

715.5

REPORT OF THE TRIAL

OF

Humphrey Boyle,

INDICTED AT THE INSTANCE OF THE

CONSTITUTIONAL ASSOCIATION,

AS

“A MAN WITH NAME UNKNOWN,”

FOR PUBLISHING AN ALLEDGED

Blasphemous and Seditious Libel,

AS ONE OF

THE SHOPMEN OF MR. CARLILE;

WHICH TOOK PLACE BEFORE

MR. COMMON SERGEANT DENMAN,

AND A COMMON JURY,

AT THE OLD BAILEY SESSIONS HOUSE,

ON THE 27TH OF MAY, 1822.

WITH A

NARRATIVE OF THE PROCEEDINGS AGAINST THE DEFENDANT
BEFORE TRIAL.

TO WHICH IS ATTACHED, THE

TRIAL OF JOSEPH RHODES,

UNDER THE NAME OF WM. HOLMES,

AS FORCED UPON HIM,

FOR PUBLISHING A COPY OF THE SAME PAMPHLET.

LONDON:

PRINTED BY R. CARLILE, 55, FLEET STREET,

AND PUBLISHED AT THE KORAN SOCIETY'S OFFICE, 5, WATER
LANE, FLEET STREET.

1822.

Price One Shilling.

DEDICATION.



TO THE
DYING VICE SOCIETY,

AND THE DEFUNCT

CONSTITUTIONAL ASSOCIATION;

THIS REPORT OF THE

Trial of Humphrey Boyle

IS INSCRIBED,

AS A STRIKING SPECIMEN OF THE

UTILITY OF SUCH TRIALS,

For the better Exposure of Corruption, and the Obscene Jew Books, and as a Continuation of what they, with the Attorney-General, have to expect by continuing to institute such Prosecutions, from him who is inexpressibly grateful

FOR PAST FAVOURS OF THIS KIND,

R. CARLILE.

DORCHESTER GAOL,
JUNE 10, 1822.

REPORT,

&c. &c.

NARRATIVE OF PROCEEDINGS BEFORE TRIAL.

HUMPHREY BOYLE left Leeds about the middle of last December, for the sole purpose of making one that should battle the Constitutional and Vice Associations, through the medium of Mr. Carlile's shop. On the 27th day of that month he was arrested, with Joseph Rhodes, who had come from Manchester at the same time, for the same purpose, and both were committed to the Giltspur-street Compter, on refusing to give their names. Before the January Sessions they were removed to Newgate, and at that Sessions they were called on to plead, but refused to give their names, and traversed to the February Sessions. There were four Indictments against four shopmen, William Vamplew Holmes, John Barkley, Joseph Rhodes, and Humphrey Boyle. Three of the Indictments were found true in the names of William Vamplew, John Barkley, and William Holmes; and the fourth indicted "a man with name unknown, but whose person was known." Here no Indictment applied distinctly either to Joseph Rhodes, or to Humphrey Boyle, and they refused to plead; but one Cooper, an officer, was brought forward to swear falsely that Joseph Rhodes was known by the name of William Holmes. It happened that Cooper had arrested William Vamplew Holmes as William Holmes, in the summer of 1820, on some publication about the Queen and Soldiers, but of Rhodes he could not possibly know any thing, though he swore positively to him as being Holmes. On this false swearing of Cooper the officer, Joseph Rhodes was told that he must plead or stand convicted, but being confused from the want of a knowledge of what his enemies could do in the matter, he pleaded Not Guilty.

After Joseph Rhodes had pleaded, Humphrey Boyle, or the Man Unknown, was called forward and addressed by Mr. Adolphus as follows:—"Well, Mr. Unknown, will you plead?"

Clerk.—Prisoner, you have heard the Indictment read before, what say you, Are you Guilty or Not Guilty?

Prisoner.—I wish to hear the Indictment read now.

Common Sergeant (Knowlys).—Let it be read, and in an audible voice, that every one may hear it.

The Clerk having read the Indictment, and asked the usual question as to the plea, the Prisoner observed, "I cannot plead to that Indictment, I do not know that it applies to me."

The Clerk kept repeating the question, "Are you Guilty or not Guilty?"

The Prisoner stood mute and smiled, which seemed to afford amusement to the persons in the Court. The Barristers and Lawyers round the Table rose up, and one of them walked across it to the Common Sergeant; and after whispering together for some minutes, the latter observed, "Prisoner, we will give you till the other man is tried to consider whether you will plead or not, if you then refuse to plead you must take the consequences, but I will not now tell you what those consequences will be."

Prisoner.—Very well.

In the course of the evening, before the other had been tried, the "Man Unknown" was again put to the Bar and asked to plead. Prisoner reminded the Court that he had been given time until the other had been tried to consider of his plea, and observed, "Try him, and I will plead immediately."

Common Sergeant.—We did no such thing, Sir, as give you time until the person was tried to whom you allude, we gave you the time until the next case was tried.

The Prisoner was then about to address the Court, and after being repeatedly refused by the Common Sergeant, he persevered and said, "I wish to give my reasons for not pleading."

Common Sergeant.—We will not hear your reasons, Sir. Let him be remanded until the next Sessions; if he then refuses to plead he will stand convicted.

On the 4th of March the Prisoner was again put to the Bar, and Mr. Prendergast the Barrister having counselled him to plead a *Demurrer*, he accordingly did so, and the next day the same Mr. Prendergast counselled him that his *Demurrer* was not sustainable, and advised its withdrawal, to the no small chagrin of the Defendant, who had a mind that could not brook such trifling. The Common Sergeant assented to withdraw the *Demurrer*, and on the Clerk asking the usual question, as to Guilty or Not Guilty, the Prisoner pleaded Not Guilty.

Common Sergeant.—Prisoner, what name do you plead by?

Prisoner.—By no name; as I have been arrested and imprisoned by no name, and indicted by no name, I will therefore be tried by no name.

Common Sergeant.—That you cannot do; neither you nor any one else can be allowed to appear here, or act under a mask. You must give in your name before you plead.

Mr. Prendergast.—I advise you to give in your name.

Prisoner.—(angrily) I will not, Sir.

Common Sergeant.—Take him away.

At the April Sessions Humphrey Boyle was again put to the Bar, and asked if he would plead. He answered that he had pleaded in the former Session. The Common Sergeant, Knowlys, had by this time been made Recorder, and he asked the Prisoner if he would then be tried; to which he replied that he wished then to take his trial, but on still refusing to put in his name, he was remanded for another Session.

After this unprecedented proceeding, measures were taken to move the Court of King's Bench for a Writ of *Habeas Corpus*, to try the legality of the conduct of the then Recorder Knowlys, but the pressure of business in the Easter Term being so great, it was delayed, and it seems Murray, Adolphus, and Knowlys got intelligence of what was passing, and were glad to force on the Trial before another Term arrived.

On Friday, May the 24th, Mr. Law moved the Court at the Old Bailey, that the Man with name unknown, now in custody of the Keeper of Newgate, should be removed to the Grand Jury Room in proper custody, there to be identified by the Jurors, for the purpose of a fresh Indictment.

This motion was acceded to, and between two and three o'clock in the afternoon the Prisoner was removed to the Grand Jury Room, where Murray and his swearing yeomen were in attendance. Smith swore to the purchase of the pamphlet from the individual before the Jury. The Foreman of the Jury asked the Prisoner his name, which was refused. A Juryman asked if he acknowledged the publishing of the pamphlet; to which the Prisoner replied, "This is not a proper place to answer such a question." Several of the Jurors instantly supported the Prisoner, and said he was right not to answer such questions.

*THE FOLLOWING INDICTMENT WAS THEN FOUND A
TRUE BILL.*

The King against a Man with Name unknown.

London,
Indictment of May Session, 1822.

States,

THAT ————— late of London, Labourer, being an evil disposed person, and disregarding all Religion, and particularly the Religion of our Lord the King, and the subjects of this Realm, and also disregarding the Laws of this Kingdom, and being greatly disaffected to our said Lord the King, and the Constitution and Government of this Kingdom, and wickedly and profanedly devising and intending to bring the Holy Scriptures and the Christian Religion into disbelief and contempt among the People of this Kingdom; and also wickedly and seditiously devising and intending to traduce and vilify and bring into hatred and contempt our said Lord the King, and the Kingly Office, Royal Family, Nobility, Constitution, Government, and Laws of this Kingdom, with the Liege Subjects of our said Lord the King, and cause it to be believed by the said Subjects that our Lord the King and the Royal Family, Nobility, Constitution, Government and Laws of this Kingdom were corruptly and partially administered; and thereby, as much as in him said Defendant lay, to render the said Subjects disaffected to, and discontented with, the Christian Religion, and with our said Lord the King, and the Kingly Office, Royal Family, Nobility, Constitution, Government, and Laws of this Kingdom, on the 27th day of December, in the Second Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms, at the Parish of Saint Dunstan in the West, in the Ward of Farringdon Without, in London aforesaid, unlawfully and wickedly did publish and cause to be published, a certain scandalous, impious, blasphemous, profane, wicked and seditious Libel of and concerning Religion, and particularly the Holy Scriptures and Christian Religion, and of and concerning our said Lord the King, and the Kingly Office, Royal Family, Nobility, Constitution, Government and Laws of this Kingdom, and of and concerning the Administration of the Government and Laws of this Kingdom, containing therein amongst other things, in one part of said Libel, according to the tenor following: (that is to say) "The Greeks are still struggling with their oppressors, and what amuses me most in this affair is that the Grand Turk has taken a lesson from the Despots of Europe, and cries out "Religion is in danger." He, too, calls upon his Turkish subjects to rise and defend their Religion! The Christian Despots of Europe are crying out against the Deistical and Atheistical Infi-

dels, and the Turkish Despot touches the same string, but bids the Mahometans beware of the Christian Infidels!!! This fiend, Religion, (meaning amongst other Religions the Christian Religion) is again in her right element, again at her cut-throat work. The Patriarch of the Greeks, who is the Pope of the Eastern Christian Church, has been hung before his own church at Constantinople; every Christian place of worship in that city has been destroyed; thousands of Greeks have been cruelly massacred, and all upon the old score, the Glory of God, and the preservation of the true Religion. Thus every sect possesses this true Religion, and destroys every other for not changing theirs. We (meaning the people of this Realm) have now a fresh proof (if another be necessary) that the word Religion is strictly synonymous with massacre, misery, and devastation, and I have found a further stimulus (if that was necessary) to proceed in my endeavours to erase it from the vocabulary of mankind. At home the bellies of the people are about to be filled with the squandering of another million of money for a few hours gew-gaw. The pageant of a Coronation is at length fixed for the 19th of July, and is to be celebrated under the auspices and amidst the glittering congratulations of fifty thousand drawn swords and fixed bayonets. If his most Gracious Majesty (meaning our present Lord the King) was not quite so huge he ought to be served as the Roman emperors were served, hoisted aloft upon a shield and proclaimed King by the soldiers, amidst the clattering of their arms. Cannot this much beloved King (again meaning our present Lord the King) trust himself openly at this great national festival) as certain fools and rogues call it) without a body guard! let him take his wife with him to partake of the ceremony, and he will not need a soldier to protect him. However we (meaning the people of this Realm) have some further proof that Kingcraft is on the decline, and the office of King (meaning King of this Realm) become quite unseemly in the eyes of the Sovereign People." (meaning the people of this Realm) And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "One of the chief objections to Thomas Paine's Age of Reason, and one of the passages always selected for the prosecution, is that which condemns the obscenities of the Book called the Bible (meaning the Holy Bible) and particularly the obscenity or the incontinency on which the Christian Religion has its foundation, and which relates to the conception of Jesus Christ. No part of these assertions and condemnations in Mr. Paine's Book have ever been charged as false; it is that dread of a full exposure of the foundation of their Religion (meaning the Christian Religion) which makes the Christians prosecute this book." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "The friends of Religion (meaning amongst other Religions the Christian Religion) have no more kindred with the friends of morality, than the friends of vice have kindred with the friends of virtue. All Religion (meaning amongst other Religions the Christian Religion) I proclaim a vice in society; it is Idolatry, and nothing more than was the mythology of former ages. It is the offspring of ignorance and credulity, and now enforced by Priestcraft, and can exist only with an ignorance of the laws of Nature." And containing therein, amongst other things, in another part of said Libel, to the tenor following: (that is to say) "Archbishop Tillotson says, 'The difference between the style of the Old and New Testament (meaning the Holy Bible and the Holy Gospel of God) is so very remarkable that one of the greatest sects in the primitive times did upon this very ground found their heresy of two Gods, the one evil, fierce, and cruel, whom they called the God of the Old Testament; (meaning the Holy Bible) the other was good, kind, and

merciful, whom they called the God of the New Testament; (meaning the Holy Gospel of God) so great a difference is there between the representations that are given of God in the Books of the Jewish and Christian Religion, as to give at least some colour and pretence to an imagination of two Gods.' Thus far Tillotson. But the case was, that as the Church had picked out several passages from the Old Testament (meaning the Holy Bible) which she most absurdly and falsely calls Prophecies of Jesus Christ, (whereas there is no prophecy of any such person, as any one may see by examining the passages and the cases to which they apply) she was under the necessity of keeping up the credit of the Old Testament (meaning the Holy Bible), because if that fell the other (meaning the Holy Gospel of God) would soon follow, and the Christian System of Faith would soon be at an end. As a book of morals, there are several parts of the New Testament (meaning the Holy Gospel of God) that are good; but they are no other than what had been preached in the eastern world several hundred years before Christ was born. Confucius, the Chinese Philosopher, who lived five hundred years before the time of Christ, says, 'Acknowledge thy benefits by the return of benefits, but never revenge injuries.' The Clergy of the Popish countries were cunning enough to know that if the Old Testament (meaning the Holy Bible) was made public, the fallacy of the New (meaning the Holy Gospel of God) with respect to Christ would be detected, and they prohibited the use of it, and always took it away wherever they found it. The Deists, on the contrary, always encouraged the reading it, that people might see and judge for themselves that a Book (meaning the Holy Bible) so full of contradictions and wickedness could not be the word of God, and that we dishonor God by ascribing it to him. A true Deist." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "I hope and trust, that if ever we (meaning the people of this Realm) enjoy another revolution in this country (meaning this Realm) that no members of a Royal Family (meaning the Royal Family of this Realm) or of the Aristocracy (meaning the Nobility of this Realm) will meddle with or countenance it. Such men (meaning the Royal Family and Nobility of this Realm) are void of all honour, candour, and humanity; and no treachery or villainy will remain unpractised to corrupt and destroy the new state of things. Such has been the case of Naples. The atmosphere of a pure Representative System of Government is not that in which Royalty and Aristocracy can exist with its present distinctions. If not abolished, it must be reduced to a state in which it could no further disturb or disgrace society. I, for one, will not promise it security, but I would willingly leave it to the deliberate correction of the Representatives of the Nation." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "I would exhort the male and female Reformers of Stockport (meaning Stockport in the County of Chester) to perseverance in the good cause of obtaining a Representative System of Government. Hitherto they have acted nobly and stand distinguished, in conjunction with their neighbours of Manchester (meaning Manchester in the County Palatine of Lancaster) and its vicinity. I see no cause for despair. The dastards of Naples might have retarded but cannot defeat our hoped for triumph. We have an ally in this Island which other countries have not, I mean the debt called national. This is a moving power towards a Reform; all we can do at present is to prepare and make ready to take advantage of all its workings. Our armour should be always ready for buckling on at a moment's notice, that we might be prepared to combat our enemies, if neces-

sary, or to assume an overwhelming attitude, which in my opinion is to be preferred. I am sure that if the Reformers could be congregated, and their full strength displayed, there would be nothing left in the country (meaning this Kingdom) that could venture to oppose them. I am for a Reform at any rate, and as speedy as possible; if it can be obtained without bloodshed by a slight delay I would prefer it, but at any expense I would have a Reform." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "To talk about the British Constitution (meaning the Constitution of this Kingdom) is a sure proof of dishonesty. Britain (meaning this Kingdom) has no Constitution. If we speak of the Spanish Constitution we have something tangible; there is a substance and meaning as well as sound. In Britain (meaning in this Kingdom) there is nothing constituted but corruption in the system of Government (meaning the Government of this Kingdom). Our very Laws (meaning the Laws of this Kingdom) are corrupt and partial, both in themselves and in their administration. In fact, corruption as notorious as the sun at noon-day is an avowed part of our system, and is denominated the necessary oil for the wheels of Government! (again meaning the Government of this Kingdom) It is a most pernicious oil to the interests of the people" (meaning the people of this Kingdom). And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "Reform will be obtained when the existing Authorities (meaning the Government of this Kingdom) have no longer the power to withhold it, and not before. We shall gain it as early without petitioning as with it, and I would again put forward my opinion that something more than a petitioning attitude is necessary. At this moment, I would not say a word about insurrection, but I would strongly recommend union, activity, and co-operation. Be ready and steady to meet any concurrent circumstance." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "I will repeat it again and again, both with my tongue and my pen, that the whole of the Legislature (meaning the Legislature of this Kingdom) is abominably corrupt; that the Laws (meaning the Laws of this Kingdom) as a matter of course, as corrupt and partial and oppressive, and that the necessary administrators of Laws from such a Legislature, (meaning the Legislature of this Kingdom) must be corrupt and wicked men; the whole together stink in the public nostrils. If two private individuals have a law-suit about property, justice might be obtained if neither possessed much influence with persons in power; but wherever an individual is prosecuted who has been bold and honest enough to decry the system of Laws (meaning the Laws of this Kingdom) and Legislature (meaning the Legislature of this Kingdom) under which we (meaning the people of this Kingdom) exist, he is sure to find a corrupt Government, corrupt Judges, and a corrupt Jury all in array against him, or like a well whipped pack of hounds, eagerly attempting to run him down by their joint clamour and exertion." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "To think of making any impression upon such an assembly (meaning the Commons of this Kingdom in Parliament assembled) by argument or speechifying is madness; the Members (again meaning the Commons of this Kingdom in Parliament assembled) are callous to all honourable feeling; the only method of dealing with them, in their present corrupt state, is to interrupt as far as possible all their proceedings, and in every shape possible hold them up to the scorn and contempt of the Country (meaning this Kingdom). The honest man who enters that Assembly (meaning the

Commons of this Kingdom in Parliament assembled) must see no Noble Lord, no Right Honourable Gentlemen or Friends, nor no Honourable or Learned Friends or Members; he must treat them (meaning the Commons of this Kingdom in Parliament assembled) as they are, a set of notorious rogues, cheats, and robbers, who have no other feeling towards the people (meaning the people of this Kingdom) and the Country (meaning this Kingdom) but to plunder them." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "The mock debates in Parliament (meaning the Parliament of this Kingdom) no longer deceive us. We regard the Whigs with the same detestation as we do the Tories; we are not to be hoodwinked by a set of canting politicians in either House of Parliament (meaning the Parliament of this Kingdom). We expect no redress of grievances from petitioning that Parliament, (again meaning the Parliament of this Kingdom) nor any Reform to emanate from the Parliament itself (again meaning the Parliament of this Kingdom). It is to an entire change in the system of Government (meaning the Government of this Kingdom) that we look for the establishment of our Rights." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "We hold Religion, meaning amongst other Religions the Religion of this Realm) as a thing which has been foisted into the world merely to answer political purposes. Under its garb the worst crimes have been perpetrated; and the existence of an established church, in any country, is almost a sure sign of the existence of a despotic Government and a slavish People." And containing therein, amongst other things, in another part of the said Libel, to the tenor following: (that is to say) "Religion or Superstition (which words are synonymous in my vocabulary) is the chief source of corruption, and the main prop of despotism and slavery." To the great displeasure of Almighty God, in contempt of our said Lord the King, and his Laws; to the evil example of all other persons, and against the peace of our said Lord the King, his Crown and dignity."

The other eleven Counts were merely repetitions of the above.—Plea Not Guilty.

On Monday, the 27th of May, Mr. Common Serjeant Denman having taken his seat, the Prisoner was again put to the Bar; and the Clerk of the Arraignment having read over the preamble of the new Indictment, asked him if he was Guilty or not Guilty.

Prisoner.—Have you read the whole Indictment?

Clerk.—This Indictment is set forth as in the former Indictment.

Prisoner.—I pleaded to it three months ago.

Clerk.—Are you Guilty or Not Guilty?

Prisoner.—Am I to plead again?

Common Serjeant.—This is not the same Indictment upon which you before pleaded. You must now plead to this charge, whether you are guilty or not guilty.

Prisoner.—I plead Not Guilty.

Clerk.—Will you be tried now, or traverse to the next Sessions?

Prisoner.—I will be tried now.

In the course of swearing the Jury, the Prisoner asked if any of them were the same as were in the Box two Sessions ago?

The Common Serjeant put the question to the Jury, and they all declared that they had not previously served.

Mr. Adolphus addressed the Jury for the Prosecution, but said very little beyond reading the passages indicted. He then called William Payne, who described himself as Clerk in the Justice Room at Guildhall,

and produced a pamphlet lodged in his hands by William Smith, on the 27th day of December last.

William Smith was then called and sworn. He saw the Prisoner at the bar in Mr. Carlile's shop, 55, Fleet Street. It was called "The Temple of Reason." The Prisoner was serving in the shop, and he (Smith) bought a book of him, gave sixpence for it, and put his name upon it. He carried the book to Guildhall, and a warrant was granted upon it.

Cross-examination by the Prisoner.

Were you employed to purchase this pamphlet?—Yes, I was.

By whom?—By a person of the name of Purton.

Purton! what is he?—An Officer belonging to Bow Street.

Do you know who employed him?—I do not.

Have you any knowledge of him?—I have not.

Now, can you stand there, on your oath, and declare that you know nothing of him?

Mr. Adolphus. My Lord, what the Witness knows of Purton cannot be evidence.

Were you paid for purchasing the pamphlet?—I was paid for my loss of time.

Have you been paid so much per week, or only so much for the job?—I am only paid for my lost time.

How much money have you received?—I do not know.

Cannot you tell to a few pounds?—Perhaps £3, I cannot tell, it may be more or less.

Can you swear that you have not received £5?—I cannot.

Pray did you ever read the pamphlet?—I have read a part of it.

You have just said, that immediately you purchased the pamphlet you went with it to Guildhall. How could you read it, then?—I did read a part of it.

Where?—I read a part of it going along the streets.

Did you not swear, at Guildhall, that the pamphlet was blasphemous?—I did.

Was it while going along the streets that you discovered it to be blasphemous?—No.

Then how did you know it to be blasphemous?—I was told so. [Here there was a pretty loud laugh.]

Oh! that was the way you knew it to be blasphemous, you were told so, were you?—I knew it was by a former conviction.

And do you know who told you so?—I do not recollect.

Now, suppose you had purchased a Bible, and some one had told you that it contained blasphemy, would you have got a warrant for the publishers?—No, that is contrary to my principles.

But if you had purchased it at Mr. Carlile's shop it would have been blasphemous?—No.

Did you not swear the pamphlet was blasphemous?—I did.

And merely because you were so told?—Yes.

Now, since you swore that the pamphlet was blasphemous, will you state what you understand by blasphemy?—[Here the Witness stood mute for a short time, and looked towards Mr. Murray and Mr. Adolphus as if he wished them to help him out.]

Will you give me an answer? What do you mean by blasphemy?—Speaking against God.

Did you discover any thing of that kind in this pamphlet?—I believe I did.

You are not sure?—No.

Are you a Christian?—I believe I am. [A laugh.]

You believe you are; cannot you state positively whether you are one?
—Yes, I am one.

Did you ever read the New Testament?—Yes.

Do you know what the founder of Christianity was put to death for?—
[The Witness, after some consideration, answered,] For our sins.

Aye, but do you know what his persecutors put him to death for?—
[With much confusion] No.

Then I must inform you, that he was put to death for blasphemy.

Common Sergeant. You must not reason with the Witness, ask as many questions as you please; you must keep to the point.

You have sworn, too, that the pamphlet is seditious?—Yes.

What do you mean by sedition?—Speaking against the King and Government.

Mr. Adolphus to Witness, in a very low tone—"King and Constitution."

Re-examined by Mr. Adolphus. Witness had received £3 altogether, more or less. He had been employed about other things besides in purchasing these pamphlets.

The passages cited in the Indictment were then read by the Clerk of the Arraignment, (for which see copy of the Indictment) and the case for the prosecution closed.

The Prisoner then began his Defence, which he delivered in a very impressive manner.

GENTLEMEN,

Before I proceed I have to request that you will make all the allowance you can for the many inaccuracies I shall commit in making my defence. I am but a humble mechanic, therefore you will naturally conclude that my education has been limited.

Clerk of the Arraignment. If the Prisoner wishes, his papers can be read for him.

Prisoner. No, Sir, I will read my papers myself.

Gentlemen of the Jury—After repeated verdicts of guilty against this publication by a Jury in a former session, it may, on a first view, be deemed a presumptuous perseverance in me to stand here and defend it; but as these prosecutions are part of a conspiracy among a privileged and interested few to controul the opinions of the multitude—as this case now before you is a prosecution for the publication of opinions, because those opinions are not agreeable to the minds or interests of the prosecutors—as different men have different opinions on the propriety of such prosecutions, and as you have not given your verdict upon this point, I feel, from this view of the case, a justification for making a full defence of the act of publication on my part, with a hope that you will judge for yourselves, independent of precedent as to former verdicts, and shew, by your difference of opinion upon this question, the folly and wickedness of all such prosecutions, or all attempts to regulate opinions by human laws. But for myself I can say, that I feel a much higher stimulus to make a defence against this indictment than the foregoing justification can excite. The pamphlet contains a printed expression of my views and principles, and I am fully prepared and determined to discuss and support them before any tribunal, or before any living human being. I will assert my right not only to hold but to publish the sentiments of the principles now indicted, not from any spirit or feeling of arrogance, but from a sense of the neces-

sity of free discussion, and from a belief, that if those principles could be morally impeached, no attempt would be made to put them down, or to restrain them by these prosecutions. Folly, or ill-founded opinions, are always left to destroy themselves: it is strong moral truths that alarm the ignorant, the bigotted, and the interested; they prosecute because they cannot answer, and apply the force of persecution from an absolute lack of all moral force. It is folly and ill-founded opinions arrayed with power that have brought this indictment against me, and I have the cheering conviction that my opinions are correct, though deficient of political support; and under this conviction I stand forth, with all the boldness of honesty, to expose, if I cannot defeat, the cheats and conspirators that would oppress and crush me. Silently and ingloriously I will never succumb to a corrupt power. I may fall before it, but I will first deal it some blows, and as many as my strength and ability will admit: after which no punishment can annoy me, because I shall possess a mind free of all idea of crime or immorality, and proudly conscious of its own purity and moral superiority over all its oppressors. To this feeling; then, Gentlemen, you will attribute any boldness on my part that may otherwise be liable to be construed into an improper presumption: upon this feeling I hope to find your approbation of my conduct, and your verdict of Not Guilty.

Gentlemen, in almost all trials for the publication of what are called libels, the main and only proper question for the Jury is studiously kept out of sight, and attempted to be overwhelmed by the Counsel for the prosecution, by throwing every possible prejudice around the publication: but be the publication whatever it may, the only proper question for the Jury to try, is the good or bad intention of the publisher. The proper question then for you to try, and which you are sworn "well and truly to try—so help you God," is not whether I have published the pamphlet before you, for I am proud to admit the act of publication, but whether I performed that act with a malicious intention. This is the point for you to try, and the only point. If the pamphlet were ever so vile and mischievous, which I deny to be the case here in the smallest degree, you have no right to try the character of the pamphlet, but my motive for publication. To render cases of libel as complex as possible, Judges and Counsel for prosecutions have asserted that the malicious intention, or any intention, must be inferred from the tendency: but this forms a complete perversion of all moral law, for upon this view of the case there could be no justifiable homicides or manslaughters, but every death at the instance of another would be murder. If a man receives death at the hand of another, the Jury who enquire concerning the matter do not confine themselves to a knowledge of the actual death, or the actual cause of that death, but the main point of their enquiry is the mind and motive of the man who caused that death: so here, Gentlemen, you have to try the state of my mind in putting forth this publication, and if you do this your duty fearlessly, I have no fear but you will find more to applaud than to condemn.

As the indictment contains the double charge of blasphemous and seditious libel, I shall first make a few observations on the charges of blasphemy and sedition, and then proceed to a defence of the indicted passages, selected from the pamphlet now before you.

BLASPHEMY is a word that for many ages has been terrible in its sound and import, but it has been bandied about so much of late, that it is nearly worn out. It is now become familiar and inoffensive to old women, who, a few years ago, shuddered at it whenever expressed. It is one of those words which has been the subject and the cause of very great

abuses and oppressions, and like its progenitor, heresy, has brought many thousands of moral and innocent persons to prison, to torture, and to the stake—to gratify avarice, bigotry, and a religious-persecuting spirit. Blasphemy is one of those words which expresses a great deal more than it means, in fact, if fairly and critically examined, it means nothing at all towards its general application. It is commonly meant to imply an evil-speaking of the Deity, but the enlightened state of society and of science has scouted the idea, as a moral impossibility; and now the ever-persecuting bigots have made it applicable to the forms and ceremonies of their superstitions. But in the pamphlet before you, Gentlemen, there is no personal or partial allusions, the objections are taken to superstition generally, in the fullest expression and meaning of the word. It is not one system jeering or speaking evil of another; all superstition is brought under the sweeping phrase of idolatry, and denounced as vice, which it very properly merits. Idolatry is a vice in society, and if my prosecutors cannot shew that all religion is not idolatry, then the assertion in the pamphlet is unimpeached. It is a matter of opinion, and no man can be justly made amenable for his opinions, over which he has no more controul than he has over those of another. The putting of opinions upon paper cannot, in a moral point of view, constitute a misdemeanor, for be they what they will, they will be only read and encouraged by others in the same ratio as they coincide with their opinions, and where numbers are of the same opinion there is some pretence for presuming they are right, at least, a sufficient cause for toleration by others who may differ. The Dissenters from the Established Church of this country have all, after much persecution, carried the right of dissension, even down to the Unitarians, who are recognized by an express Act of the Parliament, although they are, in reality, Deists and Atheists under the name and garb of Christians: it only now remains for the more honest part of the Deists, those who avow their full opinions, to obtain the same toleration, and this they are now determined to do, although they know they must suffer, as all other Dissenters who have gone before them have suffered, much persecution; for persecution ever has been, and ever will be, the first and fundamental principle of every thing called religion. Every sect has its Book of Martyrs, and thus it will be until we come to free discussion and a mutual toleration of opinions.

SEDITION. As the indictment charges me with seditiously attempting to stir up a disaffection in the minds of his Majesty's subjects, we will next enquire into the meaning of the word sedition. Were the question of its meaning put to me, I should answer in a few words, that sedition is an indefinite term, applicable only to those who have the virtue and the courage to oppose arbitrary and usurped powers, and, consequently, carries no degree of opprobrium with it. The scourge of society is adulation, Gentlemen of the Jury, it shuts the door to Hope. It is a national calamity which every day threatens new evils; the oppression of the people being artfully concealed from the Sovereign, prepares them but for heavier burthens. The most touching groans public misery utters are construed into punishable temerity; and the impossibility of obeying receives no other name than rebellion and the want of loyalty. Adulation is the sedition to be deplored, and which merits judicial punishment. But as this construction on its meaning may not be very grateful to the ears of the Counsel for the prosecution, we will take up the word in his own point of view, namely, that the present pamphlet, which is termed a seditious one, has a tendency to a breach of the peace. We have the autho-

rity of Lord Camden, who for equanimity and integrity has not been excelled, or seldom equalled by any that has preceded or followed him, that a libel is not a breach of the peace; it tends to the breach of the peace, and that is the utmost. But that which only tends to the breach of the peace cannot be a breach of it. The same Noble Lord has expressed, that whatever is Law will be found in our Books; if it is not to be found there, it is not Law. Where, I would ask the Counsel for the prosecution, can be found the Statute that shall convince you, Gentlemen of the Jury, that the Pamphlet in question is a seditious writing? Had Locke written and published his Treatise on Government, or Blackstone his Commentary on our Laws, under the present system of Government, with the present system of carrying on prosecutions, they would have been branded with the epithet of seditious, and had to encounter the vindictive spirit of these tools of corruption, calling themselves the Constitutional Association. For, Gentlemen of the Jury, the time and circumstances have arrived, at which those writers have said that resistance would be justifiable. Gentlemen, we have lived to see Magna Charta utterly abolished, our boasted Bill of Rights repealed—the Act of Settlement violated—the Habeas Corpus Act suspended, and every wholesome law that was founded in common, or by statute wholly annihilated. Could our ancestors have imagined this? Could they have anticipated that what they had so nobly fought and bled for, would have been taken from a future race without even a struggle for it? No, the records of their noble deeds stand as monuments of our degeneracy. The well-paid hirelings of despotism are endeavouring to inculcate, that any attempt to liberate ourselves from this state of wretchedness and misery, would produce a state of Anarchy, and thus they strive to stifle the sacred doctrine of resistance, by the base doctrines of passive obedience and baser servility; but in opposition to their vicious and sordid views, I would exclaim, that a turbulent independence is preferable to a life of slavery; for, in the former, a sense of personal dignity is felt, a manly spirit follows, and courage and talent would be the consequent result, but, in the latter, Man is degraded and rendered jealous and suspicious of his fellow. Real sedition is not to be found any where in this country, but amongst his Majesty's Ministers, and the managers and defenders of the Prosecuting Associations, and so base and inhuman is their conduct, that human nature and honesty shudders but to think of it. I allude to their well-known and avowed practices of employing not only Spies and Informers, but agitators to induce the people to violate their odious and oppressive Laws, for no other purpose than to produce some apparent necessity for their own despotic views and practices. The chagrin and disappointment that the Ministers have shewn at the defeated intentions and endeavours of their agitators, will hold them up as men deserving the execrations of the present and future ages. These are the Men that have been guilty of Sedition. These are the Men that have stirred up a disaffection in the minds of his Majesty's Subjects.

Having taken this brief view of the case between you and me, Gentlemen of the Jury, I proceed to defend not only my own act of publication, but every selection from the pamphlet exhibited on the face of the Record. The first paragraph which you heard read from the Indictment related to the war between the Greeks and their oppressors, the Turks, and the common abuse of the word *Religion* between them, the paragraph expresses nothing more than what is matter of notoriety and historical fact. If it be considered or alleged that the word *Religion* be libelled, then, I answer, that, it is not by the writer of this paragraph, but by those who so abuse the term as to make it synonymous with "massacre, misery, and devasta-

tion as do the Greeks and Turks, and many other nations. Wherever the word Religion is expressive of moral virtue there is no one has more veneration for it than myself and the writer of this paragraph: but where it is made the cloak of every species of inhumanity, there we detest it and seek its destruction.

The next paragraph relates to the late Coronation of the present King. It was written before that ceremony took place, and if the King himself were to read it, and to know that it was written by an avowed Republican, he would but smile at it. It was the common language of the moment in which it was written, and although it here possesses a Republican tinge, it contains nothing offensive to any honest mind, and can only be deemed libellous by the corrupt, servile, and interested minds of my prosecutors. It is not worth your notice, Gentlemen, either for or against me.

The paragraph which stands next in order is selected from the observations on the incongruous and contradictory proceedings of the Vice Society; for that Society is quite as tenacious of propagating obscenity in one sense, as it is of checking it in another. The whole expression of the paragraph now under consideration is that there is obscenity in the Book called the Bible. Now the question is, whether this be true or false. I insist upon the truth of the expression, and am prepared to prove it. Shall I instance that disgusting scene described as occurring between Lot and his daughters? Shall I take you to the bed-chamber of Onan and Tamar, or to the road-side where Tamar is playing the harlot with her father-in-law, Judah? Can we, for a moment, reflect with serious minds upon the debaucheries of David and his sons, or think without shame of the beastly comparisons made by the writer of the Book of Ezekiel?

Gentlemen, there are subjects that we might cavil about all our lifetime without being able to come to a conclusion, but this is a question that can be decided in a few minutes. I will now read to you a few passages from this Book (holding the Bible in his hand) to shew that it is an obscene book, and not worthy of being called the word of a God. I have marked but four extracts, not because I could not find more, but because I am sure these will satisfy you.

A Juror observed, "We do not want to hear any of them."

Another Juror asked, "Do you know the moral of these stories?"

Defendant.—I will leave the moral of such stories to be pointed out to you by Mr. Adolphus. Gentlemen, the first extract I shall read to you is the story of Lot and his daughters.

At this intimation, several ladies who sat in a box close to the Bar, began to move out of Court; and on seeing this, Mr. Adolphus got up and moved that the ladies and boys be ordered out of Court while the Defendant was reading those portions of Scripture. As the ladies were leaving the Court, the Defendant observed, "I must confess that I am ashamed to read such obscenity, but my situation compels me to it."

After the ladies had left the Court, the Common Serjeant asked the Defendant, "What is your motive for reading such parts of Scripture?"

Defendant.—To shew that the Bible is an obscene book, and to prove the truth of the pamphlet which I have published."

The Defendant then held up the Bible in a conspicuous manner, and, with attitude erect, and mien expressive, in a most impressive manner, observed to the Jury, "Gentlemen, I have read this book with all the attention I could give it, and I can safely and conscientiously say, it is the most infamous book I ever read."

The Defendant then began to read at the 29th verse of the 19th chapter of Genesis.

27. And it came to pass, when God destroyed the cities of the plain,

Here the Jurymen who seemed more pious than his fellows, and who had asked the Defendant if he knew the moral of the tales he was about to read, observed, "Ah! there you see God destroyed them."

Defendant.—You are mistaken, Sir, God did not destroy the daughters of Lot.

that God remembered Abraham, and sent Lot out of the midst of the overthrow, when he overthrew the cities in the which Lot dwelt.

30. And Lot went up out of Zoar, and dwelt in the mountain, and his two daughters with him; for he feared to dwell in Zoar: and he dwelt in a cave, he and his two daughters.

31. And the first-born said unto the younger, Our father is old, and there is not a man in the earth to come in unto us after the manner of all the earth:

32. Come, let us make our father drink wine, and we will lie with him, that we may preserve seed of our father.

33. And they made their father drink wine, that night: and the first-born went in, and lay with her father; and he perceived not when she lay down, nor when she arose.

34. And it came to pass on the morrow, that the first-born said unto the younger, Behold, I lay yesternight with my father: let us make him drink wine this night also; and go thou in, and lie with him, that we may preserve seed of our father.

35. And they made their father drink wine that night also: and the younger arose and lay with him; and he perceived not when she lay down, nor when she arose.

36. Thus were both the daughters of Lot with child by their father.

37. And the first-born bare a son, and called his name Moab: the same is the father of the Moabites unto this day.

38. And the younger, she also bare a son, and called his name Ben-ammi: the same is the father of the children of Ammon unto this day.

There, Gentlemen, can you call that a decent story? I cannot.

Gentlemen, the next story I shall read is in the 38th chapter of Genesis, verses 9 and 10.

9. And Onan knew that the seed should not be his; and it came to pass, when he went in unto his brother's wife, that he spilled it on the ground, lest that he should give seed to his brother.

10. And the thing which he did displeased the Lord: wherefore he slew him also.

Now, Gentlemen, is not that a beastly passage? Did you ever read any thing to equal it? Perhaps Mr. Adolphus can shew you that it is not a beastly passage, let him do it if he can.

The Defendant then turned to the 23d chapter of Deuteronomy, and read the first verse.

1. He that is wounded in the stones, or hath his privy member cut off, shall not enter into the congregation of the Lord.

This, Gentlemen, we are told, is one of the Laws of the meek Mister Moses: but in what kind of language is it? Can any one call it decent? It is impossible.

Gentlemen, I will only read another extract from this book, for I dare say I have read enough. It is in the 23d chapter of Ezekiel.

1. The word of the Lord came again unto me, saying,

2. Son of man, there were two women, the daughters of one mother:

3. And they committed whoredoms in Egypt: they committed whoredoms in their youth: there were their breasts pressed, and there they bruised the teats of their virginity.

4. And the names of them were Aholah the elder, and Aholibah her sister: and they were mine, and they bare sons and daughters: thus were their names; Samaria is Aholah, and Jerusalem Aholibah.

Gentlemen, we are told that this is figurative language, but judge for yourselves whether such figures are fit to be presented to the minds of young people.

5. And Aholah played the harlot when she was mine, and she doted on her lovers, on the Assyrians her neighbours.

6. Which were clothed with blue, captains and rulers, all of them desirable young men, horsemen riding upon horses.

7. Thus she committed her whoredoms with them, with all them that were the chosen men of Assyria, and with all on whom she doted: with all their idols she defiled herself.

8. Neither left she her whoredoms brought from Egypt: for in her youth they lay with her, and they bruised the breasts of her virginity, and poured her whoredom upon her.

9. Wherefore I have delivered her into the hand of her lovers, into the hand of the Assyrians, upon whom she doted.

10. These discovered her nakedness: they took her sons and her daughters, and slew her with the sword: and she became famous among women; for they had executed judgment upon her.

11. And when her sister Aholibah saw this, she was more corrupt in her inordinate love than she, and in her whoredoms more than her sister in her whoredoms.

12. She doted upon the Assyrians her neighbours, captains and rulers clothed most gorgeously, horsemen riding upon horses, all of them desirable young men.

13. Then I saw that she was defiled, that they both took one way,

14. And that she increased her whoredoms: for when she saw men pourtrayed upon the wall, the images of the Chaldeans pourtrayed with vermillion,

15. Girded with girdles upon their loins, exceeding in dyed attire upon their heads, all of them princes to look to, after the manner of the Babylonians of Chaldea, the land of their nativity:

16. And as soon as she saw them with her eyes, she doted upon them, and sent messengers unto them into Chaldea.

17. And the Babylonians came to her into the bed of love, and they defiled her with their whoredom, and she was polluted with them, and her mind was alienated from them.

18. So she discovered her whoredoms, and discovered her nakedness: then my mind was alienated from her, like as my mind was alienated from her sister.

19. Yet she multiplied her whoredoms, in calling to remembrance the days of her youth, wherein she had played the harlot in the land of Egypt.

20. For she doted upon their paramours, whose flesh is as the flesh of asses, and whose issue is like the issue of horses.

21. Thus thou callest to remembrance the lewdness of thy youth, in bruising thy teats by the Egyptians for the paps of thy youth.

If all this be not obscenity, then the Vice Society never found any thing of the kind existing. If all the scenes described in the Bible were painted on paper, or on canvass, could either of you, Gentlemen, look at the exhibition without disgust? Could you call them sublime and religious? I think not. Moral, I am sure you would not think them. Then upon what ground is this passage charged as blasphemous or libellous? Why is it made the subject of a prosecution? Will it change the character of that which it wishes to protect, or add further to its exposure? Let my prosecutors answer these points; you, Gentlemen, will do well not to

make yourselves parties with them, for I feel assured that nothing but disgrace will attend their pursuits. I feel that I stand upon a moral ground, from which they cannot move me; and feeling this, I consider your verdict concerns yourselves more than it concerns me. The head and front of my offence is the publication of this one pamphlet; and now who in this Court will shew me one immoral expression in it? Yet have I already suffered five months imprisonment, and have witnessed a sentence of two years imprisonment, with hard labour, passed upon as honest and moral a man as was ever within these walls, for the mere publication of one of those pamphlets.

In the next paragraph of this same subject in the pamphlet, relating to the Vice Society, is a selection into the Indictment of two short sentences, but short as they are, they are such as upon which I may defend the whole of what is alleged to be blasphemous in this pamphlet: to be particular, I will repeat the words; 'All Religion I proclaim a vice in society: it is idolatry, and nothing more than was the mythology of former ages. It is the offspring of ignorance and credulity, and now enforced by Priestcraft, and can exist only with an ignorance of the laws of Nature.' By the word Religion, as here stated, is meant the forms and ceremonies of all worship: the whole of which the present advanced state of science has proclaimed to be idolatry and delusion, such as was the mythology of old.

The argument for the assertion runs thus: When Religion or worship was invented and first practised, the inhabitants of the earth had no knowledge of its motion, its form, or its geological qualities: they had no idea that the studded firmament, as they fancied it, consisted of floating worlds, and that the earth on which they dwelt was but one of those moving spangles in the wide expanse of space: no, they thought the earth a universe, and one only superior being to themselves in it, whom they denominated God or Gods. To the power of this God or Gods was attributed all the changes of the seasons and the weather; he or they were made to superintend whatever the human mind could not then comprehend, and thus originated the practice of worship or idolatry. Now that we begin to have an extended comprehension of what constitutes a universe; now that our ideas no longer grovel upon the surface of this earth, but travel amidst a million of superior bodies; now that it would be a real blasphemy to attempt to fix an idea of that mighty power which constitutes the universe, or which we now bring to our ideas under the designation of the God of Nature; now, every species of worship is proved to be idolatry. The very idea of worship, instead of displaying humility, is a gross arrogance, and a most daring presumption; it assumes a knowledge, a fellowship with that which exceeds all human comprehension. Instead of glorifying, it must constitute what is called a blasphemy of the Deity. It reduces him to the level of the human mind, and shapes him according to all its varieties. It is thus all worship constitutes idolatry: it is thus all Religion, that ever was or is, is proved idolatrous. The practice of moral virtue is the only thing worthy of being called pure Religion; for this alone can increase the civilization and happiness of man in society; all else is idolatry and vice. Reflect, then, Gentlemen of the Jury, on the true meaning of the phrase, and do not allow any little prejudices, whence-soever they may come, to warp a moral and honest judgment.

Assuredly, Gentlemen, there can be nothing malicious in the phrase of Religion being a vice in society; it is an opinion which every mind will treat as it likes. Malice is confined to acts: there can be no malice connected with mere philosophical opinions. Publication, I may be told, is an act. I admit it: but unless there is a distinct injury shewn, there can

be no malice even implied. In a moral sense, what one man may deem an injury another may deem a benefit, and both be equally honest in their judgments. It is too much, then, Gentlemen, to charge malice upon any philosophical opinion, even if it be published. It is a subject to be answered with a pen, and not with a prison.

Religion is a thing much talked of, but in no two persons is it alike. In some instances it is meant to express morality, but as an expression of vice and hypocrisy it greatly preponderates. Science is its enemy, and as science is the source of human happiness; Religion must be opposed to it. It is altogether a mistaken notion of morality; and although it is theoretically assumed to civilize human nature, the history of Religion is a history of every thing that disgraces it. It has been the emblem of every vice and wickedness, the excuse for every species of misery and torture, and a justification for millions of murders. In no part of the earth, in no part of time, has it ever made mankind better, or improved their condition. In some instances it has been mistaken for a moral change in individuals; but as a distinct principle, it never yet made one honest man, but has corrupted many.

When Christianity began to rear its head, the followers of the Pagan Religion felt just the same abhorrence of its votaries as Christians now profess to feel of Deists. They were persecuted in the same manner, and in exact the same spirit were charged with impiety, blasphemy, and atheism towards the Immortal Gods. The different sects of Christians have uniformly applied the same terms to each other; and let me advise you, Gentlemen, to set a better example. If I am in error, let that error be corrected by free discussion. You offer free discussion to the Hindoo, the African, and the American Indian, then why do you fear it at home? You send Missionaries among them to impeach all that they venerate, then why do you wish to punish me for doing the same thing at home? It is not sufficient that you believe Christianity to be of divine origin; I dispute it: it is disputed by all scientific and really intelligent men, and if you feel justified in punishing me, can you complain at any persecution your Missionaries can meet with? This is a subject well worth your consideration, and if you reflect fairly upon it, you will find that you cannot morally return a verdict of Guilty against me.

Not a century since, the sect denominated Unitarians or Socinians were treated as avowed Deists now are treated. They were scouted, abhorred, and a distinct Statute Law existed for their punishment. Now, a distinct Statute Law exists for their protection, and under the denomination of philosophical Christians, they are becoming the most numerous sect: whilst the name of Christians is merely retained as a cloak to screen them from the effects of other penal laws. Some of them preach and teach materialism direct; others a species of Deism, with a tinge of Christianity, and none of them can fairly be entitled to the denomination of Christians, for they are not Christians who do not fully and wholly believe in the doctrine of the Trinity; although the British Parliament has withdrawn its protection from that doctrine, and has left the whole of the divine part of the Christian Religion to take care of itself. Avowed Deists are the next on the scale contending for toleration and the protection of the law, and they will assuredly obtain it as I am standing here, in the height of my pride, to defend those principles. We are fast, and very fast progressing towards a superiority. Therefore, Gentlemen, mete out that measure to me you may by and by wish to receive yourselves.

The next paragraph selected into the Indictment, strange enough, is the writing of the celebrated Archbishop Tillotson; and upon a first view of

the matter, it would seem from this that we were losing instead of gaining ground in the scale of toleration: but I presume that as the writing of the Archbishop it would have passed as orthodox, but having been quoted by Thomas Paine, it is metamorphosed into a blasphemous Libel! Thomas Paine argues that there is no connection between the Books of the Old and New Testaments, and because he found an authority in the writings of an Archbishop, the latter is to be excommunicated a century after his death!

Nothing can be stronger than the contrast in which the character of the Deity is painted in the Books of the New and the Old Testaments. In the former he is painted as a God of love and mercy, in the latter as a fighting God; a God of Hosts and armies; a jealous and avenging God; and one who delighted in the blood of animals and all kinds of savoury smells; a talking God; a walking God; and last of all, a tailor! This is what the Archbishop meant, and this is the objection taken by Thomas Paine to these Jew-book descriptions of Deity—to these degraded notions of the Supreme Being. It is the extreme of madness to attempt in this present age to propagate such ideas of God as the Jew Books contain. It is a vice, a wickedness so to do, and destructive of all morality and humanity.

The next four paragraphs brought into the Indictment are mere passing allusions to the question of Reform, and however offensive they may be to such men as Murray and Sharpe, I cannot imagine, Gentlemen, that you will discover any malice on the part of the writer of them, much less on my part for selling one copy of this publication. The first and second paragraphs are part of an Address to the Reformers of Stockport: the expression of which is, that a Reform of the present Parliament, or the present system of administering the Government, would not be dearly purchased at any price; although, an express exception is made that a slight delay would be preferable to bloodshed. This is my sentiment, and I verily believe it to be the sentiment of all the virtue in the country: the sentiment of all but those who thrive and are fed in idleness by the present system of Government.

I will here read to you a brief extract from Oldfield's Representative History of Great Britain, and then judge whether or not a Reform be necessary in what is called the Commons' House of Parliament.

Members returned by 87 Peers in England and Wales	218
21 Peers in Scotland	31
36 Peers in Ireland	51
Total returned by Peers	300
Members returned by 90 Commoners in England and Wales	137
14 Commoners in Scotland	14
19 Commoners in Ireland	20
Total returned by Commoners	171
Nominated by Government	16
Total returned by Commoners and Government	187
Total	
Returned by Nomination	487
Returned, independent of nomination, only	171
Total of the House of Commons	658

This is a statement which no man has ever attempted to controvert, and which gives a clearer view of the wretched state of our representation than any other book I have seen published on the subject. This simple exposition of the House of Commons forms a justification for all the strong animadversions of the pamphlet before you for judgment. From the state of such a House of Commons it is a moral impossibility that pure laws can exist, or a pure administration of laws be made. The fountain is polluted, and nothing pure can flow from it, or be in existence near it. It renders corrupt every officer of Government, from the Minister to the Parish Constable. This, Gentlemen, is the source of all our evils—this is the sole cause why you are now called upon to judge of the pamphlet before you. Let our verdict, then, shew that you abhor this system of corruption. Shew my prosecutors that they deserve the animadversions which this pamphlet contains, and your verdict will be echoed with joy throughout the country.

The two remaining paragraphs are quotations from an Address to the Reformers made at the commencement of the last year. They have been the subject of an indictment to Mary Ann Carlile, and were fairly met by the Jury who tried her in July last, by refusing to find her Guilty. The first of these paragraphs expresses, that, Britain has no Constitution. As far as the word *Constitution* represents a social compact mutually beneficial; Britain has no such Constitution; but in the literal meaning of the word *Constitution*, every Government is one for the time being, and the word applies as well as to Algiers, Turkey, or Morocco, as to Britain. The word *Constitutional* is very much in use, but it implies nothing more than a support of that government which is existing. It forms an antithesis to the word *Reform*. It is upon this view of the matter that dishonesty is attributed to such persons who, at the same time, profess to be Reformers, and to speak with admiration of the British Constitution. The writer of this paragraph denies that there is any thing to be desired in the present constituted Government of Britain. This is my sentiment, and must necessarily be the sentiment of every man who honestly avows himself to be a Reformer. If the existing Constitution be admirable there can be no need of Reform: but the effects of this Constitution are miserable to the industrious part of the community, therefore, I, as one of those industrious, or one who has been accustomed to live by his labour, wish to reform it; and can see nothing to admire in that which is existing. Every species of corruption has reached the climax of notoriety, and the Minister blushes not to avow its necessity to support him and his system, even in the face of Parliament!

The next paragraph expresses, that, "Reform will be obtained when the existing authorities have no longer the power to withhold it, and not before: and that we shall gain it as early without petitioning as with it." This expression is founded upon the axiom that a corrupt Government never did reform itself; an exception to which I challenge any man to produce from the history of the past. To petition a corrupt power to reform itself, is not only a folly, but a vice, and deserves to be treated with contempt.

But what is there in all this, Gentlemen, worthy of your notice? What is there in all this worthy of being deemed seditious or blasphemous? If you cannot tolerate a discussion of this kind, what can you tolerate? The language of these extracts now before you forms the common topics of conversation: almost to the exclusion of all others. The public mind is deeply intent upon them: my prosecutors tremble, and they need your aid to terrify all who clamour against their mis-deeds. But

will you lend yourselves to their vile wishes? Will you proclaim yourselves the enemies to all discussion of all subjects of Reform? If you do, I shall despise your motives—feel contempt for your impotence, and class you with my persecutors. I should smilingly tell you, that the progress of Reform is not to be checked by the verdict of a Jury, and that I would rather be the subject of your verdict of *Guilty*, than your Foreman to pronounce it. I am above all punishments, by the possession of mental and moral consciousness that I have but done my duty, as an advocate of more extended liberty—as a patriot, and, lastly, as a man. The mind is superior to the body, and I feel the happy pride that I have done nothing disgraceful to the mind: therefore that mind you cannot punish, and vain will be all attempt to punish the body without it. It will be but putting another item to the account, and calculated to hasten the day of reckoning—the day of retribution! But I will yet hope better of you: I will hope that you are twelve intelligent and honest men, and if you be such, you cannot find me Guilty of any malicious design in publishing this pamphlet. You cannot perceive nothing seditious or blasphemous in it: for wherever it touches upon public matters, it speaks the language of truth, of reason, and of justice.

The next paragraph in rotation, is a sweeping charge of corruption upon the whole legislature, and upon the administrators of the laws; but there is not a word of untruth in it. Did not Lord Castlereagh lately assert in the face of the country, that he could not carry on what he calls its business without the aid of a corrupt and paid majority of the House of Commons? It is notorious and uncontradicted that he did say so, and I am sure that such an expression was a full defence of the paragraph before us, and does not require a word more from me. The next paragraph in the Indictment is a mere repetition of the former one and has its Defence from the same source.

There are but two other paragraphs remaining to notice; and they are scarcely worth notice; for the only object in adding them to the former matter selected must have been to make the job more profitable to Murray the prosecuting Attorney; whom, you doubtless know, Gentlemen, is paid *per folio* for the length of his Indictment. This will account for the yards of parchment exhibited before us in this case. Mr. Murray has made it correspond with the purse, into which he puts his own hand for payment.

The whole of these passages are selected into the first count of the Indictment; but there are variety of other counts which divide and subdivide them, to make the job the more profitable for Murray. But, Gentlemen, the Indictment charges this pamphlet to be blasphemous. It is altogether a false charge: but the Indictment itself is really blasphemous. At the conclusion of each Count it represents that I have published the extracts “*to the high displeasure of Almighty God!*” What Gentlemen! if I were to endeavour to prevent either of your names from being associated with every thing that was vicious and wicked, should I incur your high displeasure? Would you not in a moral point of view, feel yourselves indebted to me? What then is meant by saying I have incurred the high displeasure of Almighty God? Are we to look at the Constitutional Association as a representation of the Supreme Being? You will feel shocked at the idea, Gentlemen. If you are moral men; if you ever think of Deity: you will mark such a blasphemous record with your reprobation. Blasphemy is understood to mean a speaking evil of the Deity. There is nothing of the kind in the pamphlet before you but the language of the Indictment is really blasphemous. It is a speaking evil of the Deity, to say that he feels

displeasure towards me. I deny it, and in the name of that Supreme Being I protest that I have done nothing in this case to offend him. I protest that my act has been strictly moral, and that the reverse is to be found in the conduct of my prosecutors. Beware, Gentlemen, how you make yourselves parties to them, and be assured that no man will heed your verdict less than I shall; be it what it may. I am conscious of having done no man an injury in this case; and let me caution you, Gentlemen, to beware of doing one to me. It will be your case and not mine. I can suffer and be happy in this case.

But, Gentlemen, as I am publicly accused with being a wicked and evil disposed person, I will publicly state what I consider to be true religion and what it is to be pious, or impious: I will give it in the language of a celebrated French Philosopher: "TRUE RELIGION," says he "is the act of advocating truth; of renouncing error; of contemplating reality; of drawing wisdom from experience; of cultivating man's nature to his own felicity by teaching him to contribute to that of his associates; in short, it is reason, education, and legislation, united to further the great end of human existence, by causing the passions of man, to flow in a current genial to his own happiness.

TO BE IMPIOUS, is to insult systems which we believe; it is knowingly to outrage them. To be impious, is to admit a benevolent, just God, at the same time we preach up persecution and carnage. To be impious, is to deceive men in the name of a Deity, whom we make use of as a pretext for our own unworthy passions. To be impious, is to speak falsely on the part of a God, whom we suppose to be the enemy of falsehood. In fine, to be impious, is to make use of the name of the Divinity, in order to disturb society; to enslave it to tyrants; to persuade man, that the cause of imposture, is the cause of God; it is to impute to God, those crimes which would annihilate his divine perfections. To be impious, and irrational, at the same time, is to make, by the aggregation of discrepant qualities, a mere chimera of the God we adore.

On the other hand, TO BE PIOUS is to serve our country with fidelity; it is to be useful to our fellow creatures; to labour to the welfare of society: every one can put in his claim to this piety, according to his faculties; he who meditates, can render himself useful when he has the courage to announce truth, to attack error; to battle those prejudices which every where oppose themselves to the happiness of mankind; it is to be truly useful, it is even a duty, to wrest from the hands of mortals those homicidal weapons which wretched fanatics so profusely distribute among them; it is highly praiseworthy to deprive imposture of its influence; it is loving our neighbour as ourself, to despoil tyranny of its fatal empire over opinion, which at all times it so successfully employs to elevate knaves at the expence of public happiness, to erect its power upon the ruins of Liberty, to establish unruly passions upon the wreck of public security. To be truly pious is religiously to observe the wholesome laws of Nature; to follow up faithfully those duties which she prescribes to us; in short, to be pious, IS TO BE HUMANE, EQUITABLE, BENEVOLENT; IT IS TO RESPECT THE RIGHTS OF MANKIND. To be pious and rational at the same time, is TO REJECT THOSE REVERIES WHICH WOULD BE COMPETENT TO MAKE US MISTAKE THE SOBER COUNSELS OF REASON.

Now, Gentlemen, these are my sentiments, and if I am an evil disposed and a wicked person for holding and publishing such sentiments, then I glory in my wickedness.

Gentlemen of the Jury, I must again request that you will not be led away by the artful clamour, or poisoned by the bitter malevolence of the

Counsel for the prosecution. But the question which you are about to decide is of much greater importance than as it affects my personal interests; the question is not whether I shall be sent back to prison or not, but whether the Liberty of the Press shall be sacrificed for ever by your assistance. The precedent which your decision will form will stamp the fate of hundreds who are, or who are intended to be in the same situation as myself; and the object that is now contemplated by the English Ministry is the total annihilation of the Liberty of the Press. In defending myself from the charges which have been preferred against me, I trust you will consider the difficulties I have had to encounter, and the infinite advantages enjoyed by the conductors of the prosecution. I have already suffered an imprisonment of five months, and if you should return a verdict of Guilty, I have fortitude enough to meet the merciless sentence which will follow, with perfect indifference. But, Gentlemen of the Jury, you cannot so far forget your duty as to surrender the right of the Nation to discuss and attend to its own interests into the hands of a wicked and corrupt prosecuting Association? If you convict me, you give up your own right to express an opinion on politics; for the object of the Ministry, and their tools in this Association, is nothing short of the absolute destruction of the Liberty of the Press. I appeal to you as men, as members of civil society; I appeal to you as fathers, that you will not suffer your verdict to be an instrument for rivetting those chains upon your children which are now attempted to be fastened on the present race of Englishmen; and having done this, I fearlessly leave my own future comfort in your hands, in the full confidence that you will rescue me from the fangs of this despotic and blood-thirsty Administration, and discourage the wicked efforts of this exposed, scorned, and detested gang of robbers, the managers of the self-styled Constitutional Association.

The Common Serjeant then summed up the evidence to the Jury, and observed upon the nature of the Defence which the Prisoner had thought proper to pursue, saying he at least had had the merit of having made a very bold defence. It was said that this was nothing but a conspiracy to prosecute opinions, and that the only question was as to the malicious intention of the publisher. The Jury would not be influenced by such a course of argument. The only questions were, first, whether there was a publication; and, secondly, whether the passages selected were blasphemous and seditious? The third question as to the agreement of the Prisoner in the doctrines he had thus disseminated, had been entirely put out of consideration by the manner in which the Prisoner had shaped his Defence, for he professed to advocate every principle the pamphlet might contain. It could not be for the Jury to consider whether the party writing these Libels might intend some good at some distant period, but the tendency of the doctrines delivered must be considered, and the manner in which they were put forth to the public. With respect to the Prisoner's declining to give his name, no difficulty would arise from it. The individual had pleaded to the Indictment, and he had been completely identified by the witness Smith. With regard to that part of the Prisoner's Defence in which he endeavoured to prove what he termed the obscenities of the Bible, it was indeed most painful to hear it; but however offensive and shocking to the ears it might be, it was right that both a Judge and a Jury should listen to it. The Prisoner would take the chance of exciting a stronger feeling than might otherwise be entertained. It is certainly a misfortune, in this age of refined language, that the obscene parts of the Bible were not omitted.

After having read the passages in the Indictment at length, he left it to the Jury to decide whether they had any doubt as to their blasphemous and seditious nature.

The Jury, without hesitation, found a verdict of Guilty!

The Prisoner was called up for judgment. Being asked in the usual form what he had to say why judgment should not be passed upon him, as in cases of misdemeanor, he answered, "I consider that I have done my duty. The pamphlet contained my views and principles, and I published them. I have no hesitation in saying, that I will continue to publish my opinions in every possible shape that I am able."

The Common Serjeant then prefaced his sentence with the following words: "I regret to say, that the Court finds itself absolutely called upon, in consequence of the Defence the Prisoner has read, and the expressions which have now fallen from him, to pass a much more severe sentence than he would otherwise have received. The Court would have been willing to have recollected that the Prisoner had already endured a considerable imprisonment (although it was wholly his own fault that he was so confined): but it would be wanting in its duty to the public if it did not pass such a sentence as would tend to deter others from publishing such blasphemous works. (Addressing himself to the undismayed and undaunted Prisoner) *Your mind is neither unenlightened nor uninstructed, and you will see that the views you now entertain can only be hostile to the general objects you have in view—the amelioration of your fellow creatures. It is impossible that such publications should be suffered to exist.*"

"The sentence of the Court is, that you be imprisoned in the House of Correction for the term of eighteen months, and at the end of that period to find sureties for five years, yourself in £100, and two others in £40 each."

Prisoner.—I have a mind, my Lord, that can bear such a sentence with fortitude.

TRIAL

OF

JOSEPH RHODES.

ON March the 5th, Joseph Rhodes, who had been improperly drawn into a plea to the name of William Holmes, was but to the bar for trial, having traversed from the January sessions. The pamphlet and the Indictment were the same as in the case of Humphrey Boyle.

Mr. Adolphus addressed the Jury for the prosecution in his usual manner, and observed, that, to prove that the publications similar to that before the Court had done mischief, he had need only to notice a motto on the last page of the pamphlet, connected with the subscription: which was as follows:

“ From four Scotch Weavers, who once believed their Grandmother’s word that there were three Gods ; silly old women whom the Priests had crammed.”

“ Superstition is on her death bed, her Doctors, the Priests, attend on her anxious for her recovery, Hark ! the “ Age of Reason ” is ringing her dying knell ! the hag distorts herself—she cries for blood—for imprisonment—she is dead ! The Sun of Reason Shines.

“ Virtue is truth,
Vice is a lie ;
Paine’s Works shall live,
The Bible shall die.”

Mr. Payne, Clerk at the Justice Room Guildhall, produced the pamphlet, which he stated, was delivered to him by Purton, the Bow Street Patrole.

Purton was sworn, and stated, that he purchased the pamphlet from the Defendant in the shop of Carlile.

Cross-examined by Mr. Prendergast.

How long have you been in the employ of the Constitutional Association ?

Purton.—I am not bound to answer that question.

Mr. Prendergast.—You certainly are not bound to answer any question which may tend to criminate yourself. Was you not employed by Mr. Sharpe, or Mr. Murray in this business ?

Purton.—I certainly was employed by those Gentlemen.

Mr. Prendergast.—Was you not employed by Mr. Sharpe ?

Purton.—I was.

Mr. Prendergast.—Is not Mr. Sharpe a member of the Constitutional Association ?

Purton.—I have heard and believe that he is.

The Common Sergeant.—The belief of the witness is no evidence.

Mr. Prendergast.—I am aware of that, my Lord; but it is *prima facie*, perfectly clear that Mr. Sharpe is connected with the Association.

The Common Sergeant.—Well, we shall see that bye and bye.

Mr. Prendergast.—I contend, my Lord, that it is perfectly apparent now that Mr. Sharpe is a member of the Association in question.

The Common Sergeant.—Well it may be so—but that does not alter the case. We have no proof whatever that he is a member, and if he is it will not alter the case.

The Clerk of the Arraignment then read the parts of the pamphlet set forth in the Indictment, which closed the case for the prosecution.

Mr. Prendergast addressed the Jury for the Defendant, and dwelt with much force on the conduct of the Society, in prosecuting, rather than contending against the opinions which were broached by the writer of the pamphlet in question. He stated that the Prisoner was an inhabitant of a remote part of the country, and had not been in the service of Carlile more than a few hours previously to his being taken into custody. Had that not been the case, he should have been able to have called witnesses to prove that his client had been a dutiful child, a beloved husband, and a valued parent, and had borne that character which would reflect the highest honour on him in the sphere of life in which he moved. After making some observations on the composition of the Constitutional Association, and observing that it was notorious that even those who sat on the bench had subscribed to it; the Common Sergeant interfered and complained of the harshness of the remarks, which gave rise to some warm discussion. Mr. Prendergast insisting that such an association was illegal, as it could not be known whether even the Jurors in the box were or were not members of it, and that it was notorious that some of the Judges had subscribed to it. The Common Sergeant decided that the Counsel for the Defendant had no right to make such remarks or suppositions: and after having called forth the interference of the Court on some remarks upon the case of David Ridgeway, Mr. Prendergast sat down condemning the whole proceedings.

At the opening of the case, the Defendant had expressed a wish to withdraw his plea, by saying, that, he had been falsely sworn to by Cooper the Officer, and that his name, was not William Holmes. He now asked the Common Sergeant if he might make his objection to the proceedings. No answer was returned, but that Cooper the Officer was not present. He then observed that, he would bring forward evidence to shew that Purton the officer had said that he the Defendant was not the man who had sold him the pamphlet.

This was denied by the officer.

The Defendant begged that his fellow Prisoner (the man whose name is unknown) might be called in proof of what he had stated.

The Common Sergeant said, he was certainly at liberty to call any person whose evidence was admissible, and if he named him he should be called.

Defendant.—The person I mean is the man whose name is unknown.

The Common Sergeant.—The Court will not take the evidence of any man who will not give his name. If he likes to state his name his evidence will be received.

Mr. Brown, the Keeper of Newgate, after a few minutes absence said the man whose name was unknown, was present, but that he refused to give his name.

The Common Sergeant.—Then the Court cannot hear him: we cannot hear a man without a name.

The Defendant then said he would call a Mrs. Wright to prove what he said to be true.

Susannah Wright was called and sworn.

Common Serjeant.—What was you doing on the 27th of December?

Witness.—I was Housekeeper to Mr. Carlile and was just come down stairs to prepare dinner for the men, when I saw a suspicious looking person lift the flap of the Counter, walk inside and look round. I demanded his business. He turned round contemptuously and made no answer. I pressed him for an answer, and he turned round to Joseph Rhodes, the person at the Bar, and said I have a warrant for you. I then said to Rhodes, "If it be a warrant read it yourself and see that it is in your name."

Common Serjeant.—Was any other person in the shop with him at the time?

Witness.—Yes, there was Purton the spy who came with the City officer.

Common Serjeant.—What do you mean by a spy?

Witness.—A person who goes about purchasing pamphlets to entrap men, by swearing they are blasphemous or seditious.

Common Serjeant.—Have you got witness to that effect?

Witness.—I have no evidence but his own actions, as far as I have seen them, and his own reported words in "The Times Newspaper." (A bystander observed it was so reported in the "Times.")

Common Serjeant.—What did Purton say?

Witness.—Purton said "that is not the man," and something I did not hear, to the officer who had the warrant: but the officer turned to Rhodes and said "you must go with me." I asked the officer to let him take his dinner first; but he would not.

Common Serjeant.—Did you advise the men not to give up their names?

Witness.—I never advise any one.

Common Serjeant.—Yes you did, you say you advised him to read the warrant.

Witness.—That was not deliberate advise.

Cross-examined by Mr. Adolphus.

Mr. Adolphus (pointing to Purton) Is that the person you call a spy?

Witness.—Yes.

Mr. Adolphus then pointed to Harrison, the City Marshalman and asked which of them she meant.

Witness.—I mean Purton.

Mr. Adolphus.—Did you ask Purton to dine?

Witness.—What Purton the spy? No, indeed I did not.

Mr. Adolphus.—Pray Mrs. Wright are you a married or a single woman?

Witness.—I am a married woman.

Mr. Adolphus.—Do you believe in the Holy Scriptures?

Witness.—I shall not answer that question.

Mr. Adolphus.—Do you believe the Bible to be the word of God?

Witness.—I shall have my own opinion upon that subject.

Mr. Adolphus.—Have you not the misfortune to have many indictments against you?

Witness.—I have two Indictments against me, but if you consider it a misfortune, I do not.

Mr. Adolphus.—I called it a misfortune as the mildest term I could apply to it. Is it for the same pamphlet?

Witness.—No.

Mr. Adolphus.—Is it for the Republican?

Witness.—No.

Mr. Adolphus.—Is it for the Age of Reason?

Witness.—No.

Mr. Adolphus.—Is it for Palmer's Principles of Nature?

Witness.—No.

Mr. Adolphus.—Is it for any part of the volumes of the Deist?

Witness.—No.

Mr. Adolphus.—Then it is for similar publications?

Witness.—Yes*.

Mr. Adolphus.—You say you do not believe in the Holy Scriptures?

Witness.—I have said no such thing. I may answer that question when put upon my trial.

Mr. Adolphus.—When were you Indicted?

Witness.—In May or June last: I am not sure which.

Mr. Adolphus.—Did you live at Fleet Street when you was first Indicted.

Witness.—Not altogether.

Mr. Adolphus.—How long have you lived there?

Witness.—Ever since Miss Carlile was taken away.

Mr. Adolphus.—How do we know when that was?

Witness.—In November.

Mr. Adolphus.—How long ago is that?

Witness.—It is easy counted.

Mr. Adolphus.—But do you mean last November, or the November before?

Witness.—You know as well as I do that it was last November.

Mr. Adolphus.—Did you engage the men?

Witness.—No, I did not. I had nothing to do with the business.

Mr. Adolphus.—Was not the Shop window placarded all over?

Witness.—Yes, the same as all other shops that have any thing to sell.

Mr. Adolphus.—I hope not. I never saw any so.

Witness.—If you had used your eyes you would have seen plenty of them placarded.

Mr. Adolphus.—Pray, Madam, was not there a placard with, "This is the Mart for Sedition and Blasphemy" upon it, in the window.

Witness.—I did not see it in the window, but I saw a copy of it in the "New Times" Newspaper.

Mr. Adolphus.—Do you believe there was such a paper in the window?

Witness.—I had such a paper given me to burn: but it had the expression you use, within inverted commas, to represent that it was borrowed from somewhere, and in not copying it so the Newspapers misrepresented it.

Mr. Adolphus.—It had inverted commas had it?

Witness.—Yes.

Mr. Adolphus.—I do not ask you who wrote it, but did you order it out of the window.

Witness.—I had no controul over the business nor any one there.

Common Sergeant.—She said before that she had nothing to do with the business.

Mr. Adolphus.—Was there not another placard in the window which had the words "Factious Jesus" upon it.

Witness.—I have heard there was, but it was an error of the writer in coyping *factious* for *factitious* and as soon as the error was discovered the placard was taken down.

* Mrs. Wright was indicted for the Observations on Dr. Gregory's Letters and for some short Letters to Parson Wait in the Addresses and Correspondences of Mr. Carlile.

Mr. Adolphus.—Look and see if you can see the Marshalman that arrested the Prisoner; and mind, you are still amenable to the law for perjury though you have sworn on the Book you do not believe.

Common Sergeant (to the witness).—Do you believe in the Gospels on which you have sworn to speak the truth?

Witness.—I tell you again, I shall not tell you what I believe or what I disbelieve.

Mr. Adolphus.—Are you sure that is the man that arrested the Prisoner?

Witness.—I am sure he arrested one of them, I cannot be certain which.

Mr. Adolphus.—That is very strange; you can recollect that he arrested one of them, and cannot say which of them.

Witness.—It is not strange at all. They were both arrested within an hour; so it was natural that the cases should be confounded in the memory.

Mr. Adolphus.—Did not you receive these men with a name?

Witness.—I shall not answer that.

Mr. Adolphus.—Answer me directly, or his Lordship will commit you for contempt of Court.

Witness.—I will not answer that question.

Common Sergeant.—If you do not answer that question I will commit you directly.

Here a Gentleman standing by begged the witness to answer the question; but she stood undaunted.

Common Sergeant.—You are amenable to the laws for perjury whether you believe in the Bible or not: I charge you on your oath, attend to me and answer; was the man with name unknown here, known to you by any name or not?

Witness.—Of course he was.

Common Sergeant.—Of course he was? I did not ask you his name.

Witness.—If you had I would not have told you.

Common Sergeant.—Did the Prisoner at the Bar know him by the name he went by?

Witness.—Of course he did.

Mr. Adolphus.—Be careful; for I shall have to call upon you another day, if the next witness, the Marshalman, proves what you have said to be false.

Witness.—I have spoken nothing but the truth; and I do not care what you do; you may do your worst.

Common Sergeant.—Be careful, Mrs. Wright; you are a young woman.

Witness.—I am not going to commit myself, I have spoken nothing but the truth.

Common Sergeant.—I hope not.

Here the examination was renewed, and witness refused to answer the same question a second time: the Common Sergeant threatened to commit her again, if she did not, and even made the witness go a third time through so severe, so impudent, so insolent a cross-examination, which she did without varying in a word, to the great satisfaction of a crowded Court, and with a degree of intelligence and acumen (say the reporters to the Papers) seldom witnessed in a Court of Justice.

Harrison, the Marshalman, was then examined as to the caption of the Prisoner, and stated that the warrant had no name in it. He saw the pamphlet sold, and took the Prisoner into custody. The man without a name immediately took the place of the Prisoner. Purton said, on his taking the Prisoner into custody, "That is not the man," alluding to the person without a name.

Mr. Adolphus shortly replied upon the evidence, and remarked upon the circumstance of the refusal which had been given by the witness Wright to declare upon her belief in the Holy Bible. He said this case itself sufficiently evinced the effects of such publications.

The Common Sergeant charged the Jury, who as a matter of course and consistency, (having tried the same case twice before) found a verdict of Guilty.

The Common Sergeant, chuckling himself amidst the chuckling of the Jury, instantly passed a sentence of two years imprisonment, with hard labour, in the House of Correction; and that the Prisoner, at the end of that period should be bound in his own recognizances in £500, to be of good behaviour for his life; as by the expiration of the period of his imprisonment his present associates would have abandoned him.

Sherwood, Blanchard, and Gardiner, three of the booksellers in Paternoster-Row, were on the Jury.

REMARKS.

THE whole case of Joseph Rhodes was a case of foul play. In the first place he was drawn into a plea by menace, and when in a subsequent session he showed a wish to withdraw his plea and to plead in a correct manner, he was told that was not the time, and it was a matter of indifference, so as he had pleaded, whether his name was Holmes, Rhodes, or Robinson. Unacquainted with law proceedings, and having no one at hand to advise him, at the moment that the officer (Cooper) swore falsely that his name was William Holmes, he did not know but it was a matter of necessity that he should plead to that name.

The examination of Mrs. Wright indicates strongly the degree of venom with which those prosecutions are conducted, and the pains that were taken to catch a variance in her answers, with the hope of indicting her for perjury. These wretches want to raise a clamour, that those who reject their obscene Jew Books have no respect for truth: but in this point I can proudly assure them they will fail. When it is known that Mrs. Wright is a very delicate woman in health and constitution, and that when she stood at the Bar and went through that examination she was near eight months advanced in pregnancy, the reader will be able to judge of the humane feelings of Mr. Adolphus and the Common Sergeant. She is very subject to fainting fits, and she wrote me afterwards that it was with the greatest difficulty and a sort of forced energy and resolution, that she saved herself from falling in the Court. If she had fallen, doubtless, we should have heard a clamour about the effects of Infidelity on the mind, or some such imposing nonsense.

The sentence on Joseph Rhodes is another proof of the vindictive feelings roused by the Constitutional Association; but if the corrupt reptiles who formed the Court and passed it think they can deter others from following his conduct, they are much mistaken. There are now six volunteers at Leeds, panting with a desire to tread in the steps of their townsman and companion, Boyle; whilst in Manchester and its vicinity there is an assurance of a supply to any extent that I will call for them. This is not boast and swaggering; the moment I find those now indicted brought to trial, I will bring on fresh hands for further Indictments instantly; whilst Humphrey Boyle shall be the specimen of what will follow.

The Jurymen in the case of Boyle were—

Joseph Sparks,
Benjamin Shaw,
James Jones,

John Donaldson, Shoemaker, Walbrook,
 William Lock,
 John Alexander,
 John Wright, Tobaconist,
 Robert Jones, Brandy-Merchant, St. Mary-Hill,
 William Guildford,
 John Anderson,
 John Harewood,
 William Brigg, or Grigg, Tallow-Chandler, Leadenhall-street.

It was Donaldson, the shoemaker, who made himself so ridiculous as to ask the Defendant if he knew the moral of the obscene tales read from the Jew Books, as if it was possible that any moral could be connected with any thing of the kind. The horrible story of Lot and his Daughters is not only a gross lie, as a physical impossibility of being true, but there is not the least moral in the story, or any object resulting from it more than to say how the tribes of the Ammonites and Moabites originated. What moral is there in the story of Judah, his Son's, and daughter-in-law, Tamar? What moral is there in the story of Ammon and his sister Tamar, and Absalom with his father's concubines on the house-top, and in the face of all Israel? It must have been a great all, a mighty nation, to have all seen such a spectacle at one time! Such beastly, such abominable tales must be put down, and not thrust into every family. Let the Vice Society be consistent, and see to it.

Dorchester Gaol, June 16, 1822.

R. CARLILE.

POSTSCRIPT.—LETTER TO MR. R. CARLILE.

DEAR SIR,

I TAKE the liberty of enclosing you a list of the Jury who tried Humphrey Boyle, in expectation that you have not been able to get a list of them. I heard his Trial, and if an opportunity had occurred would have requested him to have objected to one of the Jurymen, viz. Donaldson, who keeps a shoemaker's shop close to the Mansion-House, at the top of Walbrook. I knew him about ten years ago as a shoe-inspector in the Storekeeper-General's department, a department I was then employed in myself; he is a Scotchman by birth, and a bigoted scoundrel: he got up in his place and requested Boyle not to read the chapters in the Bible, and at parts of his Defence made expressions of disgust, and appeared quite shocked. He used to receive a guinea for the inspection of a thousand pair of shoes, which he would finish in three hours, besides the bribes he received from the contractor for passing notorious bad ones. The others I unfortunately know nothing of, you or some of your correspondents very possibly may. With my respectful compliments to Miss and Mrs. Carlile, with my congratulations to the latter on her safe deliverance,

I am, dear Sir, Yours sincerely.

Benjamin Shaw is the brother of Sir James Shaw the Alderman, and a noted man at Bible Society Meetings, and, if I am not much mistaken, a Subscriber to the Constitutional Association. John Wright, a Tobacconist and Snuff-maker, and the same individual who stuck out against his fellows in the case of Mary-Ann Carlile. He was heard afterwards to declare that nothing but a want of snuff could have induced him to yield! Does not this his appearance on a second trial of that kind look as if Mr. Murray and Sharpe can pick their own men?

R. CARLILE.