ROBERTSON's DITION.

THE

# TRIAL

OF

# MAURICE MARGAROT,

*DELEGATE FROM LONDON, TO THE*

# BRITISH CONVENTION.

BEFORE THE

*HIGH COURT OF JUSTICIARY,*

AT EDINBURGH,

*On the* 13th *and* 14th *of January*, 1794,

# FOR SEDITION.

TAKEN IN SHORTHAND BY MR. RAMSEY.

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CAREFULLY CORRECTED, *and* MANY SENTENCES *added, which, owing to the low tone of voice used by some of the Witnesses, are omitted in the London Copy. The Public may therefore be assured that this is* THE GENUINE EDITION.

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*EDINBURGH:*

PRINTED for JAMES ROBERTSON, No. 4, Horse Wynd, and sold in London by D. I. EATON, No 74, Newgate street, J. JORDAN, No. 166, Fleet street W. RAMSEY, No. 37, Bell Yard, Temple Bar, and J. MARSOM, No. 187, High Holborn.

THE

# TRIAL

OF

# MAURICE MARGAROT.

THE members of the Court of Juſticiary aſſembled preciſely at ten o'clock in the forenoon. Mr. Margarot appeared, and placed himſelf at the bar.

His Majeſty's Advocate, for his Majeſty's intereſt, having been, in the uſual form, called againſt the pannel,

Mr. Margarot ſaid, Clerk of the Court, where is the Lord Juſtice General of Scotland, I don't ſee him in his place.

*Clerk.* I don't know where he is.

*Mr. Margarot.* I hold that this Court is not competent to try me. My Lords, I am cited before the Lord Juſtice General of Scotland, the Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary. Now we know this is the higheſt Court in Scotland: we know there is no higher office in Scotland, than that of Lord Juſtice General, and we know, that if it was an unneceſſary poſt, it would not have £. 2,000 a-year ſalary annexed to it, and we know that the indictment would have run before our Lord Juſtice General, *or* Lord Juſtice Clerk, becauſe we know that the Public Proſecutor will in this caſe and in every other, trumpet up much the conſtitution, and as the conſtitution of Great Britain is founded upon laws, and thoſe laws can

only be delivered in words, ſo the leaſt variation of words in a law, is a total objection to an indictment. My Lords, it may be ſaid there is precedent for it, but it is a fundamental principle, that no man ſhall hold out his own laches. Why is he not here to do his duty? If this innovation is ſuffered, perhaps the attendance of the Lord Juſtice Clerk will be diſpenſed with, and the attendance of the other judges; and at laſt, perhaps, the Clerk of the Court, or even the macers, will form the high Court of Juſticiary, ſo that by one deviation and another, even the forms of juſtice will be done away; and, my Lords, we cannot ſay there has not been a precedent, where the Lord Juſtice General has appeared in his place, though perhaps that was not to the honor of Scotland, where the Duke of Argyle ſat as Lord Juſtice General, for the purpoſe of trying a man, one James Stewart, for the murder of a man of the name of Campbell, and the whole jury were Campbells except two, and that was the only inſtance where the Scotch have enjoyed the privilege of having their Lord Juſtice General ſit in their Court. I deny even the competency of this court to argue upon, or maintain their own competency, becauſe it is the ſervant pretending to dictate to the maſter. As well may it be ſaid, we don't want a king, as for the Lord Juſtiee Clerk to ſay, we don't want a Lord Juſtice General.

I have met the laws, and I beg this may be taken under your ſerious conſideration, for what I ſay this day will not be confined within theſe walls, it ſhall ſpread far and wide, and will undergo a reviſion in both Houſes of Parliament in England. You already know that there is an impeachment hanging over your heads—you know it is ſhortly promiſed to be brought forward. And, my Lords, I object upon another ground, in the criminality of which you are all implicated, for there is this difference between the lieges and the judges, that a man is always preſumed innocent till he is found guilty; but the moment there is the ſlighteſt imputation upon a judge, he is preſumed to be criminal till his innocence is clearly proved. A judge ought to be like Cæſar's wife, not only ſpotleſs but even unſuſpected; that is not the caſe with you my Lords. We have the promiſe of many men in England of great reſpectability who will bring it forward, and you may, though you are now ſitting upon that bench, be brought to atone upon your knees, perhaps with your

lives, for any infraction of the laws you may be guilty of. My Lords, we well know that Cambyſes ordered an unjuſt judge to be flea'd, and the ſkin of that judge covered the ſeat of his ſucceſſor. We alſo know, that in the reign of Alfred, (and I hold my authority in my hand, and the hiſtory of England will furniſh it to every one) that in one year, forty-four judges were hanged—and you well know the fate of Jefferys, who, though the ſlow hand of the law could not overtake him, was torn in pieces by the people. I don't mean to ſay that you are guilty—that remains for a higher deciſion than mine, at that tribunal where you muſt ſoon appear, to anſwer for thoſe actions which you have committed; but you will remember, that there will be at that day a mixture of guilt and innocence—may the innocence appear predominant—I don't wiſh to be one of your accuſers on that day.

My Lords, the objection that I have ſtated it is impoſſible to get over, for that man is remarkably accurate, I mean the public Proſecutor, and if it had not been neceſſary, he would not have inſerted it. I expect no mercy from him, neither ſhall I expect any thing like mercy from the court in the ſituation in which I ſtand, if what I have heard be true.*

My Lords, there is another objection alſo—I need Lord Juſtice Clerk and Lord Henderland's teſtimonies, as exculpatory evidences: I wanted to bring them upon their oaths to the bar, but though it is the privilege of an Engliſhman—of a Briton I mean, for I wiſh the name of Engliſhman to be annihilated in that of Briton—it is a privilege granted to us by that conſtitution, (which is ſo loudly trumpeted up on every occaſion) that a pannel at the bar, ſhall have the ſame compulſory method of bringing his witneſſes that his proſecutor has, and that has been denied me. The man whoſe buſineſs it is to cite witneſſes ſaid, he would attend in court, and give his reaſons why he did not dare to ſerve thoſe judges with a citation. It is true, I mentioned only the Lord Juſtice Clerk to him, and I charged him to tell the Lord Juſtice Clerk that I wanted his evidence, and I apprehend, that you are not competent to determine upon this objection. I have obeyed the laws. This is not the high Court of Juſticiary, inaſmuch as it lacks the centre ſtone—inaſmuch as it lacks the prin-

* Vide evidence of Lord Juſtice Clerk.

cipal officer of the court, and the man who here ſhould repreſent the king, and conſequently the wording of the indictment is looſe, and renders it null and void. I have done my duty, and I demand to be diſcharged from your bar *ſimpliciter*.

*Lord Juſtice Clerk.* What do your lordſhips ſay to this objection.

*Lord Henderland.* My Lords, the objection as I underſtand it, is, that the Lord Juſtice General does not attend this court, and it is even ſaid, that we are not competent to judge of the force and validity of that objection. Why my Lord, with reſpect to that, if we are not competent to judge of it, who is to judge of it? It is from the neceſſity of things that we muſt judge of it—no other perſon can judge of it, and therefore I hold that objection to be null and void. With reſpect to the attendance of the Lord Juſtice General—by act of Par iament it is declared, that any three of this court ſhall be a quorum to try any criminal, conſequently, though my Lord Juſtice General is abſent, and even if your Lordſhip and I were abſent, any other members of the court provided there are three, is a legal quorum ſufficient for the trial, therefore I am of opinion that the objection ſhould be repelled.

*Lord Juſtice Clerk.* Does any of your Lordſhips think otherwiſe—I dare ſay not. Repel the objection.

(*The objection repelled.*)

*Lord Juſtice Clerk.* You will attend to the criminal libel that is to be read againſt you.

*Mr. Margarot.* Before that is read my Lords, I claim another privilege, which is, that of having my witneſſes called over, and if there are any who do not attend, I inſiſt—I demand—I don't aſk it as a favour—I demand it—you are on the ſeat of juſtice and take heed how you adminiſter that juſtice—I demand it as my right, that a caption be granted againſt the abſentees.

*Lord Eſkgrove.* With reſpect to what Mr. Margarot has ſaid of his witneſſes, I dare ſay your Lordſhips would not heſitate at ſending a meſſenger to ſerve even your Lordſhips, or any man in the kingdom with a citation. I hope it is not true, that the officer refuſed to cite your Lordſhips, it was his duty, and he ought to have done it.

*Lord Juſtice Clerk.* Mr. Margarot, ſtand up and hear the criminal libel read againſt you.

(*The Indictment was then read by the Clerk of the Court, of which the following is a true copy*).

GEORGE, *&c.* FORASMUCHAS it is humbly meant and complained to us, by our right trusty ROBERT DUNDAS, Esq. of Arniston, our Advocate, for our interest upon MAURICE MARGAROT, merchant in Marybon, London No. 10, High-street, residing or lately residing, at the black bull inn, head of Leith Walk, parish of St. Cuthbert's and county of Edinburgh: THAT WHEREAS, by the laws of this, and of every well governed realm, SEDITION is a crime of an heinous nature, and severely punishable YET TRUE IT IS, AND OF VERITY, that the said Maurice Margarot has presumed to commit, and is guilty actor, or art and part of said crime: IN SO FAR AS, the said Maurice Margarot having been named a delegate by an association of seditious people, calling themselves the corresponding society of London, did repair to Edinburgh with the wicked and felonious purpose of joining and co-operating with an illegal association of evil disposed and seditious persons, who originally designed themselves the General Convention of the friends of the people; but who, have of late assumed the designation of, "*the British Convention of the delegates of the people, associated to obtain universal suffrage and annual parliaments*;" and which illegal association, under the names and designations above mentioned, have been, in the practice, during the months of October and November last, as well as in the beginning of the present month of December, 1793, of holding various seditious and illegal meetings, at a Mason's lodge, or room in Black-friars wynd, in the city of Edinburgh, and elsewhere, to the public prosecutor unknown; and which meetings, though held under pretence of procuring a reform in parliament, were evidently of a dangerous and destructive tendency, with a deliberate and determined intention, to disturb the peace of the community, and to subvert the present constitution of the country: with which view they imitated both in the form and tenor of their proceedings, that convention of people, the avowed enemies of this country, who at present usurp the government of France, and with whom Great Britain then was and still is at war: that the said Maurice Margarot, from his arrival in Edinburgh, did, as a delegate from the said Corresponding Society. in London, constantly attend the illegal meetings of the above mentioned associations, and did co-operate

with them, on different occaſions, and act as preſes or chairman of their meetings, and did take an active and diſtinguiſhed part in their deliberations and proceedings; and that while the ſaid Maurice Margarot continued to attend the ſaid illegal meetings, as a delegate, or officiating in the capacity of preſident, as above mentioned, various ſeditious and inflammtory votes and reſolutions, were paſt, ſome of which he moved, others of which he ſeconded, and to all of which he gave his concurrence and approbation, by voting for paſſing the ſame; and which ſeditious votes and reſolutions, as alſo the inflammatory ſpeeches that were delivered on thoſe occaſions, by authority of the ſaid meetings, were inſerted in minutes of their procedure, taken at the time and which afterwards by their order, or under their authority, were publiſhed in a news paper, called the Edinburgh Gazetter of Tueſday, November 26th 1793, being No. 78; of Tueſday, December 3d 1793, being No. 77; and of Tueſday, December 10th 1793, being No. 80, all of that paper; and were by that means circulated among the lieges; That the ſaid Maurice Margarot did alſo, when attending in his capacity of delegate at the illegal meetings of the ſaid aſſociation, utter and make various ſeditious and inflammatory ſpeeches, tending to vilify our preſent happy conſtitution, and to withdraw there from the confidence and attachment of our ſubjects; and did likewiſe move reſolutions, tending to diſſeminate the ſeditious and unconſtitutional principles, by which theſe meetings were actuated. And particularly the ſaid Maurice Margarot, at a meeting of the ſaid convention, held on Tueſday 19th of November laſt, 1793, or on ſome other day of that month, in a Maſon lodge or room in Black-friars wynd, in the city of Edinburgh, did wickedly and feloniouſly make the following motion, or one of a ſimilar import; " That previous to publiſhing an addreſs to the public, a committee be forthwith appointed, to conſider the means and draw up the outlines of a plan of general union and corporation between the two nations, in their conſtitutional purſuit of a thorough parliamentary reform." Which motion, or one of the ſame tendency, having been approved of, was paſſed unanimouſly by the ſaid illegal aſſociation; and which motion clearly demonſtrated a wiſh and intention, on the part of the ſaid Maurice Margarot, of propagating the ſeditious tenets of that aſſociation over the whole kingdom, and of exciting our ſubjects in England, in

contempt of legal authority, to adopt the ſame unconſtitutional conduct which the ſaid Maurice Margarot and his aſſociates had preſumed to follow.

And further, on Monday the 25th of November 1793, or on ſome other day of that month, another illegal meeting, of the above-named aſſociation, held at the aforeſaid Maſon lodge or room, in Black-friars wynd, or in ſome other place to the public proſecutor unknown; upon a motion being made in the following words, or words of the ſame import: "That in caſe the miniſter, or any other member, bring into the Houſe of Commons a motion for a convention bill, as paſſed in Ireland, for preventing the people from meeting according to their juſt rights by the revolution, the ſame motion ſhall be noticed to the delegates of the reſpective ſocieties immediately to meet in convention, to aſſert their rights;" which motion having become the ſubject of conſideration the following day, the ſaid Maurice Margarot did then wickedly and feloniouſly utter and make the following ſpeech, or one of the like import and tendency: "This is an excellent motion, and the event, which it alludes to, ought to be the *tocſin* to the friends of liberty to aſſemble. It ſeems however to be imperfect; it does not mention any place of meeting, neither does it ſpecify the time when the delegates are to aſſemble; for the word immediately is indefinite, and will not convey the ſame meaning to perſons reſiding in different parts of the country. By thoſe who live near to the place of meeting it will be underſtood, that they are to repair there next day. By thoſe at a greater diſtance, within a few days; and by thoſe ſtill further off, a week after ſuch information is received. But the committee of regulations have in their report an article of the ſame purport, which, in my opinion, is preferable to our friend Callendar's motion; which, as this motion comes properly under the chapter of regulations, I wiſh that it were referred to that committee. I therefore move that the report be read, that the convention may judge whether the article I allude to ſufficiently provides for the intention of the motion now before the convention.

I believe that the convention will be convinced, that the clauſe of the report of the committee of regulations comprehends the ſpirit and intention of *Citizen* Callendar's motion, and alſo extends farther, in asmuch as it provides for a number of caſes e-

qually dangerous to liberty, as a convention bill, it will be found alſo, that this buſineſs of calling a meeting of the convention had better be entruſted to a ſelect committee, appointed for the particular purpoſe of watching every act which may militate againſt the rights of the people. And I maintain that the proper place for this motion to appear is among the regulations of the Convention."

And further, on the 28th day of the ſaid month of November 1793, or upon one or other of the days above mentioned, the ſaid illegal and ſeditious meeting did, after diſcuſſion of the ſaid motion, in the room or Maſon lodge in Black-fryars wynd aforeſaid, wickedly and ſeditiouſly come to a reſolution of the following import and tenor. "That this convention conſidering the calamitous conſequences of any act of the legiſlature which may tend to deprive the whole or any part of the people of their undoubted right to meet, either by themſelves, or by delegation, to diſcuſs any matter relative to their common intereſt, whether of a public or private nature; and holding the ſame to be totally inconſiſtent with the firſt principles and ſafety of ſociety, and alſo ſubverſive of our known and acknowledged conſtitutional liberties, do hereby declare, before God and the World, that we ſhall follow the wholeſome example of former times, by paying no regard to any act which ſhall militate againſt the conſtitution of our country, and ſhall continue to aſſemble and conſider of the beſt means by which we can accompliſh a real repreſentation of the people and annual election, until compelled to deſiſt by ſuperior force.

"And we do reſolve,

"That the firſt notice given for the introduction of a convention bill, or any bill of a ſimilar tendency to that paſſed in Ireland in the laſt ſeſſion of Parliament;

"Or any bill for the ſuſpenſion of the *Habeas Corpus Act*, or the act for preventing wrongous impriſonment, and againſt undue delays in trials in North Britain;

"Or in caſe of an invaſion,

"Or the admiſſion of any foreign troops whatſoever into Great Britain or Ireland—all or any of theſe calamitous circumſtances ſhall be a ſignal to the different delegates to repair to ſuch place as the ſecret committee of this convention ſhall appoint, and the firſt ſeven members ſhall have power to declare the ſittings per-

manent, and twenty-one ſhall conſtitute a convention and proceed to buſineſs.

" The convention doth therefore reſolve, that each delegate immediately upon his return home do con ene his conſtituents and explain to them the neceſſity of electing a delegate or deleegates and of eſtabliſhing a fund without delay againſt any of theſe emergencies for his or their expence and that they do inſtruct the ſaid delegate or delegates to hold themſelves ready to depart at one hour's warning.

" And further the ſaid Maurice Margarot did, at the ſaid illegal meeting, after the aforeſaid reſolution was ſo paſſed, wickedly and felonioufly make a motion in the following words, or in words of a ſimilar import and tendency: That a ſecret committee of three and the ſecretary be appointed, to determine the place where ſuch convention of emergency ſhall meet: that ſuch place ſhall remain a ſecret with them and with the ſecretary of this convention; and that each delegate ſhall at the breaking up of the preſent ſeſſion, be intruſted with a ſealed letter, containing the name of the place of meeting. This letter ſhall be delivered unopened to his conſtituents, the receipt of which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate until the period ſhall arrive at which it ſhall be deemed neceſſary for the delegate to ſet off—which motion was unanimouſly approved of.

And further, the ſaid Maurice Margarot did, on Wedneſday the 4th of December, 1793, or on one or other of the days of that month, or November preceding, in another illegal meeting of the above named aſſociation, held at the aforeſaid Maſon Lodge or room in Blackfriars' wynd, or ſome other place to the public proſecutor unknown, wickedly and felonioufly utter and make the following ſpeech, or one of ſimilar import and tendendency:

" Your committee of regulations have not been able to bring forward the remainder of their report this evening, they have not however been idle, they have been employed in another manner in your ſervice. It has been obſerved that we admit ſpies under the name of ſtrangers. I ſay they are welcome; and if the men, by whom they are employed, were to come here, they ſhould be welcome alſo: for we have no ſecrets which we dare not avow. But the intelligence which I have to commu-

nicate will ſhew that thoſe who are not friendly to reform, and who have an intereſt in ſupporting the exiſting abuſes, are uſing every endeavour to put a ſtop to our meetings. If they abide by law we are ſafe; for they cannot deny that we are met for a legal and conſtitutional purpoſe; but as the people in power may take meaſures againſt us not warranted by law, we ought therefore to prepare againſt ſuch diſperſion. We have already appointed a ſecret committee, for fixing a place of meeting on certain emergencies; and we ought to be equally well provided againſt the preſent caſe; for if we ſhall happen to be diſperſed to-night, how or where are we to rally again? To do this your committee ſuggeſts a reſolution to the following effect; but which I ſhall leave to be drawn up by the council of the table: That the moment of any illegal diſperſion of the preſent convention ſhall be conſidered as a ſummons to the delegates to repair to the place of meeting, appointed for the convention of emergency by the ſecret committee; and that the ſecret committee is inſtructed to proceed without delay to fix the place of meeting. I hope that what has been already ſaid will convince the the convention that your committee regulations, though they have not been able to bring forward their report, have not neglected their duty; and it will convince our enemies that we do not altogether neglect them, they will ſee that we proceed with regularity, and that we have an eye upon them while they have ſpies upon us. I therefore move for leave to bring in this motion—Which motion afterwards paſſed unanimouſly." The ſaid Maurice Margarot, after moving the ſaid reſolution, not only gave his aſſent to paſs the ſame, but allowed himſelf to be named one of the four members of which ſaid ſecret committee was compoſed, and agreed to act in that capacity. And further, on Friday, December 6th, 1793, or ſome other day of that month, the ſaid illegal aſſociation having again aſſembled in a room or workſhop belonging to, or poſſeſſed by John Laing, wright, ſituated in Lady Lawſon's yard, ſouth ſide of Croſs-cauſeway, in the pariſh of St. Cuthbert and ſheriffdom of Edinburgh. The Sheriff Subſtitute of Edinburgh, with others his aſſiſtants, having, in the diſcharge of his duty, repaired to the ſaid room or workſhop, with a view to diſperſe ſaid illegal aſſociation, The ſaid Maurice Margarot, with others his aſſo-

ciates, did then and there reſiſt the ſaid ſheriff ſubſtitute, and did peremptorily refuſe to diſperſe until forced to do ſo: that on this occaſion the ſaid Maurice Margarot was called to the chair, and acted as preſes or chairman of the ſaid illegal meeting, after the appearance of the ſheriff ſubſtitute, and in ope contempt and defiance of all legal authority, vindicated the proceedings of the meeting, and peremptorily refuſed to leave the chair unleſs compulſion was uſed; in conſequence of which the ſheriff ſubſtitute was under the neceſſity of taking him by the arm and pulling him out of the chair, and of uſing force in diſperſing the reſt of his aſſociates: That this conduct of the ſaid Maurice Margarot was highly aggravated by that circumſtance: That the ſaid illegal aſſociation had been the very evening before diſperſed by the civil magiſtrate. And the ſaid Maurice Margarot having been apprehended and brought before Harry Davidſon, Eſq; ſheriff ſubſtitute of the ſhire of Edinburgh, on the 5th of December, 1793, did in his preſence emit a declaration of that date, which is ſigned by the ſheriff ſubſtitute, the ſaid Maurice Margarot having refuſed to ſign the ſame; and when the ſaid Maurice Margarot had been ſo apprehended, ſundry papers having been found in his poſſeſſion, or claimed by him, the ſame were afterwards inſpected in his preſence, by authority of the ſheriff of Edinburgh, and two ſeveral liſts or inventories of thoſe papers were made up, one of which, containing ten articles, is ſubſcribed by the ſaid William Scott, procurator fiſcal of the county of Edinburgh, and by Joſeph Gerrald, of Hart-ſtreet, Bloomſbury ſquare, London; and the other conſiſting of nine articles, is ſubſcribed by the ſaid William Scott, and by the ſheriff ſubſtitute of Edinburgh, as the ſaid Maurice Margarot refuſed to ſign the ſame. Which inventories, together with the whole articles thereof, except No. 1. of the firſt inventory; as alſo the foreſaid declaration emitted by him before the ſheriff ſubſtitute of Edinburgh; together with a paper ſigned by the ſaid Maurice Margarot and by John Wardlaw, quoted on the back, "Motion of M. Margarot," and ſigned by the ſaid ſheriff ſubſtitute, as relative to the foreſaid declaration; as alſo the ſcroll or draught of the minutes of the ſaid General Convention, from the 29th of October to the 4th of December, 1793, conſiſting of 95 pages; as alſo Nos. 78, 79, and 80 of the Edinburgh

Gazetteer above mentioned, being all to be uſed in evidence against you the ſaid Maurice Margarot, will for that purpoſe, in due time, be lodged in the hands of the clerk of the High Court of Juſticiary, before which he is to be tried, that he may have an opportunity of ſeeing the ſame. At LEAST times and places above mentioned, the ſaid acts of ſedition were committed, and the ſaid Maurice Margarot is guilty, actor, or art and part thereof. ALL which, or part thereof, being found proven by the verdict of an aſſize, before our Lord Juſtice General, Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary, in a court of juſticiary, to be holden by them within the criminal court-houſe at Edinburgh, upon the 9th day of January next to come, the ſaid Maurice Margarot, above complained upon, OUGHT to be puniſhed with the pains of law, to deter others from committing the like crimes in all times coming.

OUR WILL IS HEREFORE, &c.

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## LIST OF WITNESSES.

1 Harry Davidſon, Eſq. ſheriff ſubſtitute of the county of Edinburgh.
2 William Scott, procurator-fiſcal of the ſaid county of Edinburgh.
3 James Williamſon, clerk to the ſaid William Scott.
4 Archibald Welch, clerk to the ſaid William Scott.
5 Joſeph Mack, writer in Edinburgh.
6 James Lyon, indweller in Edinburgh.
7 John M'Donald, indweller in Edinburgh.
8 Neil M'Glaſhan, indweller in Edinburgh.
9 William Roſs, clerk in the Gazetteer office, Edinburgh.
10 George Roſs, clerk in the Gazetteer office, Edinburgh.
11 Alexander Aitchiſon, ſtudent of medicine, reſiding in Canongate, Edinburgh.
12 John Clark, maſon, in Edinburgh.
13 Alexander Bell, tobacconiſt in Canongate, Edinburgh.
14 Andrew Newton, formerly tobacconiſt in Dunſe, now reſiding in St. Patrick's ſquare, Edinburgh.
15 John Gourlay, watchmaker, Edinburgh.
16 Alexander Reid, joiner and cabinet maker reſiding in Edinburgh.

17 David Downie, goldſmith, in Edinburgh.
18 Thomas Cockburn, merchant, Lawn-market, Edinburgh.
19 John Wardlaw, writer, in Edinburgh.
20 Samuel Paterſon, merchant, in Luckenbooths of Edinburgh.
21 John Laing, wright, in Nicolſon's ſtreet, Edinburgh.
22 The Right Hon. Thomas Elder, Lord Provoſt of the city of Edinburgh.
23 Neil M'Vicar, Eſq. one of the magiſtrates of Edinburgh.
24 James Laing, one of the depute clerks of Edinburgh.
25 James Burnet, grocer, in Edinburgh, preſes of the ſociety of conſtables.
26 Alexander Fraſer, grocer, one of the conſtables of Edinburgh.

J. ANSTRUTHER, A. D.

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# LIST OF ASSIZE.

John Grindlay, rectifier of ſpirits, Edinburgh.
James Gordon, brewer there.
John Howden, ſadler there.
Thomas Hotchkis, brewer there.
5 Samuel Gilmour, ropemaker there.
James Clark, farrier there.
Walter Smeaton, painter there.
James Mill, tanner there.
James Clarkſon, baker there.
10 William Murray, merchant there.
William Scott, Plumber there.
Robert Norie, painter there.
William Smith, painter there.
Robert Armſtrong, plumber there.
15 Charles Robertſon, painter there.
Andrew Bruce, merchant there.
Thomas Cleghorn, coachmaker there.
Henry Farquharſon, carver there.
John Balfour, merchant there.
20 John Saunders, ſhoemaker there.
John Baxter, glazier there.
James Dickſon, ſeedſman there.
John Wilſon, coachmaker there.
Robert Young, upholſterer there.
25 William Ainſlie, ſadler there.
John Scott, watchmaker there.
William Fraſer, tinſmith there.
Gilbert Maſon, merchant there.
Alexander Weir, painter there.
30 Henry Murray, perfumer there.
William Marſhall, plumber there.
John Brough, wright there.
David Steuart, merchant there.
John Young, architect there.
35 William Pirnie, painter there.
James Bryce, painter there.
John Hay, banker there.
Samuel Anderſon, banker there.
James M'Leiſh, bookſeller there.
40 Robert Burns, architect there.
Macduff Hart, ſhoemaker there.
James Fowler, ſtationer there.
John White, merchant there.
Adam Dalmahoy, merchant there.
45 William M'Lean, merchant there.

*Lord Juſtice Clerk.* What do you ſay to this? Are you guilty of the charges contained in it, or not guilty.

*Mr. Margarot.* My Lord, guilt does not ſtand at your bar at preſent.

*Lord Juſtice Clerk.* Are you guilty or not guilty? You muſt anſwer that queſtion.

*Mr. Margarot* I am not guilty! but I don't underſtand what is done with the objection I have already made.

*Lord Juſtice Clerk.* It is repelled.

*Mr Margarot.* Oh! it is repelled, is it; according to cuſtom? then I muſt make an open declaration of my intention, to enter a proteſt againſt the proceedings of this Court.

*Lord Juſtice Clerk.* Have you any thing to offer as to the relevancy of the libel?

*Mr. Margarot.* With regard to the libel, if any exactneſs is neceſſary in a criminal libel, it certainly is not relevant, and here is one thing, that alone is ſufficient to quaſh it. But, my Lord, I deſired that my witneſſes might be called over, in order that I might have a fair and free trial, and that if any of them did not attend, I might have a caption granted by the Court; and that is an objection which is not to be done away ſo eaſily. I have not heard the anſwer of the Court to that.

*Lord Juſtice Clerk.* Have you any arguments to offer as to the relevancy of the indictment? If you have, you muſt mention them now.

*Mr. Margarot.* If your Lordſhips will give me leave to ſtate the objection about the witneſſes afterwards, then I ſay, this libel ſtates, that by the laws of this realm, ſedition is a crime of a heinous nature. I beſeech your Lordſhip, to point out the law which makes ſedition a crime, and alſo, that which ſhews the puniſhment that is due to it. I underſtand ſome people think ſedition ſo well underſtood, as not to need explanation. I differ from them—I ſay it is not merely the authority of a judge that is ſufficient—he muſt lay his finger upon the law book and point it out to the ſubjects, that they may know where to find it when they are not before the judge. Is there any law in the Britiſh conſtitution, which points out ſedition, and affixes the puniſhment to it?

My Lords, in page three of the indictment are theſe words, which I underſtand to be taken from the Gazetteer. This is an

excellent motion, and the event which it alludes to, ought to be the tocſin to the friends of liberty to aſſemble. In the Gazetteer it is, the friends *to* liberty—here it is the friends *of* liberty. Therefore, that is a flaw in the indictment, which quaſhes it at once.

My Lords, if you go according to juſtice theſe are valid objections; but if you think proper to repel them—if it is only to ſtate an objection, and as ſoon as ſtated it is repelled, you may do as you think fit; but, if I have not impartial juſtice done me, I will ſit down, not make any defence, but deſire you to diſband the jury and paſs ſentence.

*Lord Juſtice Clerk.* Have you any thing further to ſay as to the relevancy?

*Mr. Margarot.* It is irrelevant *in toto.* Then my Lords, again, at the concluſion of this libel I come back with my firſt objection—I ſee it both at the beginning and the end, and it is not a mere matter of form—no act of Parliament can do it away, or if an act of Parliament can do it away, why is not the letter, as well as the ſpirit of the act maintained. It ſays here, all which, or part thereof, being found proven by the verdict of an aſſize before our Lord Juſtice General, Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary. It ſays ſo at the beginning —it ſays ſo at the end. My Lords, this is an inaccuracy that cannot be overlooked—it muſt not be overlooked; and, as you thought proper to repel it in the firſt inſtance, I urge it again in the ſecond, it is a flaw in the indictment. There are three flaws, which I think ſufficient to quaſh the indictment entirely.

*Lord Juſtice Clerk.* Have you any more objections to make?

*Mr. Margarot.* No, my Lords, three are as good as three thouſand.

*Mr. Solicitor General.* My Lords, in anſwer to what has fallen from the Pannel, his objections are ſo extravagant as hardly to merit an anſwer. The only appearance of any thing like a legal objection is this: the gentleman ſays he is accuſed of ſedition, and calls upon us to point out where ſedition is made a crime, and by what law, and what is the puniſhment affixed to it. My anſwer to that is, that ſedition was made a crime not by any ſtatute but by the common law of Scotland, and if the gentleman wiſhes for authority, I refer him to the book called *Regiam Majeſtatem*, where ſedition is expreſsly ſtated to be a

crime, and I would tell him, that it is there declared to be punishable as treason. That is in the oldest book that we have upon the law of Scotland. Since that, sedition has not been punished as treason, but remained upon the footing of the common law, punishable by what is called an arbitrary punishment. As to a definition of sedition, your Lordship knows there are many crimes of so complex and so vague a nature, that it is hardly possible to give a general definition to comprehend them all. If I am called upon to give a definition of high treason, I don't know any that I could give, except by enumerating all the different cases of treason; or, suppose I was called upon to give a definition of falsehood or forgery, there are twenty different kinds of it; no definition can comprehend the whole. So also, I imagine it stands with regard to sedition. At the same time, if a definition is wanted of the crime charged against that gentleman, I will read him Mr. Erskine's definition of it in his institute of the law of Scotland: He divides it into two parts, real sedition, and verbal sedition; he says, "Sedition is generally committed by convocating together a considerable number of people without lawful authority, under pretence of redressing grievances to the destroying of the public peace." Then he says, "Real sedition is inferred from the convocation of a number of people without lawful authority, tending to disturb the peace of the community." Is not this the very crime charged against this gentleman: if there was any lawful authority, the gentleman will tell us what it is. Can there be a doubt, that if the facts stated in this indictment be true, they not only tended to disturb the peace of the country, but to subvert the constitution of Great Britain. Therefore, taking the charge as it stands, there cannot be a doubt with any one of your Lordships, that it does amount to a charge of sedition, and that sedition is a crime punishable by the law of this country? If there is any other country in the world, where sedition is not made a crime by the common law, I wish these gentlemen next time they hold British conventions would meet in that country, for in Scotland I will assure them, there is a law to punish them.

*Mr. Margarot.* My Lords, I hold in my hand a definition of Mr. Erskine's, a little differing from what the gentleman has read; he says, "It consists in raising commotions or disturbances in the state; it is either verbal or real. Verbal sedition

or leaſing making, is inferred from the uttering of words, tending to create diſcord between the king and his people," and I think it is that gentleman who is guilty of ſedition inaſmuch as he ſeeks to alienate the hearts of the ſubjects from their ſovereign. He ſays, " it was formerly puniſhed by death and the forfeiture of goods, but now either by impriſonment, fine, or baniſhment, at the diſcretion of the judge." Now it ſeems to me, that, that cannot be the ſedition which this gentleman means, for if I underſtand rightly, the ſedition I am charged with, is ſomething like that of Meſſrs. Muir, Palmer, and Skirving. Now if their ſedition had been the ſedition that is meant here, they would have been puniſhed by baniſhment and not by tranſportation; and therefore, there muſt be ſome trifling miſtake in that my Lords. Now it ſays here, " for preventing riots and tumults it is enacted, that if any perſons to the number of twelve ſhall aſſemble, and being required by a magiſtrate or conſtable to diſperſe, ſhall nevertheleſs continue together for an hour after ſuch command, the perſons diſobeying ſhall ſuffer death." Therefore, that cannot be the ſedition that I am charged with, for the indictment only pretends to know, what I am ſure, the Almighty never commiſſioned the Lord Advocate to enquire into, namely, our ſecret intentions. I did not know before that there was an inquiſition in Scotland, and that he was grand inquiſitor, for certainly otherwiſe, the minds of the people are only to be gathered from their behaviour.

My Lords, theſe meetings I will maintain were legal in the ſtricteſt ſenſe of the word; for the claim of rights entitles the people to petition Parliament, and it is impoſſible they could petition Parliament without meeting. The general will cannot be collected as you collect taxes from door to door. Good God! what is become of the conſtitution which you trumpet up ſo much, if you give us the name and take away the eſſence? if the people are not to meet to examine their rights, and proceed upon their rights.

My Lords, there is not one ſo barefaced as to pretend to deny our right to petition or addreſs the king. The Lord Advocate himſelf has acknowledged, that it is our right. He himſelf is a reformer, and has held ſeditious meetings as well as us; but then indeed he brings forward a curious reaſon: when the Lord Advocate is out of place, reform is proper; when in place,

it is highly improper; and that is the doctrine of Mr. Pitt. Because we are poor it is ſedition in us; but when your county meetings are held it is no longer ſedition; but it is a thing that is authorized, As long as they thought we were not ſufficiently formidable, and that there was no danger of opening the eyes of the people, ſo long did juſtice nod; and ſhe only awoke when every man, hearing ſo much talk of the conſtitution, began to examine what that conſtitution was. And, to be ſure, it is a curious fiction in law (and you have a great many) by which our happy conſtitution has wiſely guarded the Proſecutor for the crown; by which means the ſubject may at any time be oppreſſed and perſecuted by the officer of the crown, and he can obtain no damages, no redreſs whatever. Happy if he gets off, happy if his ſentence does not come out of the pocket of a miniſter of ſtate. My Lords, our tranſactions have been legal. The illegal actions have been entirely on the part of our proſecutors. We have experienced the fate of general warrants: we have experienced the fate of a ſtate inquiſition. Good God! has not a man, living under the Britiſh conſtitution, a right to examine that conſtitution, and to ſay, I am told, that it is the fineſt inſtitution in the world; and yet I feel my pockets emptied daily with taxes; I feel my liberties taken away one after another; and yet I muſt not meet with my neighbours to the number of twelve, to diſcuſs thoſe injuries that I daily feel, and to enquire after the means of obtaining redreſs, but immediately comes a crown lawyer, claps the word ſedition upon it, and I am puniſhed. Then another man is charged with ſedition; my caſe is brought forward as a precedent, and therefore he muſt be puniſhed in the ſame way. I ſay, my Lord, if every article in this libel is proved, it redounds more to my honour than anything elſe: it ſhews me the friend of my ſpecies; it ſhews me the friend of my country; it ſhews that I have done my duty as a good citizen; that I have endeavoured to procure that for every one of my fellow ſubjects that it is our right to enjoy; that I don't wiſh to enjoy a ſingle thing alone, neither place nor penſion; that I don't wiſh to enjoy any thing excluſively, but that I ſeek A RESTITUTION OF OUR RIGHTS, A RENOVATION OF OUR CONSTITUTION, as it is ſaid here, by UNIVERSAL SUFFRAGE AND ANNUAL PARLIAMENTS.

My Lords, perhaps your memories may fail you, for it is ſome-

time back when Mr. Pitt, at the Thatched Houſe Tavern, being a young man making his *debut* in Parliament, a young patriot making his *entree* into the world, inſiſted upon a Reform. It was then highly conſtitutional. My Lords, I have in my hand a reſolution entered into at the Thatched Houſe Tavern, on the 16th of May, 1782. " At a numerous and reſpectable meeting of Members of Parliament, friendly to a conſtitutional Reformation, and of members of ſeveral Committees of Counties and Cities." Here, Gentleman, you ſee Delegates. here you ſee a convention, though a convention is nothing new in Scotland; becauſe you have had the Borough Reform Convention, and the Lord Advocate is himſelf upon that Liſt. My Lords, at the Thatched Houſe Tavern were preſent the Duke of Richmond, Lord Surrey, Lord Mahon, the Lord Mayor. Here you ſee amongſt them the firſt municipal Officer in England, the Lord Mayor, Sir Watkin Lewes, Mr. Duncomb, Sir Cecil Wray, Mr. Brand Hollis, Mr. Withers, the Hon. William Pitt, whom I mean to adduce as an exculpatory evidence, if even the forms of juſtice are allowed me---the Reverend Mr. Wyvil, Major Cartwright, Mr. John Horne Tooke, Alderman Wilkes, Dr. Jebb, Mr. Churchill, Mr. Froſt, &c. &c. all men of learning, who well know what the conſtitution of this country is, and what it ought to be—men who required not to be told what was ſedition and what not—men who would not have riſked themſelves, if they had not known that they were upon conſtitutional ground, and they reſolve, " That the motion of the Hon. William Pitt on the 7th inſtant, for the appointment of a committee of the Houſe of Commons, to enquire into the ſtate of the repreſentation of the people of Great Britain, and to report the ſame to the Houſe; and alſo what ſteps it might be neceſſary to take having been defeated by a motion for the order of the day"—which is ſomething ſimilar to your repelling an objection of the Pannel, as ſoon as it is ſtated—" having been defeated by a motion for the order of the day, it is become indiſpenſibly neceſſary that application ſhould be made to Parliament by petitions from the collective body of the people in their reſpective diſtricts."—They were not to pour into the Houſe eight millions of petitions but from as many diſtricts as they could collect together, " requeſting a ſubſtantial reformation of the Commons Houſe of Parliament.

" Reſolved unanimouſly, That this meeting, conſidering that a general application, by the collective body of the people, to the Houſe of Commons cannot be made before the cloſe of the preſent Seſſion, is of opinion that the ſenſe of the people ſhould be taken." And how is the ſenſe of the people to be taken, I would aſk the learned gentlemen of the law, if they are not convened?—Who is to take the ſenſe of the people, if it is to be done by going round from man to man, and if twelve form a ſeditious meeting, it will come, by and by, perhaps to two or three, and it will be dangerous for one neighbour to ſpeak to another in the ſtreet, or any where elſe indeed, "that the ſenſe of the people ſhould be taken at ſuch times as may be convenient during this ſummer, in order to lay their ſeveral petitions before Parliament, early in the next ſeſſion, with their propoſals for a Parliamentary Reformation,"—Obſerve this, men of Scotland!—Obſerve this Britons! " without which neither the liberty of the nation can be preſerved, nor the permanence of a wiſe and virtuous adminiſtration can be ſecure," and I appeal to you all whether there is not truth and ſound doctrine in it, " may receive that ample and mature diſcuſſion which ſo momentous a queſtion demands."

My Lords, it ſeems to have been in the year 1782 a very laudable and a very conſtitutional thing to aſſemble, to meet to conſider of our grievances, and to plan a method by which they were to be redreſſed. In the year 1794. when the very man who planned, who firſt ſuggeſted this, who encouraged the people thereto, under his reign, I may call it, for he is the guider of the helm—the guider in the cabinet, while he is in abſolute power; that ſhall be conſidered as Sedition which he himſelf firſt ſet on foot, in order to procure himſelf that birth; and, now he has got it, he has altered his ſentiments—How ridiculous for a Crown Lawyer to attempt to impoſe upon a Court of Juſtice; or for any man to ſupport ſuch impoſition, that what was conſtitutional in 1782 ſhould be criminal in 1794.—Fellow citizens, and I fear not to call you by that name—we are fellow citizens of one ſociety. By the word Citizen I mean a free man, a man enjoying all the rights and all the privileges, and paying his quota towards all the expence, of Society. I ſay it is an inſolent attempt upon your underſtandings, to endeavour to perſuade you that that which was conſtitutional, that that which was right,

that that which was juſtifiable in 1782 ſhouldbe criminal in 1794. It is true that an Engliſh jury has ſent to priſon a man for only re-printing thoſe Reſolutions, Holt, I think his name is, the printer of the Newark Journal, for reprinting in his paper, which pays a daily tax to government, that which the perſon to whom he pays the tax was the author of. Thus you ſee how crown lawyers pervert the conſtitution. With high ſounding words they diſguiſe the moſt innocent facts; they ſport with the lives, and with that which ought to be infinitely more dear than their lives—with the liberties of his majeſty's ſubjects. Men who feel wrongs cannot feel them without ſome degree of acrimony, and when thoſe wrongs are repeated, this acrimony muſt increaſe; and theſe wrongs are done them in the King's name; but it is not the King, it is his ſervants who make uſe of his name; his ſeditious ſervants who ſeparate the King from his people. My Lords, I know my doom. I am a willing and an already devoted victim. I have made objections, thoſe objections have been repelled. I ſhall inſiſt preſently on the calling over my witneſſes. I ſhall then demand a caption againſt ſuch as do not appear. If my juſt, my legal, my conſtitutional demands are repelled, I will ſit down; I will beg the Gentlemen of the jury not to give themſelves any further trouble; I will proteſt againſt the proceedings of the Court, and beg of them to paſs to ſentence; which I know it will be no difficult matter for them to do.

*Lord Henderland.* My Lords, we are called upon to decide upon the relevancy of this indictment, which charges in the major propoſition, that the crime of ſedition, in this and every other well governed realm, is a crime of a heinous nature, and ſeverely puniſhable. And, my Lord, the firſt part of it (to which it might be ſufficient to confine myſelf at preſent) charges this ſociety, calling themſelves the Britiſh Convention of delegates of the people, met under the pretence of reform, that it was of a dangerous and deſtructive tendency, and was with the deliberate and determined intention to diſturb the peace of the community, and to ſubvert the preſent conſtitution of the country; and that this gentleman, Maurice Margarot, did take an active and diſtinguiſhing part in their deliberations; and conſequently, that he took an active and diſtinguiſhing part in the deliberations of a ſociety, met with a determined purpoſe to overturn the conſtitution; that is the charge, true or falſe it is not our province at

preſent to enquire, that muſt be left to the jury. The criminality does, to be ſure, conſiſt in, that they met with a determined purpoſe to overturn the conſtitution; and the jury, when they come to decide upon it, muſt take into their view the ſeveral things charged in this indictment, relative to this meeting. As to the form that they aſſumed, how far that was neceſſary to obtain a reform in Parliament, it is the province of the jury to inquire; and under all the circumſtances of the caſe, to lay their hands upon their hearts, and upon their great oaths to ſay what was the purpoſe of that meeting, according to the facts before them. My Lord, if that is made out, which is the charge, and in conſidering the relevancy, I am bound to hold the charge as proved, there cannot be a doubt that it amounts to ſedition. I ſay it approaches to high treaſon; and I find in the caſes tried in England, in 1745, as appears from judge Foſter's report, the charges laid againſt the priſoners were very little different from thoſe contained in the Indictment. It ran in theſe terms: "Alſo deviſing and as much as in them lay, moſt wickedly and traiterouſly intending to change and ſubvert the rule and government of this kingdom, duly and happily eſtabliſhed under our preſent ſovereign lord the king, and alſo to depoſe and deprive our ſaid preſent ſovereign lord the king of his title" and ſo on. Now, my Lord, the charge is, that the purpoſe of this meeting was to ſubvert the conſtitution; and if it was, where can the doubt be, that it does amount to ſedition. My Lord, the gentleman requires a definition of ſedition. My Lord, I leave it to the ſenſe of every man who hears me, if an intention to ſubvert the conſtitution of a country is not ſedition. In matters of criminal law you muſt go by the underſtanding and the ſenſe of mankind, and in this inſtance particularly the jury are to determine upon the law as well as the fact.

My Lord, with reſpect to ſedition it is of various kinds; no doubt its general tendency is to reſiſt and undermine, or to attempt to reſiſt and undermine the conſtitution of the country, and ſubvert the ſupreme power of the ſtate. It may either be of a public or private nature. When of a private nature, it is directed againſt matters of private life, it may be in direct oppoſition to acts of parliament, with reſpect to incloſures, diviſions of commonalties, turnpikes, and ſo on. But of a public nature is the crime which is charged againſt this gentleman: an intention to

ſubvert the conſtitution. My Lord, ſedition may be attended with tumult or without, with riſing in arms, or without riſing in arms. My Lord, ſedition of a public kind, is as various as the ingenuity of wickedneſs can ſuggeſt. It may be committed by words, by writing, by painting, by medals. by allegories, by actions, by falſe inſinuations, by falſe argument, by tumult and inſurrrection, by mobs, by cabals, by open and ſecret meetings; by conſpiracies and by conventions. If the jury are ſatisfied in their minds that the intention of this is to overturn the conſtitution, it is ſedition. My Lord, it was ſaid that there was no law againſt this. As to that, my Lord, every well regulated government muſt make it ſedition; becauſe otherwiſe ſociety could not exiſt. It always has been, and muſt remain a common law crime, and muſt be puniſhable by common law.

My Lord, having ſaid ſo much, I think there can be no doubt that the libel is relevant. The pannel is at liberty to ſtate what he pleaſes in his defence, to inſiſt it was for a partial reform by legal means, and that nothing elſe was meant by this extraordinary guiſe that this convention took upon themſelves to aſſume, the jury will upon the whole judge whether his defence or whether the charge is relevant. In the mean time it is my humble opinion that it is relevant.

*Lord Eſkgrove.* My Lord, as to the crime of ſedition, I cannot read the Indictment, nor I think any body elſe, and ſay that if this man was concerned in holding theſe meetings for the purpoſe of diſturbing the peace of the community, and ſubverting the conſtitution of the country, that that is not the crime of ſedition. My Lord, it is not the province of ſuch men as theſe to take upon themſelves the amendment of the government. The intention of their meeting, they ſay, was to obtain univerſal ſuffrage; or, in other words, to eſtabliſh that every man living in this country is to have a vote to chuſe a repreſentative n Parliament; a thing that never did obtain, and that does not now obtain, and never can obtain in this country. But, my Lord, it ſeems that if an act ſhould take place for the purpoſe of ſuppreſſing ſuch illegal meetings, that this is to be their tocſin, and their alarm-bell for the purpoſe of meeting, when, where, or how, is to be kept ſecret—it is not to be divulged even among themſelves; but it was to be confined to this gentleman, and two or three more, who were to call a convention of emergency, and they were

to continue to aſſemble, and not to obey ſuch act, if it ſhould paſs. My Lord, if the charges in this indictment are proved, it is impoſſible to deny my aſſent, that they do infer the crime of ſedition. I am of opinion that this libel is relevantly laid. I ſhall be exceedingly happy if this gentleman is found innocent; but that lies with the jury, and not with us.

*Lord Swinton.* My Lord, the queſtion that is now under our conſideration is, whether this libel is relevant to infer the pains of law. And, my Lord, it has been ſo fully diſcuſſed, not only at this time, but upon the occaſion of a very late trial, that it is perfectly unneceſſary to go over the ground again that has been already gone over. But, my Lord, in this caſe the indictment ſtates, that a motion was made, upon which the Pannel ſays, "this is an excellent motion. The event which it alludes to, ought to be the tocſin for the friends of liberty to aſſemble." My Lord, this is a very ill choſen word. What is the tocſin? It is an inſtrument made uſe of by the people of France to aſſemble. It is borrowed from a place from which I would wiſh to borrow very little. For what purpoſe are they to aſſemble? They ſay to aſſert their rights. By what means? can any man be at a loſs to make the anſwer. By violence and outrage, and no other interpretation can be given to it. My Lord, afterwards a propoſal is made for a ſealed letter to be given to the delegates, which was not to be opened till a certain period: like an order that is ſometime given to ſhips when they ſail, that they are not to open their inſtructions till they come to a certain latitude; and the meaning is, that thoſe inſtructions ſhall not be known, for fear they ſhould be prevented. There can be no other reaſon: and yet they afterwards ſay, we make no ſecret of any thing. Then there is a reſolution, that "this convention, conſidering the calamitous conſequence of any act of the legiſlature, which may tend to deprive the people of their undoubted right to meet, declare before God and the world, that we ſhall follow the wholeſome example of former times, by paying no regard to any act which ſhall militate againſt the conſtitution of our country." Is not this declaring that they will oppoſe the legiſlature itſelf? My Lord, it does not require any proof of its being ſedition. Then, my Lord, among other caſes of emergency, in which they were to meet, it is mentioned, "or in caſe of an invaſion." My Lord, for what purpoſe were they to

meet privately in caſe of an invaſion? The legiſlature, the executive part of government is to look after that. Every man muſt feel what they meant: that they ſhould aſſemble the delegates altogether at a particular time, and all at one time they ſhould meet, in caſe of an invaſion. My Lord, I gave my ſentiments very fully this day ſe'nnight upon the ſame queſtion, and I have not altered them, but feel them ſtronger and ſtronger. I am ſorry to ſee ſo many examples brought before us, and I hope there will be but few more; I am of opinion that the libel is relevant.

*Lord Dunſinnan.* My Lord, the only queſtion at preſent for our conſideration is, whether the libel is relevant and is laid properly. My Lord, the major propoſition ſtates the crime of ſedition: the minor propoſition ſpecifies a variety of circumſtances, which, if they come up to the crime of ſedition, the libel is relevant; and, my Lord, I have but one doubt upon this ſubject; and that is, whether in ſome of theſe particulars it is any thing ſhort of the crime of high treaſon; but I think that it amounts to ſedition, there can be no doubt; and I think that the ordinary interlocutory ought to be pronounced.

*Lord Abercrombie.* My Lord, in this caſe, as to the objections to the relevancy it is the province of the jury to enquire into the facts charged; and if thoſe facts are brought home to this Pannel; particularly the reſolutions, if they are brought home to him, I think the neceſſary concluſion is, that he is guilty of the higheſt ſpecies of ſedition that can poſſibly be committed, I am of opinion that the libel ought to be found relevant.

*Lord Juſtice Clerk.* My Lords, I think it very unneceſſary to add any thing to what your Lordſhips have ſaid; but I think any man who knows any thing of the law of Scotland; or that has the leaſt underſtanding, muſt think that the one half of what is charged here, if true, does amount to ſedition; and therefore I have no doubt in pronouncing the ordinary interlocutory, that the libel if found proven to the knowledge of an Aſſize is relevent, to infer the pains of law which the jury will attend, is only an arbitrary puniſhment, and allowing the Pannel to prove all facts and circumſtances that may tend to exculpate or alleviate his guilt.

*Mr. Margarot.* My Lords, I may now put in my former claim, of having my witneſſes called over.

*Lord Juſtice Clerk.* Surely both Proſecutor and Pannel ought to ſee that their witneſſes are all here. Let the macer go now and ſee if they are here.

*Mr. Margarot.* And likewiſe that the court and the people at large may be informed the reaſon why I have not the privilege of having you as an exculpatory evidence, in conſequence of the fear of the meſſenger to deliver ſuch a ſummons to you; that is a thing proper to be known.

*Lord Juſtice Clerk.* If you have any thing that it is neceſſary for me to prove, you ſhall have the benefit of my teſtimony, and you ſhall not want it neither.

*Lord Abercrombie.* I am ſure if the meſſenger has refuſed to cite your Lordſhip, he has behaved moſt improperly.

*Mr. Margarot.* I think his name is Orcherton; he ſaid he would be ready in court to give a reaſon why he refuſed to do it.

(*The interlocutory of relevancy read.*)

*Mr. Margarot.* You will be informed, that ſome of my witneſſes live in England, that I have had the exculpatory letters ſerved there, with what is called a ſubpœna in England and the affidavit at the back of the exculpatory letters, now in the hand of the clerk of the court, ſhews that they have been cited in a legal manner, and therefore, as they are material witneſſes, I with the liſt of them to be called over.

(*The liſt being called over, the following perſons were abſent*)

| | |
|---|---|
| Duke of Richmond | John M'Intire |
| Henry Dundas | John Wright |
| William Pitt | |

*Lord Juſtice Clerk.* As to the three that reſide in England this court cannot go beyond their juriſdiction: they cannot compel any witneſs living in England to appear here; and therefore a caption againſt witneſſes reſiding in England is a thing altogether incompetent and unheard of.

*Mr. Margarot.* Your Lordſhips objection is not valid, as will appear to yourſelf upon reflection, in as much as if you are not competent to give a ſecond citation, you was not competent to the firſt. On the contrary, it appears that the letters of exculpation found no difficulty in being backed by a Judge in England, and the ſubpœna was ſerved upon them according to the

laws of England; and therefore, by a ſecond diligence, they will be purſued in the ſame manner; and that will be backed by a judge, and the ſame compulſion will be exerciſed upon them in England as would be in Scotland, if they reſided here.—And, my Lord, I will not permit this to be paſſed over eaſily, they are very material evidences—they are men of high ſtation in the ſtate—they are men of great reſponſibility—they are men whoſe actions are public, and the queſtions that I mean to put to them are of a very important nature. There is again another thing—it ſeems you overlook ſome things and pry very cloſely into others— it ſeems you are not competent to enforce the attendance of a witneſs from England, but it appears, by the libel, that you are competent to try offences committed in England. My Lord, mete with an equal meaſure—let my objection be attended to in a proper manner. It is a legal objection founded in juſtice and juſtice cannot deny it.—Grant me a caption for my abſent witneſſes—I demand it.

*Lord Henderland.* My Lords, if witneſſes reſided in Scotland within our juriſdiction, and did not attend, a caption might be granted; but my doubt is, whether it is competent to the court to grant a ſecond diligence, becauſe in this caſe it muſt be altogether nugatory.

*Lord Eſkgrove.* My Lords,—I don't know an inſtance exiſting, either in the civil or criminal courts, of a warrant being granted to bring a witneſs from England, to apprehend him by Habeas Corpus, and that is the only juriſdiction we can exerciſe. My Lords, I underſtand in England it is not an eaſy matter to obtain witneſſes, before their own courts; but of that I profeſs myſelf ignorant: but I knew of no inſtance in which this court have taken cognizance of the non-attendance of witneſſes, reſident in a foreign country; for England, with reſpect to the law, is as much a foreign country as Germany, Italy, or any other country.

*Lord Swinton.* By our laws we cannot grant a caption againſt a witneſs from a foreign country, and we cannot go beyond our power. It is clear to me, that it was not our fault that they did not attend—as to thoſe that are lawfully ſummoned here, we can lay a fine upon them.

*Lord Dunſinnan.* My Lords,—This court ought not to be treated with contempt, and therefore your Lordſhips would be care-

ful to iſſue no warrant that you cannot enforce. The authority of this court cannot go beyond their juriſdiction, which is confined to Scotland.

*Lord Abercrombie.* By the laws of this country we have no authority over perſons reſiding in any other country.

*Lord Juſtice Clerk.* We cannot poſſibly differ upon this matter: it is a downright abſurdity, to iſſue a ſecond diligence againſt witneſſes reſiding in another country. I am ſorry for it; but he has got a a fair trial by the laws of this country. As to what dropped from the Pannel juſt now, he muſt be very much miſtaken, if he thinks he is tried for a crime committed in England: that is by no means the caſe; he is tried for what he did after he came to this country; but it was very proper, in order to ſhew the intention with which he came here to ſtate the fact, that he came a delegate from a convention of the ſame kind in England; but it is for the crime that he committed in this country alone that he now ſtands at the bar.

*Mr. Margarot.* My Lords,—I don't require the forms of juſtice, I require the eſſence of juſtice. It ſeems that a Pannel is entitled to the ſame compulſory method of adducing witneſſes in his favour, as the proſecutor has to adduce evidence againſt him. Now general warrants have been iſſued to adduce evidence againſt me:—General warrants, I ſay it, have been iſſued to adduce evidence againſt me. Now I demand nothing more than the regular forms of the court, that your caption may be granted, to ſee whether they will obey the laws of their country or not.—And I am ſorry to hear it come from the bench, that it would be nugatory; which implies, that there are men in England above the law. Look to it my friends—WHERE IS YOUR BOASTED CONSTITUTION?—If the firſt man in England is not as amenable to the laws of his country as the meaneſt of you, you are ſlaves

*Lord Juſtice Clerk.* You come here to ſpeak to the court, and not to harangue the mob.

*Mr. Margarot.* Do you call this audience a mob my Lord?

*Lord Juſtice Clerk.* You are not to harangue the multitude.

*Mr. Margarot.* I underſtand that the judges have harangued the multitude too, and they have gone into a ſeries of accuſation againſt me, which I did not know was a part of the duty of a judge *jus dicere*, not *jus facere*. It has been ſaid too, that England is as much a foreign country as Germany or Italy;—that

I don't underſtand—if this country is as foreign as Germany—Don't talk, for God's ſake, of the Engliſh Conſtitution; it does not belong to you—It is your duty my Lords, to grant me in whole what you offer me in part. As to thoſe that reſide in Scotland, you ſay you can puniſh them, but not thoſe in England; and yet you could cite thoſe that were in England: And it was backed by a judge in England; and if you grant a ſecond diligence, the ſame form will be gone through again; and if, after a certain time, for I don't wiſh to avoid a trial,—no, I wiſh to come before my country, as every good citizen ought, to obey the laws of his country; and I do it with a conſcious heart that I am totally innocent, and that I deſerve praiſe inſtead of blame or puniſhment;—therefore, I ſay I will concede to you a part of the juſtice that I demand. I have exculpatory witneſſes of great importance living in England cited by your authority, in conſequence of that authority it has been ſupported by the Engliſh judges,—the judges will ſupport your authority in a ſecond inſtance. Let them be cited; let a proper time be given me and if they don't appear at the ſecond citing, I will conſent to go to trial without them. But, my Lords, let juſtice take place; remember you have, in the courſe of this trial, to praiſe the conſtitution, it will be told the people how happily they live under it—how free and how happy every man is living under his own vine and his own fig tree. Let it be proved, then, let it be proved that a court of juſtice does every thing in favour of the Pannel, as much as in favour of the Proſecutor. The objections that I made have been repelled; but they will be noticed in a ſuperior court. There is a court ſuperior to yours, and there muſt be, in every well regulated government, an appeal to a ſuperior court, from whence the abuſes of the ſervants of the crown may be rectified.

*Lord Juſtice Clerk.* I think you ſeem to be unacquainted with the laws of any well governed ſtate, and if you were not a foreigner and a ſtranger, we would not have ſuffered you to have ſaid one half of what you have ſaid.

*Mr. Margarot.* I demand a caption.

*Lord Juſtice Clerk.* The court have repelled it.

*Mr. Margarot.* Oh! very well, my Lords,—however permit me one queſtion, and I will put it to the generoſity of the public proſecutor to anſwer it. My Lord Advocate, is it in your

power or not to bring a witneſs on the part of the proſecution from England, upon your honour anſwer me?

*Lord Advocate.* No more than you can.

*Mr. Margarot.* Does not an outlawry extend to England?

*Mr. Solicitor General.* For a crime it certainly does, but not as to a witneſs. Suppoſing a Scotchman to be tried before a court in England, and in place of ſeeking the aſſiſtance of ſome Engliſh counſel, as he ought to do, he were to utter things of the ſame kind that this Pannel has done, I doubt whether he would be heard with the ſame patience with which your Lordſhip has heard him.

*Lord Juſtice Clerk.* Do you wiſh a caption againſt thoſe two witneſſes who reſide in Scotland?

*Mr. Margarot.* No my Lords,—I don't wiſh to puniſh two poor men, and let three rich men go unpuniſhed. There is another thing which I believe takes place before the impannelling of the Jury, which reſpects the opening of the doors of this place. In looking over the claim of rights in the 27th chapter, I find it ſaid that, in criminal trials, which are of ſo great import, the doors of the court ſhall be thrown open. I demand therefore that the doors of this place may be opened, in order that the people may partake of what paſſes.

*Lord Juſtice Clerk.* It would be a very pretty opening I think.

*Mr. Margarot.* The doors are ſhut, and I underſtand it is the cuſtom of the door-keepers to take money, which is contrary to the laws of the land.

*Lord Juſtice Clerk.* That you have no buſineſs with.

*JURY.*

James Gordon, Brewer in Edinburgh,
Thomas Hotchkis, Brewer.
Samuel Gilmour, Ropemaker.
James Clark, Farrier.
James Mill, Tanner.

*Lord Juſtice Clerk.* Do you object to any of theſe Gentlemen?

*Mr. Margarot.* I have no perſonal objection, but I muſt beg to know by what law you have the picking of the Jury, and that you, alone, have the picking of them.

*Lord Abercrombie.* His Lordſhip is not picking but naming the Jury, according to the eſtabliſhed law and the eſtabliſhed conſtitution of the country, and the gentleman at the bar has no right to put ſuch a queſtion.

William Smith, Stabler.
Charles Robertſon, Painter.
William Pirnie, Architect.
Samuel Anderſon, Banker.

John Balfour, Merchant.
John Wilſon, Coachmaker.
William Ainſlie, Sadler.
Robert Burns, Architect.
Macduff Hart, Shoemaker.
John White Merchant.

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## *EVIDENCE FOR THE CROWN.*

(*William Scott*, called in.)

*Lord Henderland.* Have you any objection to this witneſs?

*Mr. Margarot.* According to the method in which you proceed, it appears to me very needleſs to make objections, otherwiſe, undoubtedly my Lord, under the Britiſh conſtitution, acting up to the ſpirit of it, that witneſs is not competent; he is a dependant, or hanger a upon the public proſecutor, and in fact, acts as deputy public proſecutor, you may repel it or not as you pleaſe.

*Lord Juſtice Clerk.* I dare ſay, your Lordſhips will pleaſe to repel that objection.

(*The witneſs* ſworn.)

*Q.* Do you recollect on the evening of the 5th of December laſt, going to apprehend the Pannel for examination?—*A.* I do

*Q.* Was you preſent when he was brought up for examination.

*A.* I employed Lyon the meſſenger to apprehend him, and was preſent at the Sheriff Clerk's office, when he was examined.

*Q.* Did he upon that occaſion make a declaration?

*A.* He did.

*Q.* Did he appear to be ſober and of ſound mind, at the time he emitted that declaration?—*A.* Yes.

*Q.* Freely, and without compulſion?—*A.* Yes.

*Q.* Did you ſubſcribe your witneſs to that declaration?

*A.* I did.

*Q.* Look if that is your ſubſcription?

*A.* That is the declaration.

*Q.* Were any papers at that time produced, claimed by the Pannel?

*A.* The officer who executed the warrant reported to me, that he found Mr. Margarot and Mr. Gerald in the ſame room, that he had taken into his poſſeſſion ſeveral papers, part of them he deſcribed to be Mr. Gerald's and part of them to be Mr. Margarot's; they were put into a trunk together, this trunk was brought to the office, and after he was examined, he was de-

fired to give the key that it might be opened, he declined to do ſo, upon which we applied for a warrant to have the trunk opened, which was carried into execution; it was inſpected in the preſence of Mr. Margarot and Mr. Gerald. He was brought to the office upon a ſecond warrant, and Mr. Gerald alſo attended; he refuſed then to give it up without force, and he held it in his hand and ſaid, I will not give it up, but you may take it; he ſaid, he would not witneſs the trunk being opened, and turned round and looked out of the window. Upon the trunk being opened, there were ſome articles that did not relate to the buſineſs in hand, particularly a pocket-book of Mr. Margarot's, and ſomething of Mr. Gerald's, which were reſtored; and thoſe that were conſidered as relative to the buſineſs were entered into an inventory.

*Q.* Did you ſubſcribe that inventory?—*A.* I did.

*Q.* Do you know that to be the ſame (ſhewing him the inventory)?

*A.* This is the ſame, it is ſigned by Mr. Gerald and me on every page, but Mr. Margarot declined ſigning it.

*Q.* Did you at that time identify the papers that you found?

*A.* Yes.

*Q.* Will you take the trouble of looking over theſe papers, and ſee if they are the ſame, and go through them accurately?

*A.* The firſt is a paper containing two letters ſigned William Skirving;

*Q.* Theſe are the papers Mr. Margarot claimed as his?

*A.* Yes.

2. A manuſcript of a plan for ſupporting the gazetteer, ſubmitted to the conſideration of the friends of the people, which is ſigned in the ſame manner.

3. A bundle of papers tied up, and labelled papers for the committee of union.

4. A letter dated the 15th November, 1793, ſigned Thomas Hardy, ſecretary, addreſſed to citizen Margarot and citizen Gerald, delegates.

5. A letter from ditto to ditto, 22d November, addreſſed citizen Margarot and citizen Gerald.

6. Another letter, the 29th of November, addreſſed to Maurice Margarot and Joſeph Gerald, delegates.

7. Another letter from Thomas Hardy, dated the 28th No-

vember, addreſſed to Mr. Margarot and Mr. Gerald, delegates from London.

8. Two pages of manuſcript beginning organization of primary aſſemblies, aſſembled for the purpoſe of electing repreſentatives.

9. A manuſcript entitled the conſtitution, and in it were found other papers reletive to the regulations to be adopted in the convention.

*Q.* Have you now gone through the articles claimed by Mr. Margarot?—*A.* Yes.

*Q.* Were there ſeveral other articles claimed by Mr. Gerald?

*A.* Yes.

*Q.* Were they identified in the ſame manner?

*A.* They were.

*Q.* In the declaration you heard emitted by the Pannel of the 5th of December, did he refer to any motion?

*A.* If your Lordſhip will cauſe the declaration to be read, I ſhall be better able to tell you.

(*The declaration handed to the witneſs, who reads it.*)

*Q.* Was there any reference in it to a motion?—*A.* Yes.

*Q.* Was any paper found in the Pannel's poſſeſſion?

*A.* There was a paper found when Mr. Skirving was apprehended? amongſt other papers this motion was found, and when this gentleman was examined this paper was ſhewn to him, and the queſtion ſtated in the declaration put to him; it was found in the poſſeſſion of Mr. Skirving, the ſecretary to the convention upon the ſame morning that Mr. Margarot was taken up.

*Q.* Did you put any mark upon that paper, by which you ſhould know it again?

*A.* Yes, I put my initials upon it; it is a motion ſigned by Mr. Margarot and ſeconded by John Wardlaw.

*Q.* At the time Skirving's papers came to be inſpected in your preſence, was there a paper diſcovered amongſt them, bearing to be the minutes of the convention?—*A.* There was.

*Q.* Did you put any mark or ſubſcription upon that at the time, ſo that you ſhould know it again?—*A.* I did.

*Q.* Did you look through it?—*A.* I did read the whole of it.

*Q.* How were theſe papers of the ſecretary brought before you?

*A.* By a warrant. The papers were found ſealed in the ſecretary's houſe, and were brought in that ſituation to the Sheriff

Clerk's office, and they were there with the reſt.

*Q.* Did you attend the magiſtrates of this city on the evening of the 5th of December, when they went to diſperſe this convention?

*A.* No, I did on the 6th, the convention had aſſembled; the provoſt went along with the ſheriff's ſubſtitute, Mr. Davidſon, and the magiſtrates, and I accompanied them on that occaſion. I found Mr. Margarot ſtanding by a table, and the chair was ſtanding empty. The firſt thing that I heard was, Mr. Margarot ſaid, they were met for a conſtitutional purpoſe, they were going to petition either the King or the Parliament, I cannot ſay which; and it was ſaid by ſomebody, that they could not proceed to buſineſs till the chair was taken: Mr. Margarot was called upon to take the chair, which he accordingly did. Mr. Davidſon aſked if it was the Britiſh Convention, upon being told it was, he told them that they came for the purpoſe of diſmiſſing them, and they ſhould not proceed to any buſineſs; the anſwer was, that they would not till force was uſed, and particularly the Pannel ſaid, that he would not leave the chair, as he was then diſcharging his duty, till force was uſed; to that Mr. Davidſon ſaid, he ſuppoſed any thing that had that appearance would be ſatisfactory, and took Mr. Margarot by the hand, upon which he left the chair: upon his leaving the chair, there was a call for Mr. Gerald to take the chair, which he accordingly did, and the ſame form was uſed with regard to him: Mr. Davidſon took him by the hand, and it was then called out that they never diſmiſſed without prayer, and Mr. Gerald prayed and then came out of the chair, it was then ſaid by ſomebody, that though they were now diſmiſſed, they would remember that they were permanent, that they had voted themſelves permanent the night before.

*Q.* Did this happen the day after the Pannel had been examined before the ſheriff, and liberated upon his finding bail?

*A.* Yes.

*Q.* Was it on account of a charge of ſeditious practices of the ſame nature that he was brought before the ſheriff?

*A.* It was for being a member of the convention.

(*William Scott croſs examined by Mr. Margarot.*)

*Q.* By virtue of what authority did you employ Lyon the meſſenger to arreſt me?

*A.* By virtue of a warrant which I had obtained from the sheriff of Edinburgh, as procurator-fiscal.

*Q.* Was that warrant granted at your requisition?

*A.* It was.

*Q.* Now answer me seriously one question; from whom did you receive the order to apply for that requisition?

*A.* That certainly has not any connection with the present business; and I think I am not bound to answer that question.

*Q.* It has, Sir! and you must answer it as you appear before God at the great day. (*The witness hesitated, and claimed the protection of the court.*)

*Lord Justice Clerk.* I don't think it is proper that he should tell who gave the information.

*Lord Abercrombie.* I am of the same opinion.

*Lord Eskgrove.* He acted as procurator-fiscal of Edinburgh, and therefore he is no more liable, or bound to say, who was his private informer, than my Lord Advocate is.

*Lord Dunsinnan.* It is entering into an investigation which the Pannel has no right to make.

*Lord Swinton.* I am of the same opinion.

*Mr. Margarot.* My Lords, I hope I have not put an improper question: I know it is customary at Venice, they have a lion's mouth to receive all private secret information, but I did not know that it was so here; I thought that justice was open.

*Lord Abercombie.* I am sorry to observe, that from the beginning of this trial, the Pannel has betrayed the grossest ignorance of the laws of this country; and I must regret that he has not had the advice of those who know better; but if he is to object to things in this way, I trust he will do it for his own sake in a decent manner.

*Mr. Margarot.* Then I am to understand, that the reception of secret information is a part of the laws of this country. The officer found Mr. Gerald and me in the same room?

*A.* I was told so, but that is only from report.

*Q.* Where was that room; at the Black Bull?

*A.* Yes; I was told so.

*Q.* At a public inn?—*A.* Yes.

*Q.* Was the door locked?—*A.* I cannot say.

*Q.* Did he at that time emit a declaration in your presence?

*A.* He did.

Q. How do you aſcertain that thoſe papers were mine which you have juſt now produced?

*A.* I have told you all that I can; it was Mr. Gerald's, and your own pointing them out.

Q. I underſtand you have ſaid that I emitted a declaration: a declaration, if I underſtand it rightly, is a certain verbal acknowledgment?

*A.* A declaration may be negative, and it is ſtill a declaration.

*Lord Juſtice Clerk.* You may make a declaration that you are innocent as well as that you are guilty.

*Mr. Margarot.* It would have much the ſame effect. What reaſon did I alledge for refuſing to emit a declaration?

*A.* I don't recollect.

Q. In the courſe of your practice do you know any law which enforces a private interrogatory?

*Mr. Solicitor General.* If the gentleman is an attorney, as I am told he is, I ſhould like to know whether he would be ſuffered to go on in this way in the courts of Weſtminſter-Hall?

*Lord Juſtice Clerk.* It is certainly not a queſtion fit for the witneſs to anſwer.

*Mr. Margarot.* Have you any mode of diſtinguiſhing thoſe papers found in my trunk from thoſe that belonged to Mr. Gerald in the ſame trunk?—*A.* I cannot ſay.

Q. Then it may happen that you may have intermixed a paper of Mr. Gerald's, and a paper of mine?

*A.* No. They were taken down diſtinctly, and marked with your initials in your own preſence.

Q. Who arranged the papers?

*A.* I arranged them in your preſence; I took them out at leaſt.

*Lord Juſtice Clerk.* Did not you ſay, the Pannel picked out his papers, and Mr Gerald his?

*A.* Yes, there was a paper put in, and all below that, belonged to him; the reſt belonged to the Pannel.

Q. Did I not obſerve to you at the time, that being in an inn. we could not be anſwerable for what papers were found in our room?—*A.* I dare ſay you did.

Q. Did I not ſay, that even the meſſenger might bring thoſe papers if he thought proper, and huſtle them into the trunk at once?—*A.* So you did.

Q. By what means are you certain, that the papers which you found in Mr. Skirving's poſſeſſion, were minutes of the convention?

*A.* From various circumſtances; but I ſubmit again to the court, whether it is proper to anſwer that?

*Lord Juſtice Clerk.* Yes, you muſt give anſwers to legal queſtions.

*A.* The minutes were eſtabliſhed to be the minutes of the convention by ſome of the members.

Q. You accompanied the ſheriff to Mr. Laing's room.

*A.* Yes.

Q. Did I ſay any thing to you at that time?

*A.* Yes; you was the firſt perſon that called to me, handed me a motion, and deſired I would read it; I told him I had nothing to do with it: it was a motion to petition the king, or ſomething of that kind.

Q. Do you recollect the ſheriff-ſubſtitute ſaying, that he acted by orders?

*A.* I cannot ſay but he certainly told you. he came for the expreſs purpoſe of diſmiſſing that meeting, and that you muſt do no buſineſs as a Britiſh Convention.

Q. Did I not ſpeak to you; and you afterwards anſwered me, that you was doing your duty?

*A.* Yes, by attending the ſheriffs.

Q. You ſay that the meeting ended with prayer; can you recollect that prayer?—*A.* I cannot.

Q. Does beginning and cloſing a meeting, for obtaining a reform in Parliament, with prayer, apply to the word ſedition?

*Lord Juſtice Clerk.* That is a very improper queſtion.

Q. Did the petition for the warrant ſtate, that I had met with others in Laing's workſhop, that I had been forced from the chair, that we had ſaid that we were aſſembled for the purpoſe of petitioning for a reform in Parliament, and cloſed with prayer? Was that warrant which took me up then the ſame as before?

*A.* The warrant could not mention it, becauſe the petition was two days before the warrant was obtained; it could not mention that which did not take place till two days after.

(*Harry Davidſon* Sworn.

Q. Do you recollect the Pannel being brought before you upon the 5th of December for examination?—*A.* I do.

Q. Did he do it voluntarily, and without compulſion?
*A.* Yes.
Q. Was he ſober, and of ſound mind?—*A.* Yes.
Q. Did you ſubſcribe that declaration?—*A.* I did.
Q. Look and ſee if that is it?—*A.* It is the ſame.
Q. Is there any reference in that declaration to a motion?
*A.* Yes.
Q. Was there a paper found in the Secretary's poſſeſſion which appeared to be that motion?—*A.* Yes.
Q. Did you put any mark upon the paper ſo as to know it again?—*A.* Yes. this is it.
Q. Do you recollect any other paper having been produced at that examination or afterwards?
*A.* There were no papers produced that day; the next day there were papers taken from a trunk of his, of which an inventory was made, which I identified.
Q. Was that trunk brought along with him?—*A.* Yes.
Q. Was he aſked for the key of that trunk?
*A.* Yes, and he declined giving it up.
Q. Was there any ſeal put upon it?
*A.* Not in my preſence: I underſtood there was.
Q. When it was opened the following day, was any inventory made of its contents?—*A.* Yes.
Q. Were there any papers other than thoſe claimed by the Pannel?—*A.* Yes, papers belonging to Mr. Gerald.
Q. Were thoſe claimed by the pannel ſeparated from thoſe claimed by Mr. Gerald?
*A.* Yes, and an inventory was made of both, and acquieſced in by both.
Q. And it was done in their preſence?—*A.* Yes.
Q. Did you ſubſcribe that inventory?—*A.* Yes.
Q. Did you likewiſe put any mark upon the articles which it contains?—*A.* Yes.
Q. Did you compare thoſe articles which have your ſubſcription with the articles which are in the inventory?
*A.* Yes; it was only thoſe that were relating to the buſineſs in hand that were put into the inventory. (*Examines and compares them.*) They are all marked by me.
Q. Do you recollect why Mr. Margarot was liberated?

*A.* Upon finding bail.

*Q.* What was the nature of the charge againſt him for which he was brought before you for examination?

*A.* For ſeditious practices, as being a member of the meeting calling themſelves the Britiſh Convention of the Delegates of the Friends of the People.

*Q.* Do you recollect to have gone in the execution of your duty to a wright's ſhop on the ſouth ſide of the town, on the 6th of December with a view of diſperſing this meeting?

*A.* I did,

*Q.* Be ſo obliging to mention to the court and jury what paſſed when you ſo went to that meeting.

*A.* It was on friday evening the 6th of December, I went and attended the Lord Provoſt, with the magiſtrates of the city; a great number of people were aſſembled in a wright's ſhop, and I went imediately up to the table, where I ſaw ſome people whoſe faces I recognized, Mr. Skirving, Mr. Brown, Mr. Margarot, and ſeveral others; I aſked what the meeting was? I did not get a direct anſwer; I aſked if it was the Britiſh Convention? One of the members, and I think it was Mr. Margarot, ſaid that it was; I told him that I was ſheriff ſubſtitute for the County, and that I came there to diſperſe that meeting, which was an illegal one, upon this ſome converſation took place; and I think Mr. Margarot was the man who ſpoke moſt on acount of the convention; he ſaid, they were met peaceably, that it was a legal conſtitutional meeting, and that they were then meeting upon a petition to parliament. I told him, that my reſolution had been taken before I came there; with a determination to diſperſe that meeting; that no words were neceſſary, no argument that they could uſe could alter my determination: ſome more converſatio» took place. Mr. Margarot, finding I was determined upon it, ſaid that he would take the chair with the approbation of the meeting, which was then empty accordingly upon this, he was unanimouſly called to the chair: I think before he took the chair, he ſaid, the meeting would not diſperſe without force was uſed; I told him, I hoped it would be unneceſſary to uſe force but if it was neceſſary, I ſhould certainly make uſe of it. He took the chair, and finding they would not diſperſe without ſome force, I took him by the arm, which he conſidered as force, and he

came out of the chair; upon his doing ſo, Mr. Gerald, another of the gentlemen preſent, took the chair; I told him, I really thought that it was improper that another perſon ſhould do the ſame thing, if they were all to take the chair one after another; I hoped they would not think that neceſſary; however I took the ſame method of forcing Mr. Gerald from the chair that I did Mr. Margarot: Mr. Gerald then made an extempore prayer and left the chair. Mr. Margarot, amongſt other things that he mentioned, ſaid, the meeting of the convention had declared themſelves permanent. I told him it might be ſo, but I was determined they ſhould not meet within the county where I had a juriſdiction. I think they called out for the gentlemen to diſperſe, and by degrees they diſperſed; I ſaw the laſt perſon out and ſaw the door locked, and took the key.

*Q.* You ſaid you recognized ſeveral perſons; among others, the Pannel at the bar, and Mr. Gerald; how came you to recognize the Pannel particularly?

*A.* Becauſe he had been before me the night before, and had been examined upon the charge I have already mentioned.

*Q.* You had granted bail?—*A.* Yes.

*Harry Davidſon* croſs examined by *Mr. Margarot.*

*Q.* How are you ſure that the motion which you found in the poſſeſſion of Mr. Skirving is in my hand writing, as you declared it to be?

*A.* I did not aſſert that it was your hand writing, at leaſt I did not mean to ſay ſo.

*Q.* Did I not give one uniform reaſon for declining to emit a declaration, for refuſing to give up the key of my trunk, and for aſſerting the right of the convention to meet; did I not ſay, that the proceedings againſt me and againſt them were illegal?

*A.* You certainly did.

*Q.* Did I not aſk you, why you would interrupt us in our legal proceedings? and did you not anſwer me, that you acted according to order? Remember, Sir, that you are upon your oath.

*A.* I cannot ſay that I recollect, whether I ſaid by order, as ſheriff ſubſtitute of the county, I acted by my own authority; I do not recollect the preciſe words I may have uſed, but I was certainly acting as ſheriff of the county.

*Q.* What could induce you to think that a meeting like that was illegal?

*Lord Juſtice Clerk.* That is not a proper queſtion.

*Mr. Margarot.* It only hinges upon another. Did you ſee at the time of your entrance there, any confuſion, riot, or diſorder?

*A.* I did not.

*Q.* Did you on the contrary, perceive the buſineſs of the evening carried on with regularity?

*A.* There was but little buſineſs going on after I came in. Mr. Gerald was upon his legs ſpeaking, and I certainly interrupted him.

*Q.* Was prayer called for?

*A.* It was I do not know whether it was not you that ſaid it was not uſual that the meeting ſhould depart without prayer, and I believe I gave conſent that prayer ſhould be made.

*Q.* Oh, you did conſent to that? Do you recollect the ſubject of the debate?

*A.* I think you, or ſome other perſon, put into my hand a ſmall piece of paper, upon which was wrote a petition to Parliament, which you ſaid was the ſubject of the—

*Mr. Margarot.* Of the order of the day.

*A.* That the purpoſe of their meeting was to petition Parliament.

*Q.* I hope the order of the day is not an offence, becauſe I believe it is made uſe of ſometimes in the Houſe of Commons.

*Counſel for the Crown.* The witneſs has ſpoke of the motion referred to in the declaration. Was there any paper found in Mr. Skirving's poſſeſſion, which was entitled minutes of the convention?

*A.* There were a number of things found in Mr. Skirving's poſſeſſion; amongſt which was a ſcroll of the minutes of the convention.

*Q.* Should you know it again?—*A.* Yes.

*A.* Look at that and ſee if that is it? *A.* It is.

*Mr. Margarot.* How are you certain that theſe are the minutes of the Britiſh convention?

*A.* I can only ſay, that theſe are papers which were found in Mr. Skirving's poſſeſſion, and they were acknowledged to be ſo by various people, who were examined before me; that is the only reaſon I have: I did not ſee them in the convention.

*Q.* There is another queſtion which I hope your Lordſhips will not think improper. In your office as ſheriff, have you to

the beſt of your judgement acted according to the laws of your country, or have you acted by ſuperior orders?

*A.* I certainly would exeeute no orders unleſs I was certain they were according to the laws of my country.

*Q.* Am I to infer from hence, that you received orders?

*Lord Juſtice Clerk.* It is not a proper ſubject of evidence.

*Mr. Margarot.* I put myſelf under your correction at the time I ſtarted the queſtion; however, it may not be amiſs that the queſtion was ſtarted, though it is not anſwered.

*Joſeph Mack* Sworn.

*Q.* Do you recollect being preſent when Mr. Skirving, the late Secretary of the Convention of the Friends of the People, was brought before the ſheriff for examination?—*A.* Yes.

*Q.* Were there certain bags of papers brought along with him for inſpection?—*A.* Yes.

*Q.* Was you preſent when thoſe bags were opened?

*A.* I was, when they were put into the inventory, which was very ſoon after or immediately after they were opened.

*Q.* Was Skirving preſent?—*A.* Yes.

*Q.* Do you recollect among other papers found in this bag, one being found, entitled the ſcroll of the minutes of the Convention?—*A.* Yes.

*Q.* Was it in your hand, that you had an opportunity of obſerving it at that time?

*A.* I both ſaw it then, and at Mr. Skirving's houſe; they were carried in a bag from his houſe to the ſheriff clerk's office, and there entered into an inventory—that is the paper.

*Q.* And you now recognize it as the ſame?

*A.* (Looks over it) Yes, it is the ſame.

*Joſeph Mack* croſs examined by *Mr. Margarot.*

*Q.* You act as notary, do you not?—*A.* No, I do not.

*Q.* Or as clerk to the ſheriff?

*A.* Yes, writing clerk to the ſheriff.

*Q.* Did you hear me proteſt againſt the illegality of all the proceedings which had taken place?

*A.* You offered to make a proteſt, but it was refuſed to you.

*Q.* You are certain that I offered to make one?—*A.* Yes.

*Q.* A written one?

*A.* I do not recollect whether it was written or not: I think it is probable it was, but I cannot ſay—I was not a notary.

*James Lyon* called.

*Mr. Margarot.* I have objections to that witneſs, on account of certain expreſſions of his, and I have a witneſs now attending to prove thoſe words. I don't know whether that witneſs ſhould be brought in at preſent to prove this, or whether he ſhould be kept back till the witneſſes for the proſecution are gone through.

*Lord Juſtice Clerk.* What do you propoſe to prove?

*Mr. Margarot.* That he conſidered himſelf as my enemy; theſe are nearly the words, I look upon myſelf to be your enemy; or ſomething to that effect.

*Lord Juſtice Clerk.* Can you condeſcend upon any reaſon, why he ſhould have an enmity to you?

*Mr. Margarot.* I have not the ſkill of other people; I cannot dive into mens hearts; I found him a very officious time-ſerving man.

*Lord Juſtice Clerk.* He muſt anſwer that queſtion upon oath, whether he has any malice or ill will.

(Sworn.)

*Lord Juſtice Clerk.* Look upon the Pannel at the bar; have you any malice or ill-will againſt that perſon?

*A.* None at all.

*Q.* Did you ever ſay that you were his enemy?—*A.* Never.

*Lord Juſtice Clerk.* You may aſk him the queſtion again, Mr. Margarot.

*Mr. Margarot.* I would wiſh to have my witneſs produced in court; it is not my aſking him the queſtion merely,—Do you not recollect ſaying one day that you conſidered yourſelf as my enemy?—*A.* Not at all.

*Lord Abercrombie.* The court have uniformly laid this down as a rule, that no general charge of a witneſs making uſe of an expreſſion of that nature ſhall be ſufficient to invalidate his teſtimony, and for this reaſon. that it would put it in the power of every witneſs whatever, if he wiſhed to favour the Pannel, to diſqualify himſelf by uttering ſome vague expreſſion of ill-will.

*Lord Eſkgrove.* What are you?—*A.* A meſſenger.

*Lord Advocate.* Did you execute a warrant againſt the Pannel?—*A.* Yes.

*Lord Advocate.* And againſt any body elſe?

*A.* Yes; Mr. Gerald.

Q. Where was you informed theſe perſons reſided ?

*A.* At the Black Bull.

Q. Were you to take into your cuſtody any papers that you found ?—*A.* Yes.

Q. At what time in the morning was it ?

*A.* To the beſt of my knowledge about ſeven o'clock.

Q. Tell the court and jury what paſſed.

*A.* I aſked for ſuch gentlemen, I aſked for their room ; the waiter declined ſhewing me, but told me the number of their room ; I went into this room where Mr. Gerald and Mr. Margarot were ; they were each in ſeparate beds in the ſame room.

Q. Did you tell them you had a warrant againſt them ?

*A.* Yes ; then I went to Mr. Sinclair's room, and locked up all Mr. Margarot's papers, and Mr. Gerald's and Mr. Sinclair's alſo ; Mr. Margarot ſaid he would put his papers into a little trunk, which I did not object to.

Q. Did he accordingly do ſo ?

*A.* He aſked Mr. Gerald if he would put his in, upon which he agreed to it, and the papers were put in ; and when I was away and came back for them, he ſaid he would not give them me ; I ſaid I would take them ; he ſaid I might take them at my peril, and I ſaid I ſhould not make any ſcruple about it.

Q. Did the key remain in his poſſeſſion after the paper was taken away ?

*A.* Yes, the trunk was locked, and he kept the key.

Q. Did you take the trunk and him with you to the ſheriff's ?

*A.* Yes, and Mr. Gerald.

Q. Was you preſent when the trunk was opened and the contents examined ?—*A.* I was.

Q. Did the Pannel agree to open the trunk himſelf, or was it opened ?

*A.* The next day when he was before the ſheriff, he held the key in his hand ; he ſaid he would not give it up, but we might take it from him ; upon which the ſheriff ſubſtitute deſired me to take it from him, which I did ; the trunk was then opened and the papers inſpected.

Q. Were thoſe belonging to the Pannel diſtinguiſhed from thoſe belonging to Mr. Gerald ?

*A.* Each of them claimed ſeparately what belonged to himſelf

Q. Was there any inventory made of thoſe papers?—*A.* Yes.

Q. Did you put any mark upon thoſe papers?—*A.* I did.

Q. Look at thoſe papers deliberately, and ſee if they are the ſame!

*A* (*Examines and compares them with the inventory*) Yes, they are the ſame, they have my initial.

Q. When you went to the Black Bull had you any aſſiſtants with you?

*A.* Yes, John M'Donald and Neil M'Glaſhan were both in the room along with me.

*James Lyon* croſs examined by *Mr. Margarot.*

Q. You found us in bed;—*A.* Yes.

Q. Did we ſhew any diſpoſition of reſiſtance, or rather did not we teſtify the greateſt alacrity to go with you?

*A.* You ſhewed no diſpoſition to make any reſiſtance; you did not refuſe to come along with us.

Q. Did we make you wait long in dreſſing?—*A.* No.

Q. Did you ſhew us the warrant?

*A,* No, nor you did not aſk it.

Q. Did we never aſk you to ſee the warrant?—*A.* No.

Q. Where did you find the papers in the room?

*A.* I found ſome upon the top of the drawers' head! ſome in the drawers, and ſome in a trunk.

*A.* Were the drawers locked?—*A.* No.

Q. Was the door of the room locked?

*A.* No, I knocked at the door, and you deſired me to come in, and of courſe I opened the door.

Q. Were the papers in a ſtate of arrangement when you took them off the drawers, and out of the drawers?

*A.* No, by no means.

Q. Were they not rather confuſed?

*A.* Yes, they were a little confuſed.

Q. Were there ſome in one place, and others in another?

*A.* Yes, ſome I got out of the trunk, and ſome out of the drawers, and ſome off the drawers.

Q. Were there papers in more than one drawer?

*A.* I believe there were; I cannot ſay.

Q. But the drawers were not locked?

*A.* I believe not, I broke none of them open.

*John Macdonald* ſworn.

Q. Did you go along with Mr. Lyon the meſſenger to aſſiſt him to execute a warrant againſt the Pannel at the bar, on the 5th December laſt ?—*A.* Yes,

Q. Where did you go to ?

*A.* To the Black Bull, at the head of Leith Walk.

Q. Tell us, as far as you recollect, what paſſed upon that occaſion.

*A.* I went into the houſe, and ſtood there till the door was opened; Mr. Lyon went in; we went up the ſtair, and this gentleman and another were in the bed-room, but had not got their cloaths on, and we ſtood at the door till they were ready; and Mr. Lyon took what papers he could find, and they were put into a trunk; the trunk was locked, and he put the key into his pocket, and there was a chaiſe at the door; and I took down the trunk, and put it in the chaiſe, and he came along with us, and I got at the back of the chaiſe, and went to the Sheriff clerk's office, and left the trunk in the office.

Q. You have mentioned what paſſed in the room, and the manner in which the papers were put in the trunk; now, did the Pannel himſelf put any of the papers in ?

*A.* Yes. he was helping.

Q. Did Mr. Gerald likewiſe aſſiſt to put the papers in the trunk ?

*A.* Yes, Mr. Gerald's papers were put in firſt, and then Mr. Margarot's and then the trunk was locked and carried to the ſheriff clerks office.

*John Macdonald*, croſs examined by *Mr. Margarot.*

Q. Could you at that time diſcriminate which were my papers, and which were thoſe of Mr. Gerald ?

*A.* I can neither tell which were yours, nor which were his; but, it is my opinion yours were put in firſt.

Q. Were the drawers locked ?—*A.* No.

Q. You did not ſee a key in thoſe drawers ?—*A.* No.

Q. Was the room door locked ?

*A.* No, it was open when I came in; you was apprehended, I dare ſay, before I came in.

Q. Were the papers put into the trunk tied up in parcels or looſely ?—*A.* Some were tied up, and ſome were looſe.

Q. Did we tie up any of them before you ?

*A.* I did not ſee any ſtring tied on them.

*Q.* Who took them out of the drawers?

*A.* Mr. Lyon took them out.

*Q.* Do you recollect the reaſon why Mr. Lyon would not ſhew me the warrant?

*A.* You did not inſiſt upon ſhewing it much.

*Q.* Did he ſhew it? and remember you are upon your oath.

*A.* I cannot recollect.

*Q.* You well recollect that I aſked him to produce it?—*A.* Yes.

*Q.* And you are not certain that he did ſhew it?—*A.* No.

*Q.* But you perfectly recollect that I aſked him to ſhew it?

*A.* Yes.

*Thomas Cockburn* called.

*Lord Juſtice Clerk.* Have you any objections to this witneſs?

*Mr. Margarot.* No, my lord, he looks honeſt. (Sworn.)

*Q.* Are you a member of any of the ſocieties of the friends of the people?—*A.* I was.

*Q.* Was you a delegate from any ſociety to the Britiſh Convention?—*A.* Yes, I was a member of both.

*Q.* Did you attend regularly their meetings?

*A.* My buſineſs did not allow me a regular attendance, but I attended as often as I could.

*Q.* Do you recollect, during your attendance at thoſe meetings, whether there was any ſubdiviſion, any ſmaller meetings that the convention was divided into?—*A.* Yes.

*Q.* What were they called?

*A.* The firſt name they got, was diviſions; but they were afwards called ſections.

*Q.* What terms did the members of the convention generally addreſs each other by?

*A.* They were different; but the general term was, Citizen.

*Q.* Do you recollect that you had different committees appointed in that convention for the forwarding of buſineſs?

*A.* I don't recollect ſeveral committees.

*Q.* But ſome?—*A.* I have heard ſome mentioned.

*Q.* And what were they called?

*A.* That that I recollect moſt, at preſent, was the committee of union.

*Q.* Did you ever hear of a committee of ſecrecy?—*A.* Yes.

*Q.* A convention of emergency?

*A.* I don't recollect the hearing of that.

*Q.* Do you recollect hearing the term organization mentioned?—*A.* I don't remember.

*Q.* Had you primary assemblies to refer to?—*A.* I cannot say.

*Q.* How were your meetings called?

*A.* They were generally called the British Convention.

*Q.* But when you met on a particular night, and talked about it the next day, what name did you give it?

*A.* The British Convention.

*Q.* Did you ever use the name of sittings?

*A.* Yes, frequently.

*Q.* You say you attended as often as your business permitted?

*A.* Yes.

*Q.* Have you had occasion to see the Pannel there?

*A.* Yes, frequently.

*Q.* Did you ever see him act as preses or chairman at these meetings?—*A.* Yes.

*Q.* Did you ever hear him move any resolutions at these meetings, of any kind?

*A.* I have frequently heard Mr. Margarot speak; but unless some particular resolution be mentioned, I cannot say.

*Q.* Do you recollect at any time, any motion or proposal for a committee of union?

*A.* No; I was not present then.

*Q.* Do you recollect his having delivered a speech, at any of the meetings you have attended, that had any relation to a convention bill?—*A.* I don't recollect.

*Q.* With any reference to such a bill as had passed in Ireland?

*A.* No.

*Mr. Solicitor General.* Do you remember a motion being made by Mr. Callendar?—*A.* Yes.

*Q.* Do you remember any thing what it was about?

*A.* I remember one of the motions, about the people meeting in defence of their liberties, in case of any bill being brought into parliament, similar to a convention bill in Ireland against the constitution of the country.

*Q.* What did Mr. Callendar propose your convention should do in that case?

*A.* I recollect a motion of that import being introduced, and

that Mr. Callendar acknowledged the motion as his; but as to any thing relative to that motion, I do not know.

*Q.* Was you preſent when the motion was made?

*A.* There was a rule in the convention, that no motion ſhould be diſcuſſed the ſame night on which it was made; I was preſent when it was brought in by Mr. Callendar.

*Q.* What was it that Mr. Callendar propoſed ſhould be done in caſe ſuch a bill ſhould be brought into the Britiſh Parliament?

*Mr. Margarot.* I object to that queſtion, as it reſpects Mr. Callendar, and not me.

*Mr. Solicitor General.* It is charged in the indictment againſt this very Pannel; and, therefore, I will repeat the queſtion. What was it that Mr. Callendar propoſed ſhould be done, in caſe it ſhould be brought into the Britiſh Parliament?

*A.* That the people ſhould meet to aſſert their rights, ſo far as I recollect.

*Q.* Was there any debate upon it that night?

*A.* It is a rule that there ſhall be no debate when a queſtion is propoſed.

*Q.* Was you preſent when it was diſcuſſed?

*A.* Not when it was diſcuſſed in the ſhape in which Mr. Callendar introduced it; but I was when it was amended: ſo far as I recollect, the ſpirit of Mr. Callendar's motion was retained; but it was very much extended: there was a propoſal of what, in certain events, ſhould take place. I don't clearly remember the circumſtances about it; but it was a motion for a ſecret committee, in caſe thoſe events ſhould take place.

*Q.* Was it propoſed that the convention ſhould aſſemble in certain events?

*A.* Yes, it was, that they ſhould meet in a certain place, in certain events.

*Q.* Now, be ſo good as tell us what thoſe events were, as far as you remember them?

*A.* The one already named, was that of a bill being brought into Parliament ſimilar to the convention bill in Ireland; as to the other, I cannot remember.

*Q.* Was any thing ſaid about the ſuſpenſion of the Habeas Corpus act?—*A.* I think there was.

*Q.* Was there any thing ſaid about the repeal of the Scotch Act, 1701, of wrongous impriſonment?

*A.* I dont recollect that.

*Q.* Was any thing ſaid in caſe of an invaſion of foreign troops?

*A.* I think I remember that.

*Q.* Was any place fixed upon for the meetings? how was that determined upon?

*A.* There was a motion that the place ſhould be fixed upon by a ſecret committee; they were to find out a way of letting the delegates know of it.

*Q.* Was it not to be publiſhed?—*A.* No.

*Q.* Was it to be told them immediately, or only told them when that emergency ſhould happen?

*A.* There was a mention of a ſealed letter to be given to each delegate.

*Q.* Who made this motion reſpecting the place of meeting?

*A.* I cannot recollect.

*Q.* Read that paper.

(*The witneſs reads it.*)

"Citizen Margarot propoſed the following motion: That a ſecret committee of three, with the ſecretary, be appointed to determine the place where ſuch convention of emergency ſhall meet; and ſuch place ſhall remain a ſecret with them, and with the ſecretary of this convention; and, that the delegates ſhall, at the breaking up of the preſent ſeſſion, be entruſted with a ſealed letter, containing the name of the place of meeting. This letter ſhall be delivered unopened to their conſtituents; the receipt of which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate, until the period ſhall arrive at which it ſhall be deemed neceſſary for the delegate to ſet off. This motion was ſeconded by citizen Moffat."

*Q.* Is that the motion?

*A.* To the beſt of my recollection there was a motion of a ſimilar import to that.

*Q.* Do you know who were the members of this ſecret committee?—*A.* I recollect ſome of them.

*Q.* Was Mr. Margarot one of them?

*A.* To the beſt of my recollection, he was one of them.

*Q.* Do you remember Mr. Margarot making any ſpeech to the convention before he had made his motion?—*A.* I do not.

*Q.* Do you remember his ſaying any thing at all about its being a tocſin?—*A.* I do not.

*Q.* You remember that the caſe of the convention bill was one of the caſes of emergency?—*A.* Yes.

*Q.* And of the ſuſpenſion of the Habeas Corpus Act?

*A.* I heard that mentioned.

*Q.* You alſo recollect ſomething about an invaſion being mentioned?—I think I do.

*Q.* Did you hear any propoſal during the time you attended this meeting, that this convention ſhould act in caſe they ſhould be diſperſed?—*A.* Yes.

*Q.* Who made that motion?

*A.* I do not recollect at preſent.

*Q.* Do you think Mr. Margarot made a motion of that kind?

*A.* It runs in my mind that he did; but I cannot ſwear that it was him.

*Q.* Did you hear Mr. Margarot make any ſpeech that had a reference to that caſe?

*A.* I think I recollect ſomething of Mr. Margarot ſpeaking as to the propriety of ſuch a thing.

*Q.* Are you ſure?

*A.* I cannot be particular; but there is a conceit in my mind that he did.

*Q.* Do you remember Mr. Sinclair making a motion of that kind?—*A.* I think I do.

*Q.* Do you remember any thing particular about the paſſing of that?

*A.* So far as my recollection ſerves me, we were pretty unanimous.

*Q.* Do you remember all the convention ſtanding up at the time they paſſed it?—*A.* Yes, I think I do.

*Q.* Did it contain any particular expreſſion of their declaring before God and the world that they would do ſo and ſo? Do you recollect that that made a part of the motion?

*A.* Certainly theſe words were mentioned, but I am not certain whether it was the decided reſolution of the convention or not.

*Q.* Do you remember whether this motion, or the reſolution, of the convention, bore any thing that they declared before God and the world that they ſhould follow the wholeſome example of former times?

*A.* I cannot ſay; I don't remember it.

Q. Did it ſay any thing about paying no attention to a convention bill if it ſhould be paſſed ?

*A.* I think there was a mention of ſomething ſimilar to that but whether it was made a part of the final reſolution of the committee, I cannot tell: there was a great deal of looſe expreſſions made uſe of.

Q. Did you hear any thing ſaid in the convention about burning that reſolution of Sinclair's ? *A.* No, I heard nothing of that.

Q. Did you hear any thing ſaid about burning any of the other motions ?

*A.* I don't recollect; they ſeemed to be confident of what they were doing, and were not acting under the apprehenſion of fear.

Q. Was there any thing ſaid about deſtroying or not inſerting it in the minutes? *A.* I don't recollect.

Q. At the time this ſecret committee was appointed, was there any oppoſition made to it.—*A.* I don't recollect.

*Thomas Cockburn* croſs examined by *Mr. Margarot.*

Q. It ſeems you are a member of the Britiſh convention ?

*A.* I was.

Q. What is your profeſſion ?

*A.* My profeſſion is partly a manufacturer in the weaving line, and partly a merchant.

Q. Do you pay any taxes ?—*A.* I do.

Q. Do you find thoſe taxes heavy ?

*A.* I have very often thought them very heavy ?

Q. You are a member of the friends of the people?—*A.* Yes.

Q. What was your reaſon for joining the friends of the people?

*A.* The reaſon was, a thorough conviction of the neceſſity of a reform in the Britiſh Houſe of Commons.

Q. What was your reaſon for accepting the office of delegate in the Britiſh convention?

*A.* It was to help forward that great and grand object that ſo forcibly ſtruck my mind.

Q. Did you mean to help it forward by legal means or by force of arms ?

*A.* Force of arms was never mentioned in the Convention, and it is the laſt thing that I ſhould wiſh to ſee a drop of blood ſpilt in the cauſe.

Q. In the Britiſh Convention did you ever ſee any tendency to have recourſe to open force ?

*A.* It was diametrically oppoſite to my views to have the leaſt recourſe to open force, nor was it the ſubject of diſcuſſion in the convention.

*Q.* Have you heard of a Committee of Union?—*A.* Yes.

*Q.* What was to be the purport of that Committee of Union?

*A.* So far as I recollect, the deſign of that Committee was to draw up regulations, by which the people of England and of Scotland, of the ſame ſentiments, might join in their endeavours to obtain that object.

*Q.* You have heard of a Convention of Secrecy likewiſe?

*A.* Of a Committee of Secrecy I have.

*Q.* Have you ever ſeen it cuſtomary in any clubs, if you ever belonged to any, that there ſhould be a certain degree of truſt repoſed in a ſmall number of confidential men, who ſhould form a committee and retain ſome ſecrets to themſelves, not to be divulged to the world? Have you ever witneſſed any ſuch thing, or does it ſtrike you as an unprecedented thing?

*A.* So far from ſtriking me as an unprecedented thing, that it ſtrikes me upon many occaſions as a neceſſary thing, prudentially to keep the ſecrets of every ſociety when it is neceſſary for their intereſt.

*Q.* Have you ever heard of a committee of organization in the convention? *A.* Yes, I think I have.

*Q.* What was the drift of that committee of organization?

*A.* What I conceive to be the direct deſign of that committee was to form rules, by which the convention might regulate themſelves in their preſent and in their ſubſequent meetings, if they ſhould ſee occaſion for any.

*Q.* Do you think that that committee of organization did not likewiſe refer to the internal regulation of the convention?

*A.* As I meant to expreſs in my laſt anſwer, I conſidered the committee of organization to refer chiefly to the internal affairs of the convention, and with reſpect to future conventions, if there ſhould be ſuch.

*Q.* It ſeems that you have heard that meetings of the convention were at times called ſittings; do you imagine that that expreſſion was adopted as borrowed from a neighbouring country, or that it was an expreſſion that followed of courſe, and to which we are thoroughly accuſtomed in the Engliſh language?

*A.* However the reading of newſpapers might lead us to make uſe of terms, I cannot ſay; but it was certainly a word that it was very natural to make uſe of.

*Q.* You have ſeen me act as preſes?—*A.* Yes.

*Q.* That word is Latin, is it not?

*A.* I am very little acquainted with the Latin; I mean preſident.

*Q.* You are ſufficiently acquainted with it to know that at preſent R me is the ſeat of the pope, are you not?

*A.* We have no doubt of that.

*Q.* Conſequently if there is any criminality in adopting a French word, do you think there is not an equal criminality in uſing a Latin one?

*A.* Theſe things appeared to me to be ſo trifling, that I did not think it worth my while to make any objection to them; ſome were of French origin, and ſome of Britiſh, and ſome of Latin; but I did not think it worth while to make any objection to them.

*Q.* You have heard of a motion made by Mr. Callendar; you were preſent when it was originally moved, that the people ſhould meet to aſſert their rights in the convention?

*A.* Aſſert their rights, were the words, to the beſt of my recollection.

*Q.* What do you underſtand by a convention?

*A.* What I underſtand by a convention is a meeting of men for any purpoſe that they propoſe.

*Q.* Are the men who meet in Convention ſuppoſed to be delegated by a larger body of men?

*A.* I cannot pretend to a critical diſquiſition of theſe points, but it ſtrikes me ſo.

*Q.* By the word convention, and meeting in convention, did you underſtand by it, an aſſembly of men convened to deliberate, or did you underſtand by it, an aſſembly of men going to adopt violent meaſures, and to cairy them into execution themſelves?

*A.* What I underſtood by convention was, that they met with a ſincere and hearty deſign to promote the good of the country, by endeavouring to obtain a thorough reform in the Britiſh Houſe of Commons, and that they meant to do this by peaceable means.

*Q.* Do you imagine there are ſufficient abuſes at preſent in the legiſlature of this kingdom, to legalize our attempting to

addreſs them by petition, or any form that might be legal and conſtitutional?

*A.* I have already ſaid that I am deeply impreſſed with the idea of the neceſſity of it; I ſee the moſt glaring abuſes in it.

*Q.* Do you imagine that if a convention bill was to be paſſed, or was even to be brought into the Houſe of Commons, that it would not ſhew a diſpoſition in the Houſe of Commons to extend their privileges, and to encroach upon our rights?

*A.* Such a bill has always ſtruck me as ſapping the very foundations of civil liberty; and, indeed going beyond the power of the legiſlators themſelves, to deprive the people of their natural rights.

*Q.* Yon ſay it is your opinion that there are already ſufficient grounds for the good people of this country to demand a reform in Parliament; do you think thoſe grounds would not be increaſed by two ſuch events as the bringing in of a convention bill, or a motion for ſuſpending the Habeas Corpus act, which is one of the greateſt privileges a ſubject of Britain enjoys, or the bill for preventing wrongous impriſonment; do you think that would not make a very conſiderable addition to our complaints?

*A.* I am ſatisfied in my own mind, that it would increaſe the grievances of the people, and be like a grave-ſtone to their liberties.

*Q.* In what light did you look upon the members of the Britiſh convention? Did you look upon them as a turbulent ſet of vagabonds, or did you look upon them as a body of men delegated by ſome of their fellow ſubjects for a certain purpoſe, and that theſe men ſo delegated were induſtrious, peaceable, creditable men?

*A.* Their deſign, I have no reaſon to call in queſtion, was the good of their country: as to characters, there is always a mixture in all aſſemblies; but I believe, taking the whole together, there was a great degree of reſpectability with reſpect to characters.

*Q.* Then they did not appear to you to come under the deſcription of *ſwine, rabble. or wretches?*

*A.* As the friends of their country, I believe not.

*Q.* When is the propereſt time for men to aſſemble and deliberate? Is it in the time of danger, or proſperity? It appears

that the convention was to aſſemble in this manner, in the moment that an invaſion of foreign troops ſhould take place in Great Britain. Do you conceive that to be a time of danger, and calling for the attention of all Britons throughout the iſland; or do you think it a time for them to ſit idle and ſuffer themſelves to be inſlaved by a foreign power?

*A.* I think it is high time that a reform had taken place, as it ought to have done long ſince.

*Q.* When you have any thing that intereſts you very much, do you publiſh it all through your houſe, and different parts of your family, or ſometimes keep a ſecret to yourſelf in your private affairs?

*A.* Yes, no doubt; and every perſon endued with any degree of prudence will find occaſion to keep their ſecrets.

*Q.* If you had a particular piece of buſineſs to do, and that you was apprehenſive that a ſuperior power, inimical to your deſign and to your welfare, would prevent you from doing that particular buſineſs at ſuch a place, would you inform that inimical power where you was to meet to do that buſineſs?

*A.* I ſhould certainly do every thing in my power, from common prudence, to keep it from him.

*Q.* When you ſend a letter by the poſt to a friend, do you ever attach any degree of criminality to ſealing that letter till he gets into the country, eſpicially if you wiſh the contents not to be known to him till a certain period?—*A.* No.

*Q.* Can you diſcover any thing of a ſeditious nature in a convention, ſtanding up to paſs a reſolution?—*A.* No.

*Q.* I find here ſomething which I don't know, whether it is thoroughly aſſented to by you, that there was a declaration before God and the world, that they would follow the wholſome example of their forefathers; what is the characteriſtic of Britons?

*A.* That they are ſtrongly attached to the cauſe of liberty.

*Q.* How came we by the revolution? was it by any exertion of our forefathers?—*A.* It no doubt was.

*Q.* How came we by Magna Charta?

*A.* So far as I underſtand the ſubject, it was certainly by the ſame means.

*Q.* Did your forefathers do wrong in ſo exerting themſelves?

*A.* My opinion is that they did not do enough.

*Q.* Do you think it impoſſible for a Houſe of Commons to do an unconſtitutional act?

*A.* There has been many things done in the Houſe of Commons, which I ſincerely regret.

*Q.* We had originally Parliaments, or ſome time back, Parliaments of three years; now by an act of Parliament they are lengthened to ſeven years; ſuppoſe another act ſhould make them during life, and a third act ſhould make them hereditary, do you imagine that would be an unconſtitutional act?

*A.* It has always ſtruck me as a thing beyond their power to alter or deſtroy the fundamental rights of the people, or any thing that would extend their own power.

*Q.* Do you imagine that the power originates with the people?

*A.* I do ſo.

*Q.* Do you imagine it to be either in the Bill of Rights, or the claim of rights expreſſed, that the people ſhould be at liberty to meet to communicate to each other their grievances, and plan methods for obtaining redreſs?

*A.* I have often wiſhed to ſee the Bill of Rights, the Habeas Corpus act, and all thoſe things; but I have never had it in my power; but in my opinion, the object of all government is the good of the people, and that the liberties of the people ought to be carefully guarded by them.

*Q.* It appears by what has paſſed here, that the convention had ſome notion of a God: did they ever pray in their meetings?

*A.* They did.

*Q.* Did you ever ſee any diſorderly behaviour there? were they riotous or tumultuous?

*A.* Conſidering their number, they were free of that beyond many meetings that I have ſeen of the ſame number: I ſaw no riotous meetings: there were ſometimes diſputes, but no riots.

*Q.* As to the burning of the motion, you ſaid they were not acting under the apprehenſion of fear: did you ſuppoſe they could juſtify their proceedings?

*A.* I always conſidered, that in the convention the members that had occaſion to ſpeak, always ſpoke freely, believing that they had nothing eſſentially ſecret to keep to themſelves, but that their great object was the good of their country.

*Q.* Did you ever diſcover in the convention or in the members of it, either in or out of the convention, any propenſity to ſedition, treaſon, or rebellion.

*A.* I have always ſaid, that ſo far as I could diſcern the de-

ſign of the convention, it was to obtain a thorough reform in the Britiſh Houſe of Commons by peaceable and legal means.

*Alexander Aitcheſon* ſworn.

*Lord Henderland.* Have you any malice or ill will againſt the Pannel at the bar?

*A.* It is impoſſible I can, my Lord: on the contrary I eſteem him a ſecond Sydney.—My Lord, I am doubtleſs much obliged—I ſhould rather ſay my wife and family are much obliged to the public proſecutor for ſummoning me here as a witneſs, inſtead of indicting me; but, my Lords, if I had not a family I would chooſe ſtanding before your Lordſhips bar as a criminal, rather than as a witneſs.

*Counſel for the Crown.* Were you a member of the Britiſh convention?

*A.* Yes, of all the three conventions, I had the honour to be a delegate from the Canongate ſociety; the delegates conſidering themſelves as delegates for ſix months, adjourned their meeting; but upon the account of the coming down of the Engliſh delegates, they reſumed it again.

*Q.* That was in November laſt?—*A.* Yes.

*Q.* Who were the Engliſh delegates?

*A.* There were four or five of them; there was citizen Margarot, citizen Sinclair, and citizen Gerald from London, and citizen Brown from Sheffield.

*Q.* How did you act, as ſecretary or aſſiſtant ſecretary?

*A.* Yes, aſſiſtant ſecretary.

*Q.* Were there a ſcroll of minutes drawn up?—*A.* Yes.

*Q.* Look at that, and ſee if any part of it is your hand writing?

*A.* Yes, a very great part of it; but there were ſome others who wrote occaſionally.

*Q.* Who were they?

*A.* George Roſs, often acted as aſſiſtant in my abſence and afterwards the convention appointed three aſſiſtants daily.

*Q.* Who is George Roſs?---*A.* Clerk in the Gazetteer office.

*Q.* This ſcroll of minutes, did they contain, ſo far as you could judge, a fair and diſtinct account of what happened in the convention?

*A.* To the beſt of my knowledge and belief they did. I ſhould have been guilty of palming falſhood upon the public and the convention if they did not, but there may have been miſtakes.

*Q.* Were they corrected the day after they were made out?

*A.* By no means: the correction of them was poſtponed till a future day, till a committee ſhould be appointed to reviſe them.

*Q.* Was Mr. Margarot preſent at theſe meetings commonly?

*A.* As far as I obſerved he was a regular attendant.

*Q.* Was he ſometimes chairman at the meetings?

*A.* Once he certainly was.

*Q.* Look at that: whoſe hand writing is it?

*A.* It is mine (reads it). citizen Margarot moved that a committee be appointed to conſider of the means, and draw up the outlines of a proper plan for a general union between the two nations, as before propoſed.

*Q.* Did Mr. Margarot make that motion?

*A.* He certainly did, or I ſhould not have minuted it down: a ſimple fact like that I cannot be miſtaken in; but in a ſpeech *viva voce* I might have made a miſtake (*reads it again*); and give me leave to add, I expected from Mr. Margarot's abilities and the ſpirit of the times, a more perfect ſyſtem than was made up by a ſycophant faction in the reign of queen Anne.

*Q.* Look at that.

*A.* (Reads) citizen A. Callendar moved, That in caſe the Miniſter bring into the Commons' Houſe a motion for a convention Bill, it ſhall be noticed immediately to the delegates. The words "ſhall be noticed immediately to the delegates," are in my hand writing.

*Q.* Do you remember any diſcuſſion in the convention upon that motion; particularly, did Mr. Margarot ſpeak upon the occaſion?

*A.* Indeed my memory is ſo treacherous that I cannot recollect any thing, eſpecially when I am taking notes: if I dont write at all, I remember tolerably well the chief facts, but if I do write I recollect nothing.

*Q.* Was there any thing ſaid about that event being a tocſin to the friends of liberty?

*A.* I never heard the word tocſin mentioned in the convention.

*Q.* Do you remember any amendment or alteration upon Mr. Callendar's motion, or if it gave riſe to any other motion in the convention?

*A.* Such things may have happened, but I cannot recollect.

Q. Do you know of a motion being made by Mr. Sinclair's in conſequence of, and following up Mr. Callendars motion ?

*A.* I was abſent a variety of nights, when I wiſhed to be preſent, but particular buſineſs kept me away.

Q. But did you hear Mr. Margarot make any motion in conſequence of Mr. Callendar's ?

*A.* 'Tis impoſſible that I can ſay.

Q. Did Mr. Sinclair make any motion about the convention meeting on certain events ?

*A.* Yes ; there was a motion made, at leaſt, I underſtood ſo. I came in one evening pretty late, and Mr. Sinclair, or ſome perſon, had made a motion, and as ſoon as I had taken my ſeat, Mr. Sinclair made a motion, that ſomething that had paſſed before ſhould be burned, and I was ſurpriſed, and got up and oppoſed it, and was ſeconded upon the ground, that as every thing we had done before was open for the public, we ſhould do nothing ſecret now, and accordingly the motion was not carried.

Q. Did that motion relate to the delegate's meeting ?

*A.* I was ſurpriſed and alarmed at any thing being ſecret ; but when I underſtood that nothing more was meant by it than merey concealing the place where they were to meet, I thought there was nothing at all in it.

*Lord Juſtice Clerk.* Did you hear any thing of a committee of Secrecy ?

*A.* I enquired next day, and was told the nature of it, that it was merely to conceal the intended place of meeting, in caſe of oppoſition, and in caſe of neceſſity.

Q. Did you hear any thing about the convention of emergency at all in the meeting ?

*A.* Yes, at the ſections, aud amongſt our friends.

Q. Read that.

*A.* (*Reads from the minutes*), " citizen Margarot read and propoſed the following motion : That a ſecret committee of three, and the ſecretary, be appointed to determine the place where ſuch convention of emergency ſhall meet ; that ſuch place ſhall remain a ſecret with them and with the ſecretary of this convention, and that each delegate ſhall, at the breaking up of the preſent ſeſſion, be intruſted with a ſealed letter, containing the name of the place of meeting ; this letter ſhall be delivered unopened to his conſtituents, the receipt of which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate, until the period ſhall

arrive at which it ſhall be deemed neceſſary for the delegate to ſet off; this motion was ſeconded by Citizen Moffat:" the greater part of that is my own hand writing.

*Q.* You ſee mention is made there of a convention of emergency; now I want to know, as far as you recollect, the caſes in which they were to meet?

*A.* As far as I recollect, they were to meet in caſe a motion was made in parliament to bring in a bill ſimilar to that, that paſſed in Ireland, to prevent our having any meetings.

*Q.* Was one of the caſes the ſuſpenſion of the Habeas Corpus act?—*A.* I don't recollect.

*Q.* Was the caſe of an invaſion of foreign troops mentioned?

*A.* Yes.

*Q.* Do you recollect any other caſe of emergency in which the convention were to meet?

*A.* I don't recollect any other.

*Q.* Was there another caſe, if any attempt ſhould be made to diſperſe the convention? was that a caſe in which they were to meet?—*A.* I cannot ſay that I recollect that.

*Q.* Was you in the convention the evening before the apprehenſion of Mr. Margarot and Skirving, and the other perſons?

*A.* I might, very poſſibly; but I recollect, I was preſent that evening after they had been apprehended in the morning.

*Q.* But do you recollect whether you was in the convention the preceding evening?—*A.* I cannot charge my memory with it.

*Q.* Look at that?

*A.* The whole of that is written by another perſon (reads from the minutes). "Citizen Margarot begs leave to bring in a motion to the effect, that the moment of any illegal diſperſion of the preſent convention ſhall be conſidered as a ſummons to the delegates to repair to the place of meeting appointed for the convention of emergency by the ſecret committee; that the ſecret committee is inſtructed to proceed, without delay, to fix the place of meeting; and that the ſame motion be conſidered next evening; which was accordingly granted. My Lords, I obſerve, from the whole of this being written by another perſon, that I was not preſent at all that evening.

*Lord Advocate.* Look at the firſt of theſe papers, Number 3. of the general inventory, and tell me if you ever ſaw it before?

*A.* I may have ſeen it, but I do not think I ever read it before. (Reads from the minutes a motion for a union between the two kingdoms, to demand the reſtoration of their rights.) I think it is a moſt excellent motion, my Lord, and am very ſorry it was not followed up.

*Lord Advocate.* I did not aſk you for your opinion, Sir, it is only facts we want.

*A.* My Lords, I beg to ſay, this proſecution, and all the late trials, are for opinions; and I muſt, before God, in juſtice to my country, declare, that it is for opinions as well as facts; Gentlemen of the Jury, I beg you will attend to it; that it is a proſecution for opinions, and not for facts.

*Q.* Look at that paper which has your mark upon.

*A.* It has, but it is not my writing.

*Q.* Where did you receive it?

*A.* From the convention; I remember reading it from the beginning to the end.

*Q.* Who is James Gartley?

*A.* He was Delegate from Glaſgow.

*Q.* Is it your hand-writing upon the back of it?

*A.* Yes, it is, but what connection has James Gartley's motion with Mr. Margarot.

*Q.* Had you an opportunity of ſeeing the newſpapers in which the proceedings of the convention were publiſhed to the world?

*A.* I had an opportunity; but was ſo extremely hurried at the time with my own buſineſs, and that of the convention, that I could not read them, but laid them by to be a treaſure of entertainment at ſome future time; for four weeks, at that time, I did not read a ſingle article in the Gazetteer.

*Q.* Have you read them ſince?

*A.* Only in the ſherriff clerk's chamber, about half a column, and that ſeemed to contain a very accurate account.

*Q.* And correſponded with the minutes you yourſelf had taken?—*A.* Yes.

*Alexander Aitcheſon* croſs examined by *Mr. Margarot.*

*Q.* You was a member of the Britiſh Convention?—*A.* Yes.

*Q.* Was you, prior to that, a member of the Friends of the People?—*A.* Yes, long prior.

*Q.* What was your motive for aſſociating with the Friends of the People?

*A.* The public good, which I hope I will always have at heart.

*Q.* What do you underſtand by the public good?

*A.* I underſtand, by the public good, that grievances ſhould be redreſſed, and every man made as happy as poſſible.

*Q.* Had you any ſpecific plan?

*A.* Yes, we had juſt two objects; theſe two objects were, a ſhorter duration of parliaments, and a more frequent election of repreſentatives; becauſe we conſidered the length of parliaments and the difficulty, in the ſlow return of elections, to be the two great and fundamental cauſes of all the grievances which the nation labours under.

*Q.* What ſort of men were theſe with whom you aſſociated, the Friends of the People? I don't particularly mean what claſs, high or low, rich or poor; but what morals, what temper, what behaviour; in ſhort, what opinion did you form of them in general.

*A.* I conſidered them to be a good, moral, reſpectable ſet of people; not reſpectable in point of riches, but in that reſpect which will be conſidered as ſuch by the all-ſeeing-eye of the Almighty, reſpectable in point of morals.

*Q.* Did they ever ſhew any diſpoſition to treaſon, ſedition, or felony?—*A.* Not that I ever ſaw.

*Q.* Was you delegated by a ſociety of the Friends of the People to the convention?—*A.* I was, ſome time.

*Q.* Did the other members of the convention repreſent a number of men from here?—*A.* Yes.

*Q.* Did it appear to you, that the convention adhered to the ſpirit of reform which was ſet on foot by the Friends of the People?

*A.* They certainly did, to the beſt of my ideas; and even when they followed up the *primary* idea of a ſhorter duration of parliaments, and more frequent elections, and adopted the idea of univerſal ſuffrage and annual parliaments, they went certainly no further than the Duke of Richmond and Mr. Pitt had gone before.

*Q.* You muſt take care not to mention that word *primary*, becauſe it may inculpate me further; for that is one word that is charged againſt me.

*A.* I conſider all words in our dictionary lawful to be uſed;

and it is a dreadful criſis that we are come to, if a man is to be criminated for a word.

*Q.* You ſpoke of the Engliſh delegates; you don't mean that they repreſented the people of England?

*A.* Certainly, only thoſe who ſent them; I underſtood that Mr. Margarot and Mr. Sinclair repreſented about 50,000 people, in London, and Mr. Brown about 5000 in Sheffield.

*Q.* You have not poſitively ſworn to the entire ſcroll of minutes ſhewn to you; ſome part of it you don't acknowledge.

*A.* I can only ſwear to that which was wrote by myſelf; and ſo far as my ideas led me to think, I was right in writing them.

*Q.* Though the name of minutes is given to them, are they, in fact, the minutes of the convention till they have received the reviſal of the committee?

*A.* Certainly not; till the committee had met to correct and to expunge all errors whatever.

*Q.* Were they ever offered, or ſent forth to the world by way of publication?—*A.* Not that I know of.

*Q.* Were they ever corrected by authority of the convention?

*A.* I never heard of it.

*Q.* Are there any eraſures, any interlineations in them?

*A.* Several emendations were made upon the motions of one or two members; but when ſeveral emendations were propoſed, it was ſaid, you may leave that to the committee.

*Q.* To the beſt of your recollection I made a motion about the union of the two kingdoms; did it appear to you that that motion had a ſeditious tendency?

*A.* On the contrary, I conceive it would be for the good of mankind, and the ſalvation of theſe kingdoms.

*Q.* Do you look upon *tocſin* to be a French word?

*A.* I ſuppoſe ſo; but I cannot ſay that it is: I never heard it made uſe of in the convention.

*Q.* Are you ſure that it is not, inſtead of one French word, two Chineſe words?

*A.* I cannot ſay; I know nothing about the Chineſe.

*Q.* I have a notion it is; then, all the knowledge you gained of a ſecret committee, was the next day among the ſections, and among the friends?

*A.* That reminds me of a miſtake I made before; for I find that I have recorded that very motion which Mr. Sinclair moved

to be burnt, and which was afterwards agreed not to be burnt and I heard further of the buſineſs next day.

*Q.* There was a motion made for a convention of emergency; did the convention ever fix upon or delineate the plan by which they were to act, or did that convention ever take place?

*A.* Not that I know of.

*Q.* In joining the Friends of the People, and in joining the Britiſh Convention, for the purpoſe of obtaining a reform, did you think yourſelf warranted by the conſtitution to endeavour to obtain a redreſs of grievances?

*A.* Perfectly; and I WOULD THINK SO STILL IF I WERE SENT TO BOTANY BAY.

*Q.* Are thoſe grievances done away?

*A.* By no means; and I am ſorry for it.

*Q.* Are you of opinion, that if a convention bill was paſſed in the Britiſh Parliament, it would tend to leſſen thoſe grievances?

*A.* It would extend them tenfold.

*Q.* What would be the conſequence of the ſuſpenſion of the Habeas Corpus act, and of the act for preventing wrongous impriſonment?

*A.* It would be certainly a great encroachment upon the privilege of Britons.

*Q.* Might not every peaceable inhabitant of theſe realms run great danger, in caſe of a foreign invaſion, of loſing his property, by the enemy's plnndering him of it, if they were ſucceſsful?

*A.* I have no doubt of it.

*Q.* Do you think it would be more conſtitutional in Engliſhmen, in Scotchmen, in Britons, to ſit idle and look at a foreign invaſion, or attend a convention of emergency.

*A.* I dare ſay the whole Court, and all the audience will agree, that to meet upon ſuch an occaſion, would be a work of neceſſity.

*Q.* Was foreign invaſion the expreſſion that was made uſe of, or was a French invaſion ever mentioned?

*A.* As far as I recollect, French invaſion was mentioned in ſome perſon's motion; but I cannot ſay in whoſe motion, or whether it was in doors, or out of doors; or in the convention, or out of the convention, I cannot ſay.

*Q.* Then you mean to ſay, that an invaſion from France was uppermoſt in the minds of the convention?

*A.* I cannot ſay what was uppermoſt ; but I know I have heard that expreſſion, but I believe it was out of the convention.

*Q.* Was it cuſtomary for motions to be handed to the table, which were not paſſed in the convention ?

*A.* Many ſuch were handed in, and many not paſſed, and ſome not taken notice of at all.

*Q.* Are you certain, that the two motions ſhewn you juſt now, and which were indorſed by you, and, I preſume, were given in to you in that manner, are you ſure they were ever read in the convention ?

*A.* Be ſo good as ſhew me them again (*looks at them*). One of theſe motions is certainly new to me ſince I came before the court : a perſon might ſay to me, there is a queſtion concerning the union, and I might indorſe it ſo without ever reading it.

*Q.* What was the mode of proceeding in opening and cloſing the buſineſs of the day ?

*A.* As the buſineſs of all chriſtian people ſhould be, it was begun and ended by prayer.

*Q.* Did you ever obſerve any thing of a ſeditious or riotous appearance in the convention ?

*A.* Not in the leaſt.

*Q.* Did you ever hear any thing mentioned, or whiſpered in the convention, that might tend to overturn the conſtitution ?

*A.* Never.

*Q.* Did you ever hear any thing mentioned there againſt the King ?—*A.* Never.

*Q.* Did you ever hear any thing mentioned there againſt placemen and penſioners ?—*A.* Often.

*Mr. Margarot.* That, I ſuppoſe, is the ſedition that is meant to be charged.

*George Roſs*, ſworn.

*Witneſs :* When I laſt appeared at this table as a witneſs upon Mr. Skirving's trial, I thought it very unfair of the Lord Advocate in his ſpeech to the jury, to inſinuate that I had concealed the truth. I hope he will not do ſo now.

*Q.* What profeſſion are you of ?

*A.* Clerk iu the Gazetteer Office.

*Q.* How long have you been in that profeſſion ?

*A.* Seven or eight months.

Q. Was you a member of the meeting of the Friends of the People.—*A.* Yes.

Q. Was you a member of the Britiſh Convention?—*A.* Yes.

Q. Delegate from what ſociety?

*A.* From the Canongate ſociety.

Q. Did you act in any particular office in the convention?

*A.* I ſometimes acted as aſſiſtant ſecretary.

Q. Who elſe aſſiſted the ſecretary?—*A.* Several perſons.

Q. Were there any perſons who wrote ſhort hand and took down the debates?—*A.* Yes; my brother.

Q. Look at theſe minutes, and ſee if you can find your own hand-writing?—*A.* Yes.

Q. Did you take down, to the beſt of your abilities, what did really paſs in the convention?

*A.* I certainly would take nothing down that I thought improper.

Q. And you would take down nothing but what paſſed?

*A.* No.

Q. Do you recollect, if it was the practice, at the commencement of the meeting, to read over the ſcroll of the minutes?

*A.* I have ſeen it done ſometimes, and ſometimes not.

Q. Do you recollect whether it was ever uſual to correct them upon reading them over?

*A.* I think, I recollect one night, there were ſome corrections.

Q. Are you acquainted with that Gentleman?

*A.* I have had the honour to ſee Mr. Margarot many times, and been in his company.

Q. Was he a member of the convention?—*A.* Yes.

Q. Have you heard him ſpeak?

*A.* Yes, I have heard him propoſe motions.

Q. Did you ever ſee him act as chairman?

*A.* I cannot recollect to a certainty, whether he was or not.

Q. Do you recollect any motion in the convention with reſpect to a union between England and Scotland?

*A.* I recollect the union with the ſocieties of the Friends of the People in England.

Q. Read that?

*A.* (Reads.) "Citizen Margarot moved, that a committee be appointed to conſider."—I dont recollect that.

Q. Whoſe hand-writing is it?—*A.* I believe it is Mr. Aitcheſon's

Q. You recollect there was ſuch a motion?

*A.* Yes, that there was a union to take place between the Engliſh ſocieties and the Scotch.

Q. Do you remember any motion being made for a convention of emergency? *A.* Yes.

Q. Do you remember any thing about the purpoſe of that convention; of the events in which they were to meet?

*A.* To remonſtrate to parliament againſt a bill, ſuch as a convention bill

Q. Were there any particular perſons who made a motion reſpecting it? *A.* I believe it was made by Mr. Callendar.

(*Reads Mr. Callendar's motion*).

Q. Do you recollect that that motion was made?

*A.* Yes, it is in my hand writing.

Q. Do you remember the events that were to happen.

*A.* That, in caſe of a convention bill, they were to meet in order to draw up a remonſtrance to parliament.

Q. Was any ther event mentioned? any thing about the Habeas Corpus Act? *A.* I don't at preſent recollect.

Q. Do you recollect any thing about a foreign invaſion, or any thing about foreign troops?

*A.* Yes, about the Heſſians and Hanoverians being brought over.

Q. You ſpoke about Mr. Callendar's motion: when was it taken up; the next day?—*A.* I cannot ſay.

Q. Was the convention uſed to take notice of the motion at the time they were made, or did they lie over?

*A.* They generally lay over.

Q. Was that motion of Mr. Callendar's taken up afterwards?

*A.* I cannot ſay.

Q. Was there any debate about Mr. Callendar's motion reſpecting the convention bill? and recollect yourſelf before you give an anſwer.—*A.* I cannot be particular.

Q. Were there any amendments propoſed to that motion?

*A.* I believe there were.

Q. What reſolutions were come to in conſequence of the amendment.—*A.* I don't know particularly; I don't recollect.

Q. Is that your writing?

*A.* Yes (*reads*) "Citizen Sinclair read the amendments upon Citizen Callendar's motion;" and then there comes ſome other

perſon's writing; " and, it was agreed, that the houſe ſhould reſolve itſelf into a committee, to conſider of the amendments propoſed; the convention being reſumed, and the amendments being read over, the members ſtood upon their legs, and ſolemnly and unanimouſly paſſed the following reſolution."

*Q.* Now recollect yourſelf, and tell us what paſſed at that time. Was it a reſolution upon Citizen Callendar's motion?—*A.* Yes.

*Q.* Now recollect what that motion was?—*A.* I cannot tell.

*Q.* Look if it is mentioned there?

*A.* No, there is a blank page follows it. The reſolution then paſſed, was reſerved to be entered 'till the end of the minutes.

*Lord Advocate.* It is very material that the Jury ſhould take down theſe words; for it is that upon which I ſhall found a very material part of what I ſhall have to ſay to them. Repeat it again.

*A.* I think the reſolution that was then paſſed, was left to be entered at the laſt part of the minutes.

*Q.* Look, and ſee if you find any more blanks?

*A.* I believe there are not (looks over the minutes.) Yes here is a blank of four lines.

*Q.* Do you remember any propoſal being made about burning any part of the written evidence, or deſtroying any motion or reſolution the convention had come to?

*A.* No, I don't recollect.

*Q.* Do you know Mr. Aitcheſon?—*A.* Yes.

*Q.* Do you recollect any objection being made by him to burning or deſtroying any reſolution that they might have come to?

*A.* No, I do not.

*Q.* Do you recollect any other perſon, a member of that convention, objecting to that meaſure?

*A.* I do not recollect any ſuch thing.

*Mr. Burnett.* Do you remember a motion being made for a ſecret commmittee?—*A.* Yes.

*Mr. Solicitor General.* Who was it that propoſed that motion, which paſſed ſolemnly and unanimouſly?

*A.* I cannot ſay.

*Q.* Did the members all ſtand up when that motion paſſed ſo ſolemnly?

*A.* I don't recollect; but I ſhould ſuppoſe ſo, from what is written here

Q. Do you remember any thing about declaring before God and the world, any thing?—*A.* I cannot ſay.

Q. Do you remember any thing that was ſaid about calamitous circumſtances?

*A.* No; there was a reſolution in caſe of a convention bill.

Q. Do you remember any thing about paying no regard to ſuch an act if it paſſed?—*A.* I never would agree to that.

Q. Do you remember any ſpeech or motion being made as to what the convention were to do, upon the meeting being diſperſed?

*A.* If they were diſperſed, they were to meet in another place.

Q. Who was it that ſpoke with regard to that, did Mr. Margarot ſay any thing, or make a ſpeech upon that ſubject? recollect yourſelf.—*A.* I cannot recollect.

Q. Was it debated? Was there any difference of opinion upon that ſubject?—*A.* I cannot recollect.

Q. Do you remember any motion being made with regard to it?—*A.* I believe there was.

Q. Was it Mr. Margarot that made the motion?

*A.* I am not very certain whether he did or not, but I rather ſuſpect he did.

Q. Look at that paper (a motion for appointing a place of meeting). Did you ever ſee that paper before?

*A.* Yes, in this Court.

Q. Do you recollect ſuch a motion being made, and if Mr. Margarot was the perſon that made it?—*A.* Yes.

Q. You ſaid ſometime ago that you acted as clerk in the Gazetteer Office, and that your brother took notes in ſhort-hand of the debates in the convention; now, were they printed?

*A.* My brother took the notes.

Q. Did you read them?—*A.* Yes, after they were printed.

Q. So far as you yourſelf read, were they accurate?

*A.* They were pretty exact.

Q. Was any thing ſaid, ſo far as you remember, in the printed paper which had not paſſed in the convention?—*A.* I cannot ſay.

Q. Was the ſtatement given in the Gazetteer accurate of thoſe motions and reſolutions which you yourſelf heard?

*A.* I believe they were.

Q. Do you recollect any ſpeech by Mr. Margarot, or any body elſe, iu which ſpies were mentioned?—*A.* No, I do not.

Q. Who is the manager of the Gazetter?—*A.* Mr. Scott.

Q. This is a paper which is printed in the Gazetteer Office, I ſuppoſe?—*A.* It looks like it.

Q. Is it a copy of the Gazetteer?—*A.* Yes.

*George Roſs*, croſs examined by *Mr. Margarot.*

Q. Are you a judge of ſedition?

*A.* I don't know what ſedition is.

Q. Have you any idea of treaſon?—*A.* Yes, I have.

Q. What is your opinion of loyalty?

*A.* Loyalty is certainly to be true to the conſtitution of the country.

Q. Have you ever ſeen any thing in my behaviour of a ſeditious tendency?

*A.* I don't know what ſedition is; if you will tell me what ſedition is, I will tell you.

Q. That is a difficult thing; it ſeems nobody is agreed upon that here. Have you ever ſeen me behave in an outrageous indecent manner?

*A.* No; you expreſſed a wiſh to have grievances redreſſed.

Q. Did I ever expreſs a wiſh to overturn the conſtitution, or to bring it back to its original purity?

*A.* To bring it back to its original purity.

Q. Did I ever expreſs a wiſh to throw every thing into confuſion, or was it to obtain a reform in parliament?

*A.* That was what you always wiſhed, to petition for a reform.

Q. Was my behaviour conſonant to my profeſſion in that reſpect?—*A.* Yes.

Q. Have you ever ſeen me drunk?—*A.* Never.

Q. Have you ever ſeen me in a paſſion?—*A.* I never did.

Q. Have I ever had any reviſing of what has here been called the Minutes of the Convention in the Office of the Gazetteer?

*A.* Never that I know of.

Q. Among your ideas of the Convention of Emergency, did you imagine that that convention was to proceed to open force, or rather that it was to meet to deliberate?

*A.* To meet to petition Parliament for a redreſs of grievances.

Q. You heard me, it ſeems, mention ſpies; did I ever expreſs any fear of them?

*A.* No, I don't recollect hearing you mention ſpies.

*A.* I underſtood that you ſaid ſo ?—*A.* No.

*Q.* Did you ever ſee any thing in the convention but what was perfectly peaceable and orderly ?

*A.* I never ſaw any member behave diſorderly or unpeaceably.

*Q.* Were there not ſome regulations drawn up for the more orderly regulation of the committee ? Was not that the buſineſs which we firſt ſet about ?

*A.* I don't recollect exactly ; but I think there was a committee of regulation.

*Q.* The queſtion I am going to put, will require your recollection and the attention of the jury. Have you ever heard any man declare himſelf my enemy ?

*A.* I have heard ſeveral people declare themſelves enemies to us, as the Britiſh Convention, but I cannot condeſcend to recollect any particular perſon,

*Q.* Was you in the ſheriff's office the ſame day that I was ?

*A.* Yes.

*Q.* Did you hear me converſe with any of the meſſengers there ?

*A.* I recollect being in the ſheriff-clerk's chamber when there were ſome meſſengers there ; one of them and you had ſome words.

*Q.* What did he ſay ?

*A.* I don't recollect the particular word he ſaid, but I know he ſaid ſomething which I thought improper at the time ; I think it was one Lyon, if I recollect right.

*Q.* You cannot recollect what that man ſaid ?—*A.* No.

*Q.* What was the ſubject of the diſpute ; you ſay there were words paſſed between us ?

*Q.* I believe the ſubſtance of it was his manner of ſeizing you ; that he would not ſhew you the warrant he had to take you up, or ſomething of that.

*Q.* And have you entirely forgot the expreſſion ?—*A.* Yes.

*A.* You have been aſked about burning or deſtroying a motion. Did you ever hear me ſay any thing to that purpoſe ? *A.* No.

*Q.* Did you ſay I was choſen a member of the ſecret committee ?—*A.* I cannot ſay.

*Q.* Did the ſecret committee ever act to your knowledge ?

*A.* Not that I know of.

*Q.* Have you ſeen me act as preſes or chairman ?

*A.* I am not very certain.

*Q.* What is the buſineſs of a preſident of the convention?

*A.* To keep order.

*Q.* Is he merely to regulate the behaviour or the ſpeech of the convention?

*A.* Merely to regulate the behaviour of the convention.

*Q.* His powers go no further?—*A.* No.

*Q.* It appears that the writing juſt before the blank that is left in the minutes, is your hand-writing?

*A.* No; that was another blank for four lines.

*William Roſs*, ſworn.

*Mr. Burnett.* What profeſſion are you of?

*A.* Clerk in the Gazetteer office.

*Q.* Was you a member of the meeting of the Friends of the People?—*A.* Yes.

*Q.* Was you a member of their ſociety when it got the name of the Britiſh Convention?—*A.* Yes.

*Q.* Was Mr. Margarot a member?

*A.* He was there, and I underſtood him to be a member.

*Q.* Do you know who acted as ſecretary to the committee?

*A.* Mr. Skirving.

*Q.* Had Mr. Skirving any aſſiſtance?

*A.* I have ſeen my brother taking notes.

*Q.* Did you ever take notes?

*A.* Yes, but never as aſſiſtant to the ſecretary.

*Q.* And what was your reaſon for taking notes?

*A.* For my own amuſement, and for publication.

*Q.* Do you write ſhort-hand?—*A.* Yes.

*Q.* Did you take them in ſhort-hand upon any occaſion? *A.* Yes.

*Q.* Recollect, if what you took down, was an accurate ſtatement, as far as your abilities went, of what paſſed in the convention?

*A.* I don't know whether it was an accurate ſtatement; I did not wilfully make it inaccurate; I was taken with a cold, and did not hear well.

*Lord Juſtice Clerk.* You wiſhed to make it accurate?

*A.* I did not wiſh to make it inaccurate.

*Q.* Were they afterwards printed in the Gazetteer?

*A.* Yes, from the notes that I took, I drew out an account, which was publiſhed in the Gazetteer.

*Q.* Does it conſiſt with your knowledge, that the minutes were read over in the convention, the next day after?—*A.* No.

*Q.* Had you occaſion to reviſe your notes in the Gazetteer after they were thrown off?—*A.* Yes.

*Q.* Did it appear to be an accurate ſtatement of what had paſſed in the convention?

*A.* Exactly, as far as I recollect.

*Q.* Have you ever had occaſion to ſee the ſcroll of the minutes of the convention? Should you know them again if you ſhould ſee them?—*A.* I have ſeen them lying there.

*Q.* Should you know your brother's hand-writing?—*A.* Yes.

*Q.* Was Mr. Callendar a member of the convention?

*A.* He uſed to attend there.

*Q.* Did you ever hear any thing of a motion made by him reſpecting the convention bill?

*A.* I recollect ſuch a motion being made in the convention.

*Q.* Who was it made by?—*A.* I am not certain.

*Q.* Do you remember hearing a debate upon the motion reſpecting the convention bill?

*A.* I recollect there was a debate upon that motion, but I don't recollect the particulars.

*Q.* Do you remember any thing mentioned in that debate reſpecting a convention of emergency?

*A.* I think it was at the ſame time that the Convention of Emergency was mentioned.

*Q.* Do you remember any other event in which caſe it was to take place?—*A.* I don't recollect.

*Q.* Do you remember any thing having been ſaid about a foreign invaſion in that debate?

*A.* I believe there was ſomething about a foreign invaſion.

*Q.* Are you ſure nothing was ſaid of the French invaſion?

*A.* No.

*Q.* Was any thing ſaid about the Heſſians and Hanoverians?

*A.* I don't recollect that, it was in general troops, and foreign invaſion.

*Q.* Was any thing ſaid of foreign troops landing in this country?

*A.* I believe there was, but I cannot ſay I heard mention made of both.

*Q.* Did you ever hear of the Habeas Corpus Act?

*A.* Yes, on the ſame occaſion.

*Q.* Do you remember any motion, or any ſpeech having been made with reſpect to the diſperſion of the meeting, and what was to be done in that event?

*A.* I recollect ſomething being ſaid about the diſperſion of the meeting; that if they were illegally diſmiſſed, the convention ſhould meet.

*Lord Juſtice Clerk.* Do you mean the convention of emergency?

*A.* I ſuppoſe it meant the members preſent.

*Q.* Do you recollect who it was that ſpoke with regard to the diſperſion of the meeting?

*A.* A number of perſons ſpoke, and I don't recollect who it was.

*Q.* Did Mr. Margarot make a ſpeech upon that ſubject?

*A.* I think he did.

*Q.* Did you ever hear of any motion being made with regard to a ſecret committee?—*A.* Yes.

*Q.* How many did it conſiſt of?

*A.* I don't recollect the number.

*Q.* Do you remember who made the motion with regard to it?

*A.* I don't recollect.

*Q.* Was Mr. Margarot a member of the ſecret committee?

*A.* I don't know whether he was or not.

*Q.* Look at that paper; did you ſee it in the convention at any time?—*A.* I never did.

*Q.* Did you hear that motion made for a convention of emergency?

*A.* I recollect a motion to that purpoſe having been made.

*Q.* Do you remember any thing of a ſecret committee being appointed?—*A.* Yes.

*Q.* Was Mr. Margarot a member?

*A.* I do not recollect.

*Q.* (Shews him a Gazetteer.) Look if they were publiſhed at your office?—*A.* Yes.

*Lord Juſtice Clerk.* Were theſe publications known to the convention?

*A.* They were to individuals in the convention.

*Q.* Was it never mentioned in the convention that it was to be publiſhed?

*A.* It was mentioned that an account of the proceedings of

the convention were to be publiſhed, but I don't recollect that it was in the convention.

*Lord Eſkgrove.* Was there no reſolution in the convention to ſupport that paper?

*A.* There was ſome motion to that purpoſe, but I don't recollect any reſolution being come to upon it.

*William Roſs*, croſs-examined by *Mr. Margarot.*

*Q.* You took notes for the purpoſe of publiſhing them in the Gazetteer. Did you ever ſubmit theſe notes to me before they were publiſhed?—*A.* I never did.

*Q.* You ſay you was as accurate as poſſible?

*A.* I don't know that I was inaccurate.

*Q.* Are you hard of hearing?

*A.* I was at that time, and ſtill do continue a little ſo.

*Q.* Was there ever any talk in the convention of our convention of emergency being for the purpoſe of aſſiſting the French if they invaded this country?

*A.* I never heard of ſuch a thing.

*Q.* Did ever ſuch a thing enter your head?—*A.* No.

*Q.* Nor any body elſe, in their ſenſes, I believe. You have heard of a ſecret committee. Do you know whether that ſecret committee ever did any thing?

*A.* I never heard of their doing any thing.

*Q.* What was the mode of appointing committees?

*A.* The general mode was, that they were appointed by the ſections.

*Q.* Was there not among the regulations of the convention, one which expreſsly enjoined on ſuch member, as ſhould be choſen to any office, to accept of the ſame; that is to ſay, that it barred them a refuſal.

*A.* I think I have a recollection of that, but I am not poſitive.

*Q.* You ſay I made that motion for the convention of emergency. Did I propoſe to repair to that convention armed.

*A.* I did not hear any thing of that ſort.

*Q.* Did I propoſe carrying on, by that means any correſpondence with any foreign enemy, from whom an invaſion was to be expected?—*A.* No.

*Q.* Was the Gazetteer ſubmitted to the convention before it was publiſhed? *A.* That was impoſſible.

Q. Then they did not ſuperintend the publication of the Gazetteer?—*A.* Surely not.

Q. Did they ever order the printing of the Gazetteer?

*A.* No.

Q. At whoſe expence was it carried on?

*A.* At the expence of the publiſher, Mr. Scott.

Q. The convention never furniſhed any thing towards the expence of the printing? *A.* Never a farthing.

Q. Then it was carried on totally independent of the convention?—*A.* I underſtood it to be ſo.

Q. It ſeems that you recognize the ſcroll of what is here denominated the minutes of the convention; could you ſwear to it?

*A.* No, becauſe I never ſaw it till I ſaw it in the ſheriff's chamber. I have ſeen a ſcroll of minutes lying upon the table, but I never peruſed them.

Q. Does there appear to be any alterations, or interlineations in that pretended ſcroll?

*A.* I have ſeen the pen drawn through ſome words.

Q. It appears then, that you know nothing at all about that ſcroll?

*A.* No, I never peruſed any of it till I ſaw it in the ſheriff's chamber.

Q. When the illegal diſperſion of the convention was ſpoke of in the convention, did you thereby underſtand a diſperſion of the convention in a conſtitutional manner, according to the laws of the land, or did you underſtand a diſperſing of it by force, unaided by laws?

*A.* I underſtood the diſperſing of it without law.

*Lord Advocate.* Did you underſtand, that, by the words *illegal diſperſion*, was meant any diſperſion by the Magiſtrates of Edinburgh, or the Sherriff of the county?

*A.* I underſtood it meant a diſperſion without any law.

*Mr. Margarot.* What is your opinion of Magiſtrates? are they to act according to law, or do you apprehend there is a code of laws in this country which is to be the rule of their conduct?

*A.* I underſtood that the Magiſtrates were to act according to law; and that if they did diſperſe the convention, it would be without law.

*John Wardlaw was ſworn, but appearing to be intoxicated, was ordered to withdraw.*

*Lord Advocate.* If we may judge from the appearance of this man, he is in a ſtate of intoxication, and certainly very unfit to be examined in a Court of juſtice, as a witneſs; I ſhould therefore, were his evidence never ſo material, avoid examining him; but before I agree to give him up, I wiſh to be ſatisfied whether it is the real ſtate of the man at this moment, or whether, which is poſſible, it may be a mere pretence, and an appearance put on by himſelf, on purpoſe to avoid being examined; if your Lordſhip will allow him to be called back again, and put ſuch queſtions to him as may be deemed proper, that the Jury and your Lordſhips may be ſatisfied whether he is ſo or not.

*Lord Henderland, to the macer.* Did you obſerve any thing particular in the appearance of this witneſs in the morning?

*A.* He appeared to be the ſame in the morning that he is now.

*The witneſs* called in again.

*Lord Advocate.* Was you incloſed this morning, at the ſame time, with the other witneſſes?—*A.* Yes.

Q. Have you got any proviſion ſince you went into that room?

*A.* Yes.

Q. Have you got any liquor?—*A.* Yes.

Q. Any conſiderable quantity?—*A.* None at all.

*Lord Advocate.* He ſays he is not in liquor, therefore, we may proceed to examine him.

Q. Was you a member of the Britiſh convention?

*A.* Yes, I had the honour to be a delegate.

Q. Did you frequently attend the meetings of that convention?

*A.* Yes.

Q. Did you ever aſſiſt as ſecretary there upon any occaſion?

*A.* Never.

Q. Did you write any minutes of the meeting at that time?

*A.* When I was called upon to do ſo, I did.

Q. Did it happen at any time?—*A.* Yes, once.

Q. Have you ſeen the Pannel at any of thoſe meetings?

*A.* Yes.

Q. Did you ever ſee him act as preſes, or chairman at thoſe meetings?—*A.* No.

Q. Look at that, and ſee whoſe hand-writing it is?

*A.* I believe it is my writing.

Q. Who gave you that motion?—*A.* I wrote it myſelf.

Q. Who propoſed it to you?—*A.* I propoſed it myſelf.

*Q.* Did you write it by desire of any body?—*A.* No.

*Q.* What is your profession?—*A.* A writer.

*Lord Advocate.* Are you in any writing-chamber?

*A.* I am a writer, and that is enough.

*Lord Eskgrove.* In whose chamber do you write?

*A.* That is not the question, my Lord; you don't speak to the point; you must speak to the point, my Lord.

*Lord Advocate.* Did you second the motion?

*A.* Yes, I counted it a laudable motion.

*Q.* Who desired you to second it?

*A.* I did it myself, of my own free will.

*Q.* Did Mr. Margarot report that motion?

*A.* I believe he did; because it was his motion; and I wrote it, and seconded it.

*Q.* Did you see Mr. Margarot sign it?

*A.* I don't recollect his signing it; I don't recollect whether he wrote it or not. Mr. Margarot is a man of courage, and a man of honour, and a man of virtue; and a man that would not deny his word—by God.

*Lord Justice Clerk.* What is that you say?

*A.* I said he would not deny his word.

*Lord Justice Clerk.* But you said something else.

*A.* I said by God.

*Lord Justice Clerk.* He is either drunk, or affecting to be drunk. My own opinion is, that he is affecting to be drunk; and, supposing he is not affecting drunkenness, he ought not to get drunk, knowing that he was to be called here a witness.

*Lord Henderland.* I move that he be committed to prison for a month.

*He was committed.*

*Samuel Paterson* sworn.

*Mr. Solicitor General.* Are you a member of the British convention?

*A.* Yes, of the convention that sat on the 19th of November.

*Q.* Was it called the British convention?

*A.* It got that name afterwards.

*Q.* You was acquainted with Mr. Callander, who was also a member of that convention? *A.* Yes.

Q. Was you ever preſent in the convention, when a motion was made by him? *A.* I cannot recollect.

Q. Do you remember a motion being made of what the convention were to do in caſe of a bill being brought into parliament like the convention bill that paſſed in Ireland?

*A.* I was not there when that motion was diſcuſſed?

Q. Was you preſent when any motion of a ſimilar nature was diſcuſſed *A.* No.

Q. Was you ever preſent at any time when the motion was made reſpecting the illegal diſperſion? *A.* No.

Q. Is that paper your hand-writing?

*A.* Yes, it is not only ſigned by me, but the body of it was drawn up by the ſection to which I belonged, and was by me tranſmitted to the convention?

*Samuel Paterſon*, croſs-examined by *Mr. Margarot.*

Q. This motion or paper, or whatever it is, was drawn up in your claſs and brought to the convention. Was it ever read in the convention?

*A.* All that I can ſay for this paper, is, that it was drawn up by the claſs to which I belonged, and I was informed that it was delivered to the preſes for the time being, I was not there that night; I was there the firſt four nights and only once or twice after, (*reads the minutes.*)

*Lord Juſtice Clerk.* Did you give it in yourſelf?

*A.* I am not certain; there was always a return made every day of a new preſes for the ſucceeding day?

*Mr. Margarot.* And you cannot tell to whom it was delivered?

*A.* It was delivered to the ſecretary I ſuppoſe.

Q. How are you certain it was delivered, if you was not preſent at the time of the delivery?—*A.* I am not certain of it.

Q. Gentlemen, pray attend to this: By what authority did the claſſes or the ſections, or whatever they may be thought proper to be called: by what authority did they draw up any motion or paper? Was it by the expreſs command of the convention, or was it an authority that they aſſumed of themſelves, as meaning to ſend their intentions, their opinions, to the convention there to be diſcuſſed?

*A.* It was generally by the authority of the minutes from the convention the preceding night; but that paper was, as far as I recollect, drawn up without any minutes having been ſent by the convention.

Q. You ſay this was drawn up by the claſs without any interference of the convention?

*A.* As far as my memory will charge me, that was the caſe.

Q. You was originally a member of the Friends of the People, and then a delegate to the Britiſh convention, and I underſtand you have ſeceded from them? *A.* I have.

Q. I muſt beg to aſk one queſtion. Does a reform in parliament appear leſs neceſſary to you at preſent than it did then?

*A.* I muſt appeal to the Court whether that is a proper queſtion or not.

*Lord Juſtice Clerk.* We have given full ſcope to the Pannel, becauſe he is a foreigner; but when a witneſs refuſes to anſwer a queſtion that is not proper, we are bound to ſay he need not, unleſs he chooſes.

*Mr. Margarot.* I will not preſs upon a ſore place. Do you know that that was read in the convention?

*A.* I do not know; I was not there that night when the queſtion was debated.

*Lord Advocate.* With the declaration of the Pannel, we ſhall now cloſe the evidence on the part of the proſecution.

*The declaration of the Pannel read.*

Maurice Margarot, merchant in Mary-le-bone, No. 10, High-ſtreet, London; being examined and interrogated, whether he was a member of the Britiſh Convention of the delegates of the people, aſſociated to obtain univerſal ſuffrage and annual parliaments, aſſembled in Edinburgh; declares, that he does not acknowledge the legality of a private examination, and declines anſwering the queſtion; and being interrogated from what place or diſtrict he is a delegate to the ſaid convention, declares, he declines to anſwer the queſtion, for the reaſon above ſpecified; and being interrogated whether he has made any motions in ſaid convention, and of what nature, he declares, he muſt decline anſwering the queſtion, for the reaſon above ſpecified. And being ſhewn the paper, ſigned Maurice Margarot and John Wardlaw, of the tenor following: That the moment of any illegal diſperſion of the preſent convention ſhall be conſidered as a ſummons to the delegates to repair to the place of meeting, appointed for the convention of emergency by the ſecret committee, and that the ſecret committee is inſtructed to proceed without delay to fix

the place of meeting. Signed Maurice Margarot, John Ward. law; and being asked, if he made any motion in the convention last night, or any other time, must decline answering the question, for the reason above mentioned. And being interrogated if he came to Scotland at the invitation of any person or persons in this country declares, he must decline answering this or any other questions, for the reason above specified; and this he declares to be truth.

This declaration was made and read over to him in the presence of William Scott, Harry Davidson, and Joseph Pringle.

(Signed,) *William Scott.*
*Harry Davidson.*
*Joseph Pringle.*

*Lord Justice Clerk.* Now is your time, Mr. Margarot, to bring forward your exculpatory proof.

*Mr. Margarot.* How can I bring forward my exculpatory witnesses when they are not present, and I am not granted a caption for them.

*Lord Justice Clerk.* Are there none of them here.

*Mr. Margarot.* Yes, my Lord, I will first call the sheriff substitute.

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## *EVIDENCE FOR THE PANNEL.*

*Harry Davidson* sworn, examined by *Mr. Margarot.*

Q. When I was apprehended and brought before you, did not I make objections with regard to the legality of the proceedings?

*A.* You did.

Q. Did not I complain of the treatment I had received in having been taken out of my bed at seven o'clock in the morning, and kept in a room where there was not even a chair to sit upon until five in the afternoon, as though I had been a criminal and a felon?

*A.* You mentioned these circumstances, and I think my answer was, that I was exceedingly sorry for it, but that they had not been communicated to me, or I should have taken care that you should be better accommodated.

Q. Did I not state to you the illegality, as I apprehended, of arresting a man without even shewing him the warrant?

*A.* You mentioned that circumstance.

Q. Did I not promiſe you that I would enter a proteſt againſt thoſe proceedings?—*A.* Yes.

Q. Have I been as good as my word? have you been ſerved with a proteſt?—*A.* Yes, I have.

*Right Hon. Thomas Elder, Lord Provoſt* ſworn, examined by *Mr. Margarot.*

Q. All I mean to aſk you, my Lord is, whether you could diſcern any confuſion, tumult, or riot, at the meeting at Laing's workſhop on the 6th of December, at your entrance?

*A.* There was no other riot that I know of than what was occaſioned by the magiſtrates interfering

Q. Then it was the magiſtrates cauſed the riot? very well my Lord?

*A.* Any confuſion that took place, was certainly occaſioned by us.

Q. Was you acquainted with the buſineſs that the convention were upon that night?

*A.* No, I know nothing farther than that it was a convention for illegal purpoſes.

Q. Do you apprehend, my Lord, that petitioning parliament is illegal?

*A.* Does your Lordſhip think I need anſwer that?

*Lord Juſtice Clerk.* I think not.

*Mr. Margarot.* Were you not told that the intention of the meeting was to conſider of an addreſs for a reform in parliament, by petition to the king or to that parliament?

*A.* I certainly heard ſome ſuch thing.

Q. Whether, upon the preceding night when I was abſent, when you interrupted the convention, you was not likewiſe told, that the buſineſs they were going to proceed upon was whether it would be beſt to petition the king or the parliament for a reform?

*A.* That I was told by Mr. Skirving.

*Mr. Margarot.* Now, my Lord, comes a very delicate matter indeed. I mean to call upon my Lord Juſtice Clerk, and I hope that the queſtions and the anſwers will be given in the moſt ſolemn manner. I have received a piece of information which I ſhall lay before the Court, in the courſe of my queſtions: firſt, my Lord, are you upon oath?

*Lord Juſtice Clerk.* State your queſtions and I will tell you

whether I will anſwer them or not; if they are proper queſtions I will anſwer them.

*Q.* Did you dine at Mr. Rochead's at Inverleith in the courſe of laſt week?

*Lord Juſtice Clerk.* And what have you to do with that Sir!?

*Q.* Did any converſation take place with regard to my trial?

*Lord Juſtice Clerk.* Go on, Sir.

*Q.* Did you uſe theſe words; What ſhould you think of giving him an hundred laſhes, together with Botany Bay? or words to that purpoſe?

*Lord Juſtice Clerk.* Go on; put your queſtions if you have any more.

*A.* Did any perſon, did a lady ſay to you that the mob would not allow you to whip him? and, my Lord, did you not ſay that the mob would be the better for loſing a little blood? Theſe are the queſtions, my Lord, that I wiſh to put to you at preſent in the preſence of the Court: deny them or acknowledge them.

*Lord Juſtice Clerk.* Do you think I ſhould anſwer queſtions of that ſort, my Lord Henderland?

*Lord Henderland.* No, my Lord, they do not relate to this trial: queſtions as to facts, which are at all material to the charges contained in the indictment, my Lord Juſtice Clerk is obliged to anſwer but no otherwiſe.

*Lord Eſkgrove.* What may have been ſaid in a private company cannot in any way affect this caſe as to the Pannel at the bar: it certainly cannot throw any light upon the ſubject: my Lord, I have concurred in allowing this gentleman, who is a ſtranger from London, to put ſuch queſtions as I never before heard of in a court of Juſtice, where, my Lord, every ſubject of this country, the meaneſt and the pooreſt that ſtands at the bar, may have the aſſiſtance of counſel learned in the law. If his ſituation was ſuch that he could not afford it, he might have got it by the authority of this court, which would have prevented many things that were ſtated upon the relevancy. My Lord, there has not been a queſtion put to your Lordſhip that could at all avail Mr. Margarot as to his innocency in this trial, and your Lordſhip very properly waved anſwering them. I am of opinion that you ought not to anſwer queſtions of that ſort, which cannot involve the fate of the trial; I therefore think that it is not con-

ſiſtent with the dignity of this court, and cannot be beneficial to the Pannel.

*Lord Swinton.* Any thing that may tend to exculpate him, or alleviate the crime charged againſt him, had he propoſed queſtions of that ſort, not only my Lord Juſtice Clerk, but every one of us muſt have anſwered them by the laws of the country; but the anſwers to none of theſe queſtions can either tend to exculpate him or alleviate the offence of which he is accuſed. My Lord, not one of them are proper, not one of them are competent, and ought not to be allowed to be put; and were he not a ſtranger to this country, I ſhould look upon it as an inſult offered to this court

*Lord Dunſinnan.* The Pannel is allowed to adduce what exculpatory witneſſes he thinks proper; your Lordſhip well knows that by the conſtant rule of this court, before the Pannel proceeds with his exculpatory proof, he is called upon to ſtate the nature of that proof: he has put queſtions to your Lordſhip, and it appears to me that no anſwer to thoſe queſtions could in any degree tend to exculpate or alleviate the charges againſt him.

*Lord Juſtice Clerk.* Have you any other witneſſes?

*Mr. Margarot.* It is needleſs, my Lord, when I am told that the anſwers to ſuch queſtions would neither exculpate me nor alleviate the charges againſt me, but it would have gone to ſhew the Jury that I was pre-judged before my trial came on; and I did mean indeed to have followed it up by another queſtion, had you been on your oath; but as you are not, I will not put it.

*Lord Juſtice Clerk.* Have you any other witneſſes to adduce?

*A.* Yes, my Lord.

*Charles Stewart*, called.

*Lord Advocate.* For what purpoſe do you call him?

*Mr. Margarot.* To aſk him a queſtion concerning ſomething that appeared in one of theſe papers, The Edinburgh Herald.

*Lord Abercrombie.* That is not a paper libell'd upon.

*Mr. Margarot.* No, but it libels me and the friends of a Reform in Parliament; it is a compariſon between the friends of a reform in this country, and the anarchiſts in France, and I want, —but I don't ſee why I need tell my wants, unleſs he is to be called; I want to know from whom it was that he received the original of this letter; that is a fair queſtion that I have a right to aſk in any court of juſtice, and it is a queſtion that ought to be

anſwered : 'tis a paper that has thrown an odium upon the friends of reform.

*Lord Duſinnan.* This would lead into a very extenſive field, if the Pannel be allowed to go into an inveſtigation of all the writings that have been publiſhed, that have thrown, as he ſays, an odium upon the friends of reform, and there is nothing founded upon it againſt the Pannel.

*Lord Henderland.* This paper is no part of the evidence produced againſt Mr. Margarot, otherwiſe he might be entitled to enquire by whom it was put in; but to go into a queſtion of every thing that has been ſaid for and againſt the friends of the people in the newſpapers, is totally irrelevant to this trial; for if Mr. Margarot has been injured in that reſpect, the law is open to him, not on this trial, but on another occaſion, and it can have nothing to do with this trial.

*Lord Swinton.* By an act of 1748, it is the priſoner's duty by that act of parliament, to give in, the night before the trial, or ſometime before the trial, the facts upon which he is to found his defence, and he ſhall be allowed to prove nothing in his defence, but what is contained in that liſt of facts; but if what he has now ſtated would be material to his defence, I am ſure the Lord Advocate would allow him to prove it; but there is nothing here that could tend either to exculpate or alleviate; it would lead us into every thing that has been wrote, pro and con. upon the ſubject. and who it was that gave the foundation for it, and therefore I conceive it not regular.

*Lord Eſkgrove.* I am of the ſame opinion; I think it can be of no avail to him upon the face of the earth.

*Lord Juſtice Clerk.* It is very true, my lord, that there is a ſtatute of the late King, and I think it was a very proper rule that was adopted by that ſtatute, and I am ſorry that it is no more attended to than it is, and I ſhould be ſorry to deny this Pannel any thing that could avail him in his defence, and he might have had the advice of Scots lawyers or agents, and therefore I am of opinion that it would only tend to criminate other people who are not here, and are not upon their defence.

*Mr. Margarot.* Then it is needleſs ſaying any further upon that; it would only have tended to clear up the minds of the jury, who might have received unfavourable impreſſions, and which might have been done away by ſome queſtions put to the

printer; but which, perhaps, ſome people would wiſh to ſee encouraged.

*James Calder* ſworn.

*Lord Henderland.* What is your trade?

*A.* I have no trade.

*Lord Eſkgrove.* If you have no trade how do you live?

*A.* I am neither a *placeman* nor *penſioner.*

*Lord Juſtice Clerk* (*turning himſelf to the judges*) what do you think of that my Lords?

*Lord Henderland.* What do you call yourſelf?

*A.* A friend of the people.

*Q.* You don't live by that; you muſt have ſome occupation?

*A.* I am maintained by my father Donald Calder merchant in Cromarty.

*Lord Juſtice Clerk.* Ho! my lords he was ſent up to the Britiſh Convention.—*Witneſs.* No; my lords I was not.

*Lord Advocate.* I underſtand he is a ſtudent at the Univerſity here.— *A.* Yes I am.

Examined by *Mr. Margarot.*

*Q.* Were you ever preſent at any of the meetings of the General Convention of Friends of the People in 1792, and the beginning of 1793?

*A.* Not in 1792, but I was a member of the Convention of April 1793.

*Q.* What is your opinion upon the views of thoſe Conventions?

*A.* I conſider them to be perfectly legal.

*Q.* What was the purpoſe of their aſſembling?

*A.* To obtain a reform in Parliament.

*Q.* Were you ever interrupted in thoſe meetings by the civil magiſtrates?—*A.* No, as far as I know, we never were.

*Q.* Did you ever hear in the courſe of your communications with other people, that the magiſtrates deemed thoſe meetings ſeditious and illegal?—*A.* No, I never did.

*Q.* You don't know of any members of thoſe conventions ever having been apprehended. in conſequence of their being members of thoſe conventions?—*A.* No, I never did.

*Q.* Was you preſent at any of the meetings of the laſt Britiſh Convention?—*A.* Yes, I was occaſionally.

*Q.* Was there any material difference in their proceedings?

*A.* I certainly know of no difference; there might be ſome

little difference in their mode of expreſſion as to the objects they had in view.

*Q.* Was the mode of proceeding in thoſe objects nearly the ſame?—*A.* They were the ſame, as far as I know.

*A.* Were the one and the other equally void of violence, tumult, or ſedition?—*A.* I never ſaw any thing of the kind.

*Q.* Were any ſeditious doctrines ever held or authoriſed in the Britiſh Convention?

*A.* Nothing that I ſhould call ſeditious myſelf, or that I ever thought ſeditious.

*Q.* Did you imagine it to be a part of the people's right to meet in that manner, to petition parliament to obtain a reform?

*A.* I always underſtood ſo.

*Q.* Was you preſent when I was ſaid to have made the motion with reſpect to the union between Scotland and England?

*A.* I don't recollect the time that the motion was made; but I think I remember a motion of that deſcription.

*Q.* What was the intention of that motion, if you can recollect any thing of it; as far as you could infer from the words that it was expreſſed in, was there any thing in it of an evil tendency with regard to the king and government of Britain?

*A.* As far as I recollect, it was a general ſort of a plan of operation between the ſocieties in England and Scotland

*Q.* To produce what end?

*A.* To eſtabliſh a correſpondence between the ſocieties of England and Scotland, upon a conſtitutional mode of proceeding to petition the legiſlature.

*Q.* Was you preſent when (as he is called here) Citizen Callendar made a motion reſpecting a convention bill?

*A.* I don't recollect it; I don't think I was preſent at the time that motion was made.

*Q.* But you underſtood the nature of that motion to have reſpect to the time when a convention bill ſhould be brought into the Houſe of Commons: did you underſtand that the convention of emergency, which was to take place on the introduction of ſuch bill, or rather whether the delegates of the convention of emergency were to aſſemble, immediately upon the introduction of ſuch bill, or wait till it had paſſed in the Houſe of Commons?

*A.* They were to aſſemble, as far as I recollect, upon the introduction of ſuch a bill.

Q. I ſuppoſe you thought that this convention was to oppoſe that bill?—*A.* Yes.

Q. In what way?

*A.* By petitioning Parliament, by counſel, or any other lega and conſtitutional way.

Q. Had you any apprehenſion that theſe delegates meant to employ open violence?—*A.* I never heard any thing of that kind.

Q. Were there any warlike preparations for that purpoſe?

*A.* No.

Q. Was there any ſum ſubſcribed for that convention?

*A.* No.

Q. Were any extraordinary meaſures taken to give ſtrength to that convention, which the Britiſh convention did not then enjoy?—*A.* No.

Were you preſent at the meeting at Laing's?—*A.* Yes, I was.

Q. What did you hear the ſheriff ſubſtitute ſay?

*A.* I heard him deſire them to diſperſe.

Q. What reaſon did he give for the diſperſion?

*A.* He ſaid he had orders to diſperſe them; that it was an illegal and unconſtitutional meeting.

Q. You are certain that he ſaid he had orders?

*A.* Yes, I am very ſure of that.

Q. Was he not informed of the conſtitutional manner in which we were proceeding to debate on the queſtion reſpecting an addreſs to the King, or petition to Parliament, for a reform?

*A.* As far I recollect he was, though I cannot ſay by whom but I believe it was Mr. Skirving.

Q. Was you there the preceding night, when the Lord Provoſt, came to diſperſe that meeting?

*A.* I came in about the time that he came.

Q. Were they peaceable before the Lord Provoſt came?

*A.* I was not there long before.

Q. Was you there when he came in?—*A.* Yes.

Q. Was there any confuſion after he came?—*A.* No.

Q. Did you hear it explained to the ſheriff ſubſtitute when he diſperſed them at Laing's, what was the nature of the buſineſs of the evening? *A.* Yes, I anſwered that queſtion before.

Q. When force was ſaid to be neceſſary to diſperſe us, after the token of force given by the ſheriff to the chairman, was any further force neceſſary?

*A.* No; after Mr. Margarot came out of the chair, ſomebody called Mr. Gerald to it, and he took the chair, and we did not diſperſe till he went to prayer, and then we went away.

*Q.* Was it actual force that diſperſed us, or an ideal force, a ſubmiſſion to orders that we did not reſiſt?

*A.* A ſubmiſſion to orders; but I looked upon the order of the Magiſtrates to be force.

*Q.* But the members of the Britiſh convention, when ſo diſperſed retired peaceably, did they not?—*A.* Yes.

*John Clark*, ſworn examined by *Mr. Margarot.*

*Q.* What are you?—*A.* A maſon in Edinburgh.

*Q.* You was a member of the Britiſh convention?

*A.* Yes.

*Q.* With what view did you join that convention?

*A.* I joined it with a view to obtain a reform in the repreſentation of the people.

*Q.* Was you convinced in your own mind that the attempt to obtain a reform was legal and conſtitutional?

*A.* I thought ſo, or I would not have been a member of it.

*Q.* You are on your oath, and I deſire you to anſwer this fairly; if you had found that the members of the Britiſh convention had departed from that conſtitutional line in which they ſet out, and in which they were acting when you joined them, would you have abandoned them?

*A.* If I had thought they had deviated frou that conſtitutional line, I certainly would have abandoned them, no doubt of it; but I have not found it.

*Q.* You have not then abandoned them yet?

*A.* No not ſo long as they are conſtitutional.

*Q.* What was the tenor of the behaviour of the convention? was it peaceable behaviour and orderly, or riotous and tumultuous?—*A.* Peaceable and orderly.

*Q.* Was any ſeditious doctrine encouraged or promulgated there?

*A.* I am at a loſs to know what ſeditious doctrine is now, and I cannot anſwer that queſtion; I did not underſtand it to be ſeditious.

*Q.* Was any ſtep propoſed at any time that you might think unconſtitutional, from your knowledge of the conſtitution, of the bill of rights, and the claim of rights?

*A.* No, not any thing.

*Q.* What was the motive of the convention, for endeavouring to promote a union between Scotland and England?

*A.* I underſtood it was to promote a union between thoſe ſocieties that wiſhed for reform, that they might unite in adopting the conſtitutional means to obtain it.

*Q.* You never harboured any idea that it was for a ſiniſter purpoſe, did you?—*A.* No.

*Q.* Did you ever underſtand that if the French landed in England the convention were to join them?

*A.* Quite the reverſe.

*Q.* Do you know of any member of the Britiſh convention having any correſpondence whatever with France, directly or indirectly?—*A.* None.

*Q.* Was you preſent at the time the Lord Provoſt diſperſed the convention on the 5th December?—*A.* No.

*Q.* Was you preſent at the time the ſheriff ſubſtitute diſperſed them on the 6th December?—*A.* I was.

*Q.* Before the ſheriff ſubſtitute came in, how was the convention with regard to order, peace, and decorum?

*A.* It was perfectly orderly, but I was a very ſhort time in before the ſheriff ſubſtitute came.

*Q.* What did you underſtand to be the ſubject of the debate that night?

*A.* There was a motion about another petition to Parliament.

*Q.* What was ſaid to the ſheriff when he attempted to diſperſe us?

*A.* I believe he was told that it was a peaceable conſtitutional meeting, and that his diſperſing us was illegal; that we were met for the purpoſe of petitioning Parliament, and were entitled to do ſo by the conſtitution.

*Q.* What was his reply?

*A.* That he behoved to obey his orders; that he did not come to argue, but to obey his orders, to diſperſe the meeting.

*Q.* You are certain he mentioned the words, his orders?

*A.* I think I am pretty certain of that.

*Q.* Did I as chairman require ſome ſign of force from him?

*A.* You did.

*Q.* What ſign of force did he make uſe of?

*A.* He touched you by the hand, and ſaid, Come out, and you

ſaid, No, it muſt be a little more than that, and then he took you by the arm and gently pulled you out, as I would a friend, and then you came out; Mr. Gerald took the chair, and it was moved that we ſhould diſſolve in the ordinary way, with prayer, upon which Mr. Gerald went to prayer, and we came away.

*Q.* Do you apprehend there was any idea of reſiſtance, or any attempt to reſiſt, or that any individual ſhewed a wiſh to reſiſt?

*A.* None that I know of, it was diſtant from my idea.

*Q.* Do you apprehend that the general apprehenſion was at that time, that the ſheriff was acting unlawfully?

*A.* I preſume it was, but I cannot ſay what they thought.

*Q.* However, they retired peaceably?—*A.* Yes.

*Q.* And no riot enſued?—*A.* No.

*A.* No drunken bout enſued that night, of the friends of the people?—*A.* None to my knowledge.

*John Clark* croſs examined by *Mr. Solicitor General.*

*Q.* You have been talking about the Bill of Rights, and the Claim of Rights, where have you read them? in what book is it to be found?—*A.* I do not recollect.

*Q.* Can you tell us any thing about this Claim of Rights, any of the articles of it?—*A.* I cannot tell the whole.

*Q.* You have upon your oath told us, that there was nothing done in this convention contrary to the bill of rights, or the claim of rights; is the right of petitioning Parlament one of the articles?—*A.* Yes.

*Q.* Did you ever read any thing about illegal aſſociations called by private authority, either in the bill of rights, or claim of rights?—I cannot recollect at preſent.

*Lord Abercrombie.* Did you ever act as preſes in the Britiſh convention?

*A.* When I was there as preſident I was keeping order.

*Q.* How often was that?—*A.* Only once.

*Lord Advocate.* You was a member of the ſecret committee?

*A.* I was?

*Q.* Who were the other members?

*A.* Mr. Margarot, Mr. Brown, myſelf, and the ſecretary.

*Mr. Margarot.* I will, with the leave of the court, lend you the claim of rights to read.

*Lord Advocate.* Did you ever read the Habeas Corpus Act?

*A.* No.

Q. did you ever read the act of 1701, on wrongous imprisonment?—*A.* No.

*Mr. Solicitor General.* Is it a Scotch or an Engliſh act?

*A.* An Engliſh act.

*Mr. Solicitor General.* So that is your knowledge of the act of 1701.

*A.* Stop, I believe I am wrong, for the union took place in 1706.

LORD ADVOCATE,

Gentlemen of the jury,—You are called upon in the common and uſual routine of your duty to decide upon the truth of the indictment, which I have felt it my duty to prefer againſt the Pannel at the bar, who is ſtiled, and calls himſelf in the paper which is termed a declaration, emitted by him, before the proper officer, to be a merchant, reſiding in Marybone in London; you are there. fore his equals, and his proper and competent jury to decide upon his guilt.

Gentlemen, I muſt ſay, and again repeat, that you ſit this night in the common courſe and routine of your duty, although, if I charge my memory right, or if I can truſt to the note which I took at the time the Pannel in that ſpeech, or rather ſucceſſion of ſpeeches which came from him, not in my opinion with much judgement, not in my apprehenſion with much prudence; ſaid ſomething of packed juries, and (which he has a right to ſay) of my endeavouring to impoſe upon your underſtandings: I truſt you will feel this moment as I hope and truſt the country at large will feel, that it is not in the power of the higheſt ſubject of this country, be his ſituation what it may, to pack a jury either here or in our ſiſter-kingdom, or to prevent the meaneſt criminal from getting what the law and the conſtitution of his country gives him; a juſt, a fair, and an impartial trial. I truſt you will feel at this moment, what I do in my ſituation as proſecutor, a complete and perfect independence; a deſire to do my duty to my country at large; a determination to follow the dictates of my conſcience, and when I exerciſe that to the beſt of my judgement and to the beſt of my underſtanding as I know, and I truſt you will do this evening: I care not what is ſaid either by a criminal in a moment of intemperance, or by perſons without doors, endeavouring to ſhake the confidence which the people of this country have in the ineſtimable privilege of trial by jury. I deny that juries are packed, or that any inſtance has exiſted, or can

poſſibly exiſt in this country, of ſo foul and ſo groſs an aſperſion being juſt.

Gentlemen, I am not without ſome apprehenſions, in conſequence of an indiſpoſition which I have laboured under ſince I laſt addreſſed a jury of this country upon a trial of a ſimilar nature. I am not yet perfectly without my apprehenſions, that I may not be able at this late hour of the night, and in a court ſo crouded as this, to do what is on all occaſions my bounden duty, and which the peculiar ſituation of this country, at preſent, more particularly demands, to ſtate the nature of the evidence lying upon that table, joined to that which was read at the foot of it to-day; that I may not be able to bring it in ſo conſpicuous a point of view, or diſcriminate with that accuracy in the volume of factious, ſeditious, and treaſonable matter, which lies upon your table, that which you ought to dwell upon. and that which you ought not; but I truſt in ſome degree to the goodneſs of my cauſe; I truſt more to the underſtanding of the jury, and I truſt ſomething to that feeling of regard to my country, and that ſpirit which a good and loyal ſubject ought to feel and to entertain that I ſhall be able to make out ſuch a caſe from the evidence before you, which will impoſe upon you the ſevere, but the juſt taſk of returning a verdict of guilty, againſt the perſon at your bar, upon the moſt ſolid, convincing, and concluſive proof that it is poſſible.

Gentlemen, the Pannel at your bar ſtands charged with ſedition. Upon that ſubject we have to day had much diſcuſſion; we have had a great deal of ignorance profeſſed, by men who ſurely ought to have been the laſt to make that profeſſion, who hold themſelves out to their fellow ſubjects as members of a convention which is to teach reform to parliament, which is to ſubſtitute ſomething better, in place of what we enjoy, who have audaciouſly pretended to aſſume to themſelves that important taſk, and that important character, of ſetting aſide or of improving that inheritance which they enjoy from thoſe who have gone before them, and, who I ſincerely wiſh had attended with that propriety, and that degree of attention which was neceſſary to the importance of that taſk before they entered upon it, or before they pretended to be ignorant of what ſedition was.

Gentlemen, to refer to law books is perfectly unneceſſary; the counſel who opened this caſe to-day upon the part of the

proſecution, traced his authority back to the earlieſt book which we know, or which the law of Scotland acknowledges, the book of the *Regiam Majeſtatem;* and if the Pannel at the bar, or thoſe members of the Britiſh Convention who have profeſſed to-day ſuch ignorance of what ſedition is, if they had turned up, I am ſorry to ſay, the only criminal book of the law, which we lawyers acknowledge to be of authority, I mean, the book of Sir George Mackenzie, they would have found a ſeparate and diſtinct treatiſe, defining expreſsly the crime of ſedition, giving it its technical definition, as clearly as the definition of murder, falſehood, forgery, rape, or any other crime which occurs in the common courſe of criminal juriſprudence. If any ſet of men let their oſtenſible purpoſe be a redreſs of grievances, as in this caſe, till it aſſumed the appellation of the Britiſh Convention of the Delegates of the People, aſſociated to obtain Univerſal Suffrage and Annual Parliaments, as was the caſe I ſay, with the former convention, of which the boy Calder told us juſt now he had been a member, if their purpoſe was reform; yet, if that purpoſe is not to addreſs the king or the legiſlature of the country, in a conſtitutional way, by petition; if on the contrary, they are aping and imitating the example of a neighbouring country with which we are at war, or if it goes the length of convocating thouſands of perſons who may form theſe ſocieties, not to apply to King, Lords, and Commons, in a proper, legal, and conſtitutional way for redreſs; but aſſumes the power of forming itſelf into a ſeparate body, or convention altogether; if it goes the length of what I will ſhew you, upon a fair review of the evidence, it did in this caſe, overawing parliament in the execution of its duty; that in the event of an invaſion, or ſome ſuch ſimilar circumſtance, they were not only to controul and overawe the proceedings of parliament, but were, in the conſtruction of common ſenſe and reaſon, to join, in place of reſiſting, the invaders, for that is the concluſion I ſhall draw from the evidence on the table, in ſpite of all the declarations and profeſſions which came from the aſſociates of the Pannel this day at the bar: if it goes that length, it is clearly and diſtinctly the crime of ſedition, as clear and unequivocal as ever occurred in the practice of any civilized country. The evidence, therefore, gentlemen, is now before you—I ſtate that to be my view of the caſe; that is the opinion which I form upon the review of it; my opinion

is not binding upon you; but you will conſider thoſe parts of it, which it is now my duty to comment upon: you will give to it your beſt attention, and lay your hands upon your hearts, and conſider, whether it is not the only, the plain, and the neceſſary deduction and inference, which ariſes not from any particular expreſſion, circumſtance, motion, or paper; but from a general complex view of the whole, tallying and comparing it at the ſame time with the parole teſtimony laid before you this day.

Gentlemen, the evidence is of two kinds, written and parole: the principal and chief part of it (and I ſay ſo, becauſe it is the moſt certain and moſt unerring,) is the written evidence ariſing from the minutes of this ſelf-conſtituted convention; from the papers found upon Mr. Margarot, contained and referred to in the general inventory upon the table, and from three numbers of the Gazetteer, which in the ſequel I ſhall ſhew you to be completely brought home to this convention.

Gentlemen, the firſt queſtion which you are to conſider is, whether or not this meeting, from the 19th of November (for I go no farther back) till the 4th of December laſt, where the minutes ſtop, becauſe we all know, and it is proved to-day, that the magiſtracy of this city, did, early on the morning of the 5th, apprehend theſe perſons and ſeize their papers. The firſt queſtion which you are to aſk is this: Was it or not a meeting of a ſeditious nature? for if you are of opinion, that it was not a meeting of a ſeditious nature; if you ſhould conſider it in a different point of view, to what I humbly preſume to do; that it was an innocent, fair, legal, and conſtitutional meaſure, it is in vain, ſuperfluous, and unneceſſary for you to enquire, whether the Pannel is a principal actor in the meeting; becauſe no man can be found guilty of the proceedings of a meeting which a jury ſhall be of opinion, is within the pale of the law, and ſuch as the laws of this country entitle any man to call together.

Gentlemen, ſomething was ſaid to-day in the courſe of this debate (if I may ſo term it,) that was perſonal againſt myſelf, as a member of another convention; ſomething was ſaid with regard to the aſtoniſhing circumſtance, of not bringing the borough reformers to trial in this court, ſomething was ſaid alſo with apparent marks of exultation on the part of the Pannel; that though three conventions of the Friends of the People had taken place in this city, in the courſe of eighteen months paſt; no notice whatever was taken by the Public Proſecutor of any

of thoſe eonventions, till, as Margarot, I think, ſtated, we took alarm; becauſe we ſaw, that he and his friends were in danger of opening the eyes of the people; and that it was not till we were alarmed, and that the eyes of the people were about to be opened, to the exiſtence of thoſe abuſes, which it was their object to correct; that I (negligent in my duty before) brought this man and others his aſſociates to anſwer for the offence before a jury of their countrymen.

Gentlemen, my anſwer is this: I deſire not to enter into the queſtion, how far conventions by delegation are, or not legal. It is not the queſtion now under your conſideration; had theſe gentlemen confined themſelves to what was the law of their country, or adhered to what they profeſſed to be the caſe, I ſhould not have felt it my duty to have brought them to trial, for being aſſembled in a convention, or any thing of that kind, which had for its object either the correction of the county laws, of the borough laws, or any other correction which the wildeſt or moſt unreaſonable ſpeculatiſt might think it worth his while to aim at.

Gentlemen, I never thought of bringing before you the convention of 1792, the convention of April 1793, or the ſubſequent convention in October laſt; nor did I think of bringing the perſons now charged with ſedition, before you till the very name they aſſumed; every advertiſement they inſerted in the papers, every thing verbal, or written, demonſtrated to my mind; demonſtrated to Scotland; demonſtrated to England, and to the empire at large, that they were a ſet of French conventioniſts. —I give them that name; perſons who, as far as they durſt, and their audacity, I believe was matter of aſtoniſhment to the country at large, who durſt take poſſeſſion of this metropolis, who dared within its walls to hold out the example of a French model, holding out their example as the principle upon which they acted, as the object and the point to which their deliberations tended.

Gentlemen, ſomething was ſaid, of orders being given to Mr. Davidſon, the ſheriff ſubſtitute, that he acted by orders; whether he acted by orders or not; whether he acted by the orders of the reſpectable gentleman who was ſheriff depute of the county, but who has ſince received a diſtinguiſhing mark of his ſovereign's favour; whether he went by my orders, or by the orders of any body elſe, is nothing to the purpoſe; I did conſult with that

gentleman; I did conſult with your chief magiſtrate; I deſired them to attend to their duty, if any deſire of mine was neceſſary; we acted in concert together; had we done leſs, we had been guilty of a breach of office; we had been guilty of neglecting the moſt important intereſts of mankind.

Gentlemen, were I to run over every ſingle paper contained in that Inventory; were I to addreſs you upon every motion which appears in that ſcroll of minutes before you, I ſhould detain you this evening to a very late hour indeed; but I ſhall ſelect a very few of the moſt pointed and diſtinct motions, and evidence therein contained.

Gentlemen, it is an important duty in which you are now engaged; the Pannel either is, or profeſſes himſelf to be, an Engliſhman; he is in ſome reſpects a foreigner to this country; but you will not conſider when you are to decide either upon the life, the reputation the guilt, or innocence of a fellow creature, whether he is of Scotland, or whether he is of England.

Gentlemen.—I will ſay hardly a word in ſupport of the written evidence which is now upon your table—it appears that the papers libelled upon, which I have juſt deſcribed to you, are traced home in the moſt complete and ſatisfactory manner poſſible—there is not a tittle of written evidence—there is not a document now before you which is not proved beyond a poſſibility of diſpute—I refer in general to the teſtimonies of Mr. Davidſon; of Mr. Scott, the Fiſcal; Lyon, and I think Mack. Theſe four, I believe, diſtinctly trace them from the room in which Margarot and Gerald ſlept into the ſheriff clerk's office, and having traced them there they are brought into court, and it is impoſſible to enquire further. Indeed ſome queſtion was put by the Pannel at the bar (who diſplayed I muſt admit a conſiderable degree of ingenuity, and acuteneſs in his own defence) as if it might have happened, from the manner in which theſe papers were found, that others might have been carried in even by Lyon, the meſſenger---that other papers might have been carried in, as they were reſiding in a public inn in this city, by other perſons, and that they were not neceſſarily the papers of Gerald, and of Margarot---In every caſe where written evidence is libelled upon, in ſupport of any crime, I aſk yourſelves if it is poſſible to give better evidence of the identity of papers than was done in the preſent caſe—or if you ſuppoſe contrary to evidence, and contrary

to fact, that Lyon the meſſenger, was entruſted by Mr. Davidſon, or Mr. Pringle, or me, or the Lord Provoſt, with papers of a ſeditious nature, which he carried into that room where they were ſleeping in order to ground a falſe accuſation againſt them —if you can ſuppoſe that poſſible, then to be ſure any thing that I have ſaid, or have hereafter to ſay in ſupport of the charge againſt this man, certainly will not be worth attending to—gentlemen, on the contrary, theſe papers were found in the room where they ſlept, were put into a trunk, which trunk was returned back to Margarot and Gerald, and you have it in evidence, that when it was examined in their preſence, Gerald ſelected his,—Margarot claimed the reſt, or at leaſt allowed them to be inventoried without denying them, and thoſe which did not relate to this buſineſs, were returned to them both.

Gentlemen, I truſt that quibbling defence, for it does not deſerve any other name, will ſatisfy your minds, that the gentleman does know that the import of theſe papers bears hard againſt him, and that he wiſhes to ſhelter himſelf from the inference which your minds will draw, by ſtating a poſſibility, which cannot exiſt, that they might have been carried there by other people, in order to ground an accuſation againſt him.

Gentlemen, holding that to be clear, I ſhall beg your attention in the firſt place, to the minutes of the convention, for it is the ground work, and the baſis of the charge againſt him; it was a paper which I was very anxious if poſſible to obtain, becauſe I know that it would have been impoſſible to have aſked a jury to have given a verdict againſt any man upon ſuſpicions, however ſtrong thoſe ſuſpicions might have been, and you will be ſatisfied from what we ſaw this day, from the manner in which the witneſſes gave their teſtimony, Citizen Roſs, particularly, who has ſpoke out, and I am ſure it gives me pleaſure to applaud the conduct of a witneſs. I have great ſatisfaction and high pleaſure in giving this tribute of praiſe to Citizen Roſs, and the ſame with reſpect to Cockburn, who, I think, from the whole of his teſtimony, though a friend and aſſociate of the Pannel at the bar, has given a fair, a true, and a deciſive evidence.

Gentlemen, the firſt thing I ſhall beg your attention to are the ſteps previous to and accompanying that which is ſtated in pages fifth and ſixth of the indictment. In page fifth you will obſerve ſtated a motion reſpecting a convention of emergency, and the

caſes in which they were to meet are proved in the firſt place by the negative evidence of their minutes, and confirmed by the teſtimonies of Cockburn, and of George Roſs.

Gentlemen.—That motion appears to have been firſt made by a Gentleman of the name of Callendar, to whom this day was excluſively appropriated for meeting the juſtice of his country, but who it ſeems has not choſen to ſtand trial, and the firſt notice given of this motion, I will read from the minutes—" 6th day's ſitting, 25th November 1793. Citizen Callendar moved, that in caſe the miniſter bring into the Commons Houſe a motion for a convention bill, it ſhall be noticed immediately to the delegates." This is the firſt appearance of this motion in the minutes, and as it was told us by ſeveral of the witneſſes to day, the forms of this houſe, as it is called, or of this convention, did not admit of a motion made one day being deliberated upon till the next—the motion lies over accordingly till the enſuing day, when you will find the meeting again reſumed, and Callendar's motion being then taken under conſideration, amendments were propoſed by ſeveral perſons, and it was moved by Mr. Margarot, that a committee conſiſting of the mover, ſeconder, and thoſe that had moved for amendments, be appointed to draw up a motion that may meet the idea of all, among whom was Mr. Calder, the young gentleman whoſe actual attendance upon the univerſity may perhaps better qualify him to diſcuſs queſtions as to the reform (or as I call it the alteration) of the conſtitution, than the learned Mr. John Clark, Mr. Wardlaw, or Mr. Aitcheſon, or any of thoſe gentlemen who have ſo well weighed and conſidered the ancient inſtitutions of the laws and conſtitution of their country, before they aſſumed to themſelves the important office which they have taken upon them. Citizen John Gartley moves, " that the ſenſe of the houſe be taken upon the ſpirit of the motion, upon the words of the motion, and afterwards upon Mr. Margarot's motion. Upon the firſt motion it was carried unanimouſly to adopt the motion as to its ſpirit; ſecondly, by a great majority not to adopt the words of it; and, thirdly, that the amendments be referred to a committee as above"—And at a ſubſequent diet, I mean a ſubſequent ſitting of the convention, the minutes tell us, that " Citizen Sinclair read the amendments upon Citizen Callendar's motion, as agreed upon by the committee, and it was agreed, upon the

the mofion of Citizen Blank, that the houſe ſhould reſolve itſelf into a committee for its mature conſideration. In the courſe of the converſation, Citizen Brown gave a hiſtory of the habeas corpus act. After an excellent diſcuſſion of the queſtion, pertinent remarks and amendments, the convention was reſumed, and the whole as amended, being read over, the members ſtood upon their feet, and ſolemnly and unanimouſly paſſed the reſolution as follows—Then follows a blank in the paper, and immediately afterwards the minutes proceed, at the diſtance of a page, and ſomewhat more, that Citizen Gerald in a very energetic, and animated addreſs, expreſſed his happineſs at the motion paſſed, Citizen Brown, followed him in a manly ſpeech, and proved the influence of the executive government over the Parliament. Citizen Margarot then read and propoſed the following motion: That a ſecret committee of three, and the ſecretary," (it is proved afterwards that Clark, Margarot, Skirving, and Brown, were the four who actually compoſed this committee) " be appointed to determine the place where ſuch convention of emergency ſhould meet, that ſuch place ſhould remain a ſecret with them, and with the ſecretary of the convention, and that each delegate ſhall at the breaking up of the preſent ſeſſion, be entruſted with a ſealed letter, containing the name of the place of meeting; this letter ſhall be delivered unopened to his conſtituents, the receipt of which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate, until the period ſhall arrive at which it ſhall be deemed neceſſary for the delegate to ſet off.—This motion was ſeconded by Citizen Moffatt, and carried unanimouſly."

Gentlemen.—You have in the firſt place this proved completely by the minutes, that Citizen Callendar in his firſt motion, which was adopted as to its ſpirit, but rejected as to its words, had neither more nor leſs than this object in view, that as ſoon as parliament ſhould think it neceſſary or proper, if they ever thought it neceſſary or proper, to bring in a ſimilar bill, to that which paſſed in Ireland, that this ſhould be the ſignal, or notification, for calling the convention of emergency together, and that of itſelf without going to other caſes of emergency, was juſt this, that they were to act as a controll upon parliament, and to endeavour to overawe (you will conſider whether in a legal or in an illegal way) the free exerciſe of the right of the

legiſlature—Can you ſuppoſe that if their purpoſe was legal, if they had not wiſhed to overawe, and intimidate the parliament from doing their duty, would you have found them alarmed or afraid of their conduct? Had their purpoſe been only to petition parliament, and to ſtate their remonſtrances againſt ſuch a motion (a right, which every freeman of this country poſſeſſes) what explanation is to be given of that ſecrecy in which this meaſure is wrapped up, if their purpoſe was honeſt, but is it ſo? you find in this paper an account of a reſolution which they came to, in a moſt ſolemn and moſt unanimous manner, but which reſolution does not appear in the face of the minutes—if it was a reſolution merely of the quiet and loyal nature juſt now ſtated, do you ſuppoſe that motion would have been left out, or do you believe what Aitcheſon tells you, and in which he is confirmed by the minutes in Roſs's hand writing, for Roſs's hand writing ends immediately before the blank, and Aitcheſon's comes immediately after the blank—is it not clearly proved that what they were about was a thing which they durſt not put into this paper, which they poſtponed to ſome other occaſion, which Sinclair, as Aitcheſon tells you, propoſed ſhould be burnt, but which he reſiſted ſucceſsfully, and prevented from being burned? burning an innocent paper is not the characteriſtic of men of virtue—of men of character—of men conſcious they were only doing what was legal, and what was juſt. Gentlemen, let us then ſee what the parole teſtimony makes out, and whether it does not preciſely confirm the concluſion, and inferences, I am now drawing not only from what is proved by the minutes, but alſo from what is not proved by the minutes, I mean the inſertion of this extraordinary blank, to which there is nothing ſimilar, except a blank of four lines, in all the 94 pages of minutes upon your table.

Gentlemen—Cockburn, I think, tells you, that beſides this convention bill, there were a variety of other caſes in which this convention of Emergency were to meet: He told us that they all agreed that the introduction of a convention bill was to be one great object when the people ſhould meet, and I wiſh you would look at your notes when the people ſhould meet *to aſſert their rights*—I am not to deſcend to criticiſms upon a word, but I may at leaſt beg to know whether, if it was merely drawing up a reſpectful petition to the King or to the Parliament, it was

neceſſary to put ſo ſtrong a declaration as this to which Cockburn ſwears, or was it not better to ſpeak out the truth, that they meant, in ſuch an event, to remonſtrate againſt the meaſure, or petition parliament againſt its paſſing into a law? but you have, on the contrary, an expreſſion which ſavours more of reſiſtance than any thing elſe—that they were to meet in this unknown place, which was to be concealed even from the delegates themſelves, and of courſe from the eye of the executive power—that in that event they were to meet and aſſert their rights, but as to the manner in which they were to be aſſerted, whether in a peaceable or a tumultuous way, whether the mild influence of reaſon was to be exerciſed upon the Britiſh Parliament, or whether by drawing out numbers of deluded men to do it by force, is your buſineſs now to decide, and your province alone to determine.

Gentlemen—The queſtion was this day put to me, was I an inquiſitor of the private feelings of mens minds? Had I a right to dive into the ſecrets of the human breaſt, or to diſcover what it was their intention to conceal?—That is the province of the jury—it is their buſineſs, however careful men involved in ſeditious practices may be to gild them over with general expreſſions, ſuch as aſſembling to aſſert their rights; it is the province of the jury, when they find perſons engaged in theſe practices, not to take their profeſſions, not to take what they declare to be the oſtenſible purpoſe in view, but looking to their actions, looking to their words, looking to their proceedings, whether they are ſecret, or wether they are public, to form your impartial determination on which ſide the ſcale of evidence preponderates, whether it is on the ſide of innocence, or whether it does not tally with guilt alone; whether it does not artfully and inſidiouſly leave it open either to one conſtruction or the other: for if they had ſaid that they would have aſſerted their rights by open force, if they had durſt to have ſaid the Britiſh Parliament ſhall defend the Habeas Corpus Act, or we will defend it by force of arms, if in caſe of a French invaſion, their purpoſe was not to reſiſt but to co-operate with ſuch an invaſion, and had they expreſſed that upon their minutes, I would not have brought Mr. Margarot to trial: I ſhould have held him to be a lunatic in every ſenſe of the word.—If I had brought him to trial before you, I am poſitive you would have thought I had brought a madman to your bar; you might have pronounced a verdict of lu-

acy againſt him, but certainly would not have thought him a proper object of puniſhment. But, Gentlemen, we have in this country a powerful Executive Government;—we have laws which controul that power, and we have a jury which can check it in its progreſs in a moment; but we are to expect, while that Executive Government exiſts (which I truſt will exiſt to all eternity to check every attempt of this kind)that ſeditious words will be ambiguous and doubtful upon the face of them; and when you find that Mr. Margarot, the Pannel, is a man of conſiderable ability, that he is a man aware of what he is about, that he is the ringleader of theſe perſons,----of that poor unfortunate ſet of creatures who came this day to your bar—of boys—of perſons intoxicated as you have ſeen—that he profeſſes himſelf to be a merchant; that the trade in which he is engaged permits him, from motives of pure diſintereſtedneſs, public ſpiritedneſs, and wiſhing to extend bleſſings to Scotland, which he thinks we do not poſſeſs, for ſix weeks dedicated his whole time and abilities to thoſe objects which he has held forth to you as not only fair but juſtifiable; that he is the former of theſe minutes, the maker of theſe motions, the ringleader of theſe deluded people, who are ignorant of the commoneſt principles of the conſtitution, and who know at this moment as little of it as if they had never been members of a Britiſh Convention—I ſay when you recollect this, you will not expect any thing elſe but ſuch an artful, inſidious, and ambiguous mode of expreſſion, as may admit with perfect ſafety either the one or the other conſtruction, but which I ſhall ſhew you in the ſequel can be conſtrued alone into guilt, and eſtabliſhes only this, that Mr. Margarot knew what he was about, that the eye of the Executive Government of this country was over him, he profeſſed, and he inſidiouſly and artfully, along with Mr. Sinclair, in this abominable committee to which the matter was referred, did give it that general ambiguous expreſſion, becauſe he durſt not do otherwiſe, and becauſe, which is clear from the evidence of the minutes, and from the evidence of Cockburn, it was ſuch a paper as they durſt not blot their minutes with, it was ſuch a paper as they durſt not hold their face to; it was ſuch a paper as was to give riſe to a committee of ſecrecy, where, if the thing was right, ſecrecy was inconſiſtent; bnt where, if it was wrong, it was prudent, it was neceſſary, it was proper.

Gentlemen.—The next thing I ſhall obſerve upon is thoſe

numbers of the Gazetteer which are now upon the table. Citizens of Edinburgh, I uſe the word citizen, I hope, and I know in a fair and in a legal ſenſe, you cannot be ignorant of the Edinburgh Gazetteer. Sure I am I have the honor to be moſt intimately acquainted with it, and it has done me the honour to be intimately acquainted with me.

Gentlemen.—Let us look to that paper, and though ſome ſlur may perhaps for a moment ariſe in your minds, or in the minds of thoſe who hear me, as to the authenticity of a newſpaper as matter of evidence, I will ſhew you, from the minutes upon the table, that it is, what it was meant to be, an authentic account, and that as far as it goes it ſtates nothing but what really and truly was the ſubſtance of what paſſed in the convention. I ſhould not ſuppoſe that a jury would think me abſurd enough to call them to idle paragraphs in a newſpaper, if it had not ſome degree of authenticity. I refer you to the evidence of the Roſſes, who tell you that the minutes were taken down in ſhort-hand for the purpoſe.

Gentlemen, as to that of which Mr. Margarot complains, being apprehended ſo early in the morning, I ſhould have no objection to take upon myſelf the blame; it was done for the purpoſe of getting at Mr. Skirving and him, and all of them, at a moment when they were not looking for us, otherwiſe they might have deſtroyed that evidence which I knew exiſted of their proceedings, and from that providential circumſtance, thoſe minutes were ſeized in Mr, Skirving's poſſeſſion, which were a compleat evidence againſt him. I am intitled to ſay ſo, becauſe the jury have ſaid ſo, which is a material circumſtance againſt the Pannel? or againſt any perſon who either is or ſhall be tried for his acceſſion to the proceedings of thoſe minutes.—It was proved that after waiting ſome time for the four deputies, the repreſentatives, as I thought at firſt, of all England, but I find they are only the repreſentatives of many thouſands in London, many thouſands in Norwich, and many thouſands in Sheffield and different parts of the country, when theſe four gentlemen, the Engliſh delegates, came down here, it was thought ſo important an occaſion, that the convention, which had been adjourned for ſome days, again reſumed itſelf; and, gentlemen, they told us they ſupported the gazetteer ,not as a convention, not in their corporate capacity, which I was ſurprized to hear ſtated, and it can-

not be ſtated by Mr. Margarot, I have a different opinion of his abilities, it cannot be ſtated by him that he is not liable for the proceedings of the convention; it is clear, from other parts of the evidence, that the Gazetteer is ſo far an authentic account of their proceedings, that they ſupported it as individuals, and wiſhed it well, as I believe they do with all their hearts and with all their ſouls. Now, gentlemen, let us look to this Gazetteer, and let us ſee how far it ſupplies any blank which may ariſe upon the peruſal of the minutes regarding this extraordinary convention, and you will ſee that it effectually does ſo, for you will find that the reſolution which Mr. Aitcheſon did not wiſh to have burnt, becauſe he thought their conduct was open and avowed, and what the world had a right to know; you find that the Pannel at the bar was wiſely and prudently of an oppoſite opinion; for it ſays, after ſtating the proceedings of the Wedneſday, on which Citizen Mealmaker is in the chair, and where Mr. Callendar's motion is rejected as to words, but approved of as to the ſpirit of it; and the next day, when the reſolution comes to be new modelled, it ſays Citizen Sinclair, Citizen Preſident, your committee appointed to amend Citizen Callendar's motion ſat this forenoon, and I ſhall now, if agreeable to the convention, ſubmit to their conſideration the report of the committee. Fellow Citizens, you will feel that this report is of the laſt importance; it claims your moſt ſerious attention, and is to be decided by your united wiſdom, and ſupported by your united integrity. The houſe reſolved itſelf into a general committee to conſider of the report, which underwent a long diſcuſſion, and received ſeveral amendments in the committee, and when the convention was reſumed, it paſſed unanimouſly in the form of a declaration and reſolution: the minutes prove that that reſolution was come to, but being ordered to ſtand the laſt article on the record of the proceedings of the convention, we cannot inſert it till the termination of the preſent ſeſſion.

That is the account in the Gazetteer, the myſtery of the blank is ſo far cleared up, if Mr. Aitcheſon is to be believed, that this was what Mr. Sinclair wiſhed to burn, you have a faithful account of the proceedings in the Gazetteer, that it was to be left out till the termination of the preſent ſeſſion. You will conſider if the hand of the magiſtrate had not been raiſed to ſtop their proceedings in the very middle of their career, whether it

is poſſible that ſuch a reſolution as this would even at the end of the proceedings have made its appearance. But Roſs tells you he concurs exactly in the ſame thing, that this reſolution ought to have been in the blank in the minutes, and therefore you have this diſtinctly proved, that reſolutions of a certain nature were come to in a ſolemn and deliberate manner, unanimouſly and ſolemnly in this convention, which one man ſays Mr. Sinclair moved ſhould be deſtroyed, and which another ſays, and the Gazetteer confirms, was to be poſtponed to the end of the ſeſſion, and which never made their appearance, and therefore the blank is completely explained; but you have better evidence yet, you have the evidence of Cockburn and Roſs, to almoſt every thing ſtated in page five of the indictment. I deſire, when you read that indictment, that you will lay out of your view altogether every thing but what is proved; every thing but what is ſufficient evidence—You are to look at the teſtimony of Cockburn, you are to look at the teſtimony of Roſs, you are to look at the Gazetteer, and to a ſpeech which I ſhall read this moment, and which tally ſo far as they go with the minutes, and if you are of opinion that that reſolution, ſo far as is proved, is one of a lawful nature, if you are of opinion, that it is not of a direct ſeditious, nay of a treaſonable tendency, if it had been followed by one ſingle act, in conſequence of it, if under that reſolution it had been proved that this convention of emergency had met, if it had been proved that they aſſembled under theſe circumſtances of ſecrecy, in any of the caſes which I ſhall juſt now ſhew you are proved, the perſons who met would have been guilty of an overt act of high treaſon, under the ſtatute of Edward III. which by the act of the 7th Queen Ann, is now the treaſon law of Scotland.

Gentlemen, I beg your attention to the words in the indictment: it ſtates that the convention, "conſidering the calamitous conſequences of any act of the legiſlature which may tend to deprive the whole or any part of the people of their undoubted right to meet either by themſelves, or by delegation, to diſcuſs any matter relative to their common intereſt, whether of a public or private nature; and holding the ſame to be totally inconſiſtent with the firſt principles and ſafety of ſociety, and alſo ſubverſive of our known and acknowledged conſtitutional liberties do hereby declare, before God and the world, that we ſhall fol-

low the wholeſome example of former times, by paying no regard to any act which may militate againſt the conſtitution of our country; and ſhall continue to aſſemble and conſider of the beſt means by which we can accompliſh a real repreſentation of the people and annual elections, until compelled to deſiſt by ſuperior force."—This is not proved in words; but in a certain extent it is completely proved by the teſtimony of Cockburn, by the teſtimony of Roſs, by the minutes and by the Gazetteer; for Mr. Cockburn tells you, he remembers Mr. Callendar moving, that in caſe of a bill being brought into parliament ſimilar to the Iriſh convention bill, that the people ſhould meet and aſſert their rights: afterwards the ſpirit of the motion was retained, but extending to certain other events, in which the convention ſhould likewiſe meet in caſe of the ſuſpenſion of the Habeas Corpus act, in caſe of an invaſion, and in caſe of landing foreign troops. A motion was made for a committee to appoint a place where the convention of emergency were to meet, which was to be a ſecret with them and the ſecretary. He remembers Mr. Sinclair's motion being come to with peculiar ſolemnity, and that the words before God and the world were uſed either in the motion or in the deciſive reſolution: he is certain it was the one or the other. He recollects they ſaid they would pay no regard to any ſuch bill, if it paſſed, or words to that purpoſe. I have the teſtimony of Cockburn, of whoſe reſpectability I leave you to judge, depoſing to the material parts of the indictment, that they were to meet to aſſert their rights, that they would pay no regard to any ſuch bill, if paſſed; and if they were to pay no regard to the act, if paſſed, were they not guilty of an act of rebellion againſt the ſtate, when they tell you, that if the Engliſh legiſlature conſiſting of King, Lords, and Commons, ſhould paſs ſuch an act, if, in the plenitude of their wiſdom, they ſhould think it right to do what Ireland has before thought it neceſſary to do; and God forbid that, without any declaratory ſtatute, there ſhould not be law in Scotland to find men guilty of daring to put into a paper words of the import that Cockburn has ſworn to, that they would pay no regard to any ſuch act; the inference follows neceſſarily and unavoidably, though not proved, until compelled by ſuperior force. Will you permit this, gentlemen, let their conduct in life be ever ſo unimpeached; I impeach none of them. God forbid I ſhould look down upon the ſhoemaker, or the mechanic.

and conſider him as leſs entitled to reſpect in his walk of life, than the proudeſt peer that lives in the country. I wiſh that they, be they of what rank they may, would dwell with a little attention, and conſider with care and accuracy the nature of the conſtitution which they enjoy, ere they raſhly attempt either to invade its authority, as they have done here, or attempt to ſubſtitute their own crude ideas, and prefer their own idle imaginations. Whatever be the caſe with Mr. Margarot, I don't think he has that knowledge of the Conſtitution; ſure I am, he has not that knowledge of the law, after what I have heard to-day I know nothing of him; but ſure I am, from what I did ſee of him, I cannot think, and I ſhould be ſorry that the fifteen men I now addreſs ſhould think, that the conſtitution was ſafely confided to ſuch men in the line of life in which theſe men are; they cannot be fit for that duty which the hiſtory of the world ſhews has been with difficulty diſcharged by legiſlators of the higheſt characters, and of the firſt abilities. Go back to ages paſt, you will read of men who having formed a ſtate, and given rules for its legiſlation, were raiſed to the rank of heathen gods; you will read of men who, by forming a conſtitution, and regulating its proceedings, obtained characters and names as eternal as the world itſelf, will theſe men be entitled to come forward, like Calder who is placed in the univerſity? Will theſe men be entitled to ſtate themſelves as perſons holding out to ſuch poor deluded creatures that they are fitted to enter upon ſubjects of that nature? That this country, conſiſting of ten millions of people, is to delegate the taſk of legiſlation to ſuch a ſet of ignorant and uninformed people—ignorant of the common principles of law and juſtice, talking of books they never read, and declaiming upon ſubjects they know nothing of? It may indeed tend, and here I am ſpeaking directly to the point of criminating this Pannel, if he was an attorney, which I don't know that he was, he has made an ill uſe of his profeſſion; his criminality is without excuſe; his guilt is indeed of a more atrocious nature. What is ſedition but this; a convocating of ignorant, weak, and deluded people, under the pretext of redreſſing grievances of any kind, and inflaming them againſt the conſtitution and the eſtabliſhed authority of their country. But this is the direct fact proved againſt Mr. Margarot, it is the point diſtinctly brought home to him and under ſuch circumſtances of reſiſtance, inculcated upon the

part of theſe ringleaders, which in my mind, and I truſt in yours, will ſatisfy you that guilt was in his mind when he did ſo, and will entitle you to lay your hands upon your hearts, and ſay, he is guilty of endeavouring to ſpread the contagion wide among people who knew not what they were about; which if they had followed his advice, if they had roſe into tumult and diſorder might have brought them to a untimely end; and perhaps theſe three days paſt may afford ſome idea of what might be the conſequence of aſſembling ſuch perſons together, if they had been aſſembled by Mr. Margarot as a Convention of Emergency; if they had been told by him, now is the time to aſſert your rights. I aſſume, that theſe three days paſt within this city will ſhew us what was the nature of that object which Mr. Margarot had in view, and what the purpoſes, and what the manner in which in ſuch an event they might have carried their ſchemes into execution.

Gentlemen, I have now gone through every thing upon this part of the indictment; and certainly in arguing, and being obliged to quote conſiderably from papers, I muſt have gone longer into the caſe than I had any idea of; but I truſt I ſhall, before I ſit down, in a few words, go through what remains, and prove to your ſatisfaction, that every part of the libel is clearly and diſtinctly proved.

Gentlemen, Cockburn tells you, that he thought the Iriſh bill ſapped the very vitals of the conſtitution of the country; and he ſays it was to be kept a ſecret, if any illegal power interrupted their meeting, that is the reaſon he gives for the ſecrecy; that is to ſay, that if either the magiſtracy of this city, or parliament itſelf, or any ſuch inimical power, they being clearly the perſons to whom he alludes, are the cauſe of the ſecrecy; and it is all I aſk from him. You will conſider whether it is not juſt the thing I am ſtating as the point in their view, that they were keeping it a ſecret from thoſe whoſe duty it was to check it, and prevent the conſequence that might ariſe from it.

Gentlemen, the caſe of an invaſion I have always ſtated to you was one of the caſes under which the convention was to meet, and I ſhall not repeat what I have ſaid upon that ſubject; but I truſt that you will think with me, that the only and the neceſſary concluſion is that which I have already ſtated to you.

Gentlemen, having done with that part of the caſe, I come to the next, which I obſerved in the courſe of my examination, and which I alſo obſerved in the courſe of the pannel's ſpeech upon the ſubject, ſeemed to be treated with very conſiderable contempt; and Mr. Aitcheſon, a determined and bold-faced gentleman, told you his opinions in very ſtrong, forcible terms. He expreſſed his idea, that the law of the country was come to a ſad paſs indeed; he did not underſtand ſedition neither, and he was a man, who from what I have ſeen of his abilities, I ſhould have expected he would have known a little more upon the ſubject than Wardlaw or Clarke ſeemed to know upon the ſubject. But he did not know what ſedition was; he tells you, that the law of the country was come to a ſad paſs indeed, when the word citizen, which he gloried in, was to conſtitute a man criminal. And he told you, that the principles of this convention were carried on in the ſame way, or very little different, from thoſe which marked the proceedings and conduct of the former convention. If they were, all I can ſay is this, that theſe former conventions kept their proceedings very much a ſecret; for if I had known that they were ſo, or had come to any reſolutions ſimilar to thoſe proved to-day againſt this man, the members of that convention ſhould long before now have ſtood before a jury of their countrymen. If they did ſo, then all that I have to ſay is, that they were more cautions, or they perhaps did not think that the time was quite ripe to expreſs what they have ſince expreſſed. To be ſure, the term citizen, taken by itſelf, is an innocent and a proper term; I have uſed it to-night: we are all fellow-citizens. And the word *tocſin*, whether it comes from France, or whether it comes from China, or any where elſe, I feel nothing criminal in that term taken by itſelf; nor in the firſt year of Britiſh liberty; nor indeed the decades, which by the by I find in one of the plans for the ſupport of the Gazetteer, that they ſhall be divided into decades, and that each decade ſhall take ſo many copies of the Gazetteer, that is a Latin word; nor the firſt ſitting; in the ſame way all the other expreſſions, which I will not run over, taken by themſelves, are ſurely and unqueſtionably innocent; we all may uſe them in an innocent ſenſe, without the ſmalleſt apprehenſion, or the ſmalleſt blame. But here is the point, gentlemen, upon which I found the charge of criminality; 'tis for this purpoſe that I col-

lect theſe expreſſions, occurring in the proceedings of theſe minutes; and I collect them as links in the chain of evidence, to ſhew you that this man has been guilty of apeing and imitating the French Convention, as acting upon that model and that principle, as in the ſame way was done laſt year in Ireland, and was the cauſe of the Iriſh Parliament paſſing that act; it is a proof of the *animus* and the intent of the perſons concerned in that meeting, that they took for themſelves the model and example of the preſent convention of France, imitating it in every way in their power; and the concluſion is irreſiſtible, that if they durſt have gone forward, or if an invaſion had taken place, we might have found theſe men joining that band of invaders, whom we find them imitating and accomodating all their forms to, you will conſider yourſelves, laying your hands upon your hearts, can you, when you find them making it a caſe of emergency, under which they were to meet in a place ſecret to all the world, which might be here, or might be in England, the rallying point where the executive power of the country could not diſcover them; can you heſitate one moment in thinking as I think, and as I believe, that if ſuch an event had taken place, that men who form themſelves upon that model, and aſſumed as far as in them lay, and as far as they durſt, the expreſſions of the French Convention, with which we are at preſent at war, and by whom we are threatened with that invaſion, would have gone againſt the perſons who were their own objects of imitation? or ſhould we have found them endeavouring to eſtabliſh that which they have ſo ſucceſsfully eſtabliſhed in that country, univerſal ſuffrage, one of the great objects for which this convention was eſtabliſhed.

Gentlemen, you cannot expect written evidence of what paſſed in their minds, until the evil is gone to ſuch an height, until the invaſion has taken place, till the tumult or the inſurrection has happened, which theſe men have endeavoured to foment. Sedition then would no longer be the crime: treaſon would be the ſhape it would then aſſume: it would then be the duty of every free and loyal ſubject to join hand in hand againſt theſe invaders, whom we have found in the moment of that inveſion aſſembling in a ſecret place, as the delegates of thouſands, and whom we find proving themſelves by every act by which it was poſſible to prove themſelves, to be the ſupporters and imitators of the French Convention. I call them French Conventioniſts:

it is the eſſence of the charge againſt them: it is the point upon which I deſire your attention. If they were the mere innocent convention, or aſſembly, or aſſociation, or ſociety, for reform in parliament, be their reform never ſo abſurd, or the inſtruments of their meeting never ſo ineffectual for the object, I ſay God forbid you ſhould find them guilty to the extent of the moſt trifling puniſhment which you can fix upon them: but if you find them directly avowing in equivocal and doubtful terms, that an invaſion ſhall be one of the caſes in which they ſhall aſſemble, not to ſay that which would be the glory of a loyal ſubject, to ſacrifice their lives and fortunes to reſiſt the invaders; but if we find them, inſtead of that, ſhewing their predilection for French forms, and I truſt in God that is all they can be able to do, it is your duty and your province to dive into the receſſes of the human mind, to conſider the influence which ariſes from ſuch proceedings, to conſider, if you will not lay the hand of criminal juſtice upon them, to quell the conſpiracy before it burſts into light; or if the deluded people, I ſpeak of the inhabitants of this city, I ſpeak of the inhabitants of Scotland at large, and of what has paſſed within theſe three or four days, are ſo much in the power of theſe ſtrangers who have lately come amongſt us, are to come in an unuſual mode to a court of criminal juſtice either to overawe that court, the proſecutor, or the jurymen; if they are to be indulging in unfair and ſcandalous aſperſions as that of packed juries, as that of impoſing upon your underſtandings, it is for you to interfere and check the evil in its bud; now is the time, this is the moment for you to mark the diſapprobation of their proceedings, and ſtop them, while it remains with a feature of ſedition marked upon it verging upon treaſon, with ſuch a trifling diſtinction, that it is almoſt impoſſible for a lawyer to find the difference. It is ſo little, that when the indictment was preferred againſt Mr. Margarot, had it not been for the ſpeed with which it was neceſſary to bring him before you, I ſhould have laid the caſe before the king's counſel in England, as to the appointment of a ſecret committee, which was ſubſequent to the reſolution of calling the convention together, whether that *per ſe* was not ſufficient to ground the charge of high-treaſon. Sure I am, but for the act of the 7th of Queen Anne, that theſe gentlemen were far within the caſe of Scotch treaſons; and in that

caſe Mr. Margarot would have ſtood at your bar tried for his life.

Gentlemen, before I ſit down, let me return again to the evidence. Mr. Roſs, I think George, tells you that he had heard of a convention bill, and of a number of Heſſians and Hanoverians to be landed in this country; that alſo was a caſe when it was proper for the convention to meet at the ſecret place of meeting, that is to ſay, and it is the caſe at this moment, I believe, that a body of Heſſians are paſſing towards France. If parliament ſhould chooſe to allow them to land upon this iſland, this was an object of legiſlation; not that we could confide to the wiſdom of King, Lords, and Commons, but the Britiſh Convention for univerſal ſuffrage was to decide alone what was to be done; a caſe much of the ſame kind with the other, even in the way that Mr. Roſs himſelf ſtates it. But I will not wound the feelings of that worthy citizen (and I truſt that he hears me,) by ſaying, that he concealed the truth, I will not ſay that; but he forgot that mighty event which his brother and Cockburn ſwore to, which muſt have ſtruck the mind and ears of every man who heard it; but his memory is a frail one, and with that obſervation I leave him.

Gentlemen, We are now coming near to a cloſe. You will find a variety of other evidence, much of the ſame nature in number three of the inventory. You will find one of the documents material to be attended to in conſidering this queſtion, whether the convention is a ſeditious or a fair convention? for that is the giſt of the queſtion which you are to try, and upon which you are to make up your minds. Now theſe papers are traced home to the poſſeſſion of Mr. Margarot. Mr. Aitcheſon, in his character of aſſiſtant ſecretary to the convention, identifies a paper to which he tells you in this convention he put his ſubſcription hints on the queſtion of union; and in the inſide are three or four different papers, which the witneſſes who made the ſearch ſwear were incloſed in it, and all relate to the ſelf-ſame ſubject; and the only other odd circumſtance which was thought of ſo much conſequence in this caſe was, in that ſolemn way, the appointment of that committee of union, of which Mr. Margarot was the chairman. He appears to be the leader of this committee of union between England and Scotland; a union which theſe gentlemen, it ſeems, had authority to make;

a union which we unfortunately have been deceived, as well as our fathers, in dreaming that we poſſeſſed a union which we thought we had enjoyed ſince the year 1707, which Mr. Aitcheſon told us was nothing like the union to be brought about by this convention, with ſo much ſolemnity; a wild ſycophant union, I think, he called it; and Mr. Margarot is the perſon who takes the active part in this committee. Let us ſee what it amounts to. I ſhall take the paper itſelf which Paterſon, a man who, much to his credit, has ſeceded from that meeting: he, as the head of his ſection, admits that that paper was drawn up in his ſection, and was by him ſent in a letter to the convention. Mr. Margarot deſired to know, how are you certain that paper was in the convention? I will tell Mr. Margarot how I am certain of it. Mr. Aitcheſon ſubſcribes it at the back, 'hints reſpecting the union;' and ſays, it muſt be put upon that paper in its reception; where Mr. Paterſon tells you, he ſent it in the common form from his ſection, which met in the morning, to the convention, which met in the evening, and of which Mr. Aitcheſon was aſſiſtant ſecretary; and there is no reaſon to ſuppoſe that it did not reach its place of deſtination, the Maſon's Lodge, at the foot of Black Friars Wynd. And what is it? 'Hints upon the queſtion of union.' Firſt, that the people of Great Britain diſclaiming any diſtinction of Scotch and Engliſh, do now and for ever unite themſelves into one maſs and indiſſoluble union. Then it goes on, Make known to all concerned, in excluſive terms, that this ſhall be the motto:—Reſtoration of rights. What rights? Univerſal ſuffrage, and annual Parliaments; a thing that never did, and that never can exiſt. Let them go back to the Hiſtory of England; let them go back to the deepeſt antiquity, it never did exiſt, and theſe people, of whom Mr. Margarot ſeems to be the ghoſtly father, had not heard of the Bill of Rights nor the claim of rights; and knew not what rights they had loſt.

Gentlemen, I have been taught by every writer of the laws of foreign countries; I have been taught by every enlightened foreigner who writes upon the ſubject; I have been taught by every Briton who ever ſtated an opinion with regard to it, that ſince the revolution, this country originally free, reſiſted every invader, till gradually matured through centuries, by the ſlow mellowing hand of time, not by aſſociations of ſuch people

as we have ſeen to day, but it was clear that at that time, and till within theſe two years, we were the freeſt nation upon the face of the earth; but if it be neceſſary to conſtitute freedom that univerſal ſuffrage, or annual parliaments that univerſal ſuffrage, was a kind of proof of being free, we never have been free from all eternity, and are not free at the preſent moment. I hope in God, in that ſenſe we never ſhall, becauſe that never can take place, for the beſt of all poſſible reaſons, as I believe the late Soame Jenyns ſays. It is the beſt plan of the whole, ſays he, for the beſt of all poſſible reaſons, becauſe it is impracticable (*goes on reading the paper*) that all occurrences may be known from one end of the kingdom to the other, to inſtruct every individual of this one great but indiviſible maſs, in this way greeting together the inhabitants of this free country, France, to reject that mighty combination formed againſt them. Still they run upon French expreſſions in every part of their minutes, in every ſpeech in their Gazetteer, continually recurring to French words, French terms, and French expreſſions. In another motion written by James Gartley, which Aitcheſon volunteered in telling me was not evidence againſt Mr. Margarot, but it proves, being found upon his perſon, it proves the nature of that convention, of which he was not only a member, but an active leading inſtrument, it is alſo marked upon the back by Aitcheſon, and this motion is ſigned JamesGartley, who is the town drummer of Arniſton near Glaſgow, that the convention took into their ſerious conſideration the neceſſity of dividing the country into departments, in order that the friends of the people may have an opportunity of meeting in the particular department to which they belong, and thus form a ſort of provincial convention that they may become more particularly acquainted with each other. In the names of the delegates, James Gartley.

Gentlemen, the honour of the ſitting appears to be given by the French convention, to perſons they wiſh to favour, ſo we find in the minutes, among other inſignia of the honours of the Britiſh convention, ſecretary Skirving ſtated, that he had juſt now received five ſhillings from an unknown hand for the uſe of the convention. Honourable mention in the minutes was ordered to be made of this patriotic gift. Upon my word I never was in the French convention, and I hope I never ſhall, but I ſhould

have ſuppoſed, from what I have read in the news-papers, that I was reading of the French convention at Paris. Citizen Callendar moved that no perſon be allowed the honour of the ſitting, without the recommendation of two perſons; it is a favour not to be beſtowed raſhly or lightly; which, with amendments, paſſed unanimouſly. Afterwards it was moved that Capt. Johnſton, and I am extremely ſorry to find him here, if he is the individual to whom I allude at preſent, becauſe it may perhaps compel other proceedings againſt him; but when he read an account in the newſpaper of the ſentence of Holt, the printer, of Newark, for re-printing the Duke of Richmond's and Mr. Pitt's reſolutions upon parliamentary reform, it was moved, that Capt. Johnſton be admitted to the honour of the ſitting.

Gentlemen, there is one other circumſtance which I cannot help juſt in paſſing to take notice of, and it is that of a compulſory attendance enforced upon thoſe perſons who might have the misfortune to be deluded in a raſh unthinking moment, into a participation of their proceedings, to ſhame them from doing as Mr. Paterſon, much to his honour did, return back to his duty. In this manner you will find, that no delegate is to leave his poſt, or is to get permiſſion of abſence from it, till he obtains a new delegation, a ſubſtitute in his place to act for him; we ſaw too much of this I think pointed at to-day. Mr. Margarot ſaid, he would not touch upon the ſore heel of Mr. Paterſon, in the queſtion propoſed to the witneſs, which he refuſed to anſwer, and which the juſtice of the court would not enforce for this highly favoured Pannel, who has been favoured much more than any Scotſman would have been. He ſaid, he would not touch upon the ſore heel of Paterſon, for having done that which I am ſure you will join me in thinking was to his honour; and God knows, when we look at thoſe we ſaw here this morning, what this Pannel will have to anſwer for; but I truſt what has been done this day will make them ſtudy the law and conſtitution of the country, before they give an opinion upon it, and before they truſt again to ſuch leaders as Mr. Margarot and Mr. Skirving. In one of the papers Citizen Wilſon, and another, requeſted leave of abſence to be granted them, and it was moved that all the delegates ſhould have letters to return immediately, and remain at their poſts till the important buſineſs, daily introduced in the convention, ſhould be properly diſcuſſed;

and in page 100 of the minutes, Citizen Scott moved, that before any delegate from the country ſhall leave his poſt, he ſhall write to his conſtituents to ſend another in his room. Agreed to, *nem. con.*

Gentlemen, the two inſtances which I have given are perfectly ſufficient to ſhew, that in this reſpect alſo, as in their declaring themſelves permanent, which is proved by many witneſſes, and which is proved by the Gazetteer, that they, in every paper the moſt minute, imitate in every reſpect the proceedings of the French Convention. In one word, I leave this point for your conſideration; repeating again, that thoſe words taken of themſelves, or in any different circumſtances, would have, of themſelves, been idle, and that which you could have grounded no verdict upon; but taking them in conjuction with the evidence of the Gazetteer, and the parole evidence this day upon the table, certainly do go to the point. Is it a ſeditious meeting or not, in as much as it proved it was a meeting calculated for the purpoſe of overawing parliament, and reſiſting any act which might paſs until compelled to deſiſt by ſuperior force; and that conduct followed by their adopting every form of that country to which I am ſo often alluding; if you are of that opinion, you will find a verdict in my favour, for with regard to his being a ringleader in this buſineſs and being a man who conducted theſe committees, the evidence upon that point is ſo clear, it is involved in every word I have now read; the moment you have come to a determination upon the one point it ſhews, that he is a principal in the guilt of being a member of that convention, and a ringleader in it, as ſuch, he is more reſponſible than the poor creatures whom you have ſeen to-day, and who were under his guidance.

Gentlemen, I am afraid I treſpaſs more upon your time, much more than I had any intention of doing, when I roſe; but I cannot help taking notice of one thing which dropped from the gentleman at the bar, in the commencement of this day's trial; he told us, that he had cited ſeveral perſons, who were not evidences, this day upon the trial; men bearing the higheſt offices in the ſtate, and at preſent diſcharging the duties of thoſe important offices in England. And he brought evidence which I dare ſay is the caſe, that, under the letters of exculpation, which iſſue of courſe, and in which he can fill up any name that he pleaſes, that he ſubpœnaed them in London by the forms of

the law of England, in the courſe of ſomething which was not a very proper argument upon the ſubject Mr. Margarot choſe to refer, and if I am not miſtaken, I thank him for the expreſſion; he referred to myſelf and to my own candour, if the Public Proſecutor had not higher powers in bringing witneſſes to this court than what he poſſeſſed. I have no difficulty, at all times and ſeaſons, to give my opinion to a Pannel, whether I am bound to do it or not, and I was ill prepared then to give him an anſwer; but I ſaid I had no more power of compelling witneſſes to come into this court, than the meaneſt criminal at the bar. Our rights, in that reſpect, and our powers are the ſame. I will give him an inſtance of it: A noted inſtance occurred twelve years ago, when one of your lordſhips filled the office of Solicitor General of Scotland. A man of the name of M'Gee, a carrier of letters, was brought under an accuſation of having embezzled letters and ſtolen money entruſted to his charge. The principal evidence was a woman, a relation of his own, and who immediately after the fact was diſcovered, retired to England. The Solicitor General brought his indictment againſt him. I at that time appeared as counſel for the Pannel. The trial was adjourned from week to week, and from day to day; becauſe this material evidence, the woman, would not come, for obvious reaſons, within the juriſdiction of the courts of law, to give her teſtimony againſt the pannel. And how did ſhe at laſt come? Having been concerned with him, ſhe came at laſt, becauſe means were found to notify to her, that if ſhe did not come and do her duty as a witneſs againſt the pannel, ſhe herſelf would be tried in England as an approver of the crime; and therefore ſhe came to ſave and redeem her own life, and give evidence, as ſhe was bound to do; and which ſhe would have been compelled to do, if ſhe had been in this country; and I hope that inſtance will ſatisfy him, that even the powers of the Public Proſecutor are juſt exactly what his are: that he muſt take his chance of bringing witneſſes from a foreign country, as we do; and if he is not ſucceſsful there is no help for it.

But, Gentlemen, if it is meant by ſaying that theſe men have not obeyed the citation, if it is meant to found any plea of favour upon it, I leave the Pannel in full poſſeſſion of any benefit he may derive from it; but if you were to give weight to ſuch an

objection as that, ſeeing the reaſon of it at preſent, there is not a Pannel who would not be entitled to the ſame benefit, be his crime what it may, who will not tell you he has witneſſes in Germany, in France, in America, or in the Indies, and you muſt always take the Pannel's word for it; and you will conſider if there is any poſſibility of doing your duty to yourſelves or your country, if you receive excuſes of that kind.

Gentlemen, before I ſit down, I muſt obſerve it was ſaid, that in all their pretentions they were not afraid of what they were about. I omitted to mention one very material paper, which I truſt will ſatisfy you that the gentlemen were perfectly aware of the danger of what they were about; in a letter from Mr. Hardy, who is the ſecretary of the London correſponding ſociety, which was found in the poſſeſſion of Mr. Margarot, after a long account of what was going on, and telling him, that they had ſent draughts, and complaining of the ſhort coming in of the funds which were ſubſcribed, it ſeems, for the carrying Mr. Gerald down to this country; which, he ſays, had fallen lamentably ſhort of their expectations; and at laſt concluded thus: "I have to inform you of the wiſh of the ſociety, that you would favour them with the number of delegates in the convention from England; and alſo how the civil and military power reliſhes your meeting." Upon the 8th of November, 1793, a few days after Mr. Margarot and Mr. Gerrald arrived in this city, upon an object which they are not aſhamed or afraid to avow, an object for the public good, and of Scotland in particular, it is ſomething extraordinary that it ſhould come into the head of the ſecretary to the meeting, by which they were appointed, to aſk the queſtion how the civil and military power reliſhed their meeting. The military power has never interfered: it cannot interfere to check ſuch meetings as theſe, though the conſequences of ſuch meetings, I hope and truſt, never will be ſuch as to render the civil power compelled to adopt that laſt and neceſſary meaſure; though, were I to look at the ſpeech of Mr. Gerrald, ſtated in the Gazetteer, mentioned in the minutes, and which he gave immediately after that ſolemn reſolution was come to, I will not at this hour trouble you with quoting it, it would be clear to demonſtration, that Mr. Gerrald at that moment ſhews, in ſtrict terms, what is his meaning, that this reſolution was come to, with the purpoſe of reſiſting lawful authority by force, as Cockburn tells you, paying no regard

whatever to it, though paſſed by the legiſlature; in that ſpeech referred to in the minutes, and in the Gazetteer, he ſays, " I riſe to congratulate the convention on the adoption of this reſolution, not only on the propriety of the meaſure itſelf, but on that unanimity and ſolemnity with which it paſſed :" then it goes on to a long ſtory, with regard to the Iriſh bill. But the concluſion is this, though I could not get a copy of this bill, the heads which I have read are ſufficiently explanatory of its deteſtable principles, which was a bill paſſed for the expreſs purpoſe of preventing the meeting of a convention formed upon French models, and imitating French politics. I read the other day a ſpeech of one of the ableſt men in the Iriſh Parliament upon that ſubject. The object of that bill was to check a ſociety of united Iriſhmen; a ſociety with whom I alſo have the honour to be acquainted; a ſociety which ſent ſome papers to this country of ſo ſeditious a nature, that even the firſt convention refuſed to receive it, as being a treaſonable paper, for which the unhappy mover is at this moment ſuffering the puniſhment that the law has awarded. He goes on: I hope the motion, which has paſſed this night will convince the miniſter, that we are determined to guard againſt every attempt that may be made to deprive us of our rights; and, though by ſome it may be thought a bold, by others a daring meaſure; yet it will be found the beſt for ſecuring the peace of the country; for if ſuch a law were ſuffered to paſs, if men were not allowed to utter their complaints, a number of rancorous paſſions would ariſe, and we would ſeek to appeal to that laſt terrible deciſion, the event of which is uncertain; but which God and nature allows. If the ſervility of the people had been leſs, if they had dared to meet, and in place of murmuring had told the rulers, that there was danger in ſeeking to deprive them of their liberties, we need not have had that reſolution to have recurred to, to-night; but when I ſaw the calm deliberate countenance of every one preſent, and the ſolemn manner in which it was paſſed, I was convinced that it was not only a reſolution of words, but a rule of action. That is the commentary, which, if I truſt the Gazetteer, and we, are bound to believe it, after what we have heard, this is the commentary which Mr. Gerrald gives to that reſolution, which I have already ſtated as being compoſed in artful ambiguous terms, and to which I have affixed ſo criminal and ſo guilty a concluſion. It appears to me,

and I truſt it will appear to you, that the purport of that reſolution, ambiguouſly worded, and come to with ſuch awful ſolemnity, was a reſolution that, in any of thoſe emergencies, if they had happened, it was not to be a reſolution of words, but a rule of action, you are to conſider whether that is to be ſuffered: and I know, becauſe it is the common law of the country, that your powers, as jurymen, are ſufficient to check ſuch conventions. If ſuch men are to meet to conſider what are their rights, and what ought to entitle them to that laſt and terrible deciſion, the event of which is uncertain, but which God and nature allows. If you permit that to be allowed, where is the ſecurity of your laws, your lives, or your liberties? Where is the protection which this government gives to all, high or low, rich or poor, if theſe men's opinions, be they ever ſo learned, are ſet up in oppoſition to the Britiſh Parliament; or if they are to judge in what point they are to recur to that laſt and terrible deciſion, which comes to that which we ſee in a neighbouring country, where blood and devaſtation are the certain conſequences.

Gentlemen, before I conclude, ſomething was ſaid, and I hope I vindicated you, in the commencement of my argument; ſomething was ſaid about the juries of this country, and ſomething was ſaid againſt myſelf and the other ſervants of the crown. If he means the ſervants of the crown in this country, I unqueſtionably ſtand amongſt them. It is ſaid that we are the perſons guilty of ſedition; that we ſowed ſedition between our maſter and our fellow ſubjects; that we are the proper perſons to ſtand at that bar; that to us are to be imputed the offences with which I have charged him. Upon that point you muſt determine, and I feel not the leaſt difficulty in thinking that upon that charge I ſhall meet with a complete acquittal; all that I now ſay, that ſtanding in the ſituation in which I do, and ably aſſiſted as I am, I have never brought any indictment againſt any man for any offence, I never opened in my life a bundle of papers which were laid before me, containing the caſe of a ſuppoſed criminal, without an awful feeling in my own mind of the delicacy and the extent of that duty which depended upon the exerciſe of my underſtanding, and conſulting my conſcience upon the ſubject. If you differ with me upon this occaſion, I ſhould at leaſt hope, if it is poſſible we can differ upon the ſubject, that you will not think I have brought any improper or oppreſſive perſecution be-

fore you; at leaſt, if I am guilty of ſeditiouſly perverting the duties of my office to any purpoſe, I ſhall look back with ſome conſolation that hitherto I have received the beſt ſupport, which comes home to a man's conſcience, the unanimous opinions of a jury of my country. Something was ſaid of my being a placeman and a penſioner. I am a placeman, it is true; I have been for ten years in two high ſituations; and I have and am unqueſtionably liable to that faſhionable imputation of the Britiſh Convention; that even the boy that they called exulted that he was not a penſioner. I plead guilty to the charge of being a placeman; as to a penſioner I am not, I ſhould feel myſelf mean indeed in my own eyes, if, by accepting the ſituation I now hold, my independence was injured in the ſmalleſt reſpect. If I have been, by accidental circumſtances, early brought forward to thoſe ſituations, if I found them militating againſt the dictates of my own mind, I truſt, with all the emolument of it, nothing ſhould tempt me to retain it, or prevent me from throwing it up. I feel that I have done nothing but brought the guilty to juſtice; and as to what they may ſay, I care not for it. They have my full approbation: they have a better thing, they have a right to attack me upon that ſcore; as to a penſion I have none, nor am I liable to any ſuch imputation. I have, from the earlieſt period of my life, born in this place, from the moment I came to that bar, I have ſupported myſelf; and, were I to be turned out to-morrow, I ſhould retire behind that bar, and my friends round me, as free of the public money, as poor and as independent a man as I was in 1784, when I was firſt introduced within it. I beg pardon for having deviated from that ſtrict line of my duty; but having been attacked, and probably ſhall again be attacked as a placeman and a penſioner, which is the cant phraſe of theſe gentlemen of the Britiſh Convention, I thought proper to ſay ſo much before I ſat down, and before I call upon you, which, I hope and truſt will be the caſe to return that verdict which I think is founded upon the evidence, that this man is guilty of the crime of ſedition with which I have charged him.

MR. MARGAROT,

Gentlemen of the Jury,—I ſhall come undoubtedly with great diſadvantage, after the florid oratory of the public proſecutor; however, he fortunately for me has been ſo very profuſe in many points, that it reminds me of Shakeſpear's proverb,

"Two grains of wheat in a buſhel of chaff."

I addreſs myſelf at preſent to my country, and through the medium of a jury; you are the repreſentatives of that country; great is the truſt repoſed in you; you are men, I make no doubt, of untainted, of unſpotted characters, and I hope you will prove yourſelves ſuch.—High ſounding words I hope will yield to plain ſenſe.

Gentlemen, I am not an attorney, thank God;—neither am I a member of parliament, thank God likewiſe.—It is the public accuſer's buſineſs to ſet forth, in the moſt lively colours, every crime, or imputed crime, which he ſtates at the bar of this court.—I do not blame him for ſo doing. I do not find fault with him for making the moſt of his talents, or doing the moſt for the money he receives.—He has however tried to prejudice you in the firſt inſtance againſt me. He has thrown out that I have aſſerted that you are a packed Jury,—It is a falſehood.—Forgive me, Gentlemen of the jury,—forgive me my country, if I ſpeak a bold but plain language.—I cannot give you (for I am not a ſycophant) high ſounding words, but that which you will underſtand, I did not ſay you were a packed jury—I objected to not one of you, but objected to the unconſtitutional way in which I ſaid the jury were choſen out of the Aſſize; becauſe it is in the breaſt of the Lord Juſtice Clerk to pick out ſuch as he thinks proper; and therefore, though you are not a *packed* jury. when he chuſes to exert his ſkill and penetration that way, you may become a *picked* jury. However at preſent the cauſeis of great conſequence; it is not merely a criminal at the bar that you ſee in me; it is not thecrimes of an individual, it is not the rights of one ſingle perſon that are attacked;—no, it is at preſent your own rights which are attacked, it is the rights of your country, and your country look to you to do thoſe rights juſtice, and to ſuſtain them.—gentlemen the public proſecutor has found means to blend trials, crimes, criminals, various perſons and various articles of accuſation altogether, in order to make a ſum total of ſuch a ſize, as ſhall ſeize upon your imagination, and make you behold a mountain of guilt, where, in fact, there is not even a mole hill of imprudence—In me at preſent, I am ſorry for it, and it will appear perhaps a kind of pride; but it is the truth that in me the cauſe of a parliamentary reform is this day attacked—it is not the individual me—I ſhould have eſcaped notice; but it is the dangers impending from abroad, and the dangers impending at home, on the heads of thoſe who now occupy ſome of the

higheſt ſtations in the ſtate;—of thoſe who, entruſted by the crown with the greateſt powers, may perhaps have made a worſe uſe of them than they think they could anſwer for before a parliament, fairly and freely choſen by the whole people of this country; and yet that very cauſe of parliamentary Reform was eſpouſed by theſe very men before they were in place.—

Gentlemen, the public Proſecutor has ſaid, that I attempted, both in doors and out, to ſhake the confidence of the people, with regard to a jury; and he afterwards, with truth added, that a jury was the brighteſt privilege of Engliſhmen.—So it is, where a jury is faithful to its truſt—it is the greateſt privilege the Engliſh Conſtitution knows of; becauſe, Gentlemen of the jury, when you are honeſt, you ſtand not between the law and the accuſed, but between thoſe in power and the accuſed;—you ſee the due execution of the laws;—you ſtand between the accuſer and the man who is perhaps weaker than the accuſer, either in tongue or in knowledge; and as he has thought proper to avail himſelf of that ſuperiority and to carry it forth, I will undoubtedly yield to him with regard to talents and eloquence, but for the ſoundneſs of my doctrine I will not yield to him.—Gentlemen, I never attempted to prejudice the people againſt a jury. I ever will lift up my voice againſt any act of iniquity, in impanneling a jury, againſt every act of iniquity, in trying to miſlead a jury, or in trying to influence a jury, even if the man on the bench tries to influence a jury I ſhall ſtop him, I ſhall withhold him, and tell him, it is not his duty, though he ſits there as judge, and I ſtand here as a Criminal, it is my right as a Briton, to keep him within the bounds of his duty, to keep him cloſe to the execution of the laws, if he attempts to depart from them in any one inſtance.—With the ſame ſpirit of inflation, the public Proſecutor has ſwelled out the treaſonable matter which he ſays lies on the table; and he is obliged, in the end, to tell you, that if it appears to you that the Britiſh Convention really had no ſeditious motives, if they were only, *bona fide*, ſeeking a reform in parliament, whether it was to be by annual parliaments, or whether it was to be attended with univerſal ſuffrage, or in what ever way it may take place, yet that convention muſt be innocent; but ſays he, you muſt concur with me, that the parole and written evidence are more than ſufficient to prove me guilty; and adds a very curious reaſoning;—he ſays, if you wait till you have poſitive proof, it will be too late; therefore, make haſte,

avail yourſelves of the preſumptive proof that I give you, and condemn him, which is to ſay, ſport with the lives,—ſport with the Liberties of Engliſhmen, for fear of accidents befalling you hereafter.—Is that the language of mercy? Is that the language of the conſtitution?—Is it the language of the Laws?—He calls his proofs in the firſt inſtance ſolid and convincing; although, at laſt, he is obliged to have recourſe to that ſubterfuge; he ſays it amounts to more than ſedition, and arraigns the ignorance of the members of that convention at the ſame time that he arraigns their wickedneſs, that they pretend to be ignorant of what really is ſedition; and yet he does not deign to inform them.—He ſays, it is as ſtrictly defined as murder, but he does not give you that definition; he only ſays, we are guilty of ſedition.—Now ſedition muſt be ſome act; it cannot be a concealed operation of the mind, it muſt be an overt act; and yet he wants you to judge not of our overt acts, but of our intentions; which, all the witneſſes have agreed in ſaying, were peaceful, orderly, and ſeemingly legal. I ſay ſeemingly, becauſe, as there is that idea of our appearance being different from our real intention, I put the word ſeeming into their mouths; but I profeſs to you that our intentions perfectly coincided with our operations.—He acknowledges the right of the ſubject to addreſs the king or petition the parliament; and it is well that he acknowledges it.—The affront upon your underſtandings would be too groſs, were he not to acknowledge that freemen have a right to petition for redreſs, when they think themſelves abuſed.

You are not to judge (a curious reaſoning) Gentlemen you are not to judge upon any particular fact;—you are not to judge merely upon the evidence brought againſt me;—you are not to judge upon thoſe trivial matters brought forth to night, which apply entirely to me; but you are to judge from the contexture of the whole. You are to judge from papers that are to criminate Skirving, Brown, Sinclair, Callendar; and, as I underſtand there are a great number more againſt whom indictments are making out, theſe papers are to criminate all; and the contexture is to criminate all. He has wandered far from the indictment; he aſſerts of his own authority, however, it is but juſt that, while he allows you the talent of prying into the hearts of men, it is but right, he ſhould retain ſome ſhare of the ſame penetration; and therefore with that ſagacity which he claims

he ſays that our intentions were poſitively to join the invaders of Britain, let them be who they would he does not name them and then he deſires you, in a moſt pathetic manner, to lay your hands upon your hearts, and ſee if ſuch men ought not to be pronounced traitors to their country. Undoubtedly men doing ſo would be traitors to their country; but how does he prove that that was our intention? He brings you forward far more convincing proof than written evidence; he brings you forward a blank to prove our guilt. He acknowledges that no notice has been taken of three prior conventions; and yet it will appear to you, Gentlemen, by thoſe who have attended theſe prior conventions, that this convention acted exactly upon the ſame plan; therefore the laws of the land were either aſleep at that time, or they are over-vigilant at this. He calls us a ſet of French conventioniſts. I do not believe that there were five men in the convention that can ſpeak French. I do not believe that there were five men who have an adequate idea of France; and it does not appear, from the evidence that has been brought before you, that any ſingle member of the convention has any intercourſe whatever with France; but yet it is criminal in us to adopt certain terms. Thoſe terms, taken by themſelves, he tells you, are not criminal; but taking them, at this preſent criſis, altogether, form a maſs of guilt which it really hurts him to mention, he is ſo tender. However, to ſupport this allegation, he does not bring any proof; he gives it merely as an aſſertion; and which is as legal an authority, as he undoubtedly held thoſe orders which he gave to Mr. Davidſon, the ſheriff ſubſtitute; and which, by the bye, he acknowledges. He reflects upon me as being, or pretending to be an Engliſhman. Dare he doubt it, or dare he diſpute it—I have been, I acknowledge it, obnoxious to his uncle or father, or whoever he is, in London and ſeveral other members of the adminiſtration, thoſe who profit by the ſpoils of the nation, thoſe who once were friendly to a reform in parliament, but now they have got into the enjoyment of the good things of the treaſury, ſeek no more that reform. Had I been a foreigner I ſhould have been long ere now ſent abroad under the alien act.

Gentlemen, he alledges againſt me, as an article of accuſation, a motion ſaid to be made by me; and he then reverts to the teſtimony of Roſs and Cockburn, and ſupports it by other charges

of certain forms which Mr. Callendar (who, it ſeems, has run from his bail in a moſt diſgraceful manner) wiſhed to introduce into the convention—A reform in parliament, he will not admit of—he calls it (but it remains for the nation to determine, whether he calls it rightly or not) a change of the conſtitution. A reform undoubtedly would make a change, but it would not be in the conſtitution; though, to be ſure, a change from ſickneſs to health is ſo far a change in the conſtitution; but it is poſſible that you may recover your priſtine health, and make no alteration in your former conſtitution; you only do away your diſeaſe; and that is the way in which a reform is meant to operate. He pleads much againſt univerſal ſuffrage, and annual parliaments. Indeed annual parliaments he touches more tenderly upon, and he is right. However, the ſame power that made them from annual to triennial, and from triennial to ſeptennial, may very likely go on to make them for life, or even hereditary. But to ſhew that univerſal ſuffrage has taken place, I will give you a quotation from a Scotch author. The Lord Advocate has ſaid, it could not take place for the beſt of all poſſible reaſons, (and I have heard that twice in this court) becauſe it is impracticable. A Lord, learned in the law, and whoſe authority none here will deny, Lord Kaims, ſays that, "with regard to this matter one thing is certain, that the *Regiam Majeſtatem* was compiled in the days of one of our Davids. The author, whoever he be, declares that he was commanded by King David to compile this work with the counſel and advice of his whole realm." There, gentlemen, you ſee it was not the advice of repreſentatives; not the advice of individuals; but it was the advice of his whole realm. The ſame Lord Kaims does not fix a government, or a conſtitution to any one particular point. He does not tell you that the conſtitution of Great Britain is the very beſt that ever exiſted from all eternity, as our learned Lord does; or that it will endure to all eternity, but he ſays, "Government is one of the arts which neceſſity has ſuggeſted, which time and experience have ripened, and which is ſuſceptible of improvements without end. It muſt alſo be the privilege of every ſociety to improve upon its government." There you ſee, gentlemen, there you ſee, people of this country, that it admits of improvements without end; and therefore that which is good to day may be better to-morrow. Lord Kaims ſays, "it is the

privilege of every ſociety to improve upon its government ;" and what ſignifies the privilege, if we are not to have the enjoyment of it. I will warrant the learned Lord, that whatever privileges he enjoys, in his ſituation, he would not think them privileges, if he was debarred from the enjoyment of them—Then, why ſhould a nation be deprived of that which would be a loſs to an individual, whoſe intereſt is it that the government ſhould be good. Is it the intereſt of the few, or the intereſt of the many ?—Undoubtedly it is the intereſt of the many. It is the concern of the many, and conſequently the intereſt of the many. He continues,—" It muſt alſo be the privilege of every ſociety to improve upon its government, as well as its manufactures, huſbandry or other arts invented for their good."—Here you ſee if an improvement is admiſſible in an art, it is ſo in government. " No particular form therefore can be eſſential, as no particular form is preferable to another " This is a Scotch Lord who ſpeaks, " unleſs by having a greater tendency to promote its end—the good of the ſociety." Therefore, how excellent ſoever our conſtitution may be in its preſent form of three eſtates, and in the preſent moſt excellent, moſt immaculate way of electing members of Parliament, it is not only our right, but our duty to do it ; yet meetings for that purpoſe are deemed ſeditious, although there is no overt act of ſedition, but merely the conſtruction of the public accuſer, for the doctrine that he has pleaded is, that before a man is guilty you ſhall hang him, that he may not become a rogue.

Gentlemen, another great point is the committee of ſecrecy ; that galls him ſorely. Undoubtedly we ought to have told him what we were about. We ſaid we had no ſecrets, and immediately after appointed a committee of ſecrecy. It is true, and there is no inconſiſtency in it. We had no ſecrets to go upon ; our plan was perfectly conſtitutional, and muſt operate for the common good ; but, at the ſame time, feeling ourſelves under the arm of power ; feeling ourſelves to be militating againſt abuſe all powerful, it was prudent in us for the preſent not to expoſe ourſelves more than neceſſary : it was prudent to ſecure to ourſelves a ſafe place of meeting. He has ſaid, it would be rebellion and an overt act of treaſon. As to that I do not ſee how a ſecret meeting can be an overt act of treaſon. We ſhould have been able to repair to the place of meeting ſecretly, be-

cauſe we knew every ſtretch of power would be made uſe of againſt us, and there is more than reaſon to ſuſpect that the preſent war with France is not directed ſolely againſt France, but againſt the cauſe of reform in England. It was meant by that war to divert the attention of the public from that cauſe, under the pretext of the ancient prejudice that that country was always our natural enemy; the numerous failures that are daily taking place; the numerous loſſes that we have experienced, I am ſorry to ſay it, both by ſea and by land, teach us that that war is far from being a profitable one; teach us, that we are farther off gaining our end now than we were at the beginning of that war; for we are at this day leſs able to treat, or to treat on ſuch advantageous terms with that nation we have ſo much deſpiſed, as we were at the beginning of the war. Ruin ſtares us in the face in every part of the kingdom; every manufacturing town is labouring under the greateſt miſery. London ſhews no leſs than 8000 Spitalfield manufacturers who are ſtarving. Norwich, another great trading town (from which I appeared in the convention as a delegate,) is in ſo diſmal a ſituation, that the poor rates, which were at firſt, two years ago I think, or eighteen months ago, but 3*s.* 6*d.* in the pound, now amount to the enormous ſum of 17*s.* 6*d.*; and, by Lady-day next, they will be 20*s.* in the pound, owing to the preſent war.

Gentlemen, I hope you will not think it impertinent in me to follow the example that has been ſet me, of reading from a newſpaper. It is not altogether ſo pleaſing a fact to me, as that which the Proſecutor ſtated from the Gazetteer was to him. It gave him ſatisfaction that it criminated me—it gives me pain that I am obliged to criminate thoſe that are in office. I will read to you a letter from a clergyman who viſited the Spittalfield weavers, and made a report of that viſit. You will by this ſee part of the diſtreſs in which they are now plunged, owing to the war: it is a letter addreſſed to the Reverend Mr. T———. (*Reads it from the Morning Chronicle.*)

*To the Rev. Mr. T——.*

"DEAR SIR,

"YOU deſire me to give you my opinion of the preſent ſtate of want and diſtreſs among the weavers in Spittalfields, being phyſician to the London Diſpenſary, where between two and three thouſand of them annually apply for medical relief, I am called upon frequently to viſit their wretched habitations, there the firſt thing that commonly preſents itſelf to view, is

an empty loom, and a ſtarving family. Some have had only half their uſual work, for more than twelve months paſt; and many no work at all, for the laſt ſix months. Sometimes I find one or two children ſick, and the wretched parents looking upon them with all the diſtreſs which parental affection, and the utmoſt degree of poverty, can impreſs on the mind. At other times I find the huſband or wife, and not unfrequently both ſick in the ſame bed, and ſeveral helpleſs and half-ſtarved children looking up to them for bread. Here anxiety and poverty increaſe the diſeaſe if they did not produce it, which however is often the caſe. It is impoſſible for words to give a perfect idea of the diſtreſs which prevails amongſt this uſeful claſs of the people. If any doubt the truth of this repreſentation, all I can ſay is, *Come and ſee.* Were they to accompany me in my daily viſitations for a ſhort time, they would be fully convinced, that this is a very imperfect outline of the general miſery amongſt this part of the labouring poor, who would gladly work if they could be employed; and therefore, the more deſerving of help. I am perſuaded, Sir, that you need only be acquainted with real diſtreſs, to intereſt yourſelf in the means of relieving it in the preſent inſtance. Both you, Sir, and thoſe who ſecond your laudable endeavours, and benevolent purpoſes, will be doing a good work. I am,

DEAR SIR,

Your ſincere friend,

JOHN WHITEHEAD.

OLD BEDLAM,
*December* 17. 1793.

Gentlemen, I will alſo read you a paragraph uncontradicted by authority from the Morning Chronicle, the 1ſt of January, 1793. The Editor ſays:

"IN one ſhort month (December 1792,) an innovation was made on the ſcheme of Britiſh ſociety; and, in one eventful year, it has changed the character of the nation. From the happy condition of a people living together like one large family, under common laws; we were broke into ſets, and put under the inquiſition of clubs. Jealouſy and diſcord ſucceeded confidence and union; the moſt honourable connections, the moſt ancient friendſhips, the ſocial and endearing intercourſes of neighbourhood, nay, the ties of kindred, were rudely, wantonly, torn aſunder; and the better to ſecure to us the calamities of a foreign war, we were involved in the more dreadful horrors of internal feud. In the ſhort ſpace that we can allot to this article, it is impoſſible for us to enter into the painful enumeration of the events of 1793. When the faithful hiſtorian comes to record them after paſſion and tremor have ſubſided, it will be found to be the moſt diſaſtrous to conſtitutional liberty, to ſcience, to morals, and to trade, that England ever knew, ſince the eſtabliſhment of its freedom. What a reverſe from the animating and cheering picture of our proſperity and happineſs, which a liberal correſpondent gave to the public, through the medium of this paper, on this day twelvemonth. The great events of the year have covered with diſtreſs the whole face of the iſland; the ſecret hiſtory of the period we nei-

ther fully can nor dare develope. It is ſufficient to ſay, that acts of perſecution, unknown to Engliſhmen, have been practiſed with applauſe; integrity and friendſhip have been branded as unbecoming an exalted mind; and conſiſtency in principles as unſuitable to the times. Opinion has been hunted into the retirement of families, and he who dared to manifeſt his public doctrines, has been aſſaulted on the ſide of his profeſſion in life. The pulpit, the army, the bar, and the preſs, all furniſh the ſhocking evidence that Spaniſh and Italian arts may flouriſh on an Engliſh ſoil."

What is that but ſaying, that our conſtitution is greatly impaired within theſe twelve months, if we do not look to it, we ſhall have nothing but an Italian or a Spaniſh conſtitution left to us. How therefore are we to reſtore that conſtitution, but by a timely reform? and how are we to obtain that reform, but by purſuing it with vigour? and how are we to purſue it, if we are not to meet; and if an Engliſh jury will permit a public proſecutor (and believe every word he ſays) to throw an odium upon them, and ſay, that though their meaning may be good now, it may in future be bad; and therefore you muſt condemn them as ſeditious. As a further proof, however, of the conſtitutionality of theſe meetings, and the right we have to revert to our original conſtitution, and to do away the exiſting defects of that which is termed the preſent conſtitution; and which in fact is nothing but errors engrafted on our conſtitution. I will read to you a letter from Lord Bathurſt to Dean Swift; although in his time the Houſe of Commons was corrupt; ſince that time no great effort has been made to amend it; and we all know that human inſtitutions, however good they may be in their firſt ſetting out, go naturally to decay, unleſs repaired. It has moreover been aſſerted, that one of the glories of our conſtitution is, that it is of ſuch a nature, that it will admit of repairs, without being thrown out of order, and will always be advantaged by it; and that repair muſt come from the people: but hear what Lord Bathruſt ſays: "I am convinced that our conſtitution is already gone;" luckily for us the Public Proſecutor has found it again to night, "and we are idly ſtruggling to maintain what in truth has been long loſt; like ſome old fools here, with gout and palſies, at fourſcore years old drinking the waters," he was then at Bath, "in hopes of health again. If this was not our caſe, and that the people are already in effect ſlaves, would it have been poſſible for the ſame miniſter, who

had projected the exciſe ſcheme (before the heats it had occaſioned in the nation were well laid) to have choſen a new parliament again exactly to his mind? and though perhaps not altogether ſo ſtrong in numbers, yet as well diſpoſed in general to his purpoſes as he could wiſh. His maſter, I doubt, is not ſo well beloved as I could wiſh he was. You ſee that even in the time of Lord Bathurſt there were no greater enemies to the king than bad ſervants; for none alienate the affection of a people from a king ſo much as bad ſervants of the crown.—" His maſter, I doubt, is not ſo well beloved as I could wiſh he was: the miniſter, I am ſure, is as much hated and deteſted as ever man was;" whether that applies to the preſent time or not, I leave the people of England and Scotland to diſcover, " and yet I ſay a new parliament was choſen of the ſtamp that was deſired, after having failed in the moſt odious ſcheme that ever was projected. After this, what hopes can there ever poſſibly be of ſucceſs? Unleſs it be from confuſion, which God forbid I ſhould live to ſee. In ſhort, the whole nation is ſo abandoned and corrupt, that the crown can never fail of a majority in both Houſes of Parliament. He makes them all in one Houſe, and he chuſes above half in the other, four and twenty biſhops" very upright men " and ſixteen Scotch lords is a terrible weight in one; forty-five from one country, beſides the weſt of England, and all the government boroughs is a dreadful number in the other. Were his Majeſty inclined to-morrow to declare his body coachman his firſt miniſter, it would do juſt as well, and the wheels of government would move on as eaſily as they do with the ſagacious driver, who now ſits on the box. Parts and abilities are not in the leaſt wanting to conduct affairs: the coachman knows how to feed his cattle, and the other feeds the beaſts in his ſervice; and this is all the ſkill that is neceſſary in either caſe. Are not theſe ſufficient difficulties and diſcouragements, if there were no others and would any man ſtruggle againſt corruption, when he knows that if he is ever near defeating it, thoſe who make uſe of it only double the doſe, and carry all their points further, and with a higher hand than perhaps they at firſt intended." Therefore the poor reformer generally comes off the worſt; as perhaps will be the caſe with thoſe who are now at your bar Gentlemen, ſince the days of Lord Bathurſt the diſorders of the ſtate have gone on increaſing, and we are now loaded with ſuch

an immenſe debt, that it is incomprehenſible how the nation ſupports itſelf under it; and there are now forty millions more to add to it, for the ſake of preventing a reform in parliament. A foreign war was entered into with that view, while the crown lawyers have been highly buſy at home: words have been raked up of as far date back as a twelvemonth; ſpies ſet in private families; ſervants interrogated; the man has been ſet againſt his maſter, and the child againſt its parent; every art has been uſed to bring forth criminal proſecutions, in order that reform may be diſcouraged in every ſhape; and that thoſe, who had been the foremoſt in attempting any thing like reform, ſhould be ſtigmatized as ſeditious,—treaſonable,—as ringleaders,—theſe words you have heard vociferated again and again, till I am ſure they muſt have tired your patience.

Gentlemen, here is a ſtatement of the national debt, which perfectly applies to the caſe in point. The national debt, began with our happy revolution, which we are all bound to praiſe; and would to God the conſtitution was as ſound now as it was then. The national debt was a ſcheme deviſed by William and Mary, to ſecure their footing in England. At firſt it amounted, I believe, to ſeven millions; but during that reign it increaſed to ſixteen millions, and the wars of Queen Anne increaſed it to fifty four millions—the amount of the debt at the end of the war of 1748 was 78,250,000; the amount of the debt at the commencement of the war in 1755 was 75 millions; after that there was a diminution took place of about four millions, which were paid off. At the end of Lord Chatham's war the national debt amounted to 146 millions, it diminiſhed by the peace to 136 millions, ſo that a peace which laſted till 1755 diminiſhed it ten millions, and in the war from 1775 to 1773, the infamous American war; where you will recollect the Americans were firſt treated as rebels, exactly in the ſame manner that the French are now treated; they were deemed rebels; they were deemed a ſet of villains; they were deemed the worſt creatures upon the face of the earth; and whenever they were ſpoken of, it was one Hancock, one Adams, one this, one that, and one the other, till we found, at the end of ten years war and an expence of 134 millions, beſides 100,000 lives loſt in the war, we were obliged to give up the war, and accept of an Ambaſſador from them: and, at the time of Mr. Pitt's acceſſion to the treaſury bench it

amounted to 270 millions. At this prefent day, it is upwards of 300 millions; and, if we go on thus year after year, we ſhall ſoon make it 400 millions. But the remarks in this paper are more appoſite to the point:

" So immenſe a debt as 270 millions, bearing an intereſt of about nine millions and a half, was an alarming circumſtance to the public, after the loſs of half the Britiſh dominions abroad; and ſomething muſt be done to divert the attention of the people from any ſerious enquiry into the corruptions and abuſes which had involved the nation in ſuch ruin."

" Mr. Fox was for probing this ulcerated wound to the bottom, and meeting our ſituation in an open manly manner, but the *ſecret junto* in the cabinet;" and that Gentlemen of the jury I will tell you originated in Scotland. I know not at preſent whether it continues its root there or not; I am much inclined to think it does; but the ſecret junto " foreſaw, that ſuch a meaſure would lead to impeachment, refunding and confiſcation of property. He was therefore turned out of office, and Mr. Pitt ſeduced from his friends and party to become the tool of thoſe who began to be alarmed for fear an inveſtigation ſhould take place." Here then Mr. Pitt is only the oſtenſible miniſter while in fact he is ruled by a ſecret junto. A bubble was invented to amuſe the people, and ſtop the mouths of the monied men, the weakeſt that ever was formed, and the moſt ruinous and wicked one that ever ſucceeded. The underſtrappers in office," in England, Gentlemen, we have underſtrappers in office as well as in Scotland " and treaſury runners, were inceſſantly employed in blacking Mr. Fox, and circulating in every company, that Mr. Pitt was to pay off the national debt. The meaſures he adopted for that purpoſe were cried up as a maſter piece of wiſdom: and this was again rung in the ears of the credulous people in every corner of the kingdom by the proſtituted prints in the miniſter's pay. By ſuch means, this extraordinary bubble was blown up to an enormous ſize, and the troubles in Holland and France, as long as we kept in peace with the laſt mentioned nation, were favourable to theſe meaſures. The prodigious demand for our manufactures, the increaſe of trade."

I was in France, Gentlemen, between three and four years ago upon a mercantile expedition. I had an opportunity of viewing all the great warehouſes in France, from the northermoſt ex-

tremity to that ſouthermoſt point of Toulon, which we have lately abandoned; and I will tell you, that in one ſmall town not ſo large as Leith, there was at that time Engliſh goods beſpoke, and in a great meaſure paid for, to the amount of three millions ſterling; that kept our manufactures afloat, that gave proſperity to the nation, and that was in conſequence of the commercial treaty which was entered into between the two countries about five years back, and in which I am not aſhamed to ſay that I lent my humble aſſiſtance, not officially to the miniſter here, but unofficially to the miniſter in France, becauſe I knew the commercial connection of two nations was the way to enrich both, and becauſe I knew that to do away that idea, that they were natural enemies, and would go to war upon every trivial occaſion, was the only way to keep us in peace and prevent the ſhedding of blood, which I am always for in any caſe whatever. I wiſh I could ſay ſo of our Governors, "the influx of money from France Holland, and the convulſed parts of Europe, gave miniſters an opportunity of levying enormous new taxes, even in time of peace," while we were pretending to pay off the national debt, every year brought us new taxes; why? becauſe a majority in the Houſe of Commons was to be ſecured. "Mr. Pitt took every advantage that all thoſe favourable opportunities gave him and loaded the people with ſuch heavy, partial, and grievous taxes, as no miniſter ever before attempted, even in times of war." I doubt not, people of Scotland, but you labour under grievous taxes, as well as we in England; there is one I will give you an idea of, the Salt tax, which flies in the face of common ſenſe; but it is kept up for a reaſon which I will tell you by and bye; the collection annually amounts to from 19 to 20,000l. but the expence of collecting it amounts to 30,000l. People who are unthinking may ſay, why does not the miniſter ſell it when he loſes ſo much by it; it gives the miniſtry at the trifling expence of 11,000. a patronage of 30,000l. *per annum* "Mr. Pitt's Shop tax, Fuſtian tax, his tax on the poor Servant maids, the extenſion of Exciſe laws, his commutation tax, and others equally obnoxious, are witneſſes of the truth of what I now advance; with all his low cunning, artifice, exertions, ſpies, and informers."

Gentlemen, the convention is reproached with adopting French words and French manners; it is now about ſix years ago that

the commercial treaty was, I muſt not ſay on the *tapis*, but was pending in the caſe I mentioned before, in which my humble efforts were uſed ; I had acceſs to ſome of the dependents of the French miniſtry, and I there found that in Pitt's cabinet there was a ſyſtem of police ; I uſe that word, which is adopted in Ireland, in a great meaſure in London, and very likely will be ſoon introduced into Scotland, if it is not already; the French police, Pitt applied to Bretagne, and from them obtained every article of the French police. Spies, and informers, and every thing except the Baſtile, they had but one; and they could not ſpare that one : however, we have made ſhift without it, having converted Newgate, and the Counter, and other priſons to that purpoſe, until a proper one ſhall be built ; there is one building in the neighbourhood of London, and I think I have ſeen ſomething like one building in the neighbourhood of Edinburgh ; he has imported ſpies and informers, French things as well as French words. And I believe the nation, at that time, though much degenerated, I have reaſon to believe, that at the firſt outſet of ſpies and informers, the police of England were at a loſs to find Engliſhmen willing to undertake thoſe odious taſks : ſorry I am to ſay, that the repugnance is now nearly done away, that there is not a public company without a ſpy in it, and even the ſervants of the crown glory in their having ſpies; ſome are more diligent than others ; I ſaw one here to-night, who, though he keeps ſix ſpies daily, it is no uncommon thing for them to regret, at the end of the week, that they brought him no intelligence ; " backed with the moſt extenſive commerce ever known, our manufactures and internal trade, puſhed by induſtry, private credit, and paper currency, to a pitch never before heard of ; and, in ſhort, the whole credit of the merchants, traders, and manufacturers, exerted to the utmoſt, to keep every hand uſefully employed, was not ſufficient to raiſe taxes to pay the intereſt of ſo immenſe a ſum as 270 millions of national debt, defray the expences of government, which, together with the intereſt, amounted to the enormous ſum of about 17 millions in time of peace, without reckoning the millions to be annually provided to ſupport this bubble ; all this, notwithſtanding the flouriſhing ſtate which peace, and the unexampled induſtry of the people to revive our trade and commerce, could not be annually drawn from their labours, not raiſed

by any of the oppreſſive means adopted, without borrowing new loans on one hand, as ſtock was purchaſed with the public money, on the other, that is to ſay, in paying the national debt, you took the money out of one pocket, and paid it into the other; but while you did that, ſome of it always fell to the ground, which you never will ſee again: that money is employed in keeping up the price of ſtocks; ſome thouſands go weekly that way; a Reform in Parliament would do away that abuſe. "The Bank, that ſacred public, and private repoſitory of wealth, was ſqueezed out of half a million. This drew on them creditors for the unclaimed dividends to a much larger amount, and other means, equally unjuſt, were purſued to ſupply the deficiency. But all this would not do; the bubble muſt ſooner or later burſt, and with a dreadful exploſion, unleſs ſpeedily prevented by a more ſkilful financier than Mr. Pitt." This bubble does not only threaten this empire with the moſt terrible convulſions, but to ſpread miſchief into other countries. We have been told, that the Bank of Amſterdam is intimately connected with our own; if that fails, ours fails, and that was given as the reaſon for our going to war; and very likely our going to war, will be a reaſon for our Bank failing: "it is formed on ſuch ruinous principles, that it is impoſſible all the energy and induſtry of a brave, hardy and loyal people, when ſtrained to the utmoſt pitch can ſupport it; it was ſetting the public to roll a heavy ſtone up a ſteep mountain, which grows ſteeper and ſteeper as the ſummit is approached. To attempt to pay off the national debt by purchaſing ſtock, is one of the moſt barefaced robberies." Here is language! this in Edinburgh would be ſedition; it would go near to be treaſon—"the attempt to pay off the national debt by purchaſing up ſtock, is one of the moſt barefaced robberies committed on the people, that ever was attempted in any civilized nation." Here you ſee Mr. Pitt is called a robber, and the moſt barefaced and impudent robber that ever was, "loading the people with unburdenable taxes, to enrich who? the ſtockholders, the monied-men, and gamblers, in the Alley; theſe were ſure to aſſiſt the miniſterial runners in blowing up this bubble, which brought ſo much griſt to their mill; by their united arts and unwearied efforts, they actually raiſed the price of Stock to ſuch a pitch, as to make the public pay more than 30l. ſterling more than the intrinſic

value, upon every 100l." And as long as the induſtry of the people could bear ſuch burthens as were heaped upon them, there is every reaſon to believe they would riſe higher and higher; ſo that the more the public purchaſed, the more they would have to pay for the remainder, provided this bubble was ſuffered to continue. Mr. Pitt, inſtead of paying off the national debt, in time of peace, by his plan, has added many millions; and if we are to go on in this ruinous plan, the increaſed price of the ſtock will load us with more than 150 millions more than ever we owed or is pretended to have been borrowed.

There, Gentlemen, in con equence of this ſyſtem, the nation will find itſelf debtor 150 millions more than ever was pretended had been lent to it; an immenſe ſum of itſelf, but which the nation would have been barefacedly robbed of—150 millions ſterling which we never borrowed. "It will eaſily be ſeen, by examining the hiſtory of the revenue, or this brief ſtatement, that every war which this country has been engaged in, has nearly doubled the former debt and taxes, let them amount to what they might; and yet the nation has been plunged into a war, with this heavy millſtone of 270 millions about its neck. The effects of this raſh meaſure has been ſuddenly and ſeverely felt; almoſt a total ſtagnation in trade and commerce, the revenue decreaſing in the moſt alarming manner, all private credit deſtroyed;" the neighbourhood of Edinburgh will witneſs that: look at Paiſley, look at Glaſgow, and their Banks, which will all convince you that there is truth in this aſſertion; "no one dare truſt his neighbour, bankruptcies innumerable, the induſtrious poor thrown out of employment." Do we not ſee that even in Edinburgh, the poor are ready and willing to work if they could get it? Are they not the ſame in Paiſley? are they not the ſame in Glaſgow? I have already inſtanced to you in England, Norwich, Sheffield, and Manchester, where the poor are out of number: but here is an addition, "proviſions, and even hay, ſent out of the kingdom to the German armies," not only to ſupply our own troops, but, forſooth, we muſt take other troops into pay while our poor are ſtarving at home, in conſequence of it, "which keeps up the price of meat to a height never remembered at this ſeaſon of the year; coals, candles, ſoap, ſugar, and many other articles in common uſe, are raiſed or kept up, in conſequence of the war." Here is an article to which I would turn your at-

tention. the article of coals: the city of London yearly, conſumes about 400,000 chaldron of coals; every chaldron of coals pays one ſhilling, to whom? To a man who did not think proper, when cited by the laws of his conntry, to appear before you; and pays to him, why? Becauſe he is the deſcendant of a natural ſon of Charles II. If he had been a poor man, and it had been neceſſary to keep up an appearance of reſpectability in his ſtation, there would have been ſome excuſe; but he has another ſinecure which amounts to more than he ſpends; this is one of the abuſes of a corrupt Parliament.—Our money ſhipped off to pay the troops, and ſupply the beggarly German Princes on the continent. The parochial taxes prodigiouſly increaſed, by the numerous poor thrown out of employment, or borne down by the heavy load of taxes Mr. Pitt has thrown upon them; and threatened, notwithſtanding of all that is ſaid to the contrary, with the ruin of another American war. In ſuch a ſtate, is it poſſible to expect that the public can bear to double the preſent national debt and taxes, without burſting Mr. Pitt's bubble, formed for plundering the poor to add to the rich." This man ſpeaks very plain Engliſh, and, I am ſorry to ſay, he ſpeaks as truly, as he does plainly; it has been a decided plan with thoſe in power to plunder the poor to give to the rich; and will continue ſo, while uſeleſs places, and while uſeleſs penſions, are ſuffered to exiſt, while a Lord Juſtice General of Scotland, who never attends his place, though juſtice is the moſt ſacred duty a man can acquit himſelf of; the duty of a judge is the moſt ſacred duty that a man can undertake, ſince he is the repreſentative of God himſelf: that he ſhould accept 2000l. a year and never attend in his place, to diſtribute that juſtice for which he is ſo amply paid; this is another proof of ſinecure places, and a proof that we want a reform in parliament; you have now been hundred years, except one inſtance, without the appearance of a Lord Juſtice General; 2000,000l. therefore has been carried out of Scotland and ſpent in England; therefore you annually looſe 2000l. for which you derive no advantage whatever. "The criſis draws near, when every inferior conſideration muſt give way for public good, and Mr. Fox's open and manly abilities muſt be called forth, to form an honeſt, juſt, permanent, and upright miniſtry, to ſave the king and people from one common ruin."

I did not read this to you, Gentlemen, with a view to trumpet up Mr. Fox: no man can have a greater reſpect for his abilities than I have, but I am far from thinking that no man in the kingdom can ſave us but him; I would not make any man a God—let us not truſt them—let us not give them implicit faith—let us truſt to none of our rulers—let us truſt only to our laws; and while we give implicit faith to them, and ſee that our rulers act according to thoſe laws, we ſhall be happy: the moment we do otherwiſe, we ſhall be ſlaves. "Apoſtates have raiſed falſe alarms of treaſon, ſedition, rebellion, and every thing that can rouſe up a generous people, to revenge the inſults and injuries heaped upon them; but the people are loyal, love their king, reſpect mild laws, and bear an utter hatred to all who attempt to impoſe upon them, by apoſtacy, fraud, or treachery, and are ſworn enemies to all ſorts of perſecutions." Would not you think that the writer of this letter had ſome of the perſecutions which have lately taken place, in his eye? You will ſee then, Gentlemen, that it is not merely in Scotland, the people in Scotland are not the only people who ſee their true intereſts; that the people of England, likewiſe, begin to diſcern that they are impoſed upon, that thoſe who are in office deceive them: open your eyes, therefore, Gentlemen, and be not deceived; let not the words of office, let not the high founding language of a crown lawyer trepan you into a perjury, for if you ſuffer yourſelves to be deceived, though not a wilful perjury, it ſtill remains a perjury, unleſs you give a verdict according to the dictates of your conſcience; and the dictates of that conſcience cannot take place, till you have made a fair and candid examination of the matter before you.

His poſtſcript ſays, "Two hundred and ſeventy millions is a ſum the human mind can hardly form any idea of: to give ſome aſſiſtance in forming a notion of it, were it to be laid down in guineas in a line, it would extend upwards of 4300 miles: if in ſhillings, it would extend three and an half times round the globe; and if paid in ſolid ſilver, would require more than 60,000 horſes to draw it, at the rate of 1500 weight to a horſe;" and yet the good people of this country are, by their labours, to pay off the intereſt of this debt, and are with the aſſiſtance of Mr. Pitt's calculations, to pay off the capital alſo. The number of inhabitants of Great Britain has been miſtated, as well as ma-

ny other things, by the Public Profecutor; he ſtated them to be ten millions; they perhaps, do not go much beyond ſeven millions; but we will ſay eight millions, and among them, you cannot ſay there are more than two millions of men; and, therefore two millions of people are to pay the intereſt of this debt, which, if laid out in guineas, in a line, would extend upwards of 4,300 miles. Good God! when ſhall we get to the end of ſuch a journey; and yet we are daily encreaſing it by a war; and, what is the conſequence of that war? not only expences abroad, but it encreaſes ſalaries and penſions: we bought Toulon with gold; we left it for nothing: it is true, we adopted again the French meaſures; we named commiſſioners: one commiſſioner ſet out, with a ſervice of plate, to do honour to the name of an Engliſhman, which coſt 8000l. and though there are 8000 Spittalfield weavers in a ſtate of actual ſtarvation; and to one man, is preſented a ſervice of plate, of that immenſe value, previous to his going as commiſſioner to Toulon: he comes back again, and is now out of office, but has retired upon half pay: this is the way the public money is ſquandered—this is the way the public money will be ſquandered till we obtain a reform in parliament; no man, not the Public Profecutor himſelf, can love the conſtitution better than I do; but no man can deteſt the abuſes that are engrafted on that conſtitution more than I do; for, I have ſeen ſo much miſery, in the courſe of my tours through Great Britain, which is the garden of Europe, where there is not a man, who would exert his induſtry, but might earn a comfortable livelihood, if our conſtitution was returned to that point at which it was ſettled at the revolution; but it is all done away; I will give you proof that it is done away; and, I have taken care to give you that proof, or, at leaſt, that each of you may be furniſhed with a copy of it, when you retire to debate upon the matter that is brought before you: it is in a ſpeech of Mr. Wharton's, in the Houſe of Commons: I will read it to you; and I am ſorry, that the Public Profecutor has retired; I would have attacked him perſonally; he was a member of the ſenate; and though I believe, he was there at the time, he bore, he ſuffered that worthy man, an honeſt member in the preſent Britiſh Houſe of Commons; he ſuffered him to aſſert, that every part of our conſtitution was done away and did not riſe to contradict him; though here vociferous to the utmoſt, there he was ſilent; I am

ſeditious in ſeeking a reform; but, when a man tells them, every iota of the conſtitution is done away, the whole he could do, was to vote ſilently againſt him; and the motion was loſt, becauſe the majority did not think proper to ſtake their future fortune, reputation, or property, upon the reviſal of the conſtitution.

My Lords, may a friend be permitted to read it for me?

*Lord Juſtice Clerk.* No, you muſt read it yourſelf.

*Mr. Margarot.* Gentlemen, you are entruſted now by your country, to give a verdict, to examine ſeriouſly the cauſe that is now before you. I have already told you, I am a willing and a devoted victim; I will give you a proof of it; and you ſhall have that proof home with you, in a letter that I wrote to Dundas, a twelve month ago, when proſecutions were hanging over the heads of the people: I offered myſelf for proſecution; I deſired him to ſpare them, and to let his vengeance fall upon me: I eſcaped it in London; I hope I ſhall not find it in Scotland; I hope the honeſty of any jury will prevent its having the effect it was meant to have. This is the ſpeech of Mr. Wharton, in the Houſe of Commons. Mr. Wharton roſe to make his promiſed motion "We heard," he ſaid, "on every ſide, of the glorious revolution, in 1688, and of the conſtitution, as ſettled at the glorious revolution; it was a note which he had always liſtened to with pleaſure, and he repeated it himſelf with rapture. But, what was the rational foundation of our ſatisfaction, at the recollection of the glorious revolution? It aſſuredly was not that the poſſeſſion of the throne, and the regular hereditary ſucceſſion to it, were at that time, diſturbed and interrupted. It was not that we expelled *one* king, and *one* family, and appointed *another* king, and *another* family, in their room. The neceſſity of ſuch changes was, at all times, to be *deplored*; and, the events, themſelves, could only be juſtified by the *neceſſity*. The only rational foundation of our approbation of that revolution, *muſt* be, at that time, ſuch principles were confirmed, and ſuch wiſe and wholeſome proviſions made for our conſtitutional ſecurity and happineſs, as might prevent all future neceſſity for a *ſimilar* revolution. Whoever approved of that revolution, declared, at the ſame time, that the conſtitutional proviſions then obtained, were wiſe and wholeſome proviſions; that they were *worthy* objects of a national ſtruggle; that they not only *juſtified* reſiſtance, but made it *meritorious*." And yet, this is one of the articles of crimination againſt me,

Gentlemen, it is ſaid the convention met to aſſert their rights; now, aſſertion may be made in various ways; it may be made, *ui et armis;* it may be made by argument; by reaſon; and, there is no direct proof, that we meant to aſſert them by force of arms; and, from the paucity, of our numbers it moſt likely was that we ſhould do it by argument. He ſays, " they not only juſtified reſiſtance, but made it meritorious; and, that they were *cheaply* purchaſed, at the price of all the blood that was ſhed upon the occaſion, as well as the dethronement of a *guilty* king, and the extirpation of his *guiltleſs* family. But an approbation of that Revolution went ſtill farther, It declared, that if, by *any* means, by force, or by fraud, by violence, or by corruption." Jurymen, I requeſt your utmoſt attention to this; it is of the greateſt conſequence. " But an approbation of that revolution (1688), went ſtill farther. It declared, that if, by *any* means, by force, or by fraud, by violence, or by corruption, if theſe wholeſome and neceſſary conſtitutional proviſions ſhould, by any means, be taken away, or fruſtrated, the ſame objects would again juſtify the ſame national ſtruggle; and, the ſame extremities, unleſs they could be recovered, and re-obtained by more gentle, more peaceful, and, therefore, more happy means." We at preſent feel, that force or fraud, violence and corruption, have taken away many of our privileges: we wiſh to regain them; not by force, but by thoſe more peaceful, and, therefore, more happy means, which is a peaceable and rational application to the king, or to the Parliament, by an aſſertion of our rights, made in ſuch a reſpectable manner, that they ſhall not be refuſed; for, it is idle to talk of the omnipotence of parliament; the ſervant can never be greater than his maſter; the three eſtates together, are not equal in value to the whole nation: without them, the nation could be a nation; but, without the nation, they would become poor individuals. " He aſſerted (and ſaid, he riſked nothing by the aſſertion, for no man would be hardy enough to deny it, and, he pledged himſelf to *prove* it in a committee of the houſe), that all that was valuable to the people of this country, all the proviſions which were ſtipulated to ſecure the peace and proſperity, the individual liberty, and the general property of the people of this land, had all been, ſince the revolution, taken away—All!" He aſſerts, in the Houſe of Commons, and pledges himſelf to prove, that all the ſecurity of the ſubjects, all the privileges of the ſubject, in the conſtitution, which is trum-

peted up by venal hirelings, has been taken away"—and he pledges himſelf to prove all this; and, to this, not a ſingle man riſes to give an anſwer. "He muſt entreat the attention of the Houſe for a few moments, whilſt he very briefly brought back to their recollection, what this country eſtabliſhed by the revolution. Firſt to avoid all future miſtakes; and, that the contract between prince and people might be clearly underſtood, the revolutioniſts began by altering the oaths of the contracting parties." Here again I will interrupt myſelf, to ſhew you that the king holds his crown, not by a divine right, but by a contract between him and the people, which implies a mutual binding; and, ſhould either of the contracting parties fail, it will become void: men in buſineſs, you muſt know it; and, from buſineſs to politicks, is a very eaſy tranſition; the principle is the ſame. "They altered the coronation oath for all future ſovereigns in this realm; and they altered the oath of allegiance for themſelves, and for all future ſubjects. They cut up, by the roots, the damnable doctrine of paſſive obedience, and non-reſiſtance:" doctrines ſedulouſly endeavoured to be inculcated into you to night; that non-reſiſtance and paſſive obedience, though couched in other words, were the duty of the ſubject. I ſay it is no ſuch thing; and here is an honeſt man declaring this in parliament, and nobody daring to confute him. He ſays, "they cut up, by the roots, the damnable doctrine of *paſſive obedience* by *emphatically* ſpecifying and ordaining the following words of their former oath, 1 William and Mary, ch. viii. I declare, that it is not lawful, upon any pretence whatever, to take up arms againſt the king, &c. &c. ſhould not, from thenceforth, be required or enjoined." Therefore, you ſee, gentlemen, that it is no longer required of the ſubject to take an oath: that he will not, in any circumſtance whatever, take up arms againſt the king; becauſe, as the king comes to the throne, not by divine right, but by a contract between the king and the people, it was thought, if he neglected his contract on the one part, the people were not bound by that contract on the other; and he hereby eſtabliſhes the doctrine of reſiſtance to oppreſſion: in fact, ſelf preſervation is the firſt law of nature with an individual; and what is the caſe with an individual, is much more ſo with a ſociety. "It was not ſo much to relieve the conſcience of the ſubjects, that theſe words of their former oath were ſelected, excited, and aboliſhed; for no oath of ſlavery ever did, or ever

will, or ever ought to bind a nation, or an individual; it was ſomething worſe than perjury, or ſacrilege, to keep an oath of ſlavery." No; man was not born to ſlavery. "This alteration was made to prevent the future ſovereigns of this country from being miſled, as the four preceding ſovereigns had been, to truſt to a ſenſeleſs ſuperſtition about *Royalty*, which though many perſons for their intereſts have profeſſed, no man of common ſenſe ever entertained." Many of theſe doctines are profeſſed at this day: men profeſs doctrines very different from what their hearts feel; but while blinding the eyes of the public, they are the moſt conſcientious men living. "Their next care was to provide for the due adminiſtration of the executive power, and the reſponſibility of its confidential adviſers. They therefore enacted, 12th William III. chap. ii. that all matters and things relating to the well governing of this kingdom which are cognizable in the privy council, by the laws and cuſtoms of this realm, *ſhall be tranſacted there*, and all reſolutions taken thereupon *ſhall be ſigned* by ſuch of the privy council as ſhall adviſe and conſent to the ſame." Here you ſee, gentlemen, that the government of a large country, like Great Britain, is of ſo public a nature as not to admit of ſecrets; it is of ſuch a nature that a reſponſibility muſt be affixed ſomewhere, and therefore thoſe perſons who adopted meaſures in the privy council were to ſign the ſame, in order that the public might know where the blame or the praiſe lay; this has been done away, and you have heard to night, when a queſtion was put relative to orders, thoſe orders were deemed proper to be kept a ſecret; thus we imitate the practices of thoſe in higher ſtations, and inferiors will naturally catch at the defects ſooner than at the beauties of their maſters behaviour. "Thereby guarding, as far as laws could guard, againſt that accurſed engine of deſpotiſm, *a cabinet council.*" which the paper I juſt now read, calls a ſecret junto, "or that more accurſed inſtrument, an interior cabinet," from which we have not been free for 25 years.

"Their attention was next directed to the *double* repreſentation of the people, the only poſſible ſecurity for all their other proviſions." There is undoubtedly no proviſion, no ſecurity, for the liberty, for the property of the ſubject, if he is not properly repreſented in parliament: we are too numerous to make laws for ourſelves; we muſt therefore be repreſented; we muſt ſend delegates or commiſſioners to a parliament, where a convenient

number of them may meet and tranſact the buſineſs of the nation; if that buſineſs is not done faithfully; if the men ſent to do that buſineſs are liable to be bought and ſold, we ſhall in our turns pay both purchaſer and purchaſed—" The Houſe of Commons and Juries." This is the double repreſentation in England; we were the only nation who enjoyed it. A neighbouring nation, though much run down, have lately arrived at the poſſeſſion of it. Juries conſiſt of 12 or 15 men, according to the country in which they act. They are not to ſtand in fear of the judge, or in fear of the king; for, if they act according to their conſcience, no judge dare ſay any thing to an honeſt jury; they have a double duty; the firſt to God, and the next to their country; but they both of them form a moral duty, and are one and the ſame thing. Jurymen are abſolute; they have a right to aſk queſtions, they have a right, where the leaſt doubt hangs over the mind, to enquire of the Pannel; they have a right to enquire of the Counſel, and they have a right to call forth all the wiſdom of the judges; while in office they poſſeſs the moſt unlimited power that we know of in England. He ſays, " Our anceſtors paſſed over untouched, and left as they found them the nobility and the church; they were conſidering the ſolid and ſubſtantial parts of the conſtitutional edifice, and did not much concern themſelves about the *gilding* and the *varniſh*. They therefore proceeded to eſtabliſh the principle of a *fair* and *free* and *frequent* election of the repreſentatives of the commons in parliament, as might be ſeen by a reference to the acts paſſed in the firſt ſecond and third years of William and Mary." You ſee here, a term which at firſt appears to be a kind of ſneer or joke, but it is founded in truth, and leads you to a much deeper reflection. He ſays, " Our anceſtors did not much concern themſelves about the gilding and the varniſh," meaning the nobility and the church; and it is not merely a jeer or a playing upon words, but ariſes from the principle already laid down, that the nation, and the nation alone, is the principal part: it is the people that are of conſequence, and nothing but the people. " And having thus, as they imagined, provided for the *real* election of the repreſentative body in parliamant, they ſecured the independence and integrity of that body after its election, by enacting, that no perſon who has an office or place of profit under the king, or receives a penſion from the crown, ſhall be capable of ſerving as a member of the

Houſe of Commons." Now, if this took place with regard to the National Aſſembly, where laws are only made; undoubtedly a ſimilar reſtriction was underſtood to be in full force in that aſſembly, where the laws are carried into execution, I mean in juries; for if men enjoying places of profit under the crown are deemed incapable of making laws, they ſhould by a much ſtronger reaſon be deemed incapable of carrying them into execution, eſpecially when there is an appeal from their verdict; or at leaſt, an appeal attended with ſuch difficulties and ſuch expence, as to put it out of the power of nine tenths of thoſe who are tried to make uſe of the remedy. "Having thus ſecured the purity and independence of the people's repreſentatives in parliament, they proceeded to the other important branch of their repreſentation by Jury, and they decreed, that juries ſhould be fairly taken without partiality, and ſhould act freely without influence." Obſerve that, Gentlemen; I don't impute it to the caſe of to-day, but when I ſay it is poſſible to pack a jury, I can ſhew my authority, when it has been aſſerted in the Houſe of Commons, and has not been denied. "They alſo decreed, that *exceſſive bail* ſhould not be required, that *exceſſive fines* ſhould not be impoſed, and that *illegal* and *cruel* puniſhment ſhould not be inflicted; and to ſecure theſe objects, they ordained that thenceforward the judges commiſſions ſhould be made *quamdiu ſe bene geſſerint*; and that their ſalaries ſhould be aſcertained and eſtabliſhed, in order to make the judges independent of the crown." The duty of a judge is, not to influence you, not to ſay any thing that has the leaſt tendency to influence you; he is to explain the law in any difficult point to you, but by no means to give you his opinion upon the caſe; he is merely to ſtate the law, and ſay always hypothetically, if the man is guilty of the offence, ſuch and ſuch offence, ſuch and ſuch puniſhment is due to it; but he is never to ſay, let me beg of you to ſay ſo and ſo; it is illegal, it is the higheſt pitch of wickedneſs in a judge ſo to do. "Now, all theſe proviſions (the objects and conſequences of the glorious revolution) would have no value, they would be nugatory and worthleſs; they would be a mockery unleſs they were effectually to obtain and ſecure to the people of this land theſe three important points. *Firſt*, an honeſt and *reſponſible* exerciſe of the *executive* authority. *Secondly*, *real* independent and faithful repreſentatives of the commons in parliament. *Thirdly*, a fair and impartial adminiſtration

of juſtice in the courts of law. We who had no predilection for *any* family whatever (except as connected with theſe objects, in the words of our anceſtors at the time of the revolution, did now again *claim*, *demand*, and *inſiſt* upon, all thoſe as our undoubted *rights*, the *true*, *ancient*, and *indubitable* rights and liberties of this kingdom, 1ſt, William and Mary, chap ii. If then by various means it had happened, as he aſſerted, and undertook to prove (in a committee of this houſe,) that this proviſional reſponſibility of the privy council no longer remains; that the election of the Houſe of Commons is neither *fair*, nor *free*, nor *frequent*; that this proviſional independence of its members is gone, and that the Houſe, at preſent, *ſwarms* with perſons having offices and places of profit under the king, and receiving penſions from the crown; that juries are not fairly and impartially taken; that they do not act freely and without influence; that exceſſive fines may be, and have been, impoſed; that illegal and cruel puniſhments may be, and have been, inflicted; that the judges are not independent of the crown; that penſions may, and have been, granted to ſome of them; and that lucrative offices may be, and have been, conferred upon others, by which means it cannot be ſaid that their ſalaries are aſcertained and eſtabliſhed. If theſe facts were ſo, he held it to be the duty of all thoſe who, without hypocriſy, praiſed the revolution." Moſt men, perhaps all men, praiſe the revolution, but they do it with various intentions; but he ſpeaks here only of thoſe who praiſe it without hypocriſy. He ſays, " he held it to be the duty of all thoſe who, without hypocriſy, praiſed the revolution, to endeavour to return us again to our conſtitutional ſituation at that period, and to recover thoſe loſt or neglected proviſions, that ſo we might effectually ſecure to ourſelves and to our poſterity, what our anceſtors endeavoured at the revolution to ſecure to themſelves and to us." I hope that ſingle paſſage will be ſufficient to do away all the criminality of the word *aſſert*, in the indictment. It may be done in two ways, by force, or by argument; in either caſe it would be juſtified by the preſent glorious conſtitution, taken not ironically; not inſidiouſly, as it is taken by ſome, but literally, according to the truth. Our glorious conſtitution permits us to aſſert our rights, and even permits us to reſiſt oppreſſion: however, from the tenor of the proceedings of the convention, you will ſee that arms were the laſt things we ſhould have thought of; being little inured to arms, and being

a ſmall number to the bulk of the nation, I mean the aſſociated men, who have ſent their delegates to the Britiſh Convention; and from what has happened to day, you will ſee that the public mind is panting for reform; and I hope, Gentlemen, if your countenances deceive me not, that you all, or the greateſt part of you, wiſh for reform; an amendment can be attended with no ill conſequencee. Mr. Wharton, concluded with moving, "That a committee be appointed to enquire whether any, and which of the proviſions made by parliament in the reign of William and Mary, and in the reign of William III. for ſecuring a reſponſible exerciſe of the executive authority; for ſecuring a real, independent, and faithful repreſentation of the commons in parliament; and for ſecuring a fair and impartial adminiſtration of juſtice in the courts of law, whether any, and which, of theſe have by any means been invalidated or taken away; and to conſider whether any, and which, of thoſe loſt or invalidated proviſions may be fit to be re-enacted and reſtored. in order that the people of this land may recover that ſituation and ſecurity in which they were placed by the glorious revolution in 1688." This motion I have already told you was loſt, and it was loſt by a majority of 71 ſilent men, againſt 11 honeſt men who ſupported it; but the 71 did not utter a ſingle ſyllable, though I firmly believe that the Lord Advocate was in the Houſe at the time: if he was not there, his maſter, his father, his uncle was there, and not a word was ſaid; they put it to the ſilent vote, and numbers carried it, which ſhews you what chance we have to obtain, by a humble ſubmiſſive petition to the Houſe of Commons, any redreſs; it ſhews you, that if we want to obtain redreſs we had much better go to the fountain of redreſs, and apply, in the firſt inſtance to the king; but that is a thing that is a matter of opinion; however, it requires conſideration; and when the matter of reform comes to be more public, which I hope it will, it will then bear a more ample diſcuſſion.

Gentlemen, I have, I believe, in the former part of my defence, mentioned to you, that the Lord Advocate not being able to ſubſtantiate his charges againſt me upon written evidence, was forced to draw in a more powerful aid, namely, a blank, as a proof of criminality; he has laid great ſtreſs upon it; he has turned about in it like a horſe in a mill, aud though he went back from it once or twice in the courſe of his ſpeech, he was ſure to return to it again. He has likewiſe ſought to attach a great degree of crimi-

nality to the words convention of emergency; which is a ſimple Engliſh word, ſignifies a caſe of great moment, a caſe that requires ſpeed, that requires immediate attention, that requires all the exertions we can poſſibly beſtow upon it; therefore ſtrip it of the epithets ſeditious, malicious, felonious, and all theſe high ſounding words, and you find nothing in it unjuſtifiable whatever. He has alſo ſought to criminate me, with charging that my friend Browne gave a hiſtory of the Habeas Corpus Act; and he has wiſhed to attach, more than ſedition, a kind of treaſon, to the bare mention in the convention of the wrongous impriſonment act; ſurely, if ſuch an act exiſts, it is competent to every ſubject of the realm to ſee that it is ſecured to them; that it was (as I preſume all acts are) made for the benefit of the public, and therefore it is natural that men ſhould be anxious that thoſe benefits ſhould be retained to them; yet it would ſeem that the bare mention of ſuch a thing is treaſon in Scotland. It galls thoſe in power, to think that they have got a power above them; that they are not entirely above controul; but I have already ſaid that there is not a man in the kingdom above controul; even the king holds his Crown by a contract, and therefore is not above controul; he is not above the laws; he is not, indeed, reſponſible; the fiction of law ſays, he can do no wrong, becauſe his contract holds no longer than he abides by the conſtitution of the kingdom; the moment that he would attempt, as a James, or a Charles I. to break the contract between him and the people, the moment he had broken that contract, he would then no longer be unaccountable to the people. On the contrary, it is moſt likely, the people would call him to an account, as they have done in other caſes before, when they have ventured to ride paramount over the laws. The laws are made for the weal of the nation, and are of more importance than any individual, in whatever rank ſociety may have placed him; they are of more importance than any individual, for without laws there is no ſociety; and without any individual whatever, the ſociety may ſtill remain a ſociety.

Gentlemen, I will come now to the mere points of the indictment; for the ſpeech of the Public Proſecutor has wandered greatly from the mere facts ſtated in the indictment: however, I was obliged to follow him, inaſmuch as he did me the honour on Monday laſt, of trying me before another jury; for it was me more than Skirving that he tried; it was me that he had con-

tinually in his mouth; and, to me, that a great part of his ſpeech then applied. He taxes us with holding deluſive Republican principles, and he builds his crimination upon our having adopted certain words, which he ſeems to think were never in uſe in England, before the revolution took place in France; he is however much miſtaken, for there is not a ſchoolboy but can tell him that *ſection* was as much in vogue, and made uſe of in England twenty years back, as it is now: there is not a Writ for the return of a member of parliament, but has the word citizen in it: the word citizen is in all the Students cards; and even the Pinmakers of London, are obliged to have the word citizen in their cards; therefore it is not an adoption of any thing new: As to regulations and orders, if they are founded upon French principles, for God's ſake, give me French principles; and that we were regular, and orderly, I will take the liberty to prove to you. By the regulations that I will read to you, you will ſee that we were far from having any ſeditious or diſorderly principles about us; but that we were organizing ourſelves into the moſt regular body in the world, and, I believe, even Freemaſons themſelves, who have regulations and ſecrets, and, I believe, ſome of their committees are pretty ſecret; meet together, and therefore are guilty of all the crimes I am charged with; and I don't know that there is ſo much regularity even in their proceedings as there was in our's. "The convention ſhall hence-forth be called, The Britiſh Convention of the Delegates of the People, aſſociated to obtain Univerſal Suffrage and Annual Parliaments. The Delegates to this Convention ſhall be elected annually, on the of and ſhall meet where the Secretary and intermediate Committee ſhall think moſt adviſeable for the general intereſt." You ſee it is for the good of the generality; not for the good of one deſcription of men; not for the good of the oppoſition, who are endeavouring to ouſt the miniſtry in hopes of getting into their places. No, let us ouſt the abuſes, and reſtore the conſtitution to the ſtate in which it was in 1688. "The Secretary, and intermediate committee, may, at any time, call a Convention of the delegates, on 14 days notice; but they ſhall be reſponſible for a proper exerciſe of this authority. The convention after electing a preſident by ſhew of hands." Here we call him a preſident; that is not a French word; I fancy that is a word that has been uſed in England for

theſe fifty years back, and I cannot attach any degree of criminality to it. becauſe we did not put it in the power of any man, to ſay he was ſent by a certain number of people, unleſs he was intruſted with the confidence of thoſe men, for the purpoſe of a parliamentary reform, as I will ſhew you by the inſtructions that I brought from London, which I have in my pocket, and which eſcaped the inquiſition. "The Convention, after electing a preſident by ſhew of hands, ſhall proceed to the verification of powers, and then to the diviſion of the convention into ſections, in ſuch manner as ſhall hereafter be provided." Here follows the head of office bearers. The Public Proſecutor told you he could not tell what this preſes meant; this will explain it: "There ſhall be a preſident or preſes, three aſſiſtants, a ſecretary, a treaſurer, and door-keepers. The three aſſiſtants and the ſecretary ſhall form a council, to be denominated the council of the table. The office of the preſes is to maintain order, to take the ſenſe of the convention on all queſtions to be determined therein, and to declare on which ſide the queſtion is carried, to call on the committees for reports, *&c.* and to ſign all public acts." You ſee there is nothing ſeditious in the office of preſes; unfortunately that night there was no public act paſſed; I kept order, or endeavoured to do it, as well as I could, I took the ſenſe of the convention, and declared on which ſide the queſtions were carried: an explanation of that you will ſee by and by under a ſeparate head. "The office of the council of the table, is to keep order in the *buſineſs* of the convention, as particularly ſpecified under the head council. The office of the ſecretary, is to take charge of all writings and papers belonging to the convention; to iſſue ſummonſes, write and diſpatch letters, &c. &c. according to the orders of the convention, and the requeſt of any committee, during the time of their ſitting: and ſhall have acceſs on all occaſions, to every committee during its ſitting." This was made a crime in Skirving, when you ſee it was the duty of his office, to attend as many committees as he could ſpare time for. "The office of Treaſurer ſhall be to receive and pay all monies ſubject to the regulations to be at any time adopted by the convention or the committee of finance. The office of door-keepers, is to prevent the admiſſion of any perſons not members, except by ſpecial leave of the council of the table." This was to prevent improper company; I do not mean ſpies, for on the

contrary, when they were known they were preferably admitted though treated with the contempt they deſerved, and which no claſs in ſociety can deſerve more than themſelves, unleſs it be the men who employ them. And now follows the head of committees. "No committee ſhall be compoſed of more than thirteen, or leſs than three perſons; and the number of each committee ſhall be decided by a ſhew of hands in the convention. All committees ſhall be choſe, unleſs otherwiſe ordered, at the time of their appointment; and they ſhall be authoriſed to invite the aſſiſtance of ſuch members of the convention as they may think beneficial to the buſineſs entruſted to their charge. All committees ſhall be elected from the leet of the ſections, unleſs found neceſſary for ſome immediate purpoſe, in which caſe they ſhall be appointed by the convention, one by one, by a ſhew of hands; and they ſhall ſit and report progreſs, day by day, until their buſineſs is completed. The firſt meeting of every committee to be fixed by the convention; every ſubſequent meeting according to their own adjournment." Now comes the head of council of the table. "There ſhall be three aſſiſtants, elected from a leet given in by the ſections, one to be renewed, and the ſenior to go out of office daily." Thoſe who had the greateſt number of votes were elected, and in conſequence of that, the convention was likely to be beſt ſerved, for they neither bought their electors nor ſold them when they had bought them. "The ſecretary and aſſiſtants ſhall form the council of the table; they ſhall prepare a ſtate of the buſineſs, for each day ſhall arrange the order in which the different ſubjects ſhall be taken into conſideration, which arrangement ſhall be adhered to, unleſs the convention ſhould alter the ſame by a vote; they ſhall permit a member from each ſection to take copies of all motions, &c. to be ſubmitted to the conſideration of the ſections, and ſhall aſſiſt all members who requeſt their aid, in the wording of any motion they may wiſh to lay upon the table." This brings me back again, to a motion that has been introduced againſt me as written evidence, and which Wardlaw was called to prove: he ſaid, and it was not leſs to the diſgrace of thoſe who brought him forward, than to the Friends of the People, of whom he was a member, that he came in a ſtate of inebriety: he ſaid he had written out that motion; ſo he did, and I am not aſhamed of acknowledging that motion; it is a motion drawn up not by me, but by

the council of the table, and it is ſtated in the indictment. " To do this your committee ſuggeſts a reſolution to the following effect, but which I ſhall leave to be drawn up by the council of the table." The ſpirit of the motion was that which the committee, of which I was the reporter, had to report, and which motion was to be drawn up by the council of the table. " The council ſhall have the power to interrupt any debate, for the purpoſe of propoſing to the convention any other buſineſs which they may think more urgent; but the preſident ſhall take the ſenſe of the convention by a ſhow of hands, whether the debate ſhall be interrupted or not." Here you ſee this is the greater part of their duty, to judge of ſuch motions as were laid before them; if they were nugatory they were to inform the perſon who brought them of it; if otherwiſe, they were to indorſe them on the back, they were to hand the motion to the preſident, he was to read it to the convention, and then the vote of the convention was to determine whether the buſineſs was of ſufficient conſequence to depart from the order of the day. Then follows an article which gives great umbrage to thoſe who are frightened at every thing that looks like French: It is the head of ſections: we had the name of diviſions, and of claſſes; but, no name which was agreed to by every body; at laſt, ſection was agreed to by a great majority; and we thought no more of the French Convention at that time, than we did of our new ally the Grand Turk. To explain to you then what is meant by ſections, and the cauſe of adopting that word, which was more from accident than any thing elſe, it goes on. " All members of the convention ſhall be divided by lot, into ſections of fifteen perſons each." And why divided into ſections of fifteen perſons each? It was not with a view to overturn the government; it was not with a view of being ſeditious, or riotous, or any thing of the like, but with a view of their meeting, as we had many country delegates who had much leiſure on their hands, for the purpoſe of giving them uſeful employments: in the morning they uſed to meet and diſcuſs the news of the day, and little political topics, and thereby came better prepared in the evening; and in the courſe of one week we already found a great difference in their political information; they had already learned to connect their ideas, and form a more accurate judgment of the buſineſs they were about. They were alſo to pick out the men who were moſt pro-

per for the nomination of preſident for the next night, or for the committees. Theſe were the felonious and ſeditious employments of the ſections in the morning. "The members, who may not be able to attend at the firſt diviſion into ſections, ſhall be divided by lot among the ſections formed; but, if any ſection ſhall have two more than its proper number, no new member ſhall draw for that ſection until the numbers are again equal. Every ſection ſhall be furniſhed with a complete printed liſt of the convention, containing the name, ſurname, and the ſociety, which each individual repreſents." And you ſee, Gentlemen, here is great regularity; and where men uſe ſuch regularity, they cannot be called a riotous, tumultuous aſſembly. "The ſections ſhall be renewed on every Monday during the ſitting of the convention." Now, I maintain, that there is no principle in our Britiſh Conſtitution, which prevents mutual communication from one man to another, but will encourage that intercourſe; for union alone can make us ſtrong, as has been ſaid, though in a different ſenſe, from the bench. "The ſections ſhall meet every forenoon, at eleven o'clock, each in a ſeparate place; and ſhall daily chooſe a chairman for the ſection, who ſhall report their leets of election, &c. and, if theſe reports are not delivered into the council of the table, immediately on the chair being taken, they ſhall be deemed null; each ſection ſhall daily furniſh itſelf with a note of all the buſineſs, and with copies of all motions and reports to be taken into conſideration that evening. The ſections ſhall daily diſcuſs the buſineſs of the convention; they ſhall prepare liſts of ſuch perſons as they may think moſt proper for offices, committees, &c.; but the ſections cannot finally decide any matter; nor, in their collective capacity, give an opinion, or make a propoſal to the convention. No member in the ſections ſhall be allowed to vote by proxy." We did not, you ſee, intrench upon the privileges of the Houſe of Lords, where they vote by proxy; and we thought, that as every man was equally intereſted in the buſineſs, that he ſhould attend as often as he could; and, if he did not, it ſhould be his own loſs, by loſing his vote. "The members of one ſection ſhall not be received into any other ſection, during its ſitting; and, no perſon not a member of the convention, can, on any conſideration, be admitted." And, I am ſure, there is not a man here, who would wiſh to be intruded upon by ſtrangers, in the ſocial hour,

over the bottle, but the ſervant comes up with his name, before he is admitted. (Here Mr. Margarot drank a glaſs of wine.) I beg pardon, gentlemen, for this interruption; I ſhould not have done it, if the example had not been ſet me; we have no ſuch thing in England, Gentlemen, as a jury eating and drinking in court.

Gentlemen, The next head, is that of motions. A great degree of criminality has been attached to the motions that have been produced; but, notwithſtanding all the written evidence, which is to tranſport us, and prove us nearly guilty of high treaſon, I will ſhew you the innocent manner in which theſe things were to be carried on. "All motions ſhall be in writing, ſigned by the mover and Seconder, and tranſmitted to the council of the table, who ſhall number and file them, according to the order in which they are given in. At the cloſe of each day's buſineſs, and before the adjournment of the convention, the ſecretary, or one of the council, ſhall read all motions given in, during that ſitting, according to the priority of delivery, in order that they may be copied, and taken into conſideration, by the ſeveral ſections; and, being ſo read, they ſhall come on for debate the following ſitting, in the ſame order of arrangement, made by the council, unleſs the convention ſhall think proper to prefer any one of them, as containing matter of greater importance, or more urgent neceſſity. A motion once rejected, cannot be brought forward again in the ſame ſeſſion of the convention, unleſs requeſted in writing by twenty members." This was thought proper to be introduced, in order to ſave us trouble, as there were ſome men who could ſpeak better than they could write; and who, perhaps, might wiſh to be buſy; for we already began to ſuſpect that we had got ſpies among us, and that motions of a dangerous tendency might be brought in; and, therefore, we endeavoured to prevent being led into a trap; for, we found that, in general, it is the moſt honeſt men that become the dupes of knaves. "In caſe of two or more motions being on the table, which relate to the ſame object, and tend to the ſame end, the council, and the reſpective movers, ſhall uſe their beſt endeavours to conſolidate them all into one before they are diſcuſſed; but, in caſe the council and the reſpective movers cannot agree in ſuch meaſure, then the ſame ſhall be be finally determined by the convention. Notwithſtanding the above regu-

lations, any member may ſubmit a motion, at any time, to the conſideration of the convention, which he deems to be of greater importance, or more urgent neceſſity than any of thoſe which ſtand in the order of the day; and, if from the reaſons advanced by ſuch member, a majority of the convention ſhall coincide, in opinion with him, ſuch motion ſhall be immediately brought forward, and determined."

Now, here is that which was drawn up with more care than any other part. We know debates often lead to warmth; and, that when diſputants wax warm, they generally grow tumultous and irregular. We have ſeen theſe tumults, and this riotous manner of debating, even in the Houſe of Commons: we ſought to avoid it; and therefore, we ordered, that " no perſon ſhall ſpeak in the ordinary ſittings of the convention, more than once on the ſame ſubject, unleſs it be to explain, or by ſpecial leave of the convention; but, when all who wiſh to ſpeak to the queſtion have done ſo, any member may be heard again; and, every member who opens a debate, ſhall have the privilege of being heard, the laſt, in reply, before the diſcuſſion be finally cloſed. If it ſhall appear to the mover, or ſeconder of any motion, or to any other member, that the matter contained therein requires the moſt ample diſcuſſion, on motion, for that purpoſe, made and agreed to, the perſon ſhall leave the chair, for the purpoſe of the convention reſolving itſelf into a General Committee, in which a chairman being firſt appointed, every member ſhall be at liberty to ſpeak as often as the committee may think proper to hear him, till the queſtion ſhall be called for by an apparent majority. As ſoon as the queſtion ſhall be called for, and the diſcuſſion cloſed, the preſident ſhall reſume his ſeat, and the queſtion ſhall be determined in convention. The council ſhall require the preſident or chairman, or either of theſe may, of his own accord, put a vote for cloſing the debate. When it appears to any of them to be the general wiſh of the convention, or general committee, there ſhall, however, be a vote taken; and two to one for cloſing the diſcuſſion, before it actually takes place." Here we ſought, not only to avoid the heat of debate, but we ſought to avoid partiality, and we ſought to avoid any prejudice that any man might have againſt another, or in favour of another. " The queſtion of cloſing the debate may, itſelf, be debated; but, it muſt be ſtrictly attended to, that no mem-

ber, under pretence of giving reaſons for or againſt cloſing the debate, ſhall go into the diſcuſſion of the main queſtion."

The next head is, that of order; a term not borrowed from France, but from the Houſe of Commons of England; for, in the Houſe of Commons, the order of the day is a common phraſe. "The convention ſhall meet daily, at five o'clock in the afternoon, and ſhall proceed, *Firſt*, To receive and verify the powers of any new members. *Secondly*, To receive without reading the liſts of candidates, from the ſections. *Thirdly*, To read communications addreſſed to the convention. *Fourthly*, To elect, from the liſt of candidates, the committees, if any have been ordered, the new aſſiſtant, and the new preſes. *Fifthly*, To hear from the council, what is the whole buſineſs ſtanding for diſcuſſion; and what is that particularly appointed for the day, with the order of priority, propoſed by the conncil; which priority may there be debated, and fixed. *Sixthly*, To read over the minutes of the preceding day, and any former days, not finally ſettled, and direct corrections of the ſame, if need be. *Seventhly*, To receive reports from the different committees.

"In going through the buſineſs of the day, the order of priority, fixed as above, ſhall be adhered to, unleſs altered by a vote of the convention, which muſt, at any time, be put, if deſired, by the council; or, if required in writing, by any five members. Any point, once diſcuſſed and determined, can neither be reſcinded nor brought forward again on the ſame day; nor at all, but by a motion regularly made; and, for the bringing in of which, leave ſhall have been obtained the preceding day. The reporter of any committee ſhall always have a preference to the ordinary buſineſs of the day, to deliver his report to the convention, ſo as not to break in upon any debate which may be before it. Members ſhall ſpeak in the order in which they riſe for that purpoſe; and, if more than one riſe at the ſame time, the preſes ſhall decide who is entitled to the priority.

"The preſident alone ſhall have the power of interrupting any ſpeaker who wanders from the queſtion; but any individual ſhall have the right to ſuggeſt his opinon, by writing the word *order*, and handing it to him.

"No member to be allowed to ſpeak upon any ſubject after a ſhew of hands has taken place on it."

You will ſee by this, that we were not only far from ſeditiouſly inclined, but we did not give our tongues a looſe: we were obliged to ſpeak in order, and methodically take our turns, and ſay nothing further than what we were entitled to. You will from that, gather, that a ſociety, ſo well regulated, could not be for the purpoſe of overturning the conſtitution, which, in its original ſtate, is regularity itſelf: we were proceeding in a way that directly led to a reform: theſe are the heads; and there remained five more to be finiſhed, when we were apprehended by general warrants, and the meeting diſperſed by the power of the Sheriff, and of the Lord Provoſt; therefore, if we are not in order, it is not our fault, but the fault of thoſe who interrupted us; yet, you will ſee, that we were not altogether ſo illiterate as ſome men, and men of ſhining, perhaps more ſhining than ſolid abilities have thought proper to repreſent us. We knew what we were about; and all this was done openly; we have had fifty viſitors of a night: any perſon ſending in his name to the council at the table, was his admiſſion ticket; and, as I before obſerved to you, we ſought nothing but the public good: we ſought a parliamentary reform: we ſeek it ſtill; and, I truſt, we ſhall to the end of our lives; and a renovation, not a deſtruction, but a renovation of our conſtitution. Gentlemen, I will now come to the plain facts ſtated in the indictment, and then I will make a few remarks upon the evidence that has been given; and, Gentlemen, I am ſorry to detain you ſo long: but, it is my duty to be as explicit as poſſible, in this matter, as well as yours to liſten to it: was it my own individual buſineſs, I would meet your verdict this inſtant; but I have already told you, that I conſider myſelf as the leaſt concerned in this matter; it is the cauſe of reform.

The indictment, Gentlemen, accuſes me of having been made a delegate by an aſſociation of ſeditious people, calling themſelves the Correſponding Society of London.

Now, Gentlemen, either the charge is true or falſe; if it is falſe, it is malicious; if it is true, then I am the ſeditious perſon I am repreſented. The London Correſponding Society is not a ſeditious ſociety; it is a ſociety eſtabliſhed upon as regular and as ſyſtematical a plan as that of the convention. We are proceeding to increaſe, to diffuſe political knowledge, to make every man acquainted with his political rights: we are formed in-

to diviſions, becauſe, we well know that large companies introduce diſorder and confuſion; therefore, we never ſuffer, except when general meetings take place: we never ſuffer above a certain number to aſſemble together: we aſſemble in private houſes; neither eat nor drink; but calmly and coolly diſcuſs the political ſubjects before us: we inſtruct the ignorant, and receive inſtruction from thoſe that know more than we do; and, therefore, the charge that this is an aſſociation of ſeditious people, is a falſehood, and the Public Proſecutor backed it with another falſehood on the night he did me the honour to try me, inſtead of Mr. Skirving: he aſſerted, that this ſeditious ſociety had held a meeting for the purpoſe of chooſing delegates; and, that they were ſo deteſted by the mob, that the Magiſtrates were obliged to protect them. I was not at liberty to anſwer him that night; nor ſhould I do it now, eſpecially in his abſence, but that impreſſions unfavourable may have gone forth. It is ſaid, that the Magiſtrates (an odd doctrine for a crown lawyer to advance,) were obliged to take, under their protection, the ſeditious London Correſponding Society, in electing delegates to ſend to Edinburgh. If that ſociety was ſeditious, why did not the Magiſtrates quell us? they were preſent; and they came with a deſign to diſperſe us; but the laws are paid greater regard to in the metropolis than they are at ſome diſtance from it; and, when, they found we were acting upon conſtitutional principles, they dared not moleſt us: there were five hundred conſtables; and, out of thoſe five hundred, I will, to be ſure, ſay, there were, at leaſt, three hundred of them, who maintained the ſame principles that we did, that a reform was neceſſary; that it might have been imprudent if the magiſtrates had acted otherwiſe than they did. If any illegal open act of violence had taken place, it muſt have been occaſioned by them; but they did not commit any act of violence: on the contrary, we placed ourſelves under the care of the high conſtable, and his poſſey; and they attended; but, as in the teſtimony of the Lord Provoſt, if any riot was occaſioned that day, it was from the Magiſtrates, and their attendants, for our ſociety, being ſo numerous, we were obliged to meet in an open field; or, at leaſt, a field incloſed with palings: it was in the neighbourhood of Spittalfields; and the people in the neighbourhood, led by curioſity and not kept at home by work, being out of employ, thought they might as well dine upon the freſh air as upon the ſtagnate

air of Spittalfields itſelf, they attended our meeting to the amount of thouſands, and behaved as orderly as thoſe men you ſaw to-day come up the ſtreets; they behaved with the utmoſt decency; and the police Magiſtrates, from the police office, with their police runners attended, but did not dare to moleſt us more than that we invited them to attend our meeting, in-as-much as it was conſtitutional; knowing that they ſhould diſpleaſe certain perſons in power, who ſhall be nameleſs, they declined accepting the invitation of attending; but, after I was nominated, I returned them thanks for the polite attention they had paid us: they aſked us whether we were to chooſe members of parliament; I replied, no; that our object at Edinburgh, was to communicate with our brethren here, who were, like ourſelves, purſuing a reform in parliament; that would be our buſineſs in Edinburgh. I told them, if they had any commands, I would execute them; they politely bid me a good day, and drew off their conſtables; and found themſelves to be very happy in being protected by us: it is true, Gentlemen, the high conſtable came to me, and begged of me, as a means of diſperſing the mob, that I would deſire the members of our ſociety to diſperſe quietly, for as-much as there might be ſome riot, or ſome tumult. I told him, if that was the caſe, we would, to a man, turn out and aſſiſt the civil officer: that as reform was our aim, ſo was order; and, that we would, on every occaſion, protect the civil officer; and, at the ſame time, that we aſſiſted him in his duty, we would take care that he did it. And, Gentlemen, my behaviour has been perfectly regular: I have been always ready to come forward, and face my country, againſt any charges, except, at the firſt inſtance, when I was aſſailed by ſix blackguards, or meſſengers; or whatever they were, I told them, take my word, that whenever they required my preſence, I would be forthcoming; the ſame was the caſe in this court; I had not renewed my bail in this court; yet, I did not heſitate to appear; I never will fly from juſtice; I will always abide by it; beſides Gentlemen, if the London ſociety was ſeditious, but it is not it is ſanctioned by a letter, a copy of which ſhall be given to each of you, to peruſe at your leiſure: you will ſee, that it was a ſociety founded upon conſtitutional principles; that none of the miniſters dared offend us: it is true, laſt year, ſeveral aſſociations were formed all over the kingdom; and, it was they who ſounded the tocſin; and, where did they originate? they originated in about eleven placemen:

the prefident, the chairman of that ſociety, poſſeſſes only five places; he was a clerk, or underſtrapper, of Lord Hawkeſbury's; his name is Reeves; at the ſame time, to prove to you the further conſtitutionality of our proceedings, we did, in the month of April, hold an aſſembly, at the crown and anchor, in the room above this very man, who was for protecting property againſt republicans and levellers: this very man, obliged to bite his nails, in the room underneath, dared not ſhew his teeth; but he can write; and he is aſſiſted, I will not ſay by the treaſury, but he has pecuniary aſſiſtance, and has laid the public under contributions; and here I apply to an obſervation of the public proſecutor, that we drew money from the poor, the deluded, and the weak. Would to God no man drew more from the poor, the deluded, and the weak! If no man enjoyed more ſinecure places than we do, every family would have bread, which is not now the caſe; while thoſe who draw money from the poor, the weak, the deluded, and, I may add, the oppreſſed, are revelling in riot and luxury, and all manner of profligacy: while they ſell themſelves, while they ſell others, and their crimes, they cut a figure; but let them remember, that every guinea that they poſſeſs, conſiſts of a certain number of drops of the blood of the poor. He ſays, being named a delegate by an aſſociation of ſeditious people, calling themſelves the correſponding ſociety of London, did repair to Edinburgh, with the wicked and felonious purpoſe of joining and co-operating with an illegal aſſociation of evil diſpoſed and ſeditious perſons, who originally deſigned themſelves the general convention of the friends of the people. Now, it ſeems, that the original friends of the people were an illegal aſſociation; were an aſſociation of evil-diſpoſed and ſeditious perſons. In the indictment, it ſays ſo; but in the pleading of the proſecutor for the crown, he ſays otherwiſe; he ſays, that they were harmleſs, that they were allowed; and, indeed, the behaviour of the Magiſtrates towards them, ſeems to prove the legality of their inſtitution: he goes on, and charges us with holding various illegal and ſeditious meetings: how came they to be illegal? if the friends of the people were in the firſt inſtance legal, how came they to be illegal and ſeditious? or where are the proofs that he brings of it? He likewiſe ſays, they met under the pretence of procuring a reform. Gentlemen, you are not to be caught by words: you are men of ſenſe; and ſenſe alone is to operate upon you; reaſon and ſound ſenſe; how is

he to tell? how is he to prove? in what manner has he proved that theſe were only pretences? On the contrary, what I have already ſhown you betrays a great ſyſtem of regularity and order; and order will never be introduced for the ſake of forwarding confuſion; and yet, he ſays, they were evidently of a dangerous and deſtructive tendency, though I ſtartle at the words, evidently of a dangerous and deſtructive tendency; yet, if you allow me to add a few words to that ſentence, I will ſhew that they are ſtrictly true; for, if you apply thoſe words to the abuſes which have crept into the conſtitution, you will make Engliſh, you will make ſenſe, and you will make truth of it. He ſays, we imitated, in the form and tenor of our proceedings, that convention of people, the avowed enemies of this country: theſe people, the avowed enemies of this country, fight with guns, bayonets, and cannon: we do the ſame; and yet I don't ſuppoſe that we are guilty for oppoſing, arms to arms: the Houſe of Commons, whom we are ſeeking to reform, and wiſh to new-model, if poſſible, upon the plan of a more frequent renovation, uſes the ſame regulations that we do; but order can never be criminal. Gentlemen of the Jury, he ſays, likewiſe, that I did act as preſes or chairman of their meetings: this, likewiſe, he has failed to prove: he has proved that I acted once as chairman; and, therefore, cannot be guilty of acting as chairman at their meetings; at leaſt, he is inaccurate in his language; but, in England, ſuch an inaccuracy would be fatal to the indictment. Although it has been ſaid that I was an Attorney by one; and, by another, that I know nothing of law, I hope to prove, that I know ſomething of the conſtitution; and, that if I am no Attorney, I have as much honeſty as any Attorney, or any gentleman of the Gown. It goes on, that various inflammatory votes and reſolutions were paſſed. Of this, I truſt, the Public Proſecutor has failed to produce any evidence: there is no vote, no reſolution of an inflammatory nature, inaſmuch as to underſtand the word inflammatory, it means, not merely, that which will inflame itſelf, but that which will inflame others: now, the words introduced, as inflammatory, have no manner of connection with the convention at large, and was ordered by it, to have been burnt: there, indeed, he is right: it might have been inflammatory; when burning it was inflammatory; but that inflammatory nature was no way ſeditious. Continuing then, in the ſwollen and deluſive language of the indictment, he ſtates, that the ſaid Maurice Margarot,

did alſo, "when attending in his capacity of delegate, at the illegal meetings of the ſaid aſſociation, utter, and make various ſeditious and inflammatory ſpeeches, tending to vilify our preſent happy conſtitution, and to withdraw therefrom the confidence and attachment of our ſubjects." I have already proved, that the only end of our meeting, was to revert to our conſtitution; but, it ſeems, that there is a terrible confuſion of ideas. He accuſes me with having, while attending my duty, as delegate, in theſe meetings of the convention, with having made ſeveral inflammatory ſpeeches, tending to vilify our preſent happy conſtitution; and, to withdraw, therefrom, the confidence and attachment of our ſubjects: That that is a wrong ſtatement, will be evident, at firſt ſight: by what you have already been told, you muſt have diſcovered, that men, ſeeking a reform, cannot wiſh to do injury to that very conſtitution which will procure to them that reform; for, we are not ſo blind as not to ſee, that our original conſtitution, if we revert to its original principles, does give us the reform we want; but his way of proving this inflammatory ſpeech is very curious. And, particularly, the ſaid, "Maurice Margarot did, at a meeting of ſaid convention, held on Tueſday, 19th November laſt, 1793, or on ſome other day of that month, in a Maſon Lodge, or room in Blackfriars Wynd, in the city of Edinburgh, wickedly and feloniouſly make the following motion, or one of a ſimilar import." This, you will recollect, is to be the vilifying of our preſent happy conſtitution, and our withdrawing therefrom the attachment of our ſubjects. Now, you will ſee what that motion is, which he adduces in ſupport of that proof: That, previous to publiſhing an addreſs to the public, a committee be forthwith appointed to conſider the means, and draw up the outlines of a plan of general union and corporation between the two nations, in their conſtitutional purſuit of a thorough parliamentary reform. He brings you forth a motion, as written evidence; and, he tells you, this is done for the purpoſe of ſubverting our preſent happy conſtitution, and withdrawing therefrom the attachment of our ſubjects: you certainly will not take it amiſs, if I recall to your mind what I ſaid before, that it was an attempt to impoſe upon your underſtandings; for there is not one of you fifteen that has a ſervant about your houſe, ſo imbecile, as to ſuppoſe that a plan of union would tend to vilify our preſent happy conſtitution, and

withdraw, therefrom, the confidence and attachment of our ſubjects: it might, very well, when helped forward with all the brilliancy of geſture, of language, of action, which he is poſſeſſed of; but, when you come to look into it, it is a direct falſehood: let us call things by their proper name; it is a direct falſehood; it does not ſupport itſelf. Then further, that motion having paſſed unanimouſly, and, which motion, clearly demonſtrated a wiſh and intention on the part of the ſaid Maurice Margarot, of propagating the ſeditious tenets of that aſſociation over the whole kingdom: and, of exciting our ſubjects in England, in contempt of legal authority, to adopt the ſame unconſtitutional conduct which the ſaid Maurice Margarot, and his aſſociates, had preſumed to follow. Gentlemen, I have been told, that in Scotland, I am as much a ſtranger as if I had come from Germany, from Italy, from America; and yet, a court which cannot bring witneſſes from England: can try me for what is charged to have been done in England: in ſhort, it is a farrago of nonſenſe. Were I better acquainted with the public proſecutor, I ſhould have thought he meant to have ſet forth my poor ſervices in the convention; and, therefore, brought me forward to explain the nature of it. The contempt of legal authority—where has it been ſhewn? No where: on the contrary, we had the ſanction of legal authority; Pitt and Dundas both knew we were coming down: the Magiſtrates of Edinburgh knew we were aſſembling for that purpoſe; unleſs the contempt was, that we did not go and aſk them leave: perhaps, had we been ſtroling players, we might; for, I am told, that a town-hall, not far from Edinburgh, was refuſed to the Friends of the People; and, the next night, permitted to a company of ſtroling players: probably ſtroling players are the moſt beneficial members of ſociety. Gentlemen, you ſee what hardſhips I labour under, not being able to get at my exculpatory witneſſes and papers, the witneſſes being above the laws of the country. The Lord Advocate, when he ſays it was in contempt of legal authority, utters a falſhood: not even your Lord Chief Juſtice Laing, who goes about knocking people down in the ſtreet, his legal authority had not ſhewn itſelf; and, therefore, it was not in contempt of any legal authority whatever. We took our own room; burnt our own candles; and nobody had any thing to do with it but ourſelves: there was no contempt of any legal authority; and, therefore, that part muſt be expunged; as alſo, that which relates to

England ; over which, you ſay, you have no jurisdiction. Again, I find among my high crimes and miſdemeanors, the word *tocſin*; and a learned judge has ſaid, that we took it from the French : another perſon has ſaid, taking up, I ſuppoſe, what had dropped from the learned judge, that it was a French word : unfortunately, it happens to be borrowed even by them : it is a Chineſe word, ſignifying a ſhrill ſound ; a bell that is rung when danger is near ; and, you know, the greater part, or all the words of the Chineſe language, mean one and the ſame thing ; and, therefore, they are obliged to couple a number of them, in order to convey what they mean, eſpecially when it carries a complicate idea with it.

Again, a motion is deemed very ſeditious, for having appointed a committee for the particular purpoſe of watching every act which may militate againſt the rights of the people ; it is firſt falſe, that ſuch a committee has been appointed ; but, if it had been appointed ; we ſhould, in the French term, have deſerved well of our country, for our vigilance ; for, let me call to your mind in all the high offices of truſt, you find very few people willing to ſtep forward, and ſerve you for nothing ; and that would have been the caſe, if we had appointed this committee : we ſhould have been labouring for you, at our own expence ; being your centinels, watching, that none of your rights might be encroached, while you ſlept ; but it may be proper here to animadvert likewiſe upon the blank that was produced as criminal, and more criminal than the written evidence : it was ſaid, that the reſolution which ought to fill the blank, was of ſuch a nature, that it muſt not appear till the end of the Reſolutions. I will explain that to the ſatisfaction of the jury ; but, it muſt be by reading to them the whole diſcourſe. Here is a motion, ſuppoſed to be made by Mr. Callendar : That in caſe the miniſter, or any other member, bring into the Houſe of Commons, a motion for a convention bill, as paſſed in Ireland, for preventing the people from meeting, according to their juſt rights, by the revolution, the ſame motion ſhall be noticed to the delegates of the reſpective ſocieties immediately, to meet in convention, to aſſert their rights ; and, then they make me ſay, this is an excellent motion ; and the event which it alludes to, ought to be the tocſin to the friends of liberty to aſſemble. it ſeems, however, to be imperfect ; it does not mention any place of meeting ; neither does it ſpecify the time when the delegates are to aſſemble ; for

the word *immediately* is indefinite, and will not convey the ſame meaning to perſons reſiding in different parts of the country: by thoſe who live near to the place of meeting, it will be underſtood, that they are to repair there next day; by thoſe at a greater diſtance, within a few days; and by thoſe ſtill farther off, within a week after ſuch information is received. Gentlemen, you will remember, I have read to you eight chapters, the produce of the Committee of Regulations; you will ſee what ſpirit actuated them, when they drew up thoſe regulations; and that there was nothing ſeditious in their tendency. Here, I am then made to ſay, that this motion comes properly under the chapter of regulations; I wiſh it were referred to that committee; I therefore move that the report be read, that the convention may judge, whether the article I allude to, ſufficiently provides for the intention of the motion now before the convention. Here you ſee, firſt, my diſſent to that motion of Mr. Callendar's: the one which the committee of regulations had drawn up, was in a different ſtile, and would have come in extremely well at the end of the regulations; inſtead of which, the convention ſpliced the one with the other; they adopted the motion of Mr. Callendar, and propoſed to bring it in as amended by Mr. Sinclair, and others; and, the next day, they propoſedto bring it in at the end of the proceedings: that is the only myſtery that has given ſo much uneaſineſs to the Public Accuſer; while, at the ſame time, he might have done away a great deal of your ſuſpense, and, likewiſe, have made himſelf much eaſier; for, I believe, he is in poſſeſſion of that very motion, but did not think proper to produce it, becauſe it would not have anſwered his end of criminating me; however, I will invalidate it entirely, for the Public Accuſer is bound to bring forward the beſt evidence he can adduce; he has not brought that evidence forward: he has told you, that he has got it, but has not produced it; therefore, you are not to believe him, on his word; and, I believe, that is not the only falſehood pointed out, that will engage you to diſbelieve any thing he may aſſert. I will read a paſſage from the Gazetteer, which will ſhew, that other men have been the victims of his falſehood, as well as myſelf. (Gazetteer, 7th January,) it is ſigned by a man of great reſpectability, both as to birth and fortune; a man ſtill more reſpectable by education, and by his virtue; he is a man poſſeſſed of 6000l. a-year, and upwards; lays the chief part of

that money out, not in luxury, or in profligate living, but in relieving the neceſſities of the poor; I mean Mr. Archibald Hamilton Rowan, who has been called one of the wretches of Ireland. (*Reads*) "The Lord Advocate of Scotland, Robert Dundas, having aſſerted, on the trial of Thomas Muir, Eſq. that an Addreſs from the United Iriſhmen of Dublin, to the Delegates, for Reform in Scotland, to which my name was fixed as ſecretary, was penned by thoſe infamous wretches, who, like himſelf, have fled from the puniſhment that awaited him; and, an explanation having been avoided, under the pretext of official duty, I find it now neceſſary to declare, that ſuch aſſertion of the Lord Advocate is a falſehood. Signed, ARCHIBALD HAMILTON ROWAN, *Dominic ſtreet, Dublin, Dec.* 17, 1793."

This is what they call in plain vulgar Engliſh, giving a man the lie, and this man is of an equally high character, and his intrinſic character makes him rank at leaſt with the official character of the Public Proſecutor. I dare ſay he is not a man, who would fix his name to a falſehood; and if he had, his falſehood would have been contradicted; and it ſeems that the Public Proſecutor is very full of ſpirit and would have reſented this injury. He has ſilently acknowledged the truth of it, and the man who will tell a falſehood in one inſtance, will tell it in general; therefore be wary how you truſt merely to his aſſertion, eſpecially with an object like this in view, the extirpation of abuſes upon which he and his relatives fatten; for his uncle reaps now upwards of £. 20,000 a-year of the public money as Secretary of State. Were abuſes to be rectified, theſe ſalaries would be diminiſhed; were theſe abuſes to be rectified, it is poſſible that his conduct would be enquired into as moſt likely it will ſpeedily. You ſee by this, Gentlemen, that where any thing tending to exculpate me could be adduced, he has kept it back, but he has not done it ſimply and fairly, but aggravated it; I have greater proof of this man's guilt, but I will not produce it; whereas, it is an extenuation of guilt. Here is another act of criminality in this motion; by the bye, it ſeems very inconvenient in the practice of the law of Scotland, that one crime may affect many perſons, if it is only by holding finger to finger, art and part as it is called here; and here, Gentlemen, it may be as well to revert to the opinion of the Solicitor General of King William upon that ſubject. Sir John Hawles ſays, "As juries

have ever been veſted with ſuch powers by law ſo as to exclude them from, or diſſeiſe them of the ſame, were utterly to defeat the end of their inſtitution: for then if a perſon ſhould be indicted for doing any common innocent act, if it be but cloathed and diſguiſed in the indictment with the name of treaſon:" So that you ſee, even in King William's time, there were frivolous perſecutions as well as at preſent; I beg pardon, I meant to call them proſecutions, and that if the jury did not ſtep in between the crown lawyer and the ſubject, the ſubject having no redreſs, was incarcerated, fined, baniſhed, or otherwiſe ill-uſed, and all for things, which, in themſelves, were perfectly innocent; but being cloathed in tremendous language, appear heinous crimes, ſuch as I was mentioning juſt now, and is reported here; "If any perſon ſhould be indicted for doing any common innocent act, if it be but cloathed and diſguiſed in the indictment with the name of Treaſon, or ſome other high crime, and proved by witneſſes to have been done by him, the jury, though ſatisfied in conſcience that the fact is not any ſuch offence as it is called, yet becauſe (according to this fond opinion) they have no power to judge of law, and the fact charged is fully proved, they ſhall at this rate be bound to find him guilty."—Thus you will if you find me guilty; refer me to the mercy of the court—I ſhall not detain you much longer; you have attended to me with ſingular patience, Gentlemen of the jury, and I thank you for it—you are doing your country good. Diſtinguiſh then the true friends of your country from its foes. You have ſeen that the teſtimony of every witneſs adduced on the part of the crown is one weaker than another; that it all turns upon the point of the meeting being ſeditious; whereas, in verity, as the law term is, the meeting was founded upon the claim of rights—that it is the privilege of the ſubject to ſeek redreſs; and I muſt take the liberty of quoting to you ſomething from De Foe, which will prove to you, that the people have a right—that the original power reſts with them, and that they have a right to controul that power, and keep on it a continual check; for, as I ſaid before, the ſervant is not greater than the maſter, and the king is but the chief ſervant of the nation. It is true we do not exerciſe our authority over him, or if we do, it is but once in two or three centuries; and I hope it will be centuries before we ſhall have occaſion to exerciſe it again. But

there are thoſe who exerciſe the regal power in his name, and the ſooner they are brought to condign puniſhment, the ſooner it will prevent others from purſuing the ſame daſtardly purſuits. This is a chapter of De Foe; he is treating of the original power of the collective body of the people of England.—"To the king, Sir, it is not the leaſt of the extraordinaries of your majeſty's character, that as you are King of your people, ſo you are the People's king. This title, as it is the moſt glorious, ſo is it the moſt indiſputable in the world. God himſelf appointed, the prophet proclaimed, but the people's aſſent was the finiſhing, the royal authority of the firſt king of Iſrael. Your majeſty, among all the bleſſings of your reign, has reſtored this as the beſt of all our enjoyments, the full liberty of our original right in its acting and exerciſe."—

This was publiſhed in the year 1705, ſoon after the revolution. "Former reigns have invaded it, and the laſt thought it totally ſuppreſſed; but as liberty revived under your Majey's juſt authority, this was the firſt flower ſhe brought forth;" that is to ſay, the acting and exerciſes of our liberties and original rights, which are thoſe which you have ſeen in Mr. Wharton's ſpeech, of petitioning and obtaining redreſs; of keeping a conſtant check upon every ſervant of the crown, in whatever ſituation he may be placed; and of obtaining a fair and equal repreſentation.

He ſays in another place,—"I have obſerved, when intereſt obliges any perſon or party to defend the cauſe they have eſpouſed, they pleaſe themſelves with fancying they conceal their private deſigns, like a late act of Parliament, which in the preamble calls itſelf an Act for the relief of Creditors: but which in its effect, was an act for the relief of Debtors." This is like men who cry up the conſtitution, and live upon its defects. "Thus ſome gentlemen place fine ſpecious titles on their books; as, *Jura Populi Anglicani;—A Vindication of the Rights of the Commons of England, and a Vindication of the Rights of the Lords;* and with large and high encomiums upon the excellency of our conſtitution, treat the levity of ſome peoples' judgments with fine notions; whereas, the true end and deſign is defending the intereſt and party they have eſpouſed."

Gentlemen, call to mind whether it may not be the caſe with one of us two, the Pannel or the Public Proſecutor, whether

we may not be trumpeting up or ſounding the praiſe of the conſtitution, and at the ſame time have intereſted and private views; and as it has been ſaid you cannot penetrate into the minds of men, you can only judge from the tenor of their conduct; hitherto he has acknowledged himſelf to be a placeman, though not a penſioner. Gentlemen, I take my God to witneſs, that were I to be offered one of the moſt profitable places under government, my conſcience would not permit me to accept the emoluments of it, when I know that it has been drawn from the blood and the ſweat of the poor: that there has been more blood ſpilt within this laſt twelvemonth, for the purpoſe of gratifying miniſtry, and keeping the public mind from reform, than would completely fill the largeſt ſhip that is now in the Britiſh navy, and I ſpeak within compaſs. "The defence of the rights of the repreſentative body of the people, underſtood by the name of the Commons of England in Parliament, is a *great point*, and ſo plain are their rights, that it is no extraordinary taſk to defend them; but for any man to advance, that they are ſo auguſt an aſſembly, that no objection ought to be made to their actions, nor no reflection upon their conduct, though the fact be true; and that it is not to be examined, whether the thing ſaid be true, but what authority the perſon ſpeaking has to ſay it, is a doctrine wholly new."

You ſee, Gentlemen, it was a doctrine new a hundred years ago, in the time of De Foe, but is a doctrine renewed now to ſerve theſe ſtate proſecutions; it is highly ſeditious, and of a very evil tendency in the public at preſent to examine into the conduct of the Houſe of Commons, and yet at that time it was conſtitutional; why, becauſe we have brought in the preſent family, and that they had entered into a contract with the people; they would not ſuffer their ſervants to deviate from it at firſt; at preſent, through lapſe of time that is grown obſolete, and their ſervants' ſervants tell you, you are not even to examine into it; praiſe the conſtitution, and think yourſelves happy, whether you are ſo or not. "It is a doctrine wholly new, and ſeems to me to be a badge of more ſlavery to our own repreſentatives, than ever the people of England owes them, or than ever they themſelves expected: This therefore, together with ſome invaſions of the peoples' rights, made public by ſeveral modern authors;" you ſee the rights of the people were begun

already, then to be invaded, " are the reaſons why I have adventured (*being wholly diſintereſted and unconcerned either for perſons or parties,*) to make a ſhort eſſay at declaring the rights of the people of England, not repreſentatively but collectively conſidered- And with due deference to the repreſentative body of the nation, I hope I may ſay *it can be no diminution of their rights,* to aſſert the rights of that body from whom they derived the powers and privileges of their houſe, and which are the very foundation of their being."

This refers to what I ſaid to you juſt now, the ſervant cannot be higher than the maſter; if they derive their powers from us, we entertain powers ſuperior to theirs; it is therefore our duty to ſee that they acquit themſelves of the taſk repoſed in them, and conſequently all the meetings of the people for thoſe purpoſes are conſtitutional, and not ſeditious and inflammatory, as founded by the Public Accuſer. " For if the original right of the people be overthrown, the power of the repreſentative which is ſubſequent and ſubordinate muſt die of itſelf, and becauſe I have to do rather with reaſon and the nature of the thing, than with laws and precedents." I am happy to find that De-Foe ſtood in the ſituation I now do. I have, Gentlemen, to do before you with reaſon and the nature of the thing: I have to deal with your reaſon: I like that much better than law or precedents; reaſon is an emanation of the divine Being; laws are but the formation of that emanation, and the further the rays diverge from the centre, the weaker they grow.

Gentlemen, you will find that the plain doctrine that I am laying down, has been the language of all times and all ages, is the doctrine of truth itſelf; and that I am acting for the public advantage, and not for private or perſonal emolument; and becauſe I have to do rather with reaſon and the nature of the thing, than with law and precedents. The crown lawyers can confuſe and confound a man not bred to the law: They can confound a juryman with the duſt from the old muſty law books, and lull his reaſoning to ſleep with words conveying a very different meaning to what ought to be attached to them. " To come directly to what I deſign in the following papers, it is neceſſary to lay down ſome maxims other than what a late author has furniſhed us with; *ſalus po-*

*puli ſuprema lex.*" This will not be controverted by any body, the welfare of the people is the firſt of all laws; and remember this, Gentlemen, " all government, and conſequently our whole conſtitution, was originally deſigned and is maintained for the ſupport of the people's property, who are the governed." It is for the ſupport of the people, not for the ſupport of the gover-nor, " that all the members of government, whether Kings, Lords, or Commons, if they invert the great deſign of their inſtitution, the public good, ceaſe to be in the ſame public capacity." You ſee, De-Foe abſolutely ſuſpends them from their functions the moment they ceaſe to devote their talents to the public good. How many of our placemen and penſioners would be ſuſpended, if that law was ſtill put in execution! " And power retreats to its original, and no collective or repreſentative body of men whatſoever, in maters of politics any more than religion, *are or ever have been infallible.*" Here is the axe at the root of the omnipotence of parliament, " That reaſon is the teſt and touchſtone of laws, and that all law or power that is contradictory to reaſon, is *ipſo facto* void in itſelf, and ought not to be obeyed. Some other maxims leſs general, are the conſequence of theſe: as *Firſt*, that ſuch laws as are agreeable to reaſon and juſtice, being once made, are binding both to King, Lords, and Commons, either ſeparately or conjunctively, till actually repealed in due form." Thus much, I differ from many great men in the law at preſent; who ſay, that a bad law when once found to be a bad law, ought to be diſobeyed in order to get it broken. On the contrary I am for obeying, and every good citizen is for obeying and paying reſpect to the laws, and to nothing but the laws; and while a law is in force, let it be ever ſo bad, I will obey it; I will point out, if I can, the errors of the law, but I will obey it while it is in exiſtence; from that confeſſion of faith, you may eaſily ſuppoſe that another article of accuſation will fall to the ground, which is that our convention was to aſſemble and militate againſt the parliament, in caſe of the introduction of a convention bill: We were to over-awe in the language of the Public Proſecutor; to over-awe the parliament; to check them in their proceedings: ſo we were: but how? by argument, by ſound reaſoning; as a body of men we could do nothing till we had a majority of the nation on our ſide. When once the majority of the ſociety is of one way of thinking, it is

proper that the minority ſhould yield to it, and that is the firſt law of ſociety; and as the general good is to be paramount to every thing, ſo the will of the few is to ſubmit to the will of the many; and therefore, the object of our inſtitution was firſt to diffuſe political knowledge; and ſecondly, to gather the general will. If we found that general will to be for a reform in parliament, a reform in parliament we ſhould obtain; if we are to be ſlaves, it is our duty then to ſit down ſilent, and if not ſatisfied, we may, as a noble Lord has ſaid, take our pack on our back, and be trudging. My Lord, at another ſeaſon I might not talk improfitably, but at the preſent late hour of the night, I think in my mind that I have ſaid ſufficiently to acquit myſelf of all the charges laid againſt me, if you will be kind enough to diveſt yourſelves of any thing which public papers, public rumours, or public prejudices, may have inſpired againſt me; to examine not merely the man, for I am, myſelf, a willing and a devoted victim to my country.—I know if I am left to the mercy of the court, how that mercy will diſplay itſelf; but if it can profit the cauſe that I ſhould be a victim, I am willing it ſhould be ſo: I have faced death before now: I am not afraid of it now, you may ſee that I am not agitated: I am as cool as yourſelves; I have ſtudied this affair well: I undertook it, not ſanctioned by a Pitt, a Richmond, or a Dundas: I adopted it upon reaſon and juſtice, and I will quit it only with life. Gentlemen, you repreſent your country; your ſituation is awful; you are now to guard its liberties; you are now to encourage the plant of reform; a mild and peaceful reform, according to the temper of men's minds, now may be eaſily effected; but beware of perſecution carried on with too much rigour. We know, and hiſtory ſhews us, that at a certain pitch of oppreſſion the people will bear it no longer, and an uninformed multitude is what every well-ſtudied government, every well conducted government ſhould fear to incenſe. It has been the policy of Europe, and it is a Poliſh policy, and I am ſorry to ſay, we now number two among our Allies who make much uſe of that policy; I mean thoſe who encourage the inquiſition and the bow-ſtring, the Pope and the Turk, who have both now ambaſſadors at our court. It is their policy that the people ſhould be ignorant; it has been the policy of the prieſthood, it has been the policy of falſe politicians; but I hope the time is coming, when men will

open their eyes to their true intereſt, and that ſeaſon when riches are no longer to be poured upon one man without meaſure, while a thouſand others are ſtarving. It is neceſſary that there ſhould be a diſtinction of ranks, and it will take place, but let merit be the way to public offices; ſtudy that, and you will find yourſelves better ſerved, not as the preſent cuſtom is, that the couſin of one Lord, and the ſon of another is to be the proprietor of a borough; theſe are things much wanted to be reformed.

Gentlemen, you have ſeen how ſlight the charges againſt me are; you have had intimations of what the mercy will be that I ſhall experience. A further intimation that orders have been iſſued, though the part from whence thoſe orders came, have not been developed to you; yet let me recur to your claim of rights; it is contrary to the laws of Scotland, that any Magiſtrate of Scotland ſhould act according to any order whatever, except it is according to the laws of Scotland, but not according to the orders of any ſtranger. You are in this caſe, without any appeal in Scotland. You are the repreſentatives of the people; they have entruſted you with their rights and privileges; you are to pronounce on me, whether I am guilty or not. I have appeared here to anſwer to my country. I hope I have done it to the ſatisfaction of my country, and I hope you will do it honour by your verdict; though the ſophiſtry of the public Profecutor has appeared in all its defects, I hope that ſound ſenſe and reaſon are at work in your minds, and I hope there is not one among you fifteen, but what is poſſeſſed of an honeſt heart. Conſider; I tell you conſider not me—conſider your country. Conſider the cauſe, and conſider the futilty of the charge that is brought againſt me. I am ſorry to have detained you ſo long, but it is a ſerious affair, and your verdict will not be confined within theſe walls; the eyes of Britian are now upon you fifteen men, whom I don't even know by name, and who perhaps never ſaw me before, nor I you; then examine me well, ſee if there is any thing ſeditious in my appearance or behaviour; ſee if there is any thing illegal in what I have done, though not verſed in the quirks of the law, and I am glad of it, for I believe the laws, and the perverſion of the laws by the practice, have made many an honeſt man a knave. You will ſee whether I am guilty of the charge laid againſt me, what proportion of guilt is attached to me; whether any part is proved home to me; whether any part is legal proof, and whether I was

not ſerving my country; and I cannot heſitate a moment to think but that your verdict will do honour to your country, and juſtice to me.—Gentlemen, I take my leave of you.—

Give me leave now to call to your Lordſhips attention, your particular duty.——

*Lord Juſtice Clerk.* I will not receive any inſtructions from you, Sir.

*Mr. Margarot.* I ſhall take the liberty of checking your Lordſhips, if you do not go on properly.

*Lord Juſtice Clerk.* You have gone on for four hours, and I would not allow you to to be interrupted; if you had not been a ſtranger, I would not have heard one third of what you have ſaid in four hours, which was all ſedition from beginning to end.

## SUMMING UP.

*Lord Juſtice Clerk.*

Gentlemen of the Jury, I dare ſay every man in court is fatigued, as I own I am; and after hearing it will not be neceſſary to detain you much longer; but I ſhall make a few general obſervations, which I apprehend may be of ſome uſe in forming a judgment upon this caſe. The crime here charged is the crime of ſedition; and although it is not founded upon any ſtatute law, it is a crime very well known in the common law of Scotland, and indeed is coeval with the very juſtice of ſociety. When mankind are in a ſtate of nature, every man is a law to himſelf; but as ſoon as ſociety is formed, every member of that ſociety lie under obligations to one another; to that ſociety of which they are members, to maintain the law and conſtitution of that ſociety; and every attempt to encroach upon the conſtitution of that ſociety, is a very heinous crime, and very ſeverely puniſhable. Gentlemen, it is a crime which affords different degrees of aggravation; according to the nature of it, it may be applied to private matters, and may be leſs criminal in that caſe, according to the circumſtances. But whenever ſedition has a tendency to overturn the eſtabliſhed conſtitution of the kingdom, it becomes a crime of the moſt heinous nature, and of the moſt dangerous tendency, and indeed it borders upon the crime of high treaſon. Gentlemen, the libel here lays the crime charged in the major propoſition, as ſedition; and the Public Proſecutor has

ſtated a variety of facts and circumſtances, from which he infers the crime of ſedition, and the concluſion of the libel is, that all or a part thereof being proven, then he is to be puniſhed with the pains of law; which pains of law, in this caſe, is an arbitrary puniſhment, and which the court will make more or leſs, according as they think the circumſtances of the caſe deſerve it.

Gentlemen, although the Proſecutor has detailed a variety of facts and circumſtances, all of which I ſhall ſhortly ſtate to you, yet it is not neceſſary that every fact and circumſtance ſhould be proved, in order to obtain a verdict of guilty; becauſe, if you are of opinion that ſuch facts and circumſtances are proved, as are ſufficient to eſtabliſh againſt the Pannel an accuſation of the crime of ſedition, it founds you in a verdict of guilty. If upon examination of the whole circumſtances of the caſe, you ſhould be of opinion, that nothing is proved ſufficient to eſtabliſh the crime of ſedition againſt him, you will find him not guilty, or the libel not proven. And, Gentlemen, the firſt thing to be attended to is this, whether the Society which call themſelves the Britiſh Convention of Delegates, from what you ſee of them, can be reckoned a ſeditious ſociety or not:—that is the firſt thing you will inveſtigate. And, Gentlemen, it is a very material circumſtance which you will have under your obſervation in forming your judgment; and it is this that that ſociety ſtands upon the record of this court not of above ſix or ſeven days old, to be a ſeditious ſociety; when a perſon, a ſecretary to that ſociety, acting in that capacity, and as a member of that ſociety, was found guilty of the crime of ſedition, and has been by a judgment of this court condemned to tranſportation for fourteen years; that is a pretty ſtrong circumſtance to ſhow that this was not an innocent meeting. If it was a lawful meeting, I am afraid that poor man, Skirving, has ſuffered very unjuſtly. In the firſt place, there was an unanimous verdict of a moſt reſpectable jury againſt him. And in the ſecond place, the court pronouncing judgment upon that verdict. And indeed, Gentlemen, independent of what was eſtabliſhed upon the trial of Skirving, I think you will be to conſider, whether upon taking a full complex view of the proceedings of the ſociety, as it has been eſtabliſhed this day by parole evidence, but chiefly by written evidence, which is not ſo capable of error as the other. I ſay, whether upon the whole of the evidence ariſing from what has

been laid before you, you think that this was an innocent meeting, or a meeting of a moſt ſeditious nature.

Gentlemen, they ſay that the meeting was for a lawful purpoſe, and that at the ſame time that they complain of the grievances that the ſubjects labour under, nothing more was meant than to obtain a reform in parliament. Gentlemen, that is the profeſſion of the meeting; but then they are obliged to ſay that becauſe their attempting a reform in another mode was a much more criminal act if they did not prevail, but you will attend to the facts, and ſee how far what is proved in this caſe, is conſiſtent with the idea of a reform in parliament; and when you ſee them holding out that the parliament is guilty of the groſſeſt irregularities, as having no regard to the laws or the good of the ſubject, and in ſhort, that we are juſt upon the brink of ruin. When that is the light in which they pretend to hold forth the parliament, it is impoſſible to believe but they muſt mean ſomething elſe than a reform in parliament; they could not well expect to get a redreſs of their grievances from a parliament whom they have thought proper to ſtate in ſuch terms.—

Gentlemen, if a ſociety of ſo many people, dividing themſelves into ſections, committees, coming from the ſections, motions made, and upon this a committee of ſecrecy appointed, and a convention of emergency eſtabliſhed, and the ſittings declared permanent, and all that.—Was this neceſſary for a reform in parliament? I think there could be no occaſion for all this ſecrecy; an application to parliament ſeems inconſiſtent with the idea of it. I am afraid it muſt ſatisfy you—you will conſider the whole of it, whether the evidence does not ſhew you, that ſomething elſe than a reform in parliament was intended. You ſee that they have eſtabliſhed a convention of emergency, in the caſe of a convention bill being brought into parliament, ſimilar to that brought into the parliament in Ireland. Another was in the caſe of that meeting being diſperſed; and the third was in the caſe of an invaſion, or in caſe of the landing of foreign troops. Now ſuppoſing that they had nothing but fair and honeſt intentions in the caſe of a foreign invaſion, they were to join the government to repel that foreign force, was there any thing there that was an object of ſecrecy. I think the more public their reſolutions were, when of ſo virtuous a nature, calculated ſo much for the good of the public, the more public they

were, ſo much the better; and it could not be a ſubject of ſecrecy.

Therefore, taking all theſe circumſtances together, I am afraid that there is nothing but what is irreconcileable with innocence. But, Gentlemen, in order to conſtitute the crime of ſedition, it is not neceſſary that the meeting ſhould have had in view to overturn the conſtitution by mobs and by violence, to overturn the king and parliament; for I apprehend, in ſome ſenſe, the crime of ſedition conſiſts in poiſoning the mind of the leiges, which may naturally in the end have a tendency to promote violence againſt the ſtate, and endeavouring to create a diſſatisfaction in the country, which nobody can tell where it will end, it will very naturally end in overt rebellion; and if it has that tendency, though not in the view of the parties at the time, yet if they have been guilty of poiſoning the minds of the lieges, I apprehend that that will conſtitute the crime of ſedition to all intents and purpoſes. Now, Gentlemen, take a view of the conduct of this meeting, and attend to the time when all this reform, and all this noiſe and declamation is made againſt the conſtitution; it is at a time when we are at war with a great nation, a cruel ferocious nation, that requires all our ſtrength, and not only our ſtrength, but the ſtrength of all our allies to get the better of them; and the greateſt unanimity is neceſſary. I ſubmit to you whether a man that wiſhes well to his country, would come forward and inſiſt upon a reform, parliamentary or not parliamentary, at ſuch a criſis; which would create diſcontent in the minds of the people, when every good ſubject would promote unanimity among the lieges to meet the common enemy. I ſay in place of that, to bring forward a great reform in parliament is a thing totally inconſiſtent with the conſtitution of this country. I ſay, bringing it forward at that period is a ſtrong proof that they were not well wiſhers to the conſtitution, but enemies to it. I ſay that no good member of ſociety would have taken thoſe meaſures. I appeal to you all, that you are living under a happy government, in peace and plenty, in perfect ſecurity of your lives and property, the happieſt nation upon the face of the earth; and when that is the ſituation of this country, I appeal to you whether I have not given a fair and juſt deſcription of it; for a ſet of men in that ſituation to raiſe a faction in the minds of the lower order of the people, and to create diſ-

affection to the government, and conſequently make a diviſion in that country. I ſay, theſe things appear to be from the very conjuncture at which they are brought forward, ſedition of a very high nature. Now, Gentlemen, you will take into conſideration the whole proceedings of this meeting, and take a view of what ſtands upon the records of this Court, that that convention is already determined to be a meeting of an illegal nature.

The next queſtion is, whether you can pronounce this Gentleman at the bar innocent. I will lay it down as a principle of law, and not peculiar to this country; it is the principle of the civil law, and I believe the principle of every law in every well governed ſtate, that where a number people are concerned in a crime, that all and each of them are guilty; art or part of acting in different parts of the commiſſion of the crime, as ſome may have been more active than others, they are all of them in the eye of the law equally guilty, and liable to puniſhment; that is the law of Scotland, and I believe of every civilized country, and therefore if this is an unlawful ſociety, the man that is preſident of that ſociety, is liable for every thing done in that ſociety; and is amenable to a court of juſtice for the crimes there committed. Now, Gentlemen, the queſtion is, if this be a ſeditious ſociety, whether you can pronounce Mr. Margarot innocent. In the firſt place, you ſee that the Public Proſecutor has eſtabliſhed that he was ſent down to that very meeting from England, as delegate; he comes down for no other errand under the ſun. He leaves his buſineſs of a merchant in London, and attends this meeting in the character of a delegate; that I apprehend is taking a ſtrong part in the proceedings of this ſeditious illegal ſociety. You ſee him at all the meetings almoſt, and you ſee him the moſt active of all the meeting. He is chairman upon one occaſion, and he is making ſpeeches and harangues upon another; and you will attend to that motion by which the convention of emergency was eſtabliſhed, by which a committee of ſecrecy was eſtabliſhed. The committee of ſecrecy conſiſts of four members, and the Pannel is named one of the four, that is in evidence before you; and if you take all theſe things together, he comes down to Scotland, leaves his buſineſs in London, and attending theſe meetings daily; you ſee him taking the active part, making motions, and making that very important motion for a committee of ſecrecy; and he was named one of

the committee. I leave it to you, Gentlemen, whether you can pronounce him innocent of the crime of ſedition. Gentlemen, I own at the ſame time that this Pannel ſhews a good deal of ingenuity, though I cannot applaud his diſcretion or judgment. The crime charged is ſedition; and I think he took up four hours in a defence, which was ſedition from the beginning to the end; finding fault with the conſtitution, and I think a ſpeech of a very ſeditious tendency, and I will not trouble you with any more of it. I have given you the general idea of the caſe; if you are of opinion nothing is proved againſt this Gentleman, you will find him not guilty; on the other hand, if you think the facts and circumſtances ſufficiently brought home againſt him, you will find him guilty.

*Tueſday, January 14th, 1794—Half paſt One o'clock.*

*The names of the Jury having been called over, they brought in the following*

VERDICT.

Edinburgh, Jan. 14th, 1794.

The above aſſize having encloſed, made choice of the ſaid Samuel Anderſon to be their chancellor, and the ſaid John Balfour to be their clerk; and having conſidered the criminal libel raiſed and purſued at the inſtance of his Majeſty's Advocate for his Majeſty's intereſt, againſt Maurice Margarot, Pannel, the interlocutor of relevancy pronouced thereon by the court, the evidence produced in proof of the libel, and the evidence adduced in exculpation of the Pannel, they all in one voice find the Pannel, Maurice Margarot, GUILTY of the crimes libled; in witneſs whereof, their ſaid chancellor and clerk have ſubſcribed theſe preſents in their names, and by their appointment, place and date as above.

(*Signed*) SAMUEL ANDERSON, *Chan.*
JOHN BALFOUR, *Clerk.*

*Lord Juſtice Clerk.* Gentlemen, you have pronounced a very accurate verdict. This is a trial of great importance, and the country is obliged to you for the attention you have paid to the cauſe. If you have any thing to ſay, Mr. Margarot, now is the time.

*Mr. Margarot.* Undoubtedly I have, my Lord. I did not yeſterday ſtart objections on futile grounds. I objected to the competency

of the court; I object to it at present; I informed your Lordships, that I meant to bring an appeal againſt the whole procedure, in conſequence of that incompetency. You thought proper, at that time, to repel my objection, but I now ſtill ſuſtain it: it is in conſequence of the abſence of the Lord Juſtice General of Scotland; I was charged to appear before him: he does not appear in his place; I did my duty, he neglected his, and the court was not full; and it certainly was neceſſary that he ſhould attend, otherwiſe the indictment would have run, the Lord Juſtice General, the Lord Juſtice Clerk *or* the the other Lords; inſtead of which it ſays, *and* the other Lords of Juſticiary: That implies the abſolute neceſſity that he ſhould be in his place; or, otherwiſe, the court was not, even by the Public Proſecutor, deemed complete. I likewiſe mean to bring an objection, full as forcible, which is that which I experienced in the courſe of my trial. I was not able, though I had performed all the neceſſary legal ceremonies, I was not able (becauſe ſome men do not pay that reſpect to the laws which they ought to do) to adduce ſeveral of my exculpatory witneſſes: your Lordſhips refuſed to grant me a caption; your Lordſhips refuſed to grant me delay; conſequently, the moſt material evidences that I could have brought in my own defence, were entirely denied me: but, my Lord, although that denial was in conſequence of an aſſertion of this court, that your juriſdiction did not extend to England; yet, a part of my indictment was founded on crimes, ſaid to be committed in England, and relative to the people of England. It is odd, that you ſhould take cognizance, in this court, of crimes relative to the people of England; when from England, you cannot compel the attendance of a ſingle witneſs in my favour.

There is, my Lord, an objection again, which is entirely local, which is confined to Edinburgh itſelf: I have ſummoned three men, as exculpatory evidences; two of them were attending, the third was not attending; but no notice was taken of him. Theſe men I wiſh to call into court, to examine as exculpatory evidences for me. The Lord Juſtice Clerk inſiſted upon my telling the nature of the queſtions I meant to put: I gave him the outlines of them, upon which the judges thought proper to refuſe the admiſſion of thoſe evidences.

Another charge relates to yourſelf: I had ordered the meſſenger to ſummon your Lordſhip upon certain facts, which went to prove that it was very likely I had already, before my

trial, been prejudged. Your Lordſhip was not ſummoned, in conſequence of the fear of this man of offending a perſon in power; but, at the beginning of the trial, your Lordſhip told me, and the Public Proſecutor, to his juſtice be it ſaid, acknowledged that the legal point ſhould be obviated, and that you ſhould attend as an exculpatory evidence; but, when it came to the point, you refuſed to be put upon your oath, and to anſwer the queſtions propoſed to you. Thoſe queſtions went to criminate yourſelf, my Lord; they remain unanſwered, by the advice of your brother judges. The conſequence was, that my defence was neither ſo complete, my exculpatory evidence not ſo ſatisfactory, and I make no doubt but it is owing to that that the jury, of whom I ſhall not take the leaſt notice at preſent; that is the buſineſs of their country, not of me; that the jury have thought proper to find me guilty. There is another thing, ſhould theſe objections be repelled; I have another to bring forward, that you will not ſo eaſily get rid of. It ſeems the cuſtom of Scotland, that the witneſſes are confined to a chamber by themſelves, and no ſtranger admitted amongſt them; that was not the caſe yeſterday; a perſon, of the name of James Carliſle, was converſing with them a conſiderable time in the outer houſe. Theſe are great objections for ſtaying judgment. The two firſt objections go to cancel the whole proceedings, and the three laſt at leaſt to ſtaying of judgment. I have no more to ſay at preſent.

*Lord Juſtice Clerk.* You will not be allowed to ſpeak afterwards; and, therefore, if you have any thing more to ſay, you muſt ſpeak out.

*Mr. Margarot.* I have nothing more. It was ſaid yeſterday, I was not verſed in the laws of Scotland: it is true, I am not; but I have ſome ſlight knowledge of the Britiſh conſtitution, and I muſt obſerve here, that the proceedings of this court have been a departure, *in toto*, from the Britiſh conſtitution. I will ſay no more, I await your ſentence.

*Lord Henderland.* My Lords, This Pannel has ſtated the very ſame objections that he ſtated yeſterday, except one, which ſtates that there were ſtrangers with the wineſſes in the other room; and, if it was ſo, the officer who had the charge of them may be culpable and puniſhable; becauſe it is contrary to the cuſtom of the court: but, my Lords, to ſay that it ſhall annul a

verdict, or ſtay judgment, does not appear to me to be at all the practice. It is impoſſible for the court but to proceed upon the verdict, and I mnſt give my opinion upon this head, that it is not a valid objection.

*Lord Eſkgrove.* My Lords, The Pannel now at the bar had more indulgence than the court ever gave a Pannel before, becauſe he was a ſtranger. My Lords, I cannot help taking notice of an inſinuation, on the part of the Pannel, to the court by threats of impeachment, and threats of being brought upon our knees, or ſuffering the pains of death. I am happy the Pannel has not thought fit to renew that language to day; yet I would not ſit altogether upon this trial, without ſignifying my opinion, that if it had not been, that we held in contempt inſinuations of threats to us, that are illegal; ſo, on the other hand, we will ſubmit to every appeal that is competent, if there is any ſuperior authority, we will readily ſubmit to their deciſions. But, my Lords, it is not for this man, or any man, to think to terrify this court into a ſubverſion of juſtice. Had he been a native of this country, he would not have been ſuffered to go on as he did. I approve of his conduct to-day, which is more temperate, but for the ſake of others who might be here yeſterday, and ſome who may hear of it, I will ſay, that it is not the right of any priſoner to go out of his defence, and attack the court who are able to defend themſelves when the attack is made. I was of opinion, with my brothers, upon the objections yeſterday, and therefore it is not to be ſuppoſed I ſhould not be of the ſame opinion to-day, unleſs ſomething new had been urged. The objection as to the Lord Juſtice General was fully anſwered yeſterday, and does not deſerve any notice; as to the queſtion put to your Lordſhip not being anſwered, it was not becauſe of your being a judge in this court, but becauſe of their being irrelevant to his defence. As to his objection of a ſtranger being admitted with the witneſſes, I am ſorry that any ſuch thing ſhould happen. He may have been ſent from either party, or he might have no connection with any party; but it is a ſtrange thing to ſuppoſe, that ſuch an accident ſhould make null and void all the proceedings of this court againſt this Pannel; and I am the more ſnrprized at that objection being made, on account of his being a native of England, where he muſt well know that it is the general practice that the witneſſes are not at all encloſed, but

they are in court during the time of the trial. Not but we allow that it is ſometimes ordered otherwiſe by the court, and in this caſe it ſeems to have been by accident. It does not appear at all that he was tampering with the witneſſes; and therefore no blame lies upon the court, and it is needleſs to ſeek any redreſs in the way in which it has this day been done from this court.

*Lord Swinton.* My Lords, The only new objection is, that a perſon of the name of Carliſle was admitted among the witneſſes; if that was valid, the objection is now too late; it ought to have been made when they were brought to be examined. My Lord, every witneſs, in a moſt ſolemn manner, was ſworn and aſked upon oath, whether he was inſtructed or taught as to the evidence he was to give, and an anſwer was made by every witneſs upon oath, that he was not; and therefore, if there was any thing in the objection; it is done away by that; and therefore it is my opinion, that it ſhould be repelled.

*Lord Dunſinnan.* I am of the ſame opinion, and I don't think it neceſſary to enter any further into it.

*Lord Abercrombie.* I am of the ſame opinion.

*Lord Juſtice Clerk.* I am entirely of the ſame opinion, and I will tell the Pannel, that if the court were to ſuſtain the objection, it would not avail him as an abſolutary from the crime with which he is charged; even if it would make null and void all the proceedings; becauſe he would be liable to be tried over again. He muſt be convinced that he has had a fair trial; he went on for four hours in his defence; he is a ſtranger in this country, and not having counſel, we allowed him to go on in a manner in which we would not have permitted a native of Scotland; he went on for four hours in ſuch a way as was contrary to the conſtitution of the country, and your lordſhips will now proceed in giving your opinions upon what ſhall be the reſult of this verdict.

*Lord Henderland.* My Lords, The jury having diſcharged their duty to their country, after a patient hearing of this trial, after, I am perſuaded, a full conſideration of the evidence, it remains for the court to conſider what may be an adequate puniſhment of the crime he ſtands charged with. My Lords, the crime of which he has been found guilty is ſedition, and as it is detailed in the minor propoſition, taking an active and diſtinguiſhed part in the deliberations and proceedings of a ſociety,

whoſe meetings were held under pretence of procuring a reform in parliament, but which were of a dangerous and deſtructive tendency, with a determined intention to diſturb the peace of the community, and to ſubvert the preſent conſtitution of the country. My Lord, It is a moſt dangerous crime, and moſt extenſive indeed in its conſequences.—It appears in evidence that this was a Convention, forming themſelves into a Society, calling themſelves Citizens, Sections, Committees. In ſhort, aſſuming the form of a French Parliament thereby ſhewing that they wiſhed proceedings to take place here of a ſimilar nature to thoſe of France. My Lords, I fear not the ſword of the enemy, or the poignard of the Aſſaſſin, while ſitting in my place, diſcharging the ſacred office of a judge. I ſhall give my opinion as it ſtrikes my feelings; I ſhall give my ſentiments, as they appear to me to be ſupported by law. This charge is that of active ſedition; and the diſtinction between this charge, and that of leaſing making, is an imperfect one; for it is to demonſtration capable of being proved, that before the union, there did exiſt a ſedition, committed by words in falſe argument, by attacks upon the conſtitution, and upon the legiſlative bodies of the conſtitution—It can be demonſtrated by the records of this court, that there was a common law ſedition, different from leaſing making; and upon which this court held itſelf competent to found a libel; to infer an arbitrary puniſhment. Therefore, in whatever point of view I take the charge againſt this man, (though I think it amounts to active ſedition), I have no doubt that this court has power to puniſh it, by the higheſt arbitrary puniſhment.

My Lords, I doubt not that what I now ſay will me made public: I obſerve that it is falſely ſet forth, in one edition of a late trial, that I ſaid, it wrung my heart to mention the crime of ſedition. I am in the judgment of your Lordſhips, and every man who heard me, I ſaid no ſuch thing—I ſaid, it wrung my heart (and I own that it did) to ſee a Gentlemen, a young Gentlemen, who had received a Gentlemen's education and who had diſcovered abilities not inconſiderable, ſhould be the object of ſuch puniſhment.

My Lords, this Gentleman is a ſtranger, and ſorry I am that he ſhould have come into this country. I regret, as I muſt do, the conſequences it has had, and the conduct that he has aſſumed.

It now becomes my duty, as a judge, to ſay what ſort of puniſhment this crime deſerves; and, my Lords, I know no other way in which I could diſcharge my duty to God, to my country, and to my own conſcience, but by propoſing to your Lordſhips, that this man ſhould be baniſhed forth of this kingdom by tranſportation; or, in common language, ſhould be tranſported to ſuch part of his Majeſty's dominions, as his Majeſty, in council, ſhall pleaſe to appoint; and there to remain for the ſpace of fourteen years, under pain and penalty of death, in caſe of return.

*Lord Eſkgrove.* My Lords, the Pannel has been found, by the verdict of a jury of his country, guilty of the facts charged againſt him. My Lords, we yeſterday gave our opinions upon the validity of the indictment, all, in one voice, finding that ſedition was a high crime, by the laws of Scotland. Your Lordſhips were alſo of opinion, that the facts charged and alledged by the Puclic Proſecutor, in the minor propoſition; amounted to the crime of ſedition. I will not now repeat what has been well obſerved by my Lord Henderland, who has gone before me, as to the grounds of that opinion. My Lords, as the caſe at preſent ſtands, I am ſorry this Gentleman ſhould have been guilty of ſuch a crime; but a jury of his country have found that he is guilty of the charges in this indictment; and therefore I in no way differ from your Lordſhip in thinking, that the jury have diſcharged a duty to their country; but, if I had been of another opinion, my duty would have been one and th' ſame, which is to pronounce the ſentence of the law upon the perſon found guilty, by his country, of the crime charged, and carrying it into execution, by a puniſhment ſuitable to the offence. It is unneceſſary to go through the circumſtances of this indictment, upon all of which the jury have returned a verdict, finding the Priſoner guilty. My Lords, it may amount to the finding him guilty of leading, as well as aſſiſting, a number of people, ſtyling themſelves a ſort of parliament in this country, for the purpoſe, as I ſtated yeſterday, of ſubverting the conſtitution of the country; and then there is a more ſpecific enumeration of facts; it ſets forth, that they were to ſet at defiance the authority of the legiſlature; that even if an act was moved for, diſagreeable to them, they were to meet in a ſecret convention; they thought fit to be concealed, in order to deliberate upon what was to be done; they were, likewiſe to do the ſame, if there was an in-

vaſion: and what invaſion is to be feared at this time I leave to the judgment of every one who hears me. Alſo, in caſe of the landing of foriegn troops, for the ſupport of the government of the country, that was to be the cauſe of the ſudden meeting of this convention: Alſo, if the Habeas Corpus act was repealed: And laſtly, if any interruption was given to their meetings this convention of emergency was to ſit. What concluſion can be drawn from ſuch language; but that they meant to ſubvert the conſtitution of the country; that it was meant to be carried on in a ſtyle of defiance and oppoſition to the legiſlative authority of this country? therefore it is in vain for any perſon, pretending to know any thing of the law of Scotland, to ſay this is merely leaſing making, I ſhall only ſay, that it would have been difficult, if it had not been for the alteration of the ſtatute law, to know whether it would not have amounted to the crime of high treaſon. My Lords, the jury have found this man guilty: he is an Engliſhman. I am ſorry that any of that country ſhould ever have interfered in the peace and tranquillity, either of their own country, or of this which is a part of the united kingdoms; but I think we cannot pronounce a leſs ſentence, in this caſe, than in the former caſes; and if any difference is to be made, I do not think it is in favour of this defendant, who, in his own country, might have lived peaceably and quietly. My Lords, there can be no ſort of doubt with regard to the powers of the court: By the laws of this country, before the act of 1708, baniſhment from the realm of Scotland was one thing, and baniſhment to a place beyond ſeas was another; and theſe were as well known at that time as at this. But, my Lords, is it proper that a perſon from England, being found guilty of attempts to ſubvert the conſtitution; is it reaſonable that we ſhould return him to England, in order that he may continue his practices there, if ſo inclined. If we were not able to do more, we could not help it; but, I ſay, the power of baniſhment, by tranſportation, has been long recognized in Scotland, as well as in England. The court can do no leſs, than make uſe of the power which the law gives them, to ſend him to a place where he can do no harm. My Lords, if I had any doubt about it, your judgment in the caſe of Mr. Muir, where I was not preſent, but where the other judges uniformerly gave their opinion, that this mode of baniſhment, by tranſportation, was

the proper puniſhment for ſuch an offence; that would be ſufficient for me to concur in the ſame opinion. If that puniſhment was not too much for Skirving, the ſecretary to this convention, who appears to be a ſimple deluded man, it cannot be too much for this Gentleman, who is, ſo far as I can judge, a man of abilities, of conſiderable knowledge, and one who took the lead in this convention; and therefore, I concur in the puniſhment mentioned by your Lordſhip.

*Lord Swinton.* My Lords, I have no difficulty in concurring with your Lordſhips in the puniſhment you have ſuggeſted; and, after what has been ſaid by your Lordſhips, I ſhall only take notice of a very few things; my Lords, the crime of ſedition is worſe in one reſpect than moſt other crimes, moſt other crimes are committed from the ſudden impulſe of paſſion, or heat; but this crime is committed with a premeditated, felonious intention, by deliberating upon the means of overturning our conſtitution. They begin with ſeditious and inflammatory diſcourſes, endeavouring to draw ſimple, and perhaps well meaning people after them, by pointing out imperfections which will be in every government whatever, and placing them in a ſtrong light; and, in the next place, by ſeditious writings. My Lords, in this caſe the delegates meet, and they appoint a convention of emergency; and what are theſe conventions of emergency? firſt of all, for the purpoſe of overawing parliament; and one of their reſolutions is, to pay no regard to ſuch an act of parliament if it ſhould paſs? that is, they deſpiſe the legiſlative authority of the country. Then, in the caſe of an invaſion, and it is eaſy to ſee what ſort of an invaſion was meant. I decline going through all the other particulars of this libel, which is found to be a true libel in every point. My Lords, what have they pretended? They have pretended a reformation in the conſtitution. I ſay, my Lords, there is no need for it; our conſtitution reforms itſelf. With regard to trial by jury, which is the palladium of our rights; in my memory three acts have been brought in for reforming this point: one lately, giving juries a power to decide upon the whole matter, in caſe of libel; and we have no need of ſuch reformers as theſe.

My Lords, if there is any difference between this caſe and that of others, the crime of this man is highly aggravated: he is not of this country; he does not feel any hardſhips from the government of this country; he comes from England, for ſeditious

purpoſes, as ſtated in this indictment; and therefore, if there is any diſtinction in this caſe, it is unfavourable to this Pannel, I am of opinion, with your Lordſhips, that tranſportation for fourteen years is the proper puniſhment.

*Lord Dunſinnan.* My Lords, after the moſt patient hearing of this caſe, by a jury, they have come to that determination which ſenſible, honeſt men alone could come to; namely, finding this Pannel guilty. There is no doubt but he has been ſent into this country, in order to diſſeminate ſedition; and, it is evident, that he was very ſedulous in the execution of that office. The jury, having found a verdict of guilty, it comes to the court to conſider what puniſhment this crime deſerves; and, my Lords, though it is not pleaſant to paſs judgment upon a fellow ſubject, crimes, dangerous as theſe, cannot be overlooked. My Lords, I am of opinion that this man's guilt is aggravated beyond that of others, who have been in the ſame circumſtances; and that tranſportation for fourteen years is the proper puniſhment.

*Lord Abercrombie.* My Lords, it has been juſtly obſerved that, during the courſe of the trial, the Pannel, now at the bar, met with an uncommon ſhare of indulgence: I believe far beyond what any court of juſtice, either in this or any other country, ever afforded a Pannel. My Lords, I don't feel, and never ſhall feel myſelf diſpoſed to ſay one word to load any man, who ſtands in the unhappy ſituation that he does; but I am ſorry to obſerve, that from the moment he appeared at the bar, till the inſtant he was carried out, his whole conduct was of the moſt indecent kind. My Lords, the crime with which he ſtands charged, and of which he is found guilty, by the unanimous voice of his country, upon the moſt ſatisfactory evidence, is that of ſedition; and, my Lords, his crime is highly aggravated by one circumſtance, which appeared in the courſe of the trial, that he has been ſtirring up ſedition in this country, and inſtigating ſuch unhappy men, as you ſaw here yeſterday; for example, one of the members of the Britiſh Convention, who was ſo ignorant of the conſtitution of his own country, that he was obliged to admit, that he never ſo much as read the Claim of Rights. My Lords, is it to ſuch men as theſe that we are to reſort, to get a redreſs of the grievances of this country.

My Lords, if we are to judge of the means he made uſe of from his ſpeeches in the minutes of the convention, and the

ſpeech which we heard laſt night, ſure I am, that his intention was, to ſtir up a ſpirit af diſaffection and diſcontent among the ignorant and the uninformed; and, my Lords, I conſider the circumſtance of this Pannel being a ſtranger to this country as an aggravation of his crime.

My Lords, this ſociety called themſelves originally the Friends of the People; they afterwards changed their name, calling themſelves the Britiſh Convention of delegates, aſſociated to obtain univerſal fuffrage and annual parliaments; a right which the ſubjects of this country never did enjoy: ſuch a right would tend to bring ruin and deſtruction upon this country. I ſay my Lords, that to this man, they owed that change, and that form which they aſſumed, and of which we have heard ſo much.

My Lords, I ſhall only add, that the puniſhment propoſed is the mildeſt, which under all the circumſtances of the caſe, ought to be pronounced.

*Lord Juſtice Clerk.* My Lords, after the full diſcuſſion which this crime has undergone, within theſe three months, I ſhall only juſt obſerve, that the crime of which this Pannel is accuſed, and now ſtands convicted by the verdict of a moſt reſpectable jury of this country, is ſedition; endeavouring to overturn the eſtabliſhed government of this country, which is of all crimes known amongſt mankind, of the moſt henious nature and the moſt dangerous tendency to ſociety, and well merits the higheſt arbitrary puniſhment that this court can poſſibly inflict. You have had two trials before you, one within theſe few months, in which the Pannel was condemned to tranſportation for fourteen years, and the other you condemned within theſe few days for the ſame term. The moment I heard the verdict I revolved in my own mind the circumſtaces attending this caſe; but it is impoſſible that we can, agreeable to the juſtice of the country, inflict a leſs puniſhment; the only doubt that occurred to me was, whether we ought not to go further; for I did ſee a material difference; this caſe being attended with circumſtances highly aggravated and offenſive to the laws of this country. If this country ſuffers any grievances, I am ſure he felt none of them: he lives not in Scotland, has no property there, and, as a ſtranger, he comes into this country a man with a great deal of abilities and great elocution, he comes here for the expreſs purpoſe of diſſeminating ſedition among the lower order of people, in this country, I can-

not conſider it is any thing but ſedition highly aggravated. I did think that this crime deſerved a more ſevere puniſhment; but I have always more pleaſure in inflicting a mild puniſhment than a more ſevere one: and as your Lordſhips are all of opinion, that we ſhould inflict the ſame puniſhment as in the caſe of Skirving and Muir, I concur in the ſame opinion, that he ſhall be tranſported for the term of fourteen years, with the uſual certification.

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*SENTENCE.*

The Lord Juſtice Clerk and Lords Commiſſioners of Juſticiary having conſidered the foregoing verdict, whereby the aſſize, all in one voice, find the Pannel GUILTY of the crimes libelled: The ſaid Lords, in reſpect of the ſaid verdict, in terms of an act paſſed in the 25th year of his preſent Majeſty, entitled "An act for the more effectual tranſportation of felons, and other offenders, in that part of Great Britain, called Scotland," ordain and adjudge, that the ſaid Maurice Margarot, be tranſported beyond ſeas, to ſuch place as his Majeſty, with the advice of his privy counſel, ſhall declare and appoint, and that for the ſpace of fourteen years from this date; with certification to him, if, after being ſo tranſported, he ſhall return to, and be found at large within any part of Great Britain, during the ſaid fourteen years, without ſome lawful cauſe, and be thereby lawfully convicted, he ſhall ſuffer death as in caſes of felony, without benefit of clergy, by the law of England: And ordains the ſaid Maurice Margarot to be carried back to the Tolbooth of Edinburgh, therein to be detained till he is delivered over, for being ſo tranſported; for which this ſhall be, to all concerned, a ſufficient warrant.

(Signed) ROBERT M'QUEEN

*Mr. Margarot.* My Lords,—I thank you!

THE END.

Rob Fool

J. Robertson, Printer, Bookſeller, and Stationer, No. 4, Horſe-wynd, Edinburgh; begs leave to aſſure the Public, that not only the trial of Mr. Margarot, but that of Mr. Muir, Mr. Palmer, and Mr. Skirving, have been taken down accurately and printed with impartiality. They are all printed on the ſame ſize with this, and form two neat octavo volumes. A few copies are printed on fine paper for that purpoſe, and may be had by applying as above, where all manner of Printing Work is performed with accuracy and diſpatch, on reaſonable terms.