

[illegible][illegible]

policy—believing that “three he is armed who hath his quarrel just.” I appear before you to defend my political position, and to show that I am a possessor of legal talent opposed to me, that I can convince you of my innocence and the injustice of the charges against me in the indictment. Gentlemen, I assw over the charges contained in the indictment, and I am apprehensive as a civilian, not understanding the terms of the indictment, I might have very fairly commented, I pass by that and many other topics upon which I would have commented for two reasons,—first, I feel that I have not right to do so, and second, because the Court to the hindrance of the other defendants who have to follow me; and second, because I feel that I have no right to do so as short as possible, in consideration of the fact that I am a civilian, and I had to perform, and hence, gentlemen, I will come at once to the question. Allow me here to remark that I am not appearing passing wrong, that while I occupy a prominent position in the paper, my position is not one of my name in the opposing address of the Attorney-General, nor any evidence offered against me the morning of Saturday last, when Carleton gave evidence that I was at the Conference. Strange, gentlemen, that there should be so little evidence against one of the chief conspirators! Well, gentlemen, I find myself charged with having conspired with the defendants, and I am charged with fifty-eight; of these fifty-eight I am only well acquainted with one, viz., Samuel Parkes of Sheffield, about fifteen or twenty of the defendants I am acquainted with, and the remainder I am acquainted with by name, while with twenty-five to forty of the defendants, I am totally unacquainted; I never heard of them before my arrest; when I was taken to Kirkdale gaol, I was told that I was charged with persons—but still so little do I know of them that they were placed before me now, and my life depended on the issue, I assure you, gentlemen, that I never knew them. I have seen some of their names. Some reside in Ashton, some in Manchester, some in other parts of Lancashire; I reside in Sheffield; what connection could there have been between me and these defendants? I have seen some of them when I was arrested, the prosecutor, I doubt looked through them, is there any letter from any one of these defendants to me? A considerable number of the defendants have been treated in the manner that I was, letters were written to them, is there any one of these letters from me? Can the prosecutor show that there was any connection between me and these defendants? He cannot, what then becomes of the charges that I was at the Conference?—men I never knew—men whom, previous to my arrest, I never saw? I find I am charged with conspiring with the 1st of August and following days. Now, gentlemen, I have presented to you evidence to show that there was any strike, turn-out, or disturbance on the 1st of August,—what then becomes of the charges that I conspired on the 1st of that month? The strike commenced on the 1st of that month, I have been shown over and over again, the strike at the outset was for wages, and not for the Charter. In fact, the Charter was never mentioned until the 10th of August, when it was introduced by the delegates held in the Carpenter’s Hall, Manchester, certain resolutions were passed approbatory of the principles of the Charter and declaratory of the fact that the delegates were prepared to go on strike to secure to the working classes their rights—this was the first time we find the Charter even named; this was the 10th of August, yet you are charged with conspiring on the 1st of August, and with the Constitution, and that on the 1st of August! Gentlemen, you have laid laid before you a great deal of evidence touching these trades’ delegate meetings. I have shown to you that the delegates were not with what the trades’ delegates did; their names are not in this indictment, and hence I suppose that they did nothing illegal; if they had, I suppose that the delegates would have presented them to you, they did nothing illegal, why is evidence of their doings brought against us who had nothing to do with them? Gentlemen, I have shown you that the delegates were not at the Conference, and that the Charter was never even mentioned until the 10th of August; and now I will show you that I knew nothing of the strike until the 13th of August, and that I was not present on the 13th, the 14th, the 15th, the 16th, the 17th, the 18th, the march to Manchester was on the 19th; on Wednesday the 10th, early in the day, I left Sheffield, and I have presented to you evidence compelling me to occasionally leave Manchester, and absent until the Saturday, when on my return home on the railway I for the first time heard of the strike, and I have shown to you that I was not present in my hands the local papers, that I became fully acquainted with the first movements of the turn-outs; and it was not until the next day, August 11th, that I was informed that the delegates had declared in favour of the Charter. Yet, in spite of these well known facts, we are charged with conspiring on the 1st of August! 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(Concluded from our fifth page.)

the strongest Government that had existed in this
 verdict of acquittal shew but that a Government so
 they had ought not to fear assaults of this nature !
 the application of 3,500,000, which had refused to hear
 their application illegal ! Why ? Was the object of
 that year after year, petitions on the subject, to
 Charter had been presented to the House of
 tions had been illegal, constitutional, or informal,
 they would not have been allowed to be presented
 table. The last petition of the people was upon the
 that it could not lie in the House at all (A
 sixty-six or more years of Charter. What had
 been done besides. The petition of the sacred
 holidays was brought forward in the House of
 Commons by Mr. Attwood, for the purpose of
 trying out the Charter, and debated for two
 months. It was a National Convention, sitting in Lon-
 don. This was the occasion of that relaxation in
 the law which the Attorney-General had been
 he so nobly defended his client, at Monmouth, and
 when he was enabled, by ingenuity he brought to
 upon the case, to spare the life of that gentle-
 man, the conspirators ? Why, were they to look for the
 conspirators ? Why, were they to look for the
 it was illegal to agitate for the charter ? Was
 illegal to present a petition to the House of Com-
 mons for its enactment. But the fact was that they
 the House of Commons, and a large number of Members
 of the House of Commons, were not only legal, but
 constitutional, that the people ought to be allowed
 it but to stand by it. He now came to the witness
 Buckley. What did he admit ! That no damage
 was done to person or property in his district, and
 he attributed the success of the cause to the character
 of the speeches delivered. The speeches had been
 Mr. Wilcox, another witness, had heard him (Mr.
 O'Connor) address the people, and he had told the
 jury, that the tendency of his speeches was to
 peace to the preservation of property. He begged
 again to call their attention to the character of the
 ley. It might have been supposed that the witness
 was subpoenaed for the defendants. He said that
 hands turned out on their own accord, and
 was something more important than this. He had
 the important admission from Buckley, that he had
 instructions from the Magistrates, to report to them
 everything he heard tending to a breach of the
 kind ! No, sir, he reported one word of anything
 of the kind. He was in North Lancashire, and
 (Mr. O'Connor) was in North Lancashire. But
 before he alluded to that let them see what was
 said by the policeman Mr. McCabe. He, too, had
 given instructions to attend meetings of the peo-
 ple for the preservation of property. He begged
 receive reports from all other meetings, but when
 the " grand conspirator " made a speech at Burnley,
 although McCabe was within ten yards of the tent
 erected by the middle classes, he did not go to hear
 him. He told the jury, that he had been told by
 O'Connor) go to North Lancashire. Why did he (Mr.
 the transactions referred to in the indictment, he was
 accused of being a coward, in not going down. He
 received letters both from the middle and working
 classes, and there were spies among them, and
 requesting him to go down. He said that after he
 after he left the place, there was no disturbance of
 the peace. He appealed to the magistrates, one and
 all, whether it was not his presence for a week, in
 the place. He told the jury, that he had been
 and doing nothing, for that as sure as they fol-
 lowed the advice of those who wished to urge them
 to a contrary course, would the betrayers stand
 by the Tory box, while they (the people) would be
 placed in the hands of the betrayers. He said that
 He was publicly charged with being a Tory spy, and
 with receiving the money from the Carlton Club. He
 had travelled through the counties of Yorkshire,
 Lancashire, Warwickshire, and Nottinghamshire, to
 the purpose of being seen, and being led to the
 of any act of violence to the property of the peo-
 ple. He was not there contending that no disturbances
 had taken place. It was natural to suppose that if
 the hands were to be turned out, they would become
 violent. He said that he had been told that they
 turned them out. Certainly not. If he was asked
 whether they recommended those who were out to
 join in the agitation for the Charter, then he pleaded
 guilty. They had done that. Let them see what
 he had said in the House of Commons. He left
 London on the 15th August, and he said that he
 was known to have been at the anniversary held at
 that place, on the 16th, for several years past. No
 act of his, calculated to carry the conspiracy into
 practice, was ever resorted to. This did not mean
 which was calculated to commit a conspiracy. If
 he had been a conspirator, should he have borne
 the character which had been so generously
 assigned to him by the Attorney-General ! If he
 intended a conspiracy, would he have despatched
 the order to the people, to hope to accomplish
 his design ! No. From the beginning to the
 end, he had deprecated violence, and every thing
 calculated to lead to it. But he would not rest
 satisfied with the case made out for him by the
 Crown. He would show that he had been there
 from time to time when he left London, addressed
 to him during his absence, whether public or private,
 should be opened. So anxious was he for the main-
 tenance of the Charter, that he had been the
 publisher of the *Evening Star*, of which he was the
 Editor, that if any articles of an improper character
 were sent for insertion during his absence, they were
 sent to him, and he would not insert them. He
 content with this. He could produce before them
 mill-owners, men of property, men of wealth, men
 of character—those who had known him for seven
 or eight years, and they would speak to the effect
 that he was a man of property, and a man of
 the country. Ah ! conspiracy ! The Crown knew
 well that there was no such charge against him.
 But said they,—have something that will catch the
 red coat and take care you don't let the big fish escape.
 The Crown knew that the people were weak, and
 much proved the weakness of a Government,
 strong though it might be in a majority in
 the House of Commons, as a desire to
 put down public discussion. A majority in the
 House of Commons, and a majority in the
 of the public mind was another thing ; and
 the present Government well knew that powerful
 though their majority might be, it could not stand
 for a month against the well-directed opinion of the
 people. What ought to be the best object of the
 country ! Ought to be the best object of the
 living genius of the day. There was not one point
 of the Charter which was not recognized, even by
 the strong Government. They held the ballot. As to the
 of the House of Commons, and the House of
 Scotch members had no property qualification. They
 had Universal Suffrage recognized by the strong Government.
 He could imagine how delighted the
 Learned Attorney-General would be when addressing
 the jury, that he was at a general election, and
 near the close of the Charter, to come to help him
 (laugh). But, the Learned Gentleman and his friends
 on getting possession, like wily tenants, would now
 dispute the right of the lessee. Having succeeded
 in obtaining power, by the people's hatred of disor-
 der, and of oppression, and of the laws, they were
 seen. It was because the Whigs disregarded
 public opinion, that they were sent to the bleak side
 of the treasury, and the same disregard now evinced,
 in the disrespect manifested to the people, and to
 of the House of Commons, would drive the
 strong Government from the strong position which
 they now held. It had been his intention to have
 carried the war into the enemy's camp, and to have
 asked them from whom had he language in this indictment
 been procured ? But he had abandoned that inten-
 tion. Why ? Not because he did not think that
 much stronger language had been used by the party
 to whom he was speaking, and who were the friends
 of the Charter, but because he would not make
 out a case of prosecution against other parties
 in another place. Before he concluded, he must make
 an appeal to the jury—not in the words of the
 Attorney-General, but in the words of the Learned
 Gentleman, but in the same spirit as when
 he, addressing a jury at Monmouth, on behalf of Mr.
 Frost, made an appeal to them as to the effect which
 a verdict of acquittal in the case would have upon
 the public mind. He said that he had been told
 of the Learned Gentleman, he would allude for a
 moment to the attempt which was made, after the
 prorogation of Parliament, to suppress public meet-
 ings. He thanked God that he lived in a free
 country, and that the laws of the country were
 Scotch members the laws as they ought, and there
 was not such a country under heaven—strain the
 law, and there was not such a country for persecu-
 tion. The most suicidal policy that any Government
 could adopt, was to attempt to suppress public
 meetings. They had been described by Junius as
 announcing the approach of the thief, and preparing
 the people for his coming. Why had they been able
 to keep the irritated mind, writing under the influ-
 ence of the Attorney-General, and the Learned Gen-
 tleman. How was it that they had been able to keep
 down the turbulence of the people ! It was in the
 hope of having the Charter, and the hope of having
 it by a peaceful struggle. He had no idea of any
 other mode of proceeding, and he had no idea of
 Mr. But the people would not fight for it. They
 knew that they could carry their principles by moral
 force, and by that alone. Something must be done.
 If nothing was done for the people, some reason
 must be found to keep them down. They had been
 attempt to put down the Chartists, but did they
 think they would succeed ? Some persons asked
 —why don't you indict the League ! Perhaps the
 Government intended to put down the Chartists
 by attempting to seduce the unconvinced members
 deal with the strugglers in detail. The Attorney-
 General, in opening the case, had observed as much
 prudence and moderation as he was well able to do.
 If they were fishermen they would see the golden
 net attempting to seduce the unconvinced members
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I believe the reason why it was abandoned was, the magistrates informed Mr. Scholefield, that they were not allowed, and he said he would have been glad to have had power to prevent it; that the department of the people, at the time of the peaceable, I heard of the procession on the previous 16th of August. I never remember a more quiet time of the year in Manchester than the last. About the time of the strike, however, we saw that several manufacturers were paying low wages than others, and they wished for an equalization. They wished me to try to procure a meeting between the men and their masters. A meeting was held at the residence of the magistrates, at Town Hall, that Mr. O'Connor had arrived, and I did not think it necessary to take any precautions in consequence. The impression upon my mind as to the disposition of the people was, that it was not so much from my knowledge of Manchester as from what I had seen in London. I considered it probable, in the condition of the high price of provisions and the low rate of wages.

By the Attorney-General—I don't remember what number of special constables were sworn in August, but I should think 400 or 500. The first day after the strike, I sent out a party of considerable reinforcement. We probably employed more. I attended at the Town Hall. The Magistrate attended there day and night, for full five weeks. The commander of the district was at the head of the force. On Tuesday, the special constables attended there, to day and night, for at least a month. On Monday the 29th of August, I saw nothing particular. On Wednesday, there came about a great deal of excitement. I ordered the militia to be called out, and I considered there was an intention to destroy the line. I gave the date, but I think it was sometime the following week. I think there was a general advice given to the millowners by the Magistrates not to employ any more strikers, and I received many hands in the mills appearing to be quite ready to turn out. There was no force required. I can say why this advice was given. One young man came and asked if he could fire upon the mob, and I told him that I could not give such orders to them. We told him of no such thing.

Mr. George Royle Chappell examined by Mr. O'Connor. am an alderman of Manchester, and have lived there more than fifty years. I remember very distinctly the events of the late disturbances, and damage done, nor a square of glass broken, and they said they did not wish to damage property, as the hands appeared to be quite willing to turn—as those who went to the mill, were desirous the mill should be kept running, and I was present in the course of the proceedings in which I was personally engaged that the people had struck for wages and I must say that having been in every mob in Manchester, for the last fifty years, I never saw anything like the conduct of the strikers, or more peaceful than they did. There has been a reduction from the year 1836, up to the present time of fifteen per cent on the raw material; but the reduction in the prices manufactured goods in that time has been 50 per cent. I do not consider that the falling off in the value of the goods does not enable the manufacturer to give the same rate of wages; but still I think the destitution which prevailed arose more from those who were unemployed being thrown upon those who were employed, and the rate of wages paid, supposing means of employment to have been general, instead of, as was the fact, very partial. I am no member of the Anti Corn Law League, nor have I subscribed a single shilling towards its support. I was formerly a delegate to Sir Robert Peel, at the request of a number of my fellow townsmen, for the purpose of laying a statement of facts before him, and expressing our opinion. The Attorney General said he really objected to this evidence. We were not here discussing existing distress, or the remedy which is to be found for it.

The Judge—I think we can't hear statements that are uncorroborated. Mr. O'Connor—Then I ask no further questions.

James Kershaw, Esq.—I am Mayor of Manchester. I was a magistrate in August last. I resided in Manchester all my life. I have a great personal interest in the case, and I have naturally been in procession in Manchester on 16th of August. I remember the time about which the magistrates issued a proclamation last year, understood it was intended to have had a procession on the 16th of August. The magistrature at that time would not place names and those engaged getting it up complied with this wish. I am a call printer. My works were stopped on Thursday, 11th of August. There was no damage done to my works. The persons who were suffering from distress last 16th of August passed off much more peacefully than we had anticipated, and, as compared with previous days, much more peaceably. I think the greatest excitement prevailed on the 9th, 10th, 11th, and 12th of August. The persons who were in distress speaking of them generally, I think the conduct was good. There were some exceptions.

Mr. O'Connor here stated that Sir Ralph Denbury had been subpoenaed as a witness, but that he had declined to appear, and that he was labouring under indisposition; he could not attend.

Mr. Isaac Clerk Pray examined by Mr. O'Connor.—In August last, I was the registered proprietor of the *Evening Star*, a newspaper published in London. I remember the suppression of public meetings in London, in the month of August is about the 23rd. You were Editor of the *Evening Star*. I was not connected with you in any way, your services—not a penny. You gave notice to all letters, whether private or not, addressed to me in London, should be opened in your absence. I have opened hundreds of letters marked "private," and I have seen the contents of many of them. In the *Evening Star*, were that we should not admit anyone in favour of the strike, or of an exciting character. I always thought it was your desire to make the country as peaceable as possible, and though I was not connected with you in any way, I received orders for the payment of his salary. I considered Griffin's matter so inflammatory, that sometimes out the whole of it out, and sometimes a part. I thought he was aiming to entrap me as publisher of the *Evening Star*, and I refused to publish from Griffin, in which he asked you for money to send him to America.

By the Attorney-General—The *Evening Star* commenced at the latter end of July last year. Mr. O'Connor lived in London or the neighbourhood.

Mr. O'Connor—I wish your Lordship to ask witness whether the *Evening Star* was not principally supported by the operatives, and circulated among the lower classes.

Judge—Was that so?

Witness—it was.

Mr. James Holliday, examined by Mr. O'Connor.—I am a manufacturer residing at Oldham, and I know something of the circumstances attending various meetings at which you have addressed the people. The general tendency of those addresses was calculated to lead to a breach of the peace. I have heard you complain that you had been much misused, and that you had been much abused, and that had been created in consequence. In the speeches which I have heard you make, I have thought that they were distinguished by great zeal and energy, and considerable speech strength.

By the Attorney-General—You have been accustomed to make speeches myself, on various topics.

Mr. Titus Brooke, of Dowsbury, examined by Mr. O'Connor.—I have known you as a putnam for ten years, and I am personally acquainted with you in the neighbourhood of Dowsbury, but I have recently been in an unsettled state. I have heard address public meetings, and make exhortations to the people, when there was a disposition to be turbulent, and that has been often done, and I have frequently heard you use one word which was calculated to lead to a breach of the peace. Among the working class your character is generally admired as a lover of peace. Among the middle classes you are not much admired, and I have heard you speak of the whole of the population, that I would accord to you the character I have given.

John Farr, examined by Mr. O'Connor.—I am your steward in the county of Cork. I have lived with your brother, He left me two pounds a year in consideration of my character. I have frequently seen you stand in the fields for a whole day with workmen, 150 in number, conversing with them, and I have seen you go through the ranks of the militia, conscientiously stating that you were always for peace. I remember the disturbances in the County of Cork and the violence offered to the Magistrates and military. You induced the people to give up their arms, and I have seen you receive a letter from you with respect to your tansony, you have built stables, houses, where formerly mud cabins existed, and you have given the ground rent free. You paid a higher rate of wages than any other landlord.

Mr. O'Connor—My Lord, I am merely eliciting the contents of your own memory, and the Attorney General had thrown out that I had employed the *Northern Star* as a medium of agitation for the purpose of pecuniary gain.

The Attorney-General—I beg to assure Mr. O'Connor that I imputed no such motive. I am far from insinuating any such thing, and I would not wish to be misunderstood. I am capable of doing justice. For if the testimony just now given had not been elicited, the Jury could not fail to witness the creditable deportment of Mr. O'Connor in their presence. He had been in the room for a long time, and I thought it was of very important occasion to mention what he there saw would alone have prevented him from even entertaining any disposition to disparage Mr. O'Connor.

Mr. John Ardill examined by Mr. O'Connor.—We have been your clerk ever since the year 1837, and we have been paid by you large sums of money for political offices and to parties who were incarcerated for political offences and to their friends. I have frequently written to you to say that I could not honour your drafts they have been so numerous

[illegible]

intended to suppress, and to the nature of the occasion. They were told that the goals were full. What were they told of? Unhappily, at all times, crimes were too abundant to be told. In the goal, at Kirkdale, and at Chester, confined for offences of this description. Where would have been the manliness of sending the poor persons to pine in prison, who, at the bidding of those lecturers of the agitation were sent to do the work of the poor, who, he repeated, would have been the manliness of leaving them to pine in a dungeon, and allow the enlightened members of the Conference to go perfectly free. He maintained that it would have been unmanly to have addressed by speeches to do acts for which they were now suffering in prison, and at the same time to allow those to go unpunished, who were secretly rejoicing in the success of their schemes, and in the impunity with which they were making their way through. The Learned Gentleman then entered into a luminous exposition of the law as relating to conspiracy, and afterwards entered into a review of the history of the transactions in August last, describing the wrong which each of the defendants had done to them, and pointing out the evidence as it stipulated with more or less of conclusiveness. The Learned Gentleman then addressed to the Jury, and asked whether the people were to live under the law, protected in the exercise of their property, or whether they were to do the law as it pleased the poor man, who was moving power which arrogated to itself the right of dictating to others how and in what manner he should regulate his own personal liberty? He (the Attorney General) had little to say to this question, but he said that the law must respect the right of the poor man to his labour more than he did. It was his property, and it was that which they had a right to protect. They would enable the poor man to labour, if he thought fit, and not to be hindered by this false law, which was the only object to which he cared anything, he was forthwith to desist from his peaceful occupation, and rush into some visionary and lawless enterprise. Labour was as much property, and was as much entitled to protection, as the estates of the lofty and wealthiest peer of the realm. "Why," what, after all, was the difference between what was commonly called property and labour? Labour was the property of to-day. That which a man might leave to his children, and which he might bequeath to his wife, was the labour of to-day, if it produced anything which could be laid by, created capital, and that became property. There was a common sympathy and interest between labour and property, for property was the representative of labour, and labour was the only property which the poor man could command. These great elements of society were not to be set in hostile array against each other. It was perfectly true that without labour, what was called capital would be valueless, and that the property of the highly advanced state of civilization, such as they enjoyed, labour would, in a great many parts of the country, be valueless, if there was not capital to give it employment. There were two great elements of the state, and these were labour and capital; and the country was at present placed, were not to be set in hostile array against each other. The one was necessary to the support of the other. Neither could do without the other, and he trusted to find, in the lectures of the day, that the people would be afforded one, would go forth to the world, and let it be understood that labour and property ought to have one common protection, and ought to be directed to the common end of all society—the happiness of the community and the well-being of the world. He said that the comparisons made between the poor and the rich, and of the advantages which the rich possessed over them. He knew not what might might have been the feelings of the Jury, but when he heard of the feelings of the Jury, he was not surprised. Frequently it was very eloquent, when he heard the speeches that he made, he could not but feel disposed to be proud of the talent and of the efficacy of the education of the working classes of this country. There was in those speeches, and in the manner in which they were delivered, much of the talent, and tone, and spirit. He should not stop to quarrel with some expressions which he wished had been spared, carrying too much of a tone of defiance. He had watched those speeches in the afternoon, and he had been struck by the way in which the language impet to him, and which he uttered at moments, when he appeared for Frost, was equally applicable to the present case. There was no price at which it would not be worth while to purchase the innocence of the poor man, and the property of the rich, and the much of the misery that probably constituted it. If they could with truth pronounce a verdict of not guilty, let it be so. He would leave the case in their hands, fully satisfied that they had given the utmost care to the case, and that they had done justice during the whole course of the inquiry. With respect to the impartiality of the bench, every person in the Court must think it worthy of all imitation—perhaps he might be allowed to say, it thought that the impartiality of the bench was not to be questioned. For any part he had taken which he thought fit, through free expressions of approbation,—if his wish to observe strict and impartial justice, without mixing up any angry feeling, in the course of this inquiry, was at all worthy of imitation, he would be glad to be so. 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defendants had no power to justify—no power to prove an *alibi*. It was laid as never had indictment been laid before. If the defendants had been indicted each for some specific offence, they might have established an *alibi*, and justified. But here they were all mixed up together, in this all embracing indictment. He would call their attention for a moment to the manner in which these disturbances commenced in Manchester. The men in Messrs. Bailey's mill turned out. They were told in point of fact that they might go and play for a month, or a year, or a lifetime, but they were not to be troubled. They turned out on their own, and here was the commencement of all the outbreaks and revolutions which the learned Attorney-General had conjured up before them. The jury had heard Filling's address. He (Mr. St. John) wished that the Court had not heard it. The picture

which Pilling had drawn was the case of thousands and tens of thousands, who had themselves become conspirators, for the purpose of keeping up their own power, and of preventing others from doing this. He had seen their demagogue. They had their devices. Out of so many speeches, the jury must have discovered what was ingenious and what was disingenuous. He had extracted from some of the witnesses a good character for them, and yet they were not obliged to him for it. The jury would see whether it was the fact, that they had been deceived. Alton had been no more his charge. Lord Chief Justice Tindal, at Stafford. He had very properly made the distinction between a mountebank and a zealous politician. He had told the country that if a man expressed his opinions zealously, and in language that did not pass the prescribed limits of the law, he was not to be charged with sedition. Lord Justice Tindal did not tell the people that they were to respect what was illegal, but that the opinions of a man, however warmly they might be avowed, if they did not absolutely go beyond the law, were to be honoured as the conscientious con-

O'Connor had attended more public meetings in the last ten years than any other man living; and if he was asked which party in the country had been the most violent, he might be disposed to allude to one whose writings and speeches were prominently before the public; but as his object was not to make a record of parties against parties, nor of one body of men should against another, he made no further reference to such a topic. It was enough that he answered for himself. He had had the honour of sitting for three years in the House of Commons, by the side of the Attorney-General, and, during that period, he was as zealous a politician as any entered the House of Commons. He had been in the House of Commons nearly seven years, and during that period, he had spent £12,000 of his own money in advocating this cause. And, now, how consolatory it must be to him—how he must rejoice that in a Court of Justice—in the presence of those whose names best—who know all the facts of the life that he has led—his integrity appears a triumphant refutation of the paltry aspersions of those who had insinuated that he was

induced to pursue this course, and to give an impulse to this cause, from some personal benefit he expected to derive. He asserted, without fear of contradiction, that any man who had never received a fraction of a farthing for any public services he had rendered from the day he was born. He had never even travelled at the expense of the *Charist* body. He had never defended himself at their expense. He had never received a farthing of their money. On the contrary, he had made large contributions to their funds. Nay, so delicate had he always been on this point that he had uniformly made a practice of paying for his own ticket of admission to any public demonstration of the *Charist* body. So far from making money of that extraordinary golden thing—the *Northern Star*, he had never sold a copy of it to any man. He had not got a fortune in the advocacy of the Charter, and yet he was represented as a political trafficker, and that he had established the *Northern Star*, as a means by which to excite the people, in order to make it a medium of pecuniary profit to himself. He had got witness

Jury should hear those who had known him from his childhood; and they would then discover that, years before he established the *Northern Star*, he did that in theory which he now made his practice. They should not find him guilty of lip service. They should find that he had paid as much as £20 a-week for the services of a lawyer, and that he was suffering from prosecutions of this kind. If he had been a person, who, from pliancy of disposition and principle, had consented to make merchandise of his political principles, he might have £10,000 for his purchase, but as he had scorned to be bought so he declared to God that he would never sell his principles to any man to purchase character. He was a politician. Why, was the pecuniary gain which he had derived from the agitation worth that he had cut down a thousand pounds worth of timber from his own estate to meet the demands which his defence of the Chartist had brought upon him? Was this the sole aim and end of him in £350 a year, all paid down? He had been engaged in thirteen contested elections, and he never received a farthing from any committee,

or from any other source, to enable him to carry out his principles. This was long before he became a member of the Chartist Association. The jury might think this unimportant, but the words that he used were establishing his character; and to this he was more important, seeing the manner in which he had been held up by those who, having no principle of their own, were ever ready to impute dishonesty to others. No—it was not from the poor Chartists that he derived his support. He had been a labourer and the sacrifices he had made in their cause. He had never taken pence from the Chartist Defence Fund. In 1839, they owed him £280 on that account. To show that this had invariably been the case, he would state that he advanced £100, when he was in the prison, and that he had never been subscribed by the Chartist body. He had never allowed a single Chartist to be tried without giving him an opportunity of testing his principles. So much for that. Then they had heard of his popularity. Let them find him guilty of that if they pleased. With all his popularity, where was his money? He had not a penny. Let us have a vote by the crack man, Griffin. Let us have a vote by the

duced, but not one word in any of them of the "grand conspirator." No letter had been found from him — no act emanating from him to show a conspiracy. The Attorney-General was going to prosecute them, the acquittal of Wild would show, for advertisement, that he was a free man. The Attorney-General was to answer. A letter was to be written. A rise here was to be whether or no they were to take the law, and the legality of principles from so high an authority as the Attorney-General; and it would also be a question whether or no, the Attorney-General was to declare those principles legal at law. The subject he had referred to Lancaster to make the subject, he thought, criminal. He thought they see what this high authority was. Here they would have laid down what the law was, and how far the law justified them in going. This told them whether or not the agitation of their principles were legal. He (Mr. O'Connor) thought, after hearing what the Attorney-General had said, that the jury would say that the Attorney-General was a good Charist—(laughter). In his defence of Mr. Frost, the Learned Gentleman said—"he became a Charist, and, in common with many

others, he adopted the opinions that are supposed to belong to that body of men. Gentlemen, I hardly need to say that I am not a witness on the present occasion, spoke of five articles; but what the five articles were did not transpire. But the little that one picks up from the intimations of the newspapers on the subject, would induce me to suppose that they carried their views on the subject of the Charter to the length to which they were carried by Lord Grey's administration, and that they ardently desired to establish Universal Suffrage, Vote by Ballot, Annual Parliaments, No Property Qualification, and, according to some statements, that they look forward to a better distribution of the Government, than we have at present. The first four of these matters, or one, or two, I do not care to discuss with the Chartists; but, I agree, upon these subjects their opinions are entertained by many Members of Parliament of undoubted respectability and honour, and considerable talent. If I may have heard upon the subject he true, many names would be mentioned, and I should be glad to have the object of which is to frame what is called the Charter of the People, by expounding the principles on

which it is to rest. Gentlemen, I have abstained, I hope, from naming any person unconnected with this case. I mean to adhere rigidly to this, and to give no offence to any absent person, and not to use the privilege of the right of reply. I might also, perhaps, say the duty I have, of addressing the House, and create any feeling of pain in any quarter whatever; and I am sure that I best fulfil my duty to Mr. Frost, and most to his entire satisfaction, if I refrain from making any remarks upon any one that can create a personal pain, in respect of any past conduct or transaction. That I cannot, however, it must be admitted, stand at present neutral, and I am bound to the present Constitution as established in the year 1832, in which the advocates for Reform stood in relation to the old Constitution that was remodelled by the Reform Bill: and however differing from those who are called Chartists in opinion, I must do these men the justice to say that Chartism so far as it respects the rights of the people is not a crime, nor is Treason, nor the public enemy, nor a crime against me and I must go further and say, that although I trust never to live to see the day, and I trust no one in whom I take an interest will ever live to see that

day (tact as I think it would be to the happiness, the prosperity, and the well-being of this country) when the principles shall be established ; yet I must say, that if at any time it should become the confirmed opinion of the large mass of intelligence and of numbers of the strength and sinews of the community—the intelligence that controls that strength should finally determine to adopt the Charist code, doubtless adopted it will be, as the Reform Bill was, and mere wealth would struggle against it, in my opinion, in vain.”

(Concluded in our third page.)

say that your conversation referred to questions of morality and good behaviour. I did not hear what you

at your conversation referred to questions of
city and good behaviour. I did not hear what you

[illegible]

remained up stairs were Mr. O'Connor, Dr. M'Donnell and others, whom I don't recollect. Dr. M'Donnell dressed the rich and told them they must

Mr. O'Connor—I should say that you were in the room rather more than half an hour. The people cheering outside. My mother requested that he might be dispersed. I believe you sent for me to go away. I did not hear you tell the man to leave, or that you would leave Manchester altogether. On the Wednesday evening, Mr. McDonald and Campbell were at our house between ten and eleven.

they remained an hour and a-half. I don't know the distance between our house and Every-street. Mrs Cartledge examined by the Attorney-General at present in Manchester. I have lived there twenty years. Part of the time I have worked a story, and part of the time I have been a school-er. In the beginning of the month of August last, I was with the Quakers here.

a member of the Charlist body. There were a number of persons who called themselves the Exco Committee. There was James Leach, of Manchester, Jonathan Birstow, John Campbell, Peteray Mc'Douall, and Morgan Williams. On Sunday the 9th of August, I attended a Charlist meeting at Oldham. It was held in a room. It was a Charlist tea-party meeting.

r. O'Connor—I wish to remind your Lordship that
man is in the indictment. The Attorney-General
was not aware of the fact, and I am obliged to Mr
nnor for having mentioned it. I had directed
prosequi.

the examination was about to be resumed, when, Mr. Dundas rose and expressed it as his opinion that the evidence of the witness was inadmissible. He remembered a case before Mr. Baron Bolland, in which the question arose whether a person against whom a bill had been found, could be received as a witness against the accused, of the same offence. Under

the Judge.—A *noli prosequi* is as good to the party in acquittal.

The Attorney-General.—Nothing is more common to apply to the Judge at the sitting of the

to apply to the Judge, at the sitting of the court, under that the party may become a necessary witness, the Judge—There is no sort of doubt about it.

Mr. Dundas—I merely mention the matter now, in order, as I said before, that we may not lose the advantage of the objection, if there should be anything in it.

The Attorney-General.—As an objection has been made in order to be regular, perhaps your Lordships

the Judge.—Certainly.
The witness was re-sworn accordingly.
The Judge.—Then I have taken a note of the proceed-
ings, and that the defendants objected to the examination of
the witness, on the ground that he is in the indictment,
and that the Attorney-General entered a *noni* assumpsit.

r. Dundas—I may just observe, my lord, that in case of "The King against Percival," *Lewis's Cases*, vol. 1, p. 151, the Judge, Mr. Baron Sand, sent back the bill to the grand jury, to be read before he would admit an indicted party to

the Judge—I think there is no analogy whatever in case and that of "The King against Percival." In the latter, the question was whether the bill was

pose A and B were indicted for a misdemeanour, don't mean to say that B might not be a witness against A.

The Attorney-General—Certainly not, my Lord, and I believe in point of law that although it is usual either to obtain an acquittal, or to enter a *noti prosequi*, for

purpose of preventing the supposition that the witness labours under any infirmity, it is perfectly competent for me to examine this witness without any form.

Mr. Dundas—I have looked into the point rather fully, my Lord, and I say that Cartledge is not a witness, inasmuch as he was put upon his trial

In "Russell's Crown Cases," vol. 20, p. 597, it is laid down that a party may be a witness, *providing he is not put upon his trial at the same time as the other defendants*. And I beg to call your Lordship's attention to the case of "*The King against Rowland and*"

Chief Justice Abbott, that the counsel, in *life*, may enter a *noli prosequi*. But this is not the of things here. The defendant, Cartledge, is on trial now, and your Lordship did not know till the ent he was put into the box that he stood in any position than that of a defendant.

r. Wortley—I beg to call your Lordship's attention to the last decision in these cases. In "*Phillips v. O'Connell*," p. 67, it is laid down that in cases of *venue*, a *noli prosequi*, entered before or after the trial, enables the counsel to call a defendant as a witness.

markie on Evidence." I have frequently known where two persons were indicted together, application was made to the Judge, to have one tried before the other, in order that the second might become a necessary witness against the first.

The Attorney-General—I am very much obliged to my dear Friends on the other side, for their anxiety to

and the prosecution against any objection. No doubt this person should afterwards be held not to be a witness, they will be entitled to a new trial; but I am entitled to examine him.

The Judge—I think you are.

Mr. O'Connor—I submit, my Lord, to the Attorney-General, having entered the *poli præsens*, has altered

the Court of Queen's Bench, by *certiorari*, the
e is obliged to send it back unaltered. I deny,
fore, the right of the Attorney-General to make
the slight st, alteration in this record.

e Attorney-General—My Lord, I will just read s
his *second* Branch of Criminal Evidence.

page 141, or "Roscoe's Criminal Evidence," which I think removes all doubt in the matter. The rule is this:—"The evidence of a person who has been an accomplice in the commission of a crime, with which he is stand charged, is generally admitted evidence against them. If an accomplice be not admitted, it is impossible to find evidence against the great offender. Even where the accomplice has been

in the same indictment, still he may be called as a witness, if he be not put on his trial. Therefore, there can be no objection to the admission of a witness in such cases." It appears, therefore, my friends, that I am quite competent for me to apply to your Honor to direct the Jury to acquit the defendant; or to direct the Jury to enter a *nisi prosequi*, thereby

Atherton—The view which Mr. O'Connor has, my Lord, appears to me to be the correct one. I intend that the course proposed to be adopted by the Attorney-General can not be taken on this record, as this is not an indictment returned by the Grand

but a manuscript sent down here by *millins*, as
ers upon the record itself.

the Attorney-General,—I admit that till this occa-
I have never entered a *noli prosequi* on the record
but I maintain there is nothing, in point of law,
under such a course irregular.

in the first place, that the Attorney-General may
a *noli prosequi* for the benefit of the subject.
can be no prosecution at the suit of the Crown,
which it is not competent for him to do so. The
ney-General, therefore, may enter the *noli prosequi*,
et rid of the defendant just as if he had never
prosecuted. What I would suggest, however, is,

Attorney-General—I will take your recommendations, my Lord.

Dundas—I believe the rule is, that a co-defendant cannot be acquitted till the end of the trial.

Judge—I hold that no co-defendant can be heard in a point.

O'Connor—The ground on which the Attorney-General consented to the acquittal of the defendant was, that the defendant was not a party to the crime.

(Continued in our Seventh page.)

