were above sending him upon such a dirty mission. But in one character he does not appear. Active as this agent every where is in the vile office of a runner of the conspiracy; sedulous and unscrupulous in his observations as he has been; regardless of his own dignity, and forgetful of that of the sovereign whom he represents, as he has proved himself to be,—he nevertheless does not condescend to make himself a witness. He does not adventure
to come forward here; he does not show the same boldness to face your lordships and us, which he showed to face the reprobation of the public in his own country, and wherever else his conduct should be criticised. Here the Baron is not forthcoming,—here he is not to be found,—yet here he was a material witness, material in proportion to the importance of the matters which Barbara Kress alone has been brought into this country to swear to; of paramount importance, because Kress is the only witness who is brought to swear to any one of those particulars which are said to have passed at Carlsruhe; of still greater importance, when your lordships reflect, that because he entered the room at the moment the Queen left it, he must have been able, if Kress spoke the truth, to give confirmation to her statement. The Baron is, however, absent, and the only witness that could be obtained by all the skill, the industry, and the zeal of the several agents, to speak to the extraordinary fact, is this single German chamber-maid.

Let us then pursue the history of the only witness whom, with all the means in their possession, and so little scrupulousness in using them, these agents have been able to gather from all Germany. Look, my lords, at the contradictory account the woman gives of her motives for coming over to this country. She twice over swore that she came upon compulsion,—that she only came because she was forced,—and you no sooner turn the page than you find that she made a bargain for compensation for the loss of time; but she was never promised any thing,—no recompense—nothing of the kind—no belohnung, only an entschädigung, it was said while she was examined, and said by those who were examining her: but she would not say so, she would not adopt the expression tendered her; though offered to her, she would not take it into her mouth, but she said she came by compulsion, yet at the same time confessed that she had bargained for recompense. But what had she reason to expect without any express bargain being made? What reason had she to expect recompense? And with what liberality had she ground to hope it would be meted out to her? She shall again tell the story which she told however reluctantly. None of your lordships can forget with what reluctance she let it be wrung from her; but, happily, still it was wrung from her. Your lordships will find the part of the examination I allude to in page 193 of the printed minutes. She was asked, whether she had ever been examined before, and she answered, she had been at Hanover. The examination then proceeded thus, "What
did you get for going to Hanover?" "I received a small payment, just for the time I had lost." How much was that payment?" "I cannot exactly tell; it was little, very little." Now this I pledge myself to the accuracy of,—"little very little," those are her words at page 193. Why then, it was said, the less it was, the more easily it may be remembered; but it subsequently turned out, that it was not because the reward was so little, but because it was so great that she could not recollect it. "it was little, very little." Very little! What was this mere nothing? What, my lords, if it was a larger sum by five or six times than her yearly wages? What, if it was a larger sum by ten times than her yearly wages? What, if this little, this mere nothing, was even greater than her yearly wages, including all the perquisites of her place? What, if added to the sum she got for another trip to be examined at Frankfort,—she having been absent from her home six days on one trip, and four or five on the other,—what, if for one fortnight of a year, taking the going and returning into the account, this "very little," this mere nothing which she cannot recollect, which she dismissed from her memory, and cannot now recall, because it was so little, turns out to be about double the sum, at all events more than half as much again, as she ever received, wages, perquisites, incidents included, in any one year, in her occupation of chambermaid! Now, my lords, will any man of plain ordinary understanding and capacity, even if he has not been accustomed to sift evidence,—even if this were the first time he was ever called upon thus to exercise his faculties,—pretend to say that he can believe this woman, in her attempt to deny receiving any thing,—in her failure in the attempt to recollect what it was, because it was so little a sum, when it was a sum that must have made an impression upon her mind, not only sufficient to prevent forgetfulness of it, not only (if she spoke truth voluntarily and honestly) to make her have no doubt in her mind of the amount, and no difficulty in telling it; but,—what is equally of importance for your lordships' consideration,—to make that part of her evidence be pronounced false also, in which she says she expects no reward in future; when here you see, that her expectations for the future must be measured by her recollection of the liberality with which she has been treated during the past?

My lords, you will find that the same equivocating spirit pursues this witness through the details of the case. The way in which she describes herself to have left the room where she pretends to have witnessed one particular scene,
in order to go to the Countess of Oldi's chamber,—her way of denying when examined, whether she went there to satisfy herself that the person she had seen, or thought she had seen, was the Princess,—clearly shows your lordships, that she did not go to Madame Oldi’s room for such a purpose, if she ever went at all; for, in answer to one of the questions put to her, as to the purpose of her going to Madame Oldi’s room, and whether it was not to assure herself as to whom she had seen in the other room, she says, “I saw it was the Princess,” which had nothing to do with the question as to the purpose of her going to Madame Oldi’s room, if the other account she gives were true, that she had no such motive in going to Madame Oldi’s room, which was not an immaterial point; for it was necessary that she should negative any such reason for going to that room, as otherwise she could not prove that she had certainly seen the Queen in the other room—Non-constat that the Queen was in that room, because Madame Oldi was not the only other woman in the house. It does not prove it was the Queen because Madame Oldi was in that room; but still the witness having gone thither with the intention of ascertaining if Madame Oldi was there, was a complete proof, that she was not satisfied of the person she had seen being the person whom it was her interest and her well-paid employment to come forward here for her employers in this conspiracy, and swear she had seen. I have mentioned to your lordships, that in the Carlsruhe case the ambassador Grimm does not come forward, with others who might have been brought—others, belonging to the place—others belonging to the Queen’s suite—to the absence of whom the observation I had the honour of making yesterday, and which I may have occasion to repeat afterwards, at present most strongly and most undeniably applies.

But now, my lords, we must again cross the Alps in pursuing the history of those witnesses. And there we find, that having dismissed all the principal performers in this piece, those who remain are mere make-weights thrown in to give colour and consistency to the fanciful picture, and to all of whom are applicable the general observations upon such testimony, which I had the honour of submitting to your lordships yesterday. Nothing, I think, can strike any one as being more inconceivable, than that what all these witnesses swear to have seen take place, should have been disclosed to mortal eyes by either of the parties to whom the depositions apply. The character and nature of those witnesses—of the lowest class of society—of the meanest
appearance in every respect—of the humblest occupations, some of them even degrading ones, after all the pains taken to render them produceable witnesses—the total failure to clothe them with any the least appearance even of ordinary respectability—all this must have forcibly struck every person who saw but a single one of them here. I might remind your lordships of Guggiari, one of the boatmen employed on the Lake of Como, one of a boat's crew of eleven, all of whom were present at the time, none of whom had any intercourse of a confidential nature with either of the parties—if we are to talk of two parties here, as the accusation compels me to do, contrary to all truth, and without any proof on the part of the Bill. The impossibility of conceiving that any individuals in their ordinary senses, and possessing their common understandings, would have allowed such things as have passed before eleven men of this description, and all strangers to them must have struck every one who heard the evidence given, and have dispensed with the necessity, and almost excluded me from the duty of cross-examining a single one of this swarm of petty witnesses, who where filling up the gap between Kress and Demont. Why were none of the others called—none of the crew? Did Guggiari ever tell to any person what he had seen? Had he ever from that moment to the present time whispered it to one living ear? Yes, once. When? Where? At Milan—to the Commission. So is with all the rest. Rastelli, who swears to a scene too disgusting to be gone over in detail—who swears to that abomination having been impudently practised in the open face of day, without the most ordinary covering or shelter, whilst he was at four paces distance, and where the turn of his head might have revealed it to him—this Rastelli, like all the rest, (for it is an observation that applies to every one of the witnesses of these strange abominations, as if the relation between cause and effect in this singular case was wholly suspended), had never opened his mouth on the subject—his lips were hermetically sealed, never to be opened again until he appeared before the Commission at Milan. Ten long months elapse—the same silence? Was he living the life of a hermit all these ten months? Did he, like a solitary recluse, never see mortal face, nor approach human ear? Was there no brother, sister, friend, man, woman, or child, to whom he could whisper it? To child, perhaps, profligate as I have no doubt he is, he might refrain from revealing it; but to brother, to mistress, to wife, he might have communicated it—to boatmen, who have been, as I know, the means of corrupting not a few of those whom they have attended, for
they have confessed that they have got into the way of telling stories which had not a shadow of foundation, because their passengers had got into the way of paying them for being amused with those details by way of gossip—not one whisper ever escapes the lips of Rastelli, or of the other witnesses, with respect to the sights they had seen. Is it, my lords, the effect of seeing such sights to make men silent? Is it the effect of seeing such sights to make men even in the higher ranks of society, silent? How many are there of your lordships, who have not had long official habits,—whose lips are not under the regulation which such experience is calculated to inflict,—whose whole movements of mind and body are not disciplined and squared according to the rules of a court, so as even to enact the courtier when none are present—how many are there, even of your lordships, who would not in your natural state instantly have revealed it to some friend or other? But, my lords, I profess I can name none in private society—I can hardly name any gentleman, however prudent and discreet in his conversation, who not being intrusted confidentially, who only seeing what the party showed they evidently did not mean to be concealed, who under no seal of secrecy became acquainted with the fact, that would not necessarily, on witnessing so strange a sight, have made those wiser for talking with him whom he might afterwards chance to converse withal. Yet these low people, so different from persons in the upper ranks of life, are so much more discreet, so infinitely more upon their guard at all times and seasons, so incomparably more delicate in their conversation, talk only to persons of purity whose ears would be contaminated, and whose cheeks would be crimsoned by the repetition of these details; for in no one case does any of the witnesses pretend to say, that he had ever told a living being of those strange and abominable sights which he had just witnessed. Were they sights of every day's occurrence? Was the Princess of Wales kissing her servant openly, and without drawing the curtains, a thing that happened on the lake of Como as often as the wind blew over it? Was the Princess riding with her servants in a carriage, in an attitude of foul indecency not to be named without a blush, an occurrence which happened every day? My lords, my lords, the sight said to have been witnessed was so strange, so unheard-of, so frightful, so monstrous, so portentous, that no person could have beheld it and kept it to himself for a single day. But days, weeks, months, passed away, and then it was told for the first time before the Milan Commission! It was then, for the first time, that the lips of those persons
were unsealed! But I will not admit, that they concealed this extraordinary thing for weeks or days, or even hours. They may indeed perchance have concealed it, from the instant that they invented it, upon hearing on their journey to Milan, that their predecessors had been well paid for lesser slanders; they perchance may have kept it to themselves lest they should have covered themselves with infamy among those who knew it to be all a falsehood,—among their neighbours they may have concealed the vile fiction,—but they kept it secret no longer than the journey to Milan demanded; and in no case, will I venture to say, was it kept longer in their breasts than from the time it first crossed their imagination to the time they went and earned, by telling it, the reward of their perjury.

But, my lords, you will see that in this instance we have no variety. There is, in this respect, a general sameness in the conduct of these witnesses. In other instances there are variations of importance. Do your lordships recollect Pietro Cucchi, the waiter from Trieste? Can any man who saw him have forgotten him? Does he not rise before you the instant I mention his name,—unless any of your lordships should recollect the face, the never-to-be-forgotten expression of face, although the name may have escaped you? Do your lordships recollect that unmatched physiognomy—those glancing eyes,—that snivelling nose,—that lecherous mouth,—with which the wretch stood here to detail the impurities which he had invented, to repeat the falsehood to which he had previously sworn at Milan? Do you recollect the unparalleled eye of that hoary pandar from Trieste? Did he not look, as the great poet of Italy describes the hoary unnatural lecher in the infernal regions to have looked, when he paints him as regarding him with the eye, the piercing eye, of an ancient tailor peeping through the eye of his needle?*

I remember that man well. The story he told is enough; but I will contradict him, for he at least shall not pass unpunished. He at least is here. He must be made an example of. I can contradict others,—! can drag others to punishment,—but he at any rate shall not escape. My lords, I will shew you, by evidence undoubted, unquestionable, above all suspicion, that that man must have sworn falsely. I will prove it by the room itself. I can, if I will, prove it by the position of the door. I think his own account of the position of that door, in answer to questions put by your...
lordships, might almost save me the trouble of doing it. But I will shew you more.—I will shew you that what he swore cannot be true,—either here, if your lordships put me to the necessity of it, or elsewhere, for the sake of justice. I can shew, my lords, that the Queen slept at Trieste, in her whole life, but one night: that she came one day,—went to the opera, as he admitted she did (that was the only truth the wretch told)—left it on the morrow,—and neither before nor after ever crossed the threshold of the gates of Trieste in her days.

My lords, I dismiss the other witnesses of the same description. I take this filthy cargo by sample purposely. Let those who will delve in the bulk,—I will not break it more. That it is damaged enough, the sample tells sufficiently, and with a single remark I dismiss it. Recollect, my lords, those foolish stories, not only about the hand, but about the pictures, and about the bracelet chain being put round the neck, with I know not what other trumpery; got up for the purpose of variegating the thrice-told tale; and you will, I think, agree with me, that the Italians who coined the fictions are pretty much the same now that they were known by our ancestors to be some centuries ago. Whether Iachimo be the legitimate offspring of our great Shakespeare's mind or not, may be doubted; yet your lordships will readily recognise more than one of the witnesses, but one especially, as the own brother of Iachimo. How has he represented himself?

—"I have belied a lady,
The princess of this country, and the ain don't
Revevingly enfeebles me.
—Mine Italian brain
'Gain in your duller Britain operate
Most vilely; for my vantage, excellent;
And, to be brief, my practice so prevail'd,
That I return'd with similar proof enough.
To make the noble Leonatus mad,
By wounding his belief in her renown
With tokens thus, and thus; averring not
Of chamber-hanging, pictures, this her bracelet!"

My lords, the cases are the same. We have the same evidence, from the same country, for the same purpose, almost with the same effects; and by the same signs, marks, and tokens, with an extraordinary coincidence, the two cases are sought to be substantiated.

And now permit me, having disposed generally of the characters of the witnesses, to call the attention of your lordships,—and it shall be within much narrower limits than
I could have done, had I not necessarily anticipated the greater part of my comments on this part of the case, in describing the character of the witnesses who supported it; because, while I have been dealing with the subject in that way, I have been of necessity led to anticipate, by commenting on the different branches of the case which each witness was called upon to substantiate—permit me, I say, to call the attention of your lordships to the several heads, as it were, of charge—the several counts—if I may so speak of this strange indictment, under the form of a Bill of Pains and Penalties which is brought forward against Her Majesty by the ministers of her Royal Husband.

Your lordships will recollect, that the first of these is evidently a Neapolitan scene. There the connection is alleged to have been first completed—there the parties came together and accomplished, for the first time, but with great freedom, and with long continuance, and without any restraint at all, the purpose which they appear, I will not say long to have cherished, but to have conceived somewhere about ten days or a fortnight before. The Princess of Wales (this is the accusation), having been therefore a person of unimpeachable character, a person of unimpeachable life,—proved to have been so by much stronger evidence than if she had never been suspected,—proved to have been so, if there is truth in evidence, if there is benefit in acquittal, if there is justice in the world,—proved to have been so, better than if she had never been tried, by two solemn acquittals, after two searching examinations, carried on behind her back, and in circumstances utterly unfair and unfavourable to her,—so much proved to have been so, that when one set of ministers had reported her clear and innocent of the charges brought against her, but recommended her to be censured for what some persons were pleased to term "levities," their successors in office, the authors of the present proceeding, were in no wise satisfied with this scanty acquittal, as they thought it, but determined that the censure for levities should be expunged, and recommended solemnly that she should be instantly received by her sovereign, her uncle, and her father, at his rigorously virtuous court, as the purest princess would be received who ever adorned the walks of royal life,—this character having, by such trials been supported—having come out of the fire purer, in the eyes at least of those who favour the present charge against her—how do those who at least are thought to favour this charge, but I should deem unjustly thought considering their former history—how do they say she demeaned herself th-
the instant she left England? Their maxim—their rule of
conduct—their criterion of probability is, *nemo repente non
fit turpissimus*. Arriving in Italy, say they, this pure and
unimpeachable personage hires a servant, a man then at
least in a menial capacity, of whom I shall afterwards have
to say a few words. She moves towards Naples; and, in the
course of a few days, certainly in less than a month, you are
desired to believe that the whole of the criminal intercourse
commenced, that the degradation of the Princess was com-
pleted, and all restraint flung way,—from the mistress of the
servant she becomes the mistress of the lover, of a menial
lover,—plunging herself into a depth of vice which even
habitually profligate women could not for years accustom
themselves to display or endure. Now, my lords, the
whole case against Her Majesty falls to the ground, if
your lordships do not believe, that on the second night
of her arrival at Naples the alleged connection between
the parties, the Royal Mistress and her hired servant, com-
menced; because Demont and Majocchi have both sworn to
facts, which, if true, nay, if in their least particular true,
prove the connection to have begun from that night, and
have from thenceforward continued. And, with what cau-
sion is this carried on? Suppose that a long course of 'pro-
fligacy could not only bend the mind to the disgraceful cir-
cumstances, but render a woman incautious by habit—that
is possible. But, it is not so here; for the first act is about
the most incautious of the whole,—I mean, her choosing to
go by the passage where she must be observed, in order to
avoid the safer way to the room, the way through which it
was highly probable no eye could watch her.

Then, my lords, only recollect the manner in which the
evidence is brought forward; only see the manner in which
this case is offered to your lordships' belief. How is the
room prepared for the first night when the guilty pair were
to meet?—By placing in the room which was to be the
scene of their first loves—loves so ardent, that to accomplish
them, all regard for decency and decorum had in one instant
been flung away, and all caution to conceal them been for
ever abandoned,—by placing in the room one small iron
bedstead, of dimensions hardly sufficient to contain a single
person, and only used upon a journey or in a voyage! This
was the only preparation in a house, every room of which
contained a comfortable bed. Nay, in that very room itself
there was another and a large bed, which the witnesses tell
you was left untouched. This circumstance alone is decisive.
The witness tells you, in her first examination, that the
larger bed was not much tumbled; but, a day or two afterwards, I think on the third day, she mends this materially; and then, in answer to a question put to her by my learned friend, Mr. Williams, who reminded her that she had said the large bed was not much tumbled, she says, "Yes, I said so when I was examined the other day, but I have since recollected something, and I can tell you more about it now."

One of your lordships had that explained, and out came the story of the stains last of all—after she had again said, the second time mending the first account, that it looked as if two persons had pressed upon it in the middle. I repeat, last of all she recollected the stains; but what those stains were she could not tell. No person examined her about them; but she had not much liked my learned friend's operations the day before. She was not in good charity with Mr. Williams, after the second day's examination, which happened to be in his hands, and not in those of my learned friend the Solicitor-general; and, accordingly, she then said she would tell him nothing more, or, as she said herself, she recollected now what she had forgotten then. What did Mr. Williams say to her? What had passed in the interval to make her recollect one single tittle which the leading examination of the Solicitor-general, (I speak it not offensively), with the brief before him, ought not to have made her remember, and which yet it could not make her remember then? Was it likely or probable she should forget so strong a circumstance as the situation of the bed, when she knew that she came here to prove adultery—when she felt, at every word she spoke, that she was here for no other purpose? The witness farther volunteered to say, that the Princess returned home early from the opera. I shall shew, that she remained till the opera was over, in the presence of the royal family of Naples, and in the royal box. She said, that the Queen was in a state of considerable agitation when she dismissed Billy Austin, for the purpose of being alone. She said that Billy Austin had been accustomed to sleep in the Queen's room. But I shall shew your lordships that this had ceased long before. I shall shew your lordships that he slept in the next room to Her Majesty, and that the door of communication was constantly unlocked. The witness said, that Her Majesty forbade him to come into the room; but she did not forbid him, in the most simple and effectual of all ways—by turning the key. She also describes the Queen as coming home early from the opera, to do what no man can doubt was adultery, under all the agitation and perturbation of a bridal...
night. Yet, my lords, will any man believe, that this person, so circumstantial and minute on other occasions, with a perfect sense how infinitely important it was to the tale that the bed should be represented not only as tumbled, (which yet she said was not much tumbled), but as having been slept in by two persons,—will any man believe, that if she then knew this, or afterwards could have recollected it, and if it was not a mere after-thought and fabrication, she would not have said at first, "Oh yes, the bed looked as if two persons had slept in it;" and then the stains would have been added, which she probably knows the meaning of, although, like Barbara Kress, she denies she understood them?—It is plainly out of human probability, that persons should recollect them, unless they understood them; otherwise, they are no more than ordinary marks or stains, which no person ever heeds, any more than the wind that passes over his head, or the marks left by the rain upon his path.

My lords, at Naples, another scene took place, to which Demont is the only witness. She takes care to tell you no time. She is aware of the consequences of that. She will not give you the means of sifting her tale, or expose herself to the risk of contradiction. She will not tell you, whether it was a week after their arrival at Naples, whether it was near the beginning or near the end of their stay there, or towards the middle of it. But some night during their stay at Naples, she saw Bergami come out of his room naked except his shirt, without stockings on, without a night-gown on, and moving towards the part of the corridor into which the Queen's chamber entered. She did not start back, she did not retire; but she moved on in the direction towards Bergami. And Bergami did not start back; he did not retire; Bergami did not make any excuse, and Bergami seeing her before his eyes moved on also; and she made her escape out of the door; and he still did not bethink him of making an excuse, but moved on to the accomplishment of his guilty purpose, with more alacrity than almost a husband would have done, in going to the bed-chamber of his own bride. Your lordships will find all this in page 251 of the printed Evidence. I hardly stop to refer to pages, because I do not rely on particular passages, but only draw your attention to the main and leading features of the case, which cannot possibly have escaped the recollection of those among you who heard the evidence given at your bar.

Let me now remind you of the scene which is represented to have taken place at Catanea. And observe, my lords, that here there are two witnesses who might have been called to
speak to this transaction, if it really did take place, both of whom were named and vouched by the Attorney-general in his opening. "Two maids," says he, "were sleeping in the next room to that of the Queen; they both saw her come back from Bergami's room at an early hour of the morning; they both heard the child crying and the Countess trying to pacify her; and they both must have known what all this meant." Now, the Attorney-general not only does not venture to call both, but only one; but he does not venture to state, that these two women have ever communicated together, from that time to this, upon a tittle of what that morning or that night had passed. They never did communicate together—they could not communicate together—for nothing of the kind had passed. The whole thing was false; but Demont alone is called. And what is the story as she tells it? Now, I pray your lordships to attend to it; for it is, if possible, more incredible upon the face of it; from the multiplied improbabilities under which it labours, than that which I have just run over at Naples. Bergami usually slept, not only not near the Queen's bed-room, but on the other side of the court, which formed the centre of the building. On the opposite side of the court was his ordinary bed-room while he was well; but he became sick; he was seized with a severe fever, and he was brought over from his usual room into another room, belonging, I believe, to the Countess Oldi; and there he was lying ill for some days. Now, is it not a little extraordinary, that the scene of this amour at Catanea should be laid—I will not say in that room, though this would be strange enough, considering it could only be approached through the room of the maids—but that it should have been laid at the time when Bergami had a fever, and not when he was in good health? Bergami is there as a patient, not as a lover; and yet this is the particular moment chosen for those endearments which are left to be understood; and then Her Majesty must have Bergami placed just in that situation of all others, in which access to his bed-room was rendered the most difficult and embarrassing, nay, the most impossible, when there were the two maids sleeping in the room between Madame Oldi's and his (for the Queen slept in that which had been Madame Oldi's room.) The Princess moved out of her room, and one of the servants had undressed her—this very witness had undressed her—in her own room; and the story is, that she removed out of her own room in the night, and returned in the morning—not that she was always lying in Bergami's room, but that she went there in the night, and coming back
in the morning, she was seen by the maids returning. Is it not a marvellous thing, my lords, that this should be the mode of operation? that the thought should not strike Her Majesty, that, in the accomplishment of this purpose, she was running the utmost risks without any inducement—risks similar to those which she ran at Naples in going through Majocchi's room instead of the empty room—while she might, by an alteration of the rooms, have rendered all safe and easy? She had only to place herself in the servants' room, or in Madame Oldi's new room, and there she could have had access to Bergami, or Bergami to her, without crossing the threshold of her maid's door? But, if your lordships are to believe the representations made to you, all this is only in furtherance of, and in conformity with, the uniform tactics of Her Majesty, to multiply damning proofs against her own character, her own existence, happiness, comfort, every thing dear to her in the world. For this is the plot she is in; and she is under a spell, if you believe the witnesses, never to do an act injurious to her character, without providing at the same time ample evidence to make that injury inevitable and effectual.

And now I am told that I can contradict all this by means of Mariette Bron, the sister of Demont, and that it must all be believed unless Mariette Bron is called. I say, why did not you call Mariette Bron? I say, she is your witness; because you opened her evidence—because you vouched her—because you asserted that she was present—because you told us what she saw. And yet you call only her sister, whom you have in your own pay. I say she is your witness—because this is a criminal proceeding; because it is worse than a criminal proceeding; or of a nature higher at least in its exigency of pure, perfect, unsuspected, sufficient, nay, abundant proof. I say a Bill of Pains and Penalties is a measure of such severity, that it ought to be supported by evidence, better, if possible, and stronger, than that which takes away life or limb. I say, she is your witness, and not ours—because we are the defendants, the accused and oppressed by the Bill of Pains and Penalties, which does not only accuse, but oppress and overwhelm. She is your witness and not ours—because we stand upon our defence; we defy you to prove us guilty, and unless you prove our guilt, and until you prove that guilt, we ought not—if justice yet reigns here, we ought not—to be called upon for a defence. My lords, in a common civil suit, I can comprehend such tactics. I am not bound, in claiming a debt, to call, for the purpose of proving my case, my adversary's ser-
vant, or his clerk, or his relation; but if I am placed upon
my defence, charged with even the lowest crime known in
the law, pure, unsuspected testimony must be given, whether
it is to be derived from one quarter or from another—whe-
ther it is to be got from the prosecutor’s side or our own.
And I will put a case to remind you lordships of this:—
Suppose a highway robbery or murder alleged to have been
committed, and a man is put upon his trial for it; suppose
that a Bow Street officer, panting for his reward, or an ac-
complice, infamous by his own story, or a spy, degraded by
his calling, or any other contaminated, impure, necessarily
suspected witness of any description, is alone put forward to
prove the charge; and suppose a friend of the defendant
were standing by, his servant, or his partner in trade, or any
person who is barely competent, by the rules of evidence, to
appear as a witness—any person except his wife, who can-
not be a witness—I say, no man ought to be—I say no man
can be—I say, by our uniform practice, no man ever would
be called upon to produce in his defence, that friend, that re-
lation, that servant, unless the case against him had been
first proved by unsuspicuous testimony; and if only the de-
graded spy, or the infamous accomplice, or the hired inform-
er, or the Bow Street runner, were called against him, their
testimony is not such as to make it needful for the prisoner
to call his friend. It is the prosecutor who must call that
friend: it is no excuse to say he is a friend, a relation of the
accused; a partnership is no excuse: the English law de-
mands, what common sense approves, that every man shall
be considered innocent until he is proved guilty; and that
guilt must be proved at the peril of him who seeks to con-
demn losing the purpose of his prosecution.

My lords, the Queen is in a most singular situation. She
must open her mind to painful constructions of the conduct
of those who surround her. She may not view with a chari-
table eye the actions, and construe the feelings and the motives
of all she has intercourse with. She has been injured, by a
long course of persecution—by the experience of much oppres-
sion—by familiarity in her own person with manifold
frauds of her adversaries—by all the arts of spies—by all the
malice of the spiteful and revengeful—by all those hidden arti-
sifices which are never at first and not always even at last, dis-
covered—artifices which only sometimes she has had the means
of tracing and exposing to the day. Such is the life which
she has led, the life of which this last scene now sitting by
you, is very far from forming an exception; all that she has
seen heretofore—all that she has seen now since she was
last to Italy—all that she has witnessed here since her return—all that she has seen since this proceeding began—and she has heard the evidence read, down to the examination of the last witness on the last day—all is calculated to make suspicion, general, almost universal suspicion, the inmate of an otherwise unsuspecting breast. It is the fate of those who are ill used—it is one of the hardest portions in the lot of those who have been so buffeted by the Grimms, the Omptedas, the Redens, not to mention the Douglasses, the Omptedas, of our own land—it is the hard lot of those who have passed through such trials, that the solace of unsuspecting confidence is banished from their harassed bosoms; their hearts are seared and hardened; they never can know whom they dare trust. And even at this hour, Her Majesty may ignorantly be harbouring a second viper in her bosom, of the same breed as that which has already attempted to destroy her, and engendered in the same nest. The Queen, my lords, has about her person a sister of Demont. She was placed there by that Demont. She was kept there by the arts of that Demont. She has corresponded with that Demont. They have corresponded in ciphers together, if you are to believe Demont, which I do not. But I take her as described by the Case for the Accusers; and, in all the circumstances which justify, may prescribe suspicion, as a duty to her own personal safety, my learned friends yet leave their case short against the Queen, proved by such evidence as I have described to you, or rather, as it is painted by the witnesses themselves, and leave Her Majesty to call their own witnesses! They say, "Why do not you call the waiting woman, Mariette Bron, who is still left by her sister with you—whom that sister first planted in your household—whom that sister made you retain about your person, at the very time she was hatching her plot against you?" My lords, he who fulminated over Greece, and darted through her assemblies his words of fire, once said, what I would now repeat, imploring you not to take it in our own poor language, but to recollect the immortal accents that fell from him, in which he imprinted on the hearts of his countrymen, that instead of all out-works, all fortifications, all ramparts, which man can throw up to protect the weak, the best security which the honest and the feeble have against the fraudulent and the powerful, is that mistrust which nature, for wise purposes, to defend the innocent against the strong and the cunning, has implanted in the bosom of all human kind. It is alien to the innocent nature; but it is one of the misfortunes to which innocence, by persecution, is subject, to be
obliged to harbour mistrust while surrounded by plotters so little scrupulous as the Grimms and Omptedas, working with agents so still less scrupulous, as Majocchi, Sacchi, and Demont.

My lords, I am satisfied in my own mind, and I have no doubt all who hear me will agree with me, that we are not bound to call this witness. I know not, if we had been ordered to deliver our opinion upon the subject to our illustrious client, that we should not have awakened suspicions in the Queen's breast, which even yet she does not entertain towards her serving woman. I know that it would have been our duty, as professional men, to have done so. I feel that we should have been more than justified in so doing; and I am confident that we might have appealed to the principles of which I have now reminded your lordships, and might at once have left the case as it stands, without calling this woman. But her Majesty has as yet seen no reason to part with one whom she still thinks a faithful servant. Whatever we may suspect,—whatever the story of Demont may have taught us to suppose likely,—the Queen has hitherto never known any thing to the prejudice of her sister. That sister will, therefore, be presented before your lordships, and you will have an opportunity of hearing her account of those transactions which have been so falsely described by others. But I again repeat that this is gratuitous on our part,—that we do it voluntarily, from an over-excess of caution, lest it should be suspected by any one, for a moment, that there is any witness whom we dare not to call.

In the like manner, the story told of what happened at Scharnitz, upon the cross-examination of Demont, and upon the interrogatories put by your lordships, really melted away so that very little of it remained, and that little was perfectly equivocal, and quite consistent with the most perfect propriety of demeanour on the part of the Queen. But still having seen that among some the story made an impression, at first rather than at last, we shall explain it in a way not at all inconsistent with any thing but the peremptory swearing of Demont as to the time, when she says that she could not tell, within half an hour, how long she had been asleep, although she could not tell how many hours she was in a room wide awake the day before. Demont swore, that on the night Bergami returned with the passports to Scharnitz, he went to the Princess's room, and there remained the rest of that night. My lords, I will prove this to be false. I will prove that the moment the passports were brought, the preparations for the journey commenced. I will prove that
Her Majesty set off on her travels within an hour and a half after the arrival of the passports, and that that time was scarcely sufficient to pack up and prepare for travelling. I will also prove, that during the whole time the Queen's door was hardly ever shut, and that there was a constant passing, not of Bergami, but of the other gentlemen of her suite,—the Queen lying on the bed in her travelling dress, ready to rise at one in the morning, provided the passports arrived so early. So with respect to the Karlsruhe case. We shall shew your lordships that it is impossible Kress can have sworn true. That she may have seen a woman in that room, if she swears true at all, (which I do not believe), I have no occasion to question. But the night that Bergami went home, and the only night he went home, at the period in question, was when the Queen was left behind at a music party in the palace of her illustrious relation to whom she was making a visit. She remained there two hours and a half, and upwards—she remained there until between nine and ten o'clock, and she afterwards went to sup at the Margravine's where she always supped on the evenings she did not dine there; and Bergami and his sister and child were then at home, when he was taken ill, and went to bed.

My lords, I would remind you of an argument which is used in the present case, and which I was rather surprised to hear that some persons had been so very regardless of the details, as to allow to influence their otherwise acute and ingenious minds. They say, that if this is a plot,—if the witnesses are speaking what is untrue, they have not sworn enough; that they ought to have proved it home, as it were; that they ought to have convinced all mankind, of acts having been unequivocally done which nothing but guilt could account for,—which were utterly inconsistent with the supposition of innocence. My lords, can those who argue thus, have forgotten two things which every man knows, one common to all cases, and the other happening in every stage of this,—namely, that the most effectual way, because the safest, of laying a plot, is not to swear too hard, is not to swear too much, or to come too directly to the point; but to lay the foundation in existing facts and real circumstances,—to knit the false with the true,—to interlace reality with fiction,—to build the fanciful fabric upon that which exists in nature,—and to escape detection by taking most especial care, as they have done here, never to have two witnesses to the same facts, and also to make the facts as moderate, and as little offensive as possible. The architects of this structure have been well aware of
these principles, and have followed the known rules of fabrication throughout. At Naples, why were not other people called? Why were there never two witnesses to the same fact? Because it is dangerous; because, when you are making a plot, you should have one witness to a fact, and another to a confirmation; have some things true, which unimpeachable evidence can prove; other things fabricated, without which the true would be of no avail,—but avoid calling two witnesses to the same thing at the same time, because the cross-examination is extremely likely to make them contradict each other. Now, for example, my learned friend opened a case that ought to be proved by a crowd of witnesses. Is it so usual for a Princess of Wales, who is seen in a box at Naples, to go on one occasion to the theatre and be hissed, whether she was masked or no? Do the concealments of a masquerade, like the fabrications of this plot, exist longer than from the night till the morning? Would not the hissing of such a person as the Princess, for such a cause as the indecency of her dress, have been known to all who attended the spectacle? Would it not afterwards have been believed and told by all the gossips of gay, idle Naples—

"Et otiosa creditit Neapolis,
Et omne vicinum oppidum."

And yet one witness alone, instead of all Naples, appears. In like manner, we have no other evidence at Naples, of general demeanour. Why have we none to speak to the state of the beds? Why none to the state of the linen? I ask, what is become of Ann Preising? I can answer that question, as well as put it. She is here. I obtained the fact from a witness in cross-examination. Why is she not called? I can answer that question too. She is not an Italian. What reason is there for not calling her? Your lordships can answer that quite as well as I can. There was every reason for calling her, if they durst have done it. The case is short without it. She could have proved those marks,—she was the Princess's maid at the time. Beds! she made them. Linen! she had the care of it. Who washed the linen? Where was the laundress, the washer-woman? And yet she is an Italian, for aught I know, though she is not called, and though her being called must have proved the case, if Demost speaks a single word of truth. They were practised in calling washer-women. They knew the effect of it in England, in the former plot. They were called in the Douglas plot, but they did not prove much, and the plot failed. Made wise by experience, they call them not here; although
they know, by that experience, that if they could have stood
the examination, this plot could not have failed.

But again, my lords, am I to be told by those who have
attended to this evidence, that there has been any very great
short-coming in the swearing of some of the witnesses,—
that they have not sworn unequivocally,—that they have
not proved the facts? Why, what more convincing proof
of adultery would you have than you have had in this case,
if you believe the witnesses, and they are uncontradicted?
I should not indeed say, if they are uncontradicted; for
I contend, that your lordships ought not to compel me to
contradict such witnesses; but if you believe the witnesses,
you have a case of adultery as plainly substantiated in proof
as ever gained verdict in Westminster Hall, or ever procured
Divorce Bill to pass through your lordships' house. All
that Demont tells,—all that Majocchi tells,—every tittle of
what Sacchi tells at the end of his evidence,—is proof posi-
tive of the crime of adultery. If you believe Sacchi, Ber-
gami was seen twice going into Her Majesty's bed-room, and
not coming out from thence. If you believe Sacchi, adultery
is the least of her crimes—she is as bad as Messalina—she is
worse, or as bad as the Jacobins of Paris covered even them-
selves with eternal infamy by endeavouring to prove Marie
Antoinette to have been.

My lords, I have another remark to make, before I leave
this case. I have heard it said, by some acute sifters of evi-
dence, "Oh! you have damaged the witnesses, but only by
proving falsehoods, by proving perjury indeed, in unimpor-
tant particulars." I need but remind your lordships, that
this is an observation which can only come from the lay
part of the community. Any lawyer at once will see how
ridiculous, if I may so speak, such an objection must always
be. It springs from an entire confusion of ideas; a heedless
confounding together of different things. If I am to con-
firm the testimony of an accomplice—if I am to set up an infor-
mer—no doubt my confirmation ought to extend to matters
connected with the crime—no doubt it must be an impor-
tant particular, else it will avail me nothing to prove it by
way of confirmation. But it is quite the reverse in respect
to pulling down a perjured witness, or a witness suspected of
swearing falsely. It is quite enough if he perjure himself
in any part, to take away all credit from the whole of his
testimony. Can it be said that you are to pick and choose;
that you are to believe part, and reject the rest as false?
You may, indeed, be convinced that a part is true, notwith-
standing other parts are false—provided those parts are not
falsely and wilfully sworn to by the witness, but parts which he may have been ignorant of, or may have forgotten, or may have mistaken. In this sense, you may choose—
culling the part you believe, and separating the part you think contradicted. But if one part is not only not true—is not only not consistent with the fact, but is falsely and wilfully sworn to on his part—if you are satisfied that one part of his story is an invention—to use the plain word, a lie, and that he is a forsworn man—
good God! my lords, what safety is there for human kind against the malice of their enemies—what chance of innocence escaping from the toils of the perjured and unprincipled conspirator, if you are to believe part of a tale, even though ten witnesses swear to it, all of whom you convict of lying and perjury in some other part of the story? I only pray your lordships to consider what it is that forms the safeguard of each and every one of you against the arts of the mercenary or the spiteful conspirator. Suppose any one man,—and let each of your lordships lay this to his mind before you dismiss the mighty topic,—suppose any one of your lordships were to meet with a misfortune, the greatest that can befall a human being, and the greater in proportion as he is of an honourable mind, whose soul is alien even to any idea, or glance of suspicion of such a case being possible to himself, whose feelings shudder at the bare thought of his name even being accidentally coupled with a charge at which his nature revolts—suppose that mischance, which has happened to the best and purest of men, which may happen to any of you to-morrow, and which if it does happen must succeed against you to-morrow, if you adopt the principle I am struggling against—suppose any one of your lordships charged by a mercenary scoundrel with the perpetration of a crime at which we shew in this country, our infinite horror, by almost, and with singular injustice, considering the bare charge to stand in the place of proof—suppose this plot laid to defame the fairest reputation in England—I say, that reputation must be saved, if escape it may, only by one means. No perjury can be expected to be exposed in the main, the principal part of the fabric—that can be easily defended from any attack against it; all the arts of the defendant's counsel, and all his experience, will be exhausted in vain: the plotter knows full well (as these conspirators have here done) how to take care that only one person shall swear to a fact,—to lay no others present,—to choose the time and select the place when contradiction cannot be given, by knowing the time and the
place where any one of your lordships, whom he marks for his prey, may have chance to be alone at any moment of time. Contradiction is not here to be expected,—refutation is impossible. Prevarication of the witness upon the principal part of his case, beyond all doubt, by every calculation of chances, there will not be. But you will be defended by counsel; and the court before whom you are tried will assuredly have you acquitted, if the villain, who has immovably told a consistent, firm tale,—though not contradicted,—though not touched, upon the story itself,—tells the least falsehood upon the most unimportant particulars on which your advocate shall examine him. My lords, I ask for the Queen no other justice than this upon which you all rely, and must needs rely, for your own escape from the charge of unnatural crimes! I desire she may have no other safety than that which forms the only safety to any of your lordships in such cases, before any Court that deserved the name of a Court of justice, where it might be your lot to be dragged and tried!

I am told that the sphere of life in which Bergami, afterwards promoted to be the Queen's chamberlain, originally moved, compared with the fortune which has since attended him in her service, is of itself matter of suspicion. I should be sorry, my lords, to have lived to see the day, when nothing more was required to ruin any exalted character in this free country, than the having shewn favour to a meritorious servant, by promoting him above his rank in society, the rank of his birth. It is a lot which has happened to many a great man—which has been that of those who have been the ornaments of their country. God forbid we should ever see the time, when all ranks, all stations in this community, except the highest, were not open to all men; and that we should ever reckon it of itself a circumstance even of suspicion in any person—for neither sex can be exempt from an inference of such a nature if it is once made general and absolute,—that he has promoted an inferior to be his equal! Let me, however, remind your lordships, that the rapidity of the promotion of Bergami has been greatly overstated; and the manner in which it took place is a convincing proof, that the story of love having been the cause of it, is inconsistent with the fact. Now, this I state, from a distinct recollection of the dates in the evidence before you. Believe Majocchi or Demont, and three weeks after Bergami's arrival in the household, he was promoted to the Queen's bed. How was it with respect to her board? Because, after that, he continued in the situation of courier; he din-
ed with the servants, and lived not even with the chamberlains; certainly not with those gentlemen, for they were at her table, as usual. He continued to dine with the servants at Genoa; there, notwithstanding Majocchi's story, it is proved to your lordships that he did not dine with Her Majesty. He continued as a courier, even after he had once sat at Her Majesty's table by accident, by one of the accidents usual in travelling. It appears even in the evidence, (believing it to be true), that the Queen sat at the table where he was for the space of one day. He, however, still continued a courier; and it was only on the eve of the long voyage, that he was admitted to her table, commencing with the journey to Mont St. Gothard. He continued in his situation of courier, still in livery, until, by degrees, he was promoted, first to travel in a carriage of his own, instead of riding on horseback. Then he was promoted occasionally to sit at the same table with the Queen, and at last he was appointed a chamberlain generally. My lords, this is not consistent with the story told of Naples. Shew me the woman, particularly the amorous, the imprudent, the insane woman her Majesty is described to be by these perjured witnesses, who would have allowed her paramour, after indulging in all the gratifications described at Naples, for weeks and months, to continue for months, and almost for years, in an apparently mendicant capacity! My lords, this is not the rapidity of pace with which love promotes his favourite votaries; it much more resembles the sluggish progress with which merit wends its way in the world, and in courts. He was a man of merit, as you will hear in evidence,—if you put me on calling any. He was not of the low origin he has been described to be. He was a person whose father held the situation of a landed proprietor, though of moderate income, in the north of Italy. He had got into difficulties, as has happened to many of the Italian gentry of late years; and his son, if I mistake not, had sold the family estate, in order to pay his father's debts. He was reduced—but he was a reduced gentleman. When he was in the service of General Pino he was recognised as such. The General repeatedly favoured him as such: he has dined at his table, General Pino being Commander-in-chief in the Milanese. He thus sat at the table of an Italian noble in the highest station. He has dined at his table during the Spanish campaigns. He was respected in his station—he was esteemed by those whom he served at that time. They encouraged him, as knowing his former pretensions and his present merits; and when he was hired, he was proposed by a gentleman who desire"
to befriend and promote him, an Austrian nobleman, then living in Italy, in the Austrian service—he was proposed to the Queen's chamberlain as a courier, there being a vacancy, and was hired without the knowledge of her Majesty, and before she had even seen him. The Austrian nobleman, when he offered him as a courier, said, he fairly confessed he hop-ed, if Bergami behaved well, he might be promoted, because he was a man whose family had seen better days, because he was a faithful servant, and because he had ideas belonging rather to his former than to his present situation. It was almost a condition of his going, that he should go for the present as a courier, with the expectation of soon filling some other and higher place.

I do not dwell on this, my lords, as of any importance to the case; for whether I shall think it necessary to prove what I have just stated or not, I consider that I have already disposed of the case in the comments which I have made upon the evidence, and in the appeal which I have made to the general principles of criminal justice. But, as the conduct of Her Majesty has been so unsparingly scrutinised, and as it is important to shew that even impropriety existed not, where I utterly defy guilt to be proved, I thought it requisite to dwell on this prominent feature in the cause. If the Queen had frequented companies below her station—if she had lowered her dignity—if she had followed courses which, though not guilty ones, might be deemed improper in themselves and inconsistent with her high station—if she had been proved guilty of any unworthiness—I could have trod upon high ground still. But I have no occasion to occupy it. I say, guilt there is none—levity there is none—unworthiness there is none. But if there had been any of the latter, while I dared her accusers to the proof of guilt, admitting levity and even indecorum, I might still have appealed to that which always supports virtue in jeopardy, the course of her former life at home, among her own relations, before she was frowned upon here—while she had protection among you—while she had the most powerful of all protection, that of our late venerable monarch. I hold in my hand a testimonial—which cannot be read, and which I am sure will not be weighed, without the deepest sense of its importance; above all, without a feeling of sorrow, when we reflect upon the reign that has passed, and compare it with the rule we live under. It is a melancholy proof—more melancholy, because we no longer have him who furnishes it amongst us—but it is a proof how that illustrious sovereign viewed her, whom
he knew better than all others—whom he loved more than all the rest of her family did—even than those upon whose affection she had a greater claim—nay, whom he loved better than he did almost any child of his own. The plainness, the honesty, the intelligible, and manly sense of this letter are such, that I cannot refrain from the gratification of reading it. It was written in 1804:

"Windsor Castle, Nov. 13, 1804.

"My dearest Daughter-in-Law and Niece,—Yesterday, I and the rest of my family had an interview with the Prince of Wales at Kew. Care was taken on all sides to avoid all subjects of altercation or explanation, consequently the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to shew whether his desire to return to his family is only verbal or real"—(a difference which George III. never knew, except in others)—"which time alone can shew. I am not idle in my endeavours to make inquiries that may enable me to communicate some plan for the advantage of the dear child you and me with so much reason must interest ourselves in; and its effecting my having the happiness of living more with you is no small incentive to my forming some ideas on the subject; but you may depend on their being not decided upon without your thorough and cordial concurrence, for your authority as mother it is my object to support.

"Believe me, at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,"

"George R."

Such, my lords, was the opinion which this good man, not ignorant of human affairs, no ill judge of human character, had formed of this near and cherished relation; and upon which, in the most delicate particulars, the care of his grand-daughter and the heir of his crown, he honestly, really, and not in mere words, always acted.

I might now read to your lordships, a Letter from his illustrious successor, not written in the same tone of affection—not indicative of the same feelings of regard—but by no means indicative of any want of confidence, or at least of any desire harshly to trammel his Royal Consort's conduct. I allude to a letter which has been so often before your lordships in other shapes, that I may not think it necessary to repeat it here. It is a permission to live apart, and a desire never to come together again; the expression of an opinion that their happiness was better consulted, and pursuit
asunder; and a very plain indication, that Her Majesty’s conduct should at least not be watched with all the scrupulousness, all the rigour, all the scrutinising agency, which has resulted in bringing the present Bill of Pains and Penalties before your Lordships. [Cries of “Read, read!” Mr. Brougham accordingly read the Letter, follows:]

"MADAM,—As Lord Cholmondely informs me, that you wish I would define in writing, the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness and with as much propriety as the nature of the subject will admit. Our inclinations are not in our power, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition which you required, through Lady Cholmondely, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restriction, by proposing at any period, a connexion of a more particular nature. I shall now finally close this disagreeable correspondence, trusting, that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity. I am, Madam, with great truth, very sincerely yours.

GEORGE P

"WINDSOR CASTLE,
April 30, 1796."

My lords, I do not call this, as it has been termed, a Letter of License; such was the term applied to it, on the former occasion, by those who are now, unhappily for the Queen, no more,—those who were the colleagues and coadjutors of the present ministers,—but I think it such an epistle as would make it matter of natural wonderment to the person who received it, that her conduct should ever after,—and especially the more rigorously the older the parties were growing—become the subject of the most unceasing and unscrupulous watching, prying, spying, and investigation.

Such then, my lords, is this Case. And again let me call on you, even at the risk of repetition, never to dismiss for a moment from your minds, the two great points upon which

* The Queen to her last hour positively denied ever having required any such condition, or made any allusion to the subject of it.
I rest my attack upon the evidence:—first, that the accusers have not proved the facts by the good witnesses who were within their reach, whom they had no shadow of pretext for not calling;—and secondly, that the witnesses whom they have ventured to call are, every one of them, irreparably damaged in their credit. How, I again ask, is a plot ever to be discovered, except by the means of these two principles? Nay, there are instances, in which plots have been discovered, through the medium of the second principle, when the first had happened to fail. When venerable witnesses have been seen brought forward—when persons above all suspicion have lent themselves for a season to impure plans—when no escape for the guiltless seemed open, no chance of safety to remain—they have almost providentially escaped from the snare by the second of those two principles; by the evidence breaking down where it was not expected to be sifted; by a weak point being found, where no provision, from the attack being unforeseen, had been made to support it. Your lordships recollect that great passage—I say great, for it is poetically just and eloquent, even were it not inspired—in the Sacred Writings, where the Elders had joined themselves in a plot which had appeared to have succeeded, "for that," as the Book says, "they had hardened their hearts, and had turned away their eyes, that they might not look at Heaven, and that they might do the purposes of unjust judgments." But they, though giving a clear, consistent, uncontradicted story, were disappointed, and their victim was rescued from their grip, by the trifling circumstance of a contradiction about a tamarisk tree. Let not man call those contradictions or those falsehoods which false witnesses swear to from needless and heedless falsehood, such as Sacchi about his changing his name—or such as Demont about her letters—such as Majocchi about the banker’s clerk—or such as all the other contradictions and falsehoods not going to the main body of the case, but to the main body of the credit of the witnesses—let not man rashly and blindly, call these things accidents. They are just rather than merciful dispensations of that Providence, which wills not that the guilty should triumph, and which favourably protects the innocent!

Such, my lords, is the Case now before you! Such is the evidence in support of this measure—evidence inadequate to prove a debt—impotent to deprive of a civil right—ridiculous to convict of the lowest offence—scandalous if brought forward to support a charge of the highest nature which the law knows—monstrous to ruin the honour, —
blast the name of an English Queen! What shall I say, then, if this is the proof by which an act of judicial legislation, a parliamentary sentence, an ex post facto law, is sought to be passed against this defenceless woman? My lords, I pray you to pause. I do earnestly beseech you to take heed! You are standing upon the brink of a precipice—then beware! It will go forth your judgment, if sentence shall go against the Queen. But it will be the only judgment you ever pronounced, which, instead of reaching its object, will return and bound back upon those who give it. Save the country, my lords, from the horrors of this catastrophe—save yourselves from this peril—rescue that country, of which you are the ornaments, but in which you can flourish no longer, when severed from the people, than the blossom when cut off from the roots and the stem of the tree. Save that country, that you may continue to adorn it—save the Crown, which is in jeopardy—the Aristocracy which is shaken—save the Altar, which must stagger with the blow that rends its kindred Throne! You have said, my lords, you have willed—the Church and the King have willed—that the Queen should be deprived of its solemn service. She has instead of that solemnity, the heartfelt prayers of the people. She wants no prayers of mine. But I do here pour forth my humble supplications at the Throne of Mercy, that that mercy may be poured down upon the people, in a larger measure than the merits of its rulers may deserve, and that your hearts may be turned to justice!

[Mr. Brougham finding the impression made by his case upon the House to be very strong, resolved at once to present Mariette Bron for examination, and instantly to call for judgment. With this view he left the House to summon the witness; but she was not to be found; Mr. Williams, therefore, proceeded with his truly able and, to the elucidation of the case, invaluable argument; and afterwards some suspicious circumstances came to the knowledge of Her Majesty's advisers which made it impossible to call her maid with any regard to the interests of justice.]
SHORT ACCOUNT

OF

MR. DENMAN'S SPEECH,

ON SUMMING UP THE EVIDENCE

FOR

THE QUEEN.

October 24th and 25th, 1820

The examination of Her Majesty's witnesses closed on the 23d of October, when the counsel for the Bill applied for farther delay, in order that Colonel Browne and others might be sent for, to contradict some parts of the evidence. This proposal was treated as monstrous, and it was formally withdrawn. The Queen's advocates indignantly exclaimed that it shewed as much regard for her feelings, as if she had been the inanimate subject of some chemical experiment. One or two trifling particulars were however allowed to be explained; and at eleven o'clock on the following morning the evidence in this extraordinary process was at length brought to a close.

The duty of summing up the Queen's case then devolved on her Solicitor-general, Mr. Denman. The House of Lords offered him time for preparation: the Chancellor invited, and rather pressed him to accept it; he however preferred commencing his address on the instant, when all particulars were fresh in his own memory, and in that of the judges.

Amidst all the filth and obscenity which overloaded the proceedings, some great principles of public morality were prominently conspicuous. By far the greatest point, the most important, the most fully estimated by the reflecting, the most warmly felt by the multitude, was the prosecutor's disqualification. The example of a husband punishing infidelity in a wife, whom in the very hour of marriage he had insulted and openly abandoned,—whom he had replaced by a mistress, while he offered to his consort an equal privilege,—who owed to her union with him neither endearment, nor protection, nor common courtesy,—who knew in him nor quality of a husband but his jealousy, and had indeed for
twenty-four years been only made aware of his existence by unceasing attempts to harass and destroy her,—was an example which the world had never before witnessed, and which all classes except the House of Lords, determined should never be set in England.

That the prosecutor was the king of the country, made the case the more flagrant. This gave the proceedings the appearance of a deliberate sacrifice of the first principles of morality to capricious hatred, engendered by the known instinct of antipathy towards those we have wronged: it was regarded as one of those freaks of bare-faced power, avouched by the will alone, which threatens the general security, by sweeping away the bulwarks of religion and of justice. The flimsy pretence, that the open scandal of the Queen’s life demanded public exposure, was refuted at every point; first, by the absurdity of distinguishing for this purpose between the wife of a king and the wife of a Prince Regent; secondly, by the offer of £50,000 a-year, if she would pursue the same course anywhere out of England; but lastly and most effectually, by the evidence given on the trial, when the intercourse imputed, even if believed to be real, instead of being public and notorious, was so cunningly contrived and so secretly carried on, that waiters from inns, where Her Majesty reposed for a single night, were pressed into the service, to repeat the observations made through key-holes and upon beds—while those domestic traitors who had daily means of knowledge, deposed but to two or three occasions, on which, from suspicious circumstances and opportunities, guilt might with some plausibility be inferred.

Other general considerations, inferior to these in importance, yet of a highly interesting character, worked strongly on the public mind;—the certainty that excited passions in the great would be supplied with mean instruments of hostility; the case with which perjury and conspiracy are called into action by the immense rewards that must be publicly proffered; the method of proceeding, so abhorrent to the principles of the Constitution; the alarming readiness with which a ministerial majority had volunteered the invidious office of judging in a suit which ought never to have been commenced, and could not go forward without incalculable injury to morals and decency. All these matters, sinking deep in the minds of a free, just, and enlightened people, were plainly discovered from the first to have decided the fate of the measure, though the time and mode of its defeat were of course doubtful.
At this important period, the opponents of the Bill of Pains and Penalties were delighted to find that the evidence, so pompously paraded beforehand in private—pervading all society in whispers in the shape of rumours and reports,—reports from diplomatic agents, communications from foreign ministers, statements by commissioners at Milan, handed over in green bags to select committees, that the minds of leading members of both houses might be debauched, before they should act in the character of judges—crumbled into dust and shrunk to nothing, when exposed to the open air. The case was an absolute failure; the witnesses whom seen and heard in public turned out to be worthy of their cause.*

Mr. Denman commenced his address by the most unqualified assertion of his client's innocence. "I therefore, with your lordships' permission, without further preface, will proceed to make those observations upon the case, as it now lies before you, which have satisfied my own mind,—which have satisfied the minds of all my learned friends,—which have satisfied, I think I may say, the minds of the whole people of England, of all the civilized nations of the world, who are anxiously looking on, to see this great and unexampled spectacle brought to a conclusion, that Her Majesty the Queen has established a defence, which entitles her to a complete acquittal of all those charges which your lordships have permitted yourselves to try against the conduct of that illustrious person."

Though it could hardly be expected that any body of men would, without necessity, and against sound policy, have assumed the office of judges in this great affair, who were not predetermined to condemn, no chance of obtaining a verdict from these adverse jurors was to be thrown away. And as, in some angry conflicts at the bar, and some alterations even with members of the House itself, some degree of personal irritation had been excited. Mr. Denman hastened to conciliate his hearers by freely, voluntarily, and from his heart disclaiming all purpose of individual offence. He rested his apology on a state of highly excited feeling,—that soreness of mind produced by sympathy with the

* That the opinion upon the treatment of the Queen by her husband was not confined to Her Majesty's friends, appears from a Note in Mr. Wilberforce's Journal, published in his Life by his Son. "Heard a violent speech from Grevy, and another from Benhet, speaking of the Queen's ill-usage when she first came to this country, and I truly ask! but where is the use of talking thus? Surely it can only tend to produce insurrection. I am glad, however, to hear that the Coronation will be probably put off. Oh what a comment is all this! 'Be sure your sin will find you out!'" Vol. v. p. 68.
unprovoked sufferings of the royal client. "It has not been my object to give uneasiness; but I have felt it deeply. And it is impossible for any mind which comes with the right feelings of a man to the contemplation of this case, not to expect the fullest indulgence for any thing that may have passed in the course of it; because it is impossible not to feel, that the illustrious client whose immediate interests are confided to our care, has been, perhaps I might say from the first moment that she placed her foot in this country to the hour at which I am now addressing your lordships, the victim of cruel oppression, of grievous and irreparable wrong. My lords, that galling and degrading sensation has attended us through the whole of these proceedings; it must plead our excuse for any thing that may have been wrong and disrespectful in our manner. I trust I have said enough upon the subject; and I proceed to that case which it is my duty to observe upon."

He then proceeded to analyse the preamble of the Bill, and was shortly after engaged in investigating the proofs which had been offered to maintain it. This compelled him to do in some instances what he always expressed the greatest desire to avoid,—to tread in the steps of his leader. In the various preliminary discussions, where he had immediately followed Mr. Brougham, that gentleman had handed over every subject to his hands, completely exhausted and bare. He compared it to one Indian tribe which precedes another, but does not leave its hold upon the district, till it has consumed all its produce by withering fire. There was novelty, indeed, in the additional facts established by the witnesses for the accused, and in contrasting them with the prosecutor's charges and testimony; but discussions of this nature never can be accurately reported, and these have now lost all interest for the general reader.

He observed on the only circumstance which could injure her Majesty, after the evidence that had been heard,—the danger that the impression made by the original statement should remain, in spite of the refutation,—the foul advantage possessed by every calumniator of female chastity, that the name is polluted and dishonoured by revolting associations, though the world should be convinced of the falsehood of every charge. After quoting a clever paper from the latest number of the Quarterly Review, to that effect, but applied to another subject, he proceeded: "It is unhappily too true; and in a case where female honour is concerned, the very existence of the charge is, in some degree, as great a punishment as if it was distinctly proved instead
of being contradicted. The old adage "Calumniaundo sem-
per aliquid heret," was never more distinctly made out than,
in the present case. The evidence of the infamous and
diabolical persons brought forward against Her Majesty has
had its effect; and although it has been disproved, I flatter
myself, in a manner so satisfactory that no reasonable mind
can believe any one of the particular charges adduced, still,
the mere fact of their having been promulgated, will leave
punishment, will leave suffering, which no reasoning, no
time, no reparation, will ever be able to remove."

After casting some ridicule on the pretence set up by the
officers of the Crown, that they did not attend as advocates
of any party, but merely as assisting the House of Lords in
the development of truth, he remarked upon a solemn prayer
which had been uttered by the King's Solicitor-General, Sir
John Copley, that the Queen's character might emerge
clear from the enquiry,—"that Her Majesty might be able
to establish her full and certain innocence." "My lords,
it was gratifying to hear that prayer, the first that had been
breathed for the welfare of Her Majesty in mind, body, or
estate, by any one of the officers of her husband. The omen
was a happy one; the Queen owed thanks to my learned
friend for his pious and charitable supplication, and both
were bound to pour them out to Heaven, when they perceived
how amply it had been successful, at every step of the
enquiry. Such a prayer so granted, will no doubt be the
first step towards restoring Her Majesty's name to the ritual
of the Church, from which it has been so illegally removed.
I cannot deal with one so devoutly anxious to see Her
Majesty acquitted, in the same spirit in which it might be
proper to approach other active promoters of the persecu-
tion. To them I might whisper words of professional con-
dolence on their signal failure, but my learned friend is to
be greeted with felicitations at each of the numerous points
where a falshood was detected, or a witness broke down.
To them might be addressed the congratulation of Cicero to
Catiline, when he sent him forth to join the unprincipled
crew of his conpirators. Others, indeed, might blush to
see collected around them, 'conflatam improborum manum,'
but to my learned friend who took no part in the contest,
who wished only for impartial inquiry, and prayed to Heaven
that that enquiry might terminate in the triumph of the
accused, the discomfiture of his witnesses one after another
must have yielded unmixed satisfaction. "Hic tu qua bell-

* Now Lord Lyndhurst.
tiā perfruere, quibus gaudiis exultabis, quâ in voluptate bacchabere, cum in tanto numero tuorum comitum neque audies virum bonum quemquam, neque videbis."

The next general observation applies to the impossibility of accounting for all circumstances that may be scraped together to aid the inference of guilt, for two reasons—the lapse of time, and the fact of their belonging to the conduct of another. Who can explain ordinary events at the distance of six years? Still more, how could an innocent lady be aware of the cause of any such proceedings in her servant, as excited suspicions of his deviations from propriety? Yet the demecanou. of Bergami, in the absence of the Princess, and many years before, was strained to make out that prima facie case against her, which, if innocent, she never could remove by explanations, because she must have been ignorant of the causes that produced it. To infer guilt, then, from facts like these, is evidently not to prove it, but to assume it as proved, and reverse every reasonable principle of procedure.

One of the most marvellous features of a case so perfectly unique, touched on by Mr. Brougham, was forcibly dwelt upon by Mr. Denman,—the corpus delicti itself was never proved. Those who brought Barbara Kress from Carlsruhe, at a cost ten times as great as her yearly wages, to prove one undefined stain upon a bed, had also secured the laundress who for six long years must have constantly inspected the bed-linen and all the other linen of every individual member of the family, and called her not as a witness. Annettee Presaling was in Cotton Garden, in company with the rest of the witnesses; and the prosecutors dared not present her testimony to the Lords!

The facility with which conspiracies for false accusation may be formed and kept together, was illustrated by examples both ancient and recent, both foreign and domestic. Journals of our judicial proceedings yielded striking instances that perjury is a marketable commodity even here. Roger North's memoir of his brother Sir Dudley, the Turkey merchant, showed that in semibarbarous countries the false witness is much more safely to be relied on than the true,—"Our merchant found by experience (he says) that in a direct fact a false witness was a surer card than a true one; for if the judge has a mind to baffle a testimony, an honest harmless witness, that doth not know his play, cannot so well stand his many captious questions as a false witness used to the trade will do; for he hath been exercised,
and is prepared for such handling, and can clear himself when the other will be confounded."

Nor is the subject of discarded servants passed over in silence, with their unrestricted means of confirming falsehood by truth, and engraving it on realities—or the influence of money over mean men, undeservedly admitted to situations of confidence—or the power of importunity in the great to command the services of their creatures for the ruin of their victims, when the lowest passions are at work in the highest places. Thus we are told by the Comte de Grammont, that when James Duke of York wished to renounce the wife whom he had married in exile, the daughter of the great Earl of Clarendon, four of his friends, gentlemen of the highest rank, met together to consult on the best means of effecting so just and rational an object, and three of them determined to declare, if required, in public and writing, that she had thrown off in their presence the restraints of modesty and decorum, and the fourth that he had enjoyed the last favour a woman can bestow, adding, in the gaiety of their hearts, that he must be a cold-hearted friend who could hesitate to give such easy proofs of his attachment.

The symptoms of fabricating facts and training witnesses, by the discipline of drilling and rehearsal, were strongly brought to light. The Sicilian skipper and his nephew were selected to make out the case of open indecency on board of the polacca; the part assigned to Majocchi and Demont was the proof of adulterous intercourse on shore; both sets of witnesses were in the vessel, but the latter set saw nothing of the libidinous excesses denounced by the former. The latter, indeed, during the three following years, saw no decisive facts, but much cause for unfavourable surmise. The wanton lovers who, at sea, exposed their careless embraces to every eye, suddenly when on shore became models of cautious prudence. Thus the evidence given by each set of witnesses, taken separately, however improbable, was in no degree inconsistent; but the facts deposed to by both sets were so utterly inconsistent with all our experience of human nature, that both could not be true, and of course neither could be trusted.

One great defect in the case against Queen Caroline, was the necessity of proving it by foreigners. Beyond the reach of satisfactory inquiry, removed from the influence of that public opinion to which they were accustomed, and to which the most shameless of mankind pay a reluctant and involuntary deference, the temptation to earn high rewards by unscrup-
puluous evidence, was generally felt, and their sense of the obligation of an oath more than doubted. Like every other general observation in this remarkable case, it was exemplified by particular incidents that occurred.

One of the Queen's witnesses was William Carrington, a servant of Sir William Gell, who directly contradicted Majocchi in several material facts, involving assertions deliberately made by himself. "William Carrington had no sooner left this bar," said Mr. Denman, "with the universal confidence and approbation of every honest man who saw and heard him, than the materials for his cross-examination are prepared,—by whom? Not by the agent, or attorney, or commissioner, but by a member of your Lordships' House, a powerful member of the Government—in a word, by the First Lord of the Admiralty. Carrington described himself as having been a midshipman in the Poitiers, and as having left the service with the good opinion of his former captain, that gallant officer, Sir John Beresford. He was cross-examined with the greatest minuteness, with the advantage of searching the ship's books, and of communicating with his captain, who is brought to town for the purpose out of Yorkshire. Do I complain of this? By no means. If it were not irregular, I would tender my thanks to the noble lord for the ability and zeal with which he conducted the cross-examination. It ended in proving the witness's account of himself strictly true, and his captain bore willing testimony to his good qualities. He illustrates in his person the remark of a German traveller in this country, that gentlemen were found in every class of society; wherever that man's lot may be cast, he is a gentleman of nature's making. What, if we had possessed the same advantage? The same powers of searching and enquiring? Would the result have been the same with the Sacchis, the Rastellis, the Guggiaris?"

There were two passages in this speech of so remarkable a nature, that they cannot be omitted in any notice of it;—those which assailed two royal personages, the King then upon the throne, and his immediate successor, at that time Duke of Clarence. The former exposed himself to personal attack by the prosecution; he challenged inquiry into his conduct as a husband, which was indeed an essential part of his own case. Nor was it possible to refrain from canvassing the examples of similar proceedings in former times, and while some points in the history of Henry VIII. bore a general resemblance to the accusation, an almost exact parallel was found between the accused and
the Roman Empress Octavia. Dr. Parr pointed out the identity of their fortunes to Mr. Denman,—the capricious offence taken in the very moment of their union, the adoption of a mistress in her place, the desertion, the investigation, the exile, the triumphant return amidst the acclamations of the people, the renewed inquiry, the false evidence screwed out of her domestics, not indeed by bribes but by torture. The likeness failed at the point where the principal witness in each case betrayed her personal character. The French soubrette swearing to the falsehood of her former panegyrics on the benefactress she sought to destroy, the Roman attendant hurling the boldest defiance and invective at the commissioner, who grossly aspersed the purity of her imperial mistress.

In laying before the Lords the wrongs of his client in the burning words of Tacitus, and fixing on this prosecution the just odium of so shameful a prototype, Mr. Denman incurred some censure. He was condemned for "calling the King Nero," by those who without emotion heard the counsel for the prosecution apply to the party under trial the name of Messalina. He was, with Mr. Brougham, after the Queen's death, stript of the rank they owed to their offices under her Majesty; and all her counsel remained for years excluded from their fair professional advancement. At length all were restored except Mr. Denman; and it then appeared that he was visited with the royal displeasure, not for this parallel, but for a sentence from Dio Cassius; mistakenly supposed by His Majesty to have been applied offensively to him. In the autumn of 1828, Mr. Denman's memorial, disclaiming the imputation, was at his request laid before the King by his then prime minister the Duke of Wellington, who went much farther, and with difficulty obtained from the reluctant monarch, that rank which the advocate had not solicited at his hands. If "Peace hath her victories not less renowned than War," this persevering effort of a frank and generous spirit, prompted by a sense of justice, and stimulated by the manly perception of the necessity for independence in the advocate, may be thought to add some lustre even to the name of Wellington.

The other passage above alluded to, is a vehement invective against the Duke of Clarence whose known devotion to his elder brother led him into the ready credence of facts derogatory to Her Majesty, which he had the imprudence to circulate in conversation, and among the peers then en

* See Bayle's Dictionary, art. Octavia.
gaged in what was called her trial. The necessity of counteracting this influence was apparent, but the reproof must have given pain to him who uttered it, when in after years the sovereign shewed an entire absence of resentment for the offence given to him while a subject. William the Fourth, blessed with the immeasurable advantages of education and intercourse among the middling classes of society, had the sense and candour to perceive that the sufferer from the performance of the duty of an advocate has no just right to complain. He received Mr. Denman with marked civility at his first levee after his accession to the throne; acquiesced without hesitation in his appointment as Attorney-general, on the change of government in November 1830; two years afterwards, consigned to him as chief justice, "the balance and the sword," and expressed the utmost pleasure in acceding to Lord Grey's application to raise him to the peerage.

Numerous portions of the evidence were selected for comment, and towards the conclusion of the whole argument, the following passage occurs,—"We have been told of the Queen's general conduct, as furnishing decisive proof of her guilt. My lords, I will abide by that test, and appeal to her general conduct as establishing her innocence. I ask you whether it is possible, if she were degraded by the indulgence of that low passion, that she should in the first place discard every one of the servants as soon as they were possessed of her fatal secret, and that she should afterwards have been willing to renounce her paramour. Look to all that we know of human nature. The most certain consequence of indulging such an attachment is, that all worldly considerations are lost sight of. "Not Caesar's empress would she deign to prove." No, having become the partner in guilt of her menial servant, she would have preferred his society in the lowest retreat of vice on the Continent, to all the dignity, the wealth and splendour, which the world could have laid at her feet. She was not required, however, to make the sacrifice. All the comforts and luxuries were obtruded upon her acceptance, with full permission to enjoy them at Pesaro, or on the lake of Como, and at the same time repose in those embraces for which she is charged with surrendering her honour. Does she accept the offer? She disdains it, and plants herself on the shore of England, and challenges the proof that all the power of England can produce against her, because she knows that the truth will bear her through, and because she values character more than all other possessions, including life itself."
“Contrast her general conduct with that of her accusers! The death of her only child is followed by a frightful conspiracy to effect her ruin. The death of her last remaining protector, whose name was still in some degree her safeguard, though his affection could no longer be displayed, that death was announced to her in no terms of kind condolence or common respect, or decent ceremony. That was the occasion when the Cardinal Gonsalvi, knowing whom he should please, and what schemes were in progress, ventured to foreshadow the decision of the parliament on the Bill that now engages its attention. With him she was neither a Queen, on the death of her husband’s father, nor a Princess of Wales, as she had been till that event, but he strips her of all down to the title she had before her marriage. The first Gazette which records the change of rulers, inflicts a wound on her who is become the first subject of the realm. Of the new reign—an era marked hitherto by mercy and forgiveness, when even traitors are spared and felons pardoned, and the amiable prerogative of the Crown called into lavish use—the first act of that reign is the most illegal and unchristian in the annals of the monarchy; the second is this Bill, a bill of divorce and degradation against the consort of the King, introduced by his ministers.

“And now, my lords, what is to become of this Bill? Or rather, what has become of it? As a Bill of Divorce, it was defeated before it was read a first time; the mere fact of a six years’ residence abroad, permitted by the husband, answers his claim for a divorce, whatever the misconduct of the wife. That letter of license, so recently after the marriage, and so spontaneously granted, is of itself an answer to it as a bill for a divorce. As a Bill of Pains and Penalties—a bill of dethronement and degradation—it still lingers on your lordships’ table; if you see fit to gratify the motives that impelled the charge, if you have the nerve to proceed against the persecuted and injured woman who has so manfully met it, I can only say it is at your pleasure so to do. But I am confident that your honour, your justice, your humanity, will force you to take part with the oppressed, and not give the victory to those who have so wantonly oppressed her.”

In the course of explaining why some witnesses who might have been expected for the defence had not appeared, he took occasion to introduce the name of Bergami. “Our case is already proved, and we do not think that either expediency or justice requires us to overload these Minutes with Evidence, already too vast and unwieldy to be well consider-
ed in their important details, with needless testimony. We cannot admit that we are bound to go one step farther. We have heard the challenges and defiances of our opponents. We have been told that Bergani might be produced as a witness in our exculpation, but we knew this to be a fiction of lawyers, which common sense and natural feeling would reject. The very call is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world, no instance is to be found of a party accused of adultery being called as a witness to disprove it. We are told, forsooth, that he knows the truth as to that imputed fact, and ought to depose in denial of it at this bar, if it is untrue. The answer is in a word—there is a case against us, or there is none; if none, we have no occasion to repel it by witnesses, and if there is a case, no man will regard the denial of the adulterer. How shameful an inquisition would the contrary practice engender! Great as is the obligation to veracity, the circumstances might raise a doubt in the most conscientious mind whether it ought to prevail. Mere casuists might dispute with plausible arguments on either side, but the natural feelings of mankind would be likely to triumph over their moral doctrines. Supposing the existence of guilt, perjury itself would be thought venial in comparison with the exposure of a confiding woman. It follows that no such question ought in any case to be administered, nor such temptation given to tamper with sanctity of oaths. My learned friends will not, I believe, show a case in which such a witness has been received or even tendered; and if not, the rule for his exclusion must be founded in principles too deeply seated in the nature and heart of man, to be repealed even upon this occasion, when a culpable complaisance to power has brought about so many other sacrifices of principle.”

He proceeded to advert to a subject of extreme delicacy,—the motives by which the House of Lords might be supposed to be actuated, in taking either course. “May I add one word more? I know that a suspicion has gone abroad,—at least that it has existed within these walls,—that a low rabble had been encouraged to make demonstrations in Her Majesty’s favour, and that all the public appearances were to be so accounted for. But the same person who used that expression, was obliged to admit in a few weeks the truth which could not be concealed, that the whole of the generous English people had taken her part. Such is the indisputable feeling among all the soundest and best, the middle, classes of society. There may, for aught I know, be apostles o
mischief brooding in some corners, watching to strike a blow at the Constitution, and not unwilling to avail themselves of any opportunity for fomenting open violence. If that be so, consider, my lords, that the righteous verdict of acquittal which I confidently expect, will at once gratify these generous feelings and tend to the security of the State, and baffle those mischievous projectors by taking the weapon from their hand. That just judgment pronounced in the face of the Crown, will endear your lordships to your country, by shewing your resolution to discharge your duty. On the other hand, the disappointment of the well-affected would produce that settled discontent so dangerous to the peace and permanency of institutions, which every patriot ought to regard with apprehension. The violence of an incensed mob could lead only to personal inconvenience, which I know how your lordships would despise. But I beseech you let not the fear of having that fear imputed to you, bias your minds in favour of an unjust conviction. This would be the worst iniquity of all, the basest kind of cowardice. Weigh then the evidence and the arguments calmly and impartially, and if your understandings are satisfied that all which may once have appeared important has been scattered "like dew drops from the lion's mane,"—if the witnesses for the prosecution shrink to nothing on examination—if their strongest facts are borrowed from their adversaries, but can only be tortured into proof of guilt by detaching them from the whole mass of their evidence—your lordships will never pause to speculate whether your course may be pleasing or displeasing to what, in the jargon of the day, (which I detest) some call a radical mob: you will think of nothing but the ascertainment of truth, and having ascertained it, will, without any regard to consequences, pursue the straight path to which the principles of eternal justice point."

Having discussed portions of the evidence very fully, and interwoven much of general argument on the great features of the case, Mr. Denman alluded to "the mighty efforts of his great leader," and proceeded to demand a verdict of acquittal for their illustrious client. His peroration was not nor could be accurately reported, at the close of so long a speech, in the journals of the day, which have been copied into the Parliamentary debates; but it was nearly as follows:—

"In the earlier stages of this proceeding, my lords, when we more than once remonstrated against your entertaining the charge, and afterwards on the second reading, when we were permitted to assail the principle of the Bill, we urged upon you the powerful reasons which should have
dettered the accuser from undertaking that office, and your
lordships from a voluntary assumption of so awful a res-
ponsibility. After earnestly depreciating the hard if not dan-
gerous duty of directing strong personal censures against
those whose station might have averted them, if their own
conduct had not invited and made them necessary, I trust
that we have neither shrunk from that duty, nor indulged
in needless invectives. We were bound to exact that 'he
who would' affect to 'bear the sword of heaven' should not
be more severe than holy—to shew that against an exiled
wife the husband has no right of divorce—that of licensed
deviations from conjugal fidelity, the self-indulgent husband
cannot with decency complain—that consequently all inquiry
into the truth of the charges would be but a fruitless waste
of time, a wanton offence to public morality, a gratuitous
hazarding of the respect due to this august assembly, by
overstraining its constitutional powers.

"All these considerations your lordships were pleased to
overrule; and to disdain the warnings we presumed to offer.
You have received the charges; you have constituted your-
selves the judges of the proofs on which they rest. But the
personal topics cannot even now be thrown aside—they are
inseparably interwoven with every part of this unhappy pro-
ceeding. Though rejected by your lordships, in your legis-
lative capacity, as motives for declining the inquiry, they
cannot be dismissed from your minds in the character of jury-
men, wherein you are now to pronounce your verdict upon
the evidence.

"Remember then, my lords, the feelings of hostility in
which this inquiry commenced, and with which it has now
for many years been carried on. Remember the powers that
have been embarked in it. The wealth of a royal treasury
unspARINGLY applied—the aid of state alliances freely admi-
nistered—the learning and talents, the zeal and experience,
the knowledge of the world, especially the worst part of the
world, which have been so long at work, unrestrained by a
single scruple. Your own observation has marked the in-
struments and the materials with which and upon which the
word has been performed. The hosts of discarded servants
have played their several parts on this theatre, and have exhi-
bited their resolution to earn the enormous price of their tes-
timony, by an absolute recklessness as to its truth. Which
of your lordships would have chosen to stand such an ordeal?
Which of you would expose to it any of your female rela-
tives, or even your sons, now perhaps sojourn ing in...
countries where the scene is laid? But that ordeal has been passed, and without harm to the destined victim.

"The inquiry is without example in the history of the civilized world. This illustrious lady has been searched out and thoroughly known; her down-sitting and her up-rising have been completely watched; no step she has taken—no word she has uttered—not a look—not a thought—has escaped her prying, assiduous, and malignant enemies. Guilt, if it had existed, must have been proved to the entire conviction of every understanding; and the absence of such positive and overwhelming proof is the establishment of unquestionable innocence.

"Your lordships are indeed engaged in an inquisition of the most solemn kind. I know nothing in the whole circle of human affairs—I know nothing in the view of eternity, that can be likened to this affecting occasion, except that great day when the secrets of all hearts shall be disclosed. And if you have been armed with weapons and powers and have used them, which Omniscience itself possesses indeed but never employs, for bringing to light the shameful secret of Her Majesty's guilt, but no guilt has been made manifest, and the opposite alternative results, you will feel that some duty is imposed upon you, of humbly endeavouring to imitate also the divine wisdom, justice, and benevolence, which said even to that culprit whose guilt was exposed and acknowledged, but against whom no accuser could come forward to condemn her,—' Neither do I condemn thee. Go and sin no more!'"
ARGUMENT

BEFORE

THE PRIVY COUNCIL,

IN SUPPORT OF

THE QUEEN-CONSORT'S RIGHT TO BE CROWNED

WITH THE KING.

JULY 5, 1821.

The question referred to the decision of the privy Council is, Whether or not the Queen-Consort of this realm is entitled as of right to be crowned when the King celebrates the solemnity of his coronation—and this is a question of constitutional law, to be determined by the principles which regulate public rights; but it may derive illustration from those which regulate the rights of private persons.

First of all, the history of the ceremony must be examined, not as a matter of antiquarian curiosity, but because coronation is the creature of precedent, and rests rather upon practice than principle, although the reason of it also may be traced. If it shall be found that the custom of crowning Queens-Consort has been uniform and uninterrupted, or (which is the same thing) that the Queen-Consort has always been crowned, unless in cases where there existed some insuperable obstacle, and in cases where she voluntarily declined it, the right will be established in the largest sense. But for the purpose of the present argument, it would be sufficient to demonstrate a more limited proposition of fact, viz., that the Queen-Consort has in all cases been crowned, if married to the King at the time of his coronation—a proposition not the less true, if a case should be found where, from peculiar circumstances, she declined it.

In an ordinary question it would not be necessary to go back beyond the reign of Richard I., the period of legal memory; but for the present purpose it is better to ascend as high as authentic history reaches. Some have doubted whether the Saxon queens, in the early stages of the heptarchy, were crowned; no one denies that they were so in
the later periods. There is no occasion for inquiring into the practice when a successful warrior was held up to his followers in the field upon a buckler, and hailed as king, among a crowd of soldiers, and in the necessary absence of his family. But as often as the solemnity assumed the form of a civil observance, the Consort appears to have shared its honours. As early as the year 784, Edelburga, the wife of Brichtrich, King of the West Saxons, having been guilty of attempts against her husband's life, the Queens of Wessex were "deprived of all titles, majesty, and royalty," which Spelman and Selden understand to have included coronation; and this was effected by an express law. How long it remained in force is uncertain; but in 856, Judith, the wife of Ethelwulf, of the same kingdom, was crowned at Rheims, and afterwards received with royal honours in England. Selden, Tit. Hon. cap. 6; Speed, p. 300; and Carte, i. 295.) Mr Selden, referring to the universality of the practice in all other kingdoms, says, that "the Saxon Queens were in the late times crowned like other Queens, so that the law of the West Saxons was soon repealed;" as if it were a solitary exception to the general rule in those times. In the Cotton MS. there is a document purporting to be the order of the coronation of Æthelred II. in 978; but Mr. Selden treats it as a general ceremonial for the Saxon coronations, and says that he had seen it in a hand-writing six hundred years old, which (as he wrote at the beginning of the 17th century) would make the MS. at least as old as Canute. (Tit. Hon. c. 8.) All subsequent coronations have followed this order, and its words are remarkable. The ceremony is first described for the King and then follows the Queen's, as matter of course:—"Finit consecratio Regis: quam sequitur consecratio Reginae, quapropter honorificentiam ab episcopo sacri unginis oleo super verticem perfundenda est, et in ecclesiâ coram optimatibus cum condigno honore, et regiâ celsitudine, in regalis thori consortium, benedicenda et consecranda est; quae etiam annulo, pro integitate fidei, et coronâ pro æternitatis gloriâ, decoranda est." So much was the coronation of the Consort deemed a necessary part of the solemnity. And in other countries it was so held likewise. Even in France, where the Salic law excluded females from the succession to the imperial crown, they received the honours of the crown matrimonial: their coronation was performed regularly at St. Denys, the King being crowned at Rheims. A Pontificale is extant, prescribing the order of the solemnity, confirmed by a bull of Clement VIII.
Advancing to the Kings of the Norman line, it is necessary to look more minutely into the particular instances, William the Conqueror was married, about eleven years before the conquest, to Matilda, who did not come over with him, and was not crowned till 1068. He was crowned on Christmas day 1066, with as little delay as possible after his victory, in order to obtain a more secure title than he thought the sword would give him. The unsettled state of his new kingdom occupied him incessantly for some time, and he was obliged to make frequent visits to his Norman dominions; but as soon as he could carry Matilda to England, she was crowned, and without any delay. She came after Easter, and on the next great feast of Whitsunday, "Aldredus, Ebor. Arch. in Reginam consecravit." (Flor Worcester, 1090). In this, as in other cases of a like description, before the reign of Henry III., it is doubtful whether the King was himself crowned a second time at his Queen’s coronation.

William Rufus having been elected by the Barons in council upon his father’s death, to the exclusion of his elder brother, was crowned immediately after; he died unmarried.

Henry I. was crowned August 5, 1100, four days after his brother’s death. He was then unmarried; but having espoused Matilda, 11th November of the same year, she was crowned, according to the Chron Saxonicum 209. ed. Gibs. on the feast of St. Martin; and therefore the coronation appears to have been performed as speedily as possible, or at the same time with the marriage. When the marriage of a queen or her arrival in England, happened during the interval between two great feasts of the church, the coronation was somewhat delayed in consequence. In 1121, Henry married Alice of Louvain, who was crowned July 30th of that year.

Stephen was elected by the prelates and barons, and crowned 22d December 1135. He swore upon this occasion to maintain the church and nobility in their possessions, and the oath of allegiance taken to him was a qualified one. The prelates swore to be faithful no longer than he should support the church; the barons, after their example, swore fealty on condition of his performing his covenants with them. His Queen was crowned the 22d of March following—having been left abroad, in all likelihood, while the first struggles for the throne occupied her Consort and his followers.

Henry II. was crowned December 19, 1151; his Queen, Eleanor, is distinctly stated to have been crowned with him, by Gervase of Canterbury, (Script. Hist. Ang. 1377), a high authority upon this point, being a contemporary, a monk of the abbey, and author of the Actus Pontificum
Cantuariensis. Others say she was crowned in 1158, referring probably to Henry's second or third coronation, of which she partook with him. But there was a remarkable incident in his reign, touching which no difference of opinion exists. He was a pleased to have his eldest son, Prince Henry, crowned in 1170, and the ceremony was performed without the participation of his Princess, Margaret, a daughter of France. Her father Louis, complained of the omission—took up arms against England—and put in the front of his causes of war, that Margaret had not been crowned with her husband. A meeting of the sovereigns and an accommodation took place; it was agreed that justice should be done to the princess; and an archbishop and two bishops being sent over from France, crowned her, together with her husband, at Winchester, in 1172.

Richard I. was twice crowned, but never when married, at least in England; for he was only betrothed to Alice, whom he refused to marry, and Berenguela (or Berengaria) of Sicily, whom he espoused at Cyprus, never came to England. No wife of his, therefore, was ever within the four seas; but as if the marriage and her coronation were necessarily connected together, the two ceremonies were performed nearly at the same time in Cyprus.

His successor, King John, had two wives,—Arvisa of Gloucester, and Isabella; the latter of whom only is known for certain to have been crowned, and immediately after her marriage. If Arvisa was not crowned also,—a fact which cannot be proved,—the reason may be easily given. John came over in great haste to seize on the crown; he left his Duchess in Normandy, and arriving at Hasting's on the 25th of May 1199, reached London on the 26th, and was crowned the day after. Disturbances immediately broke out in his duchy; and on the 19th of June he was obliged to hasten back. Before those troubles were composed, he was smitten with the charms of Isabella, and pursued measures for obtaining a divorce from Arvisa, if indeed he had not, as some historians contend, already commenced those proceedings. Certain it is, that the reason for dissolving the marriage was not now for the first time broached, the archbishop who solemnized it having at the moment protested against its validity, upon the ground of consanguinity. Now, Arvisa, from the time of John's accession till her divorce, never was in England; and the process of divorce began almost immediately after his coronation. She may have been crowned abroad; there is no evidence against it; the ceremony was so much a matter of course, that chronicler-
may well have been silent on it; but if it never took place, the circumstances satisfactorily explain the omission.

Thus from the Conquest to the reign of King John inclusive, there were eight coronations performed on account of Kings, and for the purpose of honouring or of recognising them. During the same period there are as many coronations of Queens known to have been solemnized on their account alone, and for the purpose of honouring or of recognising them, independent of their Consorts; at least, if the King on such occasions repeated the ceremony of his own coronation, the principal object of the solemnity was crowning the Queen, he having himself been crowned before.

Henry III. was unmarried when, at his accession in 1216, and afterwards in 1220, he was crowned. On the 14th January 1236, he married Eleanor of Provence, and six days after she was crowned alone, as appears by the Red Book in the Exchequer. He attended, wearing his crown, as we there learn, but he was only a spectator; and M. Paris (355. ed. 1684), relates that the sword of St. Edward, called the curteine, was borne before him by the Marshal, in token of his right to restrain the King if he should do amiss (in signum quod Regem, si obierit, habeat de jure potestatem cohibendi). So entirely was the Queen the principal personage at this solemnity.

Edward I. was crowned August 19, 1274, with his Queen Eleanor: in 1291 he married Margaret of France, at Canterbury, where, in all probability she was crowned. There being no evidence of the event, is no argument against its having happened, when the regularity with which Queens were crowned on their marriage, is considered; and in Henry the Seventh's time, it was distinctly asserted and never contradicted, that no Queen since the Conquest, had ever been debarred of this right.

Edward II. and his Queen Isabella, were crowned together, July 25, 1308; and Edward III. being unmarried, was crowned alone, July 26, 1326; but a year after, he married Philippa, who was crowned alone in April 1327. A proclamation is preserved in the Close Roll in the Tower, summoning the Barons of the Cinque Ports, to attend and perform the canopy service, as they were wont at other coronations. This is the same proclamation which issues to summon the Barons at the coronation of Kings alone, or of Kings with their Consorts.

Richard II. was crowned July 16, 1377, and he married January 14, 1382, his first wife, Anne, who was crowned on the 22d of the same month. In the twelfth year of his
reign, (1397) he married Isabella, who was then crowned alone, as appears from the Close Roll in the Tower. An order is their preserved, to the Sheriffs of London, to make proclamation, summoning "all persons who, by reason of their tenures or otherwise, were bound to perform any services on the days of the coronation of Queens of England, to do the same at the coronation of the King's consort as usual."—In the Cott. MS. in Brit. Mus. Tib. E. 8. 37, is an account of the duties of officers at the coronation, temp. Ric. 2. The duty of Keeper of the Wardrobe is there set forth: "Idem custos codem modo in Coronatione Reginae, si sit coronata cum Rege, sive sola sit coronata," &c.

Henry IV. was crowned October 13, 1399. His first wife, Mary of Bohun, having died in 1394, he afterwards married Joanna, who was crowned in 1403. His son and successor Henry V. was crowned in 1413; but having in 1421, married Katherine of France, he came over to England for the purpose, among other things, of attending her coronation. She was crowned alone, as appears from the Close Roll in the Tower, where a summons remains to all persons to attend and perform services "at the Coronation of Katherine Queen of England, the King's Consort."

Henry VI. having succeeded his father when an infant of a few months old, was first crowned in his ninth year, 1429, and afterwards at Paris in 1431. In 1445, he married Margaret, who was crowned alone on the 30th of May, with the usual pomp.

The materials of Scottish history do not enable us to trace the coronation of the Queen-Consort with such precision; but there can be no doubt that it was punctually and solemnly performed as that of the soveriegn. This may safely be inferred from the peculiar provisions of the law of Scotland, touching the Queen's privileges. There she has by statute the right to an oath of allegiance from all the prelates and barons. Such is the provision of the Act 1428, c. 109, made in the eighth Parliament of James I., and four years after his return from captivity in England. It is entitled, "Aith to be made to the Queen, be the Clergie and the Baronnies," and is as follows, being, like all the old statutes of Scotland, extremely concise: "Quo die Dominus Rex, ex deliratione et consensu totius concili i statuit, quod omnes et singuli successores prælatorum regni quorumunque, necnon omnes et singuli haeredes futuri comitum, baronum, omniumque libere tenentium Domini Regis teneantur facere consimile juramentum Domine nostre Regine. Nec ullus prælatus de cætero admittatur ad suam temporalitatem"
ant haeres cujusvis tenentis Domini Regis ad suas tenendrias, nisi prius præstet Regine illud juramentum." Now that an argument may be drawn to the rights of the King and his Consort in Great Britain, since the union of the Crowns, from their rights in Scotland before the Union, is manifest, both upon principle, and also upon the authority of the Houses of Parliament, which, in 1788, ordered Scottish precedents to be examined as well as English, touching the Regency.

Edward IV. having been crowned in 1461, when he was unmarried afterwards married Elizabeth Woodville, in 1465, and her coronation took place immediately. In the Cotton Collection there remains an Ordo Coronationis Regis Ed IV. et Regine Anglie, with a memorandum, "Pro Unione Regine, quando sola coronanda sit." Tib. E. 8.

Richard III. and his Queen Anne were crowned together in 1483. The proceedings of an usurper are not, in a question like the present, to be overlooked; for he is likely to be peculiarly scrupulous in the observance of all the ancient usages connected with the title to the throne.

Henry VII. took the crown by three titles—descent, conquest, and marriage; and although, as Lord Coke remarks, his best title in law was his marriage, yet it is certain that he preferred the title by descent, which upon all occasions he was anxious to put forward, placing it (to use the language of Lord Bacon) as his main shield, and the other two as its supporters only. The country, as far as its opinion can be collected from the declaration of Parliament, viewed it in the same light; and in the intendment of law this is sufficient, whatever may have been the sentiments of the York party. The crown was by statute entailed upon him and his issue, being limited to the heirs of his body generally, without any reference to the Princess Elizabeth, to whom he was not then married. But before this act recognised him as king de jure, and immediately after the battle of Bosworth had given him possession of the crown, he solemnised his coronation, 30th October 1485, postponing his marriage with the daughter of Edward IV, till the 18th of January following. "These nuptials," says Lord Bacon, "were celebrated with greater triumph and demonstrations, especially on the people’s part, than either his entry or coronation, which the king rather noted than liked, and all his lifetime shewed himself no very indulgent husband towards her." It may well be supposed that this incident increased his jealousy of his Consort’s title, and his reluctance to do anything which might seem to recognise it.
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ingly delayed the coronation till he "alienated the affections of the people, and till danger taught him what to do." The feelings expressed by Margaret of York, Duchess of Burgundy, upon the postponement, evince the sense entertained by the persons best informed with respect to the rights of Queens in this particular. She "could not see without trouble that Henry refused to let Elizabeth be crowned—an honour no Queen of England had been debarred of since the Conquest; and the birth of a son had not induced him to do her that justice." Notwithstanding his dislike of the measure, he was at length obliged to give way; but it came, says Lord Bacon, "like an old christening, that had staid long for godfathers, and this made it subject to every man's note, is an act against the King's stomach." The Queen was crowned alone, 25th November 1487; and the proclamation for appointing persons to execute the office of Lord High Steward at the ceremony, is in the very same terms with the similar proclamation two years before at the coronation of Henry himself. Both are preserved in Rymer, xii. 277, 327; the one tested October 19. 1485—the other November 10, 1487.

Thus, of the eighteen married Kings, from the Conquest to the reign of Henry VII. inclusive, not one was crowned, that had not the coronation of a Consort celebrated either with his own, or upon his nuptials. Fifteen coronations were celebrated for the sole purpose of crowning Queens Consort, including Edward I.'s second wife; the same number of coronations was celebrated on account of Kings alone, including William Rufus; and six are known to have been celebrated of Queens Consort alone. The usage of four centuries is sufficient to establish the rule in respect of a state ceremony; it evinces the practice of England in this respect; it is sufficient to settle more essential points; it fixes the custom of the monarchy; and authorises the conclusion that any subsequent deviations are to be deemed capable of explanation in the absence of positive evidence, and to be only reckoned exceptions, even if it were shewn or granted that they cannot be explained.

Henry VIII. was crowned with his first wife, Katherine of Aragon, 1509; and upon his marriage with Anne Boleyn, she was crowned alone, on Whitsunday, 1533. There may be no evidence of his other wives being crowned, and more than of the contrary position. If it be admitted that they were not, of which no proof exists, there seems little difficulty in explaining the reasons of the omission. He married Jane Seymour the day after Anne Boleyn's execution.
He had then quarrelled with the Emperor and the Pope; he was odious to the church, which he was busy in despoiling; the destruction of Anne rendered him equally unpopular with the reformed party, whom she had protected; and Jane was not likely to court a ceremony which must have exposed her to special hatred, as the accomplice and the occasion of an enormity so recent and so great. She soon proved with child, and died the day after Edward VI. was born. Anne of Cleves lent herself to the proceeding for dissolving her marriage, and Henry was engaged in these from the day of its celebration. During the rest of his reign, the unsettled state of ecclesiastical affairs renders it probable that neither Katherine Howard nor Katherine Parr was ever crowned; but this likelihood is all the evidence we have of the omission, beside the silence of historians, and want of documents.

The cases of Edward VI. who died unmarried. Queen Mary, and Queen Elizabeth, have of course no bearing upon the question. James I. was crowned with his queen in England, almost immediately after his accession, they having both been previously crowned in Scotland.

Charles I. was crowned 2d February 1625, near a year after his accession. It is asserted that he was crowned alone; and it may be so although certainly there are grounds for a contrary supposition. The proclamation for the solemnity, in the usual terms, was issued 17th January 1625; and it announces the coronation of Queen Henrietta Maria, as well as of the King. On the 24th of the same month, a second proclamation was issued, appointing the Court of Claims, and referring, by way of recital, to the coronation of both King and Queen. On the 30th, it is true, a third proclamation respecting knights of the Bath to be created, only mentions "The solemnity of our coronation;" but it is possible that those knights being for attendance on the person of the King, the mention only of the Queen's coronation might be dropt, without the intention of crowning her having been abandoned. Rymer, xviii, 275, 278. However, it is believed that she never was crowned, and this may be admitted, though there is no proof of it. But this omission is not necessarily to be explained by those who contend for the right. It might be sufficient for them to say, that the current of cases being in favour of the proposition of fact, that Queens have always been crowned, the omission in Henrietta Maria's case must have arisen from peculiar circumstances. Nevertheless, those circumstances shall now be shewn, ex gratia, the burthen of the proof laying on the other side.
The marriage of Charles with a Catholic, and her arrival with a Catholic suite, had given great umbrage to the country. In opening his first parliament, that prince had alluded to the rumours propagated by malicious persons, who gave out that he was not so true a friend to the established religion as he ought to be; and he assured them, that having been brought up at the feet of Gramaliel, (meaning James I.) he should steadily persevere in supporting the Protestant church. The parliament was not satisfied, and the two houses held a grand conference, which ended in a joint address to the King, praying him to enforce the laws against Popish recusants. In the fifth article of the address, they thank the King for the clause inserted in the treaty of marriage,—that no natural born subject, being a Catholic, should be employed in the Queen’s household,—and pray that it may be enforced. After the King had given satisfactory answers to the different heads of the address, *seriatim*, and issued a proclamation against recusants in consequence, his favourite minister, the Duke of Buckingham, declared in parliament, that his Majesty took well their having reminded him of religion, though he should have done just the same had they never asked him; "well remembering," added the duke, "that his father, when he recommended to him the person of his wife, had not recommended her religion."—*Rushworth*, i. 172, 183. *Parl Hist.* ii. 26. These things demonstrate that great jealousy existed in parliament and the country, on the subject of the Queen’s religion; nor was the ferment allayed by the King’s compliance; for the Commons, a few days after, refused supplies, on account of grievances, particularly the growth of Popery, and the supposed leaning of the court towards it, and the parliament was suddenly dissolved on the 12th of August, the joint address having been voted at the beginning of that month. Now the coronation took place in the interval between this dissolution and the calling of a new parliament.

It may be from hence inferred, that one motive for changing the resolution to crown the Queen, was the reflection that such a measure would revive the alarms respecting her religion, and excite odium against her person. The nature of the solemnity, when she came to view it more nearly, must have decided her in refusing to partake of it. She must have regarded with abhorrence, a ceremony into which the rites of the Protestant religion entered so largely—a ceremony performed at a Protestant altar, by a Protestant prelate, in the language of a Protestant ritual. Had she and the King professed the same Catholic faith, this difficulty
though great, might have been got over; but, as he was a sincere Protestant, the words taken by him in one sense, have been used towards her, and by her, in an opposite sense to make them innocent. The sacrament is a part of the ceremony; but supposing that to have been left out, she never could have received the ring given to her with the words, "Accipe annulum fidei, signaculum sanctae trinitatis." "Fides in the King's case, must have meant the reformed faith; applied to the Queen, the same word in the same archbishop's mouth must either have meant the opposite doctrine, or it must have bound her to the heresy she daily abjured. The use of the ring was equally inconsistent with her creed, "Quo possis omnes haereticas pravitates devitare;"—that is, eschew the heretical sins of her own religion,—"et barbaras gentes virtute dei praemere, et ad agnitionem veritatis advocare;" in other words, convert infidels to the errors she abhorred as damnable. A gift bestowed in such a place by such a power, accompanied by such words, subservient to such purposes, must have been to her only an object of aversion.

No reasonable doubt, then, can be entertained that the Queen was deterred from submitting to be crowned, partly by her apprehension of the odium which her participation in a Protestant religious service might excite against herself and her Catholic followers, and partly by her own religious scruples. The tradition among antiquaries is, that she declined, unless she might be crowned by a priest of her own persuasion, which was of course refused. That the difficulty must have occurred in the manner here asserted, seems still further proved by the article in the treaty with France, stipulating that at the marriage, "aucune ceremonie ecclesiastique interviendra," (Rymer, xvii. sub fin.) and by the dates of the proclamations already cited, which shew that the change of resolution was too sudden to have proceeded from actual remonstrance on the part of the country, and consequently that the objection to being crowned moved from herself, dictated by her apprehensions or her scruples, or

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*The correctness of the statement that Queen Henrietta Maria was not crowned, and the reasons of the omission, are proved by a passage in "Finetti Philoxeas. Some Choice Observations of Sir John Finetti, Kt. and Master of the Ceremonies to the two last Kings. Printed 1656." The French ambassador was at the house of Sir Ab. Williams where, with her Majesty, he had a view of the procession, p. 170. He declined being a spectator at the coronation, "where the Queen, his master's daughter, excused her presence." 169 The Queen's reason (as it was vouched) for not being crowned together with the King, was because she could not (they said), by her religion, be present at our church ceremonies, where she must have had divine service celebrated by our bishops, and not by those of her own religion, as was demanded for her crowning." 171 This book was presented by his late Majesty (Geo. IIII.) to the British Museum.
both. If she had been deterred by the country from enjoying her right, the non-user would not have operated against her Protestant successors; if by the King, from his submission to the wish of the country, the same remark applies; but there is every reason to conclude, that the three parties, King, Queen, and Country, concurred in the omission, which consequently cannot operate against the right, whether we consider it as in the Queen-Consort, or in the realm, or in both. And the view which can be taken least favourable to the argument, viz. that Henrietta Maria’s case stands unexplained, and is an exception to the practice, proves nothing more than that a Catholic queen and Protestant king cannot well be crowned together.

Charles II. was crowned before his marriage with Katherine of Portugal. The religious animosities of the last reign were now greatly increased—a motion in parliament had been made to prevent Charles’s marriage with a Catholic—and the existence of scruples in Katherine’s mind is on record; for one of the charges against Lord Clarendon, in Lord Bristol’s Articles of Impeachment, was his having persuaded the Queen to refuse being married by a Protestant priest or bishop. If, then, it be admitted, that she was never crowned, (of which there is no proof,) the omission falls within the scope of the argument respecting the case of Henrietta Maria, with this difference, that Katherine’s case, howsoever explained, or if left unexplained, does not affect the rule of a Queen being always crowned with her consort, if married at the time of his coronation.

James II. and his Queen, Mary of Modena, were crowned together, both being Catholics. The solemnity of the sacrament is said to have been omitted on this occasion, but how the difficulties were got over which arose from the other parts of the service, seems hard to comprehend. The utmost use that can be made of their submitting to the ceremony, is unavailing against the argument respecting Henrietta Maria and Katherine—for that which scars one person’s conscience may not affect another’s; and besides, the King and Queen being of the same religion, found it much more easy to take the words of the ritual in their own sense.

Since the Revolution, no exception whatever can be found to the rule; for George the First’s wife never was in England—never was known as Queen—nor even mentioned officially at all till after her decease, and then named by the title she took after the divorce, which is understood to have dissolved her marriage before the accession of the house of
Brunswick. It may be remarked, that the last proclamation issued respecting a coronation, viz., the one directing the late Queen to be crowned, was issued some days after the one for the King's coronation, the marriage having been solemnized in the interval? and it summoned all persons bound by their tenures or otherwise, to attend and do service at the Queen's coronation.

The ascertaining of the facts has done more in this case than lay a foundation for the argument. Every thing here depends upon usage; and the uniformity of that usage, both in England and other countries where the solemnity of a coronation is known, demonstrates the true nature of the solemnity, indicates its component parts, and prohibits the rejection of one portion rather than of another. It is on all hands agreed, that, in England, no Queen-Consort has ever been denied a coronation. It is admitted that the present will be the first instance of a demand and refusal. But it has further been proved, at the very least, that, as often as a married King has been crowned, his Consort has received the same honour, unless, in one instance, where she was abroad; and in another, where religion prevented, and she declined it. That the Queen-Consort, married at the King's coronation, being of his own religion, within the realm, and willing to be crowned, has always been crowned, is a proposition without any exception whatever; and it applies strictly to the case of her present Majesty; it embraces the matter now in question. Where usage and practice are every thing, this might be sufficient; but a larger proposition has been proved; and it is a legitimate inference from the statement of facts, that the Queen-Consort has at all times been crowned as regularly and solemnly as the king himself; for, the cases are extremely few, where positive proof does not exist of the Queen's coronation; and it is very possible that there may be no omission at all. Again, if it be granted that, in those cases, where the proof exists not, there was no coronation, they must, in all fair reasoning, be taken as exceptions to a very general rule; and we are bound to presume that they would be so explained as to bring them within the rule, if we knew the whole facts. This would be a sound inference, supposing we had no means whatever of accounting for those exceptions. It is the manner in which men always reason in questions of historical evidence, and in the practical affairs of life; but it is also the manner in which courts of law reason. If an immemorial enjoyment of a way or pasture, by persons having a certain estate, is
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proved, it will be inferred, that the claimant, and those whose estate he hath, at all times used the way or pasture, although he may not be able to shew that each owner, within the time of living memory, did use it. Suppose that this proof is wholly wanting with respect to one owner, who had the estate for a few months; if all others used the way or pasture, as far back as living memory reaches, the presumption will be, that the one owner also used it. But even if proof were given that he did not, and his non-usor were unexplained; it would avail nothing against the generality of the proposition of fact, that all used it who chose; for the presumption would be, that there existed circumstances which, if known, would explain the non-usor; and the burden of rebutting this presumption, would be thrown upon the party denying the immemorial enjoyment. So here, if the person holding the station of Queen-Consort is proved to have been crowned, in all but two or three instances, respecting which there is no proof either way, a presumption arises, that in those instances too, she was crowned; and if it be shown or admitted, that in those cases no coronation took place, he who denies the uniformity of the custom, must shew either that the ceremony was refused to the Queen, or that it was omitted without any cause; the necessary conclusion from the great majority of instances being, that the ceremony always was performed, unless the Queen refused, or some accident prevented it.

This is the principle upon which other coronation claims have been, in all times, dealt with. It cannot be proved that in every coronation, the Barons of the Cinque Ports, performed the canopy service, because there are some of those ceremonies of which no records are preserved. But their claim has always been allowed, and it would have been allowed, though proof should have been given, that in one or two instances they did not serve, as unquestionably is the case. For the omission would justly have been deemed accidental, that is, imputable to causes now unknown, but consistent with the uniformity of the usage. So the court has upon the present occasion admitted the claim of a lord of a manor to do service as larderer to the Kings and Queens of England at their coronation, although in right of that manor, it is proved that no such service had been done since the reign of Edward I. The King's right to be crowned might stand in the same predicament; for, although it happens that his coronation has only been omitted in one instance, that of Edward V, which is easily
accounted for, the omission might well have been more frequent. The intervals between accessions and coronations have been long enough to leave many risks of a demise of the crown before the ceremony could be performed; and though the delay had not been accounted for, it is presumed that the unexplained omission would not have availed against the King’s right. Nor can it be admitted that the oaths taken by the King, and the allegiance tendered to him, make any difference in the argument. These rest themselves upon usage antecedent to the statute; and if they formed no part of the solemnity, the King’s coronation would still be an important ceremony.

Such would be the principle, if all the exceptions to the rule had remained, wholly unexplained; but it is contended; that they have all been sufficiently accounted for. There is the greatest difference between an omission and an interruption—a mere non-user, and a denial. No instance whatever is alleged of the Queen having been prevented from enjoying the honour in question. On the contrary, two attempts were made to disturb her, and both failed. King Henry, as he must be deemed, and was always called after his coronation in the lifetime of his father, Henry II., and afterwards Henry VII., delayed the coronation of their consorts, and endeavoured to withhold the ceremony altogether; but both were obliged to yield to the usage, and those consorts were crowned. As one successful interruption would counteract many instances of uncontested usur, so one failure in the attempt to interrupt is worth many instances of peaceable enjoyment.

The use and practice, such as it thus appears to have been in all times, establishes the right. At least it throws upon those who deny it, the burthen of proving the Queen’s part of the ceremony to be one that may be dispensed with, both, as regards herself and the ceremony, or the realm, which is interested in it. But a more near view of the Queen’s part will still further prove the existence of the right.

If it were asked by what tests a substantive right can most surely be known, the answer would be—by these three; its separate and independent enjoyment—its connexion with other rights arising out of it, and dependant on it alone—and its subserviency to some important purpose, of the claimant or of the realm. The right in question has all these incidents.

The Queen-Consort has been crowned in fourteen or fifteen instances when the King’s coronation had before been celebrated, and when the performance of the ceremony could
bear no reference to him. In six of those cases, at the least (Edward III. Richard II. and Henry III. V. VI. and VII.) the Queen-Consort was crowned alone, sometimes in her husband’s absence, sometimes in presence of him, as a mere assistant at the solemnity. Furthermore, a ceremonial is distinctly laid down for her coronation, apart from the King’s, upon the supposition that it may at any time be performed separately; and the Liber Regalis, the authentic document prescribing the order of the coronation, and followed in performing it for ages, consists of three parts, the first laying down the rules for crowning the King alone, or with his Consort; the second for crowning the Consort, when crowned with the King; and the third, “si Regina sola sit coronanda.” This solemnity, then, is considered as wholly independent of the King’s coronation; it is not an accessory to that ceremony; it arises, indeed, out of the Queen’s relation to the King by marriage: but the relation once established, the ceremony follows as a necessary consequence, with her other privileges.

Again; many rights in other persons have grown out of this ceremony, and still further testify its immemorial existence and substantive nature. The Barons claim to bear the canopy over the Queen as well as the King, and to have the cloth; this claim has always been allowed, e. g. in the 20th of Henry III. when the Queen alone was crowned. At the same coronation, as appears by the Red Book in the Exchequer, Gilbert de Sandford claimed, by ancient right of his predecessors, to be chamberlain to the Queen at her coronation, and to keep her chamber and the door thereof, and have the entire bed, and all things belonging to it. This claim was allowed, and in the Testa de Neville (or Book of Knights’ Fees), fo. 243, it is set forth, that Gilbert de Sandford, holds certain manors there specified “by the Serjeanty, that he be the chamberlain of the lady the Queen.” By the same Book it appears, that at a subsequent period, Robert de Vere, Earl of Oxford, held the manor by the like serjeanty. In the Close Roll in the Tower, there remain a proclamation to the Barons of the Cinque Ports, to perform the canopy service, at the coronation of Philippa, Queen of Edward III.—a Summons 8 Hen. V., to all persons to attend and perform service at the coronation of Queen Katherine—and an order to the Sheriffs of London, 20 Ric. II., to summon, in like manner, all persons owing service at the coronation of the Queen-Consort. At those three coronations the Queen alone was crowned. By the Coronation Roll in the Tower, a claim appears to
have been allowed, in the reign of Henry IV., of Reginald de Grey de Ruthyn, in right of the manor of Ashele, to perform the office of the napery at the coronation of Queens as well as Kings of England. It is moreover certain that all persons performing any service at the Queen’s coronation, attain from thence the degree of Esquire. (Poddridge’s Law of Nobility, 145.)

It is impossible to contend that a ceremony so ancient, so universal, so well known and accurately described, so regularly observed without any variation, far beyond the time of legal memory, and as far back as history reaches,—a ceremony interwoven with other usages, and the foundation of various rights—is a mere creature of accident,—and dependant upon the individual pleasure, or personal will of the sovereign.

If no purpose could be discovered to which it can now be subservient, or if even its original could not be traced, there would not, on that account, arise a presumption, that the sovereign may ordain or dispense with it. He is himself the creature of the law; and in contemplation of law he has no caprice. Mere personal matters of such a nature, as plainly belong to his individual, not his corporate, character, he may regulate at will; but the leaning of the law and constitution of this country is to narrow the class of those personal functions as far as possible, and to regard the natural as merging on the politic capacity. It is absurd and wholly inconsistent with every thing in the history and in the ceremony of the Queen’s coronation, to suppose that it may be ordered or omitted, like a court dinner or ball. They who maintain that it is optional, must contend that it is quite indifferent, and that it never had any meaning or importance; but they must further be prepared to shew, why that alone, of all the coronation customs which it so nearly resembles, both in its nature and history, is both senseless and useless; for no one pretends that the King’s coronation may be performed or omitted at pleasure, and yet it rests upon the same foundation of usage with the Queen’s. They who rely upon the usage have no occasion to shew either the origin or the purpose of the solemnity; but then they must take all the parts of it together. They who hold one part to be necessary and the other optional, must distinguish the two; but where any thing is found so long established, the law will intend that it must have had a reasonable origin.

The King’s coronation most probably was connected with his election. He was either chosen or acknowledged upon that occasion. But it does not follow that the reception of
his Queen, together with him, by his subjects, was an unimportant part of the solemnity, even if no farther explanation could be given of its use—for her high rank and near connexion with him might render it fitting. However, the use of crowning the Consort seems abundantly obvious from her connexion with the royal progeny. The coronation was the public recognition of the King as sovereign, and of the Queen as his lawful wife, and the mother of the heirs to the crown; it was the ceremony by which the sovereign's own title, and that of his issue was authenticated. Crowning the King, acknowledged him as the rightful monarch. Crowning the Queen perpetuated the testimony of the marriage, on the validity of which depended the purity of the succession to the throne; and, on the undisputed acknowledgment of which depended the safety and peacefulness of that succession. The especial favourite of the law of England, as regards the Queen-Consort, is, and always has been, the legitimacy of the royal progeny. The main objects are to prevent a spurious issue from being imposed on the realm; and to remove all doubts upon this point, which, if contested, would endanger the peace of the country. The provisions of the Statute of Treasons are only declaratory of the Common Law, (3 Inst. 8.) and the Mirror (c. 1. s. 4.) written before the Conquest, records the jealous care which, from all time, has been taken of the purity and certainty of the succession to the crown; for it classes the violation of the royal bed among treasons, in nearly the same terms with the 25 Ed. III. When we find this to be the law touching the Queen-consort in those remote ages which also established the practice of invariably requiring her to be crowned, we can be at no loss to conclude that her coronation originated in the same principle, and was intended to prevent any doubts arising with respect to the validity of her marriage.

It is a further confirmation of the same doctrine, and gives additional weight to the whole argument for the right claimed, that distinct traces remain in the older coronations of an actual acknowledgment, and even acceptance of the Queen-Consort, very, similar to the recognition of the King. In the Charter Roll in the Tower, 5. John, is a grant of dower to Queen Isabella; "Quæ in Anglia de communi assensu et concordi voluntate Archiepiscoporum, Episcoporum, Comitum, Baronum, Cleri, et Populi totius Angliae, in Reginam est Coronata." So that the origin of the two ceremonies was exactly the same. The one party was acknowledged or received as King by common consent of the three estates; the other was by the same consent acknowledged or received
as his wife or Queen, for the words in Saxon are synonymous. Queen signifying only the wife, by way of eminence, that is, the King’s wife.

It follows from these positions, that though the reason of the thing may long since have ceased as to the King’s coronation, yet it remains in some sort to this day with respect to the Queen’s. For happily there has long ceased to be any semblance of election in this monarchy, and the only vestige that remains of it is the coronation ceremony; but doubts may exist as to the validity of a King’s marriage, and as celebrating the coronation of the Consort tends to make the testimony of it public and perpetual, so omitting, and still more the withholding that solemnity, has a tendency to raise suspicions against the marriage, and to cast imputations upon the legitimacy of the issue, contrary to the genius and policy of the law.

It is another corollary from the same principles, and one which greatly supports the present claim, that the omitting, and still more the withholding the solemnity with respect to the Queen, when a married King is crowned, tends much more to defeat the objects of the law, than the neglecting or refusing to crown a Queen married after her husband’s accession. For the marriage of a reigning sovereign must needs be public and well known to all the world: whereas an heir to the crown, being a prince or a common person, may, when in a private station, have secretly contracted a marriage, of the existence or validity of which great doubts shall afterwards be entertained. And this argument is most consistent with the invariable course of the custom respecting the coronation of married Kings.

A further consequence from the premises is, that the Queen-Consort’s coronation in not so much a right in herself as in the realm; or rather, it is a right given to her for the benefit of the realm, in like manner as the King’s rights are conferred upon him for the common weal; and hence is derived an answer to the objection, that the Queen has always enjoyed it by favour of her Consort, who directs her to be crowned as a matter of grace. The law and constitution of this country are utterly repugnant to any such doctrine as grace or favour from the crown regulating the enjoyment of public rights. The people of these realms hold their privileges and immunities by the same title of law whereby the King holds his crown, with this difference, that the crown itself is only holden for the better maintaining those privileges and immunities; and they do imagine a vain thing who contend, that so firmly established
usage, well known in all ages, and subservient to important public purposes, can depend upon any thing but the law and practice of the monarchy.

The same answer may be made to the objection, that the Queen's coronation has always been solemnized by force of a proclamation from the crown, which is indeed only another form of the last objection, and is not much aided by referring to the words in the proclamation, "We have resolved to celebrate," &c. The right is not claimed adversely as against the King; it is his right as well as the Queen's that she should be crowned; or rather, it is the right of the realm by law, and the King, as executor of the law, is to see that the ceremony be performed. But this objection would disprove the existence of all rights, public and private; for without the nominal intervention of the crown, none can be enforced if resisted, and many of the most important cannot be enjoyed by the realm, or by individuals. All writs run in the King's name. Not to mention judicial writs, the heir to whom a peerage is limited cannot enjoy his highest privilege without a writ of summons to parliament. And though this is issued by the King, and though, except by impeachment of his ministers, there be no remedy if it be withheld, yet there can be no doubt that the subject has a right to it.—(Skin. 432, 441, Verney's case.) So of a petition of right, the subject's only remedy for the crown's intrusion upon his lands or goods. So, of the right which the realm has by statute to a new parliament once in seven years at the least, the enactment being, that the "King, his heirs and successors, shall within, &c direct legal writs to be issued under the great seal for calling and holding a new parliament." (16th Car. I. cap. 1.; 16th Car. II. cap. 1.; 6th W. & M. cap. 2.; 1st Geo. I. cap. 38. st. 2.) Now, in all these cases the right is not the less admitted to be in the subject, because it can only be enforced or enjoyed through the interposition of the crown. A right to that interposition is exactly part of the right in question; if it be withheld, a wrong is done; and the possibility of this is so far from disproving the right, that the law will not suppose such a possibility. Then, as to the language of the proclamation, it proves nothing. Other writs run in similar terms; and the writ of error states, "nos volentes errorem corrigi et justitiam fieri, prout dect." (F. N. B. 21.)

It is further said, that the Queen cannot prescribe for being crowned, because she is neither a corporation nor does she prescribe in a que estate. Now, first, it is indifferent whether she takes it by prescription or custom—by force of
ancient grant or ancient statute; next, she is to many intents a corporation; and lastly, she may prescribe as well as a chancellor, who only holds an office at will, and yet has been permitted to prescribe for privileges "in him, and those whose estate he hath"—(Com. Dig. Prescription, A.); or a serjeant, attorney, or under-sheriff, who can all in like manner prescribe—(2 Roll. 264. 11 Ed. IV. 2 and 21 Hen. VII. 16, b.) Surely if such functionaries may say, that all those who have held the same place enjoyed certain privileges, the Queen-Consort may say the like. Yet here is no question of pleading, to which, rather than to the more general assertion of the right, those doubts are applicable.

This is the argument submitted to the Lords of the Privy Council on behalf of the Queen-Consort. The question is raised for the first time; it must be determined by legal principles, without reference to the occurrences which have lately agitated the country. Future ages, in pronouncing upon it, and in judging the judges of the present day, will view the subject as calmly as we do the remains of the Saxon Heptarchy, or the monuments of the Norman line; and will only recur to the events which occupy us, in case the sentence now given should be otherwise unintelligible. If that sentence shall be one worthy of the great names which sanction it, there will be no such explanation wanted.