

W. Sisson and Wm. Cobbett
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A FULL AND ACCURATE REPORT

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OF



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THE TRIAL

OF

WILLIAM COBBETT, ESQ.

(BEFORE LORD TENTERDEN AND A SPECIAL JURY,)

On Thursday, July 7, 1831,

IN THE

COURT OF KING'S BENCH, LONDON.

"MR. COBBETT'S defence by himself was able, manly and convincing. He slaughtered the malicious Whigs, the Ministry he scathed, the Attorney-General he worsted, the Freedom of the Press he triumphantly maintained and vindicated. We wish him every joy of success."—*Dublin Freeman's Journal*, July 11, 1831.

NEW-YORK:

PUBLISHED BY JOHN DOYLE, 12, LIBERTY-STREET;

AND SOLD BY THE PRINCIPAL BOOKSELLERS IN THE U. STATES.

1831.

W. Thompson and his wife
—

Thompson

ADVERTISEMENT.

The following Trial having excited such general and intense interest in Great Britain and Ireland, has induced the Publisher to think that it would be highly instructive and gratifying, as well as amusing, to his fellow-citizens of this extensive Republic, who happily know nothing of State prosecutions, to perceive how that wonderful man should be able to beat down, baffle, and destroy by his single powers, a prosecution instigated by a new, and, to a certain degree, a powerful and popular administration, aided by the talents of a "*liberal Attorney-General*" and other talented members of the English bar.

The Publisher is not aware that there is an other individual in Europe whose trial, arising merely from the powers of his pen, would, by any possibility, justify more than a mere cursory notice in the newspapers or other periodicals in this country; but having received a perfect report he conceives that both the matter and the manner would be not only interesting, but will enable his fellow-citizens to better understand THE STATE OF PARTIES—THE CONDITION OF THE PUBLIC PRESS—and the PRESSING DIFFICULTIES WHICH ARE ASSAILING THE POLITICAL CONDITION OF THAT ONCE MIGHTY KINGDOM.

AMERICAN PUBLISHER.

NEW-YORK, SEPT. 1831.

PREFACE.

The following sheets contain that which will give as adequate an idea of the proceedings on this Trial as can be given by a report in writing, it being impossible for any such report to do ample justice to a speech of four hours and a half long, without a pause from the beginning to the end, and full of matter from the first sentence to the last. Amongst other things which this Trial has done, is this; establishing the points of law that, in cases of libel, the defendant may, FIRST, produce as evidence of the probability of his intention, any-thing written or published by himself on the same subject, at any former period of his life; SECOND, that he may produce in evidence, as explanatory of his real intention, any article published by him in the same paper that contains the alledged libel; and, THIRD, that he may produce oral testimony, speaking to any part of the conduct of his life, tending to show the innocence of his present alledged criminal intention; FOURTH, that he may, in order to show the malignant motive of his state prosecutors, show what their conduct has been with regard to the publications of other persons. This, indeed, was one of the great batteries employed by the defendant, who showed the partiality, and the consequent malice, of the persecutors, by referring to and reading the horrible libels which they had tolerated in THE TIMES, and other newspapers, on the Parliament, on the Judges, and above all, on the memory of poor COOK of Micheldever, who was hanged for *striking* BINGHAM BARING, relative to which transaction the affidavits of COOK's father and of LOVELL, a servant of the BARINGS, are particularly interesting, and, it is presumed, must lead to further steps with regard to this matter.

The following extracts, taken from THE REGISTER of the 16:h of July, are inserted for the purpose of elucidating parts of the trial:

My friends, the report of the trial, together with the notes which will be subjoined to it, will give you full information with regard to what passed at this memorable trial. But there are some circumstances with regard to the *conduct of the audience* in the court, and with regard to the *result of the trial*, which I think necessary to communicate to my readers in every part of the world. When I went into the court, which was about ten minutes before the Judge entered it, I found the whole of the court crowded in every part, so as to find great difficulty in getting in; and, indeed, a body of door-keepers made a desperate effort to keep out my three sons and three other gentlemen who accompanied me into the court. The moment I entered the court, there was a *great & general clapping and cheering* for some time. When I got to my station I, in order to produce silence, turned round, and, addressing myself to the audience, said, "*Be patient, gentlemen, for, if truth prevail, we shall beat them.*" Soon after this the Chief Justice entered the Court and took his seat. Soon after him came in the Attorney-General; and he, in opening his address to the Jury, told them that I had come into the court *with a great mob at my heels*; and that a shouting had taken place, which *showed the spirit* in which the defence was to be conducted. This was an *Abominable falsehood*. I went from Kensington in a close carriage, hired at Kensington. At Bolt-court I stopped, took into the carriage Sir Thomas Beevor, Mr. Palmer, Mr. Blount, and my attorney, Mr. Edward Faithful, of Staple's-inn, and one of my sons rode on the box with the coachman. We went directly to the Court-house, got out of the coach, and went into the court as quickly as possible. I had neither spoken or written, nor in any way addressed myself to any soul for the purpose of obtaining an attendance at the court, except solely to those persons whom I intended to bring forward as witnesses. So that the Attorney-General began his address with a *falsehood*, and that, too, for the malignant purpose of prepossessing the minds of the Jury, that I

had meant to influence them in their decision by means of "*intimidation.*"

The court was crowded to suffocation; between two and three thousand persons, if not quite three thousand, were in it, and had been in it from the opening of the court; there was I addressing the Jury, every now and then receiving such marks of applause as induced the Chief Justice to threaten to clear the court; and there sat the Cabinet Ministers ranged before me, to hear the words which drew forth that applause.

After the trial was over, and the Jury had been discharged, some of these corrupt and dastardly vehicles, particularly the savage OLD TIMES and the dirty, lying thing called the GLOBE, promulgated that there were *two* of the jury-men only that were *for acquittal*, and that the other *ten* were *for guilty*. Judge of the infamy of these papers, when you know that the Judge stated, in open court, that he had received a letter from the Jury, stating that *six of them were of one opinion and six of them of another*; that they saw no likelihood of being able to agree; and that they, therefore, begged to be discharged. Hereupon the Judge discharged them. All this took place *in open court*; and yet these two infamous papers published the lie above-mentioned.

What people had in their hearts it is impossible for me to say; but this I know, that I left the court, at half after eight, just as full of people as I found it; that at twelve o'clock there were five hundred persons still remaining; that at three o'clock in the morning there were two hundred persons or more, amongst whom there was one lady who had been in the court from the commencement of the trial; that a considerable number remained till the Judge came to the court in the morning, some having kept themselves awake all the time, and others having slept upon the benches. My attorney slept in the jury-box, and one gentleman *slept in the Judge's chair*.

And now let me address myself to young men and show them how it is that great labor is performed with ease, how

It is that a man of sixty-five becomes able to stand for four hours and a half without the quivering of a muscle; without faltering in an accent; a voice as strong at the last as at the first, without wetting his lips all the time with drink or with juice of any description. I rose every morning at about four o'clock, shaved and dressed, went into the garden, looked at my corn and my flowers gave my instructions for the day to the gardener, then came in by about half after four, long before the street was in a rattle from the coaches, and for two hours and a half, while all was serene in my mind, sat down and wrote a piece of the Introduction to my Grammar. By seven o'clock the coaches were rattling in street and the maid rattling with the breakfast things. The Grammar was put by, and I took another turn in the garden and into the farm-yard, to see my pigs and my cows. Between breakfast and dinner came the *Register* or the *Trash*, or the *History*. At one o'clock came the dinner; and after that if I, by garden, cows, pigs, and the rest of it could keep my eyes open till eight o'clock, I then went to bed, leaving my sons to discuss the case of the Liberal Whig Prosecution. Thus I went on until Sunday, the 3rd of July; Monday, Tuesday and Wednesday, my son John spent in putting me in possession of my case. On the day of my trial, I having had seven hour's sound, unbroken sleep got up at four o'clock, went into the garden and gave instructions for the day came off for Bolt-court at six, arrived there at seven, found breakfast ready for me and a good many friends; and now, mind, ate about half a pound of good fat leg of lamb, roasted the day before, ate no bread or any thing else with it, and no salt, and never drank one drop of any thing that whole day until after the conclusion of my speech when I drank two stone bottles of milk out of a horn given me last summer by a pretty little American lady, the wife of Mr. Cooke, the portrait painter, who is now with his wife returned to America from Paris, and who will feel proud that I have selected their present to be used upon this occasion. I went into the Court at nine in the morning, and never once moved from my station until half after eight in the evening, when I and my sons and country friends and my attorney, went to dine with a friend in the city, or rather sup. I got home at twelve o'clock at night, a later hour than that at which I have been out of bed for a great many years.

Thus it is to lead a life of sobriety. God has not made me different from other men; but the persecutions that I have endured, and the natural desire which I have to see my enemies under my feet have made me sober and abstinent, and sobriety and abstinence have prolonged in me vigour of body and of mind. Over eating is as great an enemy to health as over drinking. I am abstinent as to the former, and as to the latter, my drink is skim milk. Let no young man pretend that milk does not agree with him. Taken in the morning it is said to make people heavy. It did this to me for a little while, about twenty years ago, when I set my heart upon obtaining just vengeance for the cruel punishment inflicted on me by Gibbs, Ellenborough, and their associates. From that day to this never have I known a headache and seldom a muddled head even after sitting up at night. This trial will have done good in many respects, and amongst the good will be that of producing sobriety, abstinence, and early rising in thousands of young men.

Another pleasing circumstance attending this trial is the feeling which it has produced throughout the whole country. The effect, too, will be prodigious. Into every hamlet, before next Monday, the news will have gone, that the Whig Government has been defeated in an attempt to destroy a man because he wrote a paper the great object of which was to palliate the violent conduct of the labouring people. The name of poor Cook, and the circumstance of his father being in the court while his case was stated, will be upon the lips and sink into the hearts of all the working people of England. The dark transaction with regard to Goodman, whose life was saved, though he set five fires, and was proved to have done so from private malice, while the poor ploughman, HENRY COOK, of Micheldever, was, according to the Judge's own statement, put to death for knocking down Bingham Baring on the Friday, who was walking the streets of Winchester on the Saturday, and presented at Court the next Monday; this dark transaction with regard to Thomas Goodman, of Battle, in Sussex will be known to, and produce the proper effect upon, every man in the kingdom, from the cliffs of Dover to the beach of Pezance: from the Highlands of Scotland to Pevensy-Level.

COURT OF KING'S BENCH, LONDON,

July 7th, 1831.

THE KING v. W. COBBETT.

Shortly after nine o'clock the defendant entered the court accompanied by his sons, his attorney and a few friends, all of whom took their seats immediately behind the bar. The gallery was previously filled with spectators who warmly greeted the defendant on entering the court; Mr. Cobbett, turning round to them, said, "If truth prevail, we shall beat them."

Counsel for the Crown.

Sir Thomas Denman, Attorney-Gen.

Mr. Gurney,

Mr. Wightman.

Solicitor.

Mr. Maule, of the Treasury.

—
For the Defendant.

Mr. Cobbett, in person.

Solicitor.

Mr. Faithful, Staple's Inn.

Lord Tenterden having taken his seat the special jury panel was called over, and sworn.

Mr. WIGHTMAN opened the pleading. This is an indictment against William Cobbett, charging him with the publication, in the *Weekly Political Register* of the 11th December last, of a libel, with intent to raise discontent in the minds of the labourers in husbandry, and to incite them to acts of violence, and to destroy corn-stacks, machinery, and other property. The defendant has pleaded that he is not guilty.

The ATTORNEY-GENERAL then rose to address the Court.

May it please your Lordship and Gentlemen of the Jury,

Before I make the very few observations which I intend to offer to you on the case which I have thought necessary to bring before the Jury, I feel it my duty to advert to some circumstances which I understand have taken place

under their own observation, and which are calculated in a material degree to interfere with the due administration of justice. I allude to the fact of the defendant having thought proper, within a few minutes of the present time, to enter this court at the head of a large number of persons, whom he himself has called together by notice in his *Register* of the period at which the trial was to take place; persons undoubtedly attached to his interests, and probably participating in his sentiments; and that after this court was assembled, while his Lordship was waiting in an ante-chamber, he has thought proper to make an address to those people, stating that if truth prevailed, he was sure of an acquittal; which sentiment has been received with shouts of applause by the persons assembled. I should not have noticed a circumstance like this, had I not been told that it happened in the presence of the Jury, and I notice it now not for the purpose of deprecating any effect that such a statement, might produce upon the minds of the Jury, for I know that whatever effect it might have upon weak and timid minds, it will have no effect on those men who are now charged upon their oaths with the performance of a most sacred duty; but I advert to it to show that there may be some spirit in this court which would be an unsafe guide in appreciating the sentiments that may be uttered in the course of the present trial, and to entreat them to dismiss from their minds all extraneous circumstances, and to bring those minds to a fair, unbiassed and impartial consideration of this case. I am sure that, on the one hand, I need not exhort you to yield to nothing like menace or intimidation, which conduct so indecent and improper is calculated and probably intended in some degree to

produce; but I entreat you, on the other hand, to keep your minds in an even tenor for the performance of a great act of justice and not to permit the suspicion of such an imputation resting upon you to divert your attention for one moment from the consideration of the great issue that you are to try, that issue is whether the defendant who now sits before you, William Cobbett, be or be not guilty of publishing a seditious libel, knowingly and wilfully tending to inflame the minds of the agricultural labourers, to incite them to acts of violence, and to disturb in the most alarming and fatal degree the public peace.

Gentlemen, the paper which is charged with containing this libel was published on the 11th December last, a period in our history to which it is hardly necessary that I should call the attention of any set of Englishmen, however brought together. Every body remembers that it was a dreadful and alarming time. That there was, perhaps, great distress existing throughout the country at that time, I do not mean to deny, though I am far from admitting that it existed to the extent which some persons imagined. It is undoubtedly true, however, that, in consequence of some motives operating upon the minds of the people great outrages and great disturbances were committed, and great alarm prevailed for the safety of the property and lives of his Majesty's subjects in various parts of the kingdom. Instead of endeavouring to inflame & encourage that feeling, so likely to explode among some of the lowest and most ignorant of the people in acts of outrage and violence, one would have supposed that every person possessing the common feelings of humanity would be anxious to do all in his power to allay the irritation and to prevent the mischief. I need not call particular witnesses before you to prove what was the state of the counties of Kent, Essex, Sussex, Hants, Wilts, Dorset and many other counties in England at the time to which I have alluded, because that paper —

Mr. Cobbett. Is it not proper, my Lord, that the Attorney-General, in stating to the Jury the case against me should confine himself to the charge contained in the indictment?

Lord Tenderden. He will state it by and by.

Mr. Cobbett. I beg pardon, he is stating what is not in the indictment: he says that I am charged with publishing so and so.

Lord Tenderden. That is his argument, I cannot stop it.

Mr. Cobbett. I am charged with intending to do so and so, but I am not charged with that which has a tendency to do so and so.

Lord Tenderden. I do not understand it. Pray, sir, be quiet, you will have your opportunity of addressing the Jury by and by.

Mr. Cobbett. I beg that the indictment may be read.

Lord Tenderden. It will be read at the proper time.

Mr. Cobbett. Will it be read before I go into my defence?

Lord Tenderden. It will be read at the proper season.

Mr. Cobbett. When is the proper season?

Lord Tenderden. This is not it.

Mr. Cobbett. I beg to be excused. The Attorney-General has, in the indictment, denominated me a "labourer;" being a labourer, I am entitled to indulgence.

Lord Tenderden. This is not the time for you to address the Jury. I cannot hear you now.

Mr. Cobbett. Being a "labourer," and ignorant of the law, I did not know.

The Attorney-General resumed. You will see the propriety of a remark which I took the liberty of making a few minutes ago. You will see, from what has now passed, the spirit in which this defence is to be carried on by the gentleman.

Mr. Cobbett. A labourer if you please.

Lord Tenderden. If you will not sit down, sir, I must try the cause in your absence.

Mr. Cobbett. Unless the Attorney-General call me a "labourer," I must protest every time.

The ATTORNEY-GENERAL continued. Whether he be called a gentleman, as, perhaps, I have improperly called him; or whether he be called a labourer as the indictment may have improperly called him, though it accords with the usual practice adopted in these cases, I think the Jury will perceive the spirit in which the defence is to be conducted, by the interruptions which have been offered. Suppose I had been stating only that the tendency of the libel was to produce mischief, can any man doubt, can the defendant doubt, that that tendency goes, among other evidences, to make out a libel? Can any

one, much less a person of the defendant's acuteness, unless he be not only a "labourer," but an idiot, or a lunatic, not know what is the tendency of his acts? Does he not know the meaning of the words he employed: he, one of the greatest masters of the English language who has ever composed in it; is he to be considered as ignorant of the effect that is likely to be produced on the minds of individuals by the language which he deliberately employs? Surely it is too much to suppose that any "labourer," much under-rated as such persons are in my opinion as to their powers of understanding, can know so little of what is passing in the world, can be so ignorant or so stupid as not to be aware, that language which holds out the strongest motives to the commission of crime, is language having a tendency to lead to the commission of that crime. I charge the defendant, knowing and understanding and using such language, with entertaining the intention of producing the effect to which it is calculated to lead. That is the main argument by which the principle of intention is made out, because no man can dive into the heart of his neighbour, and see what is passing there. You can judge from acts; you can put a fair construction upon an individual's words; and if those expressions leave it impossible for a reasonable man to doubt that they were employed for purposes of mischief; that the individual employing them did so with a perfect knowledge that what he said was calculated to produce mischief, the tendency is a strong proof of the intention, and I conceive that no jury will hesitate to infer the one from the other. That, however, is a question of evidence altogether for you to decide. If you think the tendency is doubtful, of course the intention cannot be clear; if the tendency were clear, the intention might not be clear, if the language were employed by one ignorant of its real nature; but one of the greatest masters of the English language could not be ignorant of that matter. I do not know that any person can justly quarrel with the word "labourer," because I know of nothing which confines that term to the lowest species of labour. I know not but that every individual, who, whether by the sweat of his brow; or the exercise of his mental faculties, is called upon to perform certain tasks, might not be designated by the name which has been given to the individual in this indictment. I dare say the in-

genious defendant, in his address to the Jury, will cause some amusement by descanting on this phrase. You see that he was disposed to make it the ground of interrupting me in bringing the case before you; but I cannot conceive that it will excite any doubt in your minds as to the nature of facts. Indeed, it is hardly worth while to make a single observation upon it, except that I have heard of its having been made a subject of much humour by some portion of the press, and now it is brought forward to raise a laugh, or to make something like an indifference as to the fate of our fellow-creatures, which may mainly depend upon the view you take of the charge brought against the defendant.

When interrupted by the defendant, I was observing, that it was not necessary for me to call any witnesses to show what was the state of the country at the time this publication took place. I have some persons present to give proof of what was passing in the courts of justice in various parts of the kingdom, and to show the disturbed and dangerous state of several agricultural districts at the period when the libel appeared; but from a paper called the *Weekly Political Register*, published on the 11th of December, I will read some paragraphs from the pen of the defendant himself, which will leave no doubt on your minds as to the then actual state of the country, and which will show that he knew that, in all parts of the country, crimes of various sorts were committed property, in the shape of thrashing machines, was destroyed to a large amount, and among other crimes which were perpetrated, was that most atrocious crime of secret fires; a crime on which it is impossible to look without some degree of terror, for it is a crime so perpetrated that it is impossible for human prudence to be prepared against it. A father of a prosperous family, the proprietor of large store-houses, might retire to rest, and on awakening in the morning he might find himself a beggar and a wanderer, by the act of some base and odious incendiary. It was at this particular time, when special commissions were issued for the investigation of crimes of this description, that the defendant (William Cobbett) published the number of the *Weekly Political Register* of which I complain. Every part of it may, perhaps, be important on this occasion; but I shall content myself with extracting and bringing before the Jury such parts as appear to me to make out

the charge against the defendant as clear as it is possible for evidence to do. It will be for him to draw your attention to other parts, as showing an opposite tendency; and it will be for you impartially and without influence of any kind, to appeal to your own consciences and understandings, as to whether the accusation of the indictment is or is not true. The paper is ushered in with a motto, taken from another paper by the same author, published on the 20th of October 1815, and is in the following terms: "At last it will come to a question of actual starvation, or fighting for food; and when it comes to that point I know that Englishmen will never lie down and die by hundreds by the way side." Lie down and die by hundreds by the way-side! intimating that the distress was so excessive and so severe and so injurious, that there was a real probability of hundreds lying and starving by the way-side, unless they took up arms to fight for bread, and to help themselves to it out of the property of their neighbours. At least, that is the construction I put upon it, and I submit to you whether it is not a fair one. Following up the idea in the motto, this paper is headed "*Rural War*," as if those unhappy persons were banded together to commit those acts of violence, and were in the nature of troops carrying on a war against those who withheld provision from them. Then the "*Special Commissions*" come as the next general title, and a letter appears, addressed to the people of Hampshire and Wiltshire; those very people who were likely to be called in a few days in take their trials for the offences with which they were charged. The paper is very long, and I do not intend to read the whole of it. The first paragraph relates to the special Commissions, and then there is an observation about some clergyman who had written a paper which had given Mr. Cobbett great offence. Mr. Cobbett then makes some remarks of a severe kind, not only upon the conduct of the clergyman who published that paper, but on the conduct of clergymen in general. He also makes some strong observations upon the custom of tithes, with which it is not necessary that I should trouble you, because the particular paragraph to which your attention will be more immediately called, is that to which I am especially bound to allude. That paragraph begins in these words:

"In the meanwhile, however, the par-

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sons are reducing their tithes with a tolerable degree of alacrity! It seems to come from them like drops of blood from the heart; but it comes, and must come now, or England will never again know even the appearance of peace. 'Out of evil comes good.' We are not indeed upon that mere maxim 'To do evil that good may come from it.' But without entering at present into the motives of the working people, it is unquestionable that their acts have produced good, and great good, too."

Now there are no other acts which are made the subject of observation except such as I have alluded to, and which were notoriously known to exist to a great extent throughout the country. It is observed that those acts had produced good, and great good too.

"They have been always told, and they are told now, and by the very parson that I have quoted above, that their acts of violence, and particularly their burnings, can do them no good, but add to their wants by destroying the food that they would have to eat. Alas! they know better, they know that one thrashing machine takes wages from ten men; and they also know that they should have none of this food and that potatoes and salt do not burn!"

Meaning, I presume, that potatoes and salt are the only food they obtain, and therefore they are not doing themselves wrong by destroying the corn-stacks of their neighbours, that being food which they were no longer able to partake of and that being food produced by thrashing-machines, the objects of vengeance throughout the country. "Therefore, (it is said) this argument is not worth a straw."

"Besides, they see & feel that the good comes, and comes instantly too. They see that they do get some bread in consequence of the destruction of part of the corn; and while they see this, you attempt in vain to persuade them that that which they have done is wrong. And as to one effect, that of making the parson reduce his tithes, it is hailed as a good by ninety-nine hundredths, even of men of considerable property; while there is not a single man in the country who does not clearly trace the reduction to the acts of the labourers, and especially to the fires; for it is the terror of these, and not the bodily force that has prevailed. To attempt to persuade either farmers or labourers that the tithes do not do them any harm, is to combat plain common sense. They must know, and they do know, that whatever is received by the parson is just so much taken from them, except that part which he may lay out for productive labour in the parish; and that is a mere trifle compared to what he gives to the East and West Indies, to the wine countries, to the footmen, and to other

unproductive laborers. In short, the tithes owners take away from the agricultural parishes a tenth part of the gross produce, which in this present state of abuse of the institution, they apply to purposes not only not beneficial, but generally mischievous to the people of those parishes."

Therefore, the people are told that the thrashing machines might be consumed not only without depriving them of food, but with the immediate effect of putting food into their mouths. They are told that the effect of making the persons reduce their tithes being hailed as a good by ninety-nine hundredths, even of men of considerable property, is a plain reason for acts of violence. The Jury then will consider whether there can be the least doubt as to the tendency of this language, and whether it would not be likely to produce a repetition of those crimes for which the special commissions were sent down to punish some individuals with death, and others with severe and heavy imprisonment, for the protection of the peace and property of the country. There is another passage to which I will call your attention, though it is hardly necessary to do so, for it appears to me that the paragraph I have read speaks so plainly and so intelligibly in one sense, and is so incapable of being viewed in another as to leave the matter with as much force and light as any thing can do drawn from other paragraphs. The passage to which I allude relates to the sufferers and their conduct. It is supposed that they ought not to be made to suffer for any thing they had done; and speaking of the probability of some of them losing their lives, this language is used:—

"No; this will not be done. The course of these ill-used men has been so free from ferocity, so free from anything like blood-mindedness! they have not been cruel even to their most savage and insolent persecutors. The most violent thing that they have done to any person has not amounted to an attempt on the limb or life of the party; and in no case but in self defence, except in the cases of the two hired overseers in Sussex, whom they merely trundled out of the carts which those hirelings had constructed for them to draw like cattle. Had they been *bloody*, had they been *cruel*, then it would have been another matter; had they burnt people in their beds, which they might so easily have done; had they beaten people wantonly, which has always been in their power; had they done any of these things, then there would have been some plea for severity. But they had

been guilty of none of these things; they have done *desperate* things, but they were *driven to desperation*: all men, except the infamous stock jobbing race, say, and loudly say that *their object is just*: that they ought to have that which they are starving for; and all men, except that same hellish crew, say that they had *no other means of obtaining it*."

I should think it a waste of time if I pursued the argument farther. I cannot conceive that there can be a doubt upon any reasonable unbiassed mind, which comes to the fair consideration of such a case, that there is a tendency not to be mistaken; an inference of an intention not to be resisted; with regard to the conduct which these persons were taught to pursue, by a reference to the success of those offences which they had committed. What is the tendency of all these things? In the first place, to excite a suffering people, but at all events a people whose minds were inflamed, to a repetition of crime. These men were found by the defendant in a suffering state, and he incited them to take the law into their own hands; men who were incapable of judging of the nature of the cause of their sufferings, but men who, from their sufferings, were capable of acts of violence and revenge, whether that revenge was well or ill placed. What would be the result if such things were not to be treated as crimes? These men may be the objects of great compassion in being misled by writers such as the defendant, or other persons, to the commission of such offences. The question, however, is whether he who is in the calm and peaceable possession of every comfort, and sits in his closet to pen such papers to be circulated throughout the country, is not a person exciting to the commission of crimes for which it is important that criminal justice should be put in operation with all the severity that the law requires, and yet tempered with as much mercy as public safety warrants. The defendant's publication, it may be said, is not a work that the poor labourers will read; but I believe the contrary is the case. I believe its circulation to be very extensive among the lower orders, for if one man is incapable of purchasing it, many subscribe, that all may have the opportunity of reading it; in addition to which, it is taken in many places where the poor are in the habit of resorting. Besides such a paragraph is easily copied out into other publicati-

ons, and may find its way through a thousand channels to those who are likely to peruse it.

I have now laid before you this case, with as little of aggravation as possible, and it is entirely for you, in the exercise of the important duty cast upon you, to say whether or not I have put the just construction upon the paragraphs I have read. It will be for you to listen with the same patience to the defence, and God forbid that any motives should induce you to deviate from the strict line of your duty, aye or no, according as the case brought before you shall or shall not be satisfactorily made out for your decision. I am confident that no consideration will induce you to depart from your plain and simple duty. There can be nothing in this case more than in any other which should deprive the defendant of any reasonable doubt which may arise in your minds at the conclusion of the inquiry. I shall now call the witnesses necessary to make out the case, and the defendant will then make his observations. If any evidence be adduced in proof of those observations, it will be my privilege to reply. Of that I think it my duty to apprise the defendant. I am sure you will discharge your duty in a manner satisfactory to your own consciences, and to the country, and consistently with the due administration of justice.

Thomas Bamford, from the Stamp-office, was then called, and proved the publication, and also the proprietorship of *The Register*. At the request of Mr. Gurney, the extracts quoted by the Attorney-General were read, and also some others, in order to show the state of the country at the period when the alleged libel was published. The Clerk of the Court then read the indictment:

Easter Term in the first year of the reign of King William the Fourth.

LONDON: BE it remembered, that at the General Session of Oyer and Terminer of our Lord the King, holden for the City of London, at Justice Hall, in the old Bailey within the parish of Saint Sepulchre, in the Ward of Farringdon Without, in London aforesaid, on Thursday the seventeenth day of February in the first year of the reign of our sovereign lord William the Fourth by the grace of God of the United Kingdom of Great Britain and Ireland, Defender of the Faith, before John Key, esquire, mayor of the City of London; Sir John Bailey, knight, one of the barons of our said lord the King, of his court of Exchequer; Sir William Bolland, knight, one other of the barons of our said lord the King, of his said court of Exchequer; Sir John Bernard Bo-

sanquet, knight, one of the justices of our said lord the King, of his court of Common Pleas; Mathew Wood, esquire, John Thomas Thorp, esquire, Wm. Heygate, esquire Anthony Brown, esquire, aldermen of the said city; Newman Knowlys, esquire, recorder of the said city; Charles Farebrother, esquire, John Cowan, esquire, other of the aldermen of the said city; Charles Evans Law, esquire, William St. Julien Arabin, serjeant-at-law, and others, their fellows, justices of our said lord the King, assigned by letters patent of our said lord the King, made under the Great Seal of our said lord the King of the united kingdom of Great Britain and Ireland; to the same justices above named and others, or any two or more or them directed to enquire more fully the truth by the oath of good and lawful men of the city of London, and by other ways, means, and methods, by which they shall or may the better know (as well within liberties as without) by whom the truth of the matter may be better known of all treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings washings, false coinings, and other falsities of the money of Great Britain, and other kingdoms and dominions whatsoever; and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings conventicles unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligencies, concealments, maintenances, oppressions, champarties, deceits, and all other evil doings, offences, and injuries whatsoever, and also the accessories of them within the City aforesaid (as well within liberties as without) by whomsoever and in what manner soever done, committed or perpetrated, and by whom, or to whom, when, how and after what manner and of all other articles and circumstances concerning the premises, and every of them or any of them, in any manner whatsoever, and the said treasons and other the premises to hear and determine according to the laws and customs of England, by the oath of twelve jurors, good and lawful men of the said city, now here sworn and charged to enquire for our said lord the King for the body of the same city. It is presented as followeth: **THAT** is to say, London to wit: The jurors of our lord the King, upon their oath, present that before and at the time of the committing the offences hereinafter mentioned, it had been and was currently reported amongst his Majesty's subjects, that in many parts of England the labourers and working people in England had been guilty of riots, tumults and disorders, and of the wilful destruction of the property of divers of his Majesty's subjects, and that corn-grain machines and other property of divers of his Majesty's subjects in England had been wilfully burnt and otherwise destroyed: and the Jurors aforesaid, upon their oath aforesaid, do further present, that William Cobbett, late of

the parish of Saint Dunstan in the West, in the Ward of Farringdon without, in London aforesaid, labourer, wickedly, seditiously, falsely, and maliciously contriving and intending to raise discontent amongst his Majesty's subjects, and to inflame the minds of the labourers and working people in England, and to incite them to acts of violence, riot and disorder, and to the burning and destruction of corn-grain machines and other property heretofore to wit, on the eleventh day of December, in the year of our Lord one thousand eight hundred and thirty, wickedly, seditiously, falsely, and maliciously printed and published a certain false, scandalous malicious and seditious libel, with the words "rural war" prefixed thereto, containing, amongst other things, the false, scandalous, malicious and seditious matter following, of and concerning the said laborers and working people, and of and concerning such riots, tumults, and disorders, and of and concerning such burning and destruction of corn-grain machines and other propeaty, as aforesaid; that is to say: "But without entering at present into the motives of the working people, it is unquestionable that their acts (meaning such acts of riot and disorder, and destruction of property, as aforesaid) have produced good, and great good too. They (meaning the said working people) have been always told, and they are told now, and by the very parson that I have quoted above, that their acts of violence, and particularly the burnings (meaning such burnings as aforesaid) can do them no good, but add to their wants, by destroying the food they would have to eat. Alas! they know better, they know that one thrashing machine takes wages from ten men, and they also know that they should have none of this food, and that potatoes and salt do not burn! Therefore this argument is not worth a straw. Besides, they feel and see that the good comes, and comes constantly too—they see that they do get some bread in consequence of the destruction of part of the corn; and while they see this you in vain attempt to persuade them that that which they have done is wrong; and as to one effect, that of making the parsons reduce their tithes, it is hailed as a good by ninety nine hundredths even of men of considerable property, while there is not a single man in the country who does not clearly trace the reduction to the acts of the labourers, and especially to the fires [meaning such burning aforesaid] for it is the terror of these and not the bodily force that has prevailed:" to the evil example of all others, and against the peace of our said Lord the King, his crown and dignity.

THOMAS BAMFORD, sworn.

[True bill.]

The Attorney-General after the indictment was read, stated to the court that the case on the part of the prosecution now closed.

MR. COBBETT then rose and requested the first count in the indictment to be read, after which he proceeded to address the Jury as follows:—

My Lord and Gentlemen of the Jury: The feeble attempt of the Attorney-General to prove by his speech that this is a libel, is rendered altogether nugatory by the agreeable twaddle of his friend Mr. Gurney, who has taken the trouble to cause extracts to be read from *The Register* which must convince you that I had no such intention as that imputed to me in publishing the article in question. The charge which the Attorney-General has attempted to fasten upon me is false and groundless from the beginning to the end. You may, perhaps suppose, gentlemen, that this trial began to-day. No such thing! I wish to impress this particularly on your minds. It began so long ago as the 16th of December last, and has been going on, with little intermission, ever since. On the 16th of December last the trial began at Westminster, among the 658 gentlemen who are so fond of attacking me on all occasions; one of whom, on the day I have mentioned, chose to assail me with peculiar virulence, and to call for some public and monstrous punishment upon me. This is what they have been doing ever since the 16th of December almost every night, with the exception of the last, when they were too busy with another matter. The night before, however, Mr. Bruce, one of the 658, thought proper to make a direct attack, pointing attention to me, and urged the House to believe that there would be no peace for the country if such persons as "Cobbett and Taylor" were not effectually put down. Thus, I have been continually assailed with slanderous calumny and falsehood; and, as Lord Plunkett has truly observed, there is something very adhesive in calumny uttered in this house of 658. The noble and learned Lord made a speech the other day in the House of Lords on the occasion of an accusation being preferred against him by one of the 658, a false accusation I suppose, and in that speech he remarked that, however unfounded calumny might be, yet there was, in the nature of the place whence it proceeded, something which made it very sticky and adhesive; very hard to rub off; but the two parties, the Whigs and the Tories, the factions to which I have been so long opposed, have thought nothing of making false statements against me in either of their houses,—

statements which have been re-echoed by the dydra-mouths of the 300 newspapers under their influence. I have been regularly tried twice over on the present charge. I have been tried in the House of Commons since the 16th of December, and I feel that it is impossible for any Jury to be able to come to an impartial decision in this case, unless I remove from their minds the falsehoods which have been so long propagated against me. The law says, that if a Jury be called on to try a man a second time, for the same matter, it is a good ground of challenge. Now, this Whig Government have, by the prettiest management imaginable, tried to make the whole country a Jury, and I might say a packed one, for the purpose of obtaining a verdict against me before they came here. First, Mr. Trevor brought the case forward in the shape of a resolution, which he proposed in the House of Commons; but, it was said on the part of the Government, that it was not right to come to anything like a decision in that house, and, therefore, the resolution was withdrawn. The trial was then transferred to the county of Sussex, in order to keep up the ball during the recess of seven weeks. From the county of Sussex it came back to the Parliament again, where it was kept alive until the night before last, and then, after a decision was come to by the 658, and judgment almost pronounced, the Government have thought proper to bring the case into this court, and thinking it impossible that you should not have imbibed those prejudices which they have raised, they expect to make you the instruments for effecting their purposes of vengeance.

And here I must observe on the liberty that is granted to some publications by those Whig ministers and their Attorney-General. If they had raked together all the Billingsgate of the law, and levelled it against all publications containing articles which might be deemed offensive, similarly dealing with all, I should not have complained, for then we should all have gone to jail together; the prisons would have been full of us, and have required to be enlarged under the administration of the Whig Government. But the Attorney-General has chosen to be very select in his accusations, or rather in the persons whom he chooses to accuse; and he has proceeded, it is said, with a due regard to the liberty of the press. You may have read

in the newspapers of the vast affection which our present Whig Government have for the liberty of the press. They never proceed by information! Oh! no; they have a monstrous regard for the liberty of the press! And then their Attorney-General—Sir Thomas Denman, he also has a particular affection for the liberty of the press. “Oh! Denman is an honest fellow; *he* will not, on any account, touch the liberty of the press.”—But mark what has happened. What do you think? The Whigs have got themselves crammed into office, and will you believe that this Whig Government, with their Whig Attorney-General have actually carried on more state prosecutions during the seven months that they have been in office, than the former ministers, the Tories, have done for the preceding seven years. The Tories, the haughty and insulting Tories, if they showed their teeth, at any rate, they did not venture to bite. But if this Whig Government retain their offices for 12 months, the jails must, unquestionably, be enlarged; men must leave off printing and publishing, or the Government must desist from the course they are pursuing. But we are now living under certain acts, particular acts, new acts passed in 1819, with regard to the press, which place the law on a different footing from what it was before, and this is particularly the case with regard to two of them, which impose very heavy shackles on the press, which has become so shackled, indeed, that no man is deemed fit to print until he has found two persons to enter into bonds for £300 in case he should be found guilty and sentenced to the payment of a fine. Under this law, his Lordship now on the bench, if I were found guilty upon the present indictment, might fine me 300%. or even 400%. I know that his Lordship will not do so when he has heard the whole of the case, but he has the power to do so. I am bound already to answer for 400%. You will observe, that, before, there was a great difficulty in beginning a publication, sureties must be found for 300%.—but, last year, Sir J. Scarlett brought in a bill by which he augmented the sum to 400%. Since then, however, another measure of greater severity has been adopted. Formerly, if a defendant were found guilty, he could not be brought up for judgment, could not be either fined or imprisoned, until the succeeding term after his conviction; but now, if the jury should find me guilty, which I am sure they will not,

his Lordship might sentence me at once under this act of 1829, and send me to jail, incarcerate me among fellows, as I have been before, and keep me there as long as he pleased. By this law, I should not be suffered to go home to my family, to make any domestic arrangements for the conducting of my affairs. Now, these acts were certainly passed by the persons called *Tories*, but it is equally true that they have been kept in force by gentlemen called *Whigs*, who profess to be so very fond of the liberty of the press. They have now been in power for seven months but not one of them has ever made a motion or has ever *talked* even of repealing those laws—laws which actually hold the press in slavery such as no press was held in before any pretensions were made to liberty at all. When those acts were brought into Parliament, the Whigs strenuously opposed them; they obtained great credit for patriotism and for being the lovers of the liberty of the press; but mark, when they came into office, they thought it advisable to continue them; and a nice use they made of them. They are like one of the characters described in Shakespear, “He’s no traitor, he has committed no treason; but treason lay in his way and he picked it up.” This is another proof of their sincerity, and their love of the liberty of the press.

But, gentlemen, Sir James Scarlett, during the period that he was Attorney-General, prosecuted but one individual by order of the government, for libel; and, in that case, it is almost impossible to refrain from prosecuting. Mr. Alexander had, in two articles, libelled the then Lord Chancellor, the highest officer of the state, by alleging against him conduct which, if true, would have covered him with degradation and infamy. Scarlett instituted two prosecutions against Alexander, but he only sought the execution of judgment in one of them; and, therefore there was lenity in the extreme in the conduct of Scarlett, compared with that of the Whigs, though Scarlett had a little of the Whig in him too. There was something like generosity in the mode of proceeding under the Duke of Wellington’s ministry; but not so now; wherever a whig lays his hands, never expect him to let go till he has drawn blood. The Whigs brought forward a motion in the House of Commons; they made a great fuss about Sir James Scarlett’s hostility to the press; and

they actually moved for an account of his fees,—his fees for prosecuting Mr. Alexander. Now I do not say that the Attorney-General has instituted this prosecution against me for the purpose of getting money; but if I were to reason in the way in which the Whigs reasoned in the case of Sir J. Scarlett, I should say that he instituted this for filthy lucre,—this really “*false, scandalous and malicious*” prosecution against me. But I will say for the Attorney-General, that he can be lenient in some cases, though he is so lynx-eyed in others. He can shut his eyes when the Judges of the land are libelled from one end of the country to the other.—He can shut his eyes when even the parliament is calumniated. There was a law some time ago, inflicting the punishment of banishment upon any man who should presume to print, or write, or publish anything having a tendency to bring either house of Parliament into contempt; but Sir James Scarlett has relieved the press from that, so that fines and imprisonments and bonds are the only *trifling* things that now remain as a punishment for libellers.

Now, gentlemen, to show you that the Attorney-General can behave to his friends who are publishing what are called libels; to show you how lenient he can be to those who write in his favour, let me call your attention to a circumstance which transpired in the house of Commons. You will see how lenient he can be when other parties complain. When the newspapers puff him and puff his colleagues, and puff the Whig Ministry, puff them till you would think they were boxes of pills, or Macassar oil, or other quack articles; puff them till one would think they would be ashamed to show their faces in the streets; when papers will do that, they may make free with Parliament, and with Judges too. In the House of Commons, on the 21st of March, Sir Robert Inglis brought forward a libel of *The Times*, that desperate defender of the Whigs, closely connected with their contrivances. *The Times* newspaper published and proclaimed to every body that, night after night, borough members rose to infest the proceedings of the House of Commons with arguments to satisfy their own intrusion into it, and their continuance there, adding—“It is beyond question a piece of the broadest and coolest effrontery in the world, for these hired lacqueys of public delinquents to stand up as advocates of the

disgraceful service they have embarked in." Sir Robert Inglis complained of this article as one which it was impossible for the House of Commons to pass over unnoticed, if they wished their privileges to be respected. Now, I do not say that what **THE TIMES** stated was not truth; but what was the remark of the Attorney-General, Sir T. Denman, to Sir R. Inglis, on that occasion? These are his words: "I cannot say but that the words are true.—I cannot say they are false.—I never thought them so: in my opinion, this proceeding is uncalled for." The Attorney-Gen. then justified **THE TIMES** newspaper, which had so libelled the House of Commons; and, of course, **THE TIMES** pranced away free from those shackles, which, through you, he now wishes to put on me. I grant that what the Attorney-General said was true; I grant that it was impossible to say anything which might have a tendency to bring some members of the House of Commons into greater contempt than they were held in before; but there is another description of persons, another body of public functionaries, whom **THE TIMES** has libelled, but whom it is of great importance to keep from being brought into contempt; for, if once they be, away goes the whole system, away goes the whole government, as in the reign of Charles the First. My Lord Clarendon observes, that "When the people saw there was no safety, no impartial justice to be had from the Judges, the government was at an end."

Now what did the Attorney-General do in this case? Let us see what sort of libels he has permitted. A very beautiful poet has observed:—

"When some escape for that which others die,

Mercy to those, to these is cruelty."

I am certain that you will see the justice of this allusion, when I point out to you what things have been lately tolerated in the newspaper-press.—When I saw these things tolerated by the Attorney-General, I presumed that, to be sure, I might go a quarter, or a thousandth part of the length. Ah! not so; "You may if you puff us at

the same time; but, if you do not puff us, if you give your candid opinion as to cruelties and mercies, then you shall not go one inch. There is nothing you can say out of which I cannot pick a libel!"

Now, what does the Attorney-General wink at in these other publications?—There are three newspapers in particular which are the tools, and dead tools, of this Whig Government:—**THE MORNING CHRONICLE**,—**THE TIMES**, which is the Coryphæus of the band, and **THE COURIER**.

Now, the papers of the 30th of April, the 1st, 2d, and the 4th of May (the first is the most wicked of them all) they send forth, under the name of the brother of the Lord Chancellor, an expression which I shall mention presently. You perceive we have high authority the Lord Chancellor being the first judge in the land, and his young brother, who is now Master in Chancery, and, therefore, an inferior judge. What they say *must be true*. Mr. W. Brougham said, according to this publication (mind we are only talking of publications,—this is a publication as much as mine, I have recorded it in my Register without commenting on it; it is very strong language to use towards the judges, but I thought it worth while to put it on record, especially as this proceeding was going on against me)—Mr. William Brougham said, he being then a candidate for a seat in the Borough, "Amongst the devices to defeat the measures of Ministers, a canvass was going on by certain learned persons, no less than judges of the land: he would not name them, because they had already degraded themselves and their station, and he would let their punishment be their own consciences."

Now this is pretty well, as being said to have been uttered by an inferior judge, respecting the other judges of the land. The next attack is in the old **TIMES** newspaper, which is leader of the rest, and in close connexion with the Government with regard to the trial of this indictment before it came here. **THE TIMES** says, "Since the bad times of Charles the First the judges have, till now, preserved a dignified neutra-

lity; but now that is at an end; the bad times of Charles the First have come back again." I told you that Lord Clarendon imputed the change to the bad character of the judges. Now, gentlemen, it has been asked why do the judges bestir themselves against reform? Aye, that is it, why do they bestir themselves against reform?—Why does my Lord on the bench disturb himself, seeing that his place is secure? The Times says the answer to it is this:—These judges expect that a reformed Parliament is likely to ask another question; that is, why they should receive 5,500*l.* a year each in these hard times." That is imputing to those learned persons the basest motives attributable to men; imputing to them opposition to the ministry, opposition to this great measure of reform, which they knew the whole nation wished to see carried. They knew, and the Attorney-General well knew, that the whole nation had set their heart on this great measure of parliamentary reform, as the means of saving the country from ruin; seeing all this, it tells you that the judges were opposed to reform, because a reformed Parliament would make an attack on their salaries. Baser motives never were imputed to men. The Courier of the next day, that arch tool of every ministry, passing like an heirloom and forming an integral part of every ministry, says on the second of May, following up to the observations of The Times:—

"We regret exceedingly to hear that one of his Majesty's judges has, with a total disregard of decency towards their sovereign and of the duty of his station, taken an active part in favour of the anti-reform candidates at Cambridge. We cannot conceive any thing more improper in a judge than an interference in politics, no matter on what side, for how can such a man be fit to preside on trials of a political nature! The avowed bias of his mind would necessarily produce distrust either in the defendant or the prosecutor, and however just his decision might be, it would nevertheless appear to a portion of the public, at least, as the prejudiced opinion of a political partizan." They lump (observed Mr. C.) all the judges together; they make no exception at

all, so that, if I believe this, I might not make an exception to my Lord trying this cause to-day. They go on to say that "How is a reformer to expect a fair trial? We believe it is impossible for him to expect a fair trial at all."—They refer to Lord Lyndhurst in particular, and then they go on to say, that "The judges should not hold office for life; we almost wish they were dependant upon the crown, in order that the crown might have the power of turning them out of office." Then comes on *The Morning Chronicle*, birning up the rear with these remarks:—"The part taken by the learned and noble Chief Baron in the excited politics of the period, has been the subject of some animadversion, but the conduct of a puisne Judge, referred to by many of our contemporaries, and whom we understand to be Mr. Justice J. Park, in respect of the Cambridge University election, is likely to be made the subject of some parliamentary proceedings." Now what says the law about this? Judge Blackstone says, "By the laws of England, in the time of Bracton and Fleta, a judge might be refused for good cause, but now the law is otherwise, and it is held that judges or justices cannot be challenged. For the law will not suppose a possibility of bias or favour in a judge who is already sworn to administer impartial justice, and whose authority depends on that presumption and idea."

Very well, if his Lordship's authority does depend upon that presumption and idea; that is to say, that a judge is incorruptible, what is to become of this authority, if the judges are to be thus attacked by the newspaper paragraphs, and the Attorney-General, who is so vigilant in prosecuting other people, so vigilant in prosecuting me, allows them to escape?

Now, gentlemen, were there ever such libels as these? I may say to the Attorney-General who is prosecuting me, before one of these judges, Why do you suffer divers publications repeatedly to appear, without any interference on your part, which represent one of these judges as a man likely to have hostility against Parliamentary Reform, lest a Reformed Parliament should take off part of their salaries? Now, I do think that there is quite enough to show you that there must be some particular malice, some particular

grudge, some hidden cause, for this prosecution. He has selected me, has found out me, and has passed over all the rest. "Let them alone," says the Attorney-General; "say nothing about the judges; let them defend themselves; let them hire newspapers and puff themselves off like the ministers of the day. Why don't they pay for the insertion of paragraphs in favour of themselves?" If he suffer these libels to pass, if he leave the judges to defend themselves, why does he step aside from his passive and quiescent course, to make an attack on me? Here is a man who says, "Down with kings, lords, and priests." The title of his paper is the *Republican*, and in that he advises the people to "down with kings, lords, and priests." The Attorney-General was called upon in the House of Commons to prosecute that document, but what did he say in reply? He thought it was best to leave such things to "the good sense of the people;" why then, I ask, cannot my case be left to the same ordeal? And then, if Mr. Gurney had taken out another article from my *Register*, if he had read my paper all through, he would have found the strongest motives in that same identical paper for not setting fire to corn-stacks and other property; but oh no! he will not leave that to the good sense of the public! But the Attorney-General wishes to preserve his popularity; like Balak, he wants to have the profit—I do not mean pecuniary profit—of iniquity, and, at the same time, the praise of being righteous. There is, however, one publication which he has passed by unnoticed, that is worse than all the rest, even worse than that monstrous publication with regard to the judges; and this is so false, so wicked in itself, and attended with so many aggravating circumstances, that not to have prosecuted it does appear to me to make the Attorney-General say, "I am a partial man; nothing shall be prosecuted but that which tends to produce some chance or other of me or my colleagues being turned out of office!" This libel is contained in a pretended report of what took place in the House of Commons. It is so much the worse, as it contains cruelty of the most savage, and, at the same time, of the most base character. It is a libel on a man who is dead, and though he cannot be disturbed in his grave, yet he has father and mother, brother and sister, relations and friends; and it never will be forgotten as long as the present generation, in that

part of the country where he resided, continue to exist. It is there stated that the unfortunate Cook, who was executed in Hampshire, was a carpenter earning 30s. per week at the time of the outrages in that county, "and yet this was one of the misled agricultural men." It is alleged that he "knocked down the son of his benefactor with a sledge hammer," that he "repeated the blow," that "he would have killed the individual, but for another man who was more faithful than himself, and whose arm was broken in endeavouring to save the life of Mr. BINGHAM BARING." Now here I have the affidavit of Cook's father, which, with the permission of his Lordship, I will read:

John Cook, labourer, of the parish of Micheldever, in the county of Hantsi maketh oath, and saith, that his son, Henry Cook, who was lately executed, at Winchester, was, at the time of his execution, nineteen years and ten months old; that, at about ten years of age, he went to work on the farm of Farmer Twitcham, at New Down where he remained about three years. That, upon ceasing to work for Farmer Twitcham, he went to work at the same sort of employment for Farmer Dowding, at Sheep-house Farm, and continued to work there about three years; that he then went to live with Mr. Charles Payne, at Woodmancot Farm, where he remained one year a yearly servant in husbandry; that he then went as yearly servant in husbandry to Mr. Henry Roberts, at Abbotston Farm, where he remained from Michaelmas to the month of July, when he quitted his master, for which he was imprisoned two months; that he then returned home to Micheldever, where he lived with his father and mother, doing job work in husbandry, for about a year; that he then went to work for John Ker, a sawyer of the village of Micheldever, who gave him ten shillings a week for sawing in the pit; that he continued at this work about six months of the summer and autumn of 1830; that he was then discharged by Ker, he having no more sawing to do at that time; that Ker paid him ten shillings a week, and no more; that he was discharged by Ker a week before the riots took place at Stratton and the Grange; that he was out of work altogether during that week; that after he had been engaged in the riots, he went to work for Mr. William Payne, at Burrow Farm, at husbandry labour;

that this deponent does not know what bargain his son had made with Mr. Payne, but the wages which were at that time paid to other single young men, by Farmer Payne and others, was from four and sixpence to five shillings a week, they boarding and lodging themselves out of that money; that Henry Cook was at plough for the aforesaid Farmer Payne, of Burrow Farm, when he was apprehended, and taken to Winchester, whence he never returned to his native village till brought back in his coffin. That Alexander Baring, the father of Bingham Baring, never was, in any way whatsoever, directly or indirectly, a benefactor of the said Henry Cook, and that no one of the name of Baring, either male or female, has ever, at any time or in any manner, conferred any favour on this deponent, or any one of his family; that the deponent has lived forty years in the parish of Micheldever, and has brought up nine children.

his
JOHN X COOK.

mark
Sworn before me, this 6th July, 1831,
at Kensington, County of Middlesex.

H. E. CODD, J. P. for Middlesex.

I have here another affidavit which I will also read:

David Lovell, labourer, of the parish of Northington, in the county of Hants, voluntarily maketh oath and saith, that this deponent has worked for Alexander Baring during the space of about fifteen years last past, and that he works for him at this time; that, on the 19th of November, 1830, this deponent went, with other servants, along with Bingham Baring, to endeavour to check the riotous proceedings then going on at Northington Down Farm; that Henry Cook was amongst the rioters, and had a sledge hammer in his hands, with which he, as this deponent understood, had been aiding in the breaking of thrashing-machines; that Bingham Baring collared one of the rioters, and that Cook then went forward and struck Bingham Baring with the hammer, on the hinder rim of his hat; that Bingham Baring did not fall down; that Cook did not strike, nor attempt to strike, a second blow; that he did not break the arm of, nor strike, any man that attempted to save Bingham Baring; that no such attempt was necessary, as no second blow was aimed; that this deponent saw Bingham Baring in the evening of the said 19th of November, some hours after the transaction at Northing-

ton Down Farm, and talked with him, in the court-yard of the Grange, and that Bingham Baring then appeared to this deponent to be in perfect good health; that this deponent stood at not more than ten feet from Cook at the time when the blow was stricken, and that he clearly saw the whole of the transaction.

DAVID LOVELL.

Sworn before me at Kensington,
County of Middlesex, 6th July, 1831.

H. E. CODD, J. P. for Middlesex.

Now, then, what an infamous libel is this on the memory of this young man? The Attorney-General and his colleagues know nothing of the state of the country, nothing of the feelings of the country people; a great part of us can know nothing either, and you, gentlemen, cannot, at any rate, in your situation, enter into those feelings; but I know, from having been amongst them, that these men have feelings as well as others. Judge you of what the special commission has produced, and of the deeds which have been perpetrated under it; judge you of it when I relate to you that the labourers at Micheldever were subscribing, a little time ago, their pennies to get the lies respecting Cook taken out of the newspapers. Little do they know, poor souls, from what motives people put things into the newspapers. What was the effect of the example, the lenient example of which the Attorney-General spoke? That lenient example which the Whigs made? When Cook was taken home in a coffin, the people went to the confines of the parish to meet his corpse; indeed, I may say the whole parish went to meet it. I feel more than I can express, and you will have the goodness to excuse me. [Mr. Cobbett here made a slight pause, and then proceeded.] Gentlemen, six young women, dressed in white, went to hold up the pall which a tradesman had gratuitously lent. Twelve young men went out to be bearers, and the corpse was conveyed two miles, to a place where it was interred in solemn silence. This is the important thing which I wish to impress upon the mind of his Lordship who is trying this case: upon the minds of the Noble Lords sitting by his side: upon the mind of the Attorney-General, if he be susceptible of any feeling: upon your minds, Gentlemen of the Jury; namely, that these transactions will never be wiped out of the minds of the labourers, until my advice be followed by the ministers, which is to bring those unfortunate men back to their families

and their children, whom they have either imprisoned or transported. But, gentlemen, with regard to this atrocious libel.—It was said that Cook was a carpenter earning thirty shillings per week; that he knocked down the son of his benefactor; that he broke another man's arm who was attempting to save the victim's life! But was this the case? No, gentlemen, he was a *plough-boy*, except six months when he went to work at 10s. per week. The object, however, of the libel was to give a colour to the execution of this poor man. He was executed for giving a blow to Bingham Baring, and this Bingham Baring had five relations possessing votes in Parliament. Thus, you see, that Cook was executed for striking a blow, which did not bring a man down, by a heavy instrument, nor did he aim a second blow; but here comes a libel in order to give colour for taking away the life of this young man. Thank God! Englishmen have a terror of shedding innocent blood, and so long as they have that terror, they will view the act which I have just related with horror greater than I can describe. But, gentlemen, to whom is this atrocious libel imputed, not only by the newspapers, but by Barrow's *Mirror of Parliament*, containing the most accurate accounts of what passes within the walls of the 658? To whom, think you, do these reports attribute this cruel libel? Why, to the Attorney-General himself! he who was not only the accuser of this poor man, but *one of the Judges under the special commission!* It is, therefore, clear as day-light, when the Attorney-General left this poor man for execution, he did or he did know the real circumstances of the case such as I have now detailed them to you, and proved them to be, from affidavits. If he did know them, I leave the Jury to characterize such conduct; if he did not know them, it was his duty to make himself acquainted with them before he gave his consent to the man's life being taken.

Extract from Barrow's *Mirror of Parliament*, No. 75, page 97. Debate of February 8th, 1831.

Attorney-General Denman's speech.

"The other person [he had mentioned Cooper before] who was executed at Winchester, was a *carpenter*, and was earning *thirty shillings a week* at the time when he joined the outrages. Yet this, forsooth, is one of the '*necessary and misguided agricultural labourers!*' He struck down, with a

"sledge hammer, one of the family of his *benefactor*; repeated the blow; and, but that he was *prevented* by one more faithful than himself, an individual whose arm was broken in the attempt to save the victim, a valuable life [Mr. BINGHAM BARING's life] might have been lost to the community."

Now, this shows to what lengths he will go. He found this libel in *The Times* newspaper, and "Ah!" said he, "I know it is false; but as my friend Brodie put this in, and as that paper is praising me and my party, I will not prosecute, though it is such an atrocious lie upon this young man." I do not know that it is necessary to detain you longer on this libel, except to make one remark, namely, that the newspaper which has told us this, has imputed it to one of the 658 Westminster gentlemen, and so it was perhaps uttered by him. You will also remember that one of the Whig party, not a long time since, spoke of George III. as "the bloody king!" Oh! if I had said this! We know how Messrs. Leigh and John Hunt were soused for re-printing a part of one of Byron's poems, where he ventured to question whether St. Peter would not keep Geo. III. out of heaven, and certainly not one person in a hundred ever read or was likely to read it. They were hauled up, though the paper was one of small circulation, and were punished for it most severely. They were punished because they libelled the memory of George III.; but newspapers may libel the king's sons with impunity, when the king's ministers wish them to do it. These are a few of the things which *The Times* newspaper is tolerated to say. It is not to be prosecuted when it calls members of parliament *lacqueys*, and represents noble lords as sending their sons to the House of Commons to take the money out of our pockets, and put it into those of their parents. In the year 1810, a noble lord, now sitting on the bench, showed me a letter, by authority of the writer, which he received from the elder Walter of *The Times*, who was then alive, in which Walter complained bitterly of the injustice of Pitt and his government, who employed him to publish libels against the king's sons, the Prince of Wales and the Duke of York, and for which he said, so help him God, he never got but 700*l.* as a compensation! He wrote to the Attorney-General of that day, and said that the niggardly ras-

cals had only given him 700*l.* for what he had done. The tax-gatherer took only 700*l.* out of your pockets to pay for libels on the Prince of Wales and the Duke of York! This fact I could prove if allowed to do so. I saw, not many years ago, imputed to a person towards whom I should wish to be as tender as possible, a speech comparing the late king to *Nero*, and calling the present king a *royal slanderer*! That is imputed to a person who is never above one hundred miles from Sir Thomas Denman, and is circulated through all the papers. You observe that both factions always take care to screen those who favour their own sentiments. They never complain of any insults offered to the king; they can tolerate insults against kings and queens; but if you touch their faction, and particularly in pecuniary concerns, particularly in respect to the money they take from the public, they are like tigers, as you will see by-and-by. Now, gentlemen, this is my great crime. I have been endeavouring for twenty-five years to prevent them from taking money out of our pockets, and putting it into their own; and you will see that this faction is more greedy than any other. Why, gentlemen, to touch the faction in that way, what is it but to take a lamb out of the jaws of a half-starved wolf! They have been so long out of office that they are lank, absolutely lank, lean and greedy. To attempt to prevent them from filling their pockets, to attempt to prevent them from getting as much money as possible—what is it? Why, it is certain destruction to the man who attempts it, and that destruction they intend to bring upon me to-day, for endeavouring to deprive them of their pelf, if you, gentlemen, do not stand between me and my would-be destroyers.

This will suffice to show that there must be some other motive than that of necessity for prosecuting me. It cannot be the danger of these writings, it cannot be the seditious tendency of these writings; it cannot be that; it must be something more. With regard to judges, with regard to members of parliament, with regard to the reigning king, the Whigs have connived at all that has been said through their own organs, but you will see them open-mouthed when their own faction is touched, unless the people come and say, "*Get out of the way.*"

Gentlemen, if this trial had begun to-day, you would not have heard an-

ther word from me; I should have left it where the Attorney-General did, except it had been to express my regret that the ministers should have disgraced themselves by bringing forward this case. Mr. Gurney caused enough to be read to upset the charges brought by the Attorney-General, who made a very feeble speech, because he knew that it would be answered. This trial, however, was begun on the 16th December 1830, when Trevor, the member for the rotten borough of New Romney, and now the member for the equally rotten borough of Durham, brought a distinct charge against me in the House of Commons, presenting to it this identical number of the Register. The Whig ministry played what the country people call *cat and pan*; that is, they did not approve or disapprove, and wished to put the discussion off to another day, when a noble Lord at the head of his Majesty's Government, the drill sergeant, would be present,—Lord Althorp. Trevor described it as every thing which was inflammatory, and made a better speech than the Attorney-General did to-day, because he knew that I could not be there to answer him, and he also knew that he was among the 658 licensed libellers. The motion nevertheless, was brought forward on the 16th of December, and the Whigs desired him to put it off for a few days, and it was put off till the last day of the session, when they were going to separate for seven weeks. Trevor concluded his charge with a resolution in good set terms, and the Attorney-general offered no opinion, did not pretend to say whether the thing was a libel or not, but promised to give it his best consideration. However, he prevailed on the honourable gentleman, after some time, after he had said all the bitter falsehoods and calumnies he could utter, or which his poor stupid head could furnish him with, to put the writer down; then the liberal Whigs prevailed upon him to withdraw his resolution, and leave the affair in the hands of his Majesty's Government; so there they left it till the 23rd of December, when the House adjourned for seven weeks. It would have been terrible work to do nothing for seven weeks; the public might have lost sight of it, and the Jury could not come into the box prejudiced and biassed against me, unless their attention was kept up, unless the fire were kept alive. The attack was then transferred from Westminster to Sussex.

And now, with all the sincerity of my

Thomas J. said this himself of the present king on the trial of Queen Caro-

heart, I declare to you, that, though this is a day of joy to me, because it is a day destined to wipe away all the foul calumnies that this Whig administration have heaped upon me; though it is a day of joy to me on my own account, yet I confess that, for my country, for my king, for the name of Englishman, I feel the greatest sorrow and shame that can exist in the heart of any; because I shall be compelled to detail to you the transactions of this Government, of this Whig administration, connected with this protracted, plotted, contrived persecution against me.

In the month of October, I was at Battle, in Sussex, where I gave a lecture to the chop-sticks of the country. There was a man of the name of Goodman, who was tried at Lewes, in the following month of November, for setting fire to a barn. He set fire five times to the property of one man, and was convicted; three witnesses positively swearing to the malice; therefore he was left, and justly left, for execution, because there was no excuse for him. He was not in the situation of poor Cook, out of work, and not receiving more than 4s. 6d. or 5s. per week, and having a poor father and mother with five children at the time. He was not in that situation, he was a cooper, and for a long time received 15s. per week; he set fire to a barn five times with his own hand; but Cook had the misfortune to strike a relation of five members of Parliament! However, he was left for execution, and then it was said, Ah! cannot we find out from this young man, a simple young man, a something to hook on Trevor's prosecution against Cobbett? The infamous *Times* newspaper said that Cobbett and Carlile had set on the people, always coupling them together, as Bruce did the other night in the House of Commons, though no two men can be less connected with one another. A curate of the name of Rush, of the village of Crowhurst, not the chaplain of the jail, not having any business to visit the condemned cells, not belonging to the prison; this curate of Crowhurst, who lived several miles from Battle, who had for several years been huntsman of a subscription pack of hounds; this curate, this sportsman, urged on by some one, went to hunt up Goodman, and to get a confession from him that Cobbett, who had come into Sussex to give "*lectures*" there, had instigated him to the commission of the deed for which he was doomed to suffer the extreme penalty of the

law. *The Times* newspaper had this confession directly; "Ah! this poor man," said they, "was the victim of "this arch-lacturer, this sedition-mon-ger, Cobbett." Now mark this, the confession said to be procured by this curate of Crowhurst from Goodman, was published in *The Times* on the day that Trevor's motion came on, so here they are together wishing to lead the public to understand that I had been into Sussex for the purpose of instigating the labourers to incendiarism. Now, there is one curious fact which I must here mention. I wish I could make the Attorney-General prove his words with respect to the extensive circulation of the *Register*. I wonder he omitted to tell you, that I had a "Twopenny Trash" for the chopsticks. (A laugh.) It is, however, a fact that after the fires began, in the heat of the fires, I rose the price of the *Register* from 7d to 1s., a very likely way, indeed, to increase its circulation among men to whom their employers did not allow above 5s. per week to live upon! But, out comes this double accusation. There was the debate on Trevor's motion in one page, and the certificate of this curate of Crowhurst in another, alleging that Goodman had been deluded by me to the commission of arson. This, it was thought, would keep on the trial for about a fortnight; but it did not, because my contradiction was rather a stinging one. I said, in the first place, that this being the certificate of a parson, I did not believe it; nor would any man in his senses give it credence. I then showed, by a slight process of reasoning, that it could not be true, and in fact I denied it, in which statement I was confirmed by persons at Battle. Then the next step was, that of three magistrates of the county of Sussex visiting Goodman. I wish that the three were alive, God forgive me! but one is dead. I wish, however, that the other two were here. These three magistrates went to Goodman, who had been taken to Horsham to be hanged with another man who had set *one* stack of corn on fire. Being at Horsham, and getting nearer to the hour of death, and almost feeling the halter about his neck, they thought they could then get more from him than the curate of Crowhurst did. There he repeated his former confession, but he went a little further; ah! unluckily, went a little further! "Liars," they say, "should have good memories." You will see, gentlemen, that the false-

hoods made use of by these magistrates to give a colour to their proceedings, developed the whole trick. Oh! gentlemen, I cannot express the happiness I feel in being here this day to wipe off the calumnies, the false, malicious calumnies which this Whig Government have assailed me with. These three magistrates, Walter Burrell, somebody Tredcroft, and Francis Scawen (I don't like that *Scawen*) Blunt; all went to Horsham jail. [Mr. Cobbett was here under the necessity of making a short pause to find one of his papers, and in allusion to the detention caused by it said, If I keep you longer from your homes than you could wish; if I keep you from your families a day longer than you like, I beg you will recollect that it was not me who brought you here. Put yourselves in my place, and then consider that I have every-thing at stake, even life itself. If this Whig Attorney-General should succeed in convicting me, as he hopes to do, there will be little probability of my release during life.] Now these three magistrates went to Goodman and they say, "We, the three undersigned magistrates, went to see the "unfortunate person on the 30th of December." Mark the dates, gentlemen; the libellers at Westminster left off work on the 23d December, and to keep the affair up, these Magistrates commence their operations on the 30th December. They let Christmas-day pass, and they go at it. They go on to say,

"Who being questioned as to whether "he had any enmity against the person "whose ricks he had set fire to, declared "he bore no malice against him, but that "he would state what induced him to "act in this manner; and when asked "whether he would commit this to paper, "he proceeded to write the following "statement in our presence,—without "any dictation or suggestion from us—

"WALTER BURRELL, }
 "HENRY TREDCROFT, } Magistrates
 "FRANCIS S. BLUNT, }

"I Thomas Goodman once heard of one Mr. Cobbit going A Bout gaving out lectures at length he came to Battel and gave one their and their was a gret number of peopel came to hear him and I went he had verrey long conversation concerning the state of the country and tilling them that they was verrey mutch impose upon and he said he would show them the way to gain their rights and liberals (liberties) and he said it would be verrey Proper for every man to keep gun in his house espely young men and that they might prepare

themselves in readiness to go with him when he called on them and he would show them which way to go on and he said that peopel might expect firs their as well as other places.

This is the truth and nothing But the truth of A deying man.

THOMAS GOODMAN.

Written before us, 30th Dec. 1830, { WALTER BURRELL,
 { H. TREDCROFT,
 { FRANCIS SCAWEN BLUNT." Now, this was the statement of the magistrates, notwithstanding it was proved by three witnesses, at the trial, that he was influenced to the commission of the act by malice. "He was asked whether he would commit this to paper." Now do mark this base conspiracy. A third confession was afterwards published in *The Times* newspaper, as follows:

"I Thomas Goodman under sentence "of death aged twenty years Bread and "born in Battel hoop maker By trade had "been working the last year and A half "for Mrs. " Eldridge in Battel and had "lately 15s a week i hird of one Mr. Cob- "bitt going a bout gaving out lactures— "at length he came to Battel and gave "one their and their was a great number "People came to hear him and I went to "and he had a great deal of conver- "sation concerning the states of the "peopel and the country telling them "that they were verrey mutch impose "upon and he would tell them how to "get the better of it or they would sone "be starved he said it would be verrey "Propper for everrey man to keep a "gun in his house espesealy young men "and that they migh Prepare them "selves in readdyness to go with him "When he called on them and he would "shew them the way to get their rights "and liberals [liberties] and he said that "the Farmers must expect there would "be Firs [fires] in Sussex and in Bat- "tel as well as other Places—and is "conversation was all as sutch to in- "flame the Peopels minds they thinking "that he would be A friend to them "wich made A verrey great imprision "on me and so inflame my mine and i "from that time was determined to set "stacks on fire and sone afterwards "their was three firs in Battel and that "same night the last fire was at the "Corsham whent and set fire to Mr. B. "Watts is stack with A candel and lan- "thern and some few days afterwards i "was standing A talking to three more "Persons there came A verrey gentle "man on horeback and he rode up to us "and said why you have had A fire hear "i said yes we have he said well how

"do Peopel seame to like theas firs or
 "do they seame eneways Alarmed at
 "them i said yes they do but some of
 "them are verrey mutch harden in and
 "think their will be no more he said i
 "am sorry that they should think so
 "Becauss they have but gust [just] made
 "A beginning he ask Wether we had
 "hird of any Person being taken in
 "Battle that day on suspicion of theas
 "firs i said i did not know he ask if we
 "though [thought] the Poor Peopel
 "would assist to find thos Persons out
 "that Set theas places on fire if the far-
 "mers was to gave them 2s. a day we
 "said we did not know and he seamed
 "so verrey mutch Plaased a bout theas
 "firs he stopt a haf a nower his hole
 "conversation was as sutch he was per-
 "son well drest and verrey good horse
 "new saddel and Bridel Wich made
 "more imprission on my mind and some
 "little time after i was at a Public house
 "in Battel wich Mr. B—— ockupies
 "their was severa! Peopel their Which
 "among them their was one —— and
 "—— I new both verrey well i whent
 "out and they came after me and son
 "fell into conversation concerneng
 "theas firs had been —— said he
 "wish some one would set fir to the
 "Premises of Mr. —— and Mr. ——
 "said he would do it if he could do it
 "Privat —— said he would make
 "one to help he said he would go with
 "me to set Muster Watts his bildings
 "on fir if I would go i said if i did any
 "sutch thing i should do it by myself.

"THOMAS GOODMAN."

In his other confession, he said he be-
 lieved there would have been no fires
 anywhere, if it had not been for me.
 This poor chop-stick of a fellow did not
 know me; and I have some reason to
 believe he never was at the lecture at
 Battle, from the beginning to the end.
 Now, these stupid extortioners of the
 confession, these three stupid magis-
 trates, got him to say more than the
 parson of Crowhurst, who was certainly
 more acute than they; these three stu-
 pid magistrates got him to say that there
 were a great many other people at the
 "lecture." They say they went to ex-
 amine him, in consequence of something
 they read in the "*Courier*." What!
 would three county magistrates be got
 together to go into a condemned cell to
 pump a person left for execution, in con-
 sequence of a paragraph which they
 read in a newspaper? No, gentlemen,
 they had other instruction than this, and
 they must have had some motive lead-

ing to an ulterior object in view.
 "They went to him," they say, "from
 an anxious wish to elicit the truth."
 Now do mark these words: "They
 "went to him from an anxious wish to
 "elicit the truth!" The truth about
 what? His evidence was good for nothing,
 but they were anxious to know whether
 Mr. Cobbitt did excite him to set fire to
 the barn or not; whether they could get
 hold of Mr. Cobbitt or not; but they
 were silly enough to let the poor fellow
 write down that several other people also
 heard the "lecture" at Battle. There
 were several hundreds of persons who
 heard these words at Battle; but did
 these magistrates say, Let us go to some
 of them, and if we can obtain clear evi-
 dence, then prosecute this Cobbett for
 sedition? Did they go to Battle? They
 did go, or they did not. If they did not
 go, what does it argue? That that con-
 stituted one part of their conspiracy.
 They did not go there; but suppose they
 did, did they find any corroborative tes-
 timony? Did they find one individual
 to corroborate Goodman's evidence?
 They did not! They sought no other
 evidence than that of this poor man with
 a rope round his neck. Out of 200 or
 300 persons, this was all the evidence
 they could obtain to convict me of sedi-
 tion. When they found that to be the
 case, was it not their duty, if the man
 deserved hanging, to hang him; and
 was it not also their duty to proclaim, in
 the fullest possible manner, in their
 power, to their brother magistrates, and
 to the world at large, that Goodman's
 charge was totally false? Did they do
 either of these things? They did not!
 They pardoned the man so far as his
 life was affected, and sent him out of
 the country for ever, that he might not
 be a witness against them. When I
 first saw the lie, I knew it all to be a
 fabrication, and that he never wrote one
 of these papers. I said, if I go to Bat-
 tle and bring twenty or thirty witnesses,
 which I can do, to prove that I uttered
 no such words as Goodman has attri-
 buted to me, or rather these magistrates
 have made him attribute to me; if I
 bring evidence, which I can do, to prove
 an *alibi* as to Goodman being at the lec-
 ture; if I do that, they will hang him,
 and I shall be exonerated from all
 blame; but I will bear this calumny to
 prevent the shedding of blood. There
 were many respectable tradesmen and
 farmers in Battle, and about Battle, who
 had the same notion as myself, and they
 were going to sign a declaration, and in

fact had drawn up an affidavit expressive of their conviction that Goodman's confession was a lie. When, however, they saw my Register, in which I expressed my willingness to bear the calumny rather than the life of the man should be taken, they came to the determination not to say any thing respecting it until Goodman was gone away. It is a very curious thing, that a man whom it was clearly proved had been guilty of five fires from private malice should be pardoned, while the life of poor Cook was taken, who did nothing but strike the rim of the hat of a man who had five relations having votes in Parliament; Mr. Bingham Baring. They also executed a man at Maidstone upon the evidence of the man who instigated him to the commission of the crime! But this Goodman told a lie, and because he belied *me*, they spared him! If they had executed him, it would have been a proof that they did not believe his accusation against me; but, because the Attorney-General did not put a stop to the calumnies affecting my character; because he had plotted this prosecution against me, Goodman was pardoned. Here was mercy arising out of malignity; here was one of the highest prerogatives of the Crown prostituted for the purpose of propagating calumnies against one of his Majesty's most faithful subjects. [A loud burst of applause followed the delivery of this sentence, which called forth a threat from Lord Tenterden, that if such conduct were repeated, he would order the court to be cleared.]

Order being restored, Mr Cobbett proceeded to remark:—I omitted to notice the observation made by the Attorney-General in regard to an noise, or noises, made in the court this morning. He said in the court; my Lord was not in the court at the time: he said that I entered with a large body of persons collected by myself for the purpose. I can hardly find terms in which to characterize such an assertion; but it is just like the indictment itself: "false, scandalous, and malicious." I came in a coach from my own house, having nobody with me but my sons and three friends, among whom is Sir Thomas Beevor, having appointed no one to be here. With regard to the applauses which took place, I had no control over them, and I know no person in court except my witnesses, and I hardly know them. With respect to the story

of my having 150 witnesses, that is all false. I am anxious to remove from your minds those prejudices, which must have been produced in consequence of the measures taken by my prosecutors. Those present who know me best, are the most persuaded in their minds of the injustice of the attacks which have been going on through the speeches of members of Parliament, through paragraphs in the hired newspapers, which, while they support the present administration, cannot commit a crime, though they attack members of Parliament and judges also. It is necessary that I should go on to remove these prejudices from your minds. Concurrently with these attacks, have been going on what the French call a *chuchotement*, a whispering. At the west-end of the town, a great deal is done by whispering; you can whisper a man down there by franks and the club-houses, unless he be a man above the common stamp. While, therefore, the curate at Crowhurst and the three county magistrates were at work, this whispering was going on, and the noble Marquis (the Marquis of Blandford, on the bench) wrote to a parson in the country to say that some connexion had been traced between Cobbett and the fires. Ah! and it travelled to Norfolk too, to a parson of the name of Slapp, a parson having too good livings, the duties of which he confided to one poor curate. Slapp circulated it around the country; he told it to some other parsons, and at last it was communicated to Sir Thomas Beevor. The Noble Marquis said it was reported that I had absconded; and it was carried all over the country, that, conscious of my guilt, I had run away. Sir Thomas knew more of me than any of the parsons; he knew, not only my sentiments, but my conduct, and he informed me of the reports in circulation. My attorney wrote to the under-parsons, one of whom said he had received the information from Slapp; he then wrote to him, and threatened an action unless he gave up his authority. He did give it up, and thus the matter was brought back to the Noble Marquis, who informed me, in a letter, that it had been currently reported in the House of Commons and the Club-houses, that I had been connected with some of the fires and had run away! Run away, indeed! Who was I to run from? What! I run from the Greys, the Lambs, the Russels, and the Broughams?—I!—Gentlemen, contempt comes to my aid, or I should suffocate

with indignation at the thought ! No, I have not run away ; that base faction have brought me here, and I thank them for it ; because it enables me to clear myself from the false and scandalous calumnies which they have been circulating against me. But to publish these things against me in that prostituted paper *The Times*, to prosecute me and pardon Goodman, without having first ascertained that what he stated was true, are proceedings baser than I had ever expected even from a Whig Government. I will not, however, content myself with a negative statement that what Goodman said was false ; for I hold in my hand a document containing affirmative evidence of that fact. I have here a declaration signed by 103 persons belonging to fourteen different parishes in Sussex, the parish of Battle being one ; persons who were present at my lecture, and who have voluntarily come forward to sign the declaration, among whom you will perhaps not be a little astonished to find the name of the *prosecutor of Goodman* himself, who was present at the lecture, and whose barn Goodman burned. The declaration is as follows :—

We, whose names are hereunto subscribed, have read in the public prints a paper purporting to be a confession of Thomas Goodman, late of the parish of Battle, in the county of Sussex, and since condemned to death for setting fire to a barn in the said parish, which confession purports to have been made in the presence of the Reverend Henry John Rush, curate of Crowhurst in Sussex : that we have also read in the public prints another paper purporting to be another confession, made by the same Goodman in the presence of Walter Burrell, H. Treadcroft, and Francis Scawen Blunt, and certified by them, under date of 30th December, 1830 : that, in the first of these confessions, or pretended confessions, the said Thomas Goodman says, that he never should have thought of doing any such thing if Mr. Cobbett had never given any lectures, and that he believes that there never would have been any fires or mob in Battle, or many other places, if he never had given any lectures : that, in the aforesaid second confession, he says, that Mr. Cobbett came to Battle, and that a great number of people came, to hear him, and that he, Goodman, went, and that Mr. Cobbett told the people that they were very much imposed upon, and said that it would be very proper for every man to have a gun in his house, especially young men, and that they might prepare themselves in readiness to go with him when he called them, and he would show them which way to go on, and that Mr. Cobbett said that people might

expect fires there as well as other places : that we were present at Mr. Cobbett's lecture, delivered in the town of Battle on the 16th of October, 1830 ; and that we solemnly declare, that Mr. Cobbett did not advise any body to have a gun, and to be prepared to go with him ; that he did not utter any words having a tendency to urge the people to set fire to property, or to do any other act of violence ; that he strongly recommended to the farmers, in the several parishes, to call all the people together, and to get them to sign a petition to the Parliament praying for a reform of the Commons House, and to tell them to wait with patience for the effects of that petition : and he said that he was convinced that this was the most effectual way of quieting them, and of putting a stop to those fires, and other acts of violence, which were producing so much alarm and unhappiness in the country.

[Here follow the names of 103 Subscribers, which it is unnecessary to insert.]

I have in court the gentleman in whose presence the signatures to the declaration were taken, and I have also another gentleman, a man possessing very considerable property at Battle, to testify, that, so far from the lectures delivered there being calculated to lead to mischievous consequences, they were given with a view, and actually had a tendency, to prevent the commission of outrages. So much then, gentlemen, for the present prosecution.

When it was found that the statement of Goodman was false, he was hurried out of the country. Fortunately, however, I have here a letter written by Goodman on board the transport ship at Portsmouth, and addressed to his brother-in-law ; and, on comparing the orthography of this letter with that of the pretended confessions, made in order to implicate me in his crime, it will be manifest that the latter are fabrications of the Whigs and their parson. It is very remarkable, that in this his genuine letter the spelling is, with very few exceptions, correct. In the letter, too, he writes uniformly with the capital *I*, whereas, in the pretended confession, he as invariably makes use of a small *i*. And then, observe, what does he say to his brother ? I will read it to you. [Mr. Cobbett here read from a letter extracts which related to the fate of the writer, and which he distinctly attributes to his own bad *courses*, and his own bad *conduct*. This letter produced a marked impression.] Gentlemen, there is not a word here about "*Mr. Cobbitt and his lectures*."

I now hope that I have removed from your minds the effects of all the lies which have been promulgated about me; because it is well known that I cannot be bought, and that I will never rest silent till I have put an end to all ministerial abuses, whether by Whigs or by Tories, and have thus prevented the pockets of the people from being picked. Having, then, disposed of the previous part of the trial; having disposed of the proceedings on Trevor's motion, by the licensed libellers at Westminster; having disposed of the confession extorted by Rush, the curate of Crowhurst, and by the three magistrates at Horsham; having also answered those charges, which Lord Plunkett says are adhesive, and are sure to stick to a man unless they be answered, I now start fairly into this indictment.

The charge against me lies in a very few words, though the Attorney-General has endeavoured to encumber it with a great many. The indictment was presented to a grand jury at the Old Bailey; but this was a mere fetch. The Attorney-General took credit to himself, and boasted, in the House of Commons, that he had not proceeded by *ex-officio* information, in order to insinuate a taunt against Sir James Scarlett. Now, the mode of proceeding adopted by Sir James Scarlett was manly; it was upright. Mark me, I do not say that Scarlett was right; but I do say that the case of Mr. Alexander, which was the only one he prosecuted, presented a great and glaring offence, which, as I before said, it would have been impossible for him to have passed over unnoticed. But the Attorney-General has played the part of the pharisee; he has boasted that he did not file *ex-officio* informations, whereas the conduct of Sir James Scarlett, like that of the Tories, was open; their violence is to be seen on the face of their proceedings, and you know that all you have to do is to fight against it. It was vile, it was tyrannical—but it was open and honest. But the Whigs endeavour to cloak their procedure, as the Attorney-General has done in the present instance. He took out from the *Register* such particular parts of the article as he conceived would answer his purpose, taking especial care not to trouble the Jury with the context. The part he fixed upon, he stuffed into his dirty bill of indictment, sending it to the Old Bailey, and making a merit of having adopted that course of procedure. You all know, gentlemen, that the Grand Jury at the

Old Bailey do not waste five minutes upon bills of indictment of this description. A porter brings in a load of bills, and then the Grand Jury apportion the degree of consideration to which each is entitled, not by the intrinsic merits of the case, but according to the amount of business to be done. Besides, they consider that they determine nothing by finding the bill; they have no time to read over the indictment and discuss the case, and, therefore, return the bill. Now this is the way in which this candid gentleman, this Whig, this pretended lover of the freedom of the press, thinks proper to put a defendant upon a jury of his country. The moment the bill was found, the fact was announced in *The Times*, that paper which the Attorney-General would not prosecute, though it libelled the judges of the land from the interior of the skin down to the very bone. "We understand," say they, "that the indictment is in the same form as the bill against Carlile;" thereby intimating that the punishment also would be the same. Others of the base papers went the length of asserting that a Judge had actually issued a bench warrant against me; and others again said, that it was currently reported I was gone to Newgate. The proceeding in this form was a sneaking, dirty, Whig-like trick. When the Tories show their malice, the people are prepared for them; but these Whigs contrive to inflict their vengeance under the mask of liberality; and this indictment is "false, scandalous, and malicious," although, being in character with the rest of their proceedings, this does not appear on the face of it. This has been their character from the very earliest period at which England was cursed with them, up to the present time. The indictment, stripped of all its verbiage, charges me with *contriving and intending to excite the labourers in husbandry to outrages, to various acts of violence by the breaking of machinery, and setting corn-stacks and other property on fire*. Now, gentlemen, you must be satisfied, not from what is set out in this indictment, containing as it does, garbled extracts, but you must form your judgment from the whole context, from the whole scope and tenor of the article; you must be satisfied that the *intention* really was what the indictment charges it to be, before you can return a verdict of guilty. You have a right to look not only to what is stated in other parts of this identical publication, but even to my other writ-

ings. The Attorney-General well knows this. Some one or other has taught him law enough to know, that if he set forth the whole of the publication in the indictment, he would at once burn his fingers. You must be satisfied that I put forth and issued this publication for the express purpose of inciting the agricultural labourers to do that which is charged against me in this indictment; namely, to set fire to ricks, to break machinery, to pull down houses, and to commit gross and wanton outrages. Now, I will exhibit to you another proof of the great attachment which this Whig faction in general, and this Attorney-General in particular, entertain for the liberty of the press. He was perfectly aware that if he put together the two sentences preceding the passage he extracted, no Grand Jury would ever have found the bill. What, then, did he do? He garbled, vilely garbled, the article, much in the same manner as Judge Blackstone scandalously garbled an extract from the Bible. The Attorney-General has done this expressly for the purpose of inducing the Grand Jury to find the bill. You will see, gentlemen, how the extract commences, and you will then trace the open, fair, candid conduct of Sir Thomas Denman, not to the wig on his head, (a laugh), but to the whig in his heart. (loud laughter.) The Attorney-General has complimented me; at least, I should have received it as a compliment had it emanated from any other person, with being a person of great ingenuity, a person of great learning, a great master of the English language, a person well understanding the use of words, possessing great acuteness, and having an excellent knowledge of grammar. Now in return for this compliment, I will only say that, in the whole course of my life, I never met with any thing so insufferably stupid as the document I have now got hold of, drawn up by a Whig Attorney-General; a document so intentionally fraudulent I have never, in my life, seen before. He has chosen only one part of a paragraph out of 30 or 40; though Trevor, in the House of Commons, had the common honesty to take the whole paragraph. And what part, gentlemen, do you think he commenced with? You will perhaps think—the beginning or the end. Neither! but the *middle*! You shall see it, and you will be astounded at the design, the fraudulent design, resorted to by this Whig Attorney-General, in scooping

out this paragraph. I have stated that Judge Blackstone has garbled an extract from the Bible, and as I do not wish to make charges without proof, therefore—
 Lord TENTERDEN.—Really, Mr. Cobbett, this is quite irrelevant to the purpose.

Mr. COBBETT.—I do not think so, my Lord, having made the statement. If your lordship had stopped me, and objected to my making the statement at all, I should not have pressed it. Judge Blackstone said, in writing against the labourers, against the poor, and arguing that they ought to be punished at all times when they took property which did not belong to them, said, in order to justify that hard doctrine, that Solomon himself had laid it down that, “if a thief steal to satisfy his soul when he be hungry, he shall restore seven-fold, and shall give all the substance of his house.” Now, this is not a mere garbling, but it is actually a false quotation. The two verses of Solomon are these: “Men do not despise a thief, if he steal to satisfy his soul when he is hungry. But if he be found he shall restore seven-fold; he shall give all the substance of his house.” I offer this to you, gentlemen, as an illustration of what I have said relative to garbling. I now come to the garbling of the Attorney-General: but I may be wrong; it may not be his garbling; it may be the learned Gentleman’s ordinary mode of writing. I am sure, gentlemen, that *you* have never seen a letter beginning with the word “*But*.” “*But*” is a word which grammarians call a conjunction, and it is used for the purpose of joining words or sentences to one another. The Attorney-General, however, has chosen to begin his extract with a “*but*.” What would you say to any correspondent of yours who began his letter with ‘*but*?’ You would say, “Why, what the devil does the fellow mean with his ‘*but*?’ There must have been something before, and he has torn it off.”

Mr. COBBETT then proceeded to read extracts from the *Register* containing the alleged libel, for the purpose of showing that the whole of the article had a tendency the very reverse of that ascribed to it by the Attorney-General.

I have said in one passage that “out of evil came good.” Now, what was that evil? Why, the fires and outrages to be sure. Those I have called an evil, and I have said that I did not wish the people to do evil that good might come from it. Having cautioned my readers

against coming to any such conclusion, I go on to say that the proceedings of the labourers have done good, for which I give my reason, but it does not follow, because I think that out of evil good has arisen, that I approve of that evil; and much less that I intended to incite the people to commit that evil. A terrible storm does good, but nobody, on that account desires to have terrible storms. There is an old saying, that "it is an ill wind that blows good to nobody." Can you find a false, perfidious Whig who will not tell you that the Revolution was a *glorious revolution*? and yet it was the overturning of a king, and the driving him from his dynasty. Is it not known that the convulsion of all the elements of nature do good? A flash of lightning that sets fire to a barn or rick may do much good. I should say that this trial will do a great deal of good; it has done a great deal of good already, inasmuch as it has enabled me in the presence and hearing of this large assembly, to wipe off those vile slanders which have been so industriously circulated against me. If, therefore, the proceedings were to go no farther; if they were to stop here, I should be satisfied with the good they have done. The proceedings of the Jury, however, will do a great deal more good, but do I mean that expression to be interpreted into a wish that the Attorney-General should bring forward against me *more of his dirty Whiggish indictments*, containing charges which are of themselves "false, scandalous, and malicious?" You must all admit that the crucifixion of our Saviour did good to the whole Christian world; but does my saying that imply that the Jews were justified in crucifying our Saviour? [Mr. Cobbett then went on to read other extracts from the same *Register*, after which he continued—]

At the end of one of these articles, there is a petition to parliament signed by myself. You will take that petition, gentlemen, and read it, for you are bound by law to take the whole publication together, and thus form a judgment of the effect likely to be produced by it. In that petition, I have stated the case of the wretched labourers, their sufferings, and the cause of those sufferings. It is as follows:—

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The Petition of William Cobbett, farmer, in the parish of Barnes, in the county of Surrey, dated this 4th day of December, 1830.

Most humbly sheweth,

That the labourers in husbandry have, for many years, been grievously oppressed; that before the Protestant Reformation the laws of England effectually provided, that all indigent persons should be relieved out of the tithes and other revenues of the church, that, after that Reformation, the Poor-law of the 43d year of the reign of Queen Elizabeth, made in lieu of the ancient provision, a provision by a general assessment on the real property of the country; that this just, humane, certain, and ever-prompt provision continued to be made, under the last-mentioned law, for nearly two hundred years, always attended with the most happy effects; that this provision has, within the last forty years, been, by degrees, greatly diminished; and that, by two acts passed in the year 1818 (commonly called Sturges Bourne's acts), changing the mode of voting in vestries, appointing select vestries, authorising the employing of salaried overseers, abridging the power of regular overseers, and also of the magistrates in ordering relief; that by these two acts, and by regulations growing out of them, the just law of Elizabeth, which Blackstone describes as "founded in the very principle of civil society," has been, in effect, made an instrument in the reducing of wages, and in grinding the faces of the labouring people, instead of the means of their relief; that thus the labourers of England have been reduced to a state of want and misery without any parallel in the history of human suffering, and have been compelled to submit to indignities such as never were before offered even to negro slaves.

That it has been proved before committees of the House of Commons, that the allowance for the subsistence of a labouring man, including his earnings, has been, as fixed by the magistrates in Wiltshire, no more than one pound and a quarter of bread and one halfpenny in money per day for food and clothes, with nothing for drink, fuel, or bedding; that it has been proved before the said committees, that formerly the labourers all brewed their own beer, and that now they never do it; that, formerly they ate meat, cheese, butter, and bread, and they now live almost wholly on potatoes, which they carry cold to the fields when at work there; that it has been proved before the said committees, that the honest hard-working labourer is not allowed more than about half as much food as is allowed the convicted felons in the jails and hulks: that it has been proved before the said committees, that the labourers commit crimes in order to get fed and clothed as well as the convicts are fed and clothed; that the magistrates of Warwickshire have declared in resolutions at their Quarter Sessions, that the labourers commit crimes in order to get into jail, the jail being a more happy

place than their own homes ; that it has been proved before the said committees, that the young women are, now-a-days, almost all pregnant before marriage, owing to fathers and themselves being too poor to pay the expenses of the wedding ; that it has been proved before the said committees, that the labourers, having an assistant overseer for a driver, are compelled to draw carts and wagons like beasts of burden ; and that it has long been a general practice to put them up at auction, and to sell them for certain lengths of time, as is the custom with regard to the negroes in the slave colonies ; that all these things have been proved to Committees of the House of Commons, and that no remedy for the disgraceful evil, for such crying injustice and cruelty, has ever been adopted or proposed in either House of Parliament.

That, of all the crimes mentioned in Holy Writ, no one, with the sole exception of wilful murder, is so strictly forbidden and so awfully sentenced as that of robbing the labourer of his due share of the fruit of his toil ; that God forbids us even to " muzzle the ox as he treadeth out the corn ;" that he commands us " not to turn aside the poor in the gate from his right ;" that he commands us to supply our labourers liberally and cheerfully " out of our flock, out of our flour, and out of our wine-press ;" that he commands us not " to harden our heart nor shut our hand against our poorer brethren ;" that he has promised us blessings, if we obey him in these things, and that, in case of disobedience, he has told us, that " the land we inhabit shall tremble, that our feasting shall be turned into mourning and our songs into lamentations."

That your humble petitioner, begs leave farther to represent, that it has not, generally speaking, been owing to injustice and cruelty in the farmers and other immediate employers, that the working people have been thus unjustly and cruelly treated ; that the employers, and especially the farmers, have, by the burdens of taxation, direct and indirect, been rendered unable to give to the labourers a sufficiency in wages to supply them with even the bare necessities of life, these necessities being taxed to an enormous degree ; that the farmers and tradesmen have, from this cause, been compelled to withhold what was justly due to the working people, or to be totally ruined themselves ; and that hundreds of thousands of them have, by this sole cause, and notwithstanding caution, sobriety, industry, and all the virtues of good citizens, been reduced to ruin and wretchedness the most deplorable, and actually make part of that huge mass of miserable paupers who now, to the shame and disgrace of the name of England, swarm over this once free and happy country.

That, as an undeniable proof that it is the taxes which have been the radical cause of these calamities, your humble

petitioner begs leave to state to your right honourable House, that when the year's taxes amounted to 7,500,000*l.*, the poor-rates amounted to 1,100,000*l.* ; that when the year's taxes amounted to 15,500,000*l.*, the poor-rates amounted to 2,300,000*l.* ; and that now that the year's taxes amount to 60,000,000*l.*, the poor-rates amount to 7,500,000*l.*

That your humble petitioner is a farmer ; that he possesses knowledge, as to the agricultural state of the country, at once the most extensive and most minute ; that he has for many years foretold, and explicitly foretold, the present crisis, when the labourers, made desperate by hunger and nakedness, are seeking to obtain by violence that which has been refused to their just and legal demands, to the tears of their wives and the cries of their starving children ; that he knows, that with the present taxes and tithes, even if there be no rent at all, the farmers are unable to pay the wages which common humanity enacts at their hands, and the paying of which is now become absolutely necessary to the peace of the country, and the safety of property and of life ; and that, therefore, he humbly prays, that your right honourable House will be pleased to pass an act, or acts, to abolish the assessed taxes, and all the taxes of the excise, and to take from the nation the intolerable burden of tithes.

And your humble petitioner will ever pray.
Wm. COBBETT.

In corroboration of some of the facts stated in that petition, I will relate a fact which took place at Lingfield, in Sussex. A woman whose husband had been transported under the excise laws, was, with her daughters, two young women, compelled to apply to the parish for relief, in consequence of her husband being sent out of the country. When they were admitted into the workhouse, what did the hireling overseer do ? With the assistance of two men, he caused them to be thrown on the floor, and, with a pair of sheers, had all the hair of their heads cut off. He then caused a disgraceful badge to be put on them, and ordered them, in this state, to go to church on the following Sunday, to excite the gaze of all their neighbours, or else to turn out of the workhouse to starve, or lead a life of prostitution. I would ask you, gentlemen, if you had daughters of your own, what would be your feelings under such circumstances ? But it is well known that every species of degradation and disgraceful treatment is used towards the unfortunate objects compelled to seek assistance from these hired overseers. So much for the effect of *Sturges Bourne's Bill*. I would soon-

er quit my country for ever, although I will never run away from it through fear of the Greys, the Lambs, or the Russells, than remain here, and by allowing my tongue to be idle, or my pen to remain unemployed, silently sanction such gross and abominable tyranny as this. I regret that I did not think of adding to the petition, the following quotation from the Epistle of St. James, which is so very applicable to the case of the labourers.

1. Go to now, *ye* rich men, weep and howl for your miseries that shall come upon *you*.

2. Your riches are corrupted, and your garments are moth-eaten.

3. Your gold and silver is cankered; and the rust of them shall be a witness against you, and shall eat your flesh as it were fire. Ye have heaped treasure together for the last days.

4. Behold, the hire of the labourers who have reaped down your fields, which is of you kept back by fraud, crieth: and the cries of them which have reaped are entered into the ears of the Lord of sabaoth.

5. Ye have lived in pleasure on the earth, and been wanton; ye have nourished your hearts, as in a day of slaughter.

6. Ye have condemned *and* killed the just; *and* he doth not resist you.

Unless some alteration be made in the laws, acts of a still more destructive kind than those of the past will be committed.

Now, in this petition, I have defended the farmers, and I have shown that it is not they who are in fault. How, then, can it be argued that the tendency of my publication is to stir up the agricultural labourers to destroy the property of the farmers, when it goes to show that it was not they who caused the distress; but that all the difficulties and all the evils under which they were suffering, were ascribable to the tithe-eaters and the tax-gatherers? nay, this *Register* even refers to Lord Melbourne's circular, which is a document of a conciliatory nature, and the only one of that character which has emanated from the Whigs. I have referred to that circular, to show the labourers that there was no ground for despair, because the Government sympathised with them in their sufferings, and directed its attention to the causes of them. I did this to mollify as much as possible the rage of the sufferers at the time, and notwithstanding this, it is now contend-

ed that my object was to incite them to acts of violence. But whatever may be the legitimate tendency of this publication, the consequence of this prosecution will be to cause it to be read by a hundred thousand people.

I will, however, now come to the grand and obvious object of the article; and I will put it to the Jury to say, when they shall have carefully read it all through, whether they can entertain the slightest doubt, that my object was to save the lives of those unfortunate men who were convicted under the special commissions. With respect to what has been dwelt so much upon by the Attorney-General; namely, that the alleged libel is headed "*Rural War*," it is no more than the title which was given to the then-existing state of things by several newspapers. What harm is there in it? *The Morning Chronicle* talked of "*The Western Campaign*," alluding to *Jeffrey's Campaign*. *The Times* newspaper, which has always a keen nose for blood, which praised the massacre of the Protestants at Nismes, and called for the blood of the unfortunate Cashman, it was this Journal which called for the special commission, and its observations were sent forth as feelers. Under such circumstances, I anticipated a great shedding of blood, and I therefore felt myself called upon to endeavour to prevent it. Now, let the Jury read the article in question from beginning to end, and say if they can possibly come to any other conclusion, than that it was written for the express purpose of preventing blood from being shed. Let this fact then be borne in mind. Now, such being my object, how is it possible to suppose that I would incite them to further acts of outrage which would of course be the means of defeating the end I had in view? I again repeat, that that was my only object, and to effect that purpose I appealed to the ministers in every possible way; I even used the license allowed by Paley, by telling lies to soften them in their severe measures. I went still farther, and invited all parts of the country, and the parishes of the metropolis, to petition on this behalf. I succeeded in procuring those petitions, and particularly from the noble town of Birmingham. Such was my object, and such the tendency of the article for which this "false, scandalous and malicious" indictment, has been preferred against me. His Lordship will tell you, that you are to look at the whole of this

Register from the first to the last, and that, if you find any thing there rendering it impossible to believe that I had the intention which this Whig Attorney-General has imputed to me, you are bound to acquit me; though I admit that, in so doing, you will at the same time be pronouncing a verdict of *guilty* on this Whig Government. You will particularly observe, that I am only charged with publishing, and not with writing, this alleged libel. Now, great objection has been taken to this title "*Rural War*;" but if you refer to another part of the same paper, you will find another article under the same title, of surely no evil tendency; it is the address of Lord Sydney, imploring the labourers to join heart and hand in suppressing the fires which were at that time destroying the property of Kent. Mr. Gurney, when he was searching for articles of news, could not find this; but then Mr. Gurney is a mere truffle-hunter; he neither sees nor smells any thing but the immediate object of his search. This article, it is true, was not written by me, but then it was *published* by me, and that is all that is laid to my charge, as regards the alleged libel. The Attorney-General has told you that this publication is high-priced, but that the labourers club together to purchase it. I hope to God it is so; and if that be the case, it is fairly to be presumed, that, if they read the beginning, they would read the latter part; and if there were any thing really injurious in the former, the latter was calculated to counteract it. If this Attorney-General were a sincere lover of truth, and not a Whig, he would have read both parts of the publication. The article to which I now refer, is a circular published by Lord Sydney. "Oh! but," says the Whig Attorney-General, "it is only a Lord who wrote that; it is all a farce." With that Bench before him, this Whig Attorney-General will not venture to make such a statement just at this moment. Oh, no! he will reserve that for his next speech at Nottingham, if, indeed, he ever venture to show his face there again; or, perhaps, he will reserve it until he presents himself with Lord Brougham's brother, as a candidate for Southwark. However, let him now say that I have published this article with the intent to incite the labourers to acts of violence. I will appeal to your sense, whether, if my intention had been of the base and mischievous description attempted by the vile Whig

ministers to be imputed to me, I should have implored the labourers, by my own writings, and inserted those of others to a similar effect, to desist from their mistaken course. When you read the publication through, you will not only scout the charge as ridiculous, but say that the man who has preferred it, must, if he believed it, be a fool; or if he did not believe it, must have been actuated by the most base and vile malignity. But the Whigs want to crush me; it is my destruction they seek. It is fortunate, however, that the justice of the Almighty has equally balanced the gifts of his creatures. He has given strength to the horse, and sting to the viper; had the strength of the first been combined with the venom of the second, the consequences must have been dreadful to the whole creation. And so, if the Whigs had strength of talent, in proportion to their malignity, they would soon bring this country into a worse state than any other on the face of the globe; nay, they would even make it worse than Ireland itself; but, thank Heaven! they have no such strength, and never had, but seem as if the curse in holy writ had been addressed especially to them: "Thou art cursed above all cattle, and above every beast of the field: upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life!" Yes, I have been accused by the public prosecutor of this most "false, scandalous, and malicious" charge, of intending to incite the labourers to outrage; but that public prosecutor, and the King's ministers, who ordered the prosecution, must know, though they are perhaps what the French call *borgne*, they must know this is a most absurd charge; they must know that I have always endeavoured, and they do know that it has been my constant practice, to promote the good of the labouring classes, who raise their own food, and make their own clothing, and that all my endeavours have been directed to the promotion of their happiness, and the prevention of rioting, by averting its cause.

On my return from America, thirty years ago, I took a great interest in the welfare of the labouring classes, and wrote several papers upon their state. About ten or twelve years ago, I published, for their special use, a little work called "*Cottage Economy*," teaching them how to make bread, beer in the best manner, and otherwise to provide for their comforts. In a similar spirit, I

wrote and published a book called "*The Poor Man's Friend*." Then again, in my Letter to the Luddites, in 1816, when they had been guilty of rioting, I did what I could to persuade them to be quiet and respect the property of their employers. If I were to speak of this work alone, my motives would be apparent, and these motives are known to my Whig persecutors, but I will confirm the evidence of my motives by the evidence of facts. This very publication of mine to the Luddites has been revived by the instrumentality of my prosecutors, and revived at the very time that the fires were raging in Kent. Early in December, the Lord Chancellor, Lord Brougham, applied to me to give him leave to re-publish my Letter to the Luddites, because in his opinion it was calculated to have a good effect on the minds of the people. The Lord Chancellor applied in the name of a society with which he is connected for this purpose, and he sent to ask on what terms I would allow of the republication. The society is the Society for the *Diffusion of Useful Knowledge*, and they wished to circulate it among those very labourers whom I am now charged with inciting to acts of violence. What times are these ! This *Diffusion of Useful Knowledge* Society, with the Lord Chancellor at its head, come to quiet the labourers by some of the stuff out of "*Cobbett's sedition shop* !" Nay, another member of that Society is my worthy friend the Attorney-General ; my worthy friend who accuses me of stirring up sedition, of stirring up the labourers to destroy property, applied to me for leave to publish my writings, as means of quieting the labourers ! This is so monstrous, that it will hardly be believed. You will hardly credit, gentlemen, that the same Lord Chancellor and the same Attorney-General are now prosecuting me. When the Lord Chancellor made the application, he asked at the same time upon what terms I would consent to the republication. Now, I disliked the use of the word "terms," and replied that I would consent to its being republished on only one condition, and that was, that it should be published altogether, and not garbled by extracting any portions of it ; because I would not allow those facts which set forth the rights of the labourer to be left out, whilst all that was calculated to throw censure upon the violence which their wrongs had goaded them to commit should go forth to the world. Upon this

condition, I gave my consent to the republication, and also lent his Lordship a copy of the book. By so doing, the learned Judge will tell you that I republished that letter again in December. I do not know what the Lord Chancellor has done with the book ; but I will ask him by and by, as I intend to put him into the box. The book, however, has never been returned to me, whatever may have become of it ; but this I know, that it will be found useful to the Society if they read it. My learned friend has called my writings "false, scandalous, and seditious," and a Society of which he is a member, has borrowed my book with a view to publishing it ! The *Register* for which I am tried was published on the 11th December, and a few days before that publication, the Lord Chancellor borrowed the fruits of those talents that are now called execrable ; so that, on one day my talents are useful and honourable, and the next they are styled execrable by the same persons ! The Lord Chancellor is now one of those who are prosecuting me for being the author of one work, when he before thought my works were calculated to put a stop to the violence of the labourers. This is, indeed, high-minded chivalry, and the noble Lord and his worthy friend may "glory in the well-foughten field." I beg to apologize to you, gentlemen, for detaining you so long, but this is the day which has been appointed for casting off the base and foul calumnies which have been levelled at me by the dastardly Whig faction ; a faction that is brave out of cowardice, and which, finding that I can neither be bought nor frightened, endeavours to effect my destruction in another way. Such are the odious and foul calumnies which have been heaped upon me, that I dare say you expected to see me hooped and horned, a pair of horns on my head and hoofs up to my knees, terminating with a cloven foot.

Now, I have always had a great horror of fires ; I do not mind the breaking of a few machines or a few heads, but of fires I have always had a great horror. It was not likely, therefore, that I wished to encourage these fires. To prove to you that this is my feeling on the subject, I will read to you the report of a speech made by me at a dinner at Salisbury some few years ago, in which I foretold the very things that have recently happened in this country. The company consisted of 300 big farmers ; a most untoward audience for such a subject. I told them to act more justly

toward their labourers; I told them that the laws of God and nature required them to treat their labourers better. I told them that if they still continued to bind them down to Benett's gallon loaf and a halfpenny a day, that they would take the law into their own hands and destroy their masters' property. I will now, gentlemen, read the conclusion of that speech to you. [See *post*, p. 37.]

"Oh but," the Attorney-General will say, I had a very good name in 1816, a very good name in 1822; but in 1830, I became a very wicked man, and was only deserving of a long thumping imprisonment." I will come, therefore, gentlemen, a little nearer to the present time; to the dates of the fires in Kent. The Attorney-General has spoken of the *Register* as being a dear publication, but I wonder he did not discover that I also published a cheap work, a two-penny publication, addressed to the working people. Now, a number of this cheap publication, called "*Twopenny Trash*," I published on the 1st of last November; in which I deprecated the crime of arson in the strongest terms; in short, in the very words in which the Attorney-General has addressed you this day, and which, by the bye, he evidently borrowed from that work. Now, gentlemen, hear what I have there written.

"Amongst all the crimes that men committed against their neighbours, that which the law calls ARSON, and which is a *malicious setting fire to their buildings or their stacks*; a crime always held in great and just abhorrence, and always punished *with death*; and so necessary has this punishment been deemed to the safety of society, that children not more than ten years of age have been put to death for it; because it is a crime so easily committed, committed with so much secrecy, and in the commission of which a very young person may be the instrument of grown-up persons. It is a truly abominable crime, because the commission of it may cause innocent persons to perish in the flames; and, at the very least, it may, in a moment, ruin whole families, reducing them from competence to beggary.

"When, therefore, we hear of acts of this description being almost nightly committed in England, our first feeling is that of *resentment against the parties*; but, when we have had a little time to reflect, we are, if we be not the devourers of the fruit of the people's labours, led to ask, What can have been the *cause* of a state of things so unnatural as that in which crimes of this horrid kind are committed by hundreds of men going in a body, and deemed by them to be a sort of *duty* instead of crimes? When we put this question we

are not to be answered with the assertion, that the crimes arise from the *vicious disposition* of the working people; because then we ask, *what it is* that has made them so vicious. No; this cannot be the cause. The people are of the same make and nature that they always were; the land is the same, the climate the same, the language and the religion the same, and, it is very well known, that schools and places of worship and the circulation of the Bible and of religious books, have all been prodigiously increasing for many years, and are now more on the increase than ever. There must, therefore, be some *other cause*, or causes, to produce these dreadful acts in a people the most just, the most good-natured, and the most patient, in the world. I know this *cause*; or, rather, these causes; I know also that there is an effectual *remedy* of this great and melancholy evil; and I need not say, that it is my duty to state them both with perfect frankness; a duty which I shall perform as briefly and with as much clearness as I am able."—*Twopenny Trash*, No. V.

By the way, Mr. Charles W. Wynn was one of those who laid on me the other night in the House of Commons, and I now see the reason of it, and also why the hon. gentleman went the length of saying that he would rather those pamphlets were prosecuted that excited the labourers to set fire to stacks, than those which promulgated blasphemy. The reason is this, I have stated in this pamphlet that the Wynnes receive a large share of the public taxes, which in my opinion they are very unworthy to receive. The fact, is, that I am the watchman, the man on the tower, who can be neither coaxed nor wheedled, nor bullied, and I have expressed my determination never to quit my post until I obtain a cheap government for the country, and by doing away with places and pensions, prevent the people's pockets from being picked. These men know that if I were to get into the House of Commons under a reformed parliament, I should speedily effect that object, and therefore they are resolved to get rid of me by some means or other; but, thank God, gentlemen, you will not let them effect it on the present occasion.

I have little else to add, except to state what evidence I shall lay before you. The first witness I shall call will be the Lord Chancellor, and I will put in the letter to the Luddites, and which by delivery to Lord Brougham for publication, I, in point of law, republished at the very time when I was said to be endeavouring to stir up the labourers to

sedition and outrage. I will then call his Lordship to prove the fact respecting the application for it, and he will tell you that I stipulated no terms, but that the whole of the letter should be published. I shall then call the Earl of Radnor, who knows me and all my sentiments well, and he will tell you whether I am a likely man to design and endeavour to do that which this "false, scandalous, and malicious" Whig indictment charges me with wishing to do. I shall also call several persons of the highest respectability from Kent, Sussex, and other parts of the country, to prove that I have not done any thing to stir up disturbance, but that I have done a great deal to prevent it and to restore quiet. I shall then call Lord Melbourne to prove that the sentence on Goodman was not executed, but that he was sent out of the country, whereas Cook was put to death. When the Jury shall have heard all this, and shall have read over the various publications, I have not the slightest doubt but that they will dismiss with scorn and contempt this groundless charge of the Whig Attorney-General. This is the second time in my life that I have been prosecuted by an Attorney-General, and brought before this court. I have been writing for 30 years, and only twice out of that long period have I been brought before this court. The first time was by an apostate Whig. What, indeed, of evil have the Whigs not done? Since then, although there have been six Attorneys-General, all Tories, and although were I crown lawyer I might pick out plenty of libels from my writings, if this be a libel, yet I have never for 21 years been prosecuted until this Whig government came in. But the Whigs were always a most tyrannical faction; they always tried to make tyranny double tyranny; they were always the most severe, the most grasping, the most greedy, the most tyrannical faction whose proceedings are recorded in history. It was they who seized what remained of the crown lands; it was they who took to themselves the last portion of church property; it was they who passed the monstrous Riot Act; it was they also who passed the Septennial Bill. The Government are now acquiring great credit for doing away with the rotten boroughs; but if they deserve credit for doing them away, let it be borne in mind that the Whigs created them. They established an interest in the regulation, and gave consistency and va-

lue to corruption. Then came the excise laws, which were brought in by the Whigs, and from them, too, emanated that offensive statute by which Irish men and Irish women may be transported without judge or jury. There is, indeed, no faction so severe and cruel; they do every thing by force and violence: the Whigs are the Rehoboam of England: the Tories ruled us with rods, but the Whigs scourge us with scorpions! The last time I was brought before this Court, I was sent out of it to two years' imprisonment among felons, and was condemned to pay, at the expiration of the two years, a fine of 1000*l.* to the King, which the King took and kept. But this was not all, I was bound, too, in a penalty of 5000*l.* myself, and obliged to procure two sureties in 2500*l.* each, to keep the peace for seven years. In order to avoid being confined in the same cells with common felons, I was obliged to ransom myself at the rate of ten guineas per week, which I paid to the jailer, and my other expenses amounted to ten guineas a week more; so that I was obliged to pay twenty guineas a week for 104 weeks. I was carried seventy miles from my family, and shut up in a jail, doubtless with the hope that I should expire from stench and mortification of mind. It pleased God, however, to bless me with health, and though deprived of liberty, by dint of sobriety and temperance, I outlived the base attempt to destroy me. What crime had I committed? For what was it that I was condemned to this horrible punishment? Simply for writing a paragraph in which I expressed the indignation I felt at an English local militiaman having been flogged under a guard of German bayonets! I only expressed the indignation I felt, and I should have been a base creature indeed if I had not expressed it. But now, military flogging excites universal indignation. If there be at present any of the jury alive who found me guilty and sentenced me to that punishment, what remorse must they not feel for their conduct when they perceive that every writer in every periodical of the present day, even including the favourite publication of this Whig Attorney-General, are now unanimous in deprecating the system of military flogging altogether! Yes, for expressing my disapprobation of that system, I was tossed into a dungeon like Daniel into the lions' den. But why am I now tossed down before this Court by the Attorney-General? What are

my sins? I have called on the Government to respect the law; I have cautioned them that hard-hearted proceedings are driving the labourers to despair; that is my crime. If the Government really wish to avoid disturbances in the country, let them give us back the old laws; let them give the people the old game law, and repeal the new law; and let them do away with the other grinding laws that oppress the poor. I have read, with horror which I cannot describe, of a magistrate being accused to the Lord Chancellor of subornation of perjury; I have read of that magistrate being re-instated, and I have shuddered with horror at supposing that a poor starving labourer may be brought before such a man, and, in conjunction with another such magistrate, may be doomed to seven years' transportation for being out at night, and such a magistrate may be himself a game-preserver! This is a monstrous power, and certainly ought to be abolished. The ministry, however, will perhaps adopt the measures I have recommended, and then prosecute me for recommending them. Just so it is with Parliamentary Reform, a measure which I have been foremost in recommending for twenty years. I have pointed out, and insisted upon, the sort of reform that we must have; and they are compelled already to adopt a large part of my suggestions, and avowedly against their will. They hate me for this; they look upon it as I do, that they are married to Reform, and that I am the man who has furnished the halter in which they are led to church. For supplying that halter, they have made this attack on me, through the Attorney-General, and will slay me if they can. The Whigs know that my intention was not bad. This is a mere pretence to inflict pecuniary ruin on me, or cause me to die of sickness in a jail; so that they may get rid of me because they can neither buy nor silence me. It is their fears which make them attack me, and it is my death they intend. In that object they will be defeated, for, thank Heaven, you stand between me and destruction. If, however, your verdict should be—which I do not anticipate—one that will consign me to death, by sending me to a loathsome dungeon, I will with my last breath pray to God to bless my country and curse the Whigs, and I bequeath my revenge to my children and the labourers of England.

[Mr. Cobbett then sat down amidst

loud acclamations from the spectators in the gallery, which it was with great difficulty the officers could suppress.]

Mr. COBBETT then proceeded to call his witnesses.

JOHN and HENRY HAY were called to prove the publication of the defendant's letter to the Luddites, but did not at first appear. One of them subsequently came forward, but it was understood that the Attorney-General would admit that point, and therefore his evidence was not taken.

Mr. COBBETT. I will thank you, my Lord, to let Lord Brougham be called. [A laugh.]

The LORD CHANCELLOR was then sworn, and examined by Mr. Cobbett. (Lord Tenterden overruling an objection of the Attorney-General, as to the evidence.) I recollect making some application, I believe through the secretary of a society to which I belong, to obtain a copy of a paper written by Mr. Cobbett some years ago, the date of which we could not recollect; and also to obtain permission to make use of it, and print and republish it. I have no recollection of the mode of application. It is possible that I applied through the medium of your son, who was then at Lincoln's-inn, but I do not precisely recollect; and it is only within the last few minutes that it has been brought to my mind, that it was a noble lord closely connected with Wiltshire that first drew my attention to the letter in question. The Society to which I allude, is the Society for the Diffusion of Useful Knowledge. The Society's publications are principally designed for the working classes, but that publication in question was more particularly directed to the labouring classes, to counteract the bad feeling existing among them from the erroneous ideas respecting the use of machinery. Sir Thomas Denman, the present Attorney-General, was on the Committee of that Society. I, however, had no communication with him on the subject of this application; and probably this is the first time that he ever heard of it. I recollect that the work was obtained on condition that the whole, and not a part, should be republished.

Cross-examined by the ATTORNEY-GENERAL.—I obtained it on condition that, if any part of it was published, the whole should be published. The Society did not publish it; but in justice to the defendant I ought to say, that it was not rejected on account of any-thing

bad, improper, or criminal in it, but it contained matter not consistent with the object of the Society, and observations on individuals which it was not desirable to republish. Some parts of it were considered useful observations, and likely to allay the existing tumults and outrages. One ground for applying for it was the effect of Mr. Cobbett's name amongst the labourers. The application was suggested by Lord Radnor.

LORD RADNOR was then sworn and examined. I have known the defendant upwards of thirty years, during which period I have been a constant reader of his writings. From what I know of him and read of his works, I do not think he is a person likely to excite the working classes to outrages against their masters or any one else, but quite the reverse.

[A loud burst of applause followed this declaration, which called forth the reproof of the Lord Chief Justice, who said, that unless proper decorum were observed, he should be under the necessity of ordering the Court to be cleared; such interruptions could not be allowed to interfere with the due administration of justice.]

The Earl of RADNOR further deposed. I can elucidate the doubt as to the date of the Lord Chancellor's application to Mr. Cobbett; it was a few days after the publication of the alleged libel. I then suggested to Lord Brougham, that probably Mr. Cobbett would not be unwilling to allow his letter to the *Luddites* to be republished. I believe that it was at my suggestion the application was made.

LORD MELBOURNE was the next witness called and sworn. I recollect a man named Thomas Goodman, who was sentenced to suffer death.

MR. COBBETT.—Upon what grounds did he receive his Majesty's pardon?

The ATTORNEY-GENERAL objected to the question, as being irregular and illegal.

LORD TENTERDEN decided that the question could not be put.

MR. COBBETT said, that that being his Lordship's opinion, he had no further questions to put to the witness.

MR. COBBETT.—My object in subpoenaing the Noble Lords now on the bench, was to examine them as to the cause of *Goodman being pardoned*. The Court, however, having decided that that inquiry cannot be made, I have no necessity for longer detaining them. [Lords Grey, Melbourne, Durham, Pal-

merston, and Goderich, then withdrew, leaving the Earl of Radnor and the Marquis of Blandford on the bench.]

MR. COBBETT.—The evidence that I am now about to adduce will tend to prove, that so far from my intention being such as to lead to the excitement of the labourers, I went into the counties of Kent and Sussex for the express purpose of putting a stop to the fires; and I wish to know whether such evidence will be received. I wish to call evidence as to what I stated in the month of October.

The ATTORNEY-GENERAL.—I object to it, on the ground that the mere circumstance of Mr. Cobbett having given lectures some weeks before, is not evidence of his intention.

LORD TENTERDEN.—The evidence must be general; I can then receive it; but I cannot receive evidence of particular facts.

MR. JOHN PENN, of Lewisham, was then sworn.—The defendant was at my house in October last. I have been a reader of the *Register* for about twenty years. I was present at a lecture given by the defendant at Lewisham in October last, and also at Deptford. From my knowledge of him and of his writings, I do not think he was likely to excite the labourers of husbandry to commit outrages on their employers. I should think the very reverse. I am a manufacturer of machinery and a practical engineer, and have made thrashing-machines.

Major WAYTH examined.—I live near Maidstone, and own four or five farms in that neighbourhood. I have been a reader of the *Register* since its first publication. I was present at a lecture given by Mr. Cobbett in October last. I do not think the defendant a person likely to entertain a wish to incite the labourers to destroy the property of their employers: most decidedly not. I think his literary labours have a contrary tendency.

MR. FRANCIS COUZENS examined.—I am a miller and farmer at Tonbridge. I have been a reader of the *Register* since 1817, from the time of the dungeon-bill. I was present at a lecture at Tonbridge in October last. I think the defendant to be the very reverse of a person likely to incite the labourers to destroy the property of their employers.

Sir THOMAS BEEVOR examined.—I reside in Norfolk, and have been a reader of the *Register* for 13 or 14 years. Since then I have read the whole of Mr.

Cobbett's writings. I heard him give a lecture in Norfolk. I have known him personally for five years, and I think him quite the reverse of a man likely to incite the labourers to outrage.

Mr. GUTSELL deposed.—I have read the *Register* for seven or eight years. I attended a lecture at Battle in October last. I think the defendant the very contrary of a person likely to incite the labourers to destroy property.

Mr. WM. PALMER.—I am a landowner and farmer near Ross in Herefordshire. I have been a reader of the *Register* for thirty years, and have known the defendant personally for several years. I heard him deliver lectures last summer. I do not think him a man likely to incite the labourers to the destruction of property. I use thrashing-machines, and employ about twenty labourers.

Mr. BLOUNT.—I reside at Hurstbourne Tarrant, Hampshire, and have been a reader of the *Register* since 1802. I have received the defendant several times into my house, and concur in the testimony of the other witnesses relative to the tendency of his writings.

Mr. COBBETT.—I wish to put in as evidence the *Register* of 1822, containing a report of my speech at a farmer's dinner in Salisbury, in that year.

The ATTORNEY-GENERAL.—I object to that as evidence, though I do not object to the defendant stating the fact. It is of too remote a date to be admitted.

Lord TENTERDEN.—I am of opinion that it is not admissible.

Mr. COBBETT.—Mr. Horne Tooke was allowed to put in as evidence a publication in 1782, being then 12 years old, and not relating to the subject of his trial. Mr. Horne Tooke brought as witnesses the bishop of Gloucester and others who had known him for forty years. I hope the same law will be dealt out to me. The defendant also adduced the opinions delivered by the late Lord Ellenborough in the case of *Perry v. Lambert*, as bearing on the question.

Lord TENTERDEN examined the report of the Trial of Horne Tooke, and was then of opinion that the evidence ought to be received.

The following documents were then put in and read.

Extract from the Speech at Salisbury.

"This brings me, Gentlemen, to that conclusion to which I should long ago have come, had I not been enticed along by that

singular patience and attention with which you have honoured me, and which I value so much more than bawling and clamour. Conclude, however, I cannot, without an observation or two with regard to the hardly-pressed and unhappy labourers. Gentlemen, there seems to be a regular scheme on foot for getting something out of this body of persons wherewith to satisfy the other demands upon the farmer. He cannot now pay all the demands that are made upon him. The *taxes*: Oh! he must pay them; for they are for the support of government! The *tithes*: not to pay them were to sin against God, as well as against man! The *rent*; he must pay *that*; for here is the lease; here is the parchment; and what man will be worse than his contract? Well then, what are the other outgoings? The *poor-rates*: aye, reduce them! The *labourer's wages*; aye, pinch him! get something out of him! Let him have less to eat, and less to wear, and less to warm him! Gentlemen, why such project will fail in the end. Every such project is in defiance not only of the laws of God, but of Nature herself. The landlord supplies the land, but what is his land without the hand of the labourer? I have no wish to depreciate the claim of the labourer! Is the dirt on which we tread more precious than the sweat of man? Is property in land to be set before labour, which, according to every principle of law as well as of justice and reason, is the very foundation of all property of every description. Laying aside, however, all principle connected with the subject, divesting ourselves, if we can be so base as to wish it, of all those feelings which nature has placed in our breast, and looking at the matter with an eye of common *prudence* only, who can think of interest, of safety, of one moment's happiness or quiet, surrounded by a swarm of starving labourers? Gentlemen, look at unhappy Ireland: think of the occupier of a farm, compelled to pass the night with lights burning in his house, with arms ready loaded; with his friends and relations collected together as in a garrison, with the doors barricaded; with all the avenues rendered inaccessible; with a force distributed in preparation for attack; and think of the feelings of the master of that house, while his stacks and his out-buildings are blazing, and he daring not to sally out to face the invaders of his own farm-yard! For myself, I can safely say, that I would not accept of the proprietorship of fifty estates upon the condition of leading such a life upon one of them for one winter; and I think I can safely say, that what I feel upon this subject is the feeling of you all. The description which I have just given is no description of mine. My genius has not the merit of inventing a thing so full of horrors. I merely repeat what we read in almost every newspaper that reaches us from Ire-

land. Do you, gentlemen, wish to see England in such a state as that? Every Englishman's heart answers, "No!" God Almighty forbid that the once happy farm-houses of England should be converted into scenes like this! Well, then, gentlemen, farmers of Wiltshire, do you see any other means of avoiding such a calamity than that of treating the labourers with gentleness and justice? Almost through the whole of my life, being an employer of labourers myself, I am aware that they are not without their faults any more than the rest of mankind; I am aware that their follies and their vices stand in need of the correction of those whom they serve. I am aware of all this; but I cannot forget what is due to the toils that they perform; I cannot forget the endless repetition of the commands of God to render to labour its due reward; I cannot forget that it is owing to accident, perhaps, more than any thing else, that I am not at this day a labourer myself; and I cannot forget, though I cannot not about religion; though I make not a bawling about blasphemy, that it is the duty of us all to do by others as we, under similar circumstances, would have those others do unto us. Gentlemen, for the great attention that you have paid to me, and particularly for the patience and the manifestly just and kind feeling with which you have heard what I have said with regard to the labourers, the only return I have to make you is, that of most sincerely wishing you, what without your own exertions I am persuaded you will never again enjoy, prosperity.—*Register*, vol. 44, p. 234.

Extracts from Twopenny Trash, for which see ante, p. 33.

Extract from "Register" of the 11th of December, 1830.

Viscount Sidney has issued the following address to the Men of Kent:—

Gentlemen, Yeomen, Farmers, Labourers!

Awake from your trance! The enemies of England are at work actively, to ruin us. Hordes of Frenchmen are employed in doing the deeds of incendiaries, and inciting to acts of tumult. The glories of England achieved against Buonaparte, rankle in the minds of Frenchmen. The independence of Europe, achieved at Waterloo, they cannot forgive; and they are striving, by every art and deception, to ruin England, and again become masters of the world.

The fires of Normandy are revived in Kent, are spreading to Sussex and Surrey, and far and wide, till general distress shall destroy all confidence, and the power of Britain shall be at an end. Englishmen! Unite heart and hand, and discover and bring to punishment these incendiaries.

Let us be true to ourselves, and our dangers will pass away. Our king and our parliament will remove all real grievances, if peace and confidence be restored.

If divisions and disturbances continue, time and thought must be applied to their removal. The worst foes are ever those of our own household.

Be peaceful, watchful, and united!

This England never did nor ever shall lie at the foot of a proud conqueror, unless she first did help to harm herself. France will assuredly gain an ascendancy, and destroy the sinews of our power, if we are not united among ourselves. Shall the conquerors of the Nile, of Trafalgar, and Waterloo, be tricked and mixed by the arts and deceits of Frenchmen, or of base Englishmen, corrupt and infidel. Forbid it, true-hearted Englishmen. Put down the nightly crimes of wicked men; let confidence and friendship prevail throughout the land. Our God has been gracious to us. We are beyond the power of all enemies, except we encourage them by our want of resolution and unity. Desolation and destruction await us very shortly if the deeds of ravage are allowed to continue. Let every true Englishman, as a free man, think it his duty to bring the wretched incendiaries to justice. The people at large are, of all classes, most interested in doing so,—for famine and misery will assuredly be their lot if they are not put down.

"Nought can make us rue,
If England to herself do prove but true."
SIDNEY.

Mr. COBBETT stated that this was his case.

The ATTORNEY-GENERAL rose to reply. The last head of evidence which had been largely gone into, would, if generally allowed, cause a great consumption of time; and proof of that kind, if it were gone into upon every occasion, would lead to such a length of inquiry as will necessarily obstruct all other business. I can assure the Jury that so far from being surprised at the number of witnesses whom Mr. Cobbett has brought forward to express their opinion of his writings, led on, as they have been, by that patriotic nobleman Lord Radnor, I was rather astonished at the paucity of the number; for I am not afraid of again repeating, that I believe Mr. Cobbett to be one of the most able, ingenious, and effective writers that this country has ever produced. The thing for lamentation is, that that ability has been misapplied, and that, instead of turning his powers in a direction where they might really prove of eminent service to his countrymen, he has allowed them to be occupied in a course which has mischief and ill-doing for its objects. The defendant will allow me to say that he is a very difficult person to deal with: for it is somewhat hard to speak of his writings.

so as to meet his feelings on the subject. If we speak of them in strong terms, and say that their tendency is wrong, "Oh!" then "how savage and cruel" are the utterers of such an assertion; they are all banded together with a parson in Kent, and the three magistrates at Horsham, in a conspiracy to effect his ruin, and are all eager to join in an attempt to destroy the self-estimated person. But surely he much over-rates his talents, considerable as those talents are, if he thinks that myself, or those with whom I have acted, would condescend to fabricate charges for the purpose of obtaining his conviction. If, on the other hand, it be said that it is not worth while to prosecute the libels which his works contain, then the cry is that we are wretched and pusillanimous creatures, ready to crouch at the feet of this august personage, and betray our public duty from fear or other personal motives. With respect to the witnesses who have expressed their admiration of the publications of this writer, I am not surprised at the effect produced on their minds: for it is stated that they were in the constant habit of reading his productions, and it is well known that even on the strongest and soundest minds, the continual perusal of any particular set of doctrines, will produce ultimately a permanent effect. I, however, trust that the Jury will not consider that the excellent nobleman, and the other witnesses who have been called to this part of the case, are to usurp their place in the Jury-box, but that you will say upon your oaths whether or not I have made out the offence charged against the defendant upon this particular article fairly to your satisfaction. If this be made out, I shall humbly contend that any opinion of any witness as to the general conduct and intention of Mr. Cobbett, cannot get rid of the charge. Mr. Cobbett has called your attention to the fact of application having been made for permission to republish a letter of his, and he has hinted that I took part in that application. Now it so happens that I had nothing to do with it, but at the same time I am ready to admit that, if that able letter had been brought under my consideration, it is very possible I might have expressed the same opinion respecting it as did my noble friend the Lord Chancellor. This, however, proves nothing, but that the defendant knew how to touch the proper string. That letter, the re-publication of which was denied, shows the author's capacity

to reason on the subject of machinery, and to expose the wretched fallacy by which the poor and ignorant among the manufacturing community were at that time misled, and by which the poor and ignorant among the agriculturists were afterwards so fatally betrayed into crimes of the most awful nature. If he had addressed that letter to the labourers instead of waiting for Lord Brougham to do it, then I would have paused before I said this was a proper case to go before a Jury. But, mark the distinction, see the contrast between this letter and the article in question. In the one case, you will perceive that the defendant is the obsequent advocate of peace and good order, addressing the feelings and the understandings of the manufacturers, and pointing out to them the errors and the crimes which they were committing; whereas, in the other case, he is addressing the feelings and the understandings of the agricultural labourers, and instigating them to mischief and applauding their crimes. In my opinion, the defendant, in his long and ingenious, but most unjust, address to you, instead of entering upon extraneous topics, would have done much better by confining himself to the publication in question, and endeavouring to show that the expressions there made use of have not the tendency imputed to them. This, however, he has not done, except by bringing forward two of the most miserable sophisms that I have ever heard; from which he himself cannot hope to convince a Jury that a mistaken intention has been put upon the letter in question, and which are, therefore, scarcely worth a moment's consideration. Because he called the violence of the labourers an evil in the first place, he thought he might dwell upon the good which was to result from it, and in that manner inflame the passions of the unfortunate and deluded men whom he was addressing. Because he used the phrase, "Out of evil comes good," he thought his adding that good universally resulted from the commission of crime was not calculated to excite to the commission of crime. Why, what does it signify to call it "evil," or to say, "it is true such conduct is not lawful," if he go on to assert that it led to good consequences? But the intention is plain; it is quite obvious that the object of the passage is to show that the fires are the only means by which the labourers can obtain what they have a right to. Why, gentlemen, can you believe for one mo-

ment, that this was the way to induce the incendiary already wielding the fire-brand in his hand, to draw back and not apply it? Then, gentlemen, you have heard a long story about a man of the name of Goodman, who was convicted of arson, and whose life, it has been said, was spared for the sake of endangering the life of Mr. Cobbett. Can the defendant really believe it himself?

Mr. COBBETT.—I do believe it.

The ATTORNEY-GENERAL.—If he do believe it, I can only say that it is one proof of a most perverse disposition, and shows that a headstrong will may be so united with the most powerful talents as to make the judgment of no value whatever; to make a man utterly forget all that he owes to those persons who may have formed a connexion with him; all that he owes to those labourers for whom I do not deny that, on other occasions, he has shown a sense of feeling which I do not scruple to say does him the highest honour. But the offence which I have charged upon him cannot be dissipated by the cry which he has set up with regard to Goodman. What means the loud complaining that the poor boy's life was saved for the sake of putting the defendant in jeopardy? A desire that the unfortunate Goodman might be executed.

Mr. COBBETT.—No! no!

The ATTORNEY-GENERAL.—in order that he might be untouched. That is his argument; for observe his statement: "O! these wicked conspirators who are trying to murder me; they wish to destroy me—*me*, the great Mr. Cobbett, who have eclipsed them all—*me*, who have given them a plan of Parliamentary Reform—*me*, who complain of them for bringing in Game Laws, because it was *I* who first suggested it to them; they think proper, because they know that *I* will not take a bribe, because they know that nothing will induce me to work under the Government, because they know that *I* shall expose their jobs, and ultimately deprive them of their pensions, to endeavour to put me out of the world as an accessory before the fact, by discovering that Goodman attended a lecture of mine at Battle, and from what he heard there was led to the commission of crime!" If any of you can entertain the least doubt, not only as to myself and my colleagues, but as to any individual whatever who fills a public station, and occupies a place in the public eye, acting in this manner, then I shall despair of finding under-

standings free enough to exercise a pure judgment on such topics as these, and we shall have the mortification of witnessing publications of this kind going on without restriction; and, while the unfortunate wretches, yielding to their influence, shall be suffering the extreme penalty of the law, the more guilty inciter to those crimes will go off amid the shouts and applause of an audience which, in some way or other, I know not how, he has brought together—not to the triumph of truth, but the triumph of prejudice. Then, with regard to the other matter to which Mr. Cobbett has alluded, as taking the sting out of that part of the publication which is charged as being libellous. A letter signed by Lord Sidney is introduced in this manner—"Viscount Sidney has issued the following address to the men of Kent," so that it is put in as the act of Lord Sidney. When you take this paper into your hand, you will see a series of articles on domestic affairs, the accounts of the burnings and the outrages that were then going on, and then you will come to this paper of Lord Sidney's. It is true that in Lord Sidney's letter, you will see such expressions as the following: "Let every true Englishman, as a free man, think it his duty to bring the wretched incendiaries to justice." Such expressions, it is quite true, do occur in the letter of Lord Sidney, but you will observe, that it is printed at the end of a long article which probably the admirers of Mr. Cobbett would hardly read to the end; it is given merely as a matter of weekly intelligence, but there is no attention called to it in Mr. Cobbett's letter, nor is there the slightest sympathy with it in any of the doctrines which Mr. Cobbett has put forth in his letter. I do confess that, on the contrary, it appears to me, that though Mr. Cobbett's letter is not stated to be an answer to that of Lord Sidney, it is intended as such, and that it was for that purpose the latter was introduced into the *Register*. Thus there is an end to the argument attempted to be raised from the insertion of Lord Sidney's address. Then, with regard to the "*Two-penny Trash*," I never saw it before; but as Mr. Cobbett calls upon you to infer from it his desire to prevent the commission of these outrages, I beg you to take it in your hand, and see whether you can draw the same inferences from it; whether it is calculated or intended to allay the discontents and violence of the labourer; or whether it is not, by pointing out to them numerous

grievances as pressing upon them, rather meant to inflame their passions and prepare them for the commission of still further outrage. I call upon you, gentlemen, to compare this publication with the letter to the Luddites, and you will then see how different the one is to the other. Then, with respect to this letter to the Luddites, you will keep in mind that it was written far back—written, as it appears, at the time, for the express purpose of preventing the extension of the outrage then going on in Nottinghamshire; but, whether or not, it follows that during all the period that *Registers* may be published, and pamphlets may be coming out to the world, the same writer must of necessity entertain similar sentiments on all occasions, is a matter which Mr. Cobbett may probably be able to explain, but, in my judgment, there is no ground whatever for arriving at that conclusion. It is quite impossible, forsooth, for a man of Mr. Cobbett's consistency of character ever to alter his opinions or his feelings upon any topic, be it political or be it otherwise! Is it the case, however, that a man's opinions always remain the same? Or, rather, gentlemen, does it not appear from the different nature of these two publications, that, though in 1816, Mr. Cobbett embraced the side of wisdom, justice, and humanity; in 1830 he transferred his opinions to the opposite side? It would be decidedly wrong to say, that, because he addressed the manufacturing people of Nottinghamshire for the purpose of preventing acts of violence at the former period, *therefore* he addressed the agricultural labourers, with the same intention, at the latter period.

Now, gentlemen, I beg you to pause here for one moment. We have now arrived at the month of July, the tranquillity of the country is restored, the harvest I hope is smiling upon us, and there is no probability of mischief of any kind evincing itself throughout the country, at least, mischief of such a nature as to disturb the general peace; but in order to judge of the influence which the article in question was likely to produce upon the feelings of the agricultural labourers, you must be so kind as to place yourselves back in imagination at the period at which it was written, and consider that, during the long nights of October and November, the fires were blazing in every part of the country, and by some extraordinary fatality blazing most in that part of the

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country where Mr. Cobbett tells you he went to put an end to these fires. It is a little singular that he should wish to induce you to believe that his intention could not be what is imputed to him, by stating that he delivered lectures to prevent crime, and yet that he went at a period antecedent to that when many of them were perpetrated, and that crimes followed almost in the identical track where he had gone, as he says, with a view to their prevention. That he knew how to prevent outrage the letter to the Luddites clearly proves, but that he did not prevent them is also perfectly clear. Well, but he asks what can be the cause of this horrid state of things, committed, as he expresses it, by hundreds of men going in a body, and which is thought by them to be a sort of duty instead of crime. Now is this language at all likely to disperse men banded together for the purpose of mischief? Is that the way in which Mr. Cobbett thinks it right to endeavour to prevent individuals from committing crime? He asks what can be the cause, and then he proceeds to tell them, in this smaller publication, which circulates most widely in the hands of the labouring classes of the community, that the cause is not that their disposition is bad; no, there is the same disposition in them that their ancestors had, and there is no reason to suppose that there is any-thing bad in them particularly. He then goes on to say what is the cause. He says that the cause is in the extreme poverty of the labouring classes; that they actually are in a starving state. Is this the way to allay excitement? It breaks one's heart to hear of one's fellow-creatures in a state of starvation, but whether it be so or no, to tell these persons who are banded together in hundreds, and think it their duty to go about the country committing crime, that the destruction is owing to the starving state of the poor, is the way to lead to the still further commission of crime; it is not the way to prevent its repetition, but very much to promote it. He then proceeds in tracing out these causes, and says that their natural consequence is discontent, resentment, and anger; and then he states that the individual under these passions gets revenge, and that is redress to a certain extent. This is language addressed to persons who are in the actual commission of these crimes, all of whom are ready enough, as the poor always have been, to complain of their situation, and he directs their attention,

in looking for the causes of their sufferings, to those whom he describes to them as their cruel and savage persecutors. In the motto which I read to you this morning he says, "At last, it will come to a question of actual starvation, or fighting for food; and, when it comes to that point, I know that Englishmen will never lie down and die by hundreds by the way-side;" and if these men are dying by hundreds, then does not the article called "*Rural War*" tell them that they are justified in the outrages they are perpetrating?

Then, as to what has been stated by Mr. Cobbett with regard to Goodman, you must by no means take it as proved. I know nothing about the matter; but it is palpably clear that Mr. Cobbett is a man capable of entertaining the most absurd suspicions, and of imputing reasons for a man's conduct without the least evidence or probability of his being correct. He says that Goodman set fire to the barn from motives of private malice to the owner; now if it were so, does not this statement of Mr. Cobbett's relative to the actual starvation of the poor, the necessity of redress, and the certainty of procuring food by these outrages, equally address itself to the private malice of every individual, who may have, from whatever motive, a spite against his neighbour? Is it not an address to every one of the bad passions at work in the heart of man? Is not this stating to them that they are to take the law into their own hands; that they are to judge for themselves; that they are warranted in avenging their wrongs? And then they are to be told, forsooth, that they are perfectly justified in what they are doing, and that nobody has a right to interfere with them. "They do get some bread," says Mr. Cobbett, "in consequence of the destruction of part of the corn, and while they see this, you attempt in vain to persuade them that that which they have done is wrong." So that these acts of outrage, which expose the life and property of such numerous individuals, are to be perfectly justified, because those who perpetrate them do get some bread by them, and, therefore, we are to be persuaded that it is in vain to attempt to convince them that that which they have done is wrong! Nobody, however, has proved here to-day that hundreds of persons were banded together in a state of extreme suffering; on the contrary, you are here told that they do get some bread in consequence of the destruction of part

of the corn. It is certainly a matter for your consideration, but I cannot conceive any thing so alarming, so much to be deprecated, when the night-fires were blazing, and the machine-breaking was still carried into execution, as the language contained in this *Register* which is made the subject of prosecution.

It is not by asking what persons have done, what frame of mind they may have been in, under different circumstances, that you are to judge of the act of publishing a libel: the act of publishing a libel by a reasonable being is to be deduced from the person so publishing, understanding that pernicious consequences were likely to result from that which he issued to the world. If these consequences follow, by inevitable reasoning, by reasoning which the most stupid cannot fail to perceive and to adopt, then you cannot doubt the intention where the tendency is so clear. I charge Mr. Cobbett with putting forth a publication which he must have known was sure to produce these consequences. He states in his *Register* that outrages were going on in the country, and he states the case in such a way as to make people feel that they were only acting in self-defence in what they were doing.

I may here mention that though it seems the Whig and the Tory factions have found it worth their while to be united together for the destruction of Mr. Cobbett, though Mr. Trevor mentioned the subject in the House of Commons that your minds might not come unbiassed to the consideration of this case, though all the proceedings which have taken place have been with a view to overwhelm this august individual, yet I cannot think that in this number of the *Register* he shows such a dislike to the Whig Government as would induce him to employ such language towards them as he has addressed to you this day. But, before I proceed farther on this topic, I may call your attention to another part of the publication in question, which denies the right, not only of taking away the life of those convicted of outrage, but the right of punishing them at all. According to this document, you are not to call parties before you; these special commissions are all improper, because they are proceeding against individuals who are perfectly innocent and meritorious. He here says, "There has been," (I beg you to observe this particularly when you take the document into your hands,) "there has been destruction of ma-

chinery of all sorts, and particularly coercion on the parsons. And this is, after all, the most ticklish thing; for this is Norfolk petition put into execution, in what was deemed its most desperate part." Then, without my troubling you with reading the whole, he gives an account from the *Norfolk Chronicle*, of a clergyman in Norfolk who was hustled about, treated in a very brutish manner, and afterwards had his windows broken by the mob. This violent conduct took place on the day for collecting tithes, and the defendant goes on to say, that the tithes must be given up; we are told that the church cannot keep the tithes. Now, supposing this is a fit subject to be considered, is this a fit document to be put into the hands of labourers who are going with violence to prevent clergymen from receiving their tithes? And you will also notice, that he says something about a Norfolk petition; his words are "In Norfolk petition, we were for an application of a large part of the church property to public purposes." The Bows are making the application without an Act of Parliament, and the Government may be assured ninety-nine hundredths of the people in the middle rank of life approve of their conduct. But I was about to observe upon the manner in which the Whigs are spoken of in this publication, entreating you, however, to consider this as the prosecution neither of Whig or Tory, but as an issue in which you are called upon to try whether or not this publication has come from the pen of Mr. Cobbett with a full knowledge of the mischief it cannot fail produce; because, if so, in the eye of common sense, it must be taken as intending to produce it. There is nothing in this article that can give offence to the Whigs, or that can call forth their vindictive ire against Mr. Cobbett; on the contrary, they are spoken of in the most laudatory terms. "They are not a fierce crew of hard lawyers such as we have seen in power before. The *chief* is a mild and kind man, very fond of his own family, and who is likely to make the case of the labourers his own. There is *one man* who is in what is called the cabinet, that *I do not* like; but his office gives him little weight." After speaking of Lord Grey in the handsomest manner, he then says, "Though Lord Melbourne did take part against us in 1817, he is not a ferocious fellow; he is a good-tempered man, and not inclined to be bloody. There is

"Lord Holland who never gave his consent to an act of cruelty; and there is Lord Althorp too, who has never dipped his hands in blood, nor crammed victims into the dungeon; and the Lord Chancellor, with all his half-Scotch crotchets, has, at any rate, *no blood about him.*" I only show you the *unreasonableness* of the language made use of here to-day, but I do not *complain* of the terms employed. After calling on ministers not to shed the blood of those who have been convicted, or were likely to be convicted, of outrages the most atrocious that can be perpetrated, he proceeds to remark, "But *transportation* is little, if any thing, short of *death*. And before even this be put in execution against these men, I am sure that Lord Grey will think well on what his sufferings would be at being separated for ever from wife and children, and that, too, for not being able to endure the sight of seeing them perish for want." All this, mind you, goes into the hands of the labourers. "I am sure that he will consider this. Were we in the hands of Sidmouth, Perceval, Liverpool, Castlereagh, or others that might be named, I should, perhaps, have held my tongue upon the subject; but I am sure that now we do not plead in vain. Lord Melbourne's circular to the magistrates most judiciously contains an expression of the opinion of the Government that the labourers have, for some years past, greatly and unjustly suffered. I regard these words as of more value than *all the menaces in the world*; and I regard them, too, as an earnest of mercifleness in the Government; for, with this acknowledgment on their lips, how are they to *shed the blood* of these men, or snatch them for ever from all that makes life worth having?" Then he goes on to say, "Hitherto the conduct of the new ministry has given satisfaction to all good men." Then there is a panegyric on Lord Althorp, which is followed up by another panegyric on Lord Grey, and all these go to show that there is the best understanding on the part of Mr. Cobbett, and the greatest desire to be thought well of by these Ministers.

Now, let us stop and consider what can have induced the Ministry to prosecute, on this occasion, except a sense of duty. It is a striking antithesis, that almost at the time this publication was issuing from the press, my noble friend

Lord Brougham was writing to Mr. Cobbett with respect to the republication of his letter to the Luddites, which he thought might tend to prevent the mischief which I charge this paper with the design of fermenting. This request was no small compliment, proceeding from such a person, and ought to satisfy Mr. Cobbett that there was no personal feeling of hostility towards him; but I ask you whether there is any thing in this publication that would lead you to expect that any one of his Majesty's Ministers would take *personal* offence at it; and should, therefore, set about the destruction of its author by imputing to him the seduction of Goodman? And then, with regard to myself, I may take the liberty of observing, that I have the honour in this publication of being mentioned in a very complimentary way. Mr. Cobbett is here so kind as to treat a Whig Attorney-General with urbanity, and acknowledge that he is capable of doing some service. I am sure that I should do no service if I acted upon the principles he has suggested to-day, or upon the opposite principle, bringing into Court every thing called a libel. Were I so to act, I should be more censured, than for not interfering with libels at all.

Then, gentlemen, it has been said that when this indictment was carried before the Grand Jury at the Old Bailey, they instantly found a true bill, because the matter charged in it was a libel; but I beg to say that that is a gross libel on the Grand Jury. The publication was put in that they might have read it if they chose, and I have no doubt but they did. So far from the Grand Jury getting through their work with undue expedition, I can only say that I have often been seriously inconvenienced by having to wait for them. You will also recollect, gentlemen, that there was no other Grand Jury before whom I could send the bill; and, I appeal to you, whether, if I had proceeded *ex-officio*, you would not have heard something upon that subject? Would it not have been said that no Grand Jury was consulted, that no public opinion was taken, and that I was seeking, by my own hand, to crush this individual. Would not that mode have been as strongly deprecated as the constitutional procedure of which you have heard so much to-day. It appears to me that such would have been the case, and that, therefore, it is not in fact one mode of proceeding or another of which

the defendant complains, but he dislikes the prosecution altogether, and he wishes hereafter to be considered as exempted from all prosecutions.

Mr. Cobbett has made some strong observations with regard to myself. He has charged me with a libel upon Cook, who was executed for what did appear to the Judges at the time, and to the Jury, I must be permitted to say, one of the most malicious assaults that was ever committed. One is exceedingly sorry to revert to these things, more particularly if the relations of the deceased be present, who, it appears, have been brought here by the defendant to hear the story given of the prosecution of this misguided young man; but I do not believe the truth of what has been stated to you. Pretended affidavits have been read to you; but never so much as tendered in evidence. I am put upon my trial to-day, and the Whig Government are condemned; they are not to retain power above so many months. With regard to myself, I am charged as being the libeller of the dead, and the persecutor of the living; but in the statement I made of the only two men who were executed for the mass of crime which was brought to light in the course of the wholesome special commissions in Hampshire and Wiltshire, I was defending the Judges in leaving them for execution. They left six persons for execution, four of whom were saved; but one of the two who suffered was Cook. I do not believe that what I said was incorrect; but whether it was true or not, I beg to say, that some persons readily take for granted what is correct when it suits them, and as readily reject it when it does not. But my reason for thinking I said nothing wrong, is, that no person has contradicted me till to-day; no one person, with the exception of what you have heard in Court, has told me that any thing which fell from me was untrue. Now, considering the numerous channels through which contradiction reaches a public man when he states that which is incorrect, I cannot place much confidence in what you have heard to-day; but if any thing I stated were untrue, it was unintentional and in error. I do not feel that I need to be put upon my defence further than by stating, that there is a good answer to the charge which has been made with respect to the wicked motives of those who have instituted this prosecution for libel. That charge has been made for the pur-

pose of diverting your attention from the nature of the question you are considering. But supposing that all the defendant has said on this subject were admitted to be true, supposing the motives of Government were of the most malicious description, supposing that I myself were actuated by the basest motives that can disgrace human nature, still the simple question would be, is this or is this not a libel, plainly indicating the intention of the defendant to perpetuate the crimes which were being committed; and therefore the whole of what he said was irrelevant, and intended to draw your attention away from the real case at issue. But, if no other could in common reason be assigned than the following, see whether this alone is not sufficient:—If the Government thought it their duty to prevent the extension of crime, and, for the purpose of wholesome example, to send a special commission to try those who had been guilty of crime, were it possible for them to feel and to act consistently with the moral sense and feeling of the people of England, to punish the poor instruments by whom the crime was committed, and, at the same time, permit publications of this sort to go forth to the world, containing the great incentives to crime, without adopting measures for inflicting punishment upon the parties from whom they emanated.

Now with regard to the case of Cook, which was got up with some kind of theatrical effect. Mr. Cobbett told you that he was a labourer; he told you of his being brought to the village where he was known, and of the villagers subscribing their money to get paragraphs taken out of the papers. I think it would have been well for him to consider that Cook was not the only agricultural labourer who might think that he was under-fed and under-paid; that he was not the only person who might be made the victim of the crimes of other people. It should have been a warning, and it would have been a warning to a man of considerate mind, when he heard the fate that must ensue on the commission of crime, not to put forth works on such an occasion as those now before you. But, in this publication, the 5th number of the "*Two-penny Trash*," published on the 1st of November, there is a palliation of the crimes which were then being committed, and then in the *Register* of the 11th of December, while the crimes were still going on, while the fires were still blazing, the lowest people in this country are told, that all the evil

they do is productive of immediate good to themselves: and then it is added, that they cannot be made to believe they do wrong, when they find that good flows from the acts they commit; thus provoking them to a perseverance in their course, and urging them to go on, still considering it their duty to commit offences of this sort.

It is my duty, gentlemen, to call your attention once more to the particular part of this publication selected for prosecution. The defendant has made a great triumph, to which he is welcome, of the indictment beginning with the word "*But*." Let us see, however, whether the language in the indictment is so intolerable, so unconnected with other passages, as to render it necessary to take other expressions, to make it more clear. "*In the meanwhile, however, the parsons are reducing their tithes with a tolerable degree of alacrity. It seems to come from them like drops of blood from the heart; but it comes, and it must all come now, or England will never again know even the appearance of peace. Out of evil comes good. We are not indeed upon that mere maxim, to do evil that good may come from it.*" Then follow the words in the indictment: "*But without entering at present into the motives of the working people, it is unquestionable that their acts have produced good, and great good too. They have always been told, and they are told now, and by the very parson that I have quoted above, that their acts of violence, and particularly the burnings, can do them no good, but add to their wants, by destroying the food that they would have to eat. Alas! they know better: they know that one thrashing-machine takes wages from ten men; and they also know, that they should have none of this food; and that potatoes and salt do not burn! Therefore, this argument is not worth a straw.*" Therefore the argument that good will not follow, is not worth a straw. "*Besides, they see and feel, that the good comes, and comes instantly too. They see that they do get some bread in consequence of the destruction of the part of the corn; and while they see this, you attempt in vain to persuade them that that which they have done is wrong.*" He then goes on to rejoice, that the parsons have reduced their tithes, saying, that it is the natural consequence of the Norfolk petition, and proceeds to remark, that "*the accounts from Cambridgeshire say, that since the terrible fires that*

have taken place in that county, the magistrates have met, and resolved *immediately* to make inquiry into the actual state and condition of the poor in every parish of the county. Very just, very wise, but never so much as *talked of*, much less *resolved on*, until the labourers rose, and the fires began to blaze." I may here make one observation in passing. Though Mr. Cobbett is thought to be a person so little likely to induce violence, yet I rather thought that in his address to you, he did not make much objection to a few thrashing-machines and a few heads being broken. It seems from this, that the noble Lord on the bench, and other respectable persons who have been sworn to-day, to his peaceable intentions, are not quite aware of all his feelings on this subject.

I do not know whether I may not have detained you at too great a length; but after the explanation you have heard from the defendant, and the statements he has made, I have felt it to be unavoidable. I submit whether, when you consider the state of the country at the time this libel was written, the language herein employed must not as an inevitable consequence endanger the safety of the lives and property of the public. I could not wish to press any thing not in the scope of this indictment, nor would the indictment have been preferred, if it had not been thought that there was a clear case for the consideration of a Jury. You will consider whether it is possible for a rational man to hold language of this kind without intending mischief. The defendant has found it necessary to cast odium upon this prosecution in order to rescue himself from the charge contained in the indictment; but I shall not trouble you farther. I leave the whole case in your hands, begging you to remember what was the frame of mind of the party when writing this paragraph; and I ask you whether, in publishing it, you can doubt that he was encouraging to the commission of those crimes which were then desolating the country. With these observations I leave the case in your hands, and I am sure that the public and the crown will be perfectly satisfied with whatever verdict you in your consciences may feel yourselves bound to deliver.

LORD TENTERDEN commenced his summing up to the Jury by stating the charges contained in the indictment against the defendant. He then quoted, from the *Register*, the words con-

taining the alleged libel, and proceeded as follows:—You are to consider, gentlemen, whether this work was published with the intention to excite and to inflame the minds of the labourers and working people, and to incite them to acts of violence and disorder. It has been said by the Attorney-General that every man of common sense must be presumed to intend by what he says, the effect which is the natural and obvious consequence of his words. We can only judge of the motives of men by their acts, and if the act obviously be calculated to produce any particular effect, it is reasonable to infer, and may be inferred, that the party means that which the act is obviously calculated to effect. The evidence for the prosecution was very short; it consisted in that which is now all that is necessary; namely, a copy of the affidavits filed by Mr. Cobbett at the stamp-office, and the production of one *Register* printed and published according to the affidavits. The prosecution having closed, the defendant addressed you at great length, and with great force, and some witnesses were called.

Now, in considering this question and delivering your verdict, you ought to dismiss from your minds all matters of fact that are not strictly relevant to the subject of your inquiry, and are properly in evidence before you. So far as the observations addressed to you by the Attorney-General, or by the defendant, on the publication mentioned in the indictment apply to this particular case, they are properly deserving of your notice; but all irrelevant to this; all that you have heard of Whig and Tory; of this faction and that faction; cannot properly be taken into consideration in the verdict you are to return.

Now, the defendant's evidence, in the first place, proved that some years ago, at a time when great destruction of machinery was going forward in the country, he published an address to the Luddites. It appears from the evidence of Lord Brougham that at about the time of the publication in question his lordship applied to the son of the defendant for a copy of that address, with a view to its republication by the Society for the Diffusion of Useful Knowledge, thinking it might tend to the prevention of the mischief then going forward. A copy of that address was conveyed to the society upon this condition only, that, if the society published any part, they should publish the whole. The Lord

Chancellor said it contained some observations which were not within the range of what the society usually published, and, therefore, they refused to publish the whole. It was not rejected on the ground of any thing improper. Then Lord Radnor was examined, who said that from what he knew of Mr. Cobbett and of his writings, he did not consider him a man who would lead to the commission of acts of violence. Several other witnesses were then examined, many of whom had been for some time personally acquainted with Mr. Cobbett, and some of them were present at the lectures which he gave in Kent and Sussex. They say that the opinions they formed from his literary labours, and from conversation with him, was, in substance, the same as that entertained by Lord Radnor. They do not believe him to be a person desirous to incite to acts of violence. That opinion has been received in evidence, and is to be taken into consideration ; but you are to give your verdict, not from the opinions of others as to the general character of Mr. Cobbett's writings, but your verdict is to be founded upon the natural tendency of this publication with which he is here charged. It is your province to judge of it, and you are to judge for yourselves. The further evidence on the part of the defendant consisted in reading from another publication called *Two-penny Trash*, which came out in 1830, upon which you heard some observations from the Attorney-General in reply, which seem well deserving of your attention. There was also the report of a speech made by the defendant at Salisbury, in 1822 ; and the letter to the Luddites, the greater part of which was read, and which was published in 1816. There were many observations in that letter respecting the advantages of machinery, which by no means compete with the expressions used on the present occasion, namely, " They know that one thrashing-machine takes wages from ten men." These two statements are not consistent with each other, by any means ; your verdict, however, upon this occasion, as upon all others of a similar kind, is to be the result of your own opinions. It is, perhaps, not easy to say that the passages which have been

selected are the strongest, nor is it easy to say how men of strong sense and enlightened education would view this language, and what effect would be produced upon them by it ; but its effect upon those to whom it was addressed was, perhaps, rather to promote than to prevent mischief ; as, however, I stated before, that is a matter for your consideration.

Something was said to you at the beginning of this day, as if an attempt had been made to intimidate you in the discharge of the duty you are now called upon to perform. I was absent, and therefore could know nothing of it. The only remark I would make upon it is, that I have no doubt you will come to the consideration of this question impartially ; that you will not be affected by any threat you have heard ; but that your verdict will be what it ought to be, the result of your own calm and deliberate judgment, under the influence of the oath you have taken. I will not detain you by any further observations, but hand over the various papers for your consideration.

The Jury then retired, it being five minutes past six o'clock. At half-past seven o'clock Mr. Cobbett retired from the Court. Lord Tenderden remained in attendance until near ten, when the Jury not having returned, his Lordship left the Court, having previously instructed the proper officer to record the verdict. No verdict was given, however, during the night ; and at a little before nine o'clock on Friday morning, Lord Tenderden having arrived at the Guildhall, the Jury sent his Lordship the following note :—

" THE KING against COBBETT.

The Jury in this cause, after mature consideration, cannot agree to a verdict, six being of one opinion, and six of another. They, therefore, respectfully solicit the Court to grant their discharge."

Lord Tenderden sent for the Jury, and upon their appearing in Court, he told them that he had received such a communication, and asked them if it came from them. Upon their answering in the affirmative, his Lordship said, " Then, gentlemen, you are discharged."

Mr. COBBETT.

(From the Dublin *Freeman's Journal*.)

THIS able writer has been prosecuted by the treacherous Whigs, and they have been signally defeated. An honest English jury heard the able defence, a mere outline of which we regret exceedingly being only able to publish in this day's *Freeman*, and they refused to bring in a verdict of guilty. Fortunate Cobbett! not to be tried in a place that we know. *There* you would have been condemned by a packed jury of ignorant slaves, who would take the *dicta* of a judge, however capricious or absurd, as pure law, and would be "nothing loth" to mulct with fine and imprisonment a public writer, who laboured during a long and useful life for the good of the people, and whom a body of men, who have ever the words of freedom on their lips, but little of its essence in their hearts, would persecute, because by his exertions the ignorance of the peasantry is dispelled,—the corruptions of the oligarchy are exposed,—abuses of the church exhibited—the vaccillations of rulers censured,—and because the great aim of his life, judging from his works, has been, to ameliorate the condition of the "lower orders."

We rejoice in this acquittal of Mr. Cobbett; for although the jury did not pronounce a verdict of "not guilty," they, in effect, decided, that the prosecution was untenable, unfounded, improper, and oppressive. The writer of the *Political Register* has not been condemned by a jury of his peers—he has escaped the fangs of the malevolent Whigs—he stands acquitted, in the eyes of every honest man in the empire, of the foul and malicious libel upon his character as a citizen of the state, and an instructor of the people, which the indictment against him set forth. If it be criminal (in *law* or in *good society*, but not in the eyes of the Whigs—their opinions are worth little) to instruct the ignorant, to open the eyes of the understanding of the peasantry, to point out the necessity of co-operation between the middle or lower classes, to urge the necessity of seeking men's rights legally and constitutionally, but firmly and undauntedly, to show up all the profligate anomalies and abuses that have grown up in the state as a wen, and disfigured and brought into decay the very best of our institutions, with a view to their effectual eradication—if to do this be a crime, then is Mr. Cobbett one of the most guilty men in the British dominions; but his guilt is of a nature that would induce us to wish to participate in it to a large amount.

Mr. Cobbett's defence, by himself, was able, manly, and convincing. He slaughtered the malicious Whigs. They are now so covered with a torrent of deserved abuse, that their touch is loathsome. Sir Thomas Denman has inflicted deeper injury upon his hitherto-noble reputation, than could be done to it by all the malice of wounded regal pride, and all the virulence of political opponents. We lament that *he* has fallen, and much too, from the pinnacle of honourable fame on which he justly stood; but we exult in the splendid triumph of his antagonist. The conduct of Mr. Cobbett was that of a man conscious of innocence and of acquittal. He shivered the charge to atoms—he frittered to pieces the web of falsehood and technicality in which it was thought to entangle him. The Whigs he massacred—the Ministry he scathed—the Attorney-General he worsted—the freedom of the Press he triumphantly maintained and vindicated. We wish him every benefit of the prosecution and every joy of success.