THE

WHOLE PROCEEDINGS

ON THE

TRIALS

OF

JAMES WATSON, SEN^R.

ARTHUR THISTLEWOOD, THO^S. PRESTON,

AND

JOHN HOOPER,

FOR

HIGH TREASON.

INCLUDING,

A LIST OF THE JURY,

COPIES OF THE ARRAIGNMENT AND INDICTMENT,

ATTORNEY-GENERAL's ADDRESS,

Evidence and Cross-Examinations of the Witnesses,

Mr. Wetherell's Eloquent Speech,

SOLICITOR-GENERAL's REPLY,

THE JUDGE's CHARGE TO THE JURY,

BEHAVIOUR OF THE PRISONERS,

And every other Proceeding in these highly-interesting and important Trials. The whole given at full length, without the smallest Abridgement.

Taken in Short Hand by a Gentleman of the Bar,
EXPRESSLY FOR THIS EDITION.

LONDON: PRINTED AND SOLD BY J. BAILEY,
116, CHANCERY LANE.

Price Two Shillings and Sixpence.

HIGH TREASON!!

THE

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ON THE

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OF

JAMES WATSON, THE ELDER, SURGEON,
ARTHUR THISTLEWOOD, GENT.
THOMAS PRESTON, CORDWAINER,
AND JOHN HOOPER, LABOURER,

FOR

HIGH TREASON.

INCLUDING,

LISTS OF THE JURY, AND WITNESSES;
COPIES OF THE ARRAIGNMENT AND INDICTMENT;
THE
JUDGE'S ADDRESS TO THE JURY;
THE ATTORNEY-GENERAL'S ADDRESS;

TOGETHER WITH

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State Trials, &c.

JUNE, 1817.

On Monday morning, the 9th of June, 1817, as early as half-past six o'clock, a considerable concourse of people were assembled at Tower hill, to witness the conveyance of the State Prisoners to Westminster, for the purpose of undergoing their trials. At seven o'clock a strong body of the Life-Guards arrived, and soon after, the carriges in which they were to be removed.

At about 20 minutes after eight o'clock, Watson, Hooper, Preston, and Thistlewood were brought from the Tower to Westminster-hall, in four glass coaches. In each coach were four Yeomen of the Guard, and one prisoner; and the whole procession was escorted by two troops of Life Guards. They passed over London bridge, through the Borough, and over Westminster bridge. When they arrived in Palace-yard the prisoners got out of their respective coaches in the order in which we have mentioned their names, and were conducted, each between two Yeomen of the Guard, through a lane of constables, to the wicket at the great entrance into the Hall, amidst loud cheering from the populace.

On the gates of the Hall being opened, it was discovered that a large and strong railing had been placed across the Hall, from the Treasury steps, to prevent the pressure of the crowd, and the interruption of the law-officers in their passage to the court. All means of access to the Court of King's-Bench, through Westminster-hall, was cut off by a strong and high partition, running entirely across from the western side side of the Court of Common Pleas. Access to that Court and the Court of Exchequer remained open as usual by the eastern door, but was totally cut off from the Courts of King's Bench and Chancery, and the Houses of Lords and Commons. The entrance to the Court was therefore from the street opposite Westminster-abbey. The Jury were admitted from that direction into the Court of Chancery, which was assigned for their place of accommodation. The Grand Jury-room was assigned for the witnesses, and the gentlemen of the bar were admitted into the Court by the door at the head of the stone stairs leading into the tranverse passage to the Houses of Lords and Commons. The barristers practising in that Court, took their seats at the back part, reserving two clear benches for the Counsel on the part of the Crown and the prisoners.

At twenty minutes to nine o'clock Watson was ushered into Court by a party of Yeomen of the Guard; he was dressed in a suit of black, and carried under his right arm a bundle of papers; he bowed respectfully to the Court, and took his seat immediatelybehind the bar.

The Captain of the Yeomen, or Gentleman Gaoler, and the Lieutenant of the Tower, took their seats to the left of Watson. Preston was next ushered into Court, attended by another party of Yeomen of the Guard: he was also dressed in black; he appeared cheerful, and cordially shook hands with Watson; a party of Yeomen also escorted him. Hooper next made his appearance, and was dressed in black; he also shook hands with Watson and the rest. Thistlewood came in last; he looked ill; was dressed in a sailor's jacket and trowsers, and wore a black handkerchief. He manifested a great anxiety to speak to Watson, and on his approach to him shook him heartily by the hand. Sixteen Yeomen of the Guard sat by the side and behind the prisoners.

Before the proceedings commenced, the prisoners frequently conversed together.

The Sheriffs of London, Messrs. Brydges and Kirby, sat under the Judges, and the Lord Mayor and Sir James Shaw on the Bench.

Precisely at nine o'clock the Attorney-General entered the Court.

At a quarter past nine o'clock, Lord Ellenborough, Mr. Justice Bayley, Mr. Justice Abbot, and Mr. Justice Holroyd, entered the Court; and

On the Court taking its seat,

Mr. Serjeant Copley immediately rose, and addressed their Lordships as follows—My Lords, I humbly request your Lordships to be pleased to give some directions, so that the counsel for the prisoners may be enabled to discharge their duties.

Lord Ellenborough—What is it, Sir, that you wish to be done?

Mr. Serjeant Copley.—My Lord, I have to request that you will order some of the guard to withdraw, as we have not room at present to act.

Lord Ellenborough then desired the officers of the Court to see what arrangement could be made; and, in consequence, twelve of the guard were removed out of Court.

The Attorney-general said, he understood that the prisoners intended to challenge several of the pannel: he should, on the part of the Crown, claim that the prisoners be tried separately; and he should now state, that he should first put Mr. James Watson the elder on his trial. It would still be necessary that the other prisoners should remain in Court, but they could retire into the second row. This would afford that room and accommodation to his learned Brother Copley which he desired.

The arrangement was accordingly made: Thistlewood, Hooper, and Preston, withdrew into the second row; while Watson remained in the front row, with Major Elrington, and a Yeoman of the Guard on one side of him, his Counsel on the other, and several other Yeomen round him.

Mr. Harris, the crier of the Court, then made proclamation as follows:—"You good men of the county of Middlesex, summoned here this day to try the cause between our Sovereign Lord the King and James Watson the elder, the prisoner at the bar, answer to your names."

Mr. Barlow, Secondary of the Crown-office, then proceeded to call over the panel: several applications were made by individuals to be excused attending, on the plea of ill health, and other causes. Several of the Jury were challenged on the part of the Crown, and prisoners, when the following Jury were at length sworn:—

Thomas Allman, - - *Princess-St. Conduit-St. bookseller.*
Robert Norton, - - - *Pickett-St. Temple-bar, button maker.*
John Tomlinson, - - *Bedfordbury, boot maker.*
Peter Richardson, - - *Charing Cross, lottery-office-keeper.*
John Bryant, - - - *Wapping-street, anchor-smith.*
Samuel Kell, - - - *Red-Lion-St. carpenter & undertaker.*
Richard Ramsden, - *Brook-St. Holborn, capillaire-maker.*
William Phillips - - *Holborn, ironmonger.*
Thomas Wilkes Barker, *Kirby-street, Hatton Garden, Gent.*
Richard Perkins, - - *Red-Lion-street, Holborn, shoe-maker.*
William Hacklock, - *Holywell-street, Shoreditch, carpenter.*
Samuel Knight, - - *High-street, Norton-falgate, druggist.*

Mr. Barlow then proceeded to read the indictment, which charged *James Watson* the elder, late of Bloomsbury, surgeon, *James Watson* the younger, *Arthur Thistlewood*, mariner, *Thomas Preston*, cordwainer, and *John Hooper*, labourer, with having in the month of November last, traitorously conspired against our Sovereign Lord the King, and the Constitution of the realm.

Mr. Barlow, the clerk of the Crown, charged the jury with the prisoner, and after reading the indictment by which he was accused of high treason, addressed them in these words:—"To this indictment the prisoner, James Watson the elder, has pleaded not guilty. and for his trial has put himself upon God and his country, which country you are. Your charge is to inquire whether he be guilty of this high treason, in manner and form as he stands indicted, or not guilty. If you find him guilty, you shall inquire what goods or chattels, lands or tenements, he had at the time of the said high treason committed, or any time since. If you find him not guilty you shall inquire whether he had fled for it. If you find that he did fly for it, you shall inquire of his goods and chattles, as if you had found him guilty. If you find him not guilty, and that he did not fly for it, say so, and no more, and have your evidence.

Lord Ellenborough inquired whether it was desired by the Counsel for the prisoner, as three distinct species of treason were stated in the indictment, and the over acts of each were the same, to have them proved repeatedly, or whether the evidence respecting them might be received as equally applicable under each particular head?

Mr. Wetherell signified that he entertained no wish to trouble the Court unnecessarily by a repetition of the same evidence. It was then agreed that the evidence called should be applied only to those counts charging the treasonable matter.

Mr. Shepheard, jun. opened the pleadings, but did not think it necessary to make any observations upon the facts so fully set forth in the indictment.

The Attorney-General then addressed the Court as follows:——

He observed to the Jury that they were now assembled to discharge one of the most important duties that could devolve on the members of a civilized society. It would be their duty to decide on the guilt or innocence of the person at the bar, upon a charge of the highest crime known to the laws of England; a crime, too, undoubtedly the greatest that could be committed against the safety and the happiness of mankind. The offence of which the prisoner stood accused was one which struck at the very root of all social intercourse, and of all con-

fidence and security amongst men; it aimed directly at the destruction of every comfort to which the subjects of this Government were entitled under the administration of the law. As friends to that constitution, and anxious for its defence, they must, when such a charge was made, on the one hand, apply their utmost vigilance and attention to its investigation; whilst, on the other, they required that the criminal matter alleged should be substantially proved by the strongest and most convincing evidence. When he should have called the witnesses who were in attendance, he had not the slightest doubt that their testimony would establish the truth of all the overt acts as laid in each separate count of the indictment. These overt acts, when so proved, would amount to a manifestation of four distinct species of treason—namely, the compassing and imagining the death of the King; the conspiring to depose him from his royal state and government; the actual levying war against the King; and lastly, the conspiring to effect a change of the Government by force. The first and the third of these charges were founded upon the act of the 25th of Edward III; and the second and fourth upon the act of the 36th, chap. 7, of the present reign. This latter statute, although differing considerably in language, did not introduce any material alteration in the law upon this subject. The old statute declared, in its definition of treason, that the crime consisted in compassing or imagining the death of our Lord the King, or our Lady the Queen, or in levying war against their sovereign authority within the realm, provably manifested by overt acts. He was obliged to his learned friends when they corrected him by intimating that the language of the law was not *probably*, but *proveably* manifested; but it was not his intention to distinguish between the two expressions, or to gain any advantage by the employment of one rather than the other.

With regard, then, to the force and meaning of the word "compassing," it might not be unnecessary to remark, that it was to be understood in a sense somewhat different from its general acceptation in common life. A "compassing," in the understanding of the law, consisted in the entertainment of a deliberate design, and in a guilty intention manifested by some positive act. It was the state of mind which gave its character to the offence, as that state should be indicated by evidence of a clear and decisive nature. The first charge against the prisoner at the bar was that of intending to put the King to death, and of prosecuting that object by acts contrary to its allegiance as a good subject, and in violation of the sacred character of the Chief Magistrate. This object, it was to be understood, was to be effected by, or what amounted to the same thing, must be contemplated as a necessary consequence of a subversion of the existing constitution and Government of this realm. The acts which would be produced in evidence might not, when taken separately, be substantive demonstrations of a traitorous purpose under the old law, yet might still fall within the construction of that law as explained and illustrated by the act of the present King; and which it was still more important to remark, might, when combined and compared with each other, constitute a weight of proof which it would be impossible to resist. He apprehended that he should be enabled to show a series of progressive measures taken by the prisoner in conjunction with others, all referring and preparatory to the ulterior

purpose charged, namely, of levying war against the King. He should prove, if not deceived in the evidence upon which the indictment proceeded, that repeated consultations were held in order to devise the means of effecting that purpose; and that the result of these consultations was, the actual insurrection and levying of war against the King's authority and the peace of his realm. It would appear that, in furtherance of their ultimate design, the prisoner, together with others, conspired to attack the Bank and the Tower; to seduce his Majesty's troops from their allegiance; that they had gone so far as to provide arms to carry their intentions into effect by force; and that one of the means which they proposed to employ was to burn the barracks, and to destroy those of the military whom they should not have previously corrupted and seduced. It would likewise appear in evidence, that with these views they hired a house to serve as a depository of combustibles; that they provided a number of pike-heads, and conspired to procure meetings in Spafields to further their traitorous and hostile purposes. Here the Attorney-General said he would take the opportunity of making a few comments upon the latter part of this accusation, and proceeded to the following effect:—"I consider the plan that procured the meetings of which I have spoken, and which have made so deep an impression upon the minds of the people, as deserving the character of overt acts of treason upon this ground. Those who conspired to procure them did so with an object very different from that which they professed. It was not their intention to seek the consent of those whom they assembled together for the purpose of doing what was the right of Englishmen to do. It was not their object to exercise the right of petitioning Parliament for the redress of grievances, of applying to that constitutional mode which formed one of the leading features in the superiority of the Government of this Country: their object was to get the passions of the people upon their side; to turn those passions into the instruments of their designs; and upon the pretext of petitioning, to collect a multitude armed against the authority of the King, and conducted to levy war against him. When acts are done expressly to answer the purpose I attribute to the prisoner, however indifferent they may be under other circumstances, certainly under those they are decidedly overt acts of treason: parading the streets with a hostile intention; attacking gunsmith's houses; endeavouring to persuade the soldiers to open the Tower gates, in order that those who used the persuasions might become masters of that fortress, are acts which, combined together with the great range of operations in evidence against the prisoner, can leave no doubt of the dreadful change that was contemplated.

The second count, which comprehends the compassing and imagining the deposition of the King, is almost the echo of the first; for he who compasses the deposition, certainly compasses the death of the King. Levying war is the assembling together a multitude for a hostile purpose, to procure by force of arms any general object in view. Insurrections to pull down prisons or brothels; in fact, all acts of this description, which arise from a purpose hostile to the tranquillity of the State, are comprehended under the denomination of levying war. It will appear that the object of those, one of whom is now taking his trial for life or death, was against

the safety and tranquillity of the State; that it was revolution, and the introduction of disorder and confusion. It has been found necessary to try the prisoners apprehended upon this charge, separately, in order to avoid the difficulty and confusion necessarily attendant upon the practise of challenging the jury; but it must not be forgotten, in the course of the trial, that that prisoner is named as a conspirator with others, and that his conduct is deeply affected by that of those with whom he conspired. Although James Watson is alone on his trial, the particulars of the conduct of Thistlewood, Preston, and Hooper, who stand near him, must not be omitted in the consideration of the case. In the matter of inquiry those particulars are not to operate against any other than Watson with respect to your verdict; but their acts are his, and there is no possibility of disjoining them. When men have a plan to put into effect, each takes a part in the operation different from that taken by the other; but if they all act in conjunction and conspire together to accomplish their plan, the act of one is the act of all; and if you believe that Watson conspired with Thistlewood and the others to carry into effect that with which the prisoner is charged, it is impossible to separate the guilt of the one from that of the others. I shall, for the purpose of making my view as comprehensible as possible, put an instance: Suppose it to be inferred from those circumstances that a conspiracy to take the Tower of London existed; if one of those who conspired came on one day, and performed some act confirmatory of such intention, and another came on another day, and also made his acts correspondent with the object of seizing upon the Tower, and so on, those separate and apparently distinct acts are considered as the acts of one conspiring mind.

Here the learned gentleman entered into a detailed history of all the circumstances connected with the conspiracy. The principal parties concerned in it were Watson, Preston, Hooper, and Thistlewood. Watson had for some time lived in Hyde-street, Bloomsbury: on the 25th of November he took a lodging at No. 1, Dean-street, Fetter-lane, and it was not certain whether the people belonging to the house in Hyde street, where he lived, knew of his taking this lodging: from the latter place he went away on the 25th, and did not return to it again. Thistlewood lived in Southampton-buildings, Chancery-lane; and Preston lived in a house in Greystoke-place; the house, No. 9, in that place, was his residence; and that was the place to which all reference respecting Hooper was to be made. It appeared, then, that up to the 25th of November, Watson resided in Hyde-street; and that on the 2d of December, his residence was in Dean-street, Fetter-lane. Preston still continued in Greystoke-place; and this would appear to have been a most important spot, so far as regarded the transactions which were to be detailed to the Jury. It would appear to have been their constant place of meeting, and that it was, in fact, the headquarters of the conspiracy. In the month of October, a person named Castle, whom he should call as a witness, became acquainted with Watson and Preston; he first met them at one of the meetings of a society which was called the Spenceans; the place of that meeting was the Cock, in Grafton-street, Soho. It was not his intention to enter into any comments respecting the nature or ten-

dency of these Spencean Societies. He should merely observe that one of their leading principles was—that all exclusive possession of land was unjust and oppressive; and that all the land of the kingdom ought to be made the common property of the people. It was unnecessary for him to point out the folly or the wickedness of this doctrine; he would merely say, that were it possible to carry so wild a scheme into effect, it would bring about the destruction of all property, and entail misery on the very parties intended to be benefited by it. Another principle maintained by the Spenceans was, that fundholders had no right to the annuities which they received; so that the whole of these doctrines led directly to one universal system of proscription, and spoliation of property. It was, as he had already observed, at one of the meetings of this society, that the witness, Castle, first became acquainted with Watson. On a subsequent evening they met at another of those societies, which was held at the Mulberry-tree, in Moorfields. It was there he first saw Thistlewood; and on that occasion a sort of intimacy commenced between Castle and Watson. They walked together from the place, and as they went away, Watson endeavoured to sound him as to his principles; and when he discovered that they were somewhat similar to his own, he began to talk to him about the subversion of the Government, and remarked how easily such a thing could be effected, provided the business was well managed. Castle then gave Watson his directions, which was somewhere in or near Gray's inn-lane. Here Watson called upon him on the 26th of October, and explained to him the object of his visit, which was, to collect together as many of the labouring poor who might be out of employment as they could; to take advantage of the distresses under which they suffered, and induce them to become instruments for carrying their plan into effect. This was nothing less than that revolution that was to bring about an equal division of the land of the country. At the same time Watson produced a machine by which the horses of the cavalry might be disabled and destroyed; and showed him a plan of the Tower of London, which was to be one of the objects of their attack. Now, in corroboration of this statement which would be made by the witness Castle, he should lay before the jury a remarkable piece of evidence. After the affair of the 2d of December last, the lodging of Watson was searched, and in it were found two papers; one of them was a plan of the Tower, and the other was a description of the iron cat, by which it was intended to disable cavalry from acting. These were the two things shown by Watson to Castle; and these were found at the lodgings of the former. At the interview to which he now alluded, they talked about money, on which occasion Watson said the parties engaged in the business had money enough. In the course of their conversation, the same day, Watson declared, that nothing but a revolution would be beneficial to the lower classes of the people, or alleviate their sufferings. After this, the parties had frequent meetings and conversations respecting their plan for effecting a revolution. In one of these conversations, Watson said to Castle, that he (Watson) was to be one of the generals of the revolutionists; but that Thistlewood was to be at their head. One part of their plan was, to prevent the King's soldiers from acting against them; and that was to be

effected by destroying the barracks in which they were quartered, and in such a manner as to destroy the soldiers also. Monstrous and impracticable as such a plan as this might appear to be at first view, it was not to be estimated by the degree of folly belonging to it, but by the depravity of mind by which it had been conceived. Sometimes the wickedness of a man was so great as to lead him to adopt the most inconsistent means for effecting his object; and therefore the absurdity of his plan could not be used as an argument against the probability of its having been devised. After having thus conferred upon the means of destroying the soldiers, Watson and Castle went together to visit the barracks and magazines in Hyde-park, in order to devise the best mode of ascertaining how they could be attacked. This was done previous to any conference being held with Thistlewood on the subject. The next day Castle was introduced to Thistlewood, and then a conference took place between them respecting pikes, or pike-heads; when it was proposed to Castle, whose trade was that of a blacksmith, that he should make a number of pike-heads. They were to be made at a place different from that where he worked, as he was only a journeyman. After this, Watson and Castle proceeded together to Paddington and the streets adjacent, where there were several persons in great distress and out of employ, in order to work upon them, and make them instrumental to their designs; for which purpose they were told that they never could be relieved from their distresses, unless something decisive was done. Among other places, Watson desired Castle to go and sound the navigators at Paddington. If the Jury did not know what the term navigators meant, he would inform them, that it was a term applied to the persons then employed in cutting the Regent's canal, near Paddington. They were men who possessed great physical strength; and, if wicked enough to enter into such a design, were capable of being very able associates in carrying it into effect. These men were to be sounded as to their opinions, and every effort was to be made to stir them up into discontent. After this, Castle went to the Cock public house, and there became a member of the Spencean society. On this occasion Watson paid the money for his admission. On the 31st of October, Castle went, for the first time, to Greystoke-place, and when he came there, he was told by Watson that he was made a member of their committee, which was to consist of six persons. It appeared that a person of the name of Harrison had been materially connected with those parties; but, in consequence of a dispute which he had with young Watson, quitted the society before any of those objects had been determined on. His place in the committee was to be supplied by Castle, and the remaining members were the two Watsons, Preston, Hooper, and Thistlewood. In the conversations which they held respecting the means of carrying their plan into effect, it was stated that they might rely on getting over a great part of the foot soldiers to join them; but that they could place no dependence on the cavalry. For his part, he did not believe that they had the slightest foundation for any hope of the kind; for, although there might be some unprincipled and wicked men among all classes of society, he could never think that any considerable number of the military would be so criminally forgetful of their duty as to turn their arms, in

combination with traitors, against their King and country. It was, however, a part of the plan, that the cavalry, on which no dependence could be placed, were to be attacked. They were to begin with the cavalry barracks in Portland-place, and these barracks were to be burnt. Watson being, in consequence of his profession, skilled in chymistry, and well acquainted with the qualities of combustible materials, was desired to make a calculation respecting the quantity of materials that might be necessary, and the expense of them; and it was then stated, that these combustibles would not merely burn the barracks, but destroy the soldiers, by stifling them before they could leave their rooms The only question of difficulty was, how the combustibles could be disposed of until the time came for using them. This difficulty was soon removed: it was agreed that a house should be taken contiguous to the spot, on pretence of converting it into an oil-shop, to which barrels of tar, pitch, and other combustibles, might be conveyed without any suspicion. They soon found an empty house in Seymour-street. They repaired to the owner, a respectable gentleman of the name of Cosser, residing in Milbank-street, Westminster, who had no notion of the use to which the house was to be converted, and who was referred to Thistlewood, in Southampton-buildings, for the character of the person who was to take the house. Mr. Cosser went to make inquiry respecting this reference, and when he found that Thistlewood was only a lodger, he would not let the house to the parties; and for that reason only it was not taken, and the scheme was abandoned. The person named Harrison, whom he had already mentioned, had left the society in consequence of a quarrel with young Watson, and in consequence of being alarmed at its proceedings. The parties then having given up the plan of the house, agreed to have a number of pike-heads made; and Castle was appointed to go to a person, from whom he could get a pattern of a pike-head. He was desired to say to the person that it was wanted to form a part of an iron fence, which was to enclose a rabbit-warren; the name of the person was Mr. Bentley. He had no suspicion as to the object the parties had in view; and he gave a pattern of one of those instruments, which he supposed was intended to form part of a fence. When this should be produced into Court, it would be found to be a terrible instrument of death, and even of war. An order then was given for 250 pikes, to be made exactly resembling the pattern in question: they were made at Bentley's workshop, and taken away by young Watson and Castle, and carried by them to Watson's lodging in Hyde-street. Castle did not afterwards know what became of those pikes, but a most extraordinary circumstance respecting them would be shown in evidence, by which it would appear, that after Watson left his lodgings in Hyde street, a privy belonging to the house was searched and emptied, and in it were found 199 pikes, exactly resembling those which Bentley had been ordered to make.

It is not necessary for me (said the Attorney General) to enter into a minute detail regarding these pikes or pikeheads; but I now come to a most important fact. Something like an organization was agreed upon, and the prisoner, with others whom you have heard named, were each appointed to their respective offices. Thistlewood was to have the command; Watson, sen. was to be second;

Hooper third; Castle fourth; Watson, jun. was to be fifth; and Preston, who was lame, had the last post assigned him. It was at first agreed upon at a meeting held by these parties on the 10th of November, that an insurrection should take place on the first assembly at Spafields. This, however, was abandoned, and it was merely determined upon to congregate the people together for the purpose of discussing the state of the times, and seeking a redress of grievances. About this time there were placards and advertisements issued, signifying that there had been adopted a "Committee of Public Safety." To this announcement there were attached certain names: however, in justice to the parties, I must declare my consciousness that they did not even know they had ever been mentioned. But mark how extraordinary it was: when the prisoner Watson was apprehended on the night of the 2d of December, a paper was found in his pocket, which purported to contain a list of this "Committee of Public Safety." The names mentioned were those of Sir Francis Burdett, Lord Cochrane, Mr. Arthur Thistlewood, Major Cartwright, Mr. H. Hunt, Mr. Gale Jones, Mr. R. O'Connor, Mr. James Watson, and others.

The jury being observed at this part of the case to be taking notes, *Mr. Wetherell* rose, and inquired whether they were taking the statements as facts proved?

Lord Ellenborough.—I cannot possibly suppose that they are taking notes in any other way than I would do, by way of illustration; and that they have a right to do.

Several of the jury said that this was exactly the reason of their noting the statement.

Mr. Attorney General resumed. I am stating that which I am fully instructed to state, and it would be unworthy indeed of me, if I attempted to state any, even the slightest matter, beyond what I was confident I should be enabled to prove. As I mentioned to you before, gentlemen, the existence of the Committee of Public Safety, I should not have omitted to mention, that some of the names of its alleged members were changed; but this is of little moment, while it is of great importance that the paper was actually found upon the prisoner. Soon after the transaction before alluded to, a meeting was held, at which it was agreed that a meeting was to take place in Spafields, and that then an insurrection should burst out. This, however, did not take place, for reasons which will be proved by the witnesses. The next feature of the conduct of the prisoner and his companions was the publication of an advertisement, signed by one Dyall, and which was to have been published by Watson, or some other person of the party. It was addressed principally to distressed artisans, manufacturers, &c. and announced the intended meeting. Thus, in order to effect a diabolical purpose, a paper of apparently an innocent nature was circulated, for the purpose of imposing on the minds and feelings of the poorer classes of society, and by subsequently working on their passions, to make them the ready victims of the guilt the party had planned to execute. No doubt numbers of suffering individuals would go to this meeting, if they thought any good would result from it to them; but even laying aside the consideration of the wicked plans they had in view, nothing could be more infamous to conceive, than the calling together of the lower orders of the people, under pretence of doing

them some good, and taking advantage of their distress, and the infirmities of human nature, by proposing to their hopes one thing, and deceiving them with another. Gentlemen, in the course of these proceedings the meeting alluded to was called, but it was found necessary to have a leader; and, in consequence, a Mr. Hunt, who lived in the country, was applied to. I don't believe, however, that the real purpose of the meeting was made known to that gentleman, but that it was represented to be, as I before said, the case of distressed artisans and manufacturers, &c. Nor do I think, Gentlemen, that the breaking out was intended to have been attempted at this time; and the meeting which will be described to you took place Subsequent to the proceedings of this day, the whole party went to dine in Bouverie-street with Mr. Hunt; and I will show you that the prisoner Watson and the others were all acting there together. This was on the 15th of November; and another meeting was proposed to take place soon after the meeting of Parliament, which was to assemble in the month of February. This delay was objected to by young Watson, who proposed that no longer adjournment should occur than 17 days, and that there should be a meeting on the 2d of December. This was agreed to; but I should have informed you, that at the meeting of the 15th of Nov. a flag was unfurled by the parties, on which were inscribed the following words:—"Nature to feed the hungry; Truth to protect the oppressed; Justice to punish offenders." Of the nature and intention of this address, Gentlemen, I will leave you to judge; and let me add, that during the interval from the 15th of November to the 2d day of December, no means of industry were left unemployed in exciting the passions and inflaming the minds of the people. The day of the 2d, however, was approaching; and the inquiry was, what should be done? An advertisement, among other things, was agreed upon, and perhaps to read it is the best way at once to show its meaning. It was as follows:—"England expects every man to do his duty. A meeting will take place on the 2d December, to receive the answer of the petition to the Prince Regent, determined upon at the last meeting held at the same place, and for other important considerations. The present state of Great Britain;—Four millions in distress!!!—Four millions embarrassed!!!—One million and an half fear distress!!!—Our brothers in Ireland are in a worse state!!! —The climax of misery is complete: it can go no further. Death would now be a relief to millions.—Arrogance, folly, and crimes, have brought affairs to this dread crisis. Firmness and integrity only can save the country. After the last meeting, some disorderly people were guilty of attacking the property of individuals. They were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times, in common with others; the day will soon arrive when their distresses will be relieved. The nation's wrongs must be redressed.—John Dyall, Chairman.—Thomas Preston, Secretary."

The note just read at the bottom of this advertisement is of the greatest importance, and, coupled with what I have before detailed, nothing can be more insidious. It is impossible to read it without drawing the inference of its diabolical design, more particularly when the other strong facts, namely, the ordering the pike-heads, the firing the barracks, and other matters, are taken into consideration. I shall

indeed be happy so hear what explanation my learned friend (Wetherell) will give to the production I have just read you. For what purpose, I would ask him, was such an advertisement placarded and circulated, unless for the purpose of recommending the adoption of force? What other possible object could there be, unless it was to inflame the minds and passions of the people, and to stir up insurrection and rebellion? The paper to which I have just drawn your attention had also not only been placarded upon the walls of the metropolis, but care was taken that copies should be circulated among those most necessary to be influenced, namely, the soldiers. I now proceed to inform you, that previous to the meeting of the 2d of December, witnesses will prove, that young Watson and others agreed to go and view various gun-smiths' shops, marine store-houses, &c. The former, in particular, were to be visited on the day of the meeting, and the assembly were of course to supply themselves with arms. One plan beside was worthy of remark, and the more so, as it regarded the opposition expected from the soldiery. Nay, it was not only to have been adopted with a view to prevent the firing, but to win over the soldiers. A number of young women were to be procured; they were to be dressed out in the best manner, to be decorated with the tricoloured cockade, and to be placed in front of the ranks of division to be headed by the several parties. This, I presume, was expected to have worked powerfully upon the humanity of the troops; but looking at the possibility of mischief occuring, and such a plan being adopted, I think the project was most wicked and abominable. The time of the 2d day of December, and whatever was decided upon, was to be ultimately carried into effect on that day. Arrangements were however necessary to be made, and among arms purchased for the occasion were pistols traced to the previons possession of the parties, and afterwards actually found in the possession of Hooper, who was apprehended by the praiseworthy exertions of the Lord Mayor and Sir J. Shaw. The person named Castle, to whom I have before alluded, was also commissioned to purchase pistols, sabres, &c., which he did; and previous to the great meeting, the prisoner and his companions assembled in Greystoke-place, where, with the exception of Thistlewood, they all dined, and agreed to go together to Spafields on the following day. Castle, in furtherance, was sent out to hire a waggon or stage, in which he was unsuccessful, until at length meeting with a person named Windermude, he made an engagement, that he should go with them to the top of Chancery-lane, and meet him, from thence to go to Spafields. Windermude was asked to decorate his horses with ribbands, the tricoloured cockade, &c., but he refused. The parties, however, proceeded to the waggon with their arms and ammunition, &c. to Spafields; and it was further agreed, that in the course of their career, they should go to the "Old Lady and the Old Gentleman." These, gentlemen, I understand, mean the Bank and the Tower. Castle, I should observe to you, left the party that went to Spafields, and directed his course towards the east end of the town. Here he was directed, if he met with a sufficient assembled force, to proceed and endeavour to take the Tower himself. Thus, it appeared that Castle had nothing to do beyond his procuration of the waggon on that memorable day I have just named to you. What was done at Spafields I shall now shortly

advert to; and after I have stated the transactions of that day, you will have to say whether those persons, having previously purchased arms, did not act for the purpose of destroying the King and Constitution of these realms; whether they did not compass and imagine the King's death; and whether they did not conspire to levy war, and compel the King to change his measures. But before I come to what occurred at Spafields on the 2d of December, I should observe, that on Saturday the 30th of November, it was agreed, that different persons were to go to different parts of the town; and a plan was arranged, by which particular divisions were marked out. Some were to be at London-bridge, some at one side of the Tower, and some at another. And here I must bring to your notice a most singular thing, as a decisive proof and confirmation of a plan of operations having been arranged. I have already told you, that when Mr. Watson, senior, was taken on the night of the 2d of December, a paper, purporting to contain the names of a Committee of Public Safety, was found upon him. I will farther show you, that in his pocket also was found a paper, which is obviously and manifestly a sort of plan of intended operations; and from which it is clear that the Tower and the Bank were the principal objects of attack. The paper found in his pocket was this:—

"Smiths (meaning blacksmiths), Westminster-road, to form three divisions, and collect as great a number as possible together, and meet the London division at the London-road, and proceed to the Old Man. Paddington, to proceed to St. Giles's.—Barricado each street to Holborn Bars, and the approaches to T. B. (meaning Temple-bar.)—Barricado Chancery-lane and Carey-street. St. Giles's division to barricade as far as St. Andrew's, Holborn, to include Chancery-lane; 3d. Gray's Inn-lane; 4th. St. John-street and Old-street; 5th. Whitechapel; 7th. Bank; 8th. Pickett-street."

This paper, thus the enumerating points of co-operation, was found in Mr. Watson's pocket on the night of the 2d of December, when he was taken in the attempt to quit London. Every division was settled and agreed upon on the 1st of December at Greystoke-place; at least divisions very much similar to those I have read. It will also appear, I think, that at that meeting a map of London was produced, in order to explain and facilitate the course of proceeding agreed upon to be pursued on Monday 2d Dec. which, as you will observe, was convened in pursuance of the inflammatory advertisement I have already read to you. That meeting had been adjourned from the 15th of November; and it was expected of course that Mr. Hunt would come and address the assembly, not as chairman, but as one of the persons who was desirous of expressing his sentiments. Whether it was in consequence of any thing which Mr. Hunt had said on the former occasion that this expectation was formed, I do not know, but certainly he was expected. The conspirators, however, thought it more advantageous for their purpose that they should begin their proceedings before Mr. Hunt came, and they therefore began accordingly, with a view, as will appear, for the purpose of giving their partisans the necessary instructions before he should arrive. At this proceeding, Thistlewood, Preston, Hooper, and the two Watsons, took an active part, the latter of whom were the most conspicuous on account of their inflammatory language and

conduct. The waggon, in which were the arms and ammunition I have already spoken of, was placed in the field, and from thence the inflammatory language, which I am going to read, was addressed. The principal orators on that occasion were the prisoner Watson, and his son, James Watson, junior. The language and expressions used on that occasion were manifestly intended to excite a seditious disposition in the mob then assembled, for the purpose of more successfully carrying into effect the previous deliberate conspiracy, formed for a general insurrection and rebellion; and I think no man, let him be ever so blind, or ever so dull in understanding, can doubt, that what occurred on that occasion was the effect of a preconcerted plan; and that, in fact, the object of the parties who took part in that scene was nothing else but insurrection and rebellion, for the purpose of overturning, as far as they could, the Government of the country, and plunging the kingdom into anarchy. No man, I say, can hesitate to believe, that the object of the measures of that day, coupled with the previous concert and conspiracy, was to effect a complete revolution in the country, by the actual deposition of the King from the throne, and the dissolution of all government and all law in the society in which we live. Good God! let us reflect upon what would be the consequence of the mischief contemplated by these persons had it been carried into full effect. Let us imagine for a moment what a state of anarchy and bloodshed must have resulted from the success of the Spafields conspirators. Suppose those persons had got into civil and military power, in what a state of desolation and anarchy would this country have been involved! Should we not have been in an actual state of civil war, at least during the time that such a contest could have lasted, and should we not during that time have experienced all the horrors and anarchy of civil war and domestic bloodshed? Is there a good man, or any man, who does not believe, that if the plans of these misguided persons had succeeded, the country would have been involved in rebellion, and all the desolation consequent upon the subversion of the constituted authorities of the land? Gentlemen, I was about to state to you the effect of the addresses delivered by the prisoner at the bar, and his son, to the misguided multitude assembled on the 2d of December. The language used on that occasion by Mr. Watson, sen. was this:—

Friends and countrymen—We are convened this day, in consequence of the resolution passed at our last meeting, to hear the answer to the petition which we agreed to present to the Prince Regent. I cannot refrain from expressing the pleasure which I feel at this moment in addressing so respectable a meeting. The petition which Mr. Hunt was deputed to present to the Prince Regent, was prepared in the hope that his Royal Highness would give an answer to the cries of those starving thousands by whom he is surrounded. I am sorry to inform you, however, that he is resolved to give us no answer—that he will afford us no consolation. It is useless then to take that course. This day we are called on to take other measures; and England expects every man will do his duty! We are called on because four millions of our countrymen are in distress! —because so many more are embarrassed!—because one million and a half fear distress!—While these miseries exist, a few enjoy splendid luxury! Only half a million of the people of this country,

ex this placard expresses, are not in fear either of embarrassments or death. I ask you, friends and countrymen, if ministers have done their duty in advising the Prince Regent not to hear our cries? Has the Prince Regent himself done his duty? Was there ever a more calamitous time in this country than the present moment? It is not only this country that is thus oppressed—our sister country, Ireland, shares in our misfortunes. There the climax of misery has been brought to a close. There their sufferings cannot be extended farther. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? The present is the time to do something. What! will men, with minds and hearts of Englishmen, continue thus for months and years to be starved? How are we to be restored to our rights? Not by talking!—not by long speeches!—not by petition! for our petitions are not heard. It appears that we are placed in a state of bondage; the rights of civil society are not attended to. The calls of the multitude from time to time have availed nothing. That parliament, which was destined for the protection of the people, has been invited to assemble together, to take into consideration the distresses of these calamitous times; to consider, in their wisdom, if they possess wisdom, the situation in which we are placed. In this distressed state of things they should have obeyed our call; they should have assembled together, and have taken into consideration the situation of the dying multitude, and not been deaf to our prayers. It must rest with ourselves, then, to consider how we are to relieve ourselves, in these calamitous times. We have been told truly, that trade and commerce have been annihilated; but still we have the earth, which nature designed for the support of mankind. The earth is sufficient to place every man in distress in a comfortable situation. If he has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you: I have said that the bonds of society have been neglected; what, then, is our situation? They have placed us in a state of nature: they have neglected the cries of a hungry and starving people: not a day passes in the streets of this great metropolis in which people are not seen starving to death. Are they ignorant of this? If they are, they ought not to be; but they are not. They know well that the people are starving in every part of the kingdom, and yet will admit of no measures to relieve them! [groans]. *Will they now hear our cries? Have they not been supplicated in the language of men, in the language of forbearance and of patient suffering? The Israelites were in a state of bondage for a long time, but we double that time. Ever since the Norman conquest, Kings [and Lords] have been deluding you. They have, in many instances, converted the people to their own wicked purposes, but this must not last any longer!"*

Gentlemen, such was the language of the prisoner on that occasion. It is impossible to misunderstand his allusion to the Norman Conquest. It is obvious that his object was to bring into scandal and contempt the kingly authority. We then come to the address of the prisoner's son to the multitude then assembled. It was to this effect:—

"*The last time we met in this place, I had the honour of saying a few words. I was the person who proposed the resolution for our*

meeting again this day. It was there said that we should hold our meeting on the first day of the meeting of Parliament. It was not in our power, however, to tell when Parliament would meet—It might never meet at all! At that time we agreed to present a petition to the Prince Regent. This petition, we have been told, was presented; but answer there was none, except that the Prince Regent said, 'that his family never attended to the prayers of the people'; they never answered any petition which did not come from the Universities of Oxford or Cambridge, or from the Corporation of London;' in other words, 'I will not attend to the prayers of the people,' This man calls himself the father of the people, is it not the duty of a father to protect his children? Does he do so? No, he leaves you but too much ground for complaint: while he tramples on your rights. There is no luxury which he spares: he knows the expenses will be paid out of your pockets. Are we to submit to this any longer? Will Englishmen any longer suffer themselves to be trampled upon like the poor African slaves in the West Indies, or like clods and stones? We can expect nothing, I beg your pardon,—since our last meeting, from the resolutions which were passed by the people, calling upon each other to come forward, some persons did distribute ox-cheek broth and ox-bone soup. Many came forward with their 200l. and 300l., who should have come forward with their 100,000l. and 200,000l. Do you believe that these contributors have a sincere wish for the people? They come forward to rob you of all you possess, and then give you a penny to pay the turnpike. The Prince Regent, in his great generosity, in consequence of your miseries has given you 5,000l. out of funds which do not touch his own pocket. He plunders you of millions, and then gives you part of the spoil. My friend here has been described by the Treasury Journals as a second Wat Tyler. No bad title; for be it recollected, that Wat Tyler stepped boldly forward for the purpose of resisting an oppressive tax, and would have succeeded, had he not been basely murdered by William Walworth, then Lord Mayor of London. But we have no bull-rush Lord Mayor now: and if he had been surrounded by thousands of his fellow-countrymen as I am now, he need not doubt his success. It seems the determined resolution of ministers to carry things with what they call a high hand; or, as they say, Our Sovereign Lord the King will carry every thing with firmness. In short, if they will carry the business in defiance of the voice of the people—if they will not give us what we want, then shall we not take it? Are you willing to take it? Will you go and take it? If I jump down among you, will you follow me?"

Upon which he jumped down; and the prisoner and his son, heading the mob, proceeded towards the city, accompanied by Thistlewood, and others of the conspirators. In their progress they were assailed by some of the police officers, (who will be called to you), and by whose exertions some of the banners and flags were taken from them. On one of those banners was inscribed, "The soldiers are our friends, treat them kindly." Can any man doubt that the object of this inscription was to seduce the soldiery, in case it should be found necessary to call them out for the purpose of putting down and repressing the insurrection? Another remarkable circumstance was, that amongst the banners unfurled on that occasion was the tri-coloured flag! Need I call to your recollection, Gen-

tlemen, the associations connected with that memorable ensign in the bloody era of the French revolution—a period at which the tricoloured flag was the rallying point of every thing that was bloody and atrocious? At first it was the symbol of revolution and violence, and it was afterwards adopted as the national standard of tyranny and usurpation. For what purpose was the tricoloured flag adopted in this instance, but for the purpose of holding up the example exhibited, of rebellion and horrible assassination, which took place at the French revolution? For what other purpose, I would ask you, could it have been adopted? Such ensigns as these, tending as they do to inflame popular feelings, have at all times been most dangerous to the public tranquillity, and have often been resorted to by designing men, for the purpose of inciting their countrymen to acts of outrage and rebellion. Many of you, I dare say, are old enough to recollect the scenes of plunder and desolation, which disgraced this great town in the year 1780, when a tumultuous mob, headed by Lord George Gordon, proceeded to acts of the most disgraceful and wanton violence.

For what purpose all these insignia of war, but to put themselves in battle array, and to furnish themselves with reinforcements and with weapons of destruction? Why were the gun-smiths shops attacked, except it was to furnish arms which were to answer the purposes they had in view? They attacked and pillaged Mr. Beckwith's shop of all the arms they could find; and from [illegible] the identical arms taken from it, which [illegible], in the instant they were employing them in purposes and overt acts of treason and rebellion, the object was clear. That object was expressly declared by the address of young Watson, who, it would be proved, went to buy those very pistols which he took in his pocket, and with which he shot at that young gentleman, Mr. Platt, then in the act of expostulating with him, though, fortunately, he did not kill him. When this transaction took place, they had no sooner accomplished their purpose of plundering Mr. Beckwith's shop, and of murdering such as opposed them, than they proceeded with those arms, which they judged favourable for their designs, towards the Royal Exchange. They were there met by the Lord Mayor and the worthy magistrate sitting under their lordships (Sir J. Shaw), whom they no sooner saw than they resisted an attempt which was made to secure them. In the intermediate time, they had collected an additional mob, armed like themselves, with guns, pistols, and every weapon they could possibly lay their hands upon, thus trampling upon the laws and constituted authorities, in a state of revolutionary riot and open rebellion; for I may fairly say so from the deliberate design, purpose, and execution, which was manifest from the acts they committed throughout the whole affair. They were running some one way, some another, when met by the Lord Mayor and by Sir James Shaw. Two guns were at that instand discharged at the Lord Mayor, though neither did execution: and one of these persons so carrying and using these arms was now charged as a prisoner with Mr. Watson. The person alluded to was Hooper, who had those very arms in his hands, which would be proved to have been purchased by young Watson just before the proceedings of that morning, and in consequence of those consultations had between them for the express purpose of arranging

what was intended to be, and actually was so carried into execution on the Monday. The gunsmith would be called of whom these pistols were purchased by young Watson, and one of which would be proved to be the very pistol which was found upon Hooper. Some broke off in the direction of the west, other proceeded in the direction of Surrey, and those who were taken with arms in their hands to the Royal Exchange, and eastward in the direction of the Tower of London. After having concerted their measures according to the written plan which was found upon the prisoner Watson (with other documents which would be produced), what was the next object?—to attack the gunsmiths' shops. The shop of Mr. Ray, in the Minories, was immediately attacked in the same way as that of Mr. Beckwith's, although Mr. Ray had actually then shut up his shop. They went over to the other side of the way, and attacked the shops of Mr. Brander and of Mr. Potts, and took all the arms that could be found there, together with a field-piece. When they had thus proceeded to the Minories they were not far off the Tower. Here a person advanced from the rest of the mob, and who, I believe, will be shown to have been Thistlewood. He got upon the railing which surrounded the ramparts, and raising his voice, made a treasonable address to the soldiers. He represented to them that they were to receive one hundred guineas a piece, and with a sword in his hand, he invited them to come over to the mob. He solicited his Majesty's troops to join in those measures for which they had armed themselves. Can any human being doubt what their object was in thus seeking to seduce the soldiers from their duty to join them with their arms? If this was not to excite a general insurrection, for what other object? Why were they armed at first, and why did they resort to plunder for arms? Why attempt to seduce the soldiery from their allegiance, but to obtain all the reinforcement that could be procured? Why the mounting up into a waggon furnished with ammunition? Why those inflammatory speeches to excite the passions of the mob, except to bring over others to join them for the purpose of open rebellion and treason? The question is, whether this was a conspiracy to overturn the legitimate government of the country, or with intention to petition for redress of grievances, or Parliamentary Reform? Now, I do say this—I don't care how far they go towards this object of contemplation, provided they go so far only as to show what their object was. I should be glad to hear from the prisoner, or his Counsel, what in reality their object was? What was the purpose of all these consultations, or apparent acts of treason? What in reality was intended? Then I say from what was done, or what could be known from what was done, that their object was levying war against the sovereignty of the state, and against the constitution of the country as by law established. I say that what was done was nothing short of all this, though, as I have already told you, I should not pursue the same course of proof as I have laid down in opening this prosecution. After they had made this attempt upon the Tower, and matters were, during the afternoon of Monday in a very alarming state, tranquillity, by the interference of the military and of other loyal subjects, was so far restored, that the mob dispersed. After this dispersion, the evidence traces Watson the elder, Thistlewood, and Hooper (prisoners at the bar), back to the lodgings of the elder Watson in New-street. There it

was found Thistlewood and Watson came and packed up some linen and apparel; and from thence they were traced to another lodging, in the house of a person named Williams, in Shoe-lane. Here they left the witness whom I shall call, and also left Preston, and departed from London that night. It happened they were discovered in the dead of the night, in the neighbourhood of Highgate, by one of the patroles there, who had received information of some robbery committed in the county of Essex. He happened to see two people skulking along in the dark, one with a bundle under his arm, when he advanced, and desired them to stop. The prisoner said he had no objection to show him his bundle, when at the same time the patrole accidentally discovered that Mr. Watson had a pocket pistol concealed about his person. This discovery increased his suspicions; he had no doubt their intentions could not be good, and he immediately seized Watson the prisoner, when the other two persons both fired their pistols at the patrole. Watson was first secured; he made considerable resistance, by striking the patrole, but in the scuffle the patrole drew his dagger, and the prisoner was secured. When searched, he was found armed with pistols. In going into evidence, I shall begin with the transactions of November the 15th, and proceed to the 2d of December. I shall call a great many witnesses, but only to the most important facts appertaining to the various transactions. A witness, who was privy to the conspiracy, is subject to this objection—he must be considered to have been an accomplice. So he was, beyond all doubt, but the law admits his testimony; and beyond all doubt he is a competent witness, if confirmed by others. But, perhaps though unconfirmed, the law, in many cases, does not declare him incompetent, yet it would be too much to say a reliance should be put upon his testimony in capital cases like this where the life of a fellow-subject is at stake. But, nevertheless, without this evidence of an accomplice being allowed here as evidence, you will say there is other cogent and strong evidence against the prisoner of overt acts of treason upon this indictment. But I know I shall confirm this witness upon many circumstances of the truth, of which there is no doubt. The persons who were accomplices with him in what he did will be so strongly corroborated by other evidence, that there will be hardly any point in which I shall not be confirmed by persons who were no accomplices, and who were ignorant as to what those circumstances led, until they came to inquire into them. All doubt will then be removed, and I shall have made out a case from these transactions in support of the indictment—namely, the conspiring and imagining the death of the King, the intending to depose the King, and the levying war for the purpose of deposing him.

Gentlemen, I am sorry for having taken up so much of your time, and perhaps I may have given you a great many confused dates and titles, for which I hope I shall be excused.

Thomas Storer, a printer in Fetter-lane, was then called and examined by the *Solicitor General*.

The witness deposed, that he knew the prisoner. He remembered seeing him on Wednesday, the 6th of November last, at witness's house. He then presented a paper to the witness to be printed. It purported to be a Memorial to the Prince Regent, and was to be printed by the following evening, in order to be distributed at

a public meeting. Witness told him, that the time was so short, it could not be done. Prisoner read part of it to him, namely, that the land was to be divided into parishes, and the rental to be distributed among the people. Prisoner said, that the meeting was to take place on the following day, at the Carlisle public house in Shoreditch: he also observed, that there would be a bill for a public meeting, which he would bring to the witness. Witness did not print the Memorial. He saw the prisoner again on Sunday, the 10th, at his house. Prisoner then brought him a copy of a bill to print. There were to be 2,000 small copies, and 300 large. Witness printed it, and showed him a proof, which he approved, and witness promised to let him have some copies on the following morning. Prisoner brought him a £.10 note on the Sunday, that he might pay himself. He kept £.1, and gave the change. Prisoner told him it was to appear in the *Morning Chronicle* and *Morning Advertizer*. On the Monday morning prisoner came again, and was accompanied by his son and another person. He said he came for the bills, but witness declined giving them. Prisoner asked him, why he had not objected in the first instance. He said he had not at first discovered any harm in them, but he since thought it would be dangerous to have any thing to do with them. Prisoner observed, that a number of meetings had been called in different parts of the country, and the people had gone home in a peaceable and quiet manner. Young Watson asked him, what he was afraid of? Old Watson said, he supposed witness was afraid of having the house pulled down about his ears by the vengeance of a mob: he said, witness was perverting justice, instead of supporting it, by refusing to give up the bills. Young Watson asked for one of the copies, and witness refused it. Witness observed, that as his name was to it, any printer would print it, without thinking there was any danger. Watson then said, that he wanted to send one to Mr. Hunt. Witness replied, that he knew Mr. Hunt, and if he would send a letter for one, he would send it. Watson said, no: he would not have it at all, if he could not have it without a letter. Witness gave him back the paper, together with the manuscript, and the change out of the £.1 note. The purport of the bill was to call a meeting of mariners, artisans, and manufacturers, at Spafields. Young Watson then said, he would go to another printer's, Messrs. Scale and Bates, in Tottenham-court-road. On the 12th, witness got a copy of that paper. He knew Greystoke-place, Fetter-lane. There were two entrances to it, one from Fetter-lane the other from Cursitor-street; the latter was shut at night. On the 13th, witness passed by it, between one and two o'clock in the morning, and saw six or eight persons coming out from a house, No. 9. He did not know who the persons were.

Cross-examined by Mr. Wetherell.—On Wednesday he was asked to print the bills; did not choose to have them distributed. He burnt all but one, and kept that from curiosity. Told an old printer that he had kept one, which he took to the Secretary of State's office on Monday. Was examined before the jury at Hick's-hall, on the subject matter on which he had been examined this day, when he stated what he had stated here, and produced the bill to them. One of Mr. Litchfield's clerks, by whom he was subpœned, went with him. This was in February last, upwards of two months after he had printed the bills. Was before them a quarter of an

hour, and delivered the bill to one of the Grand Jury. Was examined before another Grand Jury at Westminster. Had not received the bill back.

Arthur Scale examined by Mr. Topping for the Crown.—On the 11th November last, an application was made to him by Mr. Preston to print some hand-bills. Preston introduced four or five persons, one of whom was the prisoner at the bar. The bills were for a public meeting, and were printed from a manuscript. The order was for 3,000 small, and 500 large. He printed the bills, and delivered them to different persons who called. Did not know the hand-writing of the manuscript. He printed other bills for the meeting on the 2d of December. Was applied to about eight days prior to that meeting. A Mr. Castle applied to him to print 4,000 small, and 500 large. (Here one of the large bills was produced.) Had not then been paid for printing the former bills. Some of the bills were fetched away by different individuals; about 25 by Watson, the prisoner. Could not say what they conversed about on that occasion, but dared to say it was politics, as they were the order of the day. Was paid for the first bills by Castle, and others whom he did not know. Was never paid for the last.

Cross-examined by Mr. Sergeant Copley.—Did not know what had become of the manuscript. Had not seen it since he composed it. Did not know what person gave it to him. Read it over to himself; could not swear that Watson heard him read it, but believed that he must have done so.

The printed paper was then put in and read: it was signed by Dyall and Preston.

Mr. Sergeant Copley objected, that the Counsel for the Crown were not in a situation to read this bill, as witness could not tell what had become of the manuscript: it could not be proved, therefore that it was an exact copy. This was ordered to stand over for the present.

John Crisp was then called by *Mr. Gurney.*

Mr. Wetherell objected to this witness being examined. Under the statute of Anne, chap. 21. sect. 11. it was enacted, "that when any person is indicted for high treason or misprision of treason, a list of the witnesses that shall be produced at the trial for proving the said indictment, and of the jury, mentioning the names, profession, and place of abode of the said witnesses and jurors, shall be given at the same time that the copy of the indictment is delivered to the party indicted; and that copies of all indictments for the offences aforesaid, with such lists, shall be delivered ten days before the trial, and in the presence of two or more credible witnesses." Now, the name of this witness was given in as John Crisp, lately residing at No. 3, Tyler's-court, Wardour-street, grocer: but here there was, in fact, no place of residence described, nor was there any substitution or auxiliary description by which he might be identified. The word *lately* might mean two months ago, or two years ago, or any other indefinite period. This was not an objection turning merely on a matter of form; it was a substantial objection, founded on a non-compliance with the requisites of this statute. The learned Counsel apprehended, that the more this circumstance was considered, the higher would be the value of its objection to the prisoner.

The object of the Legislature in making this enactment was,

that the prisoner should be enabled to ascertain every thing respecting the character and situation of the witness, either remotely or nearly affecting the matter of his offence. But if this were a competent description for one witness, it might be equally competent for every witness; and in that way the character and circumstances of 250 witnesses would be left in darkness, as to any opportunity which the prisoner might have, and which the law intended he should have, of inquiring into them. He submitted, therefore, that this person was not an examinable witness under the statute of Anne.

Lord Ellenborough observed, that the word *lately* must be taken with reference to the time when the list of witnesses was given in.

Mr. Gurney proceeded to examine the witness. He deposed that he quitted Tyler's Court about three months before the fifth of May, when the list was delivered in. It was a matter of convenience to him to shift his residence. He did not carry on the business of a grocer in Tyler's Court; he resided there about three months. After he saw his name advertised in the newspapers as one of the witnesses, he went to Bow Street, and gave in his name and residence.

Cross-examined by Mr. Sergeant Copley.—He had left Tyler's-court three months before the 5th of May. He resided for a month previous to that time at Mill-wall, near Blackwall. He had since lived at Chelsea. He did not carry on the business of a grocer in Tyler's-court.

Mr. Justice Bayley.—Did you leave word at Tyler's-court where you were gone to?—No.

Mr. Gurney.—Do you live at Chelsea now?—Yes, I am a lodger there.

Mr. Sergeant Copley.—My lords, I object to the examination of this witness. This is not an objection merely in point of form; the statute of Anne is positive on this subject: it never considered it merely as a matter of form; and I rely on the express provisions of this law. In passing this act, the Legislature, most wisely and humanely, were extremely anxious that the prisoner should have a full opportunity of making every inquiry respecting the character and conduct of the witness; and this he is entitled to do, not merely with reference to three months before the trial, but for any anterior time. My lords, I do positively object to the examination of this witness.

Lord Ellenborough asked the Attorney General whether he had any reply to make?

The Attorney General said, my Lord, the case must certainly stand as it does at present. I have no evidence to give as to any inquiry made on the part of the Crown with respect to subsequent residence.

Lord Ellenborough.—Then it does not appear that this was the latest place of residence of the witness, and if so, I think the fact objectionable, that he is not a good witness.

The witness was accordingly ordered to withdraw.

John Lewis was next called, and examined by Mr. Gurney.—He stated that he was a hackney-coachman. On the 15th of November last, he was taken by some persons to Spafields: one rode on the box, and two inside; he should know one of the latter: (here he looked

at the prisoners, but could not identify any of them;) the man on the box had a wand. When they arrived at Spafields, a flag was tied to the end of it: this flag was formed of different coloured ribbands: a person of the name of Parkes made a speech from the top of his coach: no other person spoke from it. Mr. Hunt addressed the people from a chariot, and afterwards from a window in Merlin's cave. Four persons got into his coach to go away, but the mob took the horses off, and dragged the coach against a brick-wall: they then jumped out, and left him, and he had not yet received his fare. He went to an hotel in Bouverie-street, where he saw Mr. Hunt, with several others, but did not know who they were. He afterwards went to Greystoke-place, and saw a young man, and one who said his name was Hooper, and two others. He could not recognize among the prisoners the person who said his name was Hooper.

John Monkhouse examined by Mr. Richardson.—Witness kept the Merlin's-cave at Spafields; he remembered the meeting on the 15th of November; before the coach arrived, a dozen people came to his house, and among them Mr. Preston and Mr. Dyall: (here the witness pointed out Preston;) he did not learn from them whether they had any thing to do in calling the meeting: they went up stairs to the front of the house, called for pen, ink, and paper, and wrote for some time. Mr. Hunt addressed the people, first from a coach in the field, and afterwards from a window in his house. Hunt forced his way up stairs. Witness said, it would not be agreeable to him; but Hunt replied, it was of no consequence, he should go up. The window-frame was taken out, but he could not say who took it out. He did not know the person of Watson.

Cross-examined by Mr. Wetherell.—Hunt made a speech from his room. He heard only a part of it, and could not recollect what was said. He believed it was to exhort the people to consider of their grievances, but could not particularly recal to mind any of the passages. Did not recollect Hunt's saying that the public charity given to the people was an insult. He gave Hunt notice that he should not speak out of his window, and went to him afterwards at the Old Hummums, in Covent-garden.

Lord Ellenborough.—I do not exactly understand what this leads to.

Mr. Wetherell.—You see, my lord, that the act of procuring the waggon is charged as an overt act; I wish to show that they were driven to it.

The learned counsel continued the cross-examination.—Witness said, there was a flag with an inscription on it. Did not recollect who had it. He did not know Castle. There was a magistrate in his house after Hunt began to speak. The magistrate went up stairs, it was Mr. Rainsford, who must have heard the speech. They met about one o'clock, and continued till five. The flag was displayed out of the window, and Mr. Rainsford in coming up to the house must have seen it. There were also police-officers in the house; one named Wood, and another Smart, who was the high constable for Holborn division. Witness himself employed a great many constables. Did not recollect who spoke besides Hunt, but there were two or three others. Hunt's speech was much cheered by the mob. He thought there might be 20,000 persons present. Did not recollect Hunt's saying any thing about adjourning the meeting, but

heard it stated, generally, that the meeting was to be adjourned till the 2d of December. Could not say whether the by-standers, as well as the persons in the room, heard the adjournment mentioned.

Michael John Fitzpatrick examined by Mr. Shepherd.—Witness was at Merlin's Cave on the 16th of November last. Was in the room, and saw there old Watson, young Watson, and Preston. Dyall was there; he had a long string of papers in his hand, and got on the table to read some resolutions, but came down without having read them. Witness saw Mr. Watson there just as Hunt entered the room. Hunt spoke a long time, and moved an adjournment till the first day of the meeting of Parliament. Young Watson moved that day fortnight: it was then agreed that it should be Monday fortnight. Witness heard Preston say that this was a most glorious day; they had 100,000 of their countrymen before them. Watson was then present.

Cross-examined by Mr. Sergeant Copley.—Could not say that Watson was present when the business occurred between Dyall and Preston. Watson had a roll of papers in his hand.

Vincent George Dowling examined by the Attorney-General.—Witness was at the Spa-fields meeting on the 15th of November.

Here *Lord Ellenborough* observed, that he wished it to be distinctly understood, that, during the course of this trial, no part of the proceedings should be published. This was the order of the Court, and he expected it to be obeyed.

Examination continued.—Witness saw a flag at the meeting which was exhibited from the window of the Merlin's Cave. It was a tri-coloured flag, formed of green, white, and red ribbands, with an inscription on it. Some of the words were, Justice, Humanity, and Truth, Mr Hunt proposed an adjournment to the first day of the meeting of Parliament. The younger Watson proposed as an amendment, that it should be Monday fortnight. The crowd was there from one o'clock till near five. Witness saw an advertisement which announced the intended meeting.

Mr. Sergeant Copley observed, that the manuscript from which the bills was printed had not been produced. He submitted, therefore, that the printed copies could not be given in evidence. Even where a copy had been taken off by a machine, it had been held, that it did not dispense with the necessity of producing the original.

Lord Ellenborough said, it had been proved that Watson took away 25 copies of one impression.

Mr Sergeant Copley.—The original manuscript was left with the printer, who gives no account of the loss of it. If these are all duplicates, they are only duplicate copies. The rule of law is not at all altered by their being taken off by machinery. If the Crown had given the prisoner notice to produce the printed copy he took away, and he did not produce it, then they might offer this in evidence.

Mr. Justice Abbot.—I am of opinion that this paper is now to be read in evidence. A meeting was holden at Spafields on the 2d of December, and then, in order to show that Mr. Watson knew the placard had been printed, the printer is proved to have delivered 25 copies of it into his hands.

Mr. Justice Holroyd,—I am of the same opinion. Watson took away 25 copies, and, therefore, he knew the contents of the placard.

Lord Ellenborough. Nothing can be clearer to my mind. In order to prove the contents of a particular newspaper, you prove that the party took in that paper, and then you put in another newspaper of the same date.

The printed paper was then read. It commenced in these words:—"England expects every man to do his duty," and was signed by Dyall and Preston.

Mr. Dowling's examination continued.—Witness saw similar placards on the walls. He went to the Spafields meeting on the 2d of December, about 11 o'clock. He saw a tricoloured flag, and another, with the inscription—"The brave soldiers are our friends—treat them kindly." Some of the persons assembled wore tricoloured cockades. The centre of attraction seemed to be a waggon, into which several people ascended. There was considerable confusion. After some time the prisoner, Watson, mounted the waggon, and waved his hand for silence. Young Watson and Hooper were in the waggon, and, subsequently, he saw Preston in it.

Mr. Wetherell.—Does your lordship think that the speech, which is stated to have been made on this occasion, ought not to have been set out in the indictment? It is charged against the prisoner as an overt act, and I apprehend it ought to have been set forth, at least, in substance.

Lord Ellenborough.—Was there ever an instance in which the whole of letters or speeches were set out?

Mr. Sergeant Copley.—I think, my lord, that Francia's case (6 St. Tri. 737.) is a complete authority for us. It was there laid down, that although it is not necessary to set forth the letters themselves of a treasonable correspondence, yet the substance and intent of them should be stated. In the case of Coleman (2 St. Tr. 661 and in the case of Lord Preston (4 St. Tr. 411.) the substance and purport of the letters were set forth. In Staley's case, (2 St. Tr. 655.) the words were spoken in French, and the import of them stated in Latin. My lord, I rely on these cases to show that the substance, at least, of words and writings, should be set forth in the indictment.

Lord Ellenborough.—Was there any instance in the trials of Hardy and Horne Tooke of speeches or writings having been set forth?

Mr. Justice Abbot.—No. Speeches at Sheffield and Birmingham were then given in evidence, without having been set out in the indictment. They were only charged generally.

Mr. Wetherell.—By the 36th of the King it is made treason to levy war, in order to make the King change his measures. Now we should know what those changes were which these speeches went to effect. The question then is, whether, where the overt act is to compel the King to change his measures, you should not set out the substance, if not the words, of the speech. As, for instance, that the mob called on the King to repeal certain taxes, to reform the Parliament, or any other matter. I undertake to say, that no man ever saw such an indictment as this in the Crown-office. We do not know to what the evidence is to go. If the *corpus* of the treason consists of a demand made on the King, and the demand is to be carried into execution by force, how can we know what the overt act is, unless the substance of the speech is set out in the record?

Mr. Sergeant Copley.—I do not object to what is stated with reference to young Watson. The substance is there given: "He leapt out of the waggon and said, follow me." Here the substance is set out; but not so in the case of the prisoner at the bar. The substance is not there stated, but it is generally ascertained, that certain speeches were made, but the substance is withheld.

Lord Ellenborough.—It appears to me, that it is enough to make the allegation generally.

Mr. Justice Bayley.—The case of the King and Francia establishes the rule, which warrants us in admitting this evidence.

Mr. Justice Abbot.—The overt act is laid here with as much certainty as on Hardy's trial, and on former occasions, where books were admitted to be read as evidence.

Mr. Justice Holroyd.—I think that the overt act is sufficiently stated; but, even if this were not the fact, there are several other overt acts of conspiracy against the King in every other count of the indictment.

Mr. Sergeant Copley.—My lords, one of your lordships has cited the case of Francia in support of this indictment; but I beg leave humbly to submit, that in that very case the substance of the letters was set forth. Here the charge is general, that the prisoner made several treasonable speeches; but I must be in your lordship's judgment, whether they can produce any particular paper which is stated to be an overt act itself, and is not laid in the indictment. The law, I apprehend, says, that nothing shall be given in evidence but what is expressly laid in the indictment. Now if this be allowed of under such a general charge, to prove such a fact, which is not laid particularly in the indictment, then all the security of the law will be eluded. They who are concerned for the King ought to specify in the indictment the overt act they will go upon.

Lord Ellenborough,—It is an universal rule of evidence, that what the party says may be given in evidence. Whatever comes from the mouth of man may be proved as coming from him, as evidence of his intention.

The objection of the learned counsel was then over-ruled.

Witness produced his short hand note taken on the spot, which he said was as correct as he could possibly take it under the circumstances: he admitted that he might be mistaken in a word, from the inconveniences to which he was exposed in the crowd; he had made a transcript, which he handed to the Court, reading the speech of the prisoner from his original notes. [This speech has been already published.] When the elder Watson had concluded, as the witness thought rather abruptly, and as if he had been interrupted, Watson, jun. came forward and harangued the multitude. Of this speech the witness also read the notes he had taken, which was as accurate as his situation in the mob would allow. When Watson, jun. had concluded, he jumped down from the waggon, seizing one of the tricoloured flags, and went out of the field at the head of the mob: all who were in the waggon left it at the same moment. The witness did not particularly notice whether the elder Watson jumped down at that time: as far as he observed, all who were in the waggon followed young Watson. He believed that Hooper and the younger Watson had tricoloured cockades in their hats, but as to the latter he was not certain. He thought that the flag young Watson took into

his hand was the larger one; the witness followed the crowd towards Coppice-row; at the corner of Coppice-row he saw Mr. Stafford, chief clerk of Bow-street office, who endeavoured with other assistance to impede the progress of the crowd: he thought that at that time the flag had changed hands, and was in the custody of a man in a sailor's jacket. The crowd rushed on down Coppice-row, but the witness saw the elder Watson standing at the corner, near a public-house; the witness went back to inform the magistrates, on hearing exclamations from the crowd, of—"Come to the Tower," or "to the Lord Mayor." He saw one man with a short sword, and another, as he believed, with a pistol, or something like one. The witness returned to a house beyond the Merlin's Cave, and afterwards went into the city to see what was doing there. After returning from the crowd, which went down Coppice-row, the witness saw the elder Watson with another part of the crowd, going the same way as the former division, but not with the same rapidity. The witness afterwards went to the Minories, passing Mr. Beckwith's house in Skinner-street, which was much demolished. He came up with the mob in the Minories; he found Mr. Brandon's and Mr. Ray's houses partially demolished: they were gun-smiths. In the front of the shop of the former he saw some muskets and pikes piled, and a long gun that looked like a duck gun. He met the mob coming up the Minories, some armed, and others unarmed: they had guns, swords, pistols, dirks, and other weapons, with a small brass piece of ordnance upon wheels: it was drawn by two sailors, part of the mob: some were charging their pieces, and some were discharging them in the air. He continued with the mob until the arrival of the horse-guards, in about ten minutes: some were crying, but he could not tell who,—"To Spa-fields." He returned to Spa-fields after the dispersion of the mob by the horse-guards; and when he arrived there, he found still a numerous meeting assembled.

Cross-examined—He denied that he had applied to Government for any employment, or that any place had been promised to him: he had been promised to be paid as a short-hand writer, and he certainly had said that he expected to be rewarded as a short-hand writer; he also expected to be paid for his labour. He had spoken to persons generally that he expected to be renumerated for the trouble he had had, but he could not swear to the precise words he had used: he had never applied for any particular employment, nor had been promised any. He expected more than mere payment per folio for his notes as a short-hand writer, for he had done other things. By reward he meant pecuniary renumeration. He had received no directions to go to Spafields on Nov. 15. from any body; it was left to his discretion; he had been for some years engaged with the *Observer*, and other public newspapers, and he went on the day in question to perform his duty as a reporter. He had received no orders from any magistrate, or public-office, to attend. When he arrived on the field on the 2d of December, he was requested by Mr. Gurney's clerk, Mr. Green, the short-hand writer, to assist him in taking a note of the speeches in the field. When he had transcribed his note of what passed, he gave it to Mr. Becket, one of the under Secretaries of State.

Lord Ellenborough doubted whether the witness could be called upon to disclose such matters.

Mr. Wetherell was aware that the objection had been taken in Mr. Tooke's trial, with regard to the disclosure of the name of an informer, but he apprehended that it had not been ever carried so far as his lordship imagined.

Mr. Justice Abbot thought the objection taken by his lordship to the evidence good: and referred to a manuscript note of Mr. H. Tooke's case in point. This note was made by him before the printed trials were published, and his lordship had since added a reference to the printed trial. The note was general, that witnesses were not compellable to disclose the names of Members of Government, to whom they had made private communications.

Mr. Wetherell admitted, that he could not call the officer of government, but he contended, that he might at least ask as to any communications made by the witnesss to a magistrate.

Cross-examination continued.—The witness communicated his note to Mr. Becket on the ensuing morning.

Lord Ellenborough again interposed, and objected to going into such particulars: the affairs of Government could never be safe if witnesses could be required to make such disclosure.

Mr. Justice Abbot read another passage from the printed trial of Mr. H. Tooke, in which it had been held that private communications to the members of Government were not evidence.

Cross-examination continued.—The account he had given to Mr. Becket was a rough, and not so correct a transcript of his notes as that he had to day produced; it had been written for a newspaper. He did not send his note of what passed in Spa-fields to Mr. Hone's publication. He believed that the words on the flags were, "The brave soldiers are our friends;" but it might be "brothers." While the speaking was going on in Spa-fields, the crowd was attentive and quiet: the speeches of the Watsons must have been delivered before half past twelve. The witness did not hear any body else. Many persons saw him taking his notes: he stood in front of the waggon, about ten or twelve yards from it, in the intermediate space was the crowd. He knew the persons of a number of police-officers, but could not say that any of them were near the waggon. He did not see Mr. Stafford, of Bow Street, until after the speeches had been concluded. The struggle for the flag, in which he engaged, was at the end of Ceppice Row. The witness had communicated with Mr. Baker the magistrate.

Lord Ellenborough was inclined to think that the communication, even to a magistrate, was not evidence.

Cross-examination continued.—In a house two or three doors beyond Merlin's Cave, were stationed Mr. Baker, and two or three other Magistrates. The speeches of the Watsons were made some hundred yards from Merlin's Cave. The witness did not see any soldiers about at the time. He did not know whether any Magistrates were in attendance at Spa-fields prison. He believed that the colours of the tri-coloured flag were white, green, and red; he was sure that green was one of the colours; and he was certain it was not the French tri-coloured ensign. He had not gone to the Tower; he had not taken any short-hand note of the speech delivered there, when the Tower was said to have been summoned. He went to the end of the Minories, and saw Tower Hill and the Tower. It was in the Minories that the people fired their pistols,

&c. in the air. He had been examined before the Grand Jury at Hicks's Hall, but he did not know on what day. He had read there his note of the speeches of the Watsons.

The Solicitor General objected to any inquiry into what had passed before the Grand Jury.

Lord Ellenborough felt considerable doubt upon this point, as he recollected a case in which a Grand Juryman was called to contradict a witness. Many gentlemen at the bar had, however, questioned the propriety of the proceeding.

Cross-examination continued.—He could not recollect whether he had or had not been examined upon the trial of Hooper at the Old Bailey. Being pressed upon this point, that it was very extraordinary that he should have forgotten, he said that on one of the trials he had not been examined, but he could not tell exactly which it was; he could not state with certainty; he rather thought that he was not examined on the trial of Simmons, and that he did give evidence against Hooper. He was anxious to have been called upon the trial where he was omitted, because Mr. Justice Park had observed, with respect to the former trial in which he had been a witness, that he did not know who Mr. Dowling was. The witness was desirous of being called that he might have stated to the Court what was his business, and that he was at Spa-fields for the purposes of his business.

Re-examined.---He said that a considerable portion of the mob did not follow the Watsons from Spa-fields, but remained round the Merlin's Cave.

As the last witness was quitting the box, he addressed the Court on the subject of the order given respecting the publication of the trial. He said, that prior to the promulgation of the directions of the Court, he feared that the Observer newspaper, to which he belonged, had unfortunately printed and circulated a considerable number of copies of the speech of the Attorney General.

Lord Ellenborough.—What has happened cannot be avoided; but the order of the Court must be attended to strictly in future.

Mr. Justice Abbot.—The same directions was given on Hardy's trial, I believe.

Lord Ellenborough.—The Court does not by any means pronounce that this publication is not a contempt. I think it is; but at the same time, we cannot help what has happened, as the witness observes, through ignorance,

Mr. Wetherell asked Mr. Dowling what part of the trial had been printed? The Attorney General's speech, he supposed. What part had Mr. Dowling written of it?

Mr. Dowling answered, that he had written no part of it; he was not in Court at that time, but he believed that the Attorney General's speech was given.

Lord Ellenborough.—It may be as well to put a stop to that inquiry.

Mr. Wetherell.—I take the liberty of applying to the Court, in order that these papers may not go out to the public, and that this gentleman may be directed to suppress them. They may be prepared for the press, but they cannot be published by this time.

Mr. Justice Bayley.—I fear, from what has been said, that it is too late; and that some of them have gone out by the post.

Lord Ellenborough.—The Court has warned such as publish any part of the proceeding before it is concluded, that they will incur the penalties of a contempt. It may have happened in this particular instance, but it must not be repeated.

Mr. Wetherell added, that if the Attorney General's speech were printed in the paper with which Mr. Dowling was connected, to morrow he would apply to the Court on the ground of a contempt.

The Attorney General remarked, that such observations were quite irregular. He desired it to be distinctly understood, that he had not at all countenanced the publication of any part of the proceedings on the part of the Crown.

The Court then adjourned till next day.

The prisoners were brought into Court about half past eight, having been conveyed from the Tower, as yesterday, in the custody of the warders, escorted by a body of the life-guards.

Their lordships took their seats precisely at nine o'clock.

Mr. Wetherell addressed their lordships, and observed, that notwithstanding the order promulgated yesterday, respecting the publication of the trial, a full account of the Attorney General's speech had been printed and circulated in the *Observer*. He was the last man to suppose that the editor of any newspaper would be wilfully guilty of a contravention of the directions of their lordships: and as he imagined that the publication in question had originated in mistake or ignorance, he should not submit any motion to the Court upon the subject: he presumed that even Mr. Dowling, the reporter, and who seemed rather more of a partisan that a witness, did not mean to disobey.

Lord Ellenborough interposed. If no motion was proposed to be submitted, the Court at present had nothing to do with the publication: if any application for an attachment were made, the Court would readily attend to it.

Mr. Wetherell added, that the *Observer* was the paper with which the witness Mr. Dowling, was concerned.

Mr. Justice Abbot reminded Mr. Wetherell, that towards the close of the proceedings of yesterday, Mr. Dowling stated that he had taken no note, and had reported no part of the speech of the Attorney General.

Lord Ellenborough remarked, that this conversation was irregular, as no motion was before the Court.

The Attorney General said, that if any person had wilfully contravened the order of the Court, that no part of the trial should be published until the whole was concluded, he would be the first man in the country to stand forward to enforce the law for the punishment of the offender.

Lord Ellenborough.—The Court will entertain any motion upon the subject; but if none be submitted, other business must be entered upon.

Charles Shearman, jun. was then called by the Solicitor General.—I recollect being in Church Street, Bethnal Green, on the 2d of December, at about twelve o'clock in the day; many persons were in the street with a tri-coloured flag, and some wore cockades. They were going towards Shoreditch, and I followed them until they arrived in Spa-fields The flag was then placed in a waggon; some person was speaking, but I do not know who it was. One of those

who spoke from the waggon I had seen at Bethnal Green, near the flag, he was a young man; and towards the conclusion of his speech, he asked the populace, if he jumped down would they follow him? the answer was, yes, yes! The young man jumped out of the waggon, and went away, followed by the mob with a flag. In the waggon I saw two flags and a frame with white canvass, on which were some words, but I did not exactly see what. I do not know what direction the people took who followed the young man from the waggon.

Cross-examined.—I was about a dozen yards from the waggon, but I could hear no other part of the young man's speech but the offer to jump down; before that, I might have stood near the waggon five or ten minutes. I do not know whether I was there at the beginning of the speech; there was a great deal of talking, huzzaing, and other noises, so that I could not hear well. I listened as well as I could, but I could only hear the offer to jump down; there was a great pushing and jostling among the crowd; I then went to another part of the field, where the people were standing expecting to hear Mr. Hunt. While the speaking was going on, there were several persons in the waggon; the crowd was very great, and the people kept coming and going, and moving about in various directions.

Examined by the Court.—Only one person spoke while I was in the field, to the best of my knowledge. When the words, "Shall I jump down," were used, I do not know if more persons than the speaker left the waggon. A great many people followed the young man; but, whether any of them came out of the waggon, I cannot tell. I did not observe afterwards if the waggon was empty.

Charles Shearman, sen---I live at Mile-end New-town, and remember the meeting in Spa-fields in December. I was examined by Mr. Gifford before Christmas; but, as my hearing is defective, I may perhaps have mistaken some things, but I will speak the truth, and nothing else. On the day of the second meeting in Spa-fields, I was in Bethnal Green Road at about ten o'clock in the morning; a number of persons were assembled, who had a flag in their possession. The colours of it were red, white, and, I believe, green; it was fastened to a pole. I do not know who carried it: one or two of the persons had cockades in their hats; I did not notice the colours of them. The crowd was proceeding towards Shoreditch. I followed it; they went from Shoreditch to Spa-fields. I know the Merlin's Cave. I saw a waggon in Spa-fields, and a great number of people; the flag from Bethnal Green was placed on the waggon, where people were standing. A person spoke from the waggon, but I heard only a very few words; the speaker appeared to be a young man; I think he had a cockade in his hat. I remember he spoke some words rather loud: he asked the persons if they liked to be fed on ox-bone beef soup---if they would put up with it? The people said, no, they would not. This answer was given by the persons round the waggon: there was another word used, bnt I have forgotten what it was. He then asked the people, if he jumped or got down from the waggon, and went first, would they follow him? The answer was, Yes. The young man got down and went from the waggon, followed by a great many persons: they went out of the field towards the prison. I did not follow them, and do not know where they went to.

Cross-examined.- -I was in the field when the speaker first got up. I was going to hear what Mr. Hunt was to say, and I followed the flag, not knowing my direct way to Spa-fields. I came upon the flag by accident. As I had but little to do, I took a walk that way. I was not very near the waggon. I cannot say at what distance. What became of the crowd with the flag I do not know. When the flag from Bethnal Green arrived, there were persons in the waggon. The young man began to speak a few minutes afterwards: in the mean time I did not hear any other person speak. Owing to my deafness, and the noise in the crowd, I could not hear distinctly what was said. I was examined by Mr. Gifford before Christmas-day, but how much before I cannot recollect. I was never examined before a grand jury: I was only examined by Mr. Gifford and Mr Litchfield. I stayed to hear Mr. Hunt's speech. There was a great crowd. I did not see any flag out of the window then. I was at two of the meetings at Spa-fields. At the first meeting there was a tricoloured flag hanging out of the window from which Hunt spoke. I was in the house, but not in the room. I heard something about another meeting on that day six weeks: that was as I understood. I paid what attention I could, just the same as I did at the second meeting afterwards. My memory is rather feeble; Resolutions were put to the vote. Hunt asked the people about Mr. Burdett and the petition. Mr. Hunt put the motion of adjournment to the vote, to the best of my recollection. I did not know the exact way to Spa-fields, though I had been there before to attend the former meeting. In going the first time I went a long way round. The second time, as the flag was going, I went with it, because I did not know the direct way. I returned from the first meeting with some friends, who showed me the way, but I did not know my direct way when I went the second time. I saw my son following the flag near Bethnal Green.

Re-examined—After speaking in the waggon, the flag was taken away, but what became of it I do not know: it went with the crowd.

Mr. Topping asked the witness if the young man did not speak very loud; but Mr. Serjeant Copley objected to the question, on the ground that the witness had not said that the young man spoke generally very loudly, but some words in a loud tone of voice.

Mr. Topping appealed to the notes taken by the Court, and it appeared on examination of them, that the witness had stated that the young man "spoke some words rather loud."

Mr. Serjeant Copley begged that Mr. Topping would not pursue this course of setting the most important rules of evidence at defiance.

Mr. Topping remonstrated against the use of such expressions, and Mr. Serjeant Copley apologised to the Court.

To a question from the Court, the witness said, that he knew there was to be a meeting in Spa-fields before he saw the flag.

Mr. John Stafford, Chief Clerk of Bow Street.—On the 2d of December last, a great concourse of people had assembled in Spa-fields. I knew that there was to be a meeting by large and small placards I had seen on the walls in considerable numbers. I had been at the former meeting on the 15th of November. Then Mr. Hunt and others addressed the populace from the window of a public house called the Merlin's Cave. I saw a flag displayed close to

the house: it was of three colours—green, white, and red---a large flag upon a pole. I could not make out the whole inscription that day. I saw, "Nature,"---"Justice,"---"Truth," and some other words in smaller letters. I could not exactly distinguish. I did not hear the motion of adjournment. On the 2d of December a great many police officers were in attendance. I expected that the business would begin at about one o'clock, and at the Merlin's Cave. I arrived there at about half past twelve. I found a great number of persons collected---thousands. In the lower part of the field next to the chapel and Coppice Row, there was a great concourse of persons round a waggon, from which the horses had been taken. There were a great many persons in it. Two flags were in the waggon: one of them I had seen at the preceeding meeting, and I took down the words exactly.

Lord Ellenborough observed, that it might be as well here to produce the flag itself.

Mr. Hobler, clerk of the Lord Mayor's Court, who had the flag in his custody, was sent for, and he produced it.

Mr. Gurney, for the prosecution, undertook to identify the flag afterwards to the jury. The flag was here exhibited. The inscription was "Nature to feed the hungry,—Truth to protect the oppressed,—and Justice to punish crimes."

Examination of Mr. Stafford continued.—There was another flag in the waggon of the same colours, but without any inscription. There was a banner in the centre between the two flags. A young man was addressing the populace, and Watson senior stood close to him—rather behind. He thought that round the waggon there were some thousands of persons. I heard (the witness added) many words of the young man's speech, but I made no memorandums: he spoke loud, and the mob cheered frequently: the speech seemed to consist chiefly of interrogatories: the mob gave answers every now and then, "no, no," and "yes, yes," with huzzaing. I then quitted the spot, and proceeded towards Coppice-row, leaving the young man speaking. Shortly afterwards I heard a greater noise than usual proceeding from that spot—I was about 50 or 60 yards off, and I turned my head, and saw all in the act of jumping down from the waggon; the flags and the banner were removed from the waggon. The mob moved towards the corner of Coppice-row: the flags went in the same direction as the torrent of the mob. A small part of the populace preceded the flags: when the flags approached me I looked round for assistance, but saw none; and I rushed forward and seized the flag without an inscription. I endeavoured to break the pole, but I was unable; I, however, got the flag under my feet, and then Limbrick, the officer, came to my aid—I struggled some time, but at last the flag was rescued, a small slip of the green remaining in my hand. At the instant I was driven from the flag, I saw Limbrick contending with a man who had the frame. I jumped upon the frame and broke a part of it, which I used as a weapon of defence: the witness produced the part of the frame he had seized. Limbrick pulled out the inscription, and another officer took the rest of the frame. This struggle continued a short time, and obstructed the mob a little, but afterwards they rushed on in a direct line towards Skinner-street.

Mr. Gurney observed, that he did not now intend to proceed

further with Mr. Stafford's examination on this past of the case; he should re-call him again hereafter.

Cross-examined by Mr. Wetherell.—The flag produced in Court is similar to that exhibited in Spafields. I cannot say that it is the same. I did not hear Mr. Hunt propose the adjournment on the 15th of November. I think I saw people taking out the window of Merlin's Cave. I did not go into the house, but I saw some magistrates in the field. On the 2d of December I believe all the officers of the police offices were in attendance; there was a general order for the attendance of all the officers of Bow-street; 70 or 80 might be there; the order was to attend at 10 or 11 o'clock in Spa fields. I did not get there until half past 12, and I was induced to go by seeing the flag cross Clerkenwell-green. There are seven police offices, besides Bow-street, and I believe that officers from all attended on the 2d of December. I was not present at any meeting of the magistrates of the different police offices, at which it was ordered that the officers should be in the neighbourhood of Spafields. There was no particular meeting of the magistrates of Bow-street for that purpose.

The Attorney General objected to the inquiry, as unimportant to the cause.

Mr. Wetherell explained, that his object was to prove that the meeting of December 2d was perfectly well known to Government and to the magistrates; he only required the witness to state facts: what use he should make of them was a question which Mr. Attorney-General could not decide.

Lord Ellenboroguh admitted, that the witness might be required to state what the magistrates had ordered and done, though he could not enter into the particulars of any conversations.

Cross-examination continued.—I did not go to the top of the hill in Spa-fields, to see if there were any military near: I saw none, nor do I know as a fact, that any troops were ordered to be readiness in the vicinity; I gave no directions regarding them; I saw Mr. Baker the magistrate in the field, and I believe Sir N. Conant and Mr. Hicks; I asked Mr. Baker, if such things were to be suffered while the speaking was going on from the waggon. I do not know that a room had been taken for the magistrates, near the Merlin's Cave, or elsewhere; I have heard so since. There were a good many constables about Spafields: after the mob had gone down Coppice-row, I returned to Bow-street. I was not examined at Hicks's-hall, nor on Hooper's trial at the Old Bailey. I knew of the meeting of the 2d December two or three days before it took place, by means of the hand-bills. The order for the attendance of the officers of Bow-street, was given on Saturday, November 30. Sir N. Conant is chief magistrate of Bow-street; he is considered, I believe, the first police magistrate of the metropolis: he usually communicates with the office of the Secretary of State; he has a room there; he was generally the organ of all directions from the Secretary of State to the police. No general orders were given for the attendance of the police on the 2d December.

Mr. Gurney objected to pursuing this inquiry; the object must long have been completely answered.

Mr. Wetherell contended, that the overt acts charged in the indictment were materially connected with the publicity of the meeting; this publicity he was now ascertaining.

Lord Ellenborough.—Can you have better evidence of the publicity than that which states the number of placards exhibited on the walls?

Mr. Wetherell admitted, that that was a part, but not all he wished to know.

Lord Ellenborough.—The fact of the meeting was disclosed to every person who read the placard.

Mr. Justice Abbot.—And you also find that some tens of thousands of persons assembled in consequence.

Mr. Stafford added, that he received no injury, though one man, he believed Hooper, aimed a blow at him. One of the flags and the banner were taken or destroyed in my presence.

One of the Jury asked Mr. Stafford why he did not seize, or attempt to seize the flag he saw at the first meeting. He replied, he did not consider himself authorized to interfere on that occasion. It was a very numerous meeting, but every thing proceeded quietly—not like the meeting of the 2d of December, in which there were indications of riot, or rather he might say insurrection.

Mr. Wetherell.—That is your inference only.

John Limbrick, police-officer of Hatton-garden, stated, that he was in Spa-fields on the 2d of December last; he was at the Cobham-head public-house, in Coppice-row: he saw a waggon near that row. It was there before he arrived in the field, and he approached towards it; this was about 11 o'clock. There was a great number of persons in and about the waggon, and also a great number around it; perhaps from 2 to 800. There was likewise a great number of persons at Merlin's cave. He heard persons speaking in the waggon, but could not distinguish the words. He saw the prisoner, Watson, in the waggon, and thinks he was speaking, but could not be certain. He was not near enough to hear any words, but he was moving his hand in the manner of a person speaking. He saw the banner, which was carried by a person in a sailor's dress; this person was Cashman; the banner was on the end of a pole, and he turned it round slowly. There was also a tri-coloured flag, with an inscription, which was held by another in sailor's clothes; there was besides another smaller tri-coloured flag, but it had no inscription on it. After having seen the waggon as above described, the witness went to the Cobham-head, where he remained about three-quarters of an hour. He heard a noise: on coming out of the house soon after 12 o'clock, saw a great number of persons advancing towards Coppice-row; among them he obsevred Mr. Stafford, of the Bow-street office, who had hold of a pole, and was struggling with some person. He went to his assistance, and got down a small tri-coloured flag. He next went to the banner, and succeeded with others in getting it down also: there was a struggle in doing this; but when he got possession of the standard, or banner, he ripped it out of the frame. He was not struck, but heard cries from the mob of Knock him down, Cut his b——y head, &c. (The banner was here produced.) It appeared to be a piece of white calico, and had on it this inscription in red letters—"The soldiers are our brothers, treat them kindly." He saw Hooper at this time in Coppice-row; he was

coming from the field, and was in front of the procession, and appeared very busy in struggling. The mob went off in three directions; some returned to the field; others went down by the prison towards Gray's-inn-lane; but the principal body went towards Smithfield: the coloured flag with the inscription on it was quite back among the mob; and he believed it went to Smithfield, but was not certain. He saw Preston in the waggon.

Cross-examined by Mr. Serjeant Copley.—The witness was stationed at the Cobham-head, about 50 yards from the waggon. He was desired to go there by Mr. Rainsford, the magistrate. He saw persons speaking at the time; he went towards the waggon. In about a quarter of an hour, he went back to the Cobham-head, and it was after 12 o'clock when he came out again, and saw the mob coming along Coppice-row. Though he had seen flags in the waggon, and saw persons making gestures as if speaking, he never went to any magistrate to inform him of these circumstances, though there were magistrates on the spot. He could not say whether any person besides himself assisted Mr. Stafford. For aught he knows, he and Mr. Stafford alone succeeded in getting possession of the flag. He did not know whether, if there had been half a dozen men as resolute as himself and Mr. Stafford, they could have dispersed this mob. When he saw Mr. Stafford struggling with the mob, he did not wait, but immediately went to his assistance.

Q. Then in fact you and Mr. Stafford, without any assistance whatever, took the flag from the mob?

Court.—You put it different to what he stated. He said, that on seeing Stafford engaged, he went to assist him.

Mr. Serjeant Copley.—Well then, you saw the danger which Mr. Stafford was in, and you went to help him; can you say that any other person assisted him?—A. I did not see any body else help him.

Q. Now I wish to know whether, in your opinion, half a dozen men as resolute as yourself and Mr. Stafford could not have dispersed the mob?

The Attorney-General objected to this question, on the ground that the opinion of the witness was no evidence.

Mr. Serjeant Copley submitted, that the answer would be evidence of the witness's impression at the time.

The Court sustained the objection of the Attorney-General

Mr. Serjeant Copley.—I shall leave it then to the Jury to draw their conclusion from what has been stated by the witness.

The cross-examination then proceeded.—The witness had been examined as to the facts, soon after the events took place, before Mr. Litchfield, the solicitor of the Treasury; he had also been lately examined before the Grand Jury; he was also examined at the Old Bailey when Hooper was tried: he swore there what he has now sworn. At the Old Bailey, he produced the same banner which had been that day exhibited in Court. The flag with the inscription was not produced at the Old Bailey in his presence: he had not been at Whitehall on the morning of the 2d of December.

One of the Jury.—How near were you to the waggon when you supposed you heard Mr. Watson speaking?—A. About 18

yards from it. The noise was so great, I could not hear any thing, and I do not know with certainty that he did speak.

Edward Goodspeed was in Spa-fields on the 2d of December, about 11 o'clock in the morning; he saw a waggon there, in which were Preston, Hooper, and Watson the elder. These were all the persons he knew, but there were many others. He afterwards saw Hooper with a tri-coloured cockade in Coppice-row. He was along with the crowd which came out of the waggon and the field. He saw some colours taken away by Mr. Stafford, of Bow-street. At the time the colours were taken, he saw Hooper, who was very near the flag, but did not see him do any thing. In the struggle, he saw Limbrick, who was knocked down, but he did not know by whom, or how it happened.

Cross-examined by Mr. Wetherell.—The witness attended at Spa-fields in his character of constable of St. Andrew's parish, Holborn, by order of the Sheriff of Middlesex. He received the order through the medium of the High Constable. He saw four constables of his division present. The whole number belonging to the division was seven, and the other three might be there for aught he knew. The precept was issued on the Saturday preceding the meeting, and they were all ordered to attend at ten o'clock on the morning of the Monday. They were ordered to assemble at the House of Correction. He stood there on the outside of the door, until the names were called over. The witness did not know who called over the names; the person was a stranger to him. There were a great number of names called over, and the different parishes to which they belonged.

Q. Were the parishes called over alphabetically?

Mr. Gurney objected to this mode of examination. The facts of the attention of the magistrates being drawn to the meeting, and the calling out of the police, were admitted; and the repetition of such questions as had been put could only create waste of time.

Mr. Wetherell was not to be told by any counsel, not by the Attorney-General himself, what mode of proceeding on his part was or was not a waste of the time of the Court; that he would hear from their Lordships only. It was his intention to prove the previous publicity of the meeting, that the magistrates had full knowledge of it, and made preparations to meet it. What use he should make of these facts would afterwards appear.

The Court intimated an expectation that no unnecessary questions would be put.

Mr. Wetherell would certainly ask no questions which he did not conceive to be of importance; and he pledged his credit that he would found upon this examination, conclusions in law and in argument which he should feel it his duty to submit to the consideration of the Jury. What the particulars of his ground of defence should be, he was not obliged at that time to disclose. In the mean while, he trusted that the Court would permit him to exercise his discretion.

In answer to further questions on his cross-examination, the witness said—The constables of various parishes were called over, but I do not know how many. I attended only to my own name, to which I answered when called. I was not desired to

go to any place in particular, but to be in Spa-fields; the same orders were given to the other constables. When the mob came past, Mr. Stafford took one of the flags. Limbrick came to assist Mr. Stafford, and I saw him knocked down.

Q. Mr. Limbrick has not said so himself. What do you mean by knocked down?—A. I believe he was shoved down.

Q. Did you see any blow levelled at him?—A. No.

After the flag was taken, I went back to the door of the House of Correction, and waited there. No further directions were given by the High Constable. I remained at the prison-door till three in the afternoon, but no rioters were brought in there. The multitude continued at Merlin's Cave, in the fields, till six in the evening.

John Huggins was next called.—Before the examination on the part of the Crown commenced, Mr. Serjeant Copley put some questions to this witness, in answer to which he said, I am a tide-waiter in the service of his Majesty's Customs. I have been in that service for several years, and am now. It is nearly twelve months since I have been on duty. He had an appointment as a tide-waiter [Here the witness took his appointment out of his pocket, and handed it over to the bar.] His examination then proceeded; I was in Spa-fields on the 2d of December. I arrived there about 12 o'clock, and saw a waggon in which was Preston, a great number of other persons, and a flag. I saw several persons leave the waggon, and go towards Coppice-row. I saw Mr. Stafford in the mob, and heard him calling for assistance. I saw him holding a flag, and struggling to get it. I saw Hooper at the same time with a tri-coloured cockade; he was near Stafford. I saw Limbrick come up to Mr. Stafford's assistance; he got hold of a man whom Hooper and others rescued. The first time I saw the banner with the inscription, was during the struggling. I saw Limbrick knocked down. I do not know whether he fell in consequence of a blow or in a struggle. After the flag was taken, Hooper, and a great many others, went down Coppice-row. The number might be about 100. I remained at the Cobham's-head until the magistrates went away. The number assembled in Spa-fields, after the party went down Coppice-row, was about 4 or 500.

Cross-examined.—I have been about five years a tide-waiter. I am paid according as I am on duty. I went to Spafields because I was sworn in a special constable. I have been more than ten times on duty since I was appointed a tide-waiter. I looked attentively at the people who passed along Coppice-row, and say that there were not more than 100, after the contest with Mr. Stafford. About 4 or 500 remained in the field, and there was not more at one time in the course of the day than 6 or 700.

In answer to questions from the Jury.—The magistrates I spoke of were at a house 3 doors from Merlin's Cave. There was Mr. Sellon, Sir N. Conant, Mr. Rainsford, and others. They went there about 12 o'clock. I did not see Mr. Stafford in their presence.

Moss Moses.—I was at Coppice-row on the 2d of December, and have in my possession a flag which I took there from a person in a sailor's dress. I seized it at the time Limbrick was

struggling with the crowd. [Here the witness produced a tri-coloured flag, green, white, and red. It was dirty and ragged.] The flag has not been constantly in my possession since. It was left in the prison at Coldbath-fields.

Cross-examined.—The flag has been two months out of my possession. I put no mark on it, and should not like to swear that this is the identical flag. It was clean when taken, and when left at the prison. If it had been carefully kept for two two months, it could not have been worse than when I gave it. When I called for it at the prison, it was brought to me from the hemp warehouse, and was in its present state.

Mr. Wetherell observed, that from Mr. Stafford's drawing of the flag, it appeared of an angular shape, and therefore different from this.

Mr. Stafford was called upon again. He produced a piece of a flag which he had torn off in the struggle before described; and which fitted the torn part of this. He had before tried whether it fitted in the House of Correction. The fragment had been in his possession ever since the day of the meeting.

Thomas Graves.—In December last, I lived at Cow-cross, which is in the way from Coppice-row to Smithfield. On the 2d of December, I saw a great mob passing my door. They had colours, and were making a noise, but doing no mischief. There were about 6 or 700 persons in the mob. I saw Preston there, whom I had known before. He spoke to me in passing, and told me to take in my things, for "there would be dreadful work, or bloody work;' 'I cannot tell which he said. He went on with the mob, and I never saw him after.

Cross-examined.—I do not recollect the words spoken by Preston exactly. I was very much flurried at the time. I deal in tables, and chairs, and other furniture, and was afraid of my things, as they stood out in the street. I had known Preston for a long time; he is a shoemaker or a cobler; he is usually called a cobler. I was much obliged to him for telling me to take in my things. I would not swear to his words. I can't recollect whether he said dreadful or bloody.

Edward Hone, journeyman to Mr. Wm. Andrews Beckwith, gun-maker, 58, Skinner-street, Snow-hill. I was in Mr. Beckwith's service on the 2d of December. About 20 minutes after 12, a gentleman of the name of Platt, who had called on business, was in the act of going, when a person entered with a pistol in his hand. This person was a young man of short stature, and 5 feet 4, thin, and his lips rather prominent; he appeared to be about two or three and twenty. He demanded arms, and held his pistol up three or four times. Mr. Platt turned towards the young man, I do not know whether to ward off the pistol or not, but he raised up his hands, and put them on the young man's shoulders, and said, "My good fellow, consider what you are about." The pistol was at this time down by the side of the young man's thigh, and he fired it before Mr. Platt had concluded his sentence. I saw the lappel of Mr. P.'s coat torn, and the ball proceeded in a zig-zag manner. Mr. P. put his hand to his belly, and said, "I am wounded; for God's sake call a surgeon." He also told me not to let the young man go. "No,

Sir," said I, "he shall not go." Again he said, "Fetch a surgeon." The person who had wounded him then threw down his pistol on the bench at which the apprentice works, and said, "I am a surgeon, I will examine the wound." Mr. Platt replied, "No, no, fetch me a surgeon." Several neighbours then came in, and also a police-officer of the name of Worrell, who took charge of the young man. There was then a great number of people, better than 100, about the windows and door of the shop. I went out and spoke to them, and got most of them away; but when I returned into the shop again, I saw a mob of 3 or 400 persons go past with a stand of colours. After going on some way, they returned, calling out, "This is the shop." I went to the door, and said, "My good fellows, why would you hurt Mr. Beckwith? he wishes well to your cause." There was then a person in the dress of a brewer's servant, with a broom-stick in his hand, near the window, and I was afraid he would break it. The cry of the mob was, "We will have him out." I told them the young man was gone; upon which the mob cried out, "Tower-hill!" I raised up my hands, and said, "Yes, my boys, Tower-hill!" wishing to get them away. Still they were not satisfied, and I gave them my word that the young man had made his escape down Sea-coal-lane; but he afterwards appeared at the three-pair-of-stairs window in front of the house. The mob then became furious, broke the windows, and rushed in at the door. They took the guns, and demolished nearly all the windows with the butt ends. There was a very great quantity of guns and pistols in the shop and the counting-house, all of which they carried off. When they rushed into the shop, I was greatly alarmed, in consequence of the falsity I had been telling them, and I got to the farther end of the east window. Those who came into the shop handed out the guns in dozens at a time, and distributed them to the mob at the door, saying, "Here are arms, my boys!" They also took powder and shot, and loaded the pieces. I was so greatly alarmed, that if I had not got a drop of spirits, I should have fainted. After I had got some spirits, I returned to the shop, and found it quite demolished. I saw the young man come out of the shop with a pistol in each hand. The mob was then cleared away greatly; he joined those who remained at the door, and went with them towards Newgate-street.

Cross-examined.—I was not a witness at the trials in the Old Bailey. John Roberts, Mr. Beckwith's apprentice, was present when the young man came in. Mr. Platt put one hand on each shoulder of the young man very suddenly, and while he was speaking, the pistol went off. When he threw down the pistol, and said, I am a surgeon, and will examine the wound, he apparently spoke with great contrition, and appeared vexed. He bit his lips, and seemed sorry for what he had done. There were persons following him into the shop when the pistol went off; but they immediately decamped. I shut the street-door. When the mob which passed the shop returned, they did not offer to load any of the guns, though they continued exposed in the windows.

Q. Now was not the calling out "The Tower, my boys!" a

manœuvre of your own to get them off? Perhaps, if you recollect yourself, you will find you said the words first.

A. Oh! no, upon my conscience I did not. Though I told the mob the young man was gone, they did not seem satisfied; but still they did not attempt to take any guns; at last somebody observed him at the three-pair of stairs' window, and then the attack began.

Re-examined.—After the young man threw down his pistol, I took it up, and gave it to the boy in the shop. This was a few minutes after, and before the shop was broken into.

Mr. Richard Platt.—While I was in Mr. Beckwith's shop, on the 2d of December, a young man rushed in, and stamped twice with his foot, crying, "Arms! arms! we want arms!" He looked first at Mr. Beckwith's shopman, and then at me. He cocked his pistol, and raised it, and was in the act of directing it against my breast, as I supposed. I remarked from the turn of his hand the direction it was to take; I therefore struck out my left hand, wishing to catch the muzzle. Upon my doing so, he drew back the pistol from me, and then bringing it round to his side, shot me in the belly: the ball entered about four inches from the navel. He ran towards me again, and I, supposing the pistol might be double-barrelled, closed with him, and endeavoured to catch at the pistol a second time. I pressed him up in a corner against the bench, and he endeavoured to strike me with the butt-end of the pistol. I do not know what became of the pistol at last. I said to him, "You have shot me; why did you shoot me? I am one of you." I then exclaimed, "Send for a surgeon!" The young man then said, "I am a surgeon myself." He cast his eyes up to the ceiling, and said, "O God! I am a misled young man; I have been to Spa-fields." He then attempted to pass me, and to go to the door. I held my wound with my left hand, and gave him a push on the breast, saying, "I must have you secured." I opened the door with my right hand, entreated assistance, and some persons came in. I then went into the counting-house, and afterwards up stairs; but previously a constable came in, took the young man in charge, searched his pockets, and discovered two lancets. We sat about ten minutes together. While I was up stairs, I heard a crash, occasioned by the breaking of the windows, and rushing in of the mob. I, and others who were there, escaped over a back wall.

Cross-examined.—When the young man came into the shop, I was about two or three feet from the door. I did nothing but try to catch at his pistol, for I saw it through the window as he was entering, and was prepared. I did not, however, attempt to touch him, until the pistol was cocked and raised. In trying to catch the pistol, my hands went over his shoulders. My right hand, when in the act of striking the pistol, went near his left shoulder. He was a very thin man. There was no attempt on my part to wrestle, or drive him back, but only to get hold of the pistol. When he spoke, after he had wounded me, he appeared sorry for the event. He said, O my God, I am a deluded young man—I am a surgeon. He appeared to speak with sincerity, but I did not think he was sincere, because he became calm immediately after, and wished to slip away. I went up stairs, and had got a surgeon to examine my wound. I was there about

15 minutes, when I heard the crash occasioned by the mob breaking in.

John Roberts, examined by Mr. RICHARDSON).—Is apprentice to Mr. Beckwith; saw a young man come into the shop on the 2d of December last; heard a pistol fired, saw it thrown down on the table, took it up, gave it to some one that was in the shop, cannot say who it was; that person gave it to Worrell the constable; witness never saw it since. The young man was taken up stairs by Mr. Worrell. He was in the shop when the windows were broken and arms taken. Arms and ammunition were taken. He saw the young man, after he had come down stairs, take a pair of pistols out of a mahogany case, and load them. The young man loaded them at his side with powder and ball. There were balls in the mahogany case. Witness said to him, "My boys, we have got plenty of ammunition and arms, we'll be off." The young man said not a word, but went off, looked on his left hand, and proceeded towards Newgate-street. He never saw him after that. The mob, after plundering the shop, were nearly gone when the young man went away. The mob took away arms, and went towards Newgate-street. Witness took up two lancets on the Wednesday morning afterwards, when sweeping the shop: he found them on the edge of the floor-cloth, and delivered them to Mr. Beckwith. One of them had the name of Watson scratched on it.

Cross-examined by SERGEANT COPLEY.—He was not before examined by the Lord Mayor. Mr. Beveridge, the surgeon, came into the shop two minutes after the shot was fired. It was on Wednesday, he believed, that he took up the lancets. He took up the pistols immediately. He was looking about the shop when the young man came in. Witness did not look at Mr. Platt; he gave the pistol to some one, knows not to whom. He did not look at or think much about Mr. Platt. He said only to the young man, "My boys, &c." and then the young man went away.

William Andrews Beckwith, examined by Mr. SHEPHERD.—Received the lancets on the second or third morning after the rioters had destroyed his premises, looked at them, examined them, and with the help of a magnifying glass discovered the name of Watson. He had not that glass with him, nor the lancets; he left them at home in his desk. He could not tell the number of arms taken away. The amount was nearly 1,400l, or 1,500l. He never counted the list of arms taken away. He conjectured about 30 or 40 guns, and double that number of pistols. This was considerably within the number. One or two swords or hangers, powder and shot, powder-flasks and belts, were also taken away.

[Here Mr. Beckwith was sent home for the lancets and magnifying glass, and list of arms taken.]

George Hazlewood Worrell, examined by the ATTORNEY-GENERAL.—Was a constable in the month of December last. He was, on the morning of the 2d, in Mr. Beckwith's shop, in Skinner-street. He had been sent for. He found a great number of gentlemen in the shop. There were 16 or 17 in the shop and counting-house. There was a young man committed to his charge, whom

he took into custody. He laid hold of him by the cuff of the coat, in order to take him to the Compter. He searched him, and found papers in his pockets. There were several papers. He believed that some of the papers (shewn to witness) were the same; he had not marked them at the time, or for some days after. They were out of his possession. He afterwards gave them to Wontner, the head Marshal.

Examined by the COURT.—He believed that some of the papers shown were those papers; he did not take them into his possession immediately; he laid them on a stool at the window; the mob threw every thing into confusion; he went up stairs with Wontner; he went then to the Lord Mayor; he went again back for the papers, and found papers similar to those he had left lying in the place where he had put them down; this was two hours after he had laid them there; he had laid some on the stool and some on the window-lid; he found them as close to the stool as if they had slipped off; he believed all the papers handed to him, except the cover, consisting of half a dozen, were some of those papers.

By the ATTORNEY-GENERAL.—The pistol now handed to him was delivered to him while searching the young man. He kept it for a day or two, and marked it, before he gave it to Wontner; he knew it by the mark at the mouth; he found the key he now held while searching the young man; he saw none enter into the shop, but heard a very great noise.

Cross-examined by Mr. WETHERELL.—He was about two hours absent from the shop, and on his return found those papers and the key; they were similar to those he had taken from the person of the young man; he unlocked the young man's room-door by the key. In answer to a question from the Court, he believed the house was in Hart or Hyde street; thinks Hyde-street, Bloomsbury-square, but was not positive as to the number. One of the name of Hogg, a constable, went with him to the house. He did not know the name, but he knew the person of the landlord.

Cross-examination continued.—The papers were a day or two out of his possession before he marked them; it was at the Secretary of State's office he marked them; the only thing he noticed about the key was its size and shape.

Examined by the COURT.—The key and papers were found on the person of the young man: he afterwards went to the Lord Mayor; when he returned, the best part of the papers were away. He took the pistol when delivered to him. He knows Roberts, believes he was in the shop, but does not know whether it was he gave him the pistol. After he left the shop, he hid the pistol in his own house. After he had been at the Secretary of State's office, he went to his own room with Wontner, and marked the pistol.

By the ATTORNEY-GENERAL.—The man brought into Court, Zaccheus Bannister, was the landlord of the house where the key found opened the door; that was the person. He was present when the door was unlocked.

Mr. WETHERELL submitted to the Court that the papers were not identified.

Lord ELLENBOROUGH said they were not in evidence yet.

Examined by Mr. WETHERELL.—Witness stated the same evening, the 2d of December, to the Lord Mayor, that he had those papers.

Sir *James Shaw* stood at the end of the Bench, and gave his evidence to this effect—

Examined by the SOLICITOR-GENERAL.—I do recollect the 2d of December last. I was at the Royal Exchange about half past 12. I saw the first appearance of the mob in Cornhill; the Lord Mayor was with me, and we went immediately in pursuit of them. I saw them at the Royal Exchange. Seeing the head of their column (if I may use that expression) at Sweeting's-lane, the Lord Mayor and I thought it best to attack them in front on the other side. This we accomplished by intercepting them in Threadneedle-street. The Lord Mayor and myself determined on putting an end to this mobbing. I saw several persons who appeared to me to be ringleaders, and a flag of three colours upon a very long pole. I perceived no arms; the reason might be, that conceiving the seizing of the colours the most likely means of dispersing the mob, my mind was employed upon that. I did seize the flag and the pole; the flag produced in Court I have every reason to believe to be it. I put it into a place of security, delivering it with the prisoners to the master at Lloyd's. I think there were three inscriptions on the flag—"Nature to feed the hungry," &c.

Mr. WETHERELL remarked, that those questions were unnecessary, as there was no doubt of the identity.

I heard the report of a gun, and saw one musket taken from a man. After I had returned to the centre of the Exchange, I heard two shots. The mob dispersed after the flag was taken. I heard two reports of guns fired under the door of the Royal Exchange. The doors had been directed by the Lord Mayor to be shut. Several persons seized were then in the Royal Exchange with them.

Cross-examined by Mr. COPLEY.—I did not see any effects of the two shots fired, and cannot say whether there was any thing more than powder. I went about 12 o'clock to the Mansion-house. Several messengers had then reported that the mob was on their way to the city, and represented them as several thousands; we immediately proceeded to meet them. There were the Lord Mayor and myself, a Mr. White, a friend of the Lord Mayor's, and two constables. It was earlier than the constables were ordered to attend, and hence they found only three constables at Guildhall when we went thither; we were altogether eight persons, we had no arms. We first saw the mob in Cornhill, they were past the front of the Royal Exchange; I presume there was none of them at that time at the north of the Exchange. We were anxious to get in their front. We went through the south to the north gate, and met the mob between the north gate and the old Stock Exchange, proceeding as towards the Bank. When first met, they dispersed; and, for the time, made no resistance. Some struggle was made to retain the colours.

Mr. COPLEY.—Did you feel any personal alarm?

Sir James Shaw (evidently anxious to assume no pretensions to superior courage.)—No personal alarm was felt by any of the party. Preparations were made to prevent riot previously to the 2d of December: I have no recollection of any thing on the 15th of November. All magistrates knew of the intended meeting on the 2d of December; and all subordinate officers had intimation of it. I saw many hand-bills: this was two or three days before the meeting. Before the gates were re-opened, we set off in pursuit of the small remnant of the rioters so far as Leadenhall-street, where an acquaintance told the Lord Mayor, that the rioters were completely dispersed: we then returned. I did not for a minute think they were to attack the Exchange.

By the SOLICITOR-GENERAL.—The guns were discharged after the colours were taken, and the mob dispersed.

By Mr. WETHERELL.—There was none hurt; I saw no trace of a shot. None of the three poles produced was the one seized.

The ATTORNEY-GENERAL now proposed to read the papers found on the young man in Beckwith's shop.

Mr. WETHERELL objected. It was a point of material importance to the prisoner that these unidentified documents should not be received. The facts stood thus: Worrell left the papers in the shop, gave them afterwards to a third person, and last of all marked them. He did not say that he could identify them. The Court could never order them to be taken, unaccompanied with any evidence.

Lord ELLENBOROUGH.—Mr. Attorney-General, have you any farther evidence?

ATTORNEY-GENERAL.—No.

Mr. WETHERELL.—The witness had neither read nor marked them. Whether they were put on the stool, or on the lid of the window, was not very manifest. They were thrown about. The shop was in possession of the mob. Neither was the number of the papers, or how long they ultimately remained in Worrell's possession, shown in evidence.

Lord ELLENBOROUGH said, that even the identity of the place was not proved. It was said that some day afterwards they were marked. Unless some evidence could be shown, they could not be received. There were two periods, it should be recollected, during which they were out of Worrell's possession, before he marked them; first, while they lay in the shop; and again while Warrender had them.

The ATTORNEY-GENERAL, since the Court had a doubt upon the subject, would not press the papers.

Lord ELLENBOROUGH observed, that having been so long unmarked, no identification seemed possible.

Mr. GURNEY stated here, that three witnesses having had business in the city were not examined in the proposed order; but that, with the permission of the Court, they should be called now.

Lord ELLENBOROUGH asked, if they were to give evidence as to the papers, &c. found on the person in Beckwith's shop, or whether farther evidence was to be adduced on that subject.

The ATTORNEY-GENERAL was certainly to bring forward farther evidence as to the *pistol.*

Thomas Taylor, examined by Mr. GURNEY.—I was on the *2d*

of December in Houndsditch, and saw a mob there going towards the Minories. I saw none of the persons either before or since; (having left the box, and taking a nearer view of the prisoners), I saw none of the prisoners; I recollect neither of them. The mob was quick; I saw one lame person on the foot-pavement looking at the mob, who carried guns; but I cannot say it was Preston.

—— *Kineller*, a constable, by Mr. GURNEY.—I saw a mob in the Minories on the 2d day of December, carrying guns, pistols, and cutlasses, but saw no attack. I was summoned to attend at Guildhall; and, while at the upper end of the Minories, saw the mob at Brander and Potts', gunsmiths, but cannot say whether they broke into the shop. I saw not the shop then; I saw it and Mr. Rea's afterwards broken. I saw Preston since he has been in custody, and saw him in the mob in three different places, at three different times. I was on the spot 10 or 20 minutes before the soldiers came. There was great confusion. After the soldiers came, the mob dispersed. The soldiers took some arms, and some arms were dropped. I myself took 30 or 40 pistols, besides guns and cutlasses. I saw one piece of cannon. They left it also. The military remained some time. After the mob dispersed, and threw down their arms, a vast quantity of people remained hissing and shouting, and using degrading language. I saw Preston at that time; fixed my eyes upon him; and judge he perceived me from my having the staff exposed to view.

Cross-examined by Mr. WETHERELL.—I was examined at the Lord Mayor's. I cannot say whether Preston had his hands in his breeches' pockets, but he held them down by his side, and rather towards his front. This I stated at the Lord Mayor's. I heard him not use any degrading language; I looked at him, and took notice particularly of him, because he behaved so quietly. I live in Houndsditch, and was going to Guildhall; heard a great noise, and asked the cause; heard that a mob was going down the Minories with fire-arms, and saw them at the bottom of that street, but cannot say what they were doing. As soon as the soldiers came, the mob dispersed, and threw down their arms. I heard such hisses as mobs commonly use, and such degrading language as "damn, curse, &c." I heard other mobs use language as scurrilous. I stated Preston's behaviour at the Lord Mayor's. (By the Court.)—This was about two o'clock. The shops were shut before he saw the mob.

John Hall, Esq. by Mr. RICHARDSON.—I am a merchant in London, and Sheriff of Essex; live in the Circus of the Minories; saw the mob on the 2d of December. Having heard of the approach of the mob, I went to Mr. Rea's shop, which I assisted in shutting, in consequence of the affray at Mr. Beckwith's. While I was so occupied, the mob arrived at Brander and Potts'. I advised to shut up the shop just as the mob made their appearance. They attacked the window-shutters and doors of the shop with pick-axes and butt-ends of muskets. I saw one of the mob make his way in through an aperture effected above the door, a fan-light. In the mean time, the shutters were broken away. I saw them remove arms, guns, and swords, from the shop, and give them out to the populace. Those on the outside were load-

ing and firing off into the air a kind of *feu de joie*. I proceeded to the Tower for assistance, which was refused. I then returned to the Minories, and placed myself near Rea's, to which the mob had at that time arrived, with the view of marking some of those who might be the heads of the mob. They had already broken the front window, and attacked Mr. Houston's door, over Rea's shop, and made a passage through. They were a long time beating at the door, for it made a great resistance. It might be at least ten minutes before it was broken through. They placed a brass field-piece opposite to the door, I presume with a view to break it open: it appeared loaded up to the brim, as I judged, from something like wadding seen hanging at the mouth of it. I in consequence withdrew, but still took a view of them. They rushed into the house when broken open, and plundered it in the same way as Mr. Brander's, and delivered arms and other plunder to those without, by the door in front and the window behind. I saw none of the persons since, but yesterday in Court the features of Thistlewood struck me as those of one whom I observed very remarkable and active in the mob. The only doubt on my mind arises from the whiskers and eye-brows, which appeared of a lighter colour than Thistlewood's. I have no doubt as to the rest of the countenance. In the mob he wore a great coat, closely buttoned; I have no recollection of what colour, for I marked features, not dress. He had no weapon. I saw none of the other prisoners. When the soldiers came, the mob dispersed; only a few stragglers remained. They delivered to him their arms when demanded, muskets, sabres, &c. without resistance; this was before the soldiers appeared.

Cross-examined by Mr. COPLEY.—I never saw Thistlewood since December, but did not describe him, and such as he now appears, except as to the whiskers. Though there was confusion, my attention was given to one object. I knew him to be a prisoner, when I saw him yesterday here. There was no disposition on the part of any of the mob to do personal violence. Their object was to obtain arms, and to fire into the air in commemoration of the victory of having obtained them. They did not know the use of them. They took clothes at Rea's. When I saw them at Brander's, I offered, if others accompanied me, to disarm them; their numbers were so contemptible, 20 would have disarmed them. At Rea's, a greater proportion of the description of idle persons joined them. Many gave up their arms; they did not use them; they seemed to have no specific use for them. The idlers and stragglers went off towards Aldgate, in the direction *from* the Tower. I applied for assistance at the Tower, and was refused, because the officer had no orders to that purpose. I had a difficulty to get in at the wicket, and did not go so far as the drawbridge. I told the officer of the guard what was going on, and asked a file of 20 soldiers. It was my opinion that force would be sufficient. I had neither before nor after seen any appearance of the mob at the Tower. On my return, there were three or four hundred persons at Rea's shop. I saw several drunken women with sabres, waving them in the air, and shouting. I saw no attempt to attack the Tower.

My situation was such that I might have heard, if there had been any, but I heard of no attack upon the Tower.

By Mr. RICHARDSON.—The mob arrived in the Minories with guns. There were 15 or 16 at Brander's with guns. Stragglers delivered up their arms. Many threw them about the street. I had not before seen Thistlewood. His features struck me yesterday. His eye-brows are darker than I then thought.

Lord ELLENBOROUGH.—You were marking the leaders. Did you not conceive there was danger, since you were doiug so?

Witness.—I did think that the burglary committing endangered the lives of the subjects.

Lord ELLENBOROUGH.—Since you applied at the Tower, did you not apprehend danger?

Witness.—Certainly, my Lord, such as I have stated.

[Here Mr. Beckwith re-appeared, with lancets, &c.]

W. A. Beckwith, re-examined by the ATTORNEY-GENERAL.—I received these lancets from my apprentice, and they have been in my custody ever since. I did not think it necessary to mark them, because they were never out of my sight, except in my desk. No person marked them since I had them.

By Mr. SHEPHERD.—Watson is scratched on the inside of the handle of one of them which he saw. The list of arms taken away is not quite correct, but all mentioned in it were either taken away or destroyed. There were 40 guns, I conjecture, and 70 or 80 pair of pistols.

Cross-examined by Mr. WETHERELL.—The lancets were not produced at the Old Bailey.

Mr. Brander, by Mr. SHEPHERD.—On the 2d of December, about a quarter past one, the rioters arrived before my house, but I could not see them. The number is 17, on the left hand side; the shop opens to the street. All the shop was then shut, as at 12 o'clock at night, in consequence of hearing what had taken place. They stopped at the front, and I heard them say, "This is the house," and they knocked and rung three times. They said, if I did not open, they would break it. I heard a noise, and firing of guns up into the air. They then began hammering at the shutters with pole-axes, that is, instruments with a spike at the one end, and blade at the other. They cut them through, and a young lad came in over the door by the fan-light, having broken the glass. He asked for arms. He received a sword and a pistol from without. I can't tell from whom. Mr. Potts, the other partner, was with me, and the lad stood over against Potts with the pistol presented to his breast, and a cutlass in the other hand. These were three several things: the young lad came through the fan-light, he presented a pistol to Potts, and the knocking increased. They at length broke open the shutters. I kept the key of my door in my pocket, and pretended they had driven it away from the door by their knocking. About 20 persons came into the shop, and threw out arms. They took 30 or 40 guns, 40 or 50 pistols, and a great many swords of different sorts, dirks, &c. The number of swords I think more likely to have been above 3 dozen. They took 4lbs. of powder which lay in the window.

Cross-examined by Mr. WETHERELL.—I deal in powder, that

is, exporting powder. They took a great many bullets, 200 cwt. of bullets and small shot. I did not look out; I had not time to go to the upper parts of the house. After the young lad had got in, they began beating at the door and windows more than before; the lad himself did not go out. They were there about 25 minutes. They had arms, and fired them into the air on their arrival. They did no harm to any one, and offered no violence. There was no firing at a human being, or at a living creature rational or irrational. Whenever they got arms, they did no violence. From a dozen to 15 guns were fired at different times before my shop. It was obvious they knew not the use of arms, for they loaded them up to the muzzle with bits of stone and knee-buckles. When my journeyman demanded them, they delivered them up. I saw no force there.

Mr. WETHERELL—You are a good-humoured man; were you in good humour with the rioters? Witness.—I was.

Mr. WETHERELL.—You are not apt to be out of temper; did you keep your temper while this was going on? Witness.—I am sometimes out of temper, but I kept my temper then, as I saw no likelihood of any useful resistance. I sent a boy over the wall for a score of men. One half dozen red coats would have done. I did not look, as I had no occasion to look, how the Tower stood. I had ladies in my house. (By the Attorney-General.)—I sent for 20 men. (By Lord Ellenborough.)—I did not feel a serious alarm, but a very great injury. There were none of his men in the house at the time, as they had gone to dinner. It was a quarter or half-past one, or a quarter, or 20 minutes to two then.

The ATTORNEY-GENERAL.—You represented the scene as a scene of good humour, What cause did you conceive to be for arms?—What they were to do with them, I know not, in a scene of good humour.

Mr. WETHERELL.—It was *not* represented as a scene of good-humour.

Mr. ATTORNEY-GENERAL.—I am in the recollection of the Court, that I asked the witness if he *bore* it with good humour.

Lord ELLENBOROUGH.—You had better make no observations on one another's questions.

Mr. WETHERELL.—The Attorney-General's was a gross misrepresentation: I again put myself on the recollection of the Court, that I used no such question.

ATTORNEY-GENERAL.—I cannot endure such rude attacks.

Mr. WETHERELL.—You have attacked rudely, and I will meet rudeness with rudeness.

ATTORNEY-GENERAL.—Whether those observations are made as a personal attack upon me, or for the sake of the Court or those present, I will resist it, and say that the charge of gross misrepresentation is totally unfounded.

Mr. WETHERELL.—If you will not bear it, do not entitle yourself to it.

(In answer to questions from the Bench, the witness said) I sent the boy through a narrow passage; the reason was that the door was shut. A very few on the outside would make all who had entered the house prisoners.

Mr. *Rae*, of the Minories, gunmaker, was next called, and examined by Mr. ATTORNEY-GENERAL.—Witness said, that on the 2d of December he saw the people in the Minories shutting up their shops. Several persons were on the opposite side of the way at Mr. Brander's, taking away guns. With the assistance of his servants, witness fastened up his premises. Soon after, the mob came, and broke open his shop, and stripped it of fowling-pieces, muskets, pistols, pikes, &c. to a considerable amount. They broke three desks, demolished the parlour-windows, which look into the Circus, and took 7l. from one counting-house, and some silver from the other.

Cross-examined by Mr. Serjeant COPLEY.—Could not say who were the persons who broke in. Many of the arms were thrown into the street, and taken up again. The troops had arrived before he returned. The people then stood gaping about the street. A police-officer took a gun, which was stolen from his house, to the police-office, together with the man in whose possession it was. A brass carronade, a three-pounder, was also taken from his house.

Re-examined by the ATTORNEY-GENERAL.—Before he returned to his house, the military had arrived. The arms were thrown away prior to his return. The soldiers remained all night, and during the next day.

Cross-examined by Mr. Serjeant COPLEY.—A number of persons also remained who were not soldiers. They kept walking about, but did not commit any act of violence.

Mr. Justice BAYLEY.—Did you lose any powder or shot?

Witness.—I lost about 3 cwt. of small shot, and one pound of powder. The shot was scattered about in the street.

John Middleton, a stationer, in Skinner-street, Snow-hill, was examined.—On the 2d of December last, he saw a number of persons pass his house, and go to Mr. Beckwith's. They were about two or three hundred; but many of them were only women and children who followed: he saw Hooper there, who wore a cockade in his hat: it was formed of two or three narrow ribands of different colours. A flag was carried by the mob with an inscription in gold letters; himself and partner went up into the balcony. The mob stationed themselves for three or four minutes before his house. Hooper had either a stick or sword in his hand, and appeared to have the direction of the mob: he waved the stick several times, and pointed to Mr. Beckwith's house; when there was a great shout, and the mob went to Beckwith's. After the windows of Mr. Beckwith's house were broken, and the guns were taken away, the mob passed witness's house, and went down Newgate-street, discharging their pieces in a very disorderly way.

Cross-examined by Mr. WETHERELL.—Saw Hooper point to Mr. Beckwith's with a stick. There were several persons then at Mr. Beckwith's, and the shout was made before Hooper went to them. Heard a shot fired before Hooper went, when they began to demolish the windows. Would not swear positively that Hooper had the flag: had given this evidence against Hooper and others at the Old Bailey.

Edward White examined by the ATTORNEY-GENERAL.—Was

at the Royal Exchange on the 2d of December. He accompanied the Lord Mayor and Sir James Shaw: they saw the mob proceeding down Sweeting's alley, and witness went round to meet them. He made his way through the Royal Exchange, rushed into the middle of the mob, and seized the flag from the person who bore it; was active in securing the person in the Exchange, lest a rescue should take place; knew none of the persons in the mob; saw no other person taken; wrenched a double-barrelled gun from one person, and endeavoured to strike him with it, but he got away; did not think the mob had any muskets, they were principally fowling-pieces. A piece was fired under the gate of the Exchange, when the Lord Mayor and witness had shut it. Every thing appeared quiet when he returned with the military.

Cross-examined by Mr. Serjeant COPLEY.—Went to the light-horse stables in Gray's-inn-lane, where he found 50 of the 17th Hussars; did not perceive any artillery. Got the flag away from the mob without any resistance, except by one man, who said, he begged he might be permitted to go, as he had had it only a very few minutes in his hand. There were several persons, when he came back with the military, but there was not any disturbance then.

Mr. Justice ABBOT.—The Lord Mayor and you thought it expedient to call in the military?—Yes.

John Hodges examined.—Was at the Royal Exchange on the 2d of December, about one o'clock. There was a great mob, consisting of near 150 persons. Had seen a larger body before the Mansion-house, when guns and pistols were fired by the mob. Saw Hooper, and took him into custody: took him within the Exchange, and the Lord Mayor followed. About five minutes after, observed a brace of pistols under his coat, and searched him. Took the pistols, and gave them to Daniel Cartwright; one was loaded.

Daniel Cartwright examined.—Received the pistols of the last witness, and delivered them to Richard Stevens; one was loaded with slugs.

Richard Stevens produced the pistols to the Court.

John Hodges cross-examined by Mr. WETHERELL.—Hooper surrendered himself immediately without offering any violence; said he would not run away. Saw flashes in the air, when the mob was at the Mansion-house. They fired into the air; saw no gun or pistol levelled at any body. Was examined at the Old Bailey, on Hooper's trial there, and then gave the same evidence.

John Haywood examined.—Saw the mob on the 2d of December, near the Bank; followed them to the Minories; observed them on Tower-hill. Saw a man come towards the Tower, who had a sword or cutlass in his hand. This was Thistlewood, who then had on a different dress. He wore a great coat and top boots. He came to the railing near the ditch, flourished his sword, and said something to the soldiers on the ramparts; he offered to make the privates captains, and to double their pay, in case they would come and join the mob. Did not hear any thing more; he (Thistlewood) remained there for a very short

time. From what witness observed of the bustle in the Minories, he thought the troops were coming. Thistlewood then put the cutlass under his coat to conceal it, and went towards Mark-lane. He had not seen him before in the mob.

Cross-examined by Mr. Serjeant COPLEY.—Was a stock-jobber; was once publisher of the *Courier* newspaper, but had not had any thing to do with it for two years. Went to Tower-hill to look after the proceedings of the mob, from mere curiosity; followed them from Newgate-street, and went to the Bank, and informed Mr. Dawes that they were coming. Had told the same story respectiug Thistlewood to Mr. Bent, on the same night. Stood against the railing at Tower-hill. The speech was made across the ditch: did not think that there was any one with him: the mob was at the gunsmith's at the time. Did not go to the Lord Mayor or any other magistrate, to inform him of what he had heard at the Tower. Was sent for by Mr. Litchfield, the solicitor of the Treasury, last Tuesday week, for the first time. Had since received a note from Mr. Litchfield, with a subpœna. Had seen no person at Westminster to whom he ever mentioned the story; never saw the man (Thistlewood) before: saw him a few days ago in the Tower. Was told, that he should see the man there whom they suspected; they told him that Thistlewood was there, and that he would see him. When he went to the Tower, there was only one person in the room, and the Warder. Knew the Lord Mayor was sitting day after day for the purpose of receiving evidence on this business, but never went to him, nor to any other person, to communicate what he had seen or heard. It certainly struck him as very extraordinary that a single individual should attack a fortress.

Mr. Serjeant COPLEY desired the witness to give in the address of Mr. Bent, to whom he said he had mentioned the story respecting the man's speech at the Tower. Witness gave it in as follows:—Mr. Edward Bent, at the Mitre, Stangate, Surrey.

Thomas Edmunds, a private in the second Coldstream Guards, examined.—On Monday, the 2d of December, was on duty at the Tower. Heard an alarm of the approach of the mob. Observed a person come near the railing: he addressed the soldiers, saying, "Soldiers, open the gates, we will give you a hundred guineas." Witness had received orders to go to the parade: quitted the ramparts, and heard no more.

Cross-examined.—Was going along that part of the parapet betwixt the two great batteries. There was no one with him, but another man was further on. The ditch is fifty yards wide; could not say how much water was in it at that time. About a foot and a half of his person could be seen above the parapet: could not say whether the other soldier could be seen. Whilst the man was making the speech, he (witness) was going on as fast as he could: went to the parade: did not recollect any body coming to the Tower to ask for military assistance.

John Haywood was then called again, and asked by Lord ELLENBOROUGH, whether he could recollect any other person, besides Mr. Bent, to whom he had mentioned what he saw and heard?—After a pause, witness said that he told it to Mr. Ensor, of the Bank of England.

Thomas Darlington, a private of the second Coldstream Guards, examined.—Was on the ramparts of the Tower on the 2d of December last. Heard the alarm of the mob coming: looked towards the Minories, and saw a man against the railing: he said, "Open the gates, soldiers, every man shall have a hundred guineas and double pay; I do not take the soldiers for my enemies, but my friends, you have been fighting for the rights of your country, and cannot have them." Witness was then going to parade, and heard no more.

Cross-examined.—Edmunds was not with him at that time. Did not take notice who the sentry was. Went into the Tower on the 25th of February last. Captain Bentinck was the adjutant on the parade. Mentioned what he had heard to the non-commissioned officer; the distance was so great, he could not tell who the man was. There was a mob of 20 or 30 boys about the man: saw nobody else; saw none with arms.

Here the proceedings of this day closed.—Lord ELLENBOROUGH said, that as the business of the term had been suspended by this trial, it would be convenient that the Court should rise at half-past five to-day; and that a Judge should sit at eight o'clock to-morrow morning for the sake of expediting general matters.

As their Lordships were about to retire, one of the Jury asked, whether they might not have their private friends and servants to see them, in the presence of the proper officer. They would not, of course, presume to speak to any person on the subject of this trial.

Lord ELLENBOROUGH said, they might certainly have any part of their family to see them, on matters of business, in the presence of the officer. The Court did not wish, nor did the law require, that their private concerns should be injured by their serving on the Jury, but they would carefully abstain from any conversation with reference to the proceedings before the Court.

THIRD DAY, WEDNESDAY, June 11th.

The four prisoners, as yesterday, were brought into Court by the Warders of the Tower, at about a quarter before 9. Their Lordships entered a few minutes after 9 o'clock, Mr. Justice BAYLEY having previously sat to receive motions of course.

The first witness called was *Charles Meyell*, one of the horse-patrole belonging to Bow-street.—On Monday, the 2d of December, I was on duty on the road near Highgate. At about 11 o'clock at night, I saw three men walking towards Finchley; they were then near the church. Two watchmen were standing against the railing. I had before received some information respecting three footpads, which induced me to notice the three men. I turned my horse's head towards them, desiring the watchmen to come with me: they made a stand as if they were confused. I got rather before them, and said to the prisoner, "Gentlemen, I beg your pardon, where are you travelling to?" The prisoner replied, "To Northampton." I said it was a late

hour to be travelling so near town, and I supposed they knew I was a horse-patrole. The prisoner took a bundle from under his right arm, and held it up to me. Instead of taking it, I passed my hand into the breast of his coat, and caught hold of the butt-end of a pistol. I drew the pistol out, and told the prisoner, if he offered to move, I would blow his brains out. One of the watchmen was close to my horse's heels, and I told him to secure the other two persons. The watchman ran back, and sprang his rattle. The other two persons each drew a pistol from their great coat pockets, and one of them pulled the trigger, making an attempt to retreat behind me. Both the pistols were pointed towards me. The pistols did not go off, and then the two ran away. Four or five persons then came out of a public house, called the Red Lion and Sun, hearing me call out stop thief. I left the prisoner in the custody of two young men, and rode after the other two men about 2 or 300 yards; I pulled my horse in, thinking I heard a scuffle, and returning directly, I found the prisoner, and the two men in whose custody I left him, on the ground. Just as they had come out of the public-house, one of the pistols had gone off. I alighted from my horse, and secured the prisoner: I saw something bright in his hand, and one of the men who was struggling with him was trying to wrench the blade of a sword from him.

(The witness here exhibited the stick to the jury.)

I took the prisoner into a public-house, and searching him, I found upon him some papers.

(A pistol being put into the hands of the witness, he identified it to be the same he had taken from the prisoner. He also looked at some papers, and said that he had found them upon the prisoner, and had marked them before he had parted with the possession of them.)

I asked the prisoner his name, and he said it would be well known at Bow-street; but he did not tell it to me. No more passed at the public-house I conveyed him to Somers-town watch-house, and on the way he acknowledged that he had been in the city, and at the Spa-fields meeting. I asked him if he had been at the riot at Skinner-street, and he said, no; he had been to East Smithfield, and down to the Tower: this was the next morning, as I was taking him to Bow-street. I examined the pistol, and it was loaded with powder and a ball. The prisoner said that it was very unfortunate that he should have had the pistol in his breast, and that it should have been observed.

Cross-examined.—I apprehended him in consequence of finding the pistol in his breast. I kept him at Somer's-town watch-house during the night. When he said it was unfortunate that the pistol was found upon him, I had been telling him that I suspected he was one of the men whom I had heard of in Essex, who were footpads; he seemed very strange, as if he did not know what a footpad was. I did not give evidence upon Watson's trial at the Old Bailey, but before the magistrate, [next morning after taking him,] and the grand Jury: the magistrate was Sir N. Conant: the prisoner said nothing more than that he had been to East Smithfield, and down to the Tower.

No time was mentioned by him whether early or late. I stated this before the magistrate. When I asked him his name, he was in custody in the public-house. I asked him again as he went down Highgate-hill; he knew I was going to take him to Bow-street.

The papers taken by the last witness were then put in, and read by Mr. BARLOW; the first was in this form, and in these words:—

Commtt. P. S.

Sir F. Burdett	Mr. Gale Jones	Mr. Hardy
Lord Cochrane	Major Cartwright	Mr. R. O'Connor
Mr. A. Thistlewood	Mr. G. J. Evans	Mr. Blandford.
Mr. J. Watson	H. Hunt, Esq.	

The next paper was in these terms:

Westmr. Rd.

Form three divis.

Collect and meet at Lon. Br. Proceed to the Old Man.

Lon. Rd.

Form three div. Collect numbers, and go on where will be met, and be led to the Old Man

Padgton. To proceed to St. Gs. Barricade. Proceed to Hlb. Br. Barricade. Branch off to T. B.

1. St. Giles's: broad part of Holborn-bars: Chancery-lane.
2. Carey-street, Temple-bar.
3. Theobald's-road, Gray's-inn-lane: Elm-street.
4. St. John-street, Old-street road.
5. Whitechapel.
6. Tower.
7. ——————.
8. T. L. Y.

A third paper was the following letter, addressed to "Mr. Preston":—

SIR,—Having understood that you want somebody to deliver bills, I shall be glad to do it, and a friend in distress as well as myself would be happy to do it. I shall be happy to have the pleasure of meeting you at the Red Hart, in Shoe-lane, to let me know where I shall see you; being very much in distress, and not knowing where to get a shilling for my support. If you will have the goodness to give me a job, I shall esteem it a favour.

I am, Sir, your's respectfully,

27th Nov. 1816. THOMAS GILBERT.

The three documents above stated were handed to the jury.

John Castle was then called by Mr. GURNEY, but after he had been sworn, Mr. WETHERELL begged to ask him, if he had not had the promise of a pardon on condition that he gave evidence?

Mr. GURNEY objected to the question in the present stage, and the Court decided that that was matter of cross-examination.

Mr. GURNEY then proceeded to interrogate the witness, who stated that he knew Watson, sen. Watson, jun. Thistlewood, Hooper, and Preston, perfectly well. He first became acquainted with Hooper, whom he had known for about 2 years.

In what month did you first become acquainted with the prisoner Watson?—About three weeks or a month before the first meeting in Spafields; about October. I had seen him before.

At what place had you seen him?—At the Cock, in Grafton-street.

Had you frequently before that been at the Cock?—Frequently.

Did any society meet there?—Yes: a society called the Spensonians.

The Spenceans?—The Spenceans, or Spensonians.

Did you first see him attending the meetings of that society?—Yes; at one of those meetings.

Had you seen him there before you became acquainted with him?—I had.

What was the first conversation that passed between Watson and you?—He introduced himself to me by saying, it would be a very easy matter to upset the government, conditionally it was handled in a proper manner.

Did you also meet him about that time at another house?—He appointed me to meet him the following night at the Mulberry-tree, near Moorfields. I never had been there before.

Did any society meet there?—A society of the same kind as at the cock.

The same night at the Cock, did you see Preston?—I did.

Had you seen him before at any meeting of the Spenceans?—I had.

What did Preston say to you?—He called me down stairs, and wished me to meet him at another house, where another society was held, close to Fleet-market. I forgot the house, but he said a society of tradesmen met there.

What answer did you give?—I asked him for what purpose; and he told me he was one of the committee, and that the meeting was for the express purpose of petitioning Parliament to do away with machinery.

Mr. Sergeant COPLEY suggested, that what Preston said to the witness when Watson was not present, with reference to something not the object of this conspiracy, could not be evidence.

Lord ELLENBOROUGH admitted that it might not be evidence to prove the conspiracy, but it was impossible to separate the subject into parts. It might be matter of observation and direction to the Jury.

Mr. WETHERELL said, that if these enquiries were allowed, there could be no end to them. The purpose was to introduce the Spenceans for the sake of prejudice.

Lord ELLENBOROUGH.—We will not get into argument. (To Mr. Gurney.) I think you in a legitimate course, and you will proceed.

Did any thing pass between you and Preston respecting the Mulberry-tree?—He asked me to come as Watson had done, and I told him I had promised Watson to do so. Eight o'clock was the hour appointed.

Did you meet them at the Mulberry-tree the next night?—I did.

Were they both present there? Yes.

Were there any other persons present?—A great many whom I did not know. I only knew the two Watsons, Preston, Hooper, Thistlewood, the two Evans, and a man named John Harrison. They were there.

After the meeting broke up, with whom did you walk away?—With the elder Watson.

Had he any conversation with you as you walked together?—Yes; the same conversation was renewed, that it was a very easy matter to upset the government, conditionally it was handled as it ought to be.

What answer did you make?—I asked him, which way; and he said, if a few good fellows were got together, it was very easily done; he told me he had drawn out a plan of an instrument to disable the cavalry from interrupting the mob in any way; he said that he had got several persons; they had solicited at different houses whom they could collect together; and that they had got a committee sitting to devise the best plan and the best modes.

What more did he say?—Merely conversation of the same kind. He asked me where I lived.

Where did you live then?—At No. 5, Newton-street, Holborn.

What more passed?—He said he would call the next day morning, and show me the plan. We had a great deal of conversation, but nothing particular more than I have stated. We parted for that night, but when he called the next day, I was not at home; but he came to me on Saturday morning, and I saw him.

Are you a married man?—I am.

When he called on Saturday, did your wife remain at home?—I desired her to go out, and Watson and I were alone for nearly an hour.

What passed at that conversation?—He took out of his pocket several papers; one something of a plan of the Tower; and another, a plan of the machine of which he had before spoken. It appeared to run upon four wheels.

And how to operate?—With scythes or knives at the sides, and with spikes in the middle to prevent cavalry from advancing; it was to be very sharp.

Was it to be trodden upon?—No, it was on wheels.

What height from the ground?—He did not mention the height, but it was to be about as high as a cart or coach wheel.

What more passed?—He wished me to exert myself as much as I could to get all the people I could together.

Did he produce any other drawing?—Yes, several others: one was something about a bridge, and different places of the Tower, different entrances and avenues to it.

Do you remember any drawing of any other place?—There were several, but I did not take particular notice. He asked me how many men I could bring; I said, I knew a great many, but I did not know how many would act when put to the test. He begged me to try to get all I could together. I told him I had nothing to depend on but my little business: he replied, "Never mind, we will find something else for you to do; we have got sufficient money for every thing."

Are you by business a smith?—I am; he said I should do better than my business.

Did you make any appointment to meet?—Yes, the next day evening.

Did you meet?—I believe we did at the Cock, but I am not

certain. I cannot positively say whether it was that night or the next morning, Sunday, that I met the elder Watson at the house of a man of the name of Newton, but we could not have much conversation, as people were there. Coming down Drury-lane, Watson told me that they had got a committee, consisting of five, mentioning Harrison, Preston, Thistlewood, himself, and his son. He said that I should be one of the generals, and head a party of pikemen, which I should hear more about in a few days. He also said, that from that time I might consider myself one of the committee, making the sixth, and that no more would be admitted.

Did you make any other appointment?—I appointed to meet at the Nag's head, Carnaby-market, where another society of Spenceans was held.

Whom did you meet there?—One John Keans, I believe, the elder Watson, young Watson, Preston, Thistlewood, and the two Evans: nothing particular passed there. On Tuesday morning, I believe, I met Watson again.

Where did you go to?—We went to Portman-street barracks and King-street barracks, and across Hyde-park to the small powder-magazine. There was one Skinner with us, whom I had seen once or twice before, but I had had no conversation with him.

Before you went, had you any conversation with the elder Watson as to the object of your going?—Yes, to look at the whole of the avenues, and to see which was the best place to set fire to the barracks.

After you had seen the barracks, did Skinner go home with you, or leave you? He left us in the Park. Watson said that he had thought he was a much cleverer fellow than he found him. He had intended to make him an officer, but he found he had got no idea whatever; he was not at all calculated for it.

Whom did you meet at Newton's?—Watson and his son, but I did not know it was his son till afterwards.

How soon were you introduced to Thistlewood?—Either that day or the day following.

By whom?—By one John Harrison: there were two or three strangers by I did not know.

Do you mean Harrison, who was one of the committee?—I do. We outstayed the strangers, and then a conversation took place between me and Thistlewood. Some ale was brought in, and as soon as there was an opportunity, Thistlewood asked me how much and how long it would take to make 100 pikes. I told him it would depend entirely on the size and length, and whether they were made of iron or steel. He said the length would be 9 or 10 inches, and he marked out something of it with a pencil. I told him they might come to 4d. or 4½d. per lb.: he wished me to make one for a pattern, and I agreed I would. I told him I had no place to make them, and Harrison replied, that he knew a person who would lend me the use of his forge. I was to meet them at the Cock, in Grafton-street, but we met at Newton's, a public-house at the corner of Broad-court. I was to bring the pike with me to a public-house almost opposite Newton's, kept by one Randal or Rasedale.

Did you go there?—I did, and I met the two Watsons, Thistlewood, Hooper, and Harrison: Preston, I believe, was not there. I had got a pike made at the shop of one Bentley, in a cellar in Hart-street, Covent-garden. Hooper and Harrison went with me when it was made. I asked Bentley to lend me the use of his forge to make a spike.

What was it you told him?—I am not sure whether I told him it was to put round a rabbit-warren or a fish-pond; but something of that kind. I looked out a piece of iron, but he would not let me make it, but made it himself. We then took it to Randal's, where I produced the pike, and Dr. Watson said it was a famous instrument.

Did Mr. Watson, who is a medical man, go by the name of Dr. Watson?—He did.

Did any thing more pass then?—Nothing particular; we met in the evening at the Cock, where Dr. Watson wrote with a pencil the names of the committee, who were to meet at No. 9, Greystoke-place.

Did you about that time take a walk towards Paddington?—I had been there the night before with Thistlewood, among the navigators.

For what purpose?—For the purpose of seeing how many men we could get together that were out of employ, and the spirit of them. We went to different public-houses, where we found a great many navigators, and treated them with some beer.

Who found the money?—Thistlewood. I had seen one of the navigators the night before, who said that they all wished for a good row, and would sooner be killed than starved to death: we went up to Paddington in consequence.

What questions did you put to the navigators?—I cannot say exactly: we told them we should want them for a job in a little while. We did not say for what, but we asked them, how many men they could collect together in a few hours, and they answered 500 or 600 any morning, so many were out of employ.

After that, did you go to any public-house near the theatre?—Yes, in Long-acre, which the soldiers attending the theatre use.

How many soldiers did you find there?—They kept coming in and out, perhaps eight or ten at one time. Thistlewood gave them half a gallon of beer.

Did he ask them any questions?—He asked about their treatment by their officers, and what their pay was. We afterwards went to the Black Lion, in Vinegar-yard, now called Wooburn-street, where were soldiers attending Drury-lane Theatre.

Was any conversation held with them?—Something similar to the first. They were treated with a gallon of beer, because there was a Yorkshireman there, who spoke rather violently against government.

Can you recollect what was said?—Something about their pay and bread; and the numbers discharged without pensions, after fighting so many years for their country.

Before you parted, did you and Thistlewood agree to meet again?—Yes, next day: before we parted, he gave me two three shilling pieces; he gave me directions to go to the different houses, and collect all the people I possibly could.

Next day where did you meet and whom?—At Newton's. There were there Thistlewood, Watson, sen. and Harrison.

What passed?—Only to go from one house to another, to collect all we could.

For that purpose, did you go together or divide?—Thistlewood and I went to the Fox under the hill, under the Adelphi.

What kind of men did you find there?—A great quantity of coal-heavers, and people who work upon the Thames.

Did Thistlewood or you converse with any of them?—We gave them some beer. There might be 10 or 12, or perhaps 20, standing about wanting employ. We said we should perhaps want them, how many could they collect? They said, especially in the morning, 50 or 60 at every avenue of the wharfs. Then I separated from him by his desire, and went to other places to see how many we could get together. If any one was a little more violent than another, we took down his name and address.

Where was your next meeting?—It was held at Greystoke-place, precisely at the time we had appointed, which was at 11 o'clock. When I went there, I found the house shut up, but I observed Thistlewood walking about on the other side of the street. He noticed me also, and called me over to him.

What passed?—He said the Doctor, who had the key, had not come yet; that he was always behind his time. In about twenty minutes, the elder Watson came, opened the door, and we went in.

Did any other persons join you?—Young Watson and Preston came in a few minutes after. I had not seen the younger Watson before.

What did you converse about?—We talked about the mode of setting fire to the barracks, and getting all the people we could together.

Did any thing pass at this meeting about pikes?—Yes, I stated that Thistlewood had ordered me to get 250 made.

Who were present at this conversation?—All the committee, except Harrison.

Was any thing said about any plan?—Very little was said respecting the plan until the Sunday following.

Any thing about the barracks?—We, Watson and I, said we had been to look at the avenues, and had thoroughly inspected both the Portman-street and King-street barracks. Thistlewood and young Watson told me they had been at the barracks before. I said there were six avenues to the King-street barracks, and only two to the Portman-street.

What passed as to the object of your inspecting the avenues?—It was done to get a regular calculation made as to the quantity of combustibles that would be needed to set fire to the barracks.

What passed next?—We appointed a general meeting of the committee for Sunday, to arrange the whole plan; and we met accordingly, all six.

Had you done any thing in the mean time about the pikes?—Yes, I had given orders to Bentley for 250, and had paid him 10s. in advance. They were to be made off hand, without any delay.

Did any thing pass about the handles for the pikes?—Yes, at

Reaysdale's. Harrison said he knew a place at the back of the King's Bench, where he could purchase them. Thistlewood asked how much they would cost, and Harrison said 3d. or 4d. a piece, but that depended upon the length.

On the Sunday morning (Nov. 3d), you say you all six met again. Detail what passed?—First, a large box was fetched down stairs to sit on.

Had you no chairs?—No, and we had something like a public-house stool for a table. Before we began to converse, all the house was searched to see that there was nobody in it, who might over-hear us. Thistlewood produced a map of London, and the best roads for collecting the men, and attacking the barracks, were marked out.

Was any arrangement then made?—Yes, every man was appointed to his station.

What do you mean by station?—As Generals: the whole committee of six were to be Generals, to attack the different barracks. Dr. Watson proposed Thistlewood as General; he and young Watson were to take the two guns in the Artillery-ground in Gray's-inn-lane.

What was Preston to do?—He was to attack the Tower.

And Harrison?—The Artillery-barracks, in the Regent's-park.

What had Harrison been?—He had been an Artillery-man: I have heard him say so, in the presence of the committee.

What were you to do?—I was to set fire to the King-street barracks: I was to stop there either to take prisoners, or to kill all that might attempt to escape.

What arms were you to have for this purpose?—We were to be armed with pikes and different weapons, such as we could get.

How was the elder Watson to be employed?—To set fire to the Portman-street barracks.

What materials were you to use for setting fire to the barracks?—Pitch, tar, rosin, turpentine, and spirits of wine.

How were you to proceed to accomplish this purpose?—We were to make the different attacks all together at a given hour; one o'clock in the morning. Saturday night was thought a good time, as many people would be in the streets, and many drunk. We were to stop all persons we met, and make them join us; to stop all gentlemen's carriages and carts, and take out the horses; to mount the horses, and form a cavalry with them; after I had set fire to the King-street barracks, and had seen the whole in flames, I was to meet the elder Watson at the top of Oxford-street, and Harrison was to join us with the artillery from the Prince Regent's-park. As soon as he had joined, a volley was to be fired, to let the others know we had got possession of the artillery.

What was to be done with the artillery?—Two pieces were to be taken into the Park to fire on the cavalry, if any of them should attempt to come across.

How were the guns to be protected?—By a party of pikemen, to be left there for that purpose. All the avenues on the way from Portman-street, were to be barricaded, to prevent the assembling of any cavalry that might be out at quarters. From

Oxford-street, we were to go down Park-lane, and barricade the different entrances to the Park. The turnpike-gate at Hyde-park corner was to be barricaded and chained; a party was to be left there to fire on the soldiers, if any advanced that way. We were then to proceed down by the way of Charing-cross to Westminster-bridge, and to barricade it, to prevent horse coming in that way. When Thistlewood and young Watson had taken the two pieces of artillery in Gray's-inn-lane, they were, in coming along, to attack all oil-shops, gunsmiths' shops, and all other shops, where they could find either combustibles, or arms. They were to blockade all the passages from Gray's-inn-lane to Great St. Giles's. There Thistlewood was to make his grand stand, with the two guns pointed in different directions. Young Watson was to leave him at St. Giles's, and proceed up Oxford-street, barricading the avenues on the right, and then they would have been barricaded on both sides.

You have said, that Preston was to attack the Tower, was there any other arrangement with regard to him?—If he did not succeed in taking the Tower, he was to proceed to London-bridge and barricade it, to prevent the artillery from Woolwich from coming that way. He was then to have barricaded Whitechapel, to prevent any troops entering from the country by that road. When he had got a sufficient body of force, he was to attack the Old Lady, meaning the Bank.

That is a cant-term for the Bank?—Yes.

Had you not another cant-name for the Tower?—Yes; the Old Gentleman.

After these arrangements were settled, what was said about combustibles?—Thistlewood desired Watson to calculate how much they would come to, and what quantity would be requisite for all the different avenues of the King-street barracks and the Portman-street barracks. Watson made his calculation, and said, the expense would be something short of a hundred pounds. He cast it up upon paper; but the paper as usual was destroyed, as soon as he had done with it. Thistlewood said, do not spare for 20l. let us *roast* them well. Dr. Watson replied, that it would burn so rapidly, and the stench would be so strong, that it would stifle them all in a few minutes.

Where were the combustibles to be deposited?—Young Watson and I were directed to look out next morning for a house fit to lodge the combustibles in, between King-street barracks and Portman-street barracks, so that there might be a ready communication to each. We were to take the house for an oil and colour shop, in order that there might be no suspicion on putting in the combustibles. Thistlewood said, "Never mind the price of the house; take one at any price, as we never intend to pay for it."

When was the attack to be made on the barracks?—It was to take place on the Saturday night, or Sunday morning following, (Saturday the 9th, and Sunday the 10th of November.)

You said you were to go the next morning about the house?—Yes, young Watson as master, and I as his servant. We were to lodge the ingredients in the house, and to get men to bore holes in wooden handles for fixing the pike-heads in.

Was any thing said about who was to command?—Thistlewood said the Generals must be chosen: Thistlewood was proposed

for the first, Watson for the second, and Harrison the third. Watson proposed that I should be the fourth; Preston proposed that young Watson should be the fifth; and that he himself, as he was lame, should be the last, or the sixth.

Was there any thing done about appointing any other committee?—Yes, it was agreed that we should appoint a Committee of Public Safety. Thistlewood proposed that this should be done, in order that there might be a government ready to act after we got the better of the soldiers, or they joined us. The greater part of the names were proposed by the elder Watson and Thistlewood.

Can you recollect any of them?—I remember the following; Sir Francis Burdett, the Lord Mayor, Lord Cochrane, Mr. Hunt, Major Cartwright, Gale Jones, Squire Fawkes, of Yorkshire, Samuel Brookes, Roger O'Connor, Mr. Thomson, of Holborn-bridge, the two Evans, Dr. Watson, and Thistlewood.

Was any thing said about a proclamation?—Yes; one was to be issued immediately, when we had got the better, and the new government was established. In the proclamation, rewards were to be offered to the soldiers. They were to be offered 100 guineas each, or double pay for life, if they joined us. Thistlewood desired the elder Watson to calculate how much it would come to, provided the soldiers should choose to accept of the 100 guineas each, rather than the double pay. He did so, and said it would come to about two millions, but that, he said, would be nothing, as the national debt would then be wiped off.

Did Harrison make any observation on this occasion?—He said he was afraid that when they came to call the people together, they would not find so many of them as they expected. Watson said he should not mind; that if he got three or four hundred people together, he was determined to act, and would not wait longer than the Saturday night following.

How long did this meeting of the committee continue?—From 11 o'clock in the morning till five or six in the evening. [This was Sunday, the 3d of November.]

What further passed respecting the plan?—Thistlewood also said that he would act next Saturday. It was then settled that we should go to different places to see how many men we thought we could get together, and then to make a report of the number to Thistlewood. We separated for this purpose; and Thistlewood and I went to Paddington, to the same public-house we had been in before. We found some navigators there, and had the same sort of conversation with them as on the former occasion. They were desired to get as many men together as they could for a job, but we did not tell them what the job was; that was not to be mentioned until the last moment. There was one young man, however, who spoke very violently, and Thistlewood told him to bring arms; any kind of weapon, such as a spike-nail on the end of a stick, or any thing that would run into a fellow's guts; that was what he said, begging your pardon. We went to three houses at Paddington; the same three we had been in before. I do not know the names of any of them. One is at the corner of Lisson-street, Lisson-green. Next morning, Monday, I believe we were to meet at Greystoke-place; but both the Watsons and I met first at Reaysdale's or Randall's,

in Long-acre, I don't know which is the name. The elder Watson parted from us, and young Watson and I went to look for a house to lodge the combustibles in. We found an empty house, that we thought would answer our purpose, in Seymour-place. It was shown us by a woman, who referred us to Mr. Cosser, a timber-merchant, who lives not far from Westminster-hall. We proceeded to his house; young Watson went in, and I remained outside. Mr. Cosser told him that about 14l. or 15l. would be wanted for fixtures. He required a reference, and young Watson referred him to Thistlewood, who lived then in Southampton-buildings. Young Watson and I then went to Greystoke-place, where the whole committee met. Young Watson reported what he had done. Thistlewood said he would be at home when Mr. Cosser called; but young Watson observed, that he had said he could not call for a day or two. Thistlewood then desired Watson to give him a check for a day or two, and if he would have the money down for the fixtures, draw on him for the amount.

Was any thing done at this meeting by Preston?—He made a report of a great number of people he had collected at a meeting at Spitalfields. He wished as many of us as possible to go that evening to the house where this meeting was held. We all six went, and Hooper also, who had not then become one of the committee. We went to a public-house in or near Spitalfields, where we found about 60, 70, or more persons assembled; there were more than the room would hold; John Dyall was in the chair. The elder Watson read something to the meeting. It was the form of a petition to be presented to either House of Parliament, or to the Prince Regent; I do not know which. Watson promised to get some copies printed. After this we all returned home together. On our way back, Thistlewood said, that he found the only outcry among the people was the want of arms, and that I must get 250 more pikes, which would make 500 in all. Two nights after, we went to Spitalfields again. We went first to a different house from that we had been in before. About five houses were visited and appointed for meetings, where Watson had promised to leave printed petitions for inspection: these petitions were to have been given to Dyall. In the house to which we went first, and which is some where between Brick-lane and Smithfield, there was a meeting of about 12 or 14 persons, and Dyall was in the chair. Here two or three written copies of the petition were given, as they could not be got printed. Dr. Watson employed a person named Crisp for this purpose, who wrote them at the Cock, in Grafton-street. There were only three of the committee in this house; the others were distributed in the other houses. The three were, Harrison, I, and Hooper, who had not yet joined the committee. We met Thistlewood again at the house where the first meeting had been. Thistlewood said he was much disappointed at not finding so great a number as he expected. Harrison observed, that the reason was, the people had not money to pay for a pint of beer a-piece. In walking home, Harrison also said, "I knew you would be disappointed about the number; but if you were to keep treating them, you would have half Spitalfields with you."

When was your next meeting?—On Friday, the 8th of November, we met at Greystoke-place. Thistlewood then said, Mr. Cosser had called upon him about the house. He did not know whether he would let him have it, but desired young Watson to go down to him immediately, and try to get the key, in order that the ingredients might be put in it. He also desired young Watson to tell Mr. Cosser to draw a check upon him, at eight or ten days, for the money. On young Watson's return, he reported that Mr. Cosser would not let him have the house, unless he paid a quarter down, as it was in a new neighbourhood, and he did not think the oil business would succeed there. In consequence of this obstacle, they did not proceed in taking the house.

When did you meet again?—On the Sunday after, at Greystoke-place.

Did Harrison make any proposition on that occasion?—Yes, he said to Thistlewood, "I told you that you would be disappointed: now let us try to call a public meeting, and see how many people we can get together then." This was unanimously agreed to, and Spafields was suggested as the proper place. Young Watson and Thistlewood went there to look at the ground, and came back, and reported that it was a most excellent place for the purpose; that they could go from it to the Tower or the Bank, and take them by surprise. Thistlewood then proposed that something should be drawn for as a placard, and hand-bills be stuck on the walls, and distributed among the lower orders, soldiers, and mechanics: they were to be sent to the Borough, Petty-france, Spital-fields, and all places where there were manufactories, or working people. The meeting was to be called on the Friday following, and to be advertised, I think, in the *Statesman* newspaper, but I am not certain as to that; there were to be 500 of the small bills printed, and 250 of the large. The elder Watson took the bill to get it printed; he said he knew a printer, with whom he had lodged, in Gray's-inn-lane, who would do it; but he came back and said, that the printer wanted a 1l. note to purchase the paper. Thistlewood gave Watson a 10l. note, told him to go and get the bills printed immediately, and to give me as much of the remainder as would pay for the pikes.

What was the name of the printer?—I do not remember.

Will you know it, if I mention it? Was it Storer?—Something like that, but cannot recollect.

Do you remember the conversation that took place while Watson was gone to the printer's?—It was about a waggon: Thistlewood asked who would undertake to get a waggon to speak from. I offered to get one; he asked how much it would cost, and I said about 2l. or 50s. Thistlewood said we should have a true tri-coloured flag, green, red, and white, and his wife should make it. He asked the Doctor what would be the best motto to put on the flag, and Watson wrote out what words should be on the flag, and the manner in which they should be placed. Three of the words were, *nature*, *truth*, *justice*. The whole was the same as the inscription on the flag, which afterwards appeared in Spafields. It was appointed that I should carry the flag, as I was the strongest and the tallest.

Had you any appointment for next day?—I was desired by

Thistlewood to go and get half a dozen stout navigators to come to the Cock in Grafton-street, to get some of the placards, which they were to carry, pasted on their backs on pasteboard. I went that night, and appointed the navigators for that purpose. Next morning I went to meet the Watsons by appointment at a coffee-house in King-street, Holborn, where I was to receive the money for the pikes; after which, I was to take them away, and put them in nail bags. I did meet the Watsons at the place appointed. The elder Watson gave his son five one pound notes to go with me for the pikes. Young Watson, however, went first for the nail-bags, and I went to Bentley's to get the bill for the pikes made out. He had made only 250. We went from his house, he and I together, to a wine-vault, in the corner of a court leading from Hart-street to Long-acre. Young Watson soon came in with the nail-bags. Bentley produced his bill, and young Watson gave me money in his presence, and I paid him. I got 3l. 14s. after giving credit for a pound, which I had received before. We then went to Bentley's cellar, in Hart-street, and all three assisted in getting the pikes into the nail-bags. We took them to the house of Mr. Watson in Hyde-street, Bloomsbury. Both the Watsons lodged there, for any thing I know; I had seen them both there. The pikes were deposited under something like a sofa-bed. They were the iron heads. Young Watson and I then went to the committee at Greystoke-place. I produced Bentley's bill to Thistlewood, and he desired me to destroy it immediately, which I did by pulling it to pieces. We informed them that we had got the pikes. The elder Watson and I then went to the printer for the bills. His wife informed us that he was not at home; that some of the bills were done. The printer, on his return home, said he had been making the necessary enquiries at some office, (whether taking legal advice, I cannot say), for fear he should be brought into trouble. The printer was in Fetter-lane, two or three doors from Fleet-street. We entered by a back door, from a court whose name I do not remember. His name (being suggested by Mr. GURNEY) was Storer. He said he had fallen into some scrape by something he had printed before; that 200 of the bills were finished, but that he would destroy them. He produced some to us, and would not let them go out of his hands. Another gentleman was with him. Young Watson came in and joined us, and tried to persuade the printer to give us the bills, and that his name would be cut from them, so that he could not be brought into danger. He said he would have nothing to do with the business; that they might take away the paper with them. I carried the paper with me; but before that we went away to drink. Watson returned again to persuade the printer; and not succeeding, brought the paper to the public-house for me to carry. I carried it to Greystoke-place: Watson the elder was with me. We both reported what took place, and the committee resolved that Watson the elder should go to one Seal, a printer, in Tottenham-court-road, for the purpose of getting 250 (I think that was the number) bills printed, if he should pay an extra price for them. He did go, returned, and reported that they would be ready next morning at eight o'clock; and that he got a man to

stick them up, the small ones at 2s. 6d. per 100, the large (I think) at 4s. 6d. The committee resolved to write a letter to Sir Francis Burdett, and to Mr. Hunt, to invite them to attend the meeting on the 15th. The letter was written, and by the elder Watson, and sent away while the committee were together. An advertisement was written by the elder Watson, I believe, for the *Statesman*. It was given to young Watson, with 7s. or 8s. from Thistlewood, to insert it immediately. The first paper to which Watson offered it, refused it; I am not certain what paper it was, but I believe it was *The Times*. I was to get the navigagators to come together next morning to the Cock in Grafton-street, in order to go in different directions to distribute bills among manufacturers and soldiers, and to exhibit placards. We were to see the bills properly distributed, and to follow the navigators for this purpose. Harrison followed the bill-stickers: I followed, and Preston followed others. I did accordingly invite navigators to come. On the next day, in the morning of Tuesday, the 12th of November, we met at the Cock: the bills were not come: I went with Hooper to bring the bills and placards. The men engaged came, in number 6, I believe. I gave them some bread and cheese and porter. The whole committee were there. Thistlewood went to purchase pasteboard and strings to tie the placards on the navigators' backs. They were tied, and the men sent off one by one. Directions were given to them to walk very slow in the most populous parts, among the lower orders of the people. One shilling each was given to them. They were ordered to stand when a crowd was about them, and to give hand-bills out, but not to be extravagant with them. They were ordered to give them to such as soldiers and lower orders of mechanics, and to such as they might see out of employment, and to deliver them into manufactories. They were to have another shilling when they returned. They were to walk again next day. They were directed to return to the Cock to receive the remainder of their money, and orders for the next day; I paid three of them there; the rest were directed to come to Preston at some house in Spitalfields, where they should receive orders; the elder Watson, too, got bills from Seal's: I recollect no other person that got any. I followed some of the bill-stickers, Hooper accompanied me part of the way: we went into public-houses, and stuck up bills where they let us. The placards were for the meeting of Nov. 15th. That is the small bill (a bill was here shown to the witness, and handed to the several parties.) The large placards had the same words, only different in size. It invited a meeting of distressed manufacturers and seamen. It was signed by Dyall the chairman, and Preston the secretary. In the course of our walk with the bills, I went by Charing-cross. Hooper afterwards told me he had got over the rails there, and stuck a bill on the pedestal of Charles's statue, which I afterwards saw upon it. He told me that a person who attended the horses there, had interrupted him, and said to him that he could get a penalty of 20s. of him for leaping over the railing. In the afternoon, I met the men at the Cock, and paid them. Harrison and Thistlewood were there, and the three men to be paid. All the committee afterwards came. We were all there again next morning, Wednesday, the 13th. The navigators came, and had the placards again stuck upon them, and set

off as the day before. We appointed the committee to meet in the evening at Greystoke-place. On Wednesday evening, we did not all meet there, in consequence of a quarrel between young Watson and Harrison. Watson reported it to the committee. They were all present but Harrison. Watson reported that they had a serious quarrel, as they were going to Seal's; that he said to Harrison, "If I did not know you well, I should have thought you a *Marplot*;" that Harrison answered, "I am perfectly convinced, if they do not mind, you (young Watson) are so violent you will bring them all into trouble, and I will have nothing more to do with the business." This threw the whole committee into a state of alarm. They resolved to meet in another place, but unanimously thought that Harrison would not deceive them; but they appointed other places for meeting. We agreed to meet late in the evening. Thistlewood desired me to call in the mean time on Harrison, and to know why he had withdrawn himself. Before we separated, we appointed Hooper in Harrison's place. We resolved to meet that evening at the Blue Last, by Salisbury-square, Fleet-street. I was to bring Hooper with me. I afterwards reported what passed between me and Harrison. I told him that young Watson informed the committee that he had withdrawn, and I wished to know his reason; he said, that he had, and wished me to do the same, as young Watson was so violent he would bring himself and every body else into trouble, and he would never have any thing more to do with them, and would not go to Spafields' meeting. I went to the Cock, in Grafton-street, and there met Hooper. I informed him he was chosen one of the committee in place of Harrison. He wanted to know the reason. I told him that Watson and Harrison had quarrelled, and Harrison had turned traitor. Hooper said he would not believe it, except he heard it from Harrison himself. Harrison came in at that moment, and Hooper told him that I had said he had withdrawn and turned traitor, but that he would not believe it, except he heard it from himself. I said, no; but that young Watson had gone so far as to call him a *Marplot*. He replied, that he had withdrawn, and that he would not attend the committee any farther, nor the meeting at Spafields. Upon this, Hooper and I came to the meeting at the Blue Last. All came in after we got there. We went away, as there was no opportunity for conversing there, the house was so full. We went to No. 9, Greystoke-place, and went into a room two pair back, where we could not be overlooked from any window. All the five were there, and Hooper made the sixth. Harrison had withdrawn, and Hooper was in his place. Hooper was told of this, and their whole plan was explained to him. It was their plan for Friday, the 15th. The plan of burning the barracks was given up, it was done away with. It was given up on account of no house having been got to contain combustibles. It was the plan for next Friday that was talked of. The plan was, that the elder, and young Watson, were to address the mob. We were all, the six members of the committee, to be there at 12, before Hunt should come, he having been invited to be there precisely at 1. If Thistlewood saw the spirit of the mob ripe and ready, we were to leap down from the waggon, and to lead the mob into the town. The six of the committee were to do this. We were to

have six cockades, one each in his hat or bosom, as he liked best, and a flag was to be prepared. Thistlewood said that we were to call out to the mob, that if they wanted weapons, we would soon find them weapons. The weapons were to be found in the different gun-smiths' shops. There was scarcely a gun-smith's shop in London that had not been inspected, to learn how many there were, how they were situated, and how much, and what arms they contained. This was mentioned to Hooper at the time. I cannot say exactly whether it was the elder Watson or Thistlewood that mentioned this inspection, but it was one or other. They were immediately to go with arms, when found, down to the Bank, and to take it by surprise. No other place was mentioned but the Bank and the Tower. If the Bank was taken, it was stated how we should then proceed. We were to get all we possibly could to the top of the Bank, to destroy the soldiers, if they came to re-take it. We were to get to the top, not only of the Bank, but of other houses, and to throw broken bottles, and whatever we could get; to barricade the Bank, and, if the soldiers came, to burn the books, to do away with the national debt. The committee met again in the morning, all 6, Hooper being one. Harrison had completely withdrawn himself. That morning, I believe, the remainder of the bills and placards were brought from Seal's. They were sent out as before. Preston was not at that meeting. He came to fetch his bills, and went to another place. In the evening, the committee met again, I do not remember where, I think it was at Greystoke-place. Thistlewood and elder Watson reported to the meeting, and said, they had seen Mr. Hunt at Bouverie-street-hotel; that he made objections to the petition, wished some alterations in it; said he would begin to address the people, and wished one of his own; that he farther stated, he had a letter from Sir Francis Burdett, mentioning that his son was very ill, and that he therefore could not attend the meeting. I remember nothing more that they reported. We agreed to meet next morning at Lincolnshire-house, by Whitefriars, near Bouverie-street. I was to call at Thistlewood's to get the colours and cockades, and I was to procure a staff for the colours. When the committee broke up, Thursday evening, Thistlewood and I went to several places. I don't remember, but I believe the rest went to Paddington, but I am not certain. We went together, both: I do not exactly remember any houses to which we went, except the Nag's Head. At all places we distributed bills, and invited to the meeting; we stuck up bills when we got into houses; we went to the soldiers at the theatres. The bills were for the next meeting; there was no other got. Beer was given among those that were disposed to take it by Thistlewood. We never went into any house but beer was offered to any of the working people we saw. We saw Gillin, who, I believe, was originally a serjeant, I think in the Guards, and we held a conversation with him. On Friday morning, the 15th, I went to Thistlewood's lodgings, in Southampton-buildings. I saw him, and received the colours and 6 cockades from Mrs. Thistlewood, in the presence of Thistlewood and his son. The flag had the same inscription that Watson had written for it. That is the flag, (the flag was here shown to the witness). Thistlewood gave me money to buy

a staff for it. I bought one on the left hand side going down Holborn, and went to the Lincolnshire public-house; the committee were there all. I distributed the cockades, one to each. The staff was thought not long enough; Thistlewood asked me, if I could not get a longer one. I went to a carpenter, whom Watson knew, close by, and got one, which I brought back to the public-house It was approved of. Old Watson first went with me to get the staff. We both came back to the public-house. Watson went away, he said to Bouverie Hotel, to see Mr. Hunt. It was close by. I left the house to go to Spafields, carried the colours in my bosom, and the staff in my hand. I walked all the way. When I got to Spafields, I sent a person of the name of Crisp for a coach, and gave charge of the staff to him at the same time. The coach was first brought to a public-house looking into the fields. Hooper and Preston got into it; Crisp was on the outside, and still had the staff. He drove up towards the Merlin's Cave. I afterwards went up, and the two Watsons came with Hunt. They came in a chariot. Hunt got out, and stood on the roof of the chariot in which he came. I got up on the box of the coach. Thistlewood was there before him. Thistlewood desired me to hoist the colours. I made a motion to Crisp, who brought me the staff, and I pulled the colours from my bosom, and hoisted the flag. There was a great quantity of people round Merlin's Cave. After Hunt made a few observations from the top of the carriage, it was proposed to withdraw into the house, and to speak from the window. Hunt went; I got down, and handed the colours into the room. I found Thistlewood, the Watsons, and Preston in the room. Clarke, whom I never saw before, was chosen chairman. Dyall was there. Hunt named Clarke. It was not intended that Dyall should be chairman. Hunt addressed the populace from the window. Mr. Hunt proposed an adjournment to a fortnight after the meeting of Parliament. Thistlewood desired me to tell young Watson to move an amendment to Monday fortnight. He told Hunt, and Hunt moved the amendment; or young Watson moved the amendment, I know not which. It was proposed, and unanimously agreed to. After the meeting was over, I left the Merlin's Cave. Hooper, the two Watsons, Thistlewood, and myself, were in the carriage. I believe Preston was not there. When we got in, I showed the colours, and the horses were taken off by the populace, and we were drawn along by them. We had not gone many yards, when they drove up the carriage against a wall. We then all got out, and walked to Bouverie-street, where Hunt was. We found him there. All of us dined there, except Preston, with Mr. Hunt. I am not certain whether we met again next morning. I believe our next meeting was on Monday following. I was at Thistlewood's on Sunday, to deliver the colours to Mrs. Thistlewood. Mr. Thistlewood was there too. She was folding up newspapers for the country, where the meeting again to be held was advertised. I saw them. I saw Thistlewood direct them to many places, to different manufacturing places, such as Sheffield, Birmingham, Manchester, to Lincolnshire and Yorkshire, and to different public-houses whose names he recollected: he sent them immediately to the post-office. They contained an advertisement of the past meeting, and of the

next meeting. It was an advertisement of the next meeting, and an account of the one held. I believe I was present when old Watson sent his son on Saturday with an account of the next meeting. This was at Greystoke-place. I was not certain that we met, but we did. Hand-bills were drawn up at that meeting by the elder Watson. Subscription-papers were drawn up by the elder Watson, which I and Hooper, and Preston, like the whole of us, were to distribute; and we were to apply to such as would contribute for the next meeting, as the expences of former meetings fell mostly on one. Watson proposed that a paper should be drawn up for subscriptions. The greater part of those papers were destroyed, whenever their object was done. Thistlewood always destroyed papers, and frequently reminded old Watson that he wrote too many papers; and said that there was great danger in papers of any kind being found about their persons, as the only means to lead to a discovery of plots. Once, in particular, Thistlewood and I found papers written by Dr. Watson; there were a great many pieces of poetry, all of which Thistlewood, in my presence, took and destroyed. An advertisement in the Statesman was the same that Watson shewed me, and sent by his son. I heard it read, and had it for some time. (An advertisement in the Statesman, of 20th November, stating that the expences of the meeting of 15th November fell on one or two individuals, and requesting subscriptions to defray the expences of the meeting of 2d December, for the purpose of Parliamentary Reform, was given in evidence.) We got some hand-bills, like that, or something similar, printed. On Monday, the 18th, we went about for subscriptions; we were Thistlewood, myself, Hooper, and Preston. We got 2l. the first day. We went about next day, and every day till the meeting took place. The money was paid over to the elder Watson, in presence of the whole committee. In the course of that time, that is between the two meetings, young Watson and myself went to look at some gunsmiths' shops.

[Here *Mr. Wetherell* strenuously contended, that, although Mr Gurney all along led the witness by his questions, it was not fair that he should be led in a question so material to the prisoner.]

Our object was to ascertain how many gunsmiths' shops there were, how they were situated, particularly about Wapping; we particularly looked at those shops which supplied ships with arms, ball, canister, and grape.—(Ship chandlers you mean?)—Yes; chandlers, or gunsmiths' shops. We particularly observed, and marked two or three shops in the Minories. They were gunsmiths' shops. We also looked for oil shops, and shops that contained any combustibles, oil, tar, turpentine, spirits of wine. We reported to Thistlewood. We reported every night to the committee what was done. Their meetings were afterwards held regularly. Towards the close of the month, he called upon Kearns, and had some conversation with him on the subject of their proceedings. He had previously gone in company with Thistlewood to different places in the Tower.

Mr. Wetherell here objected to all questions of a leading nature put to an accomplice. The Court agreed that such ques

tions were not admissible, but did not consider the present course of examination to be of that description.

The witness, on one occasion, had walked round the Tower with Thistlewood, and then proceeded to the tap-room of a public-house in the neighbourhood, which was frequented by soldiers. They there showed the soldiers the bills advertising the second meeting in Spafields.

[The bills alluded to were here put in, and read by *Mr. Barlow.* They are already before the public.]

The witness visited the Tower on three or four other occasions, in company with young Watson, and had distributed a great many of these bills amongst the military. In a conversation, at which six soldiers were present, they asked them, which they would prefer, double wages, or to remain as they were, and whether they would rather fight for a large loaf or a small one. These questions were asked in the hearing of them all, and while they were all drinking together. The soldiers said they would rather fight for the large loaf. They frequently treated the soldiers with porter; and every night reported what they had done to the committee. About this time the committee began to discuss the purposes for which they should employ a number of young women. Mr. Watson, the elder, said, if they could get together about a couple of hundred, and dress them in white, or cause them to carry small flags and cockades, it would take off the attention of the horse-soldiers, and prevent them from riding over their party, so that there would be time gained in order to address them. Kearns was chairman of a club of Spensonians, held at the Nag's-head; and, being a tailor, was applied to by the committee to furnish them with a great coat each, as a preparation for the day of rising. He was also invited to come and dine with them at No. 1, Dean-street, where the elder Watson had taken a lodging for a week, that their frequent meetings in Greystoke-place might not attract notice, or lead to the detection of their proceedings. In the last week of the month of November, the witness went with Thistlewood over Blackfriars-bridge to the New-cut, or road leading to the Marsh-gate, in the Westminster-road, in order to procure some kind of stage to deliver speeches from in Spafields. They found a person who offered to sell them a mountebank stage for 8l. upon which Thistlewood offered him 2l. for the loan of it. The man refused this offer, when Thistlewood observed, that he would soon be glad to give it away for nothing. He did not know the man's name, but he replied he could not part with it without security. After some other unsuccessful attempts, the witness was desired by Thistlewood to go to a cousin of his, of the name of Ware, who lived at Westminster, and who recommended him to a person named Windermude, residing in the Horseferry-road, whom he engaged to supply a waggon for the occasion; for the use of which he was to pay 3l. and to give three shillings to a boy for cleaning it, and fitting it up to deliver speeches from. He informed Thistlewood at night what he had done, and it met with his approbation. He was desired to go and secure it by paying a deposit, which was furnished from the funds of the committee;

and this was done accordingly. On Friday, the 29th of November, he and young Watson went through the Strand, and examined the number of guns, pistols, and sabres, in Exeter-Change, and in a gunsmith's shop opposite to it. They also examined the quantity of large knives exposed for sale in another place. After distributing bills at a public-house, called the Fox under the Hill, near the Savoy, they went to the canteen of the Horse-Guards. There, in the course of the conversation, one of the soldiers asked, if there was any news? They told him that 50,000 Russians had been sent for by Government, and that 30,000 of them had actually landed at Woolwich. The soldier said, he did not think Government had done that; but that if it could not depend on them, they would soon dispatch the Russians, for that they should not domineer here. On coming out, they met an artillery-man, who informed them, that he and his companions had not received any orders to be out on the day of the Spafields meeting. Witness gave him some of the bills announcing the meeting,and desired him to distribute them amongst his brother soldiers, when he should get home. They had given no liquor to the soldiers in the Canteen, for they refused to accept any. Witness and young Watson then visited Ware, but nothing remarkable occurred. They afterwards went to the Ship public-house, and sent for Windermude, the man who had agreed to furnish them with a waggon. Ten shillings were paid him as a deposit; and it was settled that they should call again on Sunday night. From this spot they proceeded to a public-house in the Westminster-road, where they found eight or ten of the men who work at Maudslay's manufactory at dinner, and from whom they had previously received 12s. 6d. as a subscription to their general purposes. Several of them promised to attend the meeting on the following Monday. All these proceedings were reported to the elder Watson, and the rest of the committee on the same day. Mr. Watson was constantly passing backwards and forwards between Greystoke-place and Dean-street. They were attended on this occasion by a weaver, who brought a large quantity of tri-coloured ribband, for which Mr. Watson paid him 2l.; witness received three yards of it. The committee assembled again on Saturday at Watson's lodgings, in Dean-street. Thistlewood then observed, that the arms which they most wanted were sabres, or short dirks. Young Watson said he would go and purchase some; and money was given him by Thistlewood for this purpose; the latter adding, that they did not require above half-a-dozen brace of pistols, as, if they got the better for only two hours, they should have arms and ammunition enough. Having separated to go their different rounds, witness and Hooper walked to Paddington, to prevail on the navigators there to attend the meeting on Monday. They called at their accustomed public-houses, distributing their bills as they went along, and many persons promised to join them in Spafields. On their return, they observed arms exposed for sale in the shop of a Mr. Flint. After enquiring their prices, not having money enough for the purchase of any, they left a deposit, and returned to the committee, all the members of which were sitting with Kearns, whom he saw there for the first time. Two

or three pair of pistols were lying on the table, and young Watson was casting bullets in a bowl. He said he had given 28s. a pair for them, upon which witness remarked, that he could procure better at Flint's for 18s. They gave him two 1l. notes, and told him to go and get them. He saw two short swords, or dirk-sticks, upon the table at the same time. Before he set off for Flints's, they sent to the shop of a Mr. Stacey, and purchased several other swords; after which he went to Flint's, and bought two pair of brass-barrelled pistols, paying, in addition to the previous deposit of the 2s. on each pair, 16s. for the one and 12s. for the other.

The Attorney-General, seeing the Sheriff in Court, observed, that there were papers then in distribution in the Hall, which rendered it necessary for that officer to be extremely vigilant. He handed up one of the papers to the Judges. It contained the following words in manuscript, "Britons, be alive, a few Bellinghams *is* wanted." Several of these papers were produced, and Mr. Sheriff Kirby quitted the Court.

The examination was then resumed.

At their next assembling together on that day, the elder Watson said, his son James had brought great news, for that he had discovered that he could himself bring 15,000 men to join them, and that he knew where there were 50,000 stand of arms belonging to the East India company. Thistlewood remarked, that they must then alter their plans; and it was settled that Preston, who was present, should collect as many thousands as possible early in the morning, by going roundto the public houses, giving instructions to their confidential friends, and appointing them captains. Young Watson said, "all the old soldiers who are with us will want commissions, what are we to do with them?" Thistlewood observed immediately, that they must fight hard till they got the best of it. Witness was directed to go to London-bridge to meet the smiths, as being best known to that class of labourers; and then to proceed to Tower-hill, where he was to meet young Watson and his party, and to attack the Tower. He was to offer the soldiers 100 guineas down, or double pay for life, as they should prefer. The pistols were then loaded, and cockades prepared. A piece of white calico was patched upon their ensign, and the following inscription written for it by Watson the elder, "The brave soldiers are our friends, treat them kindly." Mr. Watson said, he had no doubt this would make a great impression on the minds of the soldiers. The pistols and colours were then carried from Greystoke place to Dean-street, Hooper carrying one of the pairs bought by young Watson. All this passed on the Saturday previous to the second meeting in Spafields. The next day he went to Dean-street in company with a man named Richard Angel, with whom he lodged, and who made them a flag-staff. He took a pair of pistols, which he had brought with him, and gave them privately to young Watson. They dined with the committee, all of whom were present, except Thistlewood, who expected the two Evans to dine with him at four o'clock; they themselves dined at one. He was, however, called out into the yard by Thistlewood and young Watson, who exclaimed, "D—n

your blood, why have you brought a stranger here? how do we know that he will not betray us."

Lord Ellenborough here observed, that he took it for granted that all the circumstances were material, as the examination had occupied a great deal of time.

Mr. Gurney considered them of importance to the due result of the investigation.

The witness then proceeded.—He then took away Angel; and in going afterwards to Greystoke-place, where he found Kearns, Thistlewood, young Watson, and Hooper, he was again reprimanded for introducing a stranger. All their arms were then produced, the colours and cockades were given to him, and their plans arranged for the following day: witness and Hooper were to look after the waggon in which the colours were to be placed, and prepared speeches delivered from it by Preston and the Watsons in order to try the spirit of the people. If the spirit of the people should be found right, they were to jump from the waggon, and lead them on: all this was to be done before Mr. Hunt should arrive. Thistlewood, the elder Watson, and Kearnes, were to pursue a course from Spafields through Chancery-lane. Thistlewood, Kearns, Hooper, Watson, and himself, appointed to meet at eight o'clock in the morning at the Black-dog, in Drury-lane. The waggon for which he and Hooper had paid 2l. was ordered to be at the top of Chancery-lane; and it was accordingly brought there at the appointed time. When they met at the Black-dog, he enquired for Preston and the younger Watson, and was told it had been settled that they should be very early in the Minories. Three horse-pistols were then loaded, and some powder and ball put into a sort of bag, and intended to be placed in the waggon, which he and Hooper then went in search of. Having left it in charge of Hooper, with a staff, round which a flag was wrapped, he went to Dean-street, where he found Kearnes employed about the banner, and enclosing it in blankets. After this he proceeded to London-bridge, but did not find the smiths, as he expected. As he approached one of the gates of the Tower, he enquired of a sentry why they were shut, and was told it was on account of the meeting in Spafields. Having passed through the Minories, and by the Bank, towards Little Britain, in West Smithfield, he suddenly heard a great shouting, and a mob coming on, at the head of which he saw Thistlewood and the elder Watson. He asked the latter where was his son James and the rest of them. They answered by crying out, "To the Tower, Jack, and do your best." The mob advanced through Lad-lane, and in a direction towards the Tower. As he turned round, he saw young Watson with a sword drawn, also leading on a mob. Having himself passed through Houndsditch, he met the mob again at the lower end of the Minories, looking at a gunsmith's shop, which was closely shut up. They soon moved to another shop of the same description in the Minories, which they broke open, and took all the arms out of it. He saw young Watson there, close to the door. The elder Watson, Thistlewood, and Preston, were likewise present. The elder Watson had a dirk drawn in his hand; Thistlewood carried a pistol; witness could not tell whether Preston had arms or not; Kearnes had a pistol, and young Watson a sword and

belt. A number of sailors were amongst the mob, who proceeded to attack another gunsmith's shop, from which they drew out two small field-pieces. One of the sailors began to spunge out one of the field-pieces. Saw Thistlewood and the elder Watson go towards the Tower; they appeared to be addressing themselves to the soldiers across the ditch. Was not near enough to hear what they said. They returned up the Minories to go to Spafields for a greater force, as the soldiers did not seem to take any notice of them. There was a noise on the Hill; he was in the midst of it, about twenty yards from the gunsmith's shop. Thistlewood had on a long great coat, a close coat under it, white small-clothes, and top-boots.

A Juryman.—Did both of them address the soldiers?

Witness.—Yes; both at the same time.

Another Juryman.—Why did you think they were addressing the soldiers? Were not the backs of both of them towards you?

Witness.—They stood sideways.

A Juryman.—Were any people by them?

Witness.—Very few indeed: they stept out of the mob towards the rails.

Juryman.—Did you hear them invite the mob to follow them?

Witness.—No, I did not.

Mr. Gurney.—When they got up the Minories, what happened?

Witness.—Young Watson halted them, and wished them to form into some order, when the field-piece was broken. After they had gone about 30 yards farther, the Life-Guards arrived.

Mr. Gurney.—What did you do?

Witness.—I walked forward, as if I had nothing to do with it. The soldiers passed me, and I went to a little public-house. I then proceeded to No. 1, Dean-street, Fetter-lane. I arrived there about half past six o'clock. I found there the two Watsons, Preston, and Thistlewood. When I arrived, the elder Watson began to pack up his linen, as if he were going away. I enquired where they were going. Thistlewood said they were going into the country; a house was prepared, and I should hear from them in a little while. I enquired what had become of Hooper? Thistlewood said he was taken with the colours; some of them must expect to be taken. I asked them, if they had shot any body? Young Watson replied, that they did not know. Thistlewood said, he was perfectly satisfied now, that the people were not ripe enough to act. The two Watsons and he went away together. This was about seven o'clock. Whatever was left at the house, Preston's daughter was to fetch, and take away.

At the conclusion of the examination in chief of Castle, *Lord Ellenborough* addressed himself to Mr. Wetherell, and asked whether it was his wish then, to enter upon the cross examination of Castle.

Mr. Wetherell replied, that it would certainly occupy much time, and if it were postponed, as the witness was described in the list as in custody, it would not perhaps appear an unreasonable request, that no persons but the guard and gaoler should have access to him until the cross-examination were finished, in order

that he might not be able to see any notes of his evidence, or to have communication with any persons who had been present during his examination in chief.

Lord Ellenborough said, it was certainly to be regretted that the cross-examination could not be commenced to night, but the Court could make no such rule as was requested. His Lordship would rather address himself to the Attorney General, who, no doubt, would take care that all proper precautions were used. His Lordship trusted that Mr. Wetherell would not understand that the remark that had fallen from the Court, regarding postponement, proceeded from any other motive than a wish for his personal accommodation. The Court would continue its sitting to any length with perfect readiness and satisfaction.

Mr. Wetherell proposed to put a few questions to the witness before the Court rose.

The *Attorney General* considered, that if the cross-examination were begun, it could not be divided, but must be concluded that night. He was quite indifferent what course was pursued; but he would undertake, as far as his direction had force, that the witness should have no communication, either in writing or otherwise, with any persons but his gaoler and the guard.

Lord Ellenborough.—I have no doubt of it; and I rather think that Mr. Attorney General is right, that if you begin, Mr. Wetherell, you must conclude your cross-examination.

Mr. Wetherell suggested, that the sitting of the Court might be prolonged, as usual, to 7 or 8 o'clock, and in the mean time the cross-examination might proceed.

Mr. Justice Bayley observed, that that hour was now nearly arrived.

Lord Ellenborough.—We are ready to furnish such bodily strength as we have; God knows we have none to spare. The object being to obtain truth, it is right to consider also the bodily state of the witness, and to take care that he is not entirely exhausted. I certainly never recollect so long an examination in chief in my life. You will dispose of our time as you think fit.

Mr. Wetherell added, that after the fatigue the jury had undergone, as well as the Court, he would not then commence the cross-examination. He thought, however, that such questions as the jury was disposed to put might be answered.

The *Attorney General* said, that this was not the fit stage for the questions of the jury. He again assured Mr. Wetherell, that every step should be taken to prevent any kind of communication with the witness.

Lord Ellenborough recommended Mr. Wetherell to accept this assurance, as the Court could not interpose to lay down any rule upon the subject.

One of the Jury took this opportunity of asking, if they could not be allowed to take a little fresh air, in custody of the officers appointed to attend them. This might be done either early in the morning or late in the evening; but unless it were permitted, it was not impossible that the Court might be delayed by the necessity of medical attendance upon some of the Jury.

The Court assented; but suggested that the direction taken by the Jury should not be made known.

Mr. Wetherell requested that some officer might be sworn to keep the witness Castle secure from all communication: and, again, Lord Ellenborough recommended that the counsel for the prisoner should be satisfied with what the Attorney-General had undertaken.

Mr. Wetherell begged that some person, on the part of the prisoner, might be allowed to watch the witness.

Lord Ellenborough observed, that if it were his case, he should entertain no doubt or jealousy, after what had been said by the other side.

Mr. Wetherell expressed himself quite satisfied under the circumstances; and agreed to commence his cross-examination to-morrow.

Mr. Justice Bayley observing, that the witness might then be interrogated as to any and what communication he had had with other persons than those appointed to attend him.

The Court then adjourned at half-past 6.

FOURTH DAY, THURSDAY, June 12th.

The prisoners were brought into Court at a quarter past 8, and at half past 8, Mr. Justice HOLROYD sat for the purpose of taking motions, and discharging a few insolvents. At a quarter past 9, the rest of the Court took their seats.

John Castle was then put into the box, and was cross-examined by Mr. WETHERELL.

Are you the *John Castle*, lately abiding in the house of Richard Angel, in Princes-street, Newport-market, but now a prisoner in Tothillfields' bridewell, in the county of Middlesex, white-smith?—I am.

Since you were examined yesterday, have you conversed with any person, and with whom, upon any questions put to you in this Court yesterday?—I have not.

Have you read or seen any paper, written or printed, relating to what passed in this Court yesterday?—I have not.

You are described to be a prisoner in Tothillfields' bridewell. How long have you been a prisoner in that custody?—From the 9th of February, I believe.

Upon what charge were you committed?—High treason.

The same high treason as that the prisoner Watson is now tried for?—I was.

Had you been in any other custody prior to your commitment to Tothillfields' bridewell?—Not upon this charge.

When were you first arrested upon this charge?—On Saturday morning, the 9th of February.

Have you had a promise of pardon in consideration of your giving evidence against the prisoner Watson?—I never wanted any pardon; I never committed any thing to want a pardon.

That is not an answer to my question. Have you had a pardon promised you?—I have had the question put to me, if I had ever been committed or tried for any thing.

Have you had a pardon promised you in consideration of disclosing the truth on this occasion?—Not by any one.

You said that you did not want a pardon: explain what you mean?—I have never committed any thing requiring a pardon; nothing but what all the country knows, and nothing that I shall not be able to explain to their lordships and the jury; I therefore challenge you to bring your evidence against me.

Then you mean that you have committed no treason?—I have said no such thing.

Then explain what you meant by saying you wanted no pardon upon the matters now in question?—I was not referring to the present charge of high treason; I was referring to other things, which I dare say you are in possession of. I dare say you are in possession of a good many, but I shall be able to give you satisfactory answers. I had no pardon offered me, neither did I know the high treason was withdrawn, until my evidence was taken before their lordships. The moment I was brought to the Secretary of State's office, I communicated every thing to their lordships.

Do you mean after that to say, that no promise of pardon has been held out to you?—No, neither directly, nor indirectly.

You mentioned the Secretary of State, did you communicate every thing you knew without an offer of being pardoned?—I never had any offer of the kind proposed to me.

Do you mean to say, that the subject of a pardon has never been mentioned to you in any way?—It has been since.

Since what?—Mr. Nodder, under whom I am in custody, was the first to inform me that the charge of high treason was withdrawn, but I had no communication from the Secretary of State, or from any other person.

If it was withdrawn, why were you not released?—That I cannot answer.

You did not apply to be released after it was withdrawn?—I did not.

Why are you kept in custody now?—It is not in my power to explain that to you; I never asked the question, and I was never told the reason.

Have you been, since your commitment to Tothillfields' Bridewell, constantly in confinement, or have you been walking about with an officer attending you?—I have been out with an officer attending me.

When you were walking abroad with this officer, have you chanced to call upon any of the persons examined as witnesses on this trial?—I do not know who have been examined.

The witness was then asked, if he had not been at the house of a man of the name of Bentley, but he denied it: he had seen him while going to the grand jury-room, but had not spoken to him. He admitted that he had gone about to the different public-houses he had mentioned yesterday; to Reaysdale's, or Randal's, to Drury-lane, and to Paddington. He had also met with a person of the name of George Crisp, the brother of John Crisp, who had been tendered as a witness, and rejected. He did not tell Crisp the situation he was in, nor did Crisp know it.

Did you tell Crisp, if his brother went to Bow-street, it might be convenient for him?—Yes; I told him I wanted to see his brother; and if he went to Bow-street, Mr. Stafford wanted to

ask him about a petition written by him for Watson and me. Nobody desired me to send him.

Did you desire Crisp to tell his brother it might be to his advantage to go to Bow-street?—I dare say I did: I asked him if his brother had got employ; and if he called on Mr. Stafford, it might be to his advantage.

Did you say that Mr. Stafford would employ him?—No; how was Mr. Stafford to employ him?

Did you desire George Crisp to tell his brother that you had derived some advantage? No such conversation took place.

Did you not tell him, that you had been better off since the Spa-fields transaction?—No such conversatien took place.

Have you happened to have been to the Tower since?—Yes, I have: I went to find out a man who was there at the time we were treating the soldiers with beer, and showing the cockades.

Did you find him?—Yes, we found a boy.

A boy is not a man: did you find a man?—Yes, I did.

What is his name?—His name I never asked, and never heard it; he lives at the sign of the Pumpkin, close by Mark-lane.

The list of witnesses was put into his hand, but he was unable to point him out among them. He added, that he went round in custody of Mr. Stafford, and an officer of the name of Salmon: the man at the Pumpkin had kept the Stone-kitchen at the Tower, till the regiment stationed there was changed; there the witness had treated the soldiers, and shown the cockades. The man, when asked, said that he remembered nothing of the kind. They also enquired at the same place for a woman who went by the name of Old Mary, and a boy. Afterwards the witness had gone to the sign of the Black Lion, in Vinegar Yard, and saw the landlady and a boy, whose names he could not recollect: he asked her, if she recollected any persons coming there, treating the soldiers, and sticking up a bill in the tap-room. She replied that she did recollect something of the kind, and he called the boy, who usually waited on the customers. Next the witness went to Newton's, and from thence to the man over the water, with whom he and Thistlewood had spoken about the hire of a mountebank stage: Mr. Stafford was with him.

Did you not know for what purpose Mr. Stafford was taking you round?—I did not; he never communicated his purpose to me.

Did you not know without communication what this purpose was?—He never told me.

And you could not give a shrewd guess that it was for the purpose of procuring evidence?—That entirely rests with myself.

Then you had a sort of notion what it was for?—Yes, my intellects are not quite so weak as that.

Upon your oath, do you not know that you were taken round London for the purpose of obtaining evidence; do you not know, that——

Lord ELLENBOROUGH.—Let the witness have an opportunity of answering. There is a justice due to the witness as well as to the prisoner

Witness.—Whatever questions are put, I shall be able to answer them to the satisfaction of your Lordship and the Jury.

Did you not believe that you were going round to get evidence?—I did believe it of course; I must believe it.

You are described as a whitesmith. How long have you left off that trade?—I cannot tell to a year or two.

When was the last piece of smith's work you ever did, with the exception of the pike-head you spoke of?—Not for the last 12 or 14 years. I have not worked at my business for other persons since that time, but I have done jobs at several shops for myself; such as repairing a lock, &c. I have been in business at Harwich.

You have left Harwich for some time?—I have.

In what business were you before your connexion with Watson and the others?—In the figure-making way, paper figures, dolls for children.

Did you not state to some of the prisoners that you were in great distress when your acquaintance with them began. Were you in great distress?—Yes, I was.

Were you ever under commitment before this time?—Never.

Upon no charge whatever?—Committed, do you mean?

Yes, committed.—(After some consideration) Yes, I was.

Were you ever at Guildford, in the county of Surry?—I was.

How many times have you been under commitment, or in custody, before the present occasion?—Twice.

Were you under commitment once at Abergavenny?—Once.

And at Guildford?—Once

What were you committed for?—I dare say, you are perfectly well acquainted why.

But I had rather have your authority?—I was committed for putting off bad notes.

Is that what is commonly called forgery?—I never understood it so.

Or uttering forged notes?—It is.

You said at first that you were never under commitment, and yet now you state that you were committed twice; explain that?—I understood you to mean, if I was ever tried.

Then you made a distinction between a commitment and a trial?—I did.

You were tried at Guildford?—No.

No! Why not?—I was admitted an evidence.

What! the same accident happened there as on the present occasion?—It did.

Namely, that you were committed upon a charge, and afterwards became a witness against the persons who were committed on the same charge?—Be so good as to repeat the question.

The question was repeated, and the answer was, "It did happen."

What became of the man against whom you gave evidence?—He suffered by the laws of his country.

Did he die on the scaffold as a victim?—I was informed he did.

Have you a doubt he did?—I have not.

How long is that ago?—Three or four years.

What was the name of the unfortunate man?—Davis.

Did you make any and what bargain then with the Bank of

England before you were admitted an evidence?—I did not. I told them I had been innocently dragged into it, and that I would communicate the whole of the circumstances; I did so, and told them where we got the forged notes.

Pray, were you innocently dragged into the present transaction?—Yes, I was.

What age are you?—Between 28 and 29. Not older.

Did you know a person of the name of Greenaway?—I did.

Were you ever a witness against Greenaway?—I was.

What was the charge?—He was with me when I was apprehended.

Was he more fortunate than you on that occasion?—I do not know what you mean.

Did he, or did he not suffer?—He pleaded guilty, and was transported.

Then you were the only bird of the covey that escaped?—Yes.

One suffered the penalty of the law, and was hanged; another was transported; and the third we have now in Court?—Yes.

Whom did you work for last in your business?—For a Mrs. Angel, at Doncaster.

How long ago?—About 14 years.

Before that time, where did you work?—Where I was apprentice.

How many years did you work there?—Twelve or fourteen. I was brought up with them.

And do you mean to say, that you are now only 28 or 29 years old?—I do not know my age to a year or two.

Can you speak to three or four years?—Yes, I can.

Are you under 33 years old?—I am.

Under 32?—I cannot exactly say.

Where was your birth-place?—South Kirby, Yorkshire.

You said that you had been committed at Abergavenny?—I was.

On what charge?—On a charge of taking a French prisoner.

Do you mean taking, or taking away?—Taking.

That is, assisting in the escape of a French prisoner?—No, preventing his escape; I will satisfy you of that.

Who was the honest Welch parson who committed you?—I do not know.

Did he not say, that if what you had been guilty of had been done by a commissioner of transports, he would have committed him?—He did.

The witness was then desired to explain the circumstances of the transaction. He stated that he had gone to Tothillfields' Bridewell, to visit a friend, where a man of the name of Warner gave him two letters to be sent to Buonaparte; and as soon as he had got them, he (the witness) gave information at Bow-street: from thence he went for an officer to the Transport Board, where he saw a clerk of the name of Sugden, who ordered him to go down to Abergavenny to bring to town Colonel Privetti, one of Buonaparte's principal artillery officers there on parole: he went down accordingly, with an officer of the name of Dickins; but the colonel would not come away, and the witness in consequence came to town for fresh orders. He re-

ceived a letter of authority from Sugden, and went down again to Abergavenny, and hiring a cart at Bristol, by Colonel de Privetti's orders, he had proceeded with him about eight or nine miles when he was stopped, taken before a magistrate, and committed on a charge of aiding in the escape of a French prisoner of war, not withstanding he produced the letter given him by Sugden, the magistrate declaring that due notice had not been given to a Mr. Jones, who had the regulation of the prisoners of war in that part of the country.

What compensation were you to receive, if you could get Colonel Privetti out of the country?—No particular sum.

Who made you the offer? Warner, who lived in Kent, and was then in Tothillfields Bridewell for aiding in an escape.

How came you to go there?—I went to see one Robert Kennett.

Has not your friend Kennett been hanged? Yes: he was no particular friend of mine. He referred me to Warner. I had known Kennett two or three years before.

What has become of Warner?—I do not know. I believe he is now in Kent.

Has he not disappeared?—I have not seen him for two or three years.

You have said that a man of the name of Dickins was your companion into Wales. Was he not charged some time ago at the Old Bailey with entering into a conspiracy that made a little noise?—I do not know any thing of him.

I mean, was he not the associate of a man of the name of Vaughan? —I do not know it.

Have you any doubts it is the same Dickins?

Lord Ellenborough.—If he be, how can we incorporate him with this case?

Mr. Wetherell.—My object, my Lord, is to shew that this man's friends and companions were felons and forgers: that they were all among the basest of mankind.

Mr. Justice Abott.—Every witness is entitled to the protection of the court. I remember that was discussed on the trial of Mr. Hardy, when Mr. Erskine, one of the highest and ablest advocates at the bar, and Counsel for the prisoner, examined a witness in a certain mode.

Mr. Wetherell then asked, Do you believe that the Dickins you have spoken of was the same man?

Lord Ellenborough.—If you prove it, what have we before us relating to him? It is really corrupting all justice when such prejudices are received.

You stated yesterday that you and Watson had a private conversation at your lodging, and that you desired your wife to go out of the room?—I desired the person in the room to go out.

Did you desire your children to go out?—I have none.

You said yesterday that you were a married man, and that you desired your wife to go out; what is the age of your wife?—I do not exactly know her age.

You have had children?—Yes.

How many?—Three or four.

You seem not to recollect exactly?—Four: three and a miscarriage.

Where is your wife?---In the country: in Yorkshire.

When did your children die?---Three or four years ago.

Is the mother of those children dead or living?---Living.

And she is your wife?---I do not know whether she is my wife or not; we lived together as man and wife.

Were you married to her? Were you at church?—we were: at Dover-court, near Harwich

How long ago?---Ten or twelve years.

Was her name Pricket?---Yes.

What do you mean then by telling the Jury you lived together, and you called her your wife, if you were really married to her: did you not mean to intimate that she was not your wife?---I did not.

Why did you not say she was your wife, and not the person you lived with?---I have lived with another person since.

What was her name?----Toms.

Was the person who was in the room when Watson called, Mrs. Toms, or your real wife?----My real wife.

What age is Mrs Toms?—She is dead.

Is there no other peron with whom you now cohabit as your wife?---No.

Were you ever married before you were married to the woman of the name of Pricket?----I never was.

Have you never made proposals of marriage to any person within the last two or three years?

Lord Ellenborough objected to the question on the ground that it tended to criminate the witness.

Where did Mrs Toms live?—In King Street.

You said that your last employment was that of selling children's figures?—Did you ever live at a house called Mother Toms'?—I did.

Where was that?--- In King street, Soho.

Pray what sort of a place is Mother Toms'?---She was a person who kept a lodging house.

You call it a lodging house; was it for male or female lodgers?---Female.

Were her lodgings let by the hour, or half-hour, or by the month?---By the week.

But she occassionally let them out for a few moments?----Never for less then a week.

I put it to you: is it not a house of ill fame?---No, it is not: it is not upon my oath. You may call it what you please; but it was never let out for a few minutes.

Is not Mother Toms' a place where prostitutes are kept?----It is a place where young women take lodgings.

Is it not a house of prostitution or of ill fame?---It is not.

Did they not receive persons there for the purpose of prostitution?---No.

Were you waiter there?----No.

A partner there?----No

Is there not in those houses a sort of character called a protector?----Not that I know of.

In what character did you live there?----In the character of her husband.

Is there not in these houses a good stout fellow, called a protector,

or bully. Did you live in that character?---I did not: she let her lodgings out at so much a week.

How many unfortunate young women lived there?----She had three different floors, which she let out to three separate women.

Was there no back-door or by-room into which promiscuous company, or chance-customers, as they are called, might be received?---No.

Do you not know, upon your oath, that these lodgings were let out for the purpose of receiving gallants?---I do not know it: I never interfered with them.

You do not know whether the chief run of the visitors were males or females?---I never observed; I had nothing to do with it; I neither paid nor received.

You do not believe that the lodgings were let out for the purpose of prostitution?----I do not.

Do you not believe they were?----I believe they were.

Whose name was on the door?---My name; but I did not pay the rent: Mrs. Toms always did that herself.

When did you take the brass plate off the door?----It is not taken off now.

How long has it been on the door?---About a year and a half, but there is another plate over it. Mrs. Toms's name was on the door first; but that was taken away, and a fresh plate put up.

Is your name legible now?---No: but I have not been that way for eight or nine months, therefore I cannot tell whether it is legible now or not.

You have not stated exactly where your wife is?—I do not know exactly: I sent her into Yorkshire, close to Doncaster.

What did you send her there for?—To see my friends.

Do you know a young woman the daughter of a baker at Brighton?—I do.

What is her name?—Streater.

What is her age?—I do not know.

Have you been much at Brighton before your confinement?—I have been there twice.

Having gone through your domestic history, Mr. Castle, proceed we now to the topics of general history with which you have favoured us. You said that on the 2d of December you proceeded to London-bridge?—I did.

Between 8 and 9 in the morning?—No; nothing of the kind: between 8 and 9 in the morning I proceeded to the Black Dog, Drury-lane.

And went from thence to London-bridge?—No; to meet the waggon at the top of Gray's-inn-lane. I put in the colours. I do not know who put in the powder, but it was taken from the Black Dog, by one John Kearns. There might be half a canister of it, and 60 or 70 balls. It was the regular canister powder: a small canister, I think; a one pound canister. I tied them up in a dirty white handkerchief, or something like it: the balls were in the foot of an old stocking: besides this, there were two or three small cartridges with slugs. These were all the warlike stores, I believe. I went to the Tower at about half-past 11 o'clock. I did not go to Spa-fields myself, but to No. 1, Dean-street, where I assisted Kearns in wrapping up the banner. Then I went to London-bridge, to meet the smiths.

And were the smiths there?—None that I know of.

What smiths were they?—Some that came from a factory over the water, belonging, I think, to one Bouverie, or some such name. I was sent to meet them at London-bridge, as they had made a subscription of 12s. 6d.

Then the story about your meeting the smiths comes to nothing. There were none?—I did not say so: I saw none, but they might be gone to Spa-fields.

Did you not tell Watson that the smiths would assist? Watson and Preston had both been with me to see them at their dinner hour. I do not know any of their names, nor can I mention one of them that promised to attend.

When you went to the Tower, you did not waste your breath in an harangue to the walls. You made no speech to the soldiers? I had been with the soldiers.

But you did not, in the words of the indictment, "On the 2d of December, with a loud voice command the soldiers of our Sovereign Lord the King to give up the Tower?"—I did not.

Then you went, where?—Up the Minories, where all was quiet, and I met Hunt in Cheapside at 20 minutes before 1.

What did you say to Hunt?—I asked why he was so late, and said that young Watson had gone with a party of men from Spa-fields to attack the tower, as I was informed. He looked at the clock, and said that one o'clock was the time appointed for him to be in Spa-fields, and then he drove off.

Did you say nothing else to him about the Tower?—I did not; this is all the conversation that passed.

Did you not tell Mr. Hunt that you had just come from the Tower, and add, "The Tower has been in our possession for 2 hours," or something to that effect?—I did not.

Did you not say "the Tower is in our possession?"—No.

Or in any way give him to understand the people had got the Tower?—No, I did not.

Did you not desire Hunt to turn back, and go with you to the Tower?—I did not; I desired Mr. Hunt to make haste to Spafields he immediately drove off, not stopping half a minute.

What way were you walking?—Towards the Bank.

How came you to be going that way?—I was going to the Tower.

You had been there once that day, and why did you wish to go again?—I had met the elder Watson, Kearns, and Thistlewood, and they said that young Watson was gone with a party of men to the Tower.

Were they armed?—I did not see any arms. Watson had a dirk-stick, but it was not drawn. I then went to Mark-lane with Kearns, and as I came back I heard a great noise between the Royal Exchange and the Bank, and there I found young Watson with above 200 men and boys firing in the air.

The witness then stated the circumstance of his proceeding with Thistlewood to a man in the New-cut, to hire a stage or waggon to speak from. The meetings, from time to time, were kept up in Greystoke-place, and at No. 1, Dean-street, once or twice a day. After the insertion of the advertisement, several persons came to Greystoke place with money, which the elder Watson took: once a £.10 note was sent all at once, and the whole amount of the sub-

scription might be £.30, but the witness never took any particular account of it. He said that, when Harrison withdrew, he was thrown into some alarm, and he objected to continuing the meetings in Greystoke-place.

What was the ground for Harrison's withdrawing?—On account of a quarrel which took place between him and the younger Watson, as they were going up to Seale's for the bills.

When he withdrew, who introduced Hooper?—I did; he was appointed in his stead.

Did you not prevail upon Harrison to withdraw, as he was suspected, and it would be better?—I did not.

You know a man of the name of Angel?—Yes: I invited him to dine: he was a stranger to all but Hooper.

Did you not propose to introduce him to the committee?—I did not.

Did you invite Angel to the private meetings? I did, but he refused. I asked several others to join the meetings, but I cannot exactly state their names.

Cannot you remember any of them?—I asked the two Crisps.

You mean the private meetings?—No, I never invited any person to join the private meetings; the meetings I referred to were in Spa-fields.

Did you not tell those whom you invited to go to Spa-fields, that you had got arms for them?—I did not: I do not know how many went that I invited, or whether the smiths were there: I cannot say how many I invited.

Did any you invited refuse to attend?—Not that I particularly know of.

Did you report how many you had prevailed upon?—I reported every night, and sometimes twice a day.

Were those reports true?—They were always correct.

Were they in writing?—Never.

Did you not say that 500 smiths would attend?—I did; 500 smiths and men from other factories. I do not know how many, in fact, attended.

You cannot say how large the muster-roll of smiths turned out?—I cannot tell: I saw none of them.

Should you know any of them?—Yes; two, if I were to see them.

Did you see any person in the crowd whom you invited to attend at Spa-fields?—I did not.

Before the 2d of December did you go about to any public-house to treat soldiers and show them cockades?—Yes, I showed one to the soldiers in the Stone-kitchen in the Tower. I had got one in the crown of my hat inside: I took it out, and showed it to the soldiers.

Did you take any of them aside, or into some by-place to show it?—No, I showed it them in the tap-room.

And what said the soldiers to the cockade when you showed it them publicly in the open tap-room?—They said it was very pretty, very fine colours.

Did you treat them?---I gave them some beer.

Any thing else?---One asked me to lend him sixpence, and I gave him a shilling.

Did you often go to the Tower in this way?---Three or four times.

You mentioned yesterday that you had been at a public-house in

the neighbourhood of Drury-lane Theatre, where you saw some soldiers. Were they in their red coats?---Yes, and on duty.

The place where you met these soldiers is much frequented, I suppose?---No, it is a small room, and there was nobody in it but soldiers.

Was it not a public room?---It was an open room; any person might go into it.

You recollect something that passed between you and two gentlemen's servants about the time you mentioned: was it not Mr. Chancellor Leach's servant?---I do not know.

I will give you his name; but was it not Mr. Chancellor Leach's servant you wished to seduce on this occasion, and with whom you had a quarrel? --It was young Watson. There was myself, the two Watsons, and Thistlewood in the room. Young Watson quarrelled with the gentleman's servant, saying to him, that in his livery he looked like a negro run away, with a mark set on him.

What was the cause of the quarrel?—He did not agree altogether with the meeting. One of the servants was in livery; the other in plain clothes.

You went to the Horse-guards also, into a public-house there, did you not?—Yes; into the place called the Canteen: it is a public room.

Now do you recollect any thing of going to dine at Bouverie-street on the day of the first meeting in Spa-fields?—Yes.

Who dined with you?—The two Watsons, Hooper, and Preston.

Was that the whole party?—There was Mr. Hunt, Mr. Clarke, and others.

Why did you go to that dinner in Bouverie-street?—We were there because we knew it was the place where Mr. Hunt put up at.

How late did you stay there?—I don't know, very probably till seven o'clock.

You have told us that there was a plan for defending the Bank if you got possession of it. You mentioned something about glass bottles yesterday. Describe your plan of defence?—We were to station people in the Bank and in the adjoining houses, and they were to throw from the tops of the houses and the windows any thing they could get at the soldiers, if they came.

But the glass-bottles, where were they to be got?—They were to be got in the houses. A party was to go into the surrounding houses and throw glass-bottles, or pictures, any thing they could get.

Well, we shall return to Bouverie-street. Do you recollect any thing remarkable that passed there, Mr. Castle?—I recollect Mr. Hunt said he had not seen the colours which were in Spa-fields, and I took the flag out of my bosom and showed it to him: he held the one end of it, and I the other.

Were any particular toasts given after dinner in Bouverie-street? —I don't know.

Do you recollect whether you gave any toast yourself?—Yes, I gave one.

What was it?—I gave "May the last of kings be strangled in the guts of the last of priests."

What passed on your giving that toast?—When I gave the toast, Mr. Hunt desired that I would not be so violent, and stopped me.

Was that all Mr. Hunt said?—Yes.

Was nothing said about turning any body out of the room?—No, not that I can recollect.

Is that the only time you were ever admonished not to be violent in your toasts?—Yes.

There was nothing said about turning any body out?—No. Nor about the company leaving the room?—No; not as far as I can recollect. I am not certain whether Mr Hunt might not say he would leave the room.

But you are quite certain that nothing was said about turning you out?—Yes.

You do not recollect falling asleep, do you?—No; I did not fall asleep.

Nor pretending to fall asleep, taking a little nap, a sort of a fox leep?—No.

Did you neither fall really asleep, nor sham sleep, a bit of a fox sleep; you know what I mean, Mr Castle?—O yes, I know very well, Sir; I neither fell asleep, nor shammed sleep.

Not a little nap?—No; to the best of my recollection I did not.

Let us see; so you will not positively deny it Now tell me candidly, did you take a real sleep, or a sham sleep?—I did not fall asleep at all as far as I can recollect.

Pray, Mr. Castle, did Mr. Hunt invite you to dine with him on the occasion?—Mr. Hunt asked whether all who were there were to dine.

That is not an answer to my question; did he ask you, Sir?—No.

Then you went uninvited?—I went with the elder Watson and Hooper.

How came you to dine at the same table?—I walked up as others did.

Did Mr. Hunt invite you to sit down at the same table?—No.

Then either you or somebody else proposed this?—Yes; somebody, I suppose, proposed it, but I did not.

Did not something occur about ringing the bell; did not you ring it?—No.

What did you converse about after dinner?—Chiefly on the subject of the meeting. Very little politics.

Do you recollect something being said about the soldiers?—I do not recollect.

Did not Mr. Hunt reprimand you on that subject?—No.

Did he reprimand you on no subject except the toast?—To the best of my recollection he did not

Did any gentleman give the King's health?—No; the King we left out of the question.

Do you swear positively that the King's health was not drank?—I never heard it drank.

Was it neither drank nor proposed to be drank?—No, it was not.

Did not you tell Mr. Hunt something about your getting a French officer out of the country?—I believe I did.

Did you not tell him that you had got five hundred pounds to do it?—Yes.

Was this true?---No.

Then why did you say it?---It was known to many that I had been taken up about a French officer, and I said it.

Did not you boast of having threatened to shoot a French officer?—No.

You never said, at, or after, dinner, that you had endeavoured to get a French officer off; and that because he could not go in time, you threatened to shoot him?---No.

I shall remind you of the officer's name, it was Lefebvre; General Lefebvre Desnouettes, I believe, he is called. Did not you say that you tried to get that general out of the country?—I do not recollect.

Did not Mr. Hunt reprove you for the manner in which you were talking on this subject, and said you must not enter into such conversation?—I do not recollect. I had taken too much wine and spirits.

You say you did not fall asleep, however. Do you recollect any body shaking you?---No.

Did any body else besides Mr. Hunt admonish you respecting your conversation?---I do not recollect.

Do you mean to say you were intoxicated when in Bouverie-street?---Yes.

When, before or after dinner?---Both, I was not drunk, but I was in liquor.

Do you know how much wine was drank in Bouverie-street?---No.

Do you mean to say that what you drank after dinner intoxicated you?---No, I was in liquor before.

I understood you yesterday, that before the 2d of December your plan for burning the barracks had been given up, was it so?—Yes.

Why?---On account of Harrison's withdrawing himself, and the want of a house for the combustibles.

How much money was required to be put down for the house?—Fifteen pounds.

Could you not raise that much money?---It was not the money, the gentleman would not give up the key.

But after you got his answer, why did not you look for another house? --It was then too late for the meeting.

But the combustibles had not been got?—No; they could soon have been got.

But they were to cost some money; one hundred pounds, I think; and somebody said twenty pounds or so were not to be spared?---That was Thistlewood.

Now tell us what was the plan for burning the barracks?---The avenues were to be blockaded up to prevent cavalry from coming out.

Pray did not you propose that yourself?—No; Watson and Thistlewood proposed it.

There are six avenues, you say, leading to the Portman-square barracks, and these were all to be blockaded; are they large?---Pretty large.

Could carts go through them and turn in them?—In some, not in all.

You say the plan was dropped, because Harrison withdrew: why could not the five that remained of the committee go on with it as well as six?- -Mr. Hunt was drawing up the petition for the public meeting, and it was expected it would be better then, as a great number would attend.

If Harrison had not withdrawn, would the plan have been executed?---Yes; it would.

And all the soldiers would have been stifled or killed, you said?---Those who escaped would have been killed.

You said, on Saturday, that you were to stop all gentlemen's carriages, all servants, drunken people, and to make them join you?---Yes.

What else was to be done?---People were to be collected in the Regency-park, who were to have bread and liquor served to them. But when we got the house, those we could place confidence in were to be employed in fitting the pike-heads to the handles, and carrying the combustibles. Thistlewood and young Watson were to bring as many as they could from Gray's-inn-lane, while the elder Watson, and I were to have people at the house to distribute the combustibles. When we met coaches, we were to take the coachmen off their boxes.

And you were to pick up all the drunken people in the streets to assist you?---I did not say any thing about picking up drunken people. We were to stop every body we met, take all the horses from the carriages, and those who could ride were to form cavalry.

The coaches, I believe, were to be used for blockading?---Yes.

Now let us hear how the barricading of the avenues was to be accomplished?—At the end of Oxford-street, near the park, there was to be two field-pieces.

Who was to command them?—Harrison; he being an artillery-man.

Then you were to barricade Oxford-street?---Yes; all the coaches and carts we could get were to be employed, and all the avenues barricaded on the right side, all the way to Gray's-inn-lane.

Pray do you know what business Hooper is?—I believe he is a shoe-maker.

A shoemaker or a cobler?---I do not know which.

What is Preston?---I believe he is a shoe-maker.

Did you ever see either of them on horseback?---No; they told me they could not ride.

But they were to be field officers and generals of divisions; how were they to lead on their troops?---Hooper was not one; he did not belong to the committee then.

But Preston was lame, and could not ride, you say?---Yes; but he said he could walk fast enough on an occasion of that kind.

What were you to do in Piccadilly?---To barricade all the entrances to the Park, and chain the turnpike gates. The walls in the fronts of gentlemen's houses, or their gardens, were to be pulled down, and the iron palisades and spikes on them were to be used in blockading passages, because there would not be enough of carriages.

You say Watson is a good calculator?---He was always employed in making calculations.

Did he calculate how much time this pulling down of stone walls and collecting palisades would take?---No.

Had he calculated how many days would be requisite for this pulling down and blockading?---No; but it would have been soon done. We should have had possession of London in three or four hours. The whole business would have been done at once. The different generals were to act in different quarters. When the burning of the barracks had struck terror, and we had met at our rendezvous, we were to halloo, and say that the soldiers had joined us.

The soldiers! they were to be stifled like rats, you know. But there were other barracks besides the Portman-street and King-street barracks. What were you to do with the Knightsbridge Barracks?---Oh, we could not get near them.

Then Dr Watson, who had such excellent medicine for the other barracks, could not prescribe any thing for those at Knightsbridge. Why could the stinking process not go on at Knightsbridge? ---I never used the word stinking. Thistlewood, Watson, and myself, had inspected them, and we found there was no means of reaching them. We therefore gave them up.

How were the soldiers of these barracks to be prevented from entering the town ?---By barricading, and by the two field-pieces, which were to be placed at Hyde-park gate. There was to be a party of pikemen also with these guns.

Now let us go to the Horse-guards. What was to be done with the troops there?---There was to be one field-piece, or two if they could be spared, placed in the Green Park, to play on them, if they attempted to go that way.

You have told us of only two field-pieces before?---The whole artillery was to be taken from the barracks at the Regent's park.

Was it no part of your plan to make use of the great mortar in the Park. You know what I mean, the bomb that was brought from Egypt?---No.

I thought you, perhaps, might have proposed to try a few pounds of powder in it?—No, I never heard it mentioned.

There are some infantry barracks in Knightsbridge, on the left hand side, what was to be done with them?—Thistlewood and I examined them, and agreed we could do nothing with them; we could not stop the men from going out at the back.

So there was a rat-hole there, was there?---The men could get out.

I think you mentioned that you were to barricade London-bridge to prevent the arrival of artillery from Woolwich?---Yes, I did.

But, Mr. Castle, did it never occur to you that guns might be brought up by water: pray what were your naval means of defence? ---Young Watson and I were to go down to the wharfs to examine the wharfs, and the vessels in the river were to be seized, to form a naval force to prevent the artillery from being brought up from Woolwich. The vessels were then to be fitted out, and sent to sea to tell all the ships they might meet, that a new government was formed, and to desire them to come home for orders.

Then your plan was to blockade the Thames as well as the land?---. Yes, it was.

Did you ever mention this naval part of your plan before?---Yes.

Then why did you not mention it yesterday? Did you think it too ridiculous?---I was going to mention it when I spoke about going with young Watson to the wharfs, but I was stopped.

Have you ever gone by the name of Jackson?---Yes. After the first Spafields meeting Angel told me it would be more prudent to go by a different name.

But you went back and forward to the meetings as usual?---Yes.

Then why were you afraid?---Because Preston had been taken up.

Did you ever live in Carnaby-market?---No.

You went to Exeter 'Change to look for arms, I believe?---Yes.

Did you see any there?---Yes We expected to find as many as would serve 40 or 50. There were pistols, and sticks with swords.

Did you not say you expected to get guns there?---Probably.

Did you ever see any guns or sabres there?---Yes.

Will you swear to have seen one gun?---I cannot be certain.

Will you swear to sabres?--Yes, to more than 20

Did you not say that one reason for giving up the blockading, the burning plan, was, that the people were not sufficiently ripe for it? ---Yes. No, I did not say ripe; not sufficiently numerous without a public meeting.

Did you know Kearns before he joined your party?---I had seen him at the meetings.

You said, yesterday, that Mr. Watson spoke to you first about overturning the Government. How long had you known him then?---I had seen him different times at the meetings.

Had you ever seen him three times before?---I do not know.

Will you swear that he ever spoke twice to you before he talked in this way of its being easy to overturn the Government?---No.

So, then, your conversation with him on that subject was the first that ever passed between you?---Yes.

When did you first disclose this to any body?---About the 6th or 7th of January.

And you were first imprisoned in the beginning of February?---Yes.

Very well, Sir. Now, were you near enough at the first Spa-fields meeting to hear the resolutions put?---I was in the room.

Did you see any magistrates there?---I do not know.

Did you not boast of having put your fist in a magistrate's face?---Perhaps I did: but I did not know he was a magistrate. It was a gentleman who nearly shoved me off the table.

Did you not see some police-officers in Merlin's Cave?---Yes.

I believe your person is not unknown to them?---I know some of them.

Do you not know that the room you forced yourself into was one appropriated to the magistrates?---I do not: I did not force myself in: I went up with others.

The flag was at the window; and as Mr. Hunt put his head out at it to speak, was it possible for him to miss seeing the flag?---He could not see the inscription on it.

Was the flag used at the first meeting, which you said you took to Bouverie-street, the same that you had at the second meeting?---Yes.

You have said you were in distress in February last. Who has supported you during the period of your imprisonment: you are now well dressed?---I have been supported in Tothill-fields bridewell; Mr. Stafford paid for my dress.

Has he given you pocket-money also?---Yes.

Have all the things that have been given you been paid for by money from Mr. Stafford?---Yes.

Who furnished the money for sending your wife to Yorkshire?---Mr Stafford also He paid £5.

But why send her out of town; she was not a traitress; there could be no particular harm in her remaining in London?---Perhaps not.

But why was she sent out of the way?---That is best known to myself.

Who suggested the plan of sending her away?---Nobody.

If your wife had been here, could not she have stated some matters of importance?---No, I never communicate my affairs to her.

No, I dare say not; but there are some dates and facts of importance which she might have known: for instance, could she not have verified the fact of your sending her out of the room when you wanted to speak privately to Watson: perhaps she could have stated where you had been at some particular times?---I do not think she could.

Mr. Shepherd objected to this course of examination, and the Court sustained the objection.

After Preston was apprehended, I believe, you endeavoured to take care of any little property or furniture he might have?---The goods were not his. When Preston was taken before the Lord Mayor, Preston's daughters assisted me in taking away a table and a flock bed that belonged to the committee. I took the things and appropriated them to my own use, for the committee had left me without any thing.

Was the committee obliged to support you?---They had supported me before, and Thistlewood had always said there would be some money to take me out of the country if any thing happened.

You know the house of young Watson, in Hyde-street; had you the key?---No.

Will you swear you had no access to it?---I never was there but twice in my life.

You took the pikes there, you said?---Yes.

Now I should be glad to know whether you are aware of what became of the pikes you took there?---I have heard since that they were found in the privy. Mr. Nodder, with whom I am confined, gave me the information.

Re-examined.---Did you know the pikes were found in the privy, before Mr. Nodder told you?---No.

Were you ever in the house after young Watson and you carried the pikes there?---Never: (after a pause) I beg your pardon, I was there once with the elder Watson, and Preston's daughter, to assist in taking away Watson's things to Greystoke-place.

In answer to questions from the Bench, respecting the 100 guineas which were to be paid to the soldiers, the witness said:---The money was to be immediately paid when we got possession of the Bank. This was settled at a consultation between Harrison, the two Watsons, Thistlewood, and myself. The whole notes in circulation were to be destroyed, and all payments were to be made in cash. It was agreed upon, that we could find plenty of plate in the noblemen's houses, and we were to coin money with the impression of a cap of liberty.

Juryman.---You have spoken of several meetings you had with the committee; was it at the first that the plan you have described was agreed upon?---Yes; it was on the first Sunday.

Court.---Was the property of individuals to be taken by force?---The generals were to give an order for the value on Thistlewood. If the order was not accepted, the things were to be taken by force.

You said that the Bank and the Tower were to be attacked. Was there any other public place you intended to obtain possession of? Somerset House was to be our head quarters.

You had no money in hand?---No; what money we had came from Thistlewood, and I dont know what he was possessed of.

Ann Wright.---I keep the King's Arms and Golden Anchor public house, in East Smithfield. In December last, a person named Aitkins lodged with me, but he is since dead. On the day of the riot in the city, the prisoner Watson came to see Aitkins. I had never seen Mr. Watson before. He came between one and two o'clock. Aitkins, who was in the tap-room, on seeing Watson, rose up and shook hands with him, and asked him whether he would have a draught of porter. Mr. Watson said he did not care. Aitkins was for going into the parlour, but Watson said no, he would go into a room where he could have free liberty of speech. He then said, " Come on, my boys! If you had but followed me, the Tower would have been in our possession long before now." The riot was then going on in the Minories, and we were about to shut up in consequence of it. In about ten minutes the prisoner went away. He had on a drab coloured coat: he spoke in a noisy manner, and flourished his stick about. I have often seen young Watkson with Aitkins.

Cross-examined.---When Aitkins opened the parlour door, the prisoner saw who were there. There were a good many persons; there were also many in the tap-room. He might have spoke with as much free liberty in the one place as the other. I don't know his reason for saying so, except that the people in the parlour belonged to the London Docks, and those in the tap-room were sea-faring people. I was in the bar; and there is a passage between the bar and the tap-room. I have told this story before, three or four times, to a gentleman who lives in Gray's-inn-lane. I did not go to them, they came to me. There was a man present who is here as a witness. I do not know any body else that was present. I could not see in the tap-room, and only know that the persons who were there were sailors; because, in about half an hour after, I saw some of them who had left the tap-room passing the window, and because the tap-room is generally frequented by sea-faring people: but the sailors I saw passing might have gone in during the half-hour.

On the witness whose evidence follows next entering the Court to be examined, Mrs. Wright said, that was the man who was present when Mr. Watson came into her house.

William Miller, examined by Mr. Richardson, after having been identified by Ann Wright, as the person to whom she alluded, was at Mrs. Wright's on the 2d of December; remembers a man coming in and speaking to Aitkins: that man said "If they had been of his mind, he would have had the Tower in his possession."

Cross-examined by Mr. Wetherell.---I do not know the man, I never saw him before or since. It was in the afternoon; he came in between two and three: it might be later, I am not positive; I was there, for I had no work, I was out of ship. I do not recollect if it was duskish: there was a conversation carrying on at the time: I believe it was duskish: I do not think it was so late as five o'clock: there were several persons that I did not know. The man said, " If they were of his mind the Tower would be taken:" I heard him: there were a great many sailors present: I did not know one of them: there was none of my acquaintance: I cannot be positive as to the time, I believe it was between two and three: it was after

my dinner.—(*To Mr. Justice Abbott*)---I had heard them talk about the riots: I do not recollect his dress.---(*To Lord Ellenborough.*)---I am in the habit of frequenting that house: there was a parlour, and there was a tap-room for the lower order.

Zaccheus Bannister, examined by Mr. Attorney General.---I lived on the 2d of December at 30, Hyde-street, Bloomsbury-square, I know Watson the prisoner: he took my shop for his son, as he told me: it was a small shop in front of my house: there was no other apartment occupied by him or his son but the shop: there is a key to the door of the shop, and a latch-key to the outside door. Old Watson came sometimes with his son: both came together. I believe young Watson slept there, but I am not sure. I never saw the inside while Watson was in possession. I know Vickery, the officer: he came to make a search in December: I believe he came on Thursday the 5th. I was with him. He came to my house and inquired whether a person of the name of Watson had lodged there. There were several other persons. I followed them into the room. I saw him overturn every thing in the room, and he took away a great many papers. Vickery forced the door. It was locked. I had not the key. I believe Mr. Watson the younger used to have it. I believe that key (a key was here shown to him) is like it. I cannot swear that it is it. I remember Mr. Worrell opened the street-door. This key is like the shop door's; not in the least like the street-door's. I cannot say positively whether it is the shop-door's or not. I believe this was on the 5th of December.

Mr. Wetherell said, he meant to propose a legal objection to the papers taken, after the arrest of the party, being admitted as evidence. He merely mentioned this at present.

Lord Ellenborough said, when the objection was proposed the court would give their answer.

Mr. Bannister farther examined by the Attorney-General.—I remember Vickery came again in the beginning of March, I think the 5th or 6th. I believe Vickery came often between the two periods. I remember to have seen him there on the 12th of December. I remember Vickery coming and searching the privy. It was quite emptied. Some iron spikes, as I believe they call them, were found.

The Attorney-General here asked, whether the question was to be argued as to the admissibility of the papers or the pikes? (*To Mr. Justice Bayley*)—There was no pikes brought to the house to my knowledge, I had never seen them before. (*To Mr. Wetherell*) I saw Vickery on the 5th or 6th of December, again on the 12th. I believe the last time I saw the Watsons was on the 18th or 19th of November; I never saw the one or the other since. It was about a fortnight before the 2d of December.

Mr. Wetherell said the proposition he had to submit to the court was, that the house was taken by Watson for his son, the spikes were found on the 6th of March; therefore, as evidence cannot be taken to prove the finding of articles which, though found would not be evidence, evidence could not be admitted upon the finding of the spikes; because, though found, that would not be received as evidence. Whatever was found before the party was arrested was admissible, but whatever was found after the arrest, such as papers, or any other thing of that description, was not admissible. This point was settled in Mr. Hardy's trial [page 122, vol. I.

of Sibley's Report]. There the Attorney-General insisted to have a paper received which was found in Martin's room; it was a letter written to him by Thelwall. Mr. Gibbs contended that it could not be received, because it was taken after they had been arrested. The court refused it accordingly, and the Lord President Eyre said, the only reason was, that there was no proof of its existence when the party was arrested. Mr. Gibbs, it was true, argued that it was not evidence, because there was no proof that the prisoner ordered the paper to be written. He was aware that it would be attempted here to prove, that the spikes were ordered, but there was no evidence that they were brought home to Watson's room. They might be fabricated then, and sent there afterwards. The place was not the residence of the prisoner; it was true he had access to it. He allowed, if it could be proved that they had been ordered to that place, they might be evidence, and brought home to the prisoner.

Mr. Justice Bayley said, it was evidence that both Watsons ordered the pikes. (*Mr. Wetherell* said, "Not the father.")

Mr. Gurney reminded the court, that Castle gave evidence of old Watson having given money to pay for the pikes.

Mr. Wetherell said, it did not appear that he gave the money *eo nomine*, and expressly for the pikes; and nothing was said of his having ordered them to the house.

Justices Abbott and Bayley read the evidence of Castles to that point, as showing that he gave the money for the pikes.

Lord Ellenborough could remember no evidence of ordering them to be deposited in any particular place.

Mr Justice Bayley said, the consideration respected two points, very different in their nature, 1, the admissibility of the evidence, 2, the effect of it.

Lord Ellenborough said, he saw no foundation for the objection. If there were any doubt of those things having been in possession of the person, the case would be different. They would recollect a case of a robbery in Yorkshire; the butler was seen to go into the privy; after the case came before the court, the privy was searched, and evidence produced that convicted the prisoner. There was proximate and probable connexion here. It was on evidence that the pikes were made by the common orders of all.

Mr. Justice Bayley said the case was very different from those cited. Here was not only the existence of the pikes, but of young Watson, the son, having ordered them to the house.

Mr. Justice Abbott said it was absurd to suppose that stolen goods, though found after arrest, was not evidence.

[*Examination continued by the Attorney-General.*]

I saw the pikes taken out of the privy. I never saw them before (*To Sergeant Copley*). The shop was taken for his son. It consisted of only a shop. The key shewn is like the key of the shop. I believe it is it It is like it. It was a common key. The street-door had what is commonly called a latch-key. The privy is in the yard. Several persons were in the rest of the house. The privy was common to the whole house. The passage is from the street into the yard, leaving the shop on one side. I have seen Watson with his son. I do not know that he slept there, nor his son. They were there of a night. Business was carried on there. There were drugs

in the shop. The father told me it was for his son. I saw them not for a fortnight before the 2d of December. It is very improbable that any of them came to the house after that. I did not unlock the door. I had not the key. (*To the Attorney General.*) None at all had access to the shop after the Watsons, till Vickery came. (*To Mr. Justice Abbott.*)—The house has two doors, a back and front. They must come by the passage to the shop. There were shutters on the window. Watson usually opened the front shutters. I never saw them open during the interval. They were previously open except on Sunday. They were never altogether opened. I believe no one attended the shop when he was out. None had access but himself. The servant never swept it for him to my knowledge. (*To Lord Ellenborough*). It is a common thorough passage. I recollect no person using that passage after Watson's going away.

John Vickery, by the Attorney-General.—I am one of the police officers belonging to Bow-street. I went on 5th of December to Bannister's, 30, Hyde-street. I went into the shop. I inquired for the key, but it could not be found. I forced the door. I made search in different parts, found papers. It was a small room, and completely full of furniture. There was a mahogany chest, and papers were littered about it, and in different parts of the room. I found all those papers (produced) in the room, and marked them. I saw Mr. Bannister on the 5th of March. The privy was cleared in my presence. There was a large quantity of iron found in the bottom, sharp spikes. I saw them washed as clean as they could be, and put them into a box, and carried them to my office. I have had them ever since, except two of them. They were never from me till sealed. There were 200 but two spikes, such as those. (produced) I believe I may have committed a mistake in counting, for I since thought there were more than 200. (*Lord Ellenborough* said to the jury he could not hand one to them till they were proved.)

Mr. Wetherell said, he had an objection to offer, but with permission, he would first ask a few questions of the witness.—The first time I was there was the 5th of December, and I found the papers that morning in the shop. The shop fronts the street on the left hand. There were such a quantity of papers, they were in such confusion, that I cannot tell what they all were. The room was uninhabited. Some were in a box, some in the drawer already mentioned. I did not take all, I selected those.

Mr. Wetherell said the objection he had to state was, that there was no count of the indictment that went to charge the prisoner with writing or circulating papers. This precise point was ruled in Hardy's case. There the circulation of papers was one of the overt acts, yet papers situate like those in question were refused. Here the case was naked of all those circumstances.

Lord Ellenborough said the nature of the papers was not yet opened. They were evidence against the son, but not necessary against the father, if the design was not common. If the existence of the papers could be questioned, the case were different.

The Attorney-General said that Castle's evidence referred to a plan of the Tower, a drawing of a machine to act against cavalry, and a bill for Spafields; all which were among those papers. There was also a plan of the flag, and what appeared to him a plan of a military force; the names of the Committee of Safety were also there.

Lord Ellenborough said, the question was, whether they were referable to the common design? Only those distinctly stated could be received.

Mr. Wetherell contended, that they were not supported by evidence in their lordships' notes, or by the record. It was a mere begging of the question to bring forward such papers.

Mr. Justice Abbott said they were supported by their notes.

Mr. Sergeant Copley said, there was a distinction between two of those papers, which were adverted to by Castle, and the rest with respect to which there was no evidence.

Mr. Justice Bayley said, that as they were written before the evening of the 2d of December, the presumption was that they referred to that subject.

There were then several papers read, 1. A plan of the machine with wheels and scythes (for obstructing cavalry as supposed.) The endorsement containing 2 names of persons in Nos. 2 and 3 of Stoddard-street, and a question and answer, on the Spencean system as all men having a right to an equal distribution of the earth, was given up, Mr. Wetherell having referred to a letter of Thelwall's, containing seditious songs and toasts, given up in Hardy's case, though Buller and Grose were of a different opinion. Lord Ellenborough said, as there was no proof as to it, it could not be received, but he thought there was much reason in the argument of Buller, and he by no means gave an opinion on the general point; the paper was good only as a plan of the machine. 2. A plan of the Tower, (another witness was promised to prove this a plan of the Tower.) 3. A list of names, Sir Francis Burdett, Thomas Hardy, Samuel Brookes, Charles Puller, Thomas Evans, senior, George Harris, J A. Jones, Roscoe Walter Faulks (or Fawks,) Thomson, B. G.; Waithman, L. J.; Thomas Evans, junior. Objections were made to the reception of the paper, as nothing appeared upon it but mere names; but they were overruled, Lord Ellenborough thinking it had a most pregnant reference to the trial, as indicating the government to be set up after the subversion of the present. 4. A drawing of the flag with the motto. 5. A paper, stating, by way of letter, that it was unnecessary to explain the purpose of the meeting, and had been explained on Friday; and mentioning Sir F. Burdett's reason for not presenting the petition at Carlton-house, and Hunt's being refused admission. 6. A paper, discussing the nature of military obedience, in the way of question and answer; such as, "Can nations prosper while rulers are corrupt?—No. How long ought soldiers to obey their commanders?—While their commanders are just. When rulers are unjust ought soldiers to obey?—They ought not to be mercenary."

Mr. Wetherell objected that this paper was not evidence. There was no charge of having addressed any paper to the soldiers (Lord Ellenborough said, there was of conversations with them.) If there were a charge of writing, addressing, or publishing, it would be different, or if any placards or bills were found: but papers taken out of a man's escrutoire, never printed, never published, never promulgated, could not be evidence. It was the same thing as in Sydney's case. There a composition of the abstract discipline of a republican government, but never printed or published, was considered as *in gremio*, and refused as evidence. Far less could

this paper be admitted, which must be supposed to have remained as *in gremio mentis*: there was no charge, no proof, no evidence, nothing to connect this paper with the case. What individual could be safe if such a principle were admitted. They might allege meanings, but there was not a particle of proof. Intention, even if proved, was not evidence. The plan produced might be admitted as connected with the charges, or the evidence; but it was quite a different thing with the paper in question—unendorsed, and without place or date, as it was.

Lord Ellenborough said, there was a great deal of réason in the objection, and it was well worthy of consideration.

Mr. Sergeant Copley had very little to add to what his learned friend had said. Sydney's book was quite in point, it was written on strong republican principles; he had been charged with fomenting a rebellion; the book went far to prove that.

Lord Ellenborough.—It was refused because produced as an overt act.

Mr. Sergeant Copley.—There had been no overt act, no publication here. Sydney's was a much stronger case for the production than the present case. Another question of the utmost moment was involved here. Every man in this country was at liberty to discuss whatever subject he pleased: every one had a right to canvass and discuss all subjects sacred and profane, religious, political, and moral; for his own satisfaction he might write upon those subjects. If he published those things it was a different thing: but every one had an unchallengeable right to discuss the laws and principles of civil, and, he would confidently affirm, of *military* discipline. If wrong, the publication was punishable, but the compiling was matter of right and law. To bring forward, then, as evidence, to prove the character of a prisoner's mind, what was never promulgated, was cruel. It was most cruel to have recourse to such means of making it probable that the charges against him were true. The principle of civil and military discipline were the same, though the terms were different. To produce an unfinished paper, full of corrections and erasures, he would repeat, was cruel. What man was secure if any crude notions could be thus brought into evidence? What science but might furnish evidence of treason? Sydney's book (as properly suggested to him) was, besides, proved to have been in his hand-writing. Now here there was no such proof; there was nothing whatever to connect it with the prisoner.

The Attorney General observed, that the general purpose of seducing soldiers from their allegiance was the purpose of which it was intended to produce this paper as confirmatory evidence. It was of no importance how the paper or writing was composed, whether in the form of question and answer, or in any other. The point in question was, was it not so connected with, and relative to, a design manifested by other evidence, as to be admissible from its obvious tendency to support and corroborate that evidence? He offered it in proof because he thought it marked more than that the writer was a person likely, from the disposition of his mind, to entertain the purpose imputed; and because he conceived it to have a direct reference to the common object charged by the indictment. He was nevertheless disposed to acquiesce in whatever should be

the present opinion of the Court, and to withdraw the paper if that opinion should be unfavourable.

Lord Ellenborough said there was certainly no reason for the Attorney-General to point out the diversity between the evidence supplied by this paper and that of the papers produced in Sydney's case. The only question here was, how far they might conduce to the manifestation of an intention to corrupt the minds of the soldiey, and it was plainly difficult to trace the immediate application of this paper to the purpose assigned.

The Attorney General desired merely to submit to the Court, that there was already evidence with respect to the going about and attempting to seduce the soldiers from their allegiance. It was to illustrate and enforce that evidence he had been induced to offer this paper, and if he had acted erroneously, he should readily defer to their lordship's judgment by withdrawing it.

The Solicitor General declared, that he was not inclined to press the reception of this paper under the circumstances of the case.

Lord Ellenborough remarked, that it was a question of admissibility under all the circumstances. The present impression on his mind was, that it appeared to be of too abstract a nature, and to have too little connexion with the direct object of the conspiracy. In cases of this kind, the inclination of the Court should be towards the rejection of doubtful evidence against the prisoners; but he did not intimate by this general opinion, that the question would not bear a great deal of argument.

Mr. Justice Bailey said, he was not convinced that the evidence of this paper was inadmissible, but thought, that in such a case as the present, the Attorney-General had exercised a wise discretion in withdrawing it. If an argument had been raised upon it, the inquiry in his opinion must have been whether the paper could be construed into a means devised in furtherance of a common purpose. The question, whether it was or was not evidence, depended entirely on this point; and the ground there was for contending that young Watson might have written this paper for his mere private use, rendered it the safer way not to agitate that question.

Mr. Justice Abbott observed, that if the decision of the Court had been called for on this subject, he should have desired that it might be previously argued; but he agreed that the Attorney General had acted discreetly in not contending for the admissibility of this paper. With regard to the allusions made to Sydney's case, he did not understand the received principle to be, that the papers in that case ought not to have been received on the ground that they were unpublished papers. Both Mr. Justice Foster and Mr. Justice Blackstone concurred upon this point, and stated, that had they been clearly relative to the charge, they would have amounted to substantial evidence. The fact, however, was, that by the appearance of the hand-writing, they must have been written some years before; and they had besides no relation to the design, the existence of which they were intended to establish. The consideration here was, whether the paper in question was relative or not, and he thought, as his Lordship had already expressed it, that it was too abstract to be admitted, and he went thus far only in order to guard against misinterpretation abroad.

Mr. Justice Holroyd thought it clear that the present question was extremely different from that in the case of Sydney. Farther argument would be necessary before this paper could be admitted, but he was not prepared to say that it did not amount to confirmatory evidence.

Another paper was then put in, and almost immediately withdrawn, *Lord Ellenborough* remarking, that it was wholly unintelligible, and that a paper, as well as every other sort of evidence, should have some sensible meaning to induce the Court to attach any importance to it.

Thomas Hillingworth was then called and examined by the Solicitor General---He was servant to Mr Leach, a gentleman at the Bar, and went on the 5th of November last to a public-house in Long-acre, kept by a Mr. Newton. He sat in a small parlour near the bar, and saw four persons, one of whom was a young man, enter, not together, but one by one. He was accompanied by the livery servant of a nobleman, whom one of the strangers asked, "who made his master a lord?" Receiving no answer, the stranger turned to witness, and put the same question to him, and witness explained the matter as well as he was able. The young man also asked how the nobleman came to have so much land? adding, that the servant had a right to as much as his master, and that the time was fast approaching when he would be as good a man, and be in possession of as much property.

In answer to a question from *Lord Ellenborough*, the witness said he did not know, nor had any reason to believe at the time, that this person was young Watson.

The Solicitor General remarked that this fact had been proved by Castle.

Mr. Wetherell said, the identity of the whole incident at this public-house was doubtful, as Castle described the witness merely as an attorney's clerk, and not as the servant of Mr. Chancellor Leach.

The Witness then proceeded. Castle inquired whether there was a double guard at Carlton-house, and answered the question himself, by saying he knew it was so; adding, that a double guard would be of no use to the Prince Regent, as the soldiers would not fight for such a Government as ours. He also added, that the soldiers had been abroad, and had seen how merit was rewarded in France. This conversation ended in a quarrel between the parties.

Cross-examined by Mr. Wetherell.—His master, Mr. Leach, was at the Theatre on the night in question, attending some ladies, and, therefore, witness went to a public-house. Witness knew that his master had the entrée of Carlton-house, in consequence of an appointment which he held. He was not sure which person of the four present said, "the soldiers would not fight." There were no soldiers in the room, and one of the four said, they would talk no more with witness, for it was throwing pearls before swine.

Re-examined.---The room in which they sat was never open to strangers when the master of the house was at home. The youngest man of the four said a livery was the badge of slavery. Witness thought the prisoners, Watson and Thistlewood, bore a resemblance to two of them.

Cross-examined.—He saw three of the party at the Spa-fields

meeting, on the 15th. He was there because he lodged near the spot. He saw Watson on the right, and Thistlewood on the left, of Mr. Hunt. Castle also was there unfurling a flag.

John Dyall was then called, and examined by Mr. Topping.—He knew Watson and Preston, and believed he had seen Thistlewood and Hooper. He was at a public-house, in Slaughter-street, Spital-fields, on the 3d or 4th of November last, where he found three or four persons assembled. He understood there was to be a meeting there in the evening, and in about half an hour Preston came in. They had some public-house sort of conversation round the fire, and as witness said he had no money, Preston declared that a pint or two of beer was no object, and that he did not like to see a poor man in distress. Beer was accordingly brought in, and Preston, he believed, paid for it. The two Watsons afterwards entered, and they proceeded to business, which was to petition for a reform of Parliament. There might be about thirty persons present, and the elder Watson made a speech in support of reform. Preston said, petitions to Parliament had been so often presented, and were so little attended to, that he thought it was an useless proceeding. Witness thought this remark was inconsistent with the professed purpose of the meeting, but their discourse was all of this tenour. Watson the elder produced a paper which he called a memorial, and which he read to the meeting. Witness was nominated to the chair, and young Watson was appointed secretary, for this particular occasion. He attended at the same house on the Thursday following. Preston never told him where he lived, but he went to No. 9, Greystoke-place, because Preston desired him to make out, and explain to him, the circumstance of his name appearing to an advertisement in the *Independent Whig*. He saw Thistlewood there, who was dressed like a gentleman, in Hessian boots, and a great coat.

Cross-examined by Mr. Wetherell.—He was the man known by the name of the Green-coat Orator of Brentford. He got the title, however, by his speeches in Covent-garden, and was actually the person who went by that appellation, which he considered he had obtained by being an honest man, and always speaking his mind. His name was first made use of without his knowledge, and he assented to it afterwards, because he thought the object of the meeting was to petition for Parliamentary reform, which he thought was a fair and constitutional purpose. Preston was the person who procured his assent, telling him his name had already appeared in the *Independent Whig*, which induced witness to suppose at first that the editor had been writing some paragraph against him. He told Preston he should have got a more respectable name to give a gloss to the intended meeting, which he attended, but was not nominated to the chair.

Thomas Becket was also at a public-house on the 4th of November, where the elder Watson read a memorial, containing a proposition for a general meeting. The witness saw this produced in five different public-houses. On the Thursday following Thistlewood discharged the larger part of the reckoning at the Carlisle Arms, and paid eleven shillings to the landlord, whose name was Sheffield.

John Sheffield kept the Carlisle Arms, public-house, and recollected the occasion alluded to by the last witness. The whole reckoning was no more than 6s. 6d.: it was paid with a Bank-note, which witness could not identify.

Thomas Smith deposed, that he was at the Carlisle Arms on Thursday, the 7th of November, and there saw several men with placards on their backs: Preston paid for them, and appeared to be giving them directions.

Robert Emery, who keeps the Union public-house, in Union-street, Shoreditch, was next called, but his evidence was in no respect material.

James Skinner proved nothing more than that he saw Watson and Castle, whom he had got acquainted with at the Nag's-head, in Carnaby market, in the course of their walking, stopped and looked at the barracks in King-street, and Portman-street. They also fell into a dispute about the entrances to them. Witness left them in Piccadilly.

Thomas Osborne knew Castle, who had told him that if he was out of work, he would give him something to do. He had seen the prisoner Thistlewood at the public-house called the Constitution, at Paddington; but very few of the men who had worked on the Regent's canal now frequented that house. Thistlewood invited him to come to the Cock, in Grafton-street, where he received a shilling, and had a placard put on his back, together with several others. This was about a week before the meeting, and when he was out of employment.

The names of the different bill-stickers engaged in the circulation of the placards were now announced by the *Attorney-General*, but it was not deemed necessary to call them.

Thomas Woods, the landlord of the house in Greystoke-place, stated, that when the elder Watson engaged the house a few weeks before Michaelmas, he consulted him with repect to the making a private door in the passage. The rent of the house was 34l. a-year, and it was taken for the purpose of carrying on the business of a surgeon. There were two rooms on the ground floor, and the passage led from the street to the stairs.

Cross-examined.---He believed a surgeon, who lived there before, had an inner door of this description, and he understood it had been for the purposes of his trade.

Re-examined.—In point of fact, the door in question was not made, nor did he ever see any business going on, although the house was certainly not shut up in the day time, as far as his observation went.

Mary Atkins was called, but her testimony was of no importance.

Walter Cosser, timber-merchant, of No. 4, Milbank-street, deposed, that he was landlord of two houses in Seymour-street. A young man, who called himself James Watson, applied to him to be admitted as the tenant of one of them, and gave a reference to Mr. Thistlewood, of Southampton-buildings, Chancery-lane, who he said, was a person of fortune, and would vouch for his respectability. The witness inquired for Thistlewood, and was shown to a back room up two or three pair of stairs, where he found a person, who informed him that Watson's father was a man of property, who farmed to a considerable extent in Lincolnshire, and that he would be answerable for him on every score. He was near-sighted, and could not swear that the prisoner Thistlewood was the same person whom he then saw, his dress and appearance being so different. That person wore a blue coat and Wellington-trowsers, according to the best of his recollection. Young Watson said he wanted the house

for the sale of oil and seed. He thought Thistlewood's face resembled that of the person he saw in Southampton-buildings.

Cross-examined.—The negotiation concerning the house lasted only three or four days. The rent of it was 60l. a year, and the fixtures were valued at seven or eight pounds. He was not satisfied with the reference, and refused to let it. He could not swear that Thistlewood did not say the grandfather, and not the father of young Watson, was a considerable farmer.

Margaret Maria Foulkes had lived as servant at a house in Southampton-buildings, kept by a Mrs. Corbould, from the month of September to the 29th of November last. Mr. Thistlewood lodged there with Mrs. Thistlewood, and a little boy about ten years old. She recollected a young man, named Watson, calling frequently during the latter part of this period. He seldom staid long, but sometimes dined with Mr. Thistlewood. Mr. Thistlewood was always dressed in a light blue coat and coloured trowsers, with a great coat sometimes over them, and she thought his hair was of a lighter colour than it appeared to be at present.

Mary Corbould knew the person of Thistlewood, who had lodged in her house with his wife and child. He left his lodging without notice on the 2d of December, which was the day of the riots. She believed that two persons, named Evans, had dined with him the day before. His wife and child left the house also on the following evening.

Barbara Smeed, who keeps the Brazen-head public-house at Paddington, was the next witness, but her evidence was not material. She once saw a man, who treated others with some beer, stick up a printed handbill which a parish officer immediately pulled down.

Richard Bentley, a smith, who has a workshop in Hart-street, Covent-garden, was applied to by Castle on the 26th of November, to be allowed to make a pattern at his forge. He himself made an unfinished one, a sort of spike, which Castle took away; and in about an hour returned, and told him to get on with about 50 more, which were wanted as a fence to a rabbit-warren. He was paid 10s. in advance; and afterwards ordered to make as many as he could, up to the number of 500; and to have them ready on the 9th of November. He did prepare 250; and, on the day mentioned, Castle and another came for them, bringing with them two nail-bags to carry them in. They paid him for them at a public-house, in Long-acre, kept by a Mr. Wingfield. He presented them with a bill, the amount of which was about 5l; but they did not require or take any receipt. (Castle had sworn that a receipt was taken.) The witness here identified the spikes, or pike-heads, which were shown to him.

Cross-examined.—He was quite sure that he gave no receipt for the money. The spikes were common things, and frequently used for railings. Castle ordered them, and had nobody with him but a man named John Harrison at the time. He said they were for a gentleman's rabbit-warren, and filed one very sharp, but did not desire that the rest should be filed in the same way. He appeared to handle the file very well: witness had never seen him before.

Examined by Mr. Justice Abbott.—He had never before made any similar offensive weapons, or offensive instruments of any kind.

William Wingfield, the landlord of the public house in Long-acre, referred to in the preceding evidence, supported the testimony of the last witness.

Thomas Cox was then called, but his evidence only went to prove the sale of the two nail bags, which were of the common sort to a young man about five feet eight or nine inches high. (Young Watson is stated to be about five feet four inches in stature.)

It being near half-past six o'clock, the Court intimated that it might be proper to adjourn the farther proceedings till the next day.

The Court adjourned accordingly.

The prisoners were put to the bar as usual, at a little after eight. At half past eight, *Mr. Justice Abbott* attended to hear motions of course, and the whole court assembled at a quarter past nine.

Mr. William Tull was the first witness called for the prosecution this day: he was principal clerk of the works in the Ordnance department at the Tower, and had resided there 12 years. [The plan found on Watson of the Tower was put into his hands.] He said it was a rough hand-sketch of some of the interior parts of the Tower, but done by no scale.

Cross-examined.—He was nothing of an antiquary; there was no great skill required in making such a plan; he had never seen the plate of the Tower published by the Antiquarian Society; he had a drawing of it himself: he did not know that there was a print published and sold for 2s. of the interior, exterior, and bastions of the Tower. [A plate of the Tower was put into the hands of the witness.]

Mr. Justice Abbott asked the object of this piece of evidence?]

Mr. Wetherell said, that if the manuscript sketch were put in by the Crown to prove that the defendants were going about to inspect and take drawings of the Tower, he rebutted the statement by producing a regular plan to be bought any where at a very low price.

Lord Ellenborough said, that inquiries into the correctness of the plans of the Tower facilitated its invasion, which no good subject would wish to do.

Mr. Wetherell agreed not to pursue the inquiry; he could have no such object.

William Thompson, living at No. 101, Fetter-lane, the corner of Greystoke-place; knows No 9; his father is the ground landlord; the house, No. 9, has two rooms on a floor; the back rooms have no external windows; they are lighted by a skylight on the landing-place. A Mr. Wood holds the house under the witness's father. The house was to be let some time ago. The witness did not know the prisoner Watson.

Mary Kingsley, in November last, lived at No. 1, Dean-street, Fetter-lane. Watson the elder took a lodging there before the second meeting in Spa-fields; he was there only five days; he came on the Wednesday, and on the Monday following, the day of the riots, he went away. He took the lodging for himself and his son; it consisted of one parlour with a bed in it. As far as she knew, they slept there every night, as the bed was to be made daily towards the evening. They had, both, keys of the room; the street door was always upon the latch. On the Sunday, the day before Watson went away, there came several persons in the room at the time she took in dinner; some of them, she believed, she had seen there in the course of the week. She could not swear that Hooper was there, but somebody rather like him. She remembered seeing Preston there, and Thistlewood, but the latter had altered his dress: he used to wear light gray pantaloons, a dark blue or green coat, and a white neckcloth. While they were there on the Sunday she saw

pens, ink, and paper, on the table. They might frequently go in and out of the house without her seeing them. On Monday morning, about 9 o'clock, she found that the two Watsons had gone out, leaving the windows closed. She did not see either of them again till candle-light, when the elder Watson came. He asked if the witness had seen his son; and she told him she had not. He said his son had got the keys of the parlour, and he could not get in. The witness's husband gave him another key, and after that she had not seen him until the present time; he had said nothing about leaving the lodging. Some great coats were in the room at night, and the next day she found them gone: a small dressing-case and an ink stand remained in the witness's hands for some time. A young woman came on the Tuesday, bringing a key, which the witness's husband took from her, and she fetched her father, Preston. The witness never saw young Watson after the day of the riots.

To questions from the Court, she said, that there were three keys to the room, but she had never gone into it while the Watsons were out, but on the Monday night.

—— *Gilling.*—I belong to the 3d foot guards. I was quartered for some time at the City of Norwich public-house, in New Norfolk-street, near Park-lane. There I became acquainted with Castle: he treated me, and four young men, servants out of place, with beer three times. Once, a gentleman dressed very genteelly, in a great coat, came with him. I do not recollect if he was tall or short. Castle said that the gentleman with him had been a lieutenant, and had lately come from France. I had lately been there myself. I was talking about different parts of Paris. I had just been reduced from the rank of a sergeant, and had a sergeant's jacket on. I told him how I came to be reduced, and Castle said it was a pity I should have been reduced for such trifles. We spoke of the French army: he observed that promotion went on faster there than in England. I might be an hour in company with them: they paid for the beer, and I walked down the street with them as far as near Bond-street. Castle talked most, and asked me where I should be on the following day, as he would come and give me something to drink. This was a very little time before the riots, as Castle talked about the Spa-fields meeting. I said I expected to be on the King's guard next day; but if not, I would send them word where I was. They then conversed together in a low voice, and Castle said he would come to the King's guard and find me out, but he would not give me his address.

Cross examined.—I was a sergeant at the battle of Waterloo. I was not reduced; I resigned my situation. Norfolk-street might be half a mile from the Knightsbridge barracks, where my regiment was quartered. I was not in my full regimentals: we are not allowed to go out in the evening in full uniform. I had on grey pantaloons and a scarlet jacket. Castle began the conversation with me: I had seen him twice before he brought the gentleman with him. Castle made me believe he was a townsman of mine from Knaresborough; that he knew my father, sisters, brothers, and all my family: this he told me the first time I had seen him. We were playing at balls, and drinking beer at the last conversation, and I did not much attend to it. I told him I had been a sergeant. It was the gentleman, at the third meeting, said that it

was not right to degrade for such trifles. I never saw the gentleman afterwards, but I think I saw Castle: he came down to the theatre after me.

Re-examined.—I had enough of my dress on at these conversations to show that I was a soldier. I was degraded in consequence of something about a woman.

James Brown.—I am a soldier in the Coldstream regiment. I know the Stone Kitchen in the Tower. I was there two or three days before the Spa-fields meeting, and saw somebody very like Hooper. I was invited up stairs, and I remained there for ten minutes or a quarter of an hour: a man there had a bunch of ribbands which he took out of the inside of the crown of his hat; they were dark colours. I did not hear him make any particular observations, but asked several of us soldiers if we had seen any thing like them before. He then asked us, should we not like to have a big loaf? and added, that there were very few soldiers who did not, like others, feel the distress of the times, which would never be better till there was a new or a fresh set altogether, or words to that effect. I was in my regimentals. I do not think I had seen the man there before. I did not pay for the beer which I drank.

Cross-examined.—I cannot say how many soldiers were there. The conversation might last a quarter of an hour. I do not swear that it was Hooper I saw. I did not attend much to the conversation, which was general and public.

Examined by the Court.—I do not recollect that the Spa-fields meeting was mentioned. I do not know Castle.

William Harris.—I am a soldier in the Coldstream regiment. I was in the Tower in the month of November. I remember the riots in the Minories: before that I had been at the Stone Kitchen; perhaps a week before it. I recollect two persons coming in and calling for beer. I should know them if I saw them. (He pointed out Hooper as one of them.) He called for a pint of beer, and began talking with the soldiers in the room; there might be a dozen of them there. He called for half a gallon more beer, which was drank by him and the soldiers. Some papers were dropped at the side of the table, and Hooper desired us to hand them about to our comrades after he was gone. I cannot read. Nothing was said as to what the papers were about. The gentleman with Hooper asked, if we should like a big loaf? and we answered, "Yes, as big as we could get it." Then they asked what we should do if the mob came to the Tower, and the soldiers answered, "We should do our duty." Next they inquired if we should like to get out of our regiment? Some of the soldiers answered; "if we did, we should be starved to death." They replied, "No, no, you would not." And that was all that passed in my hearing.

Cross-examined.—We should not be afraid of a mob attacking the Tower. The conversation was general. The name of the landlord is Robson. I heard nothing wrong pass; and, if I had, I should have told our commanding officer. Many gentlemen give the soldiers a pot of beer now and then. I should know the other man if I were to see him: one talked as much as the other, and they must have heard each other. It made no impression upon me: I told my comrades we had some beer given us.

Charles Nailor.—In November last I was a soldier in the Cold-

stream guards: we were in the Tower shortly before the riots. I was at a public-house called the Golden Chain, not many days before the disturbances in the Minories. Two gentlemen came in and called for a pot of porter; Hooper was one of them: they asked me to accept of a pot of porter: I drank it, but they drank none of it. They rolled up some hand bills and put them into my hand slily, telling me to look at them when they were gone. The other was a taller man than Hooper, and he gave me the bills: they added, if we would be ruled by them, they would make us gentlemen in a very short time. As I could not read, I gave the bills to my comrades, and a man named Buchanuan read them, in the mess-kitchen, to the other soldiers.

Cross-examined.—I did not attend to the bills, and took very little notice about them: there was very often a mixed company at the Golden Chain: it was not very unusual to ask soldiers to drink, but it was very seldom soldiers met with such friends as those.

Examined by the Jury.—I do not know which of the two spoke the words about making us gentlemen: it was the tall man who gave me the bills, and I think he spoke the words; but the other could hear them.

George Buchannan.—I am a soldier of the Coldstream guards: Nailor brought me some printed bills, and desired me to read them; I was in the mess-kitchen: I read one loud to about a dozen or fourteen soldiers. The bill mentioned some millions in a starving condition in this country, and that their brothers in Ireland were in the same state, and were ready to rise at a minute's notice: I do not recollect any thing about a meeting in it.

Cross-examined.—I only read it once, but I recollect those expressions: I read it so that all the men there could hear me: I gave the paper to Nailor again.

Nailor was recalled, and admitted that he had received one of the bills back, and had destroyed it.

James Chapple.—I am a publican in Long-acre: I lived there in November last: my house is used by the soldiers attending the theatres. I remember before the meeting in Spafields two persons came in, when several soldiers were in the house: they treated the soldiers with two or three pots of beer: I never saw the men before, but they came again on the following evening: I do not think it was either of the prisoners.

Mr. Wetherell objected to the extreme generality of this evidence, and the Court admitted the objection.

William Hillier.—I am a publican: I keep the Tower tap in St. George's-fields: a gentleman of the name of Maudslay has an iron-factory near, and three or four of his men generally dine at my house at one o'clock: I know Preston and Castle: they came to my house in November last, a few days before the riots, and others were with them of their party. Bills of the meeting had been brought before that time. While Preston and Castle were there, some of Maudslay's men came in, who had some beer given them. I do not recollect any thing that was said to Maudslay's men by Preston and Castle on going away, except the words, "you will be there:" and the men answered "we certainly shall." Castle came afterwards, often at the dinner hour. I never saw Preston in my house but once.

Richard Statham.—I am a soldier in the Coldstream guards; last November and December I was stationed in the Tower: I remember the riots in the Minories; and shortly before that day, two persons came into the Stone Kitchen, one of them was Hooper. About a dozen soldiers were there, to whom the two persons gave beer; one of the two took hold of a pot of beer, and said, "Success to a big loaf:" after that they had about five or six pots more, but I heard none of the conversation: they remained about half an hour, and at going away, the tallest of them came up to me and called me countryman, saying that he came from Sheffield in Yorkshire; they gave me a shilling for more beer, and promised to come again on Sunday. The Yorkshireman gave the toast about the big loaf.

William Mortimer, another soldier in the Coldstream guards, proved similar circumstances, also indentifying Hooper. He did not recollect any of the conversation.

Cross-examined.—He said that a Yorkshireman was there, and gave the beer.

Thomas Robertson, a soldier in the Coldstream regiment.—I was stationed at the Tower in November and December last. I remember the day before the riots, two gentlemen were in the Stone Kitchen in the Tower. I do not remember any thing particular being said, but one of them, the shorter of the two, took a large bunch of ribband out of the crown of his hat, weaved it round his head, and said, "I hope we shall all wear these colours to morrow."

Cross-examined.—I do not know the man who said this. There were two, one tall, the other short, and to the best of my belief it was the shorter.

Court.—Was it any of the prisoners?

Mr. Gurney.—I believe that the shorter man is not here.

Mr. Wetherell.—This evidence seems to have nothing to do with the case.

Court.—It does not apply to any individual, but goes to show that there was a general plan.

William Duke.—I live in the New-cut, between Blackfriars bridge and Westminster bridge. I have a number of carriages for sale. A short time before the meeting of the 2d of December, in Spafields, two gentlemen called on me, the one was tall, the other short: they applied to me for a stage. I had one which had been a mountebank's stage, and they said it would suit their purpose. I asked 10l. for it; upon which they hesitated, and then said that they wanted to hire it. I told them I never let any thing out. They said they wanted it to go to Spafields to make speeches from, and that if any thing happened they would make it good.

William Ware.—I remember the meetings in Spafields. After the first meeting, Castle asked me to recommend him to somebody that he could borrow a waggon from. I recommended him to Mr. Windermude.

W. Windermude.—I live at the Horseferry-road. On the Wednesday before the Spafields meeting on the 2d of December, a person (whom I have since found to be Castle,) applied to me for a waggon. He said to me that Mr. Hunt had a few speeches to make; that Government had offered to build him a hustings, but that he would not accept that, and wanted to speak from a waggon. We had this conversation at the sign of the Ship, in Horseferry

road. I saw him again on the Sunday following, and Hooper with him. They sent for me to the Ship; I received directions where to be next morning: both of them gave directions. I was to take the waggon to the top of Chancery-lane, in Holborn. I believe they had hand-bills with them; one of them was stuck up in the tap-room by Castle: it remained there: but was down next morning. Castle had some ribband with him, and cockades in his hand, and inside of his hat. He had in his great-coat pocket about 50 yards of coloured ribband, which was not made up in cockades; he gave me a bit, and the servant a yard and a half. He wanted me to dress the horses with this ribband. He said, this is what we are all to be decorated with to morrow morning. I and my boy went next morning to Chancery-lane; while waiting there, Hooper and Castle came; they told me to stop there until they returned. They came back in about a quarter of an hour; in the mean time two gentlemen came and asked whether I was going to Spafields. Castle and Hooper then came, and brought something wrapped up in what appeared like a blanket, and something in a cloth like a handkerchief: the blanket proved to be wrapped about long poles. The two gentlemen who asked about Spafields, spoke to Hooper, who rode in the waggon all the way: the two gentlemen walked before it. When we came to Spafields, Hooper ordered the waggon to stop, and I believe the two gentlemen also desired it to stop. I had received from Castle 10s. earnest for the waggon when he first spoke about it; and he gave me 2l. on the Sunday morning. I was to have 3 guineas in all, so that 13s. remained due. When we got to Spafields I applied for the remainder. A person who, to the best of my knowledge, was with Thistlewood, or young Watson, said, there is no occasion for any fear; if it were 500l. it should be paid. There were many speeches made, but I did not hear them, I heard the last speaker say, "follow me," and they got out of the waggon and followed him. The colours which had been hoisted on the poles, went away with the mob. After they were gone I found a piece of cloth like a handkerchief, containing some bullets in a glove, some slugs, and some powder in a canister. I am not sure who put the piece of cloth in the waggon, but I think it was Castle.

Cross-examined.---When Castle came first to me, and said he wanted to hire a waggon for Mr. Hunt to make speeches, and that Government had offered to build hustings for Mr. Hunt, he was alone. Hooper came with him on the Sunday following. The person I have called young Watson I suppose to be him from the description. I cannot undertake to say that he was the person who used the words, "follow me:" I was in front of the waggon, standing by the shafts, and those were the only words I could hear, there was so much noise and bustle.

In answer to a question from the jury, the witness said, that the glove which contained the bullets was a worsted glove.

Thomas John Yeomans, stepson of the last witness, stated, that he went to Spafields after the mob was gone, and took the bullets, and the powder which had been left in the waggon home with him.

James Gilmore.-- I went on the morning of the Sunday after the Spafields meeting to Mr. Windermude's. On the Wednesday following I received the glove with the bullets, and the canister with

the powder. There were about sixty bullets in the glove, and half a dozen slugs. The canister contains about a pound of powder.

This witness produced the glove containing the bullets and the canister. The glove had the appearance of an old stocking, and was tied with a bit of tri-coloured ribband.

Ann Hayes.-- I lived in November and December last servant at the Ship public house, Horseferry-road, I saw Castle twice there, shortly before the Spafields meeting. I remember seeing him the second time in company with Windermude and another person. He gave me a piece of ribband. (Here the witness produced the ribband, which was red, green, and white.)

W. Windermude being called back, proved that the piece of ribband tied round the glove was that which he had received from Castle. (On comparison, it appeared to be the same as that produced by Ann Hayes.)

Thomas Stacey—I live at Queen-street, Camden-town, and have a shop in Charlotte-street, Portland-place. I remember Castle being with me about purchasing two sabres, some time before the second Spafields meeting. It was about a week after he bargained for them before he took them away; but he did not take both sabres, he took a sabre and dirk.

Cross-examined.—I knew Castle before this.

George Flint, a pawnbroker, 89, Edgeware-road.—I remember selling a pair of pistols to Castle. The first time he was at my shop he bargained with my servant. The second time I saw him he took away a pair of pistols, for which he had bargained and paid for in part. He bargained for another pair on Saturday morning, for which he paid on the Saturday evening, and took them away on the Sunday morning. I am not accustomed to do business on a Sunday, but I thought it right to let him have them on account of the purpose for which he said he wanted them

One of the Jury asked what was the purpose which Castle had mentioned? The witness stated that he said he was a Bow-street patrole, and that great disturbances being expected at the Spafields meeting, it was necessary they should all go there well armed.

W. Mills, foreman to Mr. Parker, gunsmith, Holborn.—A pair of pistols, produced by Stevens, as having been found on Hooper, were shown to this witness. He stated, that he sold them in November last to a young man, who gave his name as Watson, and his address, Hyde-street. The young man came on the same day, and bought two more pistols. The witness being shown the pistol with which Mr. Platt was shot, stated, that that also was one of the four pistols he had sold. He was then shown the pistol which had been found on Old Watson at Highgate, and stated, that it was the fourth.——— This was the last witness called on the part of the prosecution, and at half past twelve the case for the Crown closed with his evidence.

Mr. Wetherell now proceeded to address the Court and the Jury for the prisoners. It was his duty to call their attention to an indictment on the most extraordinary charge that had ever occurred in this country, and such as he hoped never would occur again—a charge of the most absurd and futile description, and founded on circumstauces as ridiculous as the length to which the record was run out was unexampled. It was indeed a record

for which there was no precedent in any of the offices of his Majesty's Courts—a record, the like of which had never before been drawn up by any law officer under the Crown,—a record, which no officer of the Crown ought ever to have drawn up—a record, not of one, two, or more facts, leading to a clear conclusion in law; but an indictment containing a volume, out of which the charge is to be wrought by implications, and constructions equally illegal. A record of this kind, he must again repeat, was one which it did not become the officers of the Crown to exhibit, which his Majesty's Attorney-General ought never to have sanctioned with his name, and which, without any wish to impute blame any where, he would pronounce, though not formally, yet virtually and substantially, illegal. The indictment accused the prisoners of four separate and distinct kinds of treasons. The first was, compassing and imagining the death of the King: that was a description of treason which might consist in the conspiring the actual destruction of the life, or the assasination of the Sovereign. The second treason was, also, one which might consist in the contemplation of personal harm, or bodily restraint—namely, the conspiring to depose the King. The third treason charged, is the levying war against the King: and the fourth, is conspiring to levy war against the King, in order by force and constraint to compel the King to change his measures. These were the four classes of treason charged in the indictment, on which the unfortunate prisoner at the bar and his companions had been brought to trial. Before, however, he proceeded farther with the consideration of the treasons thus charged, or entered into any argument on questions of law or of fact, he could not but draw the attention of the jury to a remark which had been made by one of the most learned and pious judges that ever adorned the bench—he meant Mr. Justice Foster. That venerable judge wrote a volume on the law of treason, which is looked up to as a record of the highest authority for legal and constitutional learning on that subject; and which, in his preface, he recommends to be read, not from vanity, but for the same reason as that for which he now wished to bring the sentiments there stated, under the notice of the jury; for it was one to which the business before them proved they and every man in the country ought to attend. Mr. Justice Foster in his preface observes, that "the learning touching these subjects is a matter of great and universal concernment. It merits, for reasons too obvious to be enlarged on, the attention of every man living; for no rank, no elevation in life, and let me add, no conduct, how circumspect soever, ought to tempt a reasonable man to conclude that these inquiries do not possibly concern him. A moment's cool reflection on the utter instability of human affairs, and the numberless unforeseen events which a day may bring forth, will be sufficient to guard any man conscious of his own infirmities, against such a delusion." Such was the observation of Mr. Justice Foster, and when the jury looked at the situation of the prisoners, and recollected what had transpired in evidence, how was the justice of that observation illustrated and confirmed? When they considered what mischief might be done by such a wretch as Castle, they would be convinced that no man could be certain that any circumspection would afford him a sufficient security—that though he were to throw around himself every circumvallation which the greatest caution could suggest,

that he would always be able to escape all the snares which might be laid for him. He had introduced this remark purposely to draw the attention of the jury in the outset to Mr. Castle—that man, who, by the basest artifices had made the prisoners his dupes! And who, if there was any crime, any treason, had so far proved himself the author of it, that it must be considered as originating with him. He would not, however, go into the consideration of the question whether there be any proof of participation of the part of the prisoners in any offence whatever, or whether the whole was not to be attributed to this infamous man, until he had travelled through the preliminary part of the case. But he should now just mention what he was confident he would be able to prove—that it was only by mere accident that Mr. Hunt had not been so inveigled by this fellow, Castle, as to be placed in the same situation as the prisoners. He would say this by way of anticipation, that he would show the same artifice which had been employed against the prisoners, to have been applied to Mr. Hunt, to draw him into situations which might make him pass though the cold sweat of a trial at that bar. Having stated thus much, he must now observe, that his object was rather to consider the law of the case than to enter into any minute discussion of the facts; because, with regard to the facts, he was sensible the jury would weigh them with the greatest deliberation; and that, from the attention they had paid the evidence, all the circumstances would present themselves to their judgment in a more accurate manner then they could be exhibited by any view he might make, were he to follow them in detail. When he refered to them, therefore, it would be chiefly for the purpose of general remark. In calling their attention, then, to the law of treason, he must state, that he held it to be a clear proposition in the law of England, and one which he never meant to question, that an intention to do bodily harm to the sovereign, or effect any restraint on his person, is treason of that description, which, in legal language, is styled compassing and imagining the death of the King. Making, therefore, this most full and ample admission, let the jury look at the first charge of treason in this indictment. When they recollected his Majesty's years; when they recollected the malady with which it had pleased Providence in its dispensations to afflict him; when they recollected that, at the age of 80 years, after a long life, eminently distingished for public and private virtues, he had retired from the administration of his high functions; and, above all, when they recollected the cause of that retirement, it was not too much to say, that human nature had imposed a barrier against the commission of this first recited treason. No man possessing the feelings of human nature, no being in human shape, could contemplate the personal destruction of the King. Every individual knows that the government of the country is now administered, not by the King, but by the Prince Regent. No person of common understanding, then, could think any personal injury to the King capable of being connected with any political view. Were there any such traitors, it would be sufficient to say to them, why contemplate a crime by which no object can be gained? So far then as relates to this part of the record, I shall content myself with saying, that it is a proposition which the common feelings of mankind must reject as an untruth. As to this point, however, it may be worth while to recollect, that not one expression of disrespect to the Sovereign, or to any

of his august house, had, during the long train of evidence to which they had listened, been proved. There was not the slightest appearance of any propensity to such language, except in that man who came forward to accuse the prisoners, who had pronounced the infamous toast he acknowledged he had given in Bouveric-street. The first treason, therefore, though often put on the record, can have no application to this case. If it be inserted merely as an allegation of form, common in indictments for treason, he had no objection to it; but if put for the purpose of inferring that the prisoners contemplated any injury to the sovereign, it was a charge of the most perfect puerility ever advanced in a court of justice. With regard to the second charge, that of conspiring to depose the King of his kingly dignity, it was certain, that as the law now stood, that was treason. The Attorney-General stated, that the treason charged in the second count, and that charged in the fourth, namely, conspiring to levy war to compel the King to change the measures of his Government, were substantially the same. There is, however, none such in the old statute of Edward III. Conspiring to overawe the Parliament was indeed made treason by the statue of 1795. He should not stop to inquire whether the statute of 1795 has not varied the law on the subject of treason; but if, as the Attorney-General says, the 2d and the 4th counts embrace one and the same treason, then he would ask why are both these counts inserted in the indictment? Nay he could not conceive why the framers of the record had introduced either of these counts, especially, as the Attorney-General says, that the object of the conspiracy was to overturn and destroy the whole system of the Government. If that be the case, why had not the indictment been confined to the first count, which is compassing and imagining the death of the King? But it was wished to prove something which might look like treason; first something founded on the second, and then something on the third and the fourth. This was a sort of cumulative treason: Because none could be found of one single description, it was resolved to shuffle in all the four, in order, if possible, to obtain by confusion that which could not be obtained by fair and direct means: but he did not mean to argue whether the second and fourth treasons came under the statute of Edward III. or not. It was not so much his object to complain of their being on the record, as merely to show that the Crown lawyers had introduced them there unnecessarily. Supposing that the statute of Edward embraced the whole of the four descriptions of treason in this indictment, still the only facts which could have deserved the consideration of the jury in his case would have been those which are applicable to the charge of levying war against the King; and it was on that account he complained of the course of confusion which the framers of this indictment had chosen to follow. Of the other three treasons no attempt had been made to bring forward a single fact of evidence. There was not the least possibility of offering any fact of that kind that could be seriously considered: but, with regard to the third count, it was not merely levying war, that was insufficient; the persons so offending must also be proved to have in view to put up another Government. Of this there was not an atom of proof, except the miserable scraps of paper which had been introduced. How different was the case in the year 1794, the object charged then was not only to

overturn the Government, but to replace it by a new one. The charge was the assembling a Convention of the Delegates of the People, which was to set up a Republic. At that period, before the tyranny which afterwards took place in France had developed itself, there were many persons in this country who thought that a Convention would be better than the Parliament; and many were of opinion that a change of Government would bring with it an amelioration. The parties then accused were numerous and powerful. The Government of France had just been overturned by Jacobin societies, of which there were not less than 40,000. In Great Britain the number of persons who had associated in similar societies was not less than 300,000, at a very moderate computation. They were a class of persons intimately connected by correspondence and affiliation—a class of persons calculated to excite alarm, from their physical strength and resources. He did not mean to say whether the charges then brought forward were well or ill founded; he would only argue that they were more plausible than the present; that the plan then imputed had more probability of success. It would be almost a waste of time to compare those persons with the prisoners—with a society consisting of two poor apothecaries, a broken down gentleman, and two coblers. These men were to accomplish the object attempted in vain by the societies in 1795, at a time when no spirit of jacobinism exists internally, and when, externally, we are at peace with all the world. In the course of his argument the Attorney General had alluded to the Spencean societies; but if he was in possession of any fact respecting these societies which bore on the case, he ought to have exhibited it in proof. This he had not done. Out of the long list of 141 witnesses which he had cited, not one had been called to show that any means had been employed, that any intention existed, to form a connexion between these societies and the prisoners. Such allusions ought not to have been made, because their tendency was to insinuate what could not be proved. If, as in 1795, evidence had been produced respecting these societies, the prisoners would have had the opportunity of meeting it, by showing that, neither in their numbers, nor their means, were they capable of accomplishing the objects ascribed to them, if even they really entertained such views. He meant no personal incivility to the Attorney General, but he must again say, that as the Spencean societies had nothing to do with the case, they ought to have been entirely omitted in the opening. Even Castle had not mentioned the Spenceans. Would this charge have escaped the malignity of that man, had there been any foundation for it? This very Castle had been urged to state, whether he could name any of the men he said he had engaged to act with him at the Spafields meeting, and he could not name one, nor even say that he saw one of them in the fields; so that the whole success of the dreadful plan to overturn the Government, depended upon the mighty efforts of the prisoners, or of the two insolvent apothecaries, the broken down gentleman, and the two coblers, against whom a bill had been found; with the addition of a journeymen tailor, against whom the bill had not been found. In what could the Spencean societies, or any other, be compared with those of 1795? The latter were so formidable, both from their numbers and their alliance with France, that it was thought necessary to put them down by law. It would

be recollected, that it had been made penal to be a member of any of those societies. They formed an organized internal force, capable of co-operating with an external enemy, and that enemy one which had by a decree proclaimed rebellion against every Government. These societies present a contrast, which, in the eyes of every man of sense, must render the contrast ridiculous; and that was a conclusion to which the Jury must have come from the reasoning of their own minds, though he had said nothing on the subject. The whole affair came to this---that the five men who formed the alledged committee, without any possible means, were to overthrow the powerful Government of this country. As for the other, the sixth committee-man, his object was not to meddle with the Government, but to get blood money. He was to be made use of; and it is only to make these four men be drawn on a hurdle that Mr. Castle is not also to suffer, if there have been any treason. He must apologise for again repeating to the Jury, what gentlemen of their education and penetrating minds well knew, that there were three counts in the indictment to which nothing in this case can apply. It would be an insult to common sense, to suppose that the treasons in these counts could be imputed to the prisoners. The third description of treason was, as he had already observed, the only one that could by any possibility be brought to bear on this case, but it was to be judged of by the principles of law which governed the other sorts of treason. In reference to this point, he should take the liberty of calling the attention of the Jury to some cases of treason, and to the opinions of the most eminent authorities on the subject. The legal language in which this treason is described is not merely levying war, but levying war against the King. It is not employing force for unlawful purposes, but employing force against the King---in the language of the law, our Sovereign Lord the King. In this doctrine Lord Hale concurs, saying that it is not levying war that constitutes treason, but the levying against the King only. The question then is, what is levying war against the King? On this question I shall refer to the best authorities; but common sense shows that the levying war against the King must depend upon circumstances and facts. It would, therefore, be absurd to lay down any precise rule. Lord Hale says, what shall be levying war is matter of fact. Indeed it is evident that it cannot be 30 or 40 men, or any given number, merely appearing in arms. that would constitute levying war against the King. It would be absurd to suppose that the amount should form the rule. It must therefore depend upon circumstances, of which the Jury are the sole judges. He admitted, that it was not necessary that war should be levied against the King's person. There was such a thing as constructive of levying war against the King in some cases; that is, a levying of war to force the King to change his measures, or annul the laws of the land. Cases of this kind had been referred to by the Attorney General, and he did not dispute them. For instance, in the reign of Queen Anne, in the year 1709, there was an insurrection in London to burn down all the Protestant meeting-houses, and they were burnt down. This was to force the nation to surrender up one of its laws, the law of toleration; in consequence, this was constructive war against the King. The same charge was instituted in the case of Lord George Gordon. In this

case the toleration given to Catholics had been assailed, and attempted to be destroyed by force: it was, therefore, construed into treason against the majesty of the King. Here the mob did proceed actually to burn down houses. On the same principle, if war were levied to destroy all enclosures, it would be constructive treason; or, though no instance could be mentioned, if it were attempted to force the King to make peace or war at any particular time, it would be treason. The law, as laid down by Lord Mansfield, in the case of Lord George Gordon, requires, to constitute treason, either a levying war to kill, injure, or imprison the King's person, or a multitude assembled to compel him to adopt or abandon any particular measure. Of this last kind there were but 4 or 5 in the course of a century and a half: one mentioned by Lord Hale in the reign of Henry VIII. to destroy all enclosures; another to put down all brothels; a third to release all prisoners; and that in Queen Anne's reign, already mentioned, to burn all meeting-houses, which was carried into effect. Now, notwithstanding all those admissions—and he would admit them, both as an advocate and as a subject of the British Government, to be legal and just—he would contend that the present case was totally different both in law and in its circumstances. There was no case of constructive levying war admitted by all this concession since 1709, and Lord George Gordon's, where the Jury did not find the case made out. There, seven or eight lines comprehended the whole charge; it was the levying of war to put down a certain specific measure, and the result of the trial was accordingly easy and clear. Notwithstanding, then, every admission in history, opinion, and practice, the present charge stood perfectly insulated and unprecedented. Lord Coke and Mr. Justice Foster distinctly state the law of treason to require either direct war against the King, or constructive and interpretative war against the majesty of the King. Whatever would surrender the authority of law to the will of a mob is treason. He would willingly try this case upon that issue. So much for the *law* of the case; he would now proceed to the *fact* of the case. It is then constructive treason to conspire to burn meeting-houses, *if* they are burnt down; to form a plan for throwing down enclosures, *if* they are actually thrown down; to attempt to open all gaols, *if* the prisoners are in fact let out; to set about the destruction of all brothels (such was the fact,) *if* they were destroyed. It was treason in all those cases, because it was in fact declaring that there shall be no toleration, no enclosures; because it was in effect to say, "we will plunder and spoliate the Government of its rights and powers, and appropriate to ourselves." It was saying, "the prisoners shall not be tried; the regality and superiority of law and justice we shall take from Judges and Juries, and invest ourselves with them." Now you have those unfortunate men accused of high treason. Did they insist upon making peace or war? Did they attempt to abolish any existing law, or to establish a new law? There was no better way of exposing the absurdity of the present case than by merely stating the facts in contrast with all other cases. Why he thought so, he would explain. The Attorney-General charged them with levying war, without a particle of evidence, and without even a well founded surmise of their ultimate object. What was their object? They attempted to subvert the Government. What Govern-

ment were they to set up? It was not mere disturbance that they proposed to themselves; that is not alleged: Yet there is no allegation of their object, and no evidence to show what might have been the proposed issue; except a scrap of paper with C. P. S. which he could not consider as either intelligible or illustrative of any design. Unless then this paper were to be proof of their intention to remove the present rulers, and to set up those men as rulers in their place, there was not a vestige of proof even of their intention. Was it likely that those six generals, after they had accomplished the overthrow of the State, would surrender their power all at once to 12 or 13 persons whose names we find on this scrap of paper? It would be an affront to their understanding to say that this construction could be for a moment admitted by them (the Jury.) Castle did not pretend to say what was to be ultimately done. After five hours examination of him, no man could tell what they proposed by this treason. The Attorney-General, though this infamous witness was to give no intimation of the constitution to be established after all their violence was successful, told them that he would prove this a flagrant civil war—*a flagrant civil war* was his expression. Their object was to demolish the whole of the State; it was not levying a war to attack the person of the King, or to abolish any law, but mere rebellion; or, as the Attorney-General stated it---a flagrant civil war. According to the Attorney-General's speech, all those four counts do really melt into the last of them. It was not the death of the King, the destruction of his authority, the levying war to change his measures, all resolved themselves into open public insurrection in England. This was well deserving of their attention. It was deserving of their attention to consider the force destined for this attempt There occurred, indeed, one attempt to assassinate a certain person, which none could detest and reprobate more than he, but supposing the person concerned in this were guilty of delinquency in the highest view, that sure was not rebellion. When they recollected how completely bloodless this flagrant civil war was, that no magistrate was attacked---how easily the army was dispersed---it would be ludicrous to examine all the history of the campaign. What formidable means were arrayed in this flagrant civil war? There was a meeting at Spafields, there was a pound of ammunition, there was a waggon, there was one pistol, and one sword; speeches were made. In the march of this army a flag staff was taken from two of the five generals; Mr. Stafford routed the main division; Sir James Shaw, without any arms, and without fear, dispersed the rest of those insurgents. This was the Attorney-General's flagrant civil war. He had great respect for the character and conduct of Sir James Shaw; but he was astonished, if the civil war was flagrant, why Sir James, who quelled it so readily and effectually, who took Hooper, the last rebel general, had not been created a peer, obtained a pension, or even a red ribband. Either the war was not so formidable, or Sir James Shaw was very ill treated. He would advert now to some authorities on this view of the case. In the reign of Charles I. Benstead's case occurred. It has always been held doubtful; Foster marks it as so; and I have no hesitation in maintaining the same opinion. The palace of the Archbishop of Canterbury at Lambeth was burnt because he advised a dissolution of Parliament: but supposing this to be law, what house

have they burnt? What magistrate attacked? Was the Lord Mayor attacked? He was astonished he did not appear here to give his evidence on the battles fought, and the outrages committed in this civil war. Sir James Shaw's manly evidence showed the thing to be so ludicrous, that the Attorney-General shrunk from calling the Lord Mayor to increase the ludicrous effect. Was the Bank attacked? The infamous Castle gave an account of the mode of barricading the Bank, and beating out brains by broken bottles, which required no observation from him to render incredible and ridiculous. The averment on the record as to this point derived its existence and its proof from a descriptive fancy: but the Tower was attacked. This was some approach to a contact with treason, as the Tower was the King's fortress. The war was levied, not against the person, but against the fortress of the King. This was proof and evidence of war. To argue seriously on this point would be a want of respect to the Jury's understanding and judgment. The evidence of Castle, that infamous perjured seller of human blood, was perfectly incredible, it was supported by no other evidence. This was another instance of the creative vigour of the imagination that presided over the indictment. What was the attack? The language of the record was ludicrous in the extreme. A man went down to the Tower, and with a loud voice called upon the Tower to surrender. One man did this, the rest had all fainted away in their march, or fallen into the hands of Sir James Shaw. If the infamous perjuries of Castle were believed, we have the idle, contemptible gasconade of one man summoning the garrison to surrender. One man is to compel a fortress, whose wall is 30 yards high, and ditch 60 yards wide, to surrender! This perjured evidence must be put out of view, and then they have not a man addressing 50 soldiers, who could never be seen from any one point, but upon the evidence of two soldiers, that the proposal was made only to two men. To this was added, by anonymous supposition, that 100 guineas were offered as a bribe; but would the Crown lawyers batter down their own case, and deny the credibility of their own best witnesses? The Bank was never pretended to be attacked. No violence or disrespect was shown to the Lord Mayor, to any magistrate, or to any officer. Only one man was thrown down in Spafields, and not hurt. If it were necessary to go farther into those matters, he would refrain, knowing that his brother was to address them after him, whose abilities, force of reasoning, strength of judgment, and clearness of discrimination, would set the matter fairly in their view. Where was the war? In Spafields? What was done there?---A speech of which they had some evidence given by Mr. Dowling, the short-hand writer. Nothing of what Mr. Dowling, the short-hand writer, said, was confirmed by any other witness. Nay, others who were nearer than Mr. Dowling, the short-hand writer, could hear nothing with the confusion and noise. But be it all admitted; be it abusive of Government, and violent in terms; be it admitted upon the unsupported authority of Mr. Dowling, the short-hand writer, that it was said "the rule of kings and lords had continued too long," was that war against the King? What else was done? Was the Bank attacked? Was the Tower? Was the Lord Mayor? Was Sir Nathaniel Conant? Let Benstead's case be good: let an attack upon the Lord Mayor, upon Alderman Shaw, or on a constable, be treason;

let Majesty descend with all its functions to the lowest official character, still the present case had nothing treasonable in it. There was not one attack of this kind to form a foundation for treason. Let them always keep in view that war or outrage is not treason, if not against the King. He challenged the King's officers, the Solicitor General especially, to bring forward one single precedent of such treason, taking Benstead's case as his own. No war was levied here but against the atmosphere. Merriment might be blamed, but no man with a British heart, or solidity of understanding in his head, could view such a question of *treason* seriously or gravely. He deplored the outrage upon Mr Platt; but from the very candid and fair evidence of Mr. Beckwith's man, it was manifest that there was no malignity of intention---that it was accident, and not design: but call it murder, it surely was not therefore treason. Mr. Platt in no constructive sense represented majesty. Now he would submit those things to the sagacity of their eyes, and to the minute and critical attention of their minds, and leave them to say whether any precedent or example existed in British history for such a prosecution. Where did this begin? In Spafields?---No. In the city?---No. In the Minories?-- No. In the Tower?- -No. But gunsmiths' shops were broken open, and arms taken thence. This was treason! He would do justice to his own feelings, and to the feelings of the Court and Jury, by expressing his abhorrence of the outrage and violence done to Mr. Beckwith. But the outrage was merely to get arms. No, it was said, it was war. Now, it was not the getting or possessing arms that constituted war; it was the *application* of those arms that could constitute war or treason. If 500 men march through the city with pikes, it would be blameable and punishable, but not treasonable. This was the fallacy of the prosecution; this was the attempt to elude the law. But the means were not the end, and therefore such a foundation for treason was a perfect fallacy, a positive fiction. In law, force, as force, was not rebellion, or war against the King. It is the application of the law that constitutes the act. This was a tumult, an outrage, a riot, what you please, but not treason. The Attorney and Solicitor-General are challenged to find one precedent in any law, opinion, reports, or decisions, of such a kind. Lord Coke distinctly explained that the treason must be supported proveably, and not by conjectures; manifestly, by open deed, or some overt act. The Attorney General offered only inference and conjecture. Is there evidence, not probable, (for Lord Coke explains the far greater extent of proveable,) but manifest, of levying war against the King? The Attorney General says, that to force into shops, and take arms, is war against the King. If that argument be law, there cannot be a case that may not by law be found treason. But he contended, that not to do, but to have done, something against the King was essential to treason. The intention followed with the fact is the evidence in such a case. He called upon the Jury to recollect this distinction, and to keep in view the unparalleled want of evidence in this case as compared with those he had referred to, of Henry VIII. Charles I. Queen Anne, when the Solicitor-General addressed them, or when the Judges summed up. Let them always remember that riot, as riot, or tumult, as tumult, is not levying war against the King. But the flag, according to the Attorney-General, was overt treason; it was

flagrant civil war. This was to give up the weaker, and take the stronger; to refuse the more diluted and weaker, and take the stronger and more unattainable. An object must be found for the treason. It is impossible to find any specific object; therefore, the Attorney-General infers all objects. Law says, that levying of war against the King, compassing his death, &c. constitute treason. It is impossible to find any act of this kind against the prisoners; therefore, the Attorney-General charges all at once. The argument was in a circle. To levy war against the King is treason; these are traitors, therefore they levy war against the King. The law of riot was amply illustrated by the law of Engrand. The great distinction between riot and treason was, that the former was undefined, the latter specific in character and object. This distinction has always been held before, as well as after the revolution. Undefinable riot, though bearing the appearance and attitude of hostility against the State, was not treason. In the reign of Edward VI. an act was passed, making it treason for 12 persons to meet, in order to change any laws, if they did not disperse within an hour after intimation to that effect. This was the model of 2d George I. called the Riot Act. Hale (vol. 1. p. 29.) says, that the 3d and 4th of Edward VI. raised riots to treason; and that Mary I. created them felonies within benefit of clergy: upon which that great lawyer observes, how careful we should be not to introduce constructive treason, and not to extend the statute of Edward III. That law, annulled by the death of Mary, Queen Elizabeth revived, using a very remarkable word in the title---An Act against unlawful and *rebellious* assemblies. But yet, though *rebellious*, and in the reign of Queen Elizabeth, they were not subjected to the law of treason. With her again it died, and was not revived till Geo. I. when a strong party-feeling existed in the nation, passed the Riot Act, in the preamble of which are the words' "Whereas diverse *rebellious* meetings endangering his Majesty's Government, &c. He would stake all his credit as a lawyer upon the doctrine here contended for, and confidently say, no lawyer would differ from him. This act made riots felonies without benefit of clergy, and this is the law at this day. If, then, this be law, riot cannot be prosecuted as treason. If riot ought to be considered treason, be it so: but enact the law manfully and constitutionally. He cited an illustration---the riot in Birmingham, where meeting-houses were burnt, eight or ten houses were destroyed with all their furniture; Dr. Priestley, a most learned man, was driven from his home and country. There was one feature in this case strongly resembling the case of 1709; a man of very great eminence, and very great science, and known to be in opposition to Government, was the special object of it. Dr. Parr, that eminent scholar, was obliged to send his valuable classical library for protection to the college of which he (the learned counsel) was then a student, because that great man was in opposition to Government: yet Sir John Scott, the soundest of lawyers and the best of men, instituted no prosecutions for high treason in this Church and King riot. He therefore implored the Jury, while they felt any British pulsations in their veins, and while they possessed the straight forward undeviating rectitude of British understanding, not to be led astray by the arguments of the Attorney-General, to consider riot and treason one and the same. (Mr. Attorney-General interrupted,

that the argument was not used by him.) He does not use it in terms, but it is virtually and substantially his argument. In motive, malignity, means, or community of object, this case had no resemblance even to treason; and again he challenged contradiction, when he said, that no Attorney General ever attempted to raise such a charge of treason on such a foundation. There were riots in England of a much more extensive, dangerous, and even of a seditious nature, where no attempt of the kind was made. He begged leave to read particularly, an account of one in the first year of Geo. I. when a strong party-feeling existed, and another claimant of the sovereignty in opposition to the family who then began, and he hoped would for many generations, and for ever, continue to reign in this country, had many adherents in the nation:—"Those who celebrated the anniversary of the King's birth with the usual marks of joy and festivity, were insulted by the populace; but, next day, which was the anniversary of the restoration, the whole city—the whole city—was lighted up with bonfires and illuminations, and echoed with the sound of mirth and tumultuous rejoicing. The people even obliged the life-guards who patroled through the streets, to join in the cry of "High Church and Ormond! and in Smithfield they burned the picture of King William." (Smollet's Hist. ch. 1. Geo. I.) This was most marked with rebellious circumstances. The burning of William's picture was an actual declaration of disaffection to the King who reigned by the same title. Yet no charge of treason was originated, though Cowper was Chancellor, Sir Joseph Jekyll was Secretary of State, and Mr. Northy was Attorney-General. Again, therefore, he would assert, that such a riot as that of the 2d of December, was never pretended to be treason. Sir William Blackstone was another authority upon this point, for he explicitly says, that the Riot Act was intended "to support the Act of Settlement." Not only are undefinable elements of disturbance thus subjected to the Riot Act, but even the attacks upon the King's settlement. Other authorities he might quote in abundance, for he could not look into a book without finding confirmation of his views of the subject. It is inadmissible and absurd reasoning to punish inceptive and elementary proceedings as if they had been ripened and completed acts. If riot were not put down, it might become treason, but must it, therefore, be punished as treason? It may by and bye be a civil war --it may endanger the life of the King---the semen, germ, or root, may produce its fruits; but possibility is not the object of punishment. You must not find Monday Saturday. Riot and treason are totally different in their commencement and conclusion. Where again, then, was the commencement of the treason? The view given was not *his*; it was the invariable incontrovertible law of England. It was not an *advocate's* ingenious plea he maintained; he had no new theory to advance or support. He had read his authorities. He would still refer to Mr. Reeve's History of the Riot Acts, and to Lord Auckland's Treatise. That eminent lawyer---first the ornament of the bar, afterwards one of the ablest diplomatists---states, that the act of Edward VI is the model of the Riot Act, and consequently applies to all riots, however seditious and rebellious. He did not say whether the law was good or bad; but if not good, let it be constitutionally corrected. Let not the verdict of a Jury be legislative, or the decisions of a Court of Justice acts of Parliament. If a beginning be

once made, it is impossible to calculate the consequence of such a violation of the most sacred principles. To morrow we may find treason without shop-breaking; next day without 1 brace of pistols; the third day without a flag. There is no limit to potentiality, no correction of undefined latitudes. While, therefore, you have the power of resisting such a sweeping evil; while yet you are there as a Jury, uncontrouled by a single precedent to the purpose of the present prosecution; as you regard the privileges of your birth, as you value the vital fluid that circulates in your veins, resist the admission of a principle so palpably illegal, and so daringly mischievous. He addressed a Jury who knew the history and practice of their country. He recollected the circumstances of the riot respecting the Corn bill, three years since. It was directed against Members of Parliament, as such, the houses of many of the ministers and guardians of the Crown were assailed and broken; at the door of Mr. Robinson's house, a man was killed, and Mr. Robinson was a counsellor: yet no treason started up in this riot. The Lord Chancellor was attacked, and behaved with characteristic magnanimity, but recommended no prosecutions for treason. He adjured them, in the sacred name of truth, therefore, not to bring such a scandal and reproach upon the country, as that one class of rioters should be punished as traitors, while another were treated as rioters. Acts respecting treason were not the offspring of a day, they were the result of much wisdom and experience: let them not, therefore, batter down this consolidated wall of defence; let them not remove the great and essential distinction between treason and riot. If the state of the country required new laws, let new laws be made—but not by a Jury. The dangers of 1795 introduced new laws; if the dangers of the present day require it, let them have a similar remedy; but let not acts of Parliament be passed in Courts of Justice. He was not aware, when a retainer was given him in this cause, of the burden to be imposed upon him. He now found that the case at issue really was, whether riots can by means of a Jury be brought under the statutes for high treason. Would any person tell him that a certain set of riotous acts, or acts of disturbance upon the property of individuals, amounted to evidence of an intention to raise a civil war against the Goverment of the country? He staked his credit as a lawyer, he pledged his knowledge as an historian, he declared his sincere understanding upon a full review of the law of treason, that this offence, as charged in the indictment, did not amount to the offence of treason. What the consequences might be of amalgamating criminal offences where obvious or even shades of difference might be drawn, he left to the Jury. But he begged to remind them, that in our criminal jurisprudence, as it stood at present, the shades of criminality were nicely marked and pointed out. The crime of murder was distinguished with the nicest accuracy from the subordinate offence of man-slaughter, and a barrier thus established between all clergyable and unclergyable felonies. The whole system of our criminal jurisprudence was one of classification and distinguishment: and the question now was, whether a Jury assembled on such an occasion would confound all distinctions in this particular branch of law? He felt himself justified in asserting, that a case of treason had never before been attempted to be established on such

grounds. He could assure the Jury, that the last month had been employed by him in a way not congenial to his usual pursuits---in a laborious investigation of the law upon this subject: he might appear tedious, but if he was so, it was because he regarded it as a question new and extraordinary; it was because an assiduous inquiry into the subject had, as he hoped, given him some clear and legitimate views upon its real merits. The Attorney General of the present day was attempting what none of his predecessors had attempted; and, recollecting the allusions he had already made, he would now refer only to precedents of a modern date. Previous to that reference, but with a view to its application, it might be important to remind the jury, that Watson had been already indicted for a misdemeanor: he had been even tried for a felony; and it was now a matter of consideration whether what was a riot at Hick's-hall, and a felony at the old Bailey, would be exalted into high treason in the Court of King's Bench. To what a distressing alternative must not the jury find themselves reduced, when they found that they were called on to pronounce a man guilty—he alluded to Cashman, already executed; and if the prisoner was guilty of high treason, that man was equally guilty upon the evidence—when they were informed that the crime for which Cashman was executed was not the crime upon which he received judgment, but the crime for which the prisoner now stood indicted. How must the jury feel when they learned in the course of this trial that Cashman was convicted of felony, whilst by the present indictment and the whole course of the evidence, his offence, if any, was that of treason. (*Lord Ellenborough* observed, that there might have been committed a detached felony within the interval of prosecuting a design common to many.)

The Attorney General felt that the observation of the learned Counsel tended to throw an odium upon him, against which he had no regular means of defending himself.

Mr. Wetherell continued.—He had no means of knowing the precise date of the knowledge acquired by Government, and upon which they founded this prosecution. It was plain, however, that all their information with regard to their two former prosecutions had been collected within the period of a fortnight; that within that period of discovery, every secret was supposed to be laid open, and every danger to be detected. But, let it be remarked, that Castle had not yet made his appearance; he was a new character in the piece; and before he referred more minutely to his evidence, he would submit it to a Jury of Englishmen, whether they would suffer the character of British judicature to be so disgraced—whether they would go so far as to hold out an encouragement to the traders in blood, as to admit this man's credibility in a case of life? Would they, he asked, who were the guardians of the purity and integrity of the law, to whose final discretion were intrusted the lives of their fellow subjects, forget those feelings which have never yet been forgotten by British juries, and which, whilst British blood flowed through British veins, never could be forgotten, or Britain would be no more? Would they do all this under law as yet doubtful, upon no other ground than the evidence of that undescribable villain Castle? He was willing that the life of the unhappy man near him should depend on the evidence taken in the wholesale, as it stood fully

compared with and contrasted with other evidence. According to his testimony, then, it appeared that two distinct plans of treason had been devised, one of which had been abandoned as impracticable, and which was to have been executed on the 13th of November. This, it appeared, was abandoned, because the west end of the town was unprepared, and a little delay was judged expedient, to try whether the east end was in a riper state. It would be unnecessary to remark on the absurdity of such a story, were it not that still greater absurdities remained behind. Mr. Watson, the prisoner, being, as the witness Castle has shown, a man of better education, and more scientific profession than the others, was described by him as the person who undertook to prepare the medicaments which were to kill whole barracks full of soldiers by stench. By the same credible account, the streets were to have been blockaded with palisades stolen from gentleman's premises; and the horses disengaged from the hackney coaches to which they belonged, were to constitute a rebel cavalry. Now, with regard to Mr. Cosser's explanation as to the house in Seymour-street, and the confirmation it was supposed to give to that part of Castle's evidence, he would ask whether it was an improbable supposition that a young man 20 years of age should have been led into the contemplation of such a scheme by the representations of a bawdy-house bully, in which character Castle had confessed he had set out in life? He was happy to see by the flickering on the lips of the jury, that they smiled in imagination whilst he took the trouble to discuss this villain's evidence. Many of the circumstances stated by this man might or might not be true, he had only to deal with such as were material to the present issue. He asserted then distinctly, that the whole design of burning the barracks stood upon the testimony of Castle, supported in no other single way than that Mr. Cosser deposed to an application for a house of which he was the owner, situated in the neighbourhood of a particular set of barracks. This was all the proof before the jury of that purpose charged against the prisoner of an intention to stifle the King's troops by chymical preparations. He might here advert to a circumstance mentioned by another witness, who was brought to connect the elder Watson with this extraordinary design. That witness did not go far; but he went so far as to mention, that a dispute took place between Castle and the elder Watson whilst they examined certain barracks, the witness not overhearing it; and what more probable, considering the character of Castle, than that the dispute proceeded from Mr. Watson's pointing out to him the wickedness and the absurdity of the project? But not contented with the extravagant invention and ridiculous gasconade attending the first part of the conspiracy, as related by Castle, his learned friend (Mr. Gurney) had conducted his witness [he would not say led him] into a description of an intended very general plan of operations. It was, indeed, a most curious plan, combining every geographical and territorial consideration, and containing a regular distribution of force, headed by five sound, and one lame general. The most material defect in the plan seemed to him to be, that the conspirators, in devising to take the Tower, and remaining in possession of it, forgot the river Thames, and the possibility that their possession might be disturbed from that quarter. When he reflected seriously on these things, he could not help feeling amazement at this prosecution, and amaze-

ment for the accidental expression of which he had been already rebuked by his learned friend, Mr. Gurney. He could assure the jury, that when he had held up his hands under the impression of that amazement, it was because his natural love of truth, that love infused by God into the heart of man, was shocked; and because he felt that truth itself was blasphemed by the testimony of such a witness. It might be possible, although he would admit nothing, that there might have been a disposition to tumult amongst the persons at the bar; but if the first plan of their operations, as stated in evidence and magnified into treason, was disproved and incredible in fact, how could they possibly believe the same evidence in support of a second treasonable arrangement by the same persons? If there was no truth in one story, was it not a necessary inference, in such a case, that there was no truth in the other? No evidence, not even from Castle showed any designs entertained or attempted against the Bank; and it was curious to observe, that during all the proceedings in Spafields on the 2d of December—he meant for the greater part of the morning—Castle was absent, and appeared only in particular places. The contradictions in his evidence were endless, and he should presently notice one or two very important circumstances. The jury, he had no doubt, knew well that *ex hypothesi* Mr. Castle was not a credible witnesss; his testimony was worth nothing, unless supported and confirmed by the clearest and most unobjectionable proof. Looking then at Mr Castle, he found his character so involved in and composed of infamy, that he might almost run through the alphabet and find for it a double alliteration of crime. Under the letter B there was bawdy-house keeping and bigamy; and here he was reminded that his wife had been sent out of the way for no purpose which was explained, although she was the person most capable of supporting his testimony, as far as a knowledge of circumstances was concerned. If he moved on through his alphabetical progress to the letter F, he found forgery and felony; and to pursue that course of observation no further, he found him engaged in a real treason, by assisting in the escape of French officers, and endeavouring to gain a dishonourable subsistence in that scandalous traffic. He had begun his life, by his own confession, as the bully of a bawdy-house, and now lived upon blood-money—now subsisted upon those wages which were to be the remuneration of his evidence on this occasion. Had he not proved that he stood in the winesses's box in a dress purchased by the Crown? Had not the witness admitted that Mr. Stafford, of Bow-street, had furnished him with the clothes in which he appeared, as the incipient price of his present testimony?

Lord Ellenborough thought this was not a correct representation of the facts admitted in evidence.

Mr. Wetherell said, he only alluded to it as an inference of fact which it was for the jury to determine.

The Attorney General declared, that he would not sit still and hear corrupt motives imputed to him; motives which he defied any man to affix to any part of his conduct through the whole course of his life.

Mr. Wetherell agreed with the Attorney-General, and imputed to him no such motives: but he had a right to assert facts; and what he did assert was, that until Castle was found out, there was no

intention on the part of the law-officers of the Crown to exalt a mere riot and misdemeanour into the transcendant scale of treason. Till that discovery, he insisted upon it, the offence committed was regarded merely as a riot. Since the period of the Revolution, then, no question of so sacred a nature had been submitted to a British jury. He had bestowed a month's painful and laborious investigation upon this subject, which was not within the scope of his ordinary professional pursuits; and all his assiduity in endeavouring to ascertain the true definition of the statutes of treason, only served to make him the more nervous, when he reflected that he stood there as Counsel for the whole people of England against a new interpretation of the law to be made use of for political purposes.

Lord Ellenborough thought it right to remark, that he had never before heard in Court such large imputations upon individuals.

Mr. Wetherell said he had no intention of reflecting on any individual.

Mr Justice Abbott remarked, that it was useless to disclaim an intention to do what there was a perseverance in doing.

The Attorney General could regard the observation of Mr. Wetherell in no other light than as ascribing to him the worst and wickedest of motives.

Mr Justice Bayley said the imputation went even farther, and might apply to those who should hereafter be called upon to give judgment on the present trial.

Mr. Wetherell, with submission, differed from the last observation: none of his remarks were drawn *de persona*, and the law-officers of the Crown, he apprehended, were too hasty on this occasion. He had been about to refer to a clause in the statue of treason of 1795, in order to show that that statute gave the Crown an election to proceed against a party either capitally, or for an inferior offence, and bound the Crown not to proceed in both forms.

This construction of the clause, which was read by Mr. Justice Abbott, as to the election of proceeding, was immediately overruled.

Mr. Wetherell resumed. He might be wrong, but he knew at least that he was not singular in the construction which he had put upon the clause in question: he might be mistaken in his legal argument, but he must again say that he meant no personal reflections on the gentlemen opposed to him in this cause. To return, therefore, to his former argument; it appeared to him that the ultimate question was, whether, upon the evidence of Castle, the prisoner could be convicted of any treason within the statute of Edward III. or within the pale of the other statutes explaining and amending it. His conviction was, that it was not; and this conviction would be supported by his hon. friend, Mr. Serjeant Copley, with whom he had the honour to be associated. This opinion he had supported and would support, with the free agency of an independent gentleman, and the boldness of a British advocate. He would maintain the same opinion in all places; and, if any malignant man should assert that he had denied the supremacy of the State, or the due attributes of Government, he would confront that malignity by an appeal to the uniform and unvaried tenour of his life. He was no defender of riots, no admirer of tumults, no candidate for popular applause, he had no inclination to take from the Crown any of its perogatives,

neither did he wish to see the subject deprived of any legal rights. He was for holding the scales even, for giving to Cæsar what was due to Cæsar, and no more. He had applied much labour on this occasion: he had before him all the cases which he regarded as the best authorities, and upon which his principal proposition was founded; and he challenged and provoked the citation of authorities on the other side. He called for the production of a single case in which any English judge had held that an undefined riot could amount to a constructive treason. No Attorney General of the last century had made such an attempt, though he begged to say that he would take the law from no Attorney General. Every treason must be proved as open deed; it could not be made to consist in acts with respect to which the agents could not, or did not give a satisfactory explanation. The statute of William rendered it necessary that the treason should be manifested by overt acts, and positive allegations appearing on the record. He recollected the language of Sir John Scott, the Attorney-General, in the case of Hardy; and he was sorry that no such principle had been premised by the present Attorney-General, that every act charged in proof upon an indictment for so high a crime, must be supported by formal and convincing evidence. The Attorney-General, it was true, disclaimed every attempt to raise a constructive or accumulative treason, but he was at a loss how to regard the present charge in any other than the latter light. The whole offence was variously composed, and was made up in its component parts of a little, and a very little speaking at the Tower, a little noise, and a little flag, together with a few guns fired in the air. Such an offence, if treason, must be accumulative treason, however disagreeable the phrase appeared to be to the Attorney-General. He must protest equally against what was called parity of treason: and would take the liberty to remind the jury, that there might be moral delinquences equal in the eyes of God, but that it did not follow that that was treason, which was, morally speaking, as bad as treason. The crime of treason did not consist in the extent of positive mischief done or contemplated; and he would wish for no better definition of it, than was laid down in the case of Lord George Gordon. Upon that trial, although London had been burning in fourteen different places; although the ravages of the rioters had produced the most calamitous occurences; although the insurgents' force had been formed into regular array, carrying with it a terrible and frightful awe; yet a British jury acquitted that unfortunate gentleman, however morally guilty, because they could not find in his conduct the evidence of a design to raise a civil war. Treason enough had been committed; but the jury of that day knew how to distinguish between cause and effect, between accident and design, between the transactions of one day, and the transactions of another. The duration of treason was certainly not essential to its existence: but if any treason had been committed in this case, it would have no other date than the jumping down of young Watson from the waggon; for every other fact was a fact of previous notoriety. The meeting was advertised on which the treason was to be performed, all the police were present, the Tower was shut, and a party of dragoons posted in Gray's-inn lane. He would show by Mr. Hunt's evidence, and he must say that it was Mr. Hunt's speech that had done all the mischief, what

was the extent of Castle's infamy, and how narrowly he had himself escaped from being dragged by that wretch into this conspiracy. The jury well knew that there was an epidemic soreness, a propensity to riot, amongst the lower orders at present, arising from a want of subsistence, and a privation of comforts, which, if felt, would render other classes uneasy also: but, however, it was to be lamented that the connection between the employers and the employed was shaken, and that a disposition to tumult should therefore exist. He must deny that there was at present any such conflict of principle, or any such question at issue between the Government and the populace as existed in Lord George Gordon's case, and was created by Sir G. Saville's act. He denied that the existing propensity to acts of riot or disorder had for its object any direct attack upon the state; that it was at all of a political nature: and would venture to assert, that there was in reality no quarrel whatever between the Government and the subject. He regretted his own want of method and distribution, and was hereunder the necessity of referring to the spikes, or pike-heads, as they were called, which were found in the lodgings of young Watson. The young man, it appeared, had left these lodgings a fortnight before the 2d of December, which was epresented to be the day on which they were to be used. It turned rout that they were common railing spikes, for which no handles had ever been prepared, which were ordered by Castle, the witness, who was by trade a smith; and which had been placed in Watson's lodgings as a depository, most probably with an intention connected with this prosecution, or as a matter of convience to Castle, in his occupation as a smith. Why had not Harrison, who was to have proved the order for preparing handles to these spikes, been called as a witness for the Crown? The whole weight of evidence was made to rest on the statements of that infamous villain Castle; a wretch, who never on any occasion, or in any place, was not a liar; and who on this occasion was employed not only in support of a constructive and interpretative treason, but of a constructive and interpretative pike. The only spike actually prepared for any possible mischievous purpose, was filed and sharpened by Castle himself, unaccompanied by any of the prisoners. This undescribable villain, who had been bred a journeyman smith, but who by his own confession had done little or nothing in that way for the last fourteen years, seemed of late to have aspired to what he probably thought a more genteel employment,—the trading in and merchandising in blood. He told the maker of them that he wanted them for a rabbit-warren: was there any thing improbable in supposing that he told Watson the same thing? In any view of the case, it was strange that the authors of a civil war should leave the weapons and instruments of war behind them. He regretted that he should have occupied so much of the indulgent attention of the jury; but he had felt it his duty on this occasion to state propositions of law, from which he would not recede, and by which he was ready to stand or fall, with respect to whatever credit his industry might have gained him in Westminster hall. Tumult was tumult, and outrage was outrage; but the only question here was, whether any violence was intended against the Crown? Whether any means were taken for the purpose of compelling his Majesty to change any law, or to do any other act under the terror of an insurgent force. The principle

he now maintained, he would maintain with resolution and confidence; and before it could be controverted, the Riot Act must be obliterated, as well as the act of Elizabeth, directly applied to what is called "rebellious riots." These statutes created a broad distinction between treason and tumultuous assembling in a hostile attitude and with a degree of force. The jury had a solemn duty to perform in resisting the present attempt. If it was necessary from the state of the times to alter the law, let it be done by the proper authorities, let it be left to the discretion of the legislature. All the overt acts, independently of the mere riot, were proved by Castle only, who had attempted, as would be shown by Mr. Hunt himself, to entrap him on more than one occasion, and who had probably not put down the name of Sir F. Burdett in his paper entitled C. P. S. without some design, had the hon. baronet attended any of the public meetings to which he was invited Upon the testimony of such a wretch he would not put any creature into the stocks; and would a British Jury condemn to the gallows the unfortunate man behind him, when by his death the consequences he had described would most surely follow? He proposed to call evidence in support of those assertions which he had made, and which were not founded on the testimony of the witnesses for the Crown; and his learned friend, Mr. Serjeant Copley, would then enter upon a fuller review of it. He should conclude with repeating, that their verdict was to determine whether the law of the land, as between the Crown and the subject, should remain in its present state, or, whether, upon the pretence of a constructive and interpretative levying of war, a capricious and tyrannical principle of jurisprudence should be introduced utterly incompatible with the free spirit of the constitution.

Mr. Wetherell finished at about half past five o'clock, and it was considered by the Court too late to call the evidence on the part of the defence.

SIXTH DAY, SATURDAY, June 14.

Their lordships took their seats at a quarter past nine, the prisoners having been brought into Court at a quarter past eight. In the mean time Mr. Justice Bayley took some motions of course.

The evidence on behalf of the prisoners was this day commenced. The first witness was

Mr. Henry Hunt, who was examined by Mr. Wetherell.—He said that he lived at Middleton cottage, Hants, but had not received any *subpæna* from the Crown, though he had from the prisoner. He remembered the Spafields meeting of the 15th Nov. and spoke at it to the crowd assembled round the Merlin's Cave. His speech, however, was not any thing like that reported in *The Times* and other newspapers. After the speeches had concluded, a motion was made to adjourn the meeting to a future day—to some day after the meeting of Parlament.

Did any person, and who, afterwards propose an alteration of that day?—Yes.

Who was that person?—The younger Watson.

Do you recollect the father of the younger Watson saying any thing upon that subject when his son proposed the alteration of the day?—I do.

What did the prisoner say?—He endeavoured to prevail upon his son not to propose it, as it was too early: he thought meeting again in a fortnight's time was a great deal too early and unnecessary,

Were they both standing near you?—At this time side by side.

Where did this take place?—At the window of the room of the Merlin's Cave.

Before the younger Watson proposed the alteration, had the elder Watson said any thing upon the motion first proposed?—He addressed the people, but I do not recollect whether he said any thing upon the motion of adjournment or not. I did not first propose the adjournment; there was a general cry for an adjournment; and after that general cry I proposed an adjournment, either to the second day or the second week after the meeting of Parliament; I do not recollect which.

You describe yourself as standing at the window, with the Watsons close to you?—The younger Watson at my right, and his father close by him. The younger Watson pressed to get to the window and he was opposed by his father, not merely with words, but with a gentle force. I beg leave to add, that the younger Watson, in my hearing, was sent forward from the back part of the room by some person there to propose his motion; and his father and myself having heard this, it induced us both, before he began, to endeavour to prevail upon him not to make such a proposal.

Where did you dine on the 15th of November the day of the Spa-fields meeting?—At Cooper's hotel, in Bouverie street: the inn I was staying at. One part of the hotel is in Water-Lane, and another part in Bouverie-street.

Do you know a gentleman of the name of William Bryant?—I do.

Have you known him for some time?—Four or five years.

Did you expect him there to dinner?—He had engaged to order dinner for himself and me at five o'clock.—A day or two before I had expected to meet him there on private business.

Had you invited to dine with you there a person of the name of John Castle?—I had not invited any person, nor did I expect any person.

When you got to Bouverie-street hotel, did you in fact, meet Mr. Bryant there?—I found him there with his son, a little boy. He told me that he had ordered three whitings and chops for three: the cloth was spread for three.

Before you set down to dinner, do you recollect Mr. Castle coming into the room?—I do; it was a private room, not a public coffee-room.

Did any other persons come in with him?—Many; I did not know them all; there were the two Watsons, Thistlewood, Castle, a young man of the name of Clarke, who had presided at the Public Meeting, and, I think, several other persons.

Did Castle come into your room in consequence of your desiring him?—Certainly not; I did not know him then; I only know now that it was Mr. Castle.

Did all the others come into the room with Castle?—They did.

When they came into the room, did Castle or any other person say any thing upon the subject of dinner?—I will answer that question if you please, in my own way. I was not surprised to see the Watsons and Thistlewood come into the room, although I had not

invited them; it being usual at public meetings that those who had taken part in the meetings should dine together afterwards.

But you were surprised that Castle made his appearance?—Yes, and several others; and I remonstrated as well as Mr. Bryant, telling them that it was a private room, that dinner was just coming up, and giving them a hint that it was necessary they should retire. I do not think that I had seen Castle before that day. I never recollect seeing him but with the flag in Spa-fields. The first time I observed him he was unfurling the flag, and fixing it upon a pole, and after I was in the Merlin's Cave, he fixed it at the side of the window.

Having fixed the flag at the side of the window, where did Mr. Castle station himself?—I saw nothing more of him to my knowledge till he came into the room in the evening.

These gentlemen having come into your room, was any thing done by them in consequence of your hint? Did any of them retire?—Possibly some might; but one person, I do not know who, perhaps Thistlewood, proposed that they should have some chops with us. I and Mr. Bryant answered, that we had only ordered dinner for three, and that they could not partake of it. One of them immediately proceeded to the bell, I believe Castle, and said, "We will order some beef-steaks or some chops;" and upon the landlord, or the waiter, entering he ordered fish and steaks to be added to our dinner. The cloth was laid, and we were soon seated.

Was Castle at that time in liquor?—As far as my judgment goes, not in the least.

Did his manner of speaking, or his gait, betray the symptons of a man in liquor?—He was extremely forward and officious, but not at all in liquor.

This postcript having been added to the dinner, how many of you sat down to it?—I should think ten or a dozen, but I do not exactly know.

Was the elder Watson one of those who sat down of the party?—He was. The younger Watson was also there, and Thistlewood. I had seen them the day before for the first time, and those were the names they gave me.

Mr. Castle having invited himself, sat down to table of course?—O, yes.

Was the King's health drank after dinner?—It was; Mr. Bryant sat at the head of the table, and, as soon as the cloth was removed, he drank the King. I observed, "You had better not give any toasts at all, but you shall drink the King," and the toast and bottle passed round till it came to Castle.

To the best of your recollection did the elder Watson fill his glass to the King, taking the bottle as it came by?—I observed that it passed all but one. Clark was next to me on my right, and Watson next to him, and it passed all round till it came to Castle.

When it came to him what occasioned the circle to stop?—It did not stop immediately, but Castle began in a very loud tone, "May the last of Kings be strangled—" I rose from my seat to stop him, saying that no such language should be used in my company.

What said Mr. Castle to that?—He followed on by saying something about the guts of the last priest. This was reprobated apparently by the whole party, particularly by myself, Bryant, and the elder Watson. I beg leave to add, that on this Mr. Castle made a sort of apology.

Did he introduce any military subject into conversation?—Some time afterwards he burst out, "D---m me! the soldiers are our friends." Upon which I said, "Pray, Sir, what have we to do with soldiers here?" He intimated that he had had frequent conversations with them; and my answer was, "the more fool you," or something to that effect.

In short, you gave him a good smart hit?—Yes, If you call that a smart hit Whether upon this occasion I do not remember, but upon one or two occasions he was expostulated with by the elder Watson for his violence.

Do you recollect whether he said any thing about French prisoners?---Yes; he was the general spokesman; he was intruding himself upon every occasion. He related a story that he had been concerned and instrumental in taking two French prisoners out of the country, for which he had been imprisoned in Maidstone gaol for two years. I intimated across the table to the elder Watson, "Pretty company you have introduced here," and Bryant added, "Yes, pretty society we have got into, indeed, I beg leave to add, that Castle said he had received 500l. for carrying those French prisoners out of the country, and that he was to have had 4 or 500l. more for aiding in the escape of another French prisoner in Wales, but that he had been disappointed. His disappointment arose from this circumstance---that he could not get the French prisoner to ride on horseback: that he had carried him a considerable distance in a cart, when he found it necessarry to place him on horseback, but he refused to ride, upon which he said with an oath, "I drew out a pistol, and I waited for some moments to know whether I should blow the b——y villain'sbrains out or not. I had a d——d good mind to shoot him. Upon this Bryant and myself applied to Watson, or some of the party, representing the necessity of their taking their friend out of the room as soon as possible. I believe upon this ocassion, some person, I believe the younger Watson, [it was the first and only time he spoke during the evening] endeavoured in some measure to justify the aiding in the escape of the prisoners; and I have the more reason to think that this was the younger Watson, because the elder reproved him. Castle then produced the flag, with an exclamation that it was his flag, or in his possession, and that he would have his heart cut out before he would part with it. I think at this moment he told us a story about the Spitalfields weavers, of their having made the silk, and he having prepared the rest of the flag. I observed, "Pray, Sir, who do you think would attempt to take this flag? Let me see it." It was then spread, and I read the motto, "Nature to feed the hungry, truth to protect the oppressed, and justice to punish crimes." I said, "I see no harm at all in this flag or the motto, and I am surprised at your violence about keeping possession of it." I believe that this occurrence took place previous to the history of the escape of the French prisoners. Castle then produced three or four knots or cockades of ribband of the same colours as the flag, and he offered me one of them. I refused; telling him "You had better give it to your sweetheart, if you have one," or something of that sort. He then offered it to Mr. Bryant, who said, "O yes, I will take it; it will do for my pretty little maid;" and put it in his pocket. After the history about the French prisoners, I got up and declared that he should go out of the room,

or I would; and, as I said before, represented to Watson the necessity of taking this fellow away; and I believe I should have persuaded them to turn him out, but Mr Bryant, or some other person, said, it would be better not to make a bustle, upon which I declared that if he uttered one more sentence of that nature either he or I should go out of the room: upon which he expressed a sort of contrition, and said no more. Other conversation having then taken place, in a very few minutes afterwards, I saw him rolled up in his chair sound asleep.

Was this what is called a fox's sleep?—At first I expressed pleasure that he was silent, and I begged one of his friends for God's sake not to wake him. It was afterwards proposed by one of the party that they should go, and I requested that the first that went would wake him and take him away. His friends endeavoured without success to rouse him, though considerable violence was used; and as at that time I was thoroughly convinced that his sleep was sham, I struck him a blow in the ribs almost as hard as I could strike, and quite enough to have knocked any common man down. It, however, made not the least impression upon him, but he sat as still as if he had been dead. I then rang the bell, and ordered the bill which came to about 5s. 6d. each.

Had you at this time drank wine enough to make a man what is commonly called drunk?—The dinner was 3s. a head, and I leave it to you and the Court to determine, whether the rest would buy wine enough to make any man drunk; but I say on my oath, that no man in the room appeared the least intoxicated. I remonstrated with Watson about him, and Watson said that he was a very good fellow, but a little indecent in his conduct. Watson appeared to have the greatest confidence in him. When the whole party had got their hats, Castle was as wide awake as I am.

The witness then related that he came to town from Wanstead, (where he had been to avoid all communications between the period of the two meetings) to attend the second meeting and passing in his tandem along Cheapside, he saw a crowd of persons passing on both sides towards the Mansion-house. While looking out for information of the cause, he caught the eye of Castle, who ran up and said, "For God's sake how came you to be so late to day?" The witness looked up at the clock of Bow church, and saw that it wanted twenty minutes to one, the hour appointed; and observed to Castle, that he was all in good time; to which Castle replied, "the meeting has broken up these two hours: we are going to the Tower, which has been in our possession for more than an hour. Come along!" The witness exclaimed, "D—d scoundrel;" struck his horses, and drove off to the meeting, which was the largest collection of persons he had ever seen.

Cross-examined.—He said he did not recollect that all the prisoners dined with him: he had reason to believe that Hooper was there, but not Preston. They did not separate for two hours and a half, or three hours—from about half past 5, to 8 o'clock. The hour appointed for the adjourned meeting of December 2d was one o'clock, and the Watsons knew that that was the hour fixed: it was so stated in the newspapers. The witness's servant was with him in the tandem.

Mr. William Bryant confirmed the statement of Mr Hunt in all

the most important particulars relating to the dinner, though he was not so minute in his details. Castle went to sleep, and appeared to sleep most soundly, the moment the bill was inquired for, but after it had been paid by the witness and Mr. Hunt, he waked as suddenly. At that time Castle was rather ill dressed, not nearly so well as when he gave his evidence.

Mr. James Wright was called, and produced a certificate of the marriage of John Castle to a young woman, at St. Sepulchre's-church.

Mr. Wetherell observed, that his object in offering this piece of evidence was to make out the crime of bigamy against Castle.

Lord Ellenborough asked if the Attorney-General objected, and the answer was that he certainly did.

Mr. Wetherell admitted that he did not produce the certificate to contradict any thing sworn by Castle, but to prove—(*interrupted*)

Mr. Justice Abbot.—To prove a crime, no matter what.

Mr. Wetherell.—Both bigamy and perjury.

Mr. Justice Abbot.—Mr. Wetherell, when an objection is made to the reception of a piece of evidence like this, it is not usual for the counsel to do more than to state generally that it is to prove a crime: that is all that is necessary to raise the question: it is not usual to assert what crime it is to establish.

Mr. Wetherell and Mr. Sergeant Copley then argued, that the certificate ought to be received, notwithstanding it did not contradict any thing the witness had sworn; but as a proof of an accumulation of crimes, which rendered his testimony wholly incredible.

Lord Ellenborough asked if the counsel for the prisoner were provided with the record of any conviction of the witness; but Mr. Wetherell allowed that he was in possession of no such document.

The Court, without calling upon the Attorney-General to reply to the arguments of the other side in favour of receiving the certificate, decided against the admission of that piece of evidence, on the ground that the effect of it would be to bring into issue the private character of every witness examined in every cause. A record of conviction was evidence, but nothing short of it could be produced, but in contradiction to some assertion of the witness whose veracity was impeached.

Mr. George Philpot.—I have known Castle since the beginning of 1811. I have not seen him for two years; but, from what I know of him, I hardly think he is to be believed on his oath. In fact, I say he is not.

Mr. James Lawson had known John Hayward, of Stangate-walk, Lambeth, for upwards of 10 years, and he was not a person to be believed on his oath.

Cross-examined.—Had he ever heard him examined on oath?—No. But his opinion was, that he was a person not to be believed on oath.

William Haydon had known Hayward for five years, and from the knowledge he had of his character, he did not consider him a person that ought to be believed on oath.

Robert Curtis had known Hayward or Haywood for five years. He could not swear that he ought not to be believed on his oath; but in the pecuniary transactions the witness had had with him he had been very irregular. The name of Hayward in the list of witnesses was not his real name; it was Haywood.

Mr. Wetherell thought, that from what had been stated by the last witness, the evidence of the person called Hayward ought to be struck entirely out, for the statute of Queen Anne required that the real name and address of every witness should be communicated to the prisoners.

Lord Ellenborough said it appeared that he was equally known by both names.

Mr. Wetherell observed, that he had merely mentioned it as a point which was new, but should not press it.

George Spurnell stated, that he knew Hayward well. On being asked whether he thought him a person to be believed on oath, he replied, "I know him to be a great rogue, and can prove it."

John Scott was present at the second Spafields meeting, to which he went for the purpose of reporting the proceedings for the *Morning Advertizer*. He went towards the waggon, and at one time was as near it as he then was to the Jury, but could not hear a complete sentence of any thing that was said by the speakers. He was pushed about and did not attempt to take any notes, which would have been impracticable. He could hear nothing distinctly, but the prisoner Watson, he believed, was saying something about the Prince.

Samuel Steer knew George Vincent Dowling, who had stated in conversation with the witness, that, in consequence of these prosecutions, he had been introduced to the Home Department, and the introduction was likely to lead to employment for himself and his brothers, which might amount to £.300 a year.

Here the case for the prisoner closed.

Mr. Sergeant Copley then addressed the Jury.—He spoke the most unfeigned sentiments of his heart when he assured them, that no words he could employ were capable of expressing what he felt on this important occasion. He had to address them on a record the most important in its circumstances at the present moment, and in the consequences which might result from it, that ever was tried in this country. The prisoner at the bar, as a man and a member of the community, had every thing at stake in the result of this investigation, and the interests of the country were deeply involved in the precedent which the verdict would establish. He feared that his powers was not such as to enable him to do justice to the task he had undertaken; but he was animated in discharging it, by a consideration that the persons he had to address would be as disposed to excuse, as they were capable of supplying any deficiency which might be experienced on his part. He felt that he was addressing an English jury; a jury drawn from the most independent portion of the people in this country, and composed of gentlemen, who, from education, attention, vigilance, and penetration, were, he was satisfied, the very best that could have been chosen to try a question of this nature. In addressing such a jury, it was almost superfluous in him to remind them of the necessity of banishing from their minds every thing which they might have heard relative to the case out of doors; but, in the state of the press in this country, it was impossible but that many statements respecting the prisoners must have come under their notice, and that the circumstances which had given rise to these trials might have been frequently discussed. He could not, however, refrain from expressing

his anxious hope, that nothing of that kind should influence their minds; and that whatever they might have before heard on these matters, or even whatever opinion they might have formed before they came into Court, they were now prepared to attend to the evidence alone. He thought it the more necessary to take the liberty of calling their attention to this duty, on account of what had been put forth on the state of the country from high authority. It was matter of notoriety that reports were drawn up by Secret Committees of both Houses of Parliament: on these reports, the law for suspending the Habeas Corpus Act had been put in force, and it was probable they might have met the eyes of the jury. He therefore called upon and implored them to dismiss from their consideration every thing connected with these reports. He well remembered, that in 1794, and perhaps some of the jury would recollect the same fact, the State Trials of that period were preceded by reports similar to those which had been promulgated during the present Session of Parliament; but the independent juries who tried those memorable causes, were cautioned by the great persons who presided over the Court to dismiss those reports, and every thing else but the evidence adduced before them, from their minds. The precaution was not given to that jury in vain. They pronounced a verdict which, however much it was cavilled at by some persons at the time, had since obtained the approbation of every thinking person in the country. They acquitted the persons accused. There was another consideration to which he wished to call the particular attention of the gentlemen of the jury, which was, that nothing which had been done by the prisoner at the bar, however much they might disapprove it, ought to prejudice him in their decision, unless it appeared that he had been actually guilty of the offence for which he was actually tried. 'He may have misconducted himself in various ways, he may have been engaged in riots, or committed offences which merit punishment; all that is nothing, if he has not been guilty of the particular offence with which he is charged. In England, and in every free country, it is indispensible that the law should clearly define crimes; because, without a precise definition of what is punishable by the law, there could be no safety for the people. If this principle be applicable to law in general, it cannot be excluded from the law of treason. There, indeed, it is particularly necessary that the principle should be observed, on account of the nature of the punishment; and also, because the State, which appears as the prosecutor, has the command of extraordinary resources and means, and is served by the first legal talents in the country. The prisoner has no means of withstanding the force brought against him, and nothing to rely on for his defence against the weight of power and talent which is brought against him, except the precision with which the crime of which he is accused is defined. In saying this, he was not merely stating his own opinion, but that of the learned commentator of the laws of England. Mr. Justice Blackstone, speaking of treason, says, "As this is the highest civil crime which, considered as a member of the community, a man can possibly commit, it ought, therefore, to be the most precisely ascertained: for if the crime of high treason be indeterminate, this alone (says the President Montesquieu) is sufficient to make any government degenerate into arbitrary power." Here Blackstone not only gives his own

opinion as an English lawyer, but quotes that of a philosopher, who, living under an arbitrary system of government, had learned to value those securities which defend personal liberty. Blackstone proceeds thus: "And yet, by the ancient common law, there was a great latitude left in the breast of the judges to determine what was treason and not so: whereby the creatures of tyrannical princes had opportunity to create abundance of constructive treasons—that is, to raise by forced and arbitrary constructions, offences into the crime and punishment of treason which never were suspected to be such." Then, after giving some instances of the vague and uncertain state of the law of treason, he says, "But, however, to prevent the inconveniencies which began to arise in England from this multitude of constructive treasons, the statute 25 Edward III. was made; which confines what offences only, for the future, should be held to be treason; in like manner as the *lex Julia majestatis* among the Romans, promulgated by Augustus Cæsar, and comprehended all the ancient laws that had before been enacted to punish transgressions against the state. This statute must, therefore, be our text and guide, in order to examine into the several species of high treason." This foundation of the present law of treason is according to this statute. Before it was passed, the law was quite indefinite and uncertain. What was called encroaching on the royal power, and various other vague offences, were made treason; and, as Lord Hale has observed, every offence that seemed to be a breach of allegiance, was, by construction, consequences, and interpretation, wrested into high treason. It was to put an end to these monstrous laws, that the statute of Edward III. was enacted. That law comprises various treasons: the first was, conspiring to compass and imagine the death of the King; the second, conspiring to levy war against the King. The various other treasons in the act it was unnecessary to state to the jury, as they did not apply to this case: but the Act of Parliament not only defined what treason was, but, what was quite uncommon in statutes, it pointed out the manner of the proof. It expressly required, that the accused should be upon sufficient proof attainted; and that he should be *proveably* attainted in open Court. Lord Hale commenting on this passage, says, that the adverb 'proveably' has in this act great force, and signifies distinct and manifest proof. So highly was this act of Edward III. esteemed by our ancestors, that the Parliament which passed it was called the blessed Parliament; and it has always been regarded as the most valuable and important on the statute book. Notwithstanding the esteem in which this Act of Parliament was held, and the importance of its noble provisions, such is the disposition of power to increase, that new treasons were introduced in the next reign. But these were again happily repealed by the statute of Henry IV. which annihilated the multitude of extravagant treasons created under Richard II. and declared that no treasons should be judged otherwise than was ordained by the statute of Edward III. After the reign of Henry IV. however, the disposition to create new treason revived, as was particularly exemplified by the laws that passed in the reign of Henry VIII. But in the first year of the reign of Queen Mary, all the ridiculous treasons were swept away, and the law brought back to the state in which it was placed by the act of Edward III. This was a short account of what had been done by our ancestors with

respect to the law of treason; and the reason why he pressed it on the attention of the Jury, was to show them the importance, the absolute necessity, of a precise definition of treason, and of the proof of its commission being most manifest. Now, had these principles been adhered to in the present case? Of this indictment he would repeat what had been said by his learned friend, that in length and prolixity it was altogether unexampled. There were four counts, and all the facts charged were gone over under each. It was first inferred, that the prisoner had compassed and imagined the death of the King; but lest the Jury should not be induced to come to that conclusion, it was next inferred that he had conspired to depose the King. If this would not do, then there was a count charging him with levying war against the King. And last of all, they were called upon to say, that he had conspired to compel the King to change the measures of his Government. From the various ways in which the crime was charged, from the diffused nature and endless repetitions of this extraordinary indictment, it appeared that the framers of it were quite uncertain whether there was any treason at all in the case; and had spread their net thus widely in the hope of being able, by some means or other, to catch a verdict. He should call their attention more particularly to the charge of levying war; because if it should be their opinion that what was inferred to be a war was really no war, then the charge of levying war consequently fell to the ground. They had all lived in the metropolis at the time the events recorded in the indictment occurred. Did they ever suppose these occurrences amounted to levying war against the King? In plain common understanding, was there any thing like levying war in the case? There was little of novelty in the evidence: most of the facts had been long known to the public, except what was related in the evidence of Castle, of which he should hereafter speak. The officers of the Crown were not ignorant of the meeting in Spafields, nor of the speech said to have been delivered there in the waggon; for they had obtained a copy of it from the notes of Mr. Dowling. The papers found on the elder Watson, when he was taken by the patrole at Highgate, were immediately put into their possession, as were also the papers found in the place occupied by young Watson. They were well acquainted with the riots in Skinner-street, in the Minories, and at the Tower. In short, every circumstance of evidence appears to have been well known to the Officers of the Crown within a few days after the transactions happened. But with all this knowledge, what did they do? If they believed that there had been a treasonable conspiracy, had they done their duty? No charge of treason was then heard of. Did this arise from negligence on the part of the officers of the Crown? No. It certainly did not, for they were known to have carefully investigated every fact, and they had in consequence of that investigation instituted two prosecutions, one for felony, and the other for misdemeanour. What inference was then to be drawn from this conduct on the part of the officers of the Crown? Why, plainly this—that they did not consider these riots to be levying of war. He said this without reference to that evidence with the precise time of the first communication of which he was unacquainted—he meant the evidence of Castle: but the jury ought to expel that man's evidence from their notes. He felt, however, that he did wrong to desire

them to expel it, for it stamped a mark upon all the rest of the evidence for the prosecution in this case. He therefore entreated that they would not expunge it, but that they would carefully retain it; and when they might have any doubt on their minds respecting any other part of the evidence, that they would carefully look back to that of Castle to solve it, and then he was sure they would not fail to consider what must be the nature of that case which requires the support of such a witness. What the jury had to consider was, the charge of levying war. Now what is levying war against the King? Many circumstances had been construed into levying war against the King, which had not entered into the contemplation of the framers of the act of Edward III. Several circumstances had been enumerated by Lord Hale: such as going into the presence of the King to compel him to change his counsellors—to resist the King's forces by defending a castle against him, and the like. In the case of Lord George Gordon, it had also been laid down as law, that an attempt by intimidation and violence to repeal a law, is a levying war against the King. The cases in which this construction had been given to riots were of very questionable origin. The first instance took place in the reign of Henry VIII. when an insurrection for raising wages was held to be high treason. But let it be remembered, that this was decided in the reign of one of the most arbitrary monarchs; that it was decided at a time when it was not unusual for the King to confer with judges on the judgments they were to pronounce; that it was decided at a period in which there are instances of the Bench being new modelled by order of the Crown. Under such circumstances this decision was not calculated to command much respect; but as it stood upon record, its authority could not be disputed. There was another case of a similar nature in the reign of Queen Elizabeth. These two cases were pointed out by Lord Hale as instances of constructive treason; and having thus been made treason, they must abide by the decision. Benstead's case, which consisted of persons going to attack the Archbishop of Canterbury, was decided at a period of civil war, and under circumstances which render it impossible that any reliance can be placed on it. In short, to authorize the construction which makes a riot treason, the parties must have made a precise, definite, and general object, such as to pull down all meeting houses, all enclosures, or the like, where the universality of the design made it treason. In the present case, then, there could be no treason, unless the jury were satisfied that there was a conspiracy for overturning the Government; for that was the object attributed to the prisoners. But if the jury did not find that they had entertained that design, then there was no treasonable insurrection, nothing but a common riot, and they must be acquitted. Now let us consider the present case.—A meeting took place at Spafields on the 15th of November, and adjourned to the 2d of December. Every publicity was given by the persons who conducted the meeting and to their proceedings. They are thus supposed to have conspired, and at the same time to have given notice to prevent their conspiracy from taking effect. He did not say this was quite conclusive; but surely the notice enabled Government to be prepared to meet the event. What was done on the occasion was well known, and the prisoners could not be so ignorant as not to be able to conjecture what would be done. If they had any design

to overturn the Government they would not have given this notice, unless they had been perfect idiots. This observation, he was confident, would have its due weight with a jury, notwithstanding the apothegm of his learned friend, the Attorney-General, that 'desperate men, would resort to desperate measures.' It was true, men in circumstances over which they had no control, might be expected to act desperately: but here the circumstances were created by themselves, the difficulties and obstacles with which they had surrounded themselves, might have been avoided if they had refrained from giving this notice. This was a point of importance for the consideration of the jury, when the question on which they had to decide was a question of intention. And here they were to recollect, that it did not follow because riots had taken place, that there was a levying war against the King. There must be a deliberate design to overturn the Government. Mere acts of war were not sufficient. The intention was the necessary and indispensible ingredient. A stronger instance of the truth of this doctrine than the riots of 1780 could not be given. There were then many thousands in a state of insurrection—they appeared in a sort of military array, and marched through the streets with colours flying—they assembled in a menacing attitude round the House of Commons—the metropolis was several days in their possession; yet there never was any indictment preferred on account of those riots, extensive and mischievous as they were, except the one against Lord George Gordon, and he was tried and acquitted, precisely on the ground of there being no proof of the intention attributed to him. His learned friend had referred to the Riot Act, the preamble of which declares, that it was passed to stop rebellious riots and tumults. It was evident, therefore, that the law did not consider mere rebellion sufficient to constitute treason; there must be connected with it, as he had said before, the essential ingredient of an intention to overturn the Government. Now how could they find any ground for attributing that intention to the prisoners, except in the evidence of Castle alone; and if they blotted out his evidence from their notes—which, however, as he had said before, he wished them not to do: no, do not blot it out, but let it remain that it may be "the pillar of fire by night, and the cloud of smoke by day," which was to guide them through this long and complicated inquiry—there was not the slightest proof of conspiracy. It is said that he is an accomplice, and that an accomplice may relate the truth. Certainly; but it was for the jury to judge what credit was due to such a witness. He thanked the Crown-officers for having called him; he thanked them for having submitted him to the examination of his learned friend. He was certain that if this were not an affair of life and death; that if it were a mere pecuniary question, the jury would not credit such evidence: but in a case of high treason, it would be an insult to common understanding to suppose they could build a verdict on proof of so baseless and rotten a foundation. But it is said he is confirmed in some of the circumstances, and therefore the rest of his statements must be believed. This was what might be said, with equal truth, of every man who told a long story. He had taken eight hours in telling his. That he might be confirmed in some unimportant particulars nobody would deny; but was that sufficient to entitle him to credit? The mischief which this doctrine might produce was incalculable; but the

jury would recollect that Titus Oates, that infamous witness, who had been convicted of perjury, was confirmed in most material facts, and yet his statement was false. He had, however, to tell his story in times when the heat of party-passion was great, and to Judges who were disposed to believe him. What is the character of falsehood? Falsehood does not invent; it does not wholly create; but misrepresents or exaggerates. It perverts some circumstances, adds to others, and its general object is to engraft on truth some exaggerated statement. It follows, therefore, from the very nature of faslehood, that it must be confirmed to some extent. He did not say that an accomplice was always to be discredited; a man may commit a crime, and repent of it. If, on being called into Court to give evidence he is confirmed, not in trifles, but in the most essential facts, and if there be no suspicion of any corrupt motive influencing his conduct, the jury might venture to give him credit. Now all that he asked was, that the testimony of Castle should be tried by this rule. What was the previous character of this man? A character more infamous, more abominable, had never been brought into a Court of Justice. He was not a man who had committed an error which he endeavoured by subsequent conduct to retrieve; but—and he was confident he said nothing that could revolt the feelings of those who heard him—a hardened practised villain. Having said this of his character, it was scarce requisite to go into the particulars of his story. To discuss them might perhaps tend to weaken the discredit that was due to the whole. Could the jury believe any part of his relation? Could they conceive it possible that any persons in their senses would form a plan for barricading the inlets to the metropolis, with the assistance of drunkards, or any sort of people they might pick up in the streets? The story would be ridiculous if related by any individual; but when they found it told by such a man as Castle, they must attribute it to the most wicked of motives. He thought the case needed only to be stated in this plain way; in deed, in no other way was he capable of stating it; and the prisoners, in selecting him for one of their counsel, must have had a full confidence in the truth and simplicity of their case, for they knew that he had no powers of eloquence to move the jury, and could only lay the facts before them in an honest and straight forward manner. He had said that the evidence of such a man as Castle, to be entitled to credit, ought to be confirmed in the most important points: on the contrary, it had in that respect been most essentially contradicted. At the dinner at the hotel in Bouverie-street, into which he intruded himself, he stated that the health of the King had not been drunk; that he had entered into no conversation about the soldiers; that he had not fallen asleep; and that there was no threat to turn him out of the room. In all these statements, he was completely contradicted by Mr. Hunt and Mr. Bryant. These were not inconsiderable circumstances, and yet they were but of slight importance compared with the magnitude of that contradiction which related to an occurrence of the 2d of December. The Jury would remember the memorable interview which Castle had described himself as having had with Mr. Hunt on that day in Cheapside.

He then stated, that the Tower had been in their possession for an hour, and desired Mr. Hunt to go with him there; and yet he had upon his oath, in that Court, positively denied that such conversation had passed between him and Mr. Hunt in any manner whatever. He was now talking only of the gross falsehood of this man's evidence, independent of the horrible malignity he had shown towards Mr. Hunt and the prisoners, which was sufficient to deprive him of credit in any civilized country. But he had not yet tried the evidence of this man by all the tests to which he had proposed to subject it. The jury would recollect, that, according to his own statement, he had been fed and supported by the Police Office of Bow-street. Money had been given him to pay for the conveyance of his wife to Yorkshire; and it was not unreasonable to suppose, that she had been removed there to prevent her evidence being given as to that offence which the Counsel for the prisoners had been prevented from proving against Castle in another manner. He could not understand why money should be paid to her to go to Yorkshire on any other ground, especially as her evidence would have been of importance to the Crown, as she might have confirmed several material facts in the evidence of Castle, if the circumstances were true. But it is said, he is confirmed in some things. Let us look at the circumstances of his confirmation. Mr. Watson, of whom he tells the improbable story, that he first introduced himself to him with the observation, that it would be easy to overturn the Government, if the plan were well managed, called on him he says the next day, and showed him the drawing of a machine for destroying the cavalry, and a plan of the Tower. Now the jury would recollect, that these papers had been in the custody of the Bow-street-office; and Castle, from intimacy with the officers of that department, might easily have access to see them. Is it then any thing improbable, that so practised a liar as he is should endeavour to build a story on these papers? Yet, on looking at such a circumstance as this, the Attorney-general had gravely exclaimed, here is confirmation. He did not mean to state, that his learned friend had said this directly from his own judgment, but it was the language of the cause he had undertaken to support. He had too much respect for the understanding of his learned friend to suppose, that he would say any such thing in direct terms. Castle had stated, that the plan of the conspiracy was formed in Greystoke-place: there was another witness present, Mr. Harrison; his name is in the list of the witnesses of the prosecution, why has he not been produced? In the conduct of a civil cause, where a few pounds only are at stake, a little address on the part of those who manage it might be excused; but it cannot be supposed that the officers of the Crown would resort to any quirk or subterfuge in a case of high-treason; yet why have they not called their own witness; and a witness too of the greatest importance, as he was present at the very hatching of the conspiracy? This can be explained on no other principle than that they were afraid he would contradict Castle. He knew it would be said that the prisoners might call him: that certainly was true, but it was the duty in the first

place of the officers of the Crown to make out the affirmative. If the object of the Crown were the investigation of truth, they would bring forward every evidence that could be capable of illustrating the case. This person could have explained every thing, could have cleared up every doubt. For instance, the testimony of Castle excepted, there is no evidence that prisoner ever saw the pikes. (Here *Mr. Wetherell*, said, "Spikes, you mean to say.") His learned friend had said he ought to call them spikes. He did not care whether they were called spikes or pikes. All that appeared from Castle's evidence was, that they had been deposited at young Watson's; but if that were true, was it to be presumed that the prisoner had seen them? Harrison was to make the handles. Why was he not called to prove that fact? These pikes, too, were to be used at the meeting; and yet they never appeared at the meeting. He didn't care what evidence applied to young Watson; a thoughtless, sanguine youth of 20 years of age; and who, if he had been guilty of any improper conduct, had been evidently led into it by Castle, who had fastened upon him to sacrifice him? It was true, that if the evidence established the existence of a conspiracy to overturn the Government, then the act of one would be the act of all; but that must be made out to the satisfaction of the jury, before any evidence respecting young Watson could affect the prisoners. Another point in which Castle was said be confirmed is the walk which he states he took with a man called Skinner, and with whom he held a conversation about the avenues. He had little doubt but that there was some truth at the bottom of this statement. There had been just enough of fact to enable Castle to build a story upon it. The account of the shop which was to be taken from Mr. Cosser is another circumstance in which Castle is said to be confirmed; but there is no proof that young Watson might not have it in view to go into business in the way stated. A reference was given to Mr. Thistlewood, and he, it appears, did not mention Mr. Watson the elder to Mr. Cosser, but described the family in Lincolnshire. Now this certainly was not altogether correct in Mr. Thistlewood; but in wishing to get credit for the young man, it was easy to see the motive he had for speaking of the other branches of the family, and avoiding to touch on the unfortunate situation of the father. If indeed, Castle had been suddenly seized, and in telling his story those facts had come out incidentally, they might have some title to be regarded as confirmations; but they assumed quite another character, when he had been allowed full time for the exercise of his artifice, and so many months had been allowed him for ingrafting falsehood and truth. It was strange to hear how this wonderful conspiracy had been given up. A part of the plan of these great conspirators, it seems, was to seize on the plate of all the nobility; and yet the taking of this house, so necessary for their purpose, was given up on account of 15l. being required for entry money. The money, too, was not required to be paid down; a bill might have been given which would not have become due untill the revolution was over. The papers which had been taken in Watson's pocket by the patrole, at Highgate, were also relied on as confirming the story of Castle; but, where were these papers taken to? Like

all the others, to Bow-street, and there Castle must have seen them. (Here the Attorney-General addressed the Court, objecting to this course of argument.) Well, he certainly should not press this point further than it might be fairly urged. He must say, however, that he believed those papers had formed the foundation of the story of the committee of public safety. They had not been proved to be in the hand-writing of Mr. Watson, and had just served to enable Castle to ingraft a story upon them. Then all the great confirmations amounted merely to the walk with Skinner, the bargaining respecting Cosser's house, and the papers found in the pockets of the prisoner. Of what importance were these trivial circumstances towards the confirmation of so extraordinary a plot? If, therefore, they left out the evidence of Castle, there was nothing like proof of any conspiracy. But he again conjured them not to leave that evidence out; for to do so would be doing injustice to the prisoner, for it was an evidence which infected the whole cause, and corroded what might otherwise be sound. He had now to direct their attention to the other parts of the case; and here he would ask the jury, if, after disbelieving Castle in his story of the great plot, they would believe what he said with respect to any thing else? It was well known that there had been a meeting in Spafields on the 2d of December. It might be regarded as a mischievous meeting, and the parties concerned might have had other objects in view, but nothing that had happened was sufficient to induce the jury to believe that the prisoners had formed a treasonable conspiracy, to be carried into execution on that day. That the parties had been at Spafields was also true, and so was the printing of the placards; but here again he must ask, because Castle is confirmed in some trifling particulars, is he to be believed in every thing else? The same remark applied to what had been proved about the waggon, and the parties dining together on the Sunday before the meeting. Was he confirmed in essential facts, because such things as these had been proved by other witnesses? What had been proved respecting the soldiers might be felony, under a particular Act of Parliament, which had been passed to prevent the seduction of persons serving in the army and navy; but unless the conspiracy was first made out, how cruel and unjust would it be to make evidence of these facts apply to Mr. Watson or any of the prisoners, who were not proved to have been present? He did not say that many of the proceedings at the Spafields meeting and other transactions of that day were not improper; nay, criminal and deserving of punishment: but, then they were not to be punished in the way proposed by this indictment, for they did not amount to high treason. But the advertisement for the meeting had been dwelt on. Was it possible that there could be any objection to that, unless it was meant to be said, that that inestimable right of petitioning for which our fathers had fought and bled, was now to be treason? The Attorney General had intimated his giving up that point, but that he took as no concession. The right of petitioning had never been questioned since the tyrannical time of Charles II. Here the Attorney-General hinted that he did not question that right. He knew his learned friend could not question it; but it was impossible he

could avoid the observation he had made, when he reflected on the manner in which the indictment against the prisoners was drawn, and the spirit in which the prosecution had been commenced. With respect to the attempt which had been made to introduce the Spenceans into this case, his learned friend, Mr. Wetherell, had already said enough. He would only observe, that the object of the Spencean societies was, not to make a division of property, but to vest all the property of the country in the Government. This was a very absurd proposition, but it formed no part of the charge against the prisoners, and therefore he and the Jury had at present nothing to do with it. Then, there was a motto, "England expects every man to do his duty!" What! was the language of Nelson treasonable? These were the words of that immortal hero, addressed to those men who defended their country, and performed deeds of enthusiastic patriotism and deathless renown. But there was something said of the state of Ireland. He had seen speeches of Members of Parliament published in the newspapers, which contained expressions fully as strong and as inflammatory. He did not say but such language might be mischievous; but he contended it was not treasonable. Colours were displayed, and this was treason. His learned friend, in his examination of Dowling, spoke of *the* tri-coloured flag, now it was not *the* tri-coloured flag, the signal of revolution, but *a* tri-coloured flag. The Attorney-General had talked of it as an imitation of the flags of the French Revolution. It was not so. The French flag contained white, the crown, red, the nobility, and blue, the people. The flag here was green, nature, white, truth, and red, justice. There was no law to prohibit such a flag, and there was no treason in displaying it. The tri-coloured was quite a frivolous circumstance; tri-colours were in his eye, pointing to the yeoman of the guard, every day. He now proceeded to consider what took place at the Spafields meeting. At the very time the waggon came up there, magistrates, police-men, and constables, were on the ground. Limbrick says he was there 3-quarters of an hour before the mob came to Coppice-row; and from the achievements of Mr. Stafford, it was manifest that half a dozen such as he could disperse them all. Yet they suffered the meeting to go on. Fifty lancers were stationed in Gray's-inn-lane, and could be brought to the field in a moment: 50 lancers were more than equal to 30,000 men, if the meeting was so numerous. By notacting, they showed that they did not consider the meeting mischievous. He wished to God they had interfered; they had then saved the Jury, the Court, and the Country, much inconvenience; but by not interfering, they showed their conviction that the meeting was not mischievous. Speeches however were made, and they had the short-hand notes of Mr. Dowling in evidence that they were treasonable; but could they trust those notes? He had a gentleman in his eye who was most expert in writing short-hand, and yet the Attorney-General could not often recognize his own speech when reported by him. But in such a place as Spafields, shuffled about from right to left, from left to right, could any man take short-hand notes? He went with those notes to the Secretary of State's office. They had been stopt in their cross-examination from enquiring into the

circumstances of the publication; but the publication of those notes was before the information given to the Secretary of State. There was the evidence of Sheerman, their own witness, who could only hear a few phrases. Another reporter too, Mr. Scott, could not hear one sentence, although close to the waggon. Mr. Steers again proved, that if Mr. Dowling was not paid by the Government, at least either he or his brother expected a reward, or some benefit from the evidence. He would not comment upon speeches or words alleged to have been uttered; they might be improper, but were they high treason? Was it likely, was it conceivable, that six men, however mischievous, could attempt to subvert the Government by such means? Next, the mob proceeded along Coppice-row, with three flags; Stafford and Limbrick at once took two of those, a flag and a banner. Huggins represents their numbers at 500. This is the flagrant civil war of the Attorney-General. Two men looked, not round them, but at them, and put them to flight. But in Coppice-row, the Rubicon was passed, and the civil war commenced by the encounter with Mr. Stafford. He now would go farther, and view their conduct at Mr. Beckwith's shop. They had the evidence of Platt and Hone; they contradicted one another. Who was most correct? They could not entertain a doubt of the fairness and correctness of Mr. Hone's evidence; but the person concerned in that affair was not here, and the prisoner was not connected with any misconduct at that place. They had distinct evidence that, after the mob reached Beckwith's, there was a pause, and they proceeded to no violence till they saw young Watson prisoner. This seemed to be the cause of breaking the shop. Upon the evidence of Castle alone stood the charge as to this part of the case. It appeared, then, that young Watson shot Platt by accident. At least by possibility, it did seem that the shot was accident, and the shop-breaking the result of that accident, as the cause of Watson's imprisonment; and where there appeared such a possibility, the jury were bound to give the most favourable interpretation. He would now go farther, and consider the attack upon the Bank. The mob who had this great object in view pass beyond it. Was this likely? There was nothing that such an insurgent army must have stood so much in need of as funds, by getting possession of the Bank this want would be supplied, yet they pass beyond it. Here, again, they had only the evidence of Castle. He told them that the Bank was to be got possession of by means of broken bottles. This was much too ridiculous for remark. They next appeared at the Exchange. Here eight unarmed men attacked them. The Lord Mayor and his friends easily defeated the rebel army. The Lord Mayor was not called to give his evidence. The Officers of the Crown, they were most honourable men, and conducted all their measures fairly; but they felt it prudent not to call the Lord Mayor. Sir James Shaw stated that they easily took some, and pursued the remnant, and that no alarm was felt by any one. And this is a conspiracy! Was it possible for the jury to entertain for a moment the possibility that such a mob could be in conspiracy against the State? It was most absurd, most extravagant, most irrational, to assert such a notion. He would follow the remnant to the Minories. With respect to

this they had most respectable evidence, Mr. Hall's, who offered, with other 6 men, to drive them all away. Not having got this, he went to the Tower, and asked—What? 20 men!—20 men were thought able to rout them, increased as they were with stragglers. Mr. Branden considered half a dozen red-coats quite sufficient to disperse them, and 20 to make them all prisoners. This was the end of their march. Here they strayed 4 hours without aim or object. Their only wish was to have the gratification of firing into the air. This was high treason. Even their marching and firing into the air might be gravely represented so, if they had marched to St. James's, or to any such places. But the Tower was attacked! There was a flourish of sabres and an address to the Tower too ridiculous to be mentioned. Two soldiers contradicted each other on this point. Haywood said, he saw a person in a different place put his foot to the railing, and offer 100 guineas to the soldiers. But it was not Mr. Watson after all that was here. Castle said there were two, side by side. Another soldier said, only two soldiers were on the ramparts. Castle made them at least 40 or 50. Another brilliant witness, brought forward by the Crown, to whom he meant to impute no blame, a witness whose testimony was sworn to be incredible, gave evidence in this part of the case and confirmed its incredibility. Was this then proveably convicting a man? He would next advert to the ammunition. Windermude proved that the ammunition was put into the waggon by Castle. He believed that Castle alone knew of this ammunition. They had it from the highest authority that persons employed as spies upon others, were the instigators of the worst acts committed, (Lords' Report), and this was an instance of it. How came the ammunition to be left in the waggon when the expedition set out from Spafields? This was a striking circumstance, they would recollect that Castle was not present there; the rest knowing nothing of this ammunition, did not touch it, and hence it was found in the waggon. But the prisoner was taken at Highgate. Suppose he had escaped? Did flight, or an attempt at flight, amount to high treason. This case afforded no point for observation that did not turn against the prosecution. They were exhausted—he was exhausted; he would not therefore offer any farther observations. He would only repeat, that, whatever design, whatever misconduct, whatever riot or tumult the prisoners contemplated, or might have committed, the jury must not regard that, unless they are satisfied that the intention and attempt was to overthrow the Government. He had spoken all along of levying war. If they did not find that war was levied against the King, there was no high treason to be found. Their intention, in all that took place, was the whole question. Was it their purpose to depose the King? Therefore, in showing that there was no levying of war, he laid prostrate all the charges against the prisoner. The case was barely this:—Was there a design of subverting the Government? and was the proceeding that took place a following out of that design? Without fatiguing their attention any longer, he would merely express his perfect conviction that, upon coolly and deliberately examining the whole evidence laid before them, they would acquit the prisoner.

Lord Ellenborough now called upon the prisoner to address the jury, if he meant to say any thing for himself, as he could not be heard after the Counsel for the Crown had addressed them.

Mr. Watson (in a firm distinct tone and manner) said, that after the very able speech that was just addressed to the jury in his favour, it would be presumption in him to say one word more; but that he entertained no intention against our form of government by King, Lords, and Commons.

Lord Ellenborough took this occasion to say, that, as he had formerly said, that no report of the proceedings should be published till the trial was finished, he would now repeat, that there be no publication till *all* the trials were finished.

Mr. Solicitor-General said, the period was now arrived, when it became his duty to address them. This duty he felt to be most painful, after so many hours of this day, and so many days before, had been taken up in this trial, and when so many circumstances had exercised their attention; but he had the consolation of addressing an English jury, men of integrity and understanding. He agreed with the learned counsel who last addressed them, and, in common with him, requested them to dismiss from their minds all prejudices from *without;* but at the same time he must request that they guard against all prejudices from *within.* Never were propositions more boldly, and more confidently attacking those who instituted and those who conducted this trial, addressed to any jury. When those propositions were published, it would be seen how clearly they were made. The expressions were indeed avoided, but the insinuations were manifest. They were told that the record was drawn up in a state of confusion, and that it was so in order to mislead their minds, and to induce them to find the prisoner guilty of the crime charged against him. It was also said, that a verdict of guilty would be a repeal of the existing laws, and would create a new treason. Nay more, it was plainly insinuated, that this trial was instituted for a political purpose, and that it was supported only by the perjury of Castle, and that this perjured witness was procured by the Government for this purpose. No explanation could satisfy any mind that this conclusion was not meant to be drawn from their observations, and that this was a prosecution for political purposes, and to establish a new crime. He implored them by their obligation, by their oath on entering that box, not to regard insinuations unfounded, unsupported, and without proof, while investigating the evidence before them. He knew that they would act as if they knew nothing of the case before they entered that box. Notwithstanding the able defence that was made for the prisoner, he would confidently submit that the case was made out against the prisoner; but he would not anticipate their decision. He would first offer a few observations as to the law of the case, so much commented on by the counsel for the prisoner. He could, and he would lay before them statutes and decisions as the foundation of his remarks. Much had been said of the multifarious charges in the record. They were four in number; but they were proved by the same acts; and if they proved those acts, all the charges were made out. The charges were numerous for the benefit of the prisoners; the long and minute description of all the acts and circumstances charged

were for the purpose of informing the prisoners of their charge, and preparing them for their defence. If, by a long train of circumstances, the guilt of the prisoner was established, the conclusion might be as satisfactory as though the clearest overt act precluded the necessity of such investigation. This was reprobated as accumulative treason; as well might the charge against Donaller and Patch be called accumulative murder. All those attacks then, made upon those that instituted and those that conducted this trial were, first, unfounded, and, in the second place, they had nothing to do with the decision of the jury. It had been attempted to throw ridicule upon the first charge of compassing the king's death, from the age, and virtue, and infirmity of the sovereign; but they must know well, that, both by law and by decisions, any acts tending to depose the king, or to subvert the government, amounted to compassing and imagining the king's death. Mr. Wetherell would not take the law from the Attorney-General, he would not take the law from Mr. Wetherell. Before remarking on the second charge, he would proceed to the third, because it arose from the same act of Edward III. of which they had heard so much. He would show, from the same law books which had been cited on the other side, what was the uniform doctrine and practice as to levying war against the king. The great fallacy of his learned friends was, that there could be no levying war, unless it was successful. If not successful, which, thank God, it was not; yet if he proved the intention to levy war, he could call upon them to give a verdict for the crown. It had been attempted to influence their judgements through their feelings; but the case which they had to consider was fairly stated by his learned friend who spoke last, he had put it on the true issue: viz. the intention from which the different acts proceeded, and upon that issue he was content to have their unbiassed verdict. The 36th of the king made it high treason to levy war for the purpose of forcing the king to change his measures or dismiss his counsellors. The Attorney-General had been misrepresented by Mr. Wetherell; for though levying war was not before treason, it was always evidence of treason. The Attorney-Geueral had not said, that the facts charged might as well be brought under one count as another. But his learned friends on the other side confounded crime, and evidence of crime. The charge did not go to abolish law, or to create a new law. These arguments were objected in the case of Tamarcy and Purchase, in the reign of Queen Anne. In that case, treason was the charge, and the prisoners were convicted: yet it had there been objected, that the acts charged did not amount to treason, and that a verdict of guilty would abolish the established laws. The arguments, therefore, were not new. He had made but a very slight research into these matters, till the Attorney-General was charged with creating a new treason. If persons assembled, as the prisoners were, for redress of real or fancied grievances, proceed to effect their purposes by force, he cared not whether they had provided for a new government, their conduct was high treason. If they had got possession of the Bank and the Tower, would it then be a riot? The attempt was made, but all those things were riot, and not treason. If then he could prove the intention, suc-

cess was not necessary, and he would call upon them for their verdict. If they proceeded to overturn, or to attempt to overturn the Government, the jury were bound to find it treason. It was his wish, and he would endeavour to consider the evidence calmly and dispassionately, and they would weigh all the facts and circumstances calmly, coolly, and dispassionately. If they believed the prisoner had no intention to overturn the Government, they would acquit him; but if they believed the intention, however absurd, existed, they were bound to find him guilty. He would now state the law on the subject:—In the case of Bertrand, in the reign of Henry VIII. a conspiracy to destroy enclosures was found treason. There was another instance referred to of 100 persons conspiring to break down all bawdy-houses; but the statute of Edward VI. was alleged to be unprecedented and temporary; yet all Judges, before and after that statute, acted upon its principle. In the reign of Elizabeth, it was declared treason to levy war within the realm, whatever the object; and the 36th of the King was almost the same act of Elizabeth's renewed. But there was a case, commonly called the Apprentices' case, which bore a wonderful resemblance to the present. Great numbers assembled together; 300 were stationed on Tower-hill; others were placed on Bunhill; they broke open houses and took arms; their object was to release prisoners, with whom they felt a common interest. In his learned friend's words, was that treason? No; it was only to relieve other persons confined in prison. That, however, was treason in the time of Elizabeth; yet it is said, that now it is attempted to create a new treason. This alone was sufficient for his case. But Mr. Justice Foster, quoted with so much confidence on the other side, distinctly says, that every insurrection to effect a change of Ministers, or to dismiss Ministers, has always been considered an overt act of treason. If there appear in any way an intent of subverting the Government, whether effected or not, it was treason. He was more anxious on this point, from the attacks of his learned friends; those attacks were the beginning, the middle, and the end of their addresses. Here the Solicitor-General read some paragraphs which he had taken down of Mr. Wetherell's speech, and animadverted upon its charges and insinuations against the prosecutors. He would now proceed to enquire into the facts. From those he would satisfy the jury, that the case was made out by the clearest and most satisfactory evidence. He would be ashamed to found his charges upon conjecture. If the proof was not satisfactory, they all were not for a verdict from the jury. Mr. Justice Foster stated, that proveably meant that the proof be sufficient; but was the proof of high treason different from other proof? The question for them was the purpose and object for which they met; and if they had evidence that the purpose was to subvert the Government, they must find the prisoner guilty. Much stress had been laid upon the character of Castle. He had been mentioned by the Attorney-General as an accomplice. None could be comparable to an accomplice for disclosing the whole scheme of the conspirators. Let this man be as infamous, as perjured, as villainous as they pleased, he was Mr. Watson's friend and companion. If he was infamous, and covered with crime, if he was capable

of every act of malignity and mischief, for what purpose was he taken as an associate by Watson, Thistlewood, Preston, and Hooper? Unless his evidence be confirmed, they were to give him no credit; but it was not necessary to have all facts confirmed, else what could be the use of an accomplice's testimony? He would quote his evidence and confirmations from the evidence of others. If his evidence was given in a credible manner, and if parts were confirmed, then were they bound to believe. He was said to be the hired and paid instrument of the Crown. The evidence of treason was first given by Castle. Seymour-place and the pikes were made known by him. Then Government instituted this prosecution; and it would have been most blameable not to have instituted it. If he could bring now proof upon proof, and this was the language of the Attorney-General, they would be satisfied, and give their verdict accordingly. It was true, the gauntlet had been thrown down to account for delaying to institute this prosecution so long; but what complaint could there be made against Government for delaying the prosecution, till they obtained evidence of the crime? Insinuations were more than made of the intention and object in this prosecution, but they would pay no attention to such insinuations. Allusions had been made to the trials of 1795, and the acquittal to Lord George Gordon, and the approbation with which the verdict of acquittal has been regarded ever since; but the jury had nothing to do with those trials and verdicts. The object was to influence them to acquit, because the juries of those cases had acquitted. But in the case of Lord George Gordon, the verdict of acquittal might, and probably was not, because the levying war was not treason, but because he was not properly connected with that levying. But in 1780, so many houses were broken into, and the House of Parliament was attacked, yet a verdict of acquittal was returned; therefore now, when the injury done is fortunately not so great, a similar verdict ought to be returned; but they must dismiss those cases from their minds. It was not upon appeals to them as Englishmen and as jurors, but upon facts proved to them, that they must decide this case. He would now proceed to the facts without further preface. But he had almost forgotten to expose the absurdity of appealing to former verdicts, by stating that he might as fairly have argued Despard's scheme was as wild and visionary as the prisoners'; a verdict of guilty was returned against him, therefore they must convict the prisoner; but he would use no such argument. Lord Chief Justice Holt says, "It is very hard, if not impossible, to detect treason but by means of accomplices; their testimony is very good, if legally confirmed." He farther goes on to say, "They are the best witnesses, for without them no knowledge of the secret plans of conspirators can be obtained. It is evident in itself, and experience had proved that it was impossible to discover the most nefarious and atrocious crimes, if accomplices were not admitted." A curious hypothesis, and one which one single syllable, said, and in a part where it was impossible for Castle to be the contriver, defeated, as he would afterwards show, but it was put, and with gravity—that all was the contrivance of Castle, and that he had contrived it with a view to blood-money. Yet they were asked to believe in their

sober seuses, that he who was so correct as to dates, facts, and persons, had plotted, and hatched, and prepared all this. This infinitely surpassed in absurdity the very plot whose absurdity they appealed to so frequently. Where does this contriver first meet with the prisoner? In the Spencean society at the Cock, in Grafton-street. It was said to be extremely surprising and incredible that the prisoner should at once disclose his intentions to Castle, but the Spencean doctrines, absurd as they were, were broached by Mr. Watson; and discovering in Castle, mischievous as he was, an extremely fit person for understanding and effecting his purpose, addressed him as in the evidence. This he did not inconfidence, but to sound im. But desperate men will have recourse to desperate measures. What was there so incredible in selecting, when hatching and contriving a desperate plot, a person who had audacity enough to set about its accomplishment? Castle accordingly was soon introduced. The absurdity of the scheme, too, was used as argument here. It was absurd, but desperate men will have recourse to desperate means and contrivances. Believing the spirit of the country to be fit for their purposes, they contrived this plot. Its existence was not to be proved by mere probability of the scheme. Despard's treason could not be so proved. If he proved that the plot did exist, then he was entitled to their verdict, however wild the scheme. If he should omit any part, or stated any part too strongly, they would not impute it to any wish to obtain a wrong conviction, though an example of that kind had been set to him. It could not be said by a jury, that because the scheme was wild, irrational, impracticable, therefore the evidence of its existence was unsatisfactory and illegal. Let them only examine whether the scheme did exist. Let them first advert to Greystoke-place. Who took the house there?—Mr. Watson, to carry on business as an apothecary and surgeon. Did he carry on such business?—No. It was a convenient spot for plots. Here again they would observe that Watson did not appear as the person who took the house: that was known only to the proprietor. This was important. Watson was not at Beckwith's; while he contrived the plot, and instigated others, he was not himself to appear; but he was answerable for every act of the joint conspirators; this they would hear from the bench to be a sound principle in judging of the criminality of each of the conspirators. There would be an end of all law if it were not so. Very early in their intercourse, Watson showed Castle two papers, a plan of a machine against cavalry, and a sketch of the Tower. Those very papers were afterwards found in the room of young Watson, in Hyde-street, Bloomsbury; yet Castle was the contriver of the whole. He made these plans, and conveyed them to Watson's room before the 18th of November. He must have been the greatest prophet that ever lived; he foresaw that young Watson would leave his room on the 18th of November, and not return to it again; he foresaw that those papers would be left there; he foresaw that Vickery should come there in December, and find those very papers. When talking of credibility, was there ever such a proof of a witness's credibility as was here afforded? Those papers were found in young Watson's room; this must be believed, because there was

abundant evidence, hut this confirms Castle's testimony. Another confirmation was afforded by Skinner. It was pretended that Castle had met Watson by chance, near the King-street and Portman barracks, and hence formed his story; but Skinner gives evidence of a discussion and contest between Watson and Castle there; and old Watson himself had brought Skinner with him. But another person, Harrison, was present when they met, plotted, and conversed upon their schemes. Why was not Harrison called as a witness? By a statute for the protection of persons charged with treason, the prosecutors could not; a witness could not be asked a question by the prosecutors that might involve a crimination of himself. But if Castle's story was false, why did not the prisoner call Harrison to contradict him? They had argued that he ought to have been called to confirm Castle's evidence. This they could not do; for they could not call a witness to give credibility to another witness on their side; but that the prisoner did not call him was a negative confirmation of Castle's evidence. Besides, if Harrison was innocent, he would be forward to contradict a statement that affected him so deeply. If Castle be so ingenious, would he mention Harrison, and thus run the risk of detection? Again a confirmation occurred iu Bouverie-street. Of Hunt, he meant to say nothing; he agreed with his learned brother in reprobating his political principles and conduct, but he confirmed a most material point of Castle's evidence; the toast given by Castle was confirmed—a toast which he would not repeat to them, but which could not be given in any society where the person giving it could be longer endured: but this loyal society gave the King as a toast! Another part of the transaction that deserved attention was the pikes. Much ingenuity, and more levity, had been displayed on this very important point; but Castle was here confirmed by witnesses, and again by Harrison. Harrison introduces him to Bentley, and was with him when a pike was made and brought to young Watson. There was a curious confirmation here from a very minute circumstance. Bentley was applied to and refused him. Could this have been foreseen or contrived? Castle was asked, on his cross-examination, if he knew any thing of a key. They knew the design of that question, and, with the acuteness and discernment they possessed, they must have marked its complete failure. Castle's character was blackened by the foulest crimes, he admitted; but his evidence was fully confirmed. Those pikes are again found concealed in the place to which they were conveyed. They were not used, but the reason was, that Harrison had left them, and thrown them into alarm. They withdrew upon this to the Blue Last; but Harrison shews that he has that faith that will not disclose dangerous designs; therefore they return to Greystoke-place. Then it was that the spirit of the people, and the distress of the country, made them resolve upon calling together all the distress of the metropolis. The artifice of electing Clark as chairman, was confirmation strong of their design. They wished to conceal their treason under the mask of petitioning for reform, till their plans were matured. The application to take a house in Seymour-place was confirmed too. The scheme was wicked and ineffectual, yet they did resolve to set fire to the

avenues of the barracks, to prevent the soldiers from acting against them; and, for the purpose of storing the materials, took this place. This prophet, Castle, foresaw that Cosser would not let the house, and went with young Watson. Watson was introduced, and is supposed from mere accident to have given reference to Thistlewood, the only one that has money of the party. Thistlewood said (so much truth and fairness had those gentlemen), that his father was a respectable farmer in Lincolnshire. Why was no evidence called to explain this fact? But why should he dwell upon this? It was not money that was wanted; a check was offered which would be cancelled by the revolution; but the reference was not satisfactory. Their conduct afterwards was confirmation of the general truth of Castle's evidence. There were no details of their ulterior measures. That was not necessary and not prudent. Hooper was introduced in room of Harrison. One of them always accompanied Castle, who applied in every place where it was likely to promote their scheme, and spread his net, according to a figure used on the other side, so wide as to catch all the distress, discontent, and disaffection, in the country. He would now come to the second part of the plot, which he would beg leave to say was the best contrived for their purposes that could be imagined. They were poor, and not likely to excite suspicion; they spread sedition from place to place; they were among the navigators of Paddington, in Spitalfields, at London-bridge; these arts they practised morning, noon, and night; and they regularly made their report at Greystoke-place. One meeting they resolved to hold which should be legal, and which would collect together a great body of people. They thought it necessary and prudent for their object, to invite Mr. Hunt, to give eclat to the meeting, and perhaps to make better speeches than they could themselves utter. Mr. Wetherell was mistaken in saying that the paper found in Watson's pocket, containing a list of names, among which was Mr. Hunt, formed any evidence against any one but the conspirators who plotted to destroy the Government, and to appoint this committee of safety. Watson was found applying to Storer, the printer, and getting the bills from Seale. There was no wish or object that was not common to the Watsons, Thistlewood, and the rest. At the first meeting the flag was displayed; both his learned friends had objected to calling it the tri-coloured flag; but it was tri-coloured, and though green was put in place of blue, the flag was still the sign of revolution. Hunt moved an adjournment, and young Watson moved an amendment. Here Castle was confirmed; for Hunt says, that young Watson was sent forward by a person from the back of the room, and Castle had said that Thistlewood had sent him forward. Old Watson is supposed to have objected, but the amendment was adopted. This meeting was so large, they resolved to call another meeting with an advertisement in stronger terms. In the mean time they were busy. Hunt said Castle spoke of keeping the flag, and it was attempted to have it represented as his. The motto of the placard was artfully connected with the name of Nelson, as if this could conceal the spirit of insurrection and rebellion it indicated. His friend had gone no farther, but he would. What duty did Watson, Thistlewood, and Castle, recommend to the

mob in Spafields? Were they placed like Nelson and his men for the defence of their country? Hunt fixed the meeting at one o'clock; the handbills at twelve. During this hour, they could receive arms and other implements for bringing their designs to their consummation. Four millions were said to be in distress, &c. It was insidiously said, in the smallest type, that those who had engaged in riot were ill-informed of the objects of the meeting. Then, in large characters, it was said, the nation's wrongs must be redressed. They proclaim to the Government, that reform was their object. They circulate among the lower orders their seditious bills. One party frequently visits the Tower. His learned friends were very tender of this point. They carry hand-bills and distribute them there among the soldiers. They go to the smiths in Westminster-road. Gunsmiths' shops were inspected. Did this find no confirmation in the acts of the 2d of December? But they procure arms for themselves before the meeting. This was by accident. The pistols, he supposed, were put into young Watson's hands, into Hooper's pockets, and into the elder Watson's bosom, by Castle the contriver and prophet. It was a peaceable meeting. Why did the Watsons, Thistlewood, and Hooper, go armed?—the acts of that day explain. But he would again revert to the dinner on the 15th, at Bouverie-street. Harrison and Kearns were not called as witnesses to contradict Castle, but Hunt and Bryant were called. A remarkable circumstance was thus brought before them. Watson apologized for Castle, saying, 'He is a very good, an excellent fellow.' Hunt says, he struck Castle a blow that would have knocked another man down. Bryant says, he only shook him, or gently touched him. But he would now come to the proceedings of 2d December. Kearns and Angel were at dinner with them the preceding evening. They dined at Evans's. Thistlewood parades Bethnal-green with his flag unfurled to collect a multitude. Castle was not there, but the Watsons, Preston, Thistlewood, and Hooper are there. Old Watson first addressed the people. Mr. Dowling gave an account of this speech, and no imputation was cast upon him because he had communicated, as he was bound to do, what passed there, and because he or his brother got employment in writing short-hand notes from the Government. He was attacked as if he were hired or bribed by the Crown; but the manner and circumstances brought forward confirm his statement. The speech bore a striking resemblance to a paper found in Hyde-street, which was evidently intended for the beginning of a speech. It was most inflammatory. His son addressed them next, and in a string of interrogatories, concluding with, 'If I jump down, will you follow me?' The two Shearmans, too, confirmed the evidence as to the speeches. A banner was inscribed with, 'The brave soldiers are our friends.' This was in exact conformity with their previous attempts upon the soldiers, as testified by Castle. At Beckwith's, they broke into the shop, and took away arms, and this was attempted to be explained away. The shot fired was only an accident! The shop broken into was only the consequence of young Watson's confinement! Watson afterwards showed contrition; yet this contrite youth afterwards loaded two pistols in that very shop! His learned friends had here left the strong parts of their case,

and brought forward the weak parts fully into view. Not a shop was attacked but gunsmiths'. To the Tower! was exclaimed among the crowd in Coppice-row, and most likely by young Watson. Sir James Shaw said that no alarm was felt; but Mr. White said they were all alarmed. The Lord Mayor was not called, because it was the day of his election. The learned gent. thus commented on the several parts of that day's proceedings, and concluded by calling upon the jury, if they viewed the evidence as he did, as they valued the peace of the public, their own future peace and security, the stability of the State, and the administration of public justice, to find a verdict of guilty against the prisoner.

The Court rose at half past 6 o'clock, to sit again for summing up on Monday at 10 o'clock.

SEVENTH DAY, MONDAY, June 16th.

Mr. Justice Bayley took his seat at 9 o'clock, when the grand jury for Middlesex were sworn in as usual. This ceremony, together with a very short charge, occupied nearly an hour and a half.

The jury entered their box at a little past 10; and before half past 10, the whole Court was assembled.

Lord Ellenborough addressed the jury as follows.—The evidence on both sides having now been concluded, and the counsel, as well for the prosecution as the prisoner, having finished their cases, it now remains for me to address to you such observations as seem necessary, and to present to you, as well as I am able, the evidence taken during this long proceeding. When that has been completed, it will become your duty, dispassionately and conscientiously, to weigh the whole, and to form such a conclusion on the balance of testimony as is consistent with truth and justice. This is an indictment for high treason, and it contains four charges, two of them founded on the old statute of Edward III. which was passed for the purpose of collecting and embodying all the treasons thereafter to be considered, and which continues at the present day in full force. Several other acts have since been found expedient, from time to time; and one in particular, passed in the present reign, not so much enacting new treasons, as declaring those that were included in the stat. Edw. III. The two charges under the old act are first—compassing and imagining the death of the King; and, secondly, levying war against the king: These have been already so much the subject of comment on both sides, that it is scarcely necessary to add any thing in explanation, but to the compassing and imagining the death of the King, your attention has not been expressly directed; and certainly we have no evidence of any design to accomplish the personal death of the Sovereign; but any thing aiming at the destruction of the legal policy of the realm, such as the deposing or imprisonment of the person of the King, or the destruction of the regal constitution of the country, is considered in law as aiming at

the life and safety of the Monarch with intent to subvert and destroy the monarchy. On this point, I cannot refer you to a higher authority than my Lord Chief Justice Eyre, who said, that it was so undeniable a presumption of fact, arising from the proof of the intention to depose the King, that the life of the Sovereign was aimed at, that it had been adopted and made a presumption of law. Upon this point, however, it is not needful that I should dilate; it is sufficient to state that the charge has been properly introduced into the indictment. The second count is for compassing and imagining to depose the King, and every act aiming at the destruction of the regal authority of the realm is, in contemplation of law, a compassing and imagining to depose the King. With regard to the third count, that for levying war, I would rather speak in the language of the grave authorities of the law than in any other terms I could select: those authorities, but especially Mr. Justice Foster and Lord Hale, have had the sanction and approbation of the most learned men, and their opinions have been virtually received and quoted as the text law of the land. The former of these most eminent persons, Mr. Justice Foster, expressly states that an insurrection to throw down all inclosures, to raise the price of labour, to open all prisons, or any acts of general opposition to the authorities of the law, are, in construction of law, high treason within the clause of levying war; and he then refers to the statute of 5th Edward III. to which I have already adverted. It seems, however, that tumults that have a private object, and a more individual interest, such as in the early periods of our history, the contests between neighbouring clans, are distinguished in this very statute from those which are attacks upon the regal authority of the realm. If, therefore, it should appear, as was contended by the counsel for the prisoner, that the riot in which he was concerned was merely a disturbance, not directed in any way against the regal authority of the realm. I trust no person would ever seek to confound the limits of the two offences, and to mix up a mere riot with treason: in order to make it treason, it must appear that there was a design to overthrow the government of the country. The question, and the only question you have to try, is in reality this—Whether the conspiracy in which the prisoner was engaged were or were not a conspiracy to overturn the government of the country. In addition to what I have stated to you from the work of Mr. Justice Foster, allow me to refer you to what my Lord Hale says upon the same subject, who holds precisely the same opinion; who adds, that the levying of a force to disable the King from changing any measures or from adopting any measures he has a right to adopt in his kingly capacity, is effectually a levying of war against the King. These three counts are therefore competently framed under the statute of Edward III.; the subsequent act, as I have already said, not in fact making any new treasons that did not before exist. No blame can certainly be imputed to the counsel for the prisoner for the contention they have made upon this point; but let me ask you, if the evidence shows that this riot was a mere irregularity or disorder, does it not on the contrary appear, by the testimony I shall presently recapitulate, that it was, to all intents and purposes, a levying of war. Be-

fore I begin, however, one observation I must make. It has been said on behalf of the prisoner, that the counsel for the crown ought in justice to have called two persons of the names of Harrison and Kearns, to whom reference has been made in the course of this proceeding; and it was added, that if those witnesses had been produced, it would have been clear that the parties had no treasonable purposes, and the case would have been stript of all the doubt and difficulty that now hangs about it. To this it may be answered, that the counsel for the crown could not have called them: and what is stronger is, that the counsel for the prisoner might have called them. If the crown had put Harrison into the box, it could only have been to criminate himself—he might have demurred to the questions, and that demurrer could not have been over-ruled. Though it is true that against Kearns no bill was found, yet if sufficient ground were shown, another bill might be presented against him, and for the same reason he could not be required to put himself in peril by answering the questions. This objection could not apply to the prisoner, if indeed his purposes were innocent and honest: his counsel had a fair course to pursue; they might have put both into the box, and by a few plain questions, have supplied a distinct and entire exculpation. You will recollect that Harrison was one of the earliest members of this association: he knew what had been done from the beginning, and could have afforded most important evidence to prove the prisoner's innocence, if he were innocent. Kearns came later into communion with the parties, but his evidence could not but have been material. Why did they not call these men to disprove all the testimony of Castle? and instead of casting blame upon others for not doing that which it was impossible for them to do, they themselves deserve censure for not doing that which by law they might. I will not occupy your time by farther remarks of a general nature, except a word or two upon the subject of accomplices: it must have often come before you in your capacity as jurymen, and secret transactions, especially of this sort, can never be exposed but through the medium of accomplices: it is necessary to procure intelligence of such matters through a channel certainly not pure; but it has been acted upon at all times, and every day, in every criminal tribunal of the country. If you find an accomplice so confirmed that you can give credit to his story, you will give him that credit to which he is entitled, notwithstanding the taint of being an accomplice. This question was much discussed in a trial before Lord Holt, in the reign of William III. and that learned Judge decided, that the value of his testimony must be left to the jury. In this case certainly there is an accomplice, upon whom many severe observations have been made; much obloquy has been heaped upon him; and even if it were deserved, something might have been sacrificed to the decorum of this place: he has had to do with forged notes, was engaged in a disgraceful transaction regarding French prisoners, and perhaps may have been guilty of some pecuniary frauds, but he is criminated most of all by a professed participation in a crime of the most enormous nature; he admits that he was concerned with those whose purpose seems to have been to overthrow the government of their country, to demolish the barracks, and destroy the soldiers in them, and to have partici-

pated in all the plans of mischief which his associates had concerted. But when such a man is confirmed in all the most important particulars, (as in the instance of Mr. Cosser, from whom a house was to be taken as a deposit for combustibles, under the pretence of carrying on the oil and colour trade), it is for you to say whether you do not believe his story. It appears even that Thistlewood, one of the conspirators, represented, for the purpose of farther deception, that the younger Watson was the son of a Lincolnshire farmer of substance; and under all the circumstances, it does not seem that Castle's evidence is open to so much observation. It is impossible to account for a variety of circumstances under any other supposition than that of guilt; and more than all, the paper found upon the person of the prisoner when he was apprehended on his flight from town. It appears clear that he had been arranging a plan, had been making military preparations, and collecting and disposing of his forces. The Tower is called the Old Man in the same document, and all doubt is removed by its afterwards being specifically named. All these things coincide to confirm the relation of the accomplice; and though they may make out little or nothing, taken by themselves, yet altogether they form a case deserving of your most serious consideration. His Lordship then proceeded to read over the various overt acts of treason endeavoured to be proved in the course of the evidence, that the jury might apply them as he proceeded. He then commenced a detail of the testimony of the various witnesses called since the commencement of the trial, lamenting that it would be necessary for him to make a heavy demand upon the patience of the jury. In the course of his lordship's recapitulation, he adverted to the coincidence between the evidence as to the intention of jumping from the waggon, if the spirit of the people were found ripe, and the words actually used by young Watson, according to Mr. Dowling's report of his speech, on the 2d of December, in Spafields.

At half past 3 o'clock, his Lordship, who had before taken some slight refreshment, was so oppressed by the heat of the day, and the fatigue of reading so many hours, that *Mr. Justice Bayley* undertook to read his notes for him. The other judges continued, as a matter of course, to read over and compare their own notes of the evidence with the report of Lord Ellenborough. Mr. Justice Bayley and his Lordship afterwards relieved each other alternately. They entered into no general argument on the law of treason; and the few observations made, had for their object merely to point out that several important particulars of Castle's evidence were supported and confirmed by other and by unexceptionable testimony. It might be material also to remark, that the circumstances of fact which had been contradicted by persons less liable to suspicion, were not circumstances connected with the essential merits of this question, although the jury ought undoubtedly to give them a due consideration in estimating the degree of credit due to the testimony of Castle. Mr. Hunt and Mr. Bryant had certainly contradicted Castle, with regard to certain incidents and the use of certain expressions at different times; but it should be considered, that this might arise merely from inaccurate recollection on the one side

or the other, and that the occasions alluded to were moments most probably of haste or warmth. Besides, Mr. Hunt's account of what passed at the dinner, when a toast was given undoubtedly most offensive to every man of common sense or common feeling, did not accurately correspond with the account of the same scene and transaction by Mr. Bryant. The exact period at which the blow struck at Castle by Hunt, was the point of difference alluded to by the Court. The jury would pay a proper attention to the evidence of Mr. Cosser, of Bentley, and three or four of the soldiers, against whose credibility nothing had been objected. They would decide whether the testimony of these persons did not corroborate the account furnished by Castle, to the extent of showing that the prisoner was a party to the design of engaging the waggon made use of on the 2d of December, and the acts of disorder and pillage which ensued. In every important particular, the statements of that witness had been verified and sustained, excepting by the evidence of Harrison, who was not produced. This was a deduction from the amount of proof; but the jury were to declare whether there was not, in the absence of Harrison, proof sufficient to convict the prisoner. Neither could the evidence, with regard to the words used at the Tower on the day of the insurrection be said to rest on the solitary testimony of Haywood, whose credit it had been attempted to impeach. The evidence of Mr. Scott and Mr. Stowers could not overturn the facts spoken to by Mr. Dowling, or throw any serious doubt upon the correctness of his report. The evidence of Castle had been most ample; he had laid himself open to contradiction by the minuteness of his narrative in every particular; and the proper mode of repelling the effect of his testimony was to have established that contradiction upon material facts. If that had been possible, why had it not been attempted? The document produced about an intended attack on the Old Man and the Old Lady was inexplicable upon any other supposition than that of a deliberate design to attack and get possession of the Tower and the Bank. What earthly reason could be assigned for the prisoner's taking a lodging whilst he had a house already, or for his son attempting to take the house in Seymour-street, unless as means for carrying into effect their principal design. If the Jury believed the facts stated on the part of the prosecution, it must appear manifest that an object was contemplated, which, if successful, would have involved the country in anarchy amd confusion, have overset the existing laws, and shaken every security for the life and property of the subject.

The jury, before they retired, intimated a desire to receive some refreshment, and the Court assented to their being supplied with sandwiches and a bottle of wine. The proper officers being then sworn in the usual form to keep them without meat, drink, or conversation, with any except among themselves, they withdrew to a private room at a quarter before five, and in about two hours brought in a verdict of--NOT GUILTY.

An involuntary expression of joy immediately echoed from all sides of the Court.

As soon as silence was obtained, Mr. Watson asked permission to say a few words. One or two gentlemen near him intimated

that as his Counsel, Mr. Wetherell, had withdrawn, this might not be proper; but the Court appeared willing to hear him. Watson, bowing respectfully to the Jury, and placing his hand to his heart, said, with great force and feeling, 'Gentlemen, I thank you much.'

Lord Ellenborough asked the Attorney-General, if he had any other charge against the prisoner?

The Attorney-General answered, 'No, my Lord.' Mr. Watson was then discharged.

Watson heard the verdict with the same firmness of deportment and composure of spirits which he had displayed throughout the entire proceeding. He immediately applied, through one of the officers, for permission, which he received, to pass through the jury-box, in order to elude the curiosity of the crowd, assembled in prodigious numbers, and evidently disposed to receive him with tumultuous congratulation. He got to the water-side, and took a boat, without observation by the populace. He afterwards dined with Mr. Harmer, in Hatton-garden. On quitting Mr. Harmer's house in a hackney-coach, the populace took the horses from the coach, and drew him down Holborn, and through Fleet-street, till he arrived at Mr. West's, wire-worker, (one of his bail), in Wych-street, Drury-lane, where he alighted. The populace soon after called out 'Watson! Watson!' Mr. West made his appearance at the first floor window, and addressed the numerous spectators as follows:—'Gentlemen, Mr. Watson, in his repeated journey to and from the Tower, and his close attention in the Court of King's Bench on his trial, is so fatigued, that he is really incapable of addressing you. Gentlemen, let me entreat you to conduct yourselves with propriety and good order; recollect the laws, and that a magistrate can immediately disperse you. He desires me to inform you of his heartfelt gratitude for your good wishes towards him; it will be engraven on his heart, but he has not voice to thank you as he feels. Gentlemen, he will shew himself to you, and he trusts that you will then depart quietly to your homes. He will also drink all your good healths in a bottle of good old wine." '*Lights, Lights!*' were then called for. Mr. West—'Gentlemen, you shall have lights.' Mr. Watson now showed himself, standing outside of the window, surrounded by candles: He bowed repeatedly, and on his retiring, placed his hand on his heart. He appeared much exhausted. '*Home, Home!*' was then the general cry, and the people dispersed peaceably.

EIGHTH DAY, Tuesday, June 17th.

THE KING *v.* PRESTON, THISTLEWOOD, AND HOOPER.

At half past 12, the *Attorney and Solicitor Generals* entered the Court.

The three prisoners above-named were soon afterwards introduced by the warders of the Tower.

A jury was sworn in, after which the *Attorney-General*, addressing their Lordships, said, I rise for the purpose of informing the Court, that it is not my intention to call any evidence in support of the charges against the prisoners at the bar.

Lord Ellenborough.—Gentlemen of the Jury, as no evidence is brought forward against the prisoners, it will be your duty to find them not guilty, that they may be discharged.

They were in course found *not guilty*.

Lord Ellenborough.—Mr. Attorney-General, as there is no farther charge against the prisoners, I shall order that they be discharged.

Thistlewood, Hooper, and Preston, were discharged accordingly, and retired from the court by a private way through the jury-box.

Immediately were heard the loudest acclamations of the populace in the Hall, an immense multitude assembled in Palace-yard, quickly surrounded and carried off Thistlewood and Hooper in a Hackney-coach up the Strand with loud huzzas. Preston got into a boat, and went home by water.

Thistlewood's appearance was much altered, he had thrown aside his sailor's clothes, and appeared in a full suit of black.

Thistlewood and Hooper were brought to Mr. West's house, in Wych-street, Drury-lane, and, in a short time after they had alighted, Preston and Mr. Harmer came up the street. It was a considerable time before they could get into the house, on account of the crowd which was about it. Preston thanked the people for the general expression of kindness towards him. He then begged they would disperse. As soon as they entered the house, the crowd called for Thistlewood and Preston to shew themselves at the window. A person from the window begged that they would go immediately to their homes, as it might prove dangerous for them to remain so long in so large a body under existing circumstances. The crowd shouted, "We know what you mean, the Habeas Corpus Suspension Act. We will not go till we have seen Mr. Thistlewood and Preston." Preston then made his appearance at the first floor window; he addressed the people in the following words—"I have not power to express my gratitude to so large a body of people as are here assembled, being almost worn out by constant anxiety and agitation, and by so long a confinement. I thank you for your kindness, and for the very general feeling which has so strongly manifested itself in favour of myself and persecuted friends. This, Gentlemen, said he, has been a signal triumph. It is a triumph of the people over injustice. Our cause has found its way to the hearts of Englishmen, and happily has the struggle terminated, which affected not only your rights and liberties, but those of all your posterity. Beware of the *wolves!* Don't commit yourselves! The spies will, if possible, entrap you; but, thank God, we have an honest Jury in the country. I now beg you will disperse as quietly as possible."

The crowd called for Thistlewood. He appeared in the place where Preston had spoken from, and spoke as follows—"I am scarcely able to address you; my feelings have been much overpowered by being so suddenly set at liberty, after the anxiety I have experienced through so long a trial. I have ever tried to do my duty. My life shall be devoted to your cause."

He retired amidst the shouts and repeated acclamations of the immense crowd. Immediately after Thistlewood retired from the window, his wife, an interesting looking woman, dressed genteelly in a pea-green pelisse, appeared, and curtsied to the crowd. She seemed deeply affected with gratitude for the hearty congratulations which was poured upon her from all sides. After this, the multitude gradually dispersed. This was no place for *spies*, and therefore there was no disorder.

FINIS.

J. Bailey, Printer, 116, Chancery-lane, London.