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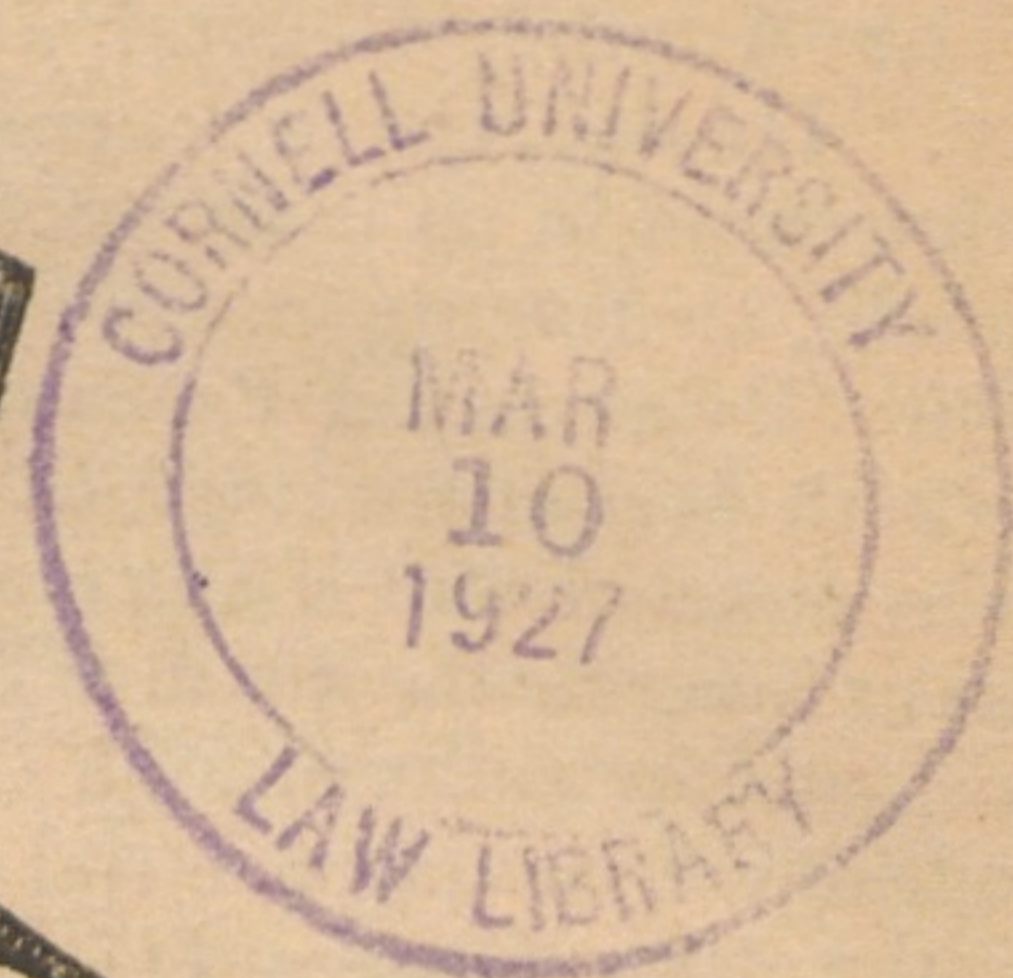
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TRIAL OF EDWARD OXFORD,

At the Central Criminal Court, July 9—10, 1840.

FOR SHOOTING AT THE QUEEN, IN ST. JAMES'S PARK,

On the 10th of June, 1840.



THIS remarkable trial excited so much public interest that the Central Criminal Court, and all the avenues leading thereto, were crowded throughout the proceedings. On the bench, in addition to the Lord Mayor, Sheriffs, and an unusually large assemblage of Aldermen, were the Hon. Fox Maule, the Solicitor to the Treasury, the Duke of Brunswick, the Earl of Uxbridge, the Earl of Erroll, Lord Colchester, Count Nesselvode, Lord Fitzclarence, Lord James Stewart, Mr. E. J. Stanley, M. P., several other persons of distinction, and many ladies.

The Attorney-general (Sir John Campbell), the Solicitor-general (Sir T. Wylde,) Sir F. Pollock, Mr. Adolphus, Mr. Hudson Gurney, and Mr. Wightman, ap-

peared for the prosecution; and Mr. Sydney Taylor and Mr. Bodkin for the prisoner.

At a quarter before ten, the prisoner was brought into the dock. He appeared very healthy-looking, and quite careless and indifferent. If he met the eye of any person near him, he began to smile, as if he thought there was something amusing in his position, and that it was a very fine thing to be 'the observed of all observers.'

The Judges, Lord Denman, Mr. Baron Alderson, and Mr. Justice Patteson, entered the court at ten o'clock precisely, accompanied by the Recorder and Mr. Sergeant Arabin.

The Clerk of the Arraignment then read over the indictment, which, in two counts,

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charged that the prisoner 'did shoot off and discharge a certain pistol loaded with gunpowder and a bullet, with intent to shoot and put to death the Queen.' To this indictment the prisoner, in a firm tone of voice, pleaded 'Not Guilty,' and the jury being sworn,

The Attorney-General addressed the jury. He said, the prisoner stood charged with treason in its most aggravated form, namely, an attempt on the life of the Sovereign. By an Act of Parliament passed in the 24th year of the reign of Edward III., it was enacted that if any one should compass or imagine the death of the Sovereign, he should be guilty of high treason. The mode of conducting the trial was regulated by the 40th George III., namely, that when there was an overt act in the attempt upon the life of the Sovereign, it should be prosecuted as if it were a case of murder. This was done to give the life of the Sovereign the same protection which a subject had. The young man at the bar was about nineteen years of age, and from his appearance, the jury would hardly think him so old. He was born at Birmingham, afterwards came to London, went to school at Lambeth, and had since been in the employ of several publicans, in the capacity of what was called a barman—not, as had been stated, a pot-boy, but a person superintending the business of a publican. He was once with his aunt, who kept a public-house at Hounslow; he was afterwards at a public house in Oxford street, after leaving which he went to lodge at West-place, West-square, Lambeth, where he remained until the commission of the offence with which he now stood charged. He had meditated the offence, for it appeared that he had bought a pair of pistols of a man named Hays, for two pounds; that he had practised shooting at pistol-galleries in Leicester-square and in the Strand; that he had, on the Wednesday before the attempt, purchased of a man named Grey half a hundred copper percussion-caps, and had asked him where he could buy bullets. The custom of her Majesty to take an airing daily in the Park was well known to all her Majesty's subjects. It appeared that the prisoner went into St. James's Park on Wednesday, the 10th of June, about four o'clock. He saw Prince Albert come from Woolwich, and go to the Palace. He waited until about six o'clock, when her Majesty's carriage came out—the Queen sitting on the left side of the

carriage, and the Prince on the right—and proceeded up Constitution-hill, and when the carriage arrived, he nodded, pulled out a pistol from his breast, and fired it off. The ball whizzed by, and her Majesty was at first unconscious that an attempt had been made on her life. The carriage went on, but the prisoner, looking round to see if he was observed, then pulled out another pistol, and took aim towards the carriage. It would appear that her Majesty perceived the attempt, for she stooped down, and the second ball whizzed by, happily without doing any injury. A man, named Lowe, whom he (the Attorney-General) should call before them, ran forward, and seized hold of the prisoner. This person was at first supposed to be the offender, for a gentleman rushed forward, seized Mr Lowe, and said, 'You confounded rascal, how dare you shoot at our Queen?' Upon which the prisoner at once said, 'It was I.'—He was then asked if the pistols contained bullets, and he said, 'they did.' He was taken into custody, his lodgings were searched, and a box belonging to the prisoner was found, which contained a sword and sheath, a bullet-mould, a black crape mask, a powder-flask, percussion-caps, and other articles. A pocket-book was likewise found in his box, containing papers. The box and its contents were brought to the station-house, and shown to the prisoner. He said they were his, and that the papers were his. The first of these papers bore no date; it was headed, 'Young England.—Rules and Regulations.' The first rule was—'That every member shall wear a sword a brace of pistols, and certain marks of distinction.' These rules and regulations were altogether twelve in number. The other papers consisted of letters addressed to Oxford by Smith, the secretary. They were headed, like the other papers, 'Young England.' The first was an invitation to attend a meeting on business; and the others were on the affairs of the 'society.' The balls had never been found. Two marks were discovered upon the wall, which were supposed to have been made by the balls, but no balls had been found, and it was more than probable that the balls had gone over the wall into the garden. Could there be any doubt that the pistols were loaded? He had purchased balls; he had a bullet-mould, and after firing he had asked whether the Queen was hurt. He now came to the question, whether the pri-

prisoner was accountable for the act at the time or not; for, according to the laws of England, if he was insane and incapable of knowing what he was about at the time, he would be entitled to his acquittal on that point. An act had been passed to the effect, that a man who was unconscious of what he was doing, was an unfit subject to be punished for treason. But the prisoner must show, not only that he had been strange in his conduct, and that he had at other times been guilty of violence, but he must also show that at that particular time he was not in a sound state of mind, and that he was then unconscious of what he was doing. If, however, he did know what he was doing, and he was perfectly well aware and cognizant of his crime, he must take the legal consequences of his act. With regard to criminal proceedings, it must be shown that there was insanity at the time of the offence, although in civil proceedings it was sufficient to show that there had been insanity at some previous time. The learned Attorney-General then proceeded to read authorities upon the subject, from Lord Coke, Hale, and others, in support of the law in the case, as he had laid it down to the jury. He cited the case of Arnold for shooting at Lord Armstrong, and although it was proved that he had committed acts which resemble acts of insanity, it being satisfactorily shown that he was conscious of what he was doing at the time of committing the offence, he was found guilty of murder, and was executed. The next case was that of Bowler, who was tried and executed for maliciously shooting. The third and last case he mentioned was that of Hatfield, for shooting at his late Majesty George III* in the year 1800, he was tried for shooting at George III. in Drury-lane Theatre. The plea of insanity here prevailed, and prevailed most properly. It was proved that the prisoner had been a private in the 15th Dragoons in 1792, that he was wounded and left for dead on the field of battle; that three of the wounds had penetrated

his skull and injured the brain; that he sometimes lost his memory, sometimes his sight, and that all the powers of the mind were sometimes obliterated. He had been discharged from the army on account of insanity, and shown various proofs of an unsound mind, at different periods subsequently to his dismissal from the army. It had been proved that on the 10th May he was undoubtedly insane, and this was almost immediately before the commission of the offence of high treason. After a paroxysm of insanity he had gone out and proceeded to Drury-lane Theatre; so that his insanity was shewn up to the very time of his offence. At the trial the Attorney-General of that day had at once admitted the plea, and the prisoner was immediately acquitted. He would now only mention to them the law as it was laid down by Lord Erskine. He had admitted that there a wide distinction between criminal and civil cases. Whenever a man could be proved *non compos mentis*, in the legal signification of the words, not anterior to the offence, but at the very time and moment of committing it, insanity was a good plea, but not otherwise. For himself he (the Attorney-General) believed that Edward Oxford was *compos mentis* at the time. His father, it was said, was insane, but that alone was no reason for believing that the prisoner was so. He had held situations of trust, where confidence was reposed in him; and although he had been at times guilty of acts of violence, there was no proof that he had ever been insane, either previously, or at the time of his commission of the act of treason. The counsel on the other side must show that he was insane on the 10th day of June. Suppose property had come to the prisoner on that 10th day of June, and the next of kin had stepped in and attempted to prove him insane, was there anything to support such an attempt? Could a commission of lunacy have issued against him on that day? Could he have been deprived of his liberty? If not—if none of these steps could have been taken against him, how could the plea of insanity stand here? If he was in such a state of mind as to be civilly responsible for what he did, *d'fortoiri*, he was criminally liable for the consequences of what he had done.

Samuel Peakes, the first witness, was examined by the Solicitor-General. He stated—On the 10th of June last, about six o'clock in the evening, I was standing at

* We have been at more than ordinary pains in getting up an account of this extraordinary and most interesting case. It forms one of our series of trials of Regicides, and will appear in No. 16 of *Wilson's Remarkable Trials*, with a portrait of Hatfield taken for this publication in Bethlem Hospital, our artist having been allowed, by particular favour, to take a sketch of the aged prisoner within the last few days. The cases of Collins, Margaret Nicholson, and Fieschi and his associates are given in No. 15 of this work.—ED.

the north Portico of Buckingham Palace waiting to see the Queen. Her Majesty came out at the wooden gates in a small carriage and four horses, with postilions. The carriage was low and open, with four wheels, but I am not acquainted with the name of the carriage. There were four outriders—two in advance and two behind. I am not aware that there were any other attendants. After the carriage had come out, I turned the corner to get a second view of her Majesty, and saw Edward Oxford; he was on the right side of the carriage, next the railings. The prisoner was walking along slowly, with his coat buttoned up, and his arms folded. He was in advance of the carriage. The carriage moved on. The prisoner gave a nod or kind of sneer in the direction of the carriage. At that time he was ten or twelve yards from the carriage. I was a little behind the carriage, and from the singular manner in which the prisoner nodded his head, he attracted my attention. He drew a pistol with his right hand from his left breast, and fired at the carriage. I was within a foot of the carriage itself. Oxford was five or six yards on the right of the carriage at the same time. I heard the report of the pistol, and a distinct whizzing or buzzing between my face and the carriage. As soon as he had fired the first pistol, he turned round to see if any one was behind. He then drew a second pistol with his left hand from his right breast, across that he held in his right, and fired—at both times taking a very deliberate aim. The carriage was then three or four yards from the spot from which he fired the first. He held the second pistol fired in his left hand. Immediately on the second pistol being fired, the two Lowes ran and seized hold of the prisoner. They were somewhere behind me when I first saw them. A man named Clayton seized Albert Lowe by mistake. Joshua Lowe took hold of Oxford's arms, and Albert Lowe took the pistols from him. Clayton then came up, and seeing him with the pistols, mistook him for the assassin, and said, 'You confounded scoundrel,' seizing him at the same time. The carriage proceeded on, and the prisoner was taken into custody. Oxford said, when Clayton seized Lowe, 'It was I—I did it.'

Cross-examined by Mr. S. Taylor.—The pathway is about eight inches higher than the road.

Joshua Lowe, examined by Sir F. Pollock.—I was in St. James's Park on the

10th June. The first thing which attracted my attention was the Queen's carriage. Her Majesty was on the left-hand side, and the Prince on the right. I was running on the left hand, or Queen's side of the carriage, near the garden wall. I was exactly at the side of the carriage. I heard the report of a pistol, and saw the smoke ascend. I next observed the carriage pass on a short distance, and then saw the prisoner with a pistol in his right hand, looking round to see if he was observed. He was then holding a pistol in his left hand towards the carriage, and not an instant elapsed before he fired a second time. I immediately ran across and seized the prisoner, while my nephew seized the pistols. Some one came up and took the pistols out of my nephew's hand and collared him, upon which the prisoner said, 'It was me, I did it.' I had hold of the prisoner at the time. Going along the road just as the policeman came up, I said to my nephew, 'Look round, Albert, I dare say he has some friends.' The prisoner said, 'You are right, I have.' I kept hold of the prisoner until we got to Gardiner's lane station-house—the policeman also having hold of him.

Cross-examined by Mr. Bodkin.—There is a wall on the left-hand side, of considerable height. It is more than eight feet high. On the other side of the road there is a foot-path, and a small channel dividing the foot-path from the road. The prisoner was on the foot-path when he fired. The foot-path is about six inches higher than the road. The Queen's carriage was about in the centre. There is a foot-path on each side of the road. The carriage was as nearly in the centre as possible. The prisoner was about three yards from the carriage when I saw the smoke. Neither at the time when the prisoner said, 'I have friends,' nor at any other time, did I see that the prisoner had any associates.

By Lord Denman.—The prisoner merely looked round, between firing the first and second pistols.

Mr. Baron Alderson.—There were a few persons in front of the carriage.

Albert Lowe, nephew to the last witness, confirmed his evidence in all respects.

Elizabeth Stokely, examined by Mr. Wightman.—I's housekeeper to Lord Bexley—was on Constitution Hill on 10th June. Going from the Palace on the side next the wall, I saw the Queen's carriage, but I did not see her Majesty's face. I saw

the prisoner walking on the opposite side, in the position described. The carriage came up with him, and he immediately fired. After he had fired the first pistol, I saw him change his hands and immediately present the second pistol, upon which the Queen crouched down, and the Prince rather stooped as I do now (stooping forward.) From what I observed the Prince pressed her Majesty down, she having risen up between the first and second firing. I saw the flash distinctly, and heard a whizzing. I was within a yard of the carriage. After he had fired the second time the prisoner dropped his hands, he was surrounded by persons, and I saw no more. It was more behind than across the carriage that he fired the second pistol.

Cross-examined by Mr. S. Taylor.—The prisoner might be two yards behind the carriage when he fired the second pistol. I saw the flash come over the Queen's head. The second pistol was pointed right across towards the wall.

Re-examined by Mr. Wightman.—The flash of the second pistol came over the head of the carriage. By the flash, I mean the light; I heard something whiz by my right ear.

William Clayton, examined by the Attorney-General.—I am a cabinet-maker. I was about 200 yards from the marble entrance to the palace, when the carriage came out. I heard a pistol fired. I was in company with my brother, and said, 'Good God! Jack,'—(laughter)—and ran across the road; when I came abreast of the horses I heard a second report. The carriage stopped, and her Majesty looked round without fear upon her countenance.—(Laughter.) I called out, 'Who did it!' I ran on towards the spot from whence I saw the smoke come. I saw two persons, one towards the railings. As I asked 'Who did it?' a female pointed, and said, 'That's the man who did it.' I mistook Albert Lowe for the offender, and said to him, 'You confounded rascal, how dare you shoot at our Queen?'—(Laughter). The prisoner at the bar immediately said, 'I did it! I'll give myself up! I'll go quietly.' I took hold of the prisoner's coat, upon which the mob rushed in, and I was thrown to the ground, and my clothes much torn. I was taken into custody. We all went to the station-house. I saw the prisoner Edward Oxford, after a time, but I was locked up in a dark cell at first, and searched. I saw Oxford in the In-

spector's office. I then asked for a draught of cold water, being warm with the struggle. The prisoner also said he should like to have a glass of water. In proceeding to the station-house, the prisoner said, 'Is the Queen hurt?' I replied with the question, 'What did you put in the barrels?' He said, 'I have answered a dozen questions, and shall answer no more.' A pistol was lying on the table in the cell. I took hold of it, and put my little finger in the muzzle of the barrel. I marked the pistol which I first examined. That pistol came from the hands of Albert Lowe.

By Lord Denman.—The pistol never went out of my sight until after I had marked it. I did not lose it when I was thrown down.

By Mr. Baron Alderson.—The second pistol was fired at a distance of full eight or ten yards from the carriage, and rather behind than in a line with it.

Charles Brown, police constable, examined by Mr. H. Gurney.—On the 10th June last, I was going with a message to the south wing of Buckingham Palace. I saw the Queen's carriage. My attention was attracted by the sound of a pistol, and a mob of people. A gentleman rode up to me, and told me some villain had fired at the Queen. I heard the second shot fired before the gentleman rode up to me. I immediately went towards the spot, and saw a mob of people round the prisoner. Two of the persons holding him were the Lowes. Some of the people said, 'This is the man who did it,' pointing to Oxford. The prisoner said to me, 'There is no occasion to use violence, I will go with you.' As we were going along, some one said, 'I wonder whether there were any balls in the pistols.' The prisoner said, 'If the ball had come in contact, you would have *knowned* it.' On arriving at the station-house, the prisoner was searched, and two-and-sixpence in silver, a bunch of keys, and a piece of wadding were found upon him. The prisoner was asked what this wadding was for. He said, 'It was to prevent the pistols going off, and hurting him.' The wadding would for that purpose be put between the hammer and the cock. It had evidently been used for that purpose. The prisoner said he had another piece which they would find if they went into the park. The prisoner said that there had been balls in the pistols.

Cross-examined by Mr. S. Taylor.—I

searched the outside of the wall about two hours after the firing. I found a police-sergeant and several constables already in the act of searching. We searched by sweeping with brooms, and the dust was taken round to the palace and sifted.

By Mr. Baron Alderson.—Several gentlemen were asking if the pistols were loaded, when the prisoner said there were balls in them.

Charles Smith, police constable, also on duty at the palace, corroborated last witness's statement. As we were proceeding to the station-house, some one asked if the pistols were loaded, upon which the prisoner said, 'If you had been in contact with the balls, you would have known there were balls in the pistols.'

Cross-examined by Mr. Bodkin—Those were the very words. The words 'If your head had been at the end of the pistol, you would have known whether there were balls in them,' were not the words used.

William Smith corroborated the officers' evidence.

Frederick Garrick, examined by Mr. Adolphus.—I am in the employ of Mr. Hayes, a general-salesman, of Blackfriars-road. I remember the rumour of the Queen having been fired at. Three weeks or a month before the Queen was shot at, I saw the prisoner at our shop in the Blackfriars-road. He bargained for a pair of pistols and a powder-flask. The pistols produced are the sort of pistols Mr. Hayes sells, and they have his private mark upon them. They are the pistols bargained for by the prisoner. I asked him two guineas for them. He wanted to know what distance they would carry. I replied 20 or 30 yards. He then offered me two sovereigns for them, and I said if he would not give more I must take that. He then asked for a powder-flask. I produced one, for which he gave me two shillings. He also had two bags. The bags produced were the same which I sold him. I know them again. The powder-flask produced is the same which I sold him. I am quite sure the prisoner is the person who bought them of me. I saw the prisoner about three days after the Queen was shot at.

William Sampson Hayes, Garrick's employer, corroborated him.

John Ray, examined by Mr. Gurney. My father keeps a shop in Bridge-road, Lambeth. I am principal assistant. On the Tuesday, Wednesday, or Thursday, before the Queen was shot at, the pri-

soner came to my father's shop and bought half a hundred percussion caps. He then asked me if we sold bullets. I said no, but recommended him to a gun-maker's in Parliament-street. He next asked me if we had any small cannisters of powder. I showed him some of our half-pound canisters, but he said those were not small enough. He tried the caps while in the shop. He only showed me one of the pistols, but I saw he had another. I knew the prisoner eight or nine years ago. When he came into the shop first I feigned not to know him, but he asked me if I did not recollect a person named Oxford. I said that I went to school with a boy of that name, and he said he was the same person. He afterwards told me that he had lately come from Birmingham, and had been in the public line.

By Mr. Baron Alderson.—The reason why I feigned not to know him was because I did not wish to renew the acquaintance.

Sir H. Wheatley, examined by the Attorney-General.—I am Keeper of Her Majesty's Privy Purse. I went to the station-house in Gardener's-lane, and saw the prisoner in the cell. He came forward to me, and said, 'Is the Queen hurt?' I was the first person who spoke to him. We asked him in what situation he was. He said he was a bar-boy, and had been out of place for ten days.

The Earl of Uxbridge, examined by the Solicitor-General.—I went to the cell and saw the prisoner; on the opening of the cell door he asked, 'Is the Queen hurt?' I replied, 'How dare you ask such a question?' He said he was a bar-boy out of place; he had been out of place about a fortnight. He said he was a good shot with the pistol, and better with a rifle. He said he could have plenty of money if he liked. I said, 'You have fulfilled your engagement now.' He replied, 'No, I have not.' I said, 'You have, as far as the attempt on her Majesty's life goes.' He said he had had the pistol given him on the 3rd May, and something else with it.

Samuel Taylor, examined by Sir F. Pollock.—I have known the prisoner about twelve months. About a fortnight before the Queen was fired at he showed me a pistol; I asked him if it was loaded, and he said it was.

John Augusts Murray, examined by Mr. Wightman.—I am brother to Lord Elibank. I was in the Park on the 10th of

June, near Constitution-hill. I was riding on horseback, when I heard the report of a pistol. I rode up to the prisoner with the endeavour to prevent his firing again, but I was not in time. He gave himself up immediately. I saw a mark on the wall as large as the palm of my hand. I pointed it out to Col. Fox and Lord Belfast.

Cross examined by Mr. Bodkin.—There was only one mark on the wall, and no other. I looked for the bullets, but could not find any; nor could I find any piece of brick broken from the wall.

Hon. Wm. Owen Stanley, examined by Sir F. Pollock.—On June 10, I was in Hyde-park. I was coming down towards Apsley-house, and when near the reservoir I heard the report of a pistol. I hastened down to the place from whence the report came. I saw a mark upon the wall, and am of opinion that it was such a one as would be produced by a bullet striking against it. I have had experience in such matters. I searched for the bullets, but did not find any.

By Lord Denman.—In my opinion, the marks upon the wall were such as would be produced by bullets.

John William Linton, examined by Sir F. Pollock.—My father is a butcher, and lives in the Waterloo-road. The prisoner has been one of my playmates. About a month before the Queen was shot at, he showed me some pistols, and asked me to go with him to a shooting-gallery, and I accompanied him. The prisoner told me that a friend had lent him the pistols. I almost think the pistols now shown me are the same. When we went to the shooting-gallery, the prisoner had half-a-dozen shots. On the Monday before the Queen was shot at, the prisoner showed me the same pistols, and he said he had been to a much better one than the one they had been at together, and I understood it was over the water he meant where the gallery was.

Samuel Hughes, inspector of police, deposed that on the 10th of June he went to the prisoner's lodging. He there found a box, which he produced. The box was locked.—I opened it with a chisel and a hammer. I afterwards found that the key in the prisoner's possession opened it. In the box I found a sword and scabbard, a black crape cap, with two red bows, a powder-flask, a bullet-mould, two pistol-bags, a memorandum-book containing four papers, four bullets, and twelve or fourteen percussion caps. The bullet-mould fitted the pistols

found on the prisoner. The loose bullets were rather small for the pistols. I took the box and those articles to the station-house, and the prisoner said that the box and all the other articles, as well as the papers, belonged to him. He likewise said that he intended to have destroyed the papers before he went out in the morning, but he forgot to do so.

(The letters and papers were here put in and read.)

Sergeant Tierney.—I have this morning measured the height of the wall opposite the place where Oxford stood. The height is nine feet four inches. It is twenty-two yards from the iron railing to the wall.

James Brown—I was an outrider attending upon her Majesty on the evening of June 10. There were only two other outriders in attendance, but they, in general, rode by the side of the carriage.

Cross-examined.—Two equerries in general attend upon her Majesty, and ride by the side of the carriage quite close to the wheels, but they did not do so on this evening.

The Hon. Fox Maule—I am Under-Secretary of State for the Home Department. I was present when the prisoner was taken before the Privy Council and the witnesses were examined. When the case was concluded, the prisoner was told that he was at liberty to make any statement he thought proper, but he was at the same time cautioned that what he said would be taken down in writing. He did make a statement and afterwards signed it.

The statement was read. It was to the following effect:—‘A great many witnesses against me. Some say I shot with my right hand, and some with my left. They make very contradictory statements. When the first pistol was fired, Prince Albert got up as though he would have jumped out of the carriage; but he appeared to think better of it, and sat down again. This is all I shall say at present.’

Mr. Bodkin.—Have the Government made any inquiries as to the existence of any association of a treasonable character?

Lord Denman.—We must not suppose that the jury would assume the existence of any society.

Mr. Bodkin.—You have seen the prisoner in Newgate, I believe, Mr. Maule?

Mr. Fox Maule.—I have seen him twice, I believe.

Mr. Bodkin.—Did he not answer every question readily?

Mr. Fox Maule.—He did.

Mr. S. Taylor then addressed the jury for the defence. The great point was as to the state of the prisoner's mind at the time of the offence; and he trusted he should be able to show that he was not in a state of mind which made him accountable for his conduct. The Attorney-General had said, that in the altered law respecting treason of the kind with which the prisoner was charged, he was in the same position as if he had attempted the murder of any other person. But he begged to say, that when the life of the Sovereign was attempted, the case was at once to some extent prejudiced—the very addresses and thanksgivings which had been presented and offered up on the occasion had prejudiced the case, and he (the learned counsel) called upon the jury to be very careful in freeing their minds from any prejudice which had affected them before they came into this court, and to disregard all they had heard without its walls. To find the prisoner guilty, they must be satisfied that balls had been discharged from the pistols which the prisoner had fired; for, as he was charged with having made a direct attempt upon the life of her Majesty, it was necessary to show that he had done it with a murderous intention, for if they had not been pointed at her Majesty with the intention of taking her life, the charge could not be sustained. Now, it was a fact that Prince Albert was sitting nearest to the prisoner when he fired, and it was not impossible that the Prince should have been the person fired at. The learned counsel then proceeded to comment on the evidence, with a view to show that, if any ball had been used, it would have been found, and cited a case, in which Lord Abinger had held that it was necessary to prove that the pistol was loaded with ball. The learned counsel then recapitulated the circumstances of the attacks on George III., by Margaret Nicholson and Hatfield,* and adduced a number of cases of lunacy to show that deliberate and cunning device for the accomplishment of a murderous purpose were by no means decisive of the sanity of the party. There was in this case a circumstance which had been given in evidence respecting papers found at the lodging of the prisoner. Now, he trusted that he should

prove that the prisoner had insanely imagined himself the member of a secret political society, and that no such society existed, except in the diseased imagination of the prisoner. He pressed upon the jury the absence of all motive for the commission of the crime with which the prisoner stood charged; and from that he naturally brought them to the conclusion that a person could not have committed such an act without motive, if he had been at the time in a sane state of mind. The prisoner was about the age at which it was likely, according to the highest medical authority, that insanity should show itself, when there was a constitutional or hereditary tendency to madness. The act itself might be the first indication of insanity—the first intimation of the existence of an unsound state of mind. The state of mind might never be developed until it was developed by some act of violence or great crime. The paternal grandfather was insane, and several times in a lunatic asylum. The father of the prisoner never was in a lunatic asylum, but he (the learned counsel) should prove him to have committed acts which would convince them that, although he was not he ought to have been in confinement. The prisoner had committed the crime in a paroxysm of insanity. He was not a political agitator, nor had he ever been imprisoned or proceeded against in any way whatever to account for a feeling of revenge to be raised in his breast. It would be a gratifying thing for the jury to be able to relieve the nation from the supposition that any sane man could attempt the life of a Sovereign whose beauty of person was one of the least of the qualities which bound to her the hearts of her subjects in loyalty and affection.

The learned counsel called a host of witnesses with a view of showing that madness was hereditary in the family. Among others, Sandiman Kent—I was acquainted with John Oxford, the prisoner's grandfather. He was a sailor, and I used to see him in England from time to time, at intervals of two or three years. He died about eight or nine years ago. In the latter part of his life his mind was somewhat better than it had been, but in the former part of his life it was very unsound. He was raving mad in 1799. I have seen him under restraint, and I myself have put cords upon him to restrain him. This was in 1799. I was assisted by three persons to do this, and it required all our strength to confine him. I never saw him

* See No. 16 of this work.

in a strait-waistcoat. He was put into Petworth Bridewell, to be taken care of after we had conveyed him before a magistrate, who committed him. He used to be very quiet at other times. Once he ran after me with a spit—(a laugh). I had not given him any provocation for this. On another occasion he smashed every thing in the house, and broke all the windows. Upon another occasion I saw him pull down two clocks and smash them all to pieces, and his wife was obliged to apply for protection from him. This took place upon the christening of one of his children. I saw him after this but at intervals of two or three years. He got better, but afterwards became very queer again. He used to laugh and jump about like anybody 'quite gone.' After this time he was in Greenwich Hospital.

Cross-examined by the Attorney-General.—He used to drink a good deal, and those proceedings were generally after one of his drunken bouts. He did not live very happily with his wife.

Sophia Oxford, the widow of the grandfather, and Sophia Bartlett his daughter, corroborated the witness. The latter on cross-examination said,—I have never had anything the matter with me — no serious illness. We did not apply to a doctor. We thought he was quite harmless.

Mrs. Hannah Oxford.—I am the mother of the prisoner. I married the prisoner's father when I was 20 years of age. He was the same age. I was living with my father a publican, at Birmingham when we became acquainted. He was an artizan, and became acquainted with me by frequenting my father's inn. Before we were married, I thought that he was singular altogether, and I married him without the consent of my friends. He bared his neck and pulled out a razor and declared he would cut his throat if I did not marry him. He also produced a pistol and said he would shoot himself if I would not marry him, and he said likewise that he would poison himself. I at length, in consequence of these threats, consented to marry him, and we were married in the April following. Before the marriage he acted very strangely, and if my father refused to serve him with liquor he would send out for it to another house. He would also say, 'Who owes any money? I'll pay it: I'll pay their scores.' On the day before we were married, in consequence of something we heard, I refused to marry him, and he then pulled out a bundle of bank notes

and burned them. I had before seen him burn bank-notes. After the marriage, his conduct did not improve. He quarrelled with my mother, and then disclosed the fact of our marriage, which had been kept secret up to that time. He asked me upon one occasion to have some money to buy furniture with, and when I refused, he threw a handful of bank-notes into the fire. At this time I should say he was earning 20% a-week at gold-chasing, which was then a very lucrative employment. Before we were married, upon one occasion he was followed, and a razor found in his possession, and he was crying and very desponding. I have had seven children—the prisoner is my third child. My husband neglected me very much, and treated me most brutally and cruelly. Upon one occasion he threw a piece of broken jug at me, which cut my arm. During my pregnancy, he would jump about, and make grimaces, imitating a baboon, and this continued during the whole of the time of my pregnancy with my second child. That child was a confirmed idiot, and its face resembled the grimaces, and it put out its tongue in the same way his father had. The child lived but a short time, and it was very voracious, and continually made a low, unmeaning noise. While I was pregnant with the prisoner, my husband made the same grimaces he had done before. He on one occasion thrust a file into my breast, and the milk flew out, but he took no notice, and appeared quite indifferent. I never provoked him to do these extraordinary acts. At one time he kept a horse, and I have seen him lead it into the house, and appear like a child amused at his folly, and he led the horse about the sitting-room. When I applied to him for money he abused me, and once he knocked me down and fractured my head. While I was pregnant with the prisoner, my husband threw a quart pot at me, and my head was cut by it, and it was found necessary to shave and poultice my head. On another occasion my husband nearly stripped the house of the furniture, and he left me for four months, and when he returned he pushed me from him, and seemed annoyed that I looked better than when he left me.

The Attorney General said he had no wish to offer any formal objection, but he doubted whether these minutes details could at all assist the inquiry.

Examination continued.—When I remonstrated with him he only laughed,

and when he had done wrong he made a triumphant laugh, and had a supernatural look about the eyes. He kicked me violently when I was pregnant with my first child. Upon one occasion I know that my husband took laudanum. He died on the 10th of June, 1829. I have seen my husband's father several times, and I did so on the occasion of husband's death. He was at the time in his coffin, and the father said that he would lie by the side of his dear boy. The body, at this time was very offensive. He accused me of allowing his son's body to be opened, without getting anything in return. The prisoner was born on the 19th of April, 1822. He was under my care for the first seven years of his life, and I always observed something peculiar about him. He would burst out a crying when no one was near him, or said anything to him. He was always troublesome. Besides his habit of crying, he would also get into a violent rage without any cause, and would break and destroy anything he had in his hand. The first day he brought the pistols into the house he pointed one at me. He was very fond of fire and gunpowder, and he was once, when a child, very much bunt in the face by firing off a cannon. I have frequently beaten him for a habit he had of continually laughing. This laugh was partly hysterical, and it generally came on after he had been in a fit of passion. I believe that laugh to be involuntary. He would frequently alarm me by making a great noise. When I kept a pastry-cook's and a coffee-shop, I lost the business through the conduct of the prisoner. He drove away all the customers. When not under this excitement he was generally kind and affectionate. I went into a situation at Mr. Prescott's, the banker, and for a time I lost sight of the prisoner, but I afterwards placed him in a situation with a person named Sandon, but his conduct was so bad he could not keep him. This was eight years ago, and since that time the prisoner has been in several situations. The prisoner was frequently in the habit of going to the top of a house and throwing things at the passers by, and he was once taken to the station-house for getting behind a carriage and abusing a lady, but he did not seem at all conscious of what he had done. This was six years ago. He never, to my knowledge, belonged to any club or secret society whatever. I left this city for Birmingham about a month before the occurrence took place,

and the prisoner at that time was out of place. In his former place he had 20*l.* a-year. The clothes he now had on had been in his possession for three years. The prisoner was always fond of repeating parts of plays. When I found he had a pair of pistols, I asked him how he could spend his money so foolishly, and he said they did not belong to him, but he was keeping them for a friend. The day before I went to Birmingham, the prisoner struck me and made my nose bleed. I believe the letters and papers produced are in the prisoner's hand-writing.

In answer to different questions, the witness stated the places where the prisoner had been employed. At one place she said she was told that the prisoner gave every satisfaction, except that he was always laughing. There was no complaint of his breaking things at these situations, but he had said so himself. He was recommended from one place to another, and for the last four years had supported himself in these services. The prisoner, when he was ten years old, used to cry, and bawl, and make a great noise, and this it was that annoyed her customers. The prisoner, when she lived in the Westminster-road, used to play about with the boys in the neighbourhood.

Lord Denman said he did not wish to interfere with the examination of Mrs. Oxford, but he did not think it was a proper course to go through the whole of the prisoner's life, leaving the court and the jury to pick those parts that were material.

The court then adjourned.

FRIDAY, JULY 10, 1840.

The trial was resumed at nine o'clock. The court was much less crowded than on the previous day, and few ladies were present.

Mary Sumner, examined by Mr. S. Taylor.—I have seen the prisoner's father ride his horse round his own parlour. I always thought he was not right in his mind.

By Baron Alderson.—I never knew him attended by any medical man.

Charles Micklow.—I live at Birmingham, and Mrs. Oxford is my sister. I knew her late husband. On one occasion he kissed both his children, and then went out of doors and drank the contents of a bottle, which by the smell I knew to be laudanum.

Dr. Birt Davis, examined by Mr. Bod-

kin.—I am a physician, and a coroner for the county in which I reside. I attended the husband of Mrs. Oxford, at Birmingham, on one occasion, when he had poisoned himself by taking laudanum.

Mr. Bodkin.—Assuming the facts that have been deposed to, do you think the prisoner sane or insane?

The Court stated that the question was inadmissible; that was a question the jury would have to answer.

Mr. Bodkin.—Do you think that a man firing two pistols at her Majesty, and then admitting he had done so, and entering freely into conversation upon the subject, could be in his sane mind?

Witness.—I think he must be mad.

By the Court.—I derive that opinion from the circumstances in which the crime was committed. It was done openly; no attempt at escape or concealment; no caution; the party delivered himself up immediately; the admission that there were balls in the pistols.

Other witnesses also testified to the apparent lunacy of the prisoner's father.

George Sandon, examined by Mr. Bodkin.—I am a tailor residing at Birmingham. The prisoner was under my care for twelve months in 1830. He was given to the commission of many rash tricks. I used to think that he was not right in his mind.

Cross-examined by Sir F. Pollock.—When he was out he would get stinging-nettles, and beat children with them. He was sometimes given to laugh and cry violently at the same time, without any cause. When I boxed his ears for doing any thing wrong, he would laugh in a very peculiar way, instead of crying. He was always mischievous in the extreme.

Mr. Benjamin Walters, with whom the prisoner had been put to school, deposed to his having been a very troublesome lad.

Mrs. Clarinda Powell, examined by Mr. Bodkin.—I formerly kept the King's Head at Hounslow. The prisoner lived with me for two years. From my observation of his conduct daily, from the time he came until he left, I considered him of unsound mind.

Mary Ann Forman, who was the prisoner's fellow-servant at the Shepherd and Flock, gave similar evidence.

Cross-examined by the Attorney General.—He served in the bar. He served out the beer and spirits; received the money, and accounted for it. He was in good health and never had doctors to attend him.

Mr. Thomas Farr, with whom the prisoner had lived as bar-servant, thought him sound in mind, but uncontrollable. Mr. Robinson, his last employer, had often found him laughing, which was the only peculiarity he spoke to.

John Tedman, sergeant of police, examined by Mr. Bodkin.—The prisoner was under my observation for 18 months. I considered him of unsound mind.

Cross-examined.—He was entrusted to draw beer and take money. I once saw him attempting to put stout in at the wrong end of the bottles, with a funnel. When asked why he did it, he said, 'because it was a jolly good lark.'

Susannah Phelps, the prisoner's sister, considered him insane.

Emily Chittington, his fellow-servant at the Hog in the Pound, considered him in a sound state of mind, but sometimes very eccentric. Mrs. Robinson, the landlady, once fell down stairs. She was not particularly hurt, but only frightened. The prisoner was in the bar, and laughed very much. In May last, witness received a letter from him. It was addressed, 'The Public house, the Hog in the Pound, to Miss Chittington there and then. With speedily' (laughter); and then followed the words,—

'Remember thy blade,
The postage is paid!'

(Laughter.) That is all I can remember.

Dr. Hodgkin, examined by Mr. S. Taylor.—I have been a physician for fourteen years. I have lectured on morbid anatomy, and I have written works on pathological anatomy. Grounding my opinion upon the facts of this case, I consider the prisoner of unsound mind. I consider his insanity of the description which the French call *lesion de la volenté*, or which has been called likewise morbid propensity.

Cross-examined by Sir F. Pollock.—I don't think I have ever met with a case of morbid propensity without physical disease.

Dr. John Conolly examined by Mr. Bodkin.—I am physician to the Hanwell Lunatic Assylum, where I have 800 patients under my care. I have conversed with the prisoner, and consider him of unsound mind.

Cross-examined by the Attorney-General.—I conversed with him for, perhaps, half an hour. He answered the questions put to him quite willingly, but his answers were very unsatisfactory. When I spoke of his trial, he said, 'Trial, when?' as if he did not know any thing about the

trial. When I asked him if he was not aware that he had committed a very great crime in shooting at the Queen, he replied, 'I might as well shoot at her as any one else.'

By the Court.—I examined the head of the prisoner, and found the upper part of his forehead of such a formation as frequently indicates an imperfect development of the brain.

The witness, by the direction of Lord Denman, read the notes which he had made. They remarked upon the formation of the anterior part of the head; the apparent acuteness, but total inability to reason manifested by the prisoner; his total insensibility respecting the affections, and to the heinousness of the offence.

Dr. Chowne was examined, and coincided in opinion with the other medical gentlemen.

Mr. James Clarke stated that he had been in practice four years, and in the habit of attending the prisoner's family for two years. The opinion he had formed of the state of the prisoner's mind was, that it is imbecile. In cases of hereditary insanity it had been noticed that it frequently showed itself at the period of puberty, between the ages of fourteen and twenty.

This closed the case for the defence.

The Solicitor-General then rose to address the jury. They had been told by his learned friend (Mr. Taylor) that it would be gratifying if it should be proved that the prisoner was of unsound mind; and that feeling was echoed by every learned gentleman present. There were principles in this case which involved the well-being of social society, and it was most important that they should come to a just conclusion upon the facts and upon the evidence laid before them. If they should come, consistently with their duty, to the conclusion that the prisoner was of unsound mind, and that he was entitled to an acquittal, their verdict to that effect would give the highest satisfaction. But there would be little satisfaction in a verdict which was not founded in the just result of the evidence. The great question was, undoubtedly, whether the prisoner was, at the time of committing the offence, in a sound state of mind. Whether a man was subject to eccentricity and acts of violence, was not the question, for a man so subject was morally responsible, and legally liable for his acts. His learned friend on the other side had raised the questions—first, whether or not the

pistols were aimed at the Queen; secondly, whether the pistols were loaded; and, thirdly, whether he was in a state of mind to render him responsible for the act which he had committed. The questions whether the Queen was the object of the attack, and whether the pistols were loaded with balls, were not affected by the question of insanity—that was a question which stood by itself. The prisoner had seen Prince Albert return from Woolwich, and if he had wished to shoot him he had ample opportunity. He had fired at the carriage, and it was evident that his intention was to injure the Queen or Prince Albert. When he was in the cell the first question he asked was, 'Is the Queen hurt?' His learned friend said she might have been hurt by the wadding. She might have been hurt by the wadding as she might have been hurt by the balls. But if the prisoner had intended to shoot at the Prince, would his inquiries have ended with this question, 'Is the Queen hurt?' If the object of the prisoner was notoriety, if he wished to be talked about by the whole country, what better than the destruction of the valuable life of her Majesty would accomplish his object. For valuable and important as was the life of Prince Albert to us all, yet it was of incomparably less importance than her's to the interests of the nation. It was the duty of his learned friends on the other side to present every point to the consideration of the jury, which admitted of the slightest doubt, and they had well performed that duty, but they had failed to prove anything which could throw a shadow of doubt upon the fact that the Queen was the object of attack; and admitting that the next question was whether the pistols were loaded with ball or not, the conversation would not assist them on the point, or if it did it would lead to a conclusion in the affirmative. If a person were to escape with impunity who chose to go out into the street and discharge pistols, to the danger of the lives of the public, how many attempts would be made upon the lives of different individuals. His learned friend (Mr. Taylor) had cited a case in which a person had threatened to fire a pistol at another, and which person had been indicted for an assault. The indictment, however, failed. It was not proved that the pistols were loaded with balls. But still more—the pistol had never been fired at all; and therefore there was no analogy between the two cases. For in this case the pistols were

fired off, and under circumstances which could not leave a doubt upon the mind of a reasonable man, but that they had been loaded with balls. From several parts of the evidence it appeared that there was a peculiarity in the prisoner's answers. He heard persons asking if the pistols were loaded with balls, and what was his reply—'If your head had been at the muzzle of the pistols, you would have known whether they were loaded with balls or not.' Now, the form of this expression was such as to lead any one to conclude that they were loaded with balls. When did the prisoner load the pistols? For what purpose did he load them? What was there to show that he had on this occasion, contrary to his usual practice, not loaded them with balls. Two of the witnesses had stated that they heard a whizzing noise, as of balls passing near them. No balls were found, but two highly respectable witnesses had given it as their opinion that the marks on the wall were the marks of bullets. Those gentlemen observed the marks upon the wall, in the direction from which the aim was taken. If the jury ever amused themselves with firing at a mark, they would know the extreme difficulty of finding the balls. If the muzzle of the pistol was at all elevated, it was extremely probable they went over the wall. Their duty in this part of the case would be well to weigh the conduct of the prisoner in the use of his pistols on other occasions, in order that they might judge whether it was likely that he would have gone out with his pistols unloaded with balls. Having disposed of these two first points, they would have to consider the third, and very important part of the question, whether or not the prisoner was in a sound state of mind at the time of committing the act. They would hear the rules of law laid down by the learned Judge as to the manner in which their verdict was to be regulated. They had heard the opinions of Lord Erskine, who paid much attention to the subject. There was no necessity for further observing any other rule than that applied by him to the case of Hatfield. They could hardly imagine that a harsh rule, since it had been laid down by a prisoner's counsel. Before he called their attention to that part of the evidence respecting the insanity of the prisoner, it was material they should be clear upon that point. The principles of such a case had been laid down clearly by Lord Lyndhurst,

in the case of the King v. Offord, which is reported in the fifth vol. of Carrington and Payne, page 151. Sir Joseph Jenkins had said, 'The law will not measure the size of men's understandings, so that they be *compos mentis*.' Lord Hale had held, that partial insanity was not sufficient in all cases. The learned Solicitor-General then proceeded to read a number of cases from the law books, shewing the necessity of extreme caution in admitting pleas of insanity as excuses for crimes of this description, which would, if allowed unjustly, amount to 'an emancipation of the law from criminal justice.' When they looked at the evidence for the prosecution coupled with the acts of the prisoner himself, and compared them with the evidence on the other side, he did not see how the prisoner's insanity could be proved. The conduct of the prisoner's grandfather more resembled the violent paroxysms of a drunken and disorderly man than of an insane man; and at the time of the strait-waistcoat having been put upon him, it was shown that he was labouring under the effects of a fever, brought on by drunkenness. When taken before the magistrates for some of his acts of violence, his promise for future good conduct was taken. Was that like the case of a madman? With regard to the father — he was a violent and unruly person, but was it attempted to be shown that he was in an unfit condition to attend to the social duties of life? It had been said that the mother was a person of very weak nerves. But for his part, he was rather surprised at the apparent firmness of her nerves, and the total absence of trepidation in her manner. The violence of conduct in the husband had been shown before marriage. He had threatened her and himself if she would not marry him. She had married him; and was it likely that she would have married a man who she believed to be mad? The burning of the bank notes, which had been detailed in evidence, was not like the act of a madman. It was done, as she had acknowledged, to mortify her because she had refused to marry him, and to show her that nothing would be gained by her refusal. His conduct was like the violent and absurd conduct of many persons in this kingdom, whose acts it would never be pretended were evidences of insanity. Now to the conduct of the prisoner himself. He was a boy at school, was mischievous and trou-

blesome. He whipped children with nettles, and did other strange acts. But if we narrowly scanned the conduct of all boys at school, he (the Solicitor-General) was of opinion that there would be nothing very remarkable in the conduct of the prisoner. He had been punished by the schoolmaster, and his mother had beaten him; when asked why, she replied because it was necessary. What! necessary to beat a poor mad child? This was not the course of conduct which would have been observed with an insane person.

At a later period he had been guilty of strange acts; he had put out the gas lights—he had rambled in his conversation—he had read voyages—he had cried and laughed. But did his aunt discharge him? No: she kept him as long as he liked to stay. He had been fined for an assault. But what did his aunt say? She said that he had been very ill treated—that he had been dragged down the yard by the hair of the head, and that in her opinion the magistrate mistook the case and punished the wrong person. His conduct at Mr. Minton's was very good. and when he left that employment, because the other bar-man, with whom he quarrelled, had returned, he received a most excellent character to his next employer, Mr. Parr, with the exception of his untrollable propensity to laugh or to cry, which, however, left him in a condition to fulfil every moral and social obligation.

The nursemaid, who had had sufficient opportunities of observing him, and with whom he had evidently been flirting and joking, said he was of sound mind. She produced a letter with a direction of doggerel poetry. But there was nothing in that to show unsoundness of mind. A man might become celebrated either by great talent, or by committing a great crime. Was he labouring under a delusion? If he was, it was not such a delusion as would screen him from punishment. What observations did the prisoner make when he was arrested? His was not like the case of Hatfield, who, when he was arrested, said that he had done the deed for the purpose of sacrificing himself, in order to effect a second propitiation for mankind. If the prisoner did the act for the purpose of notoriety, and of making himself an object of public curiosity, he was amenable to the law. Was his conduct before the Privy Council that of an imbecile? Was the way in which he cross examined the witnesses the conduct of an imbecile? Did he suppose he was doing an innocent act? if he

did he was entitled to his acquittal; but if he did not believe so, and was aware that he was doing a wicked and illegal act, then he was answerable for the act he had committed, and it would be the duty of the jury to find him guilty. What delusion, he should like to know, was there in this case that was entertained by the prisoner? Any delusion really entertained by a prisoner must be proved to conduce to the act, or it was not at all material. The learned counsel then proceeded to allude at some length to the papers and letters that had been produced, and which it was contended were proofs of the prisoner being of an unsound state of mind; and submitted to the jury that they were proofs, not that the prisoner was himself deceived, but that he wished to deceive others. Was there one word of evidence to show that the prisoner was not aware of the difference between right and wrong, or innocence and guilt? In Hatfield's case it was proved that on the morning of the act he was in a state of raving madness. What was the state of the prisoner on that day? Could they say that his mind was in such a state as to prevent him from judging the difference between right and wrong? The jury had a solemn duty to perform — on the one hand they had the dearest interests of the prisoner at stake, and on the other the country demanded at their hands justice. To support the plea of insanity, some medical gentlemen had been called, but he should submit to the jury that their evidence did not in any way tend to support that plea to the extent required by law to shield the prisoner from the consequences of his act. They said he was insane. But the jury must recollect that the prisoner was prepared for the visit of the medical men, and was prepared to fall in with the opinion that had been expressed of his insanity. He therefore contended, that under all the circumstances, the plea of insanity, the whole question, was for the jury. In England every thing depended upon them. The laws were nothing if the jury did not do their duty fearlessly and correctly: they had a most painful, a most important duty to perform. They had nothing to do with the consequences of their verdict. With regard to mercy, that was to be obtained from another quarter. The second duty of the law was mercy—the first, justice.

The Judges having conferred together for a short time,

At half past three o'clock the Lord

Chief Justice proceeded to sum up. His lordship said, that the prisoner was charged with the crime of high treason, and the act amounting to that offence was alleged to be, that he had fired a pistol at her Majesty, and thereby made a direct attempt upon her life. They would have to decide, in the first place, whether the prisoner did really fire at her Majesty, and whether the pistols were loaded with ball or not. The plea that had been set up in defence of the prisoner was one which would require their most serious consideration. It might not, from the brief character of the transaction, appear to be necessary to go through the whole of the evidence; but still in a matter of so much importance, he thought it would be his duty. Before he did so, he begged the jury to dismiss entirely from their minds all that they had heard or read out of doors upon the subject, and confine their consideration entirely to the evidence that had been produced that day. The learned judge then proceeded to read the evidence of the first witness; and with regard to the observation of the prisoner, that he had friends, he said there did not appear to be the least evidence of his having any friends or connections on that spot. It appeared from the evidence of the first two witnesses that they heard a whizzing sound, as of a bullet; but, on the other hand, one of them stated that the muzzle of the pistol was not more than two yards from the carriage; and, if that were the case, it seemed most extraordinary, that, if there really were bullets in the pistols, they could have missed their aim. This, however, was a question for the jury. It appeared clear from this evidence, however, that the prisoner, whether insane or not, was well aware of the nature of the act he had committed, and his inquiry whether the Queen was hurt showed that he was aware he had done something which might have hurt her. His lordship then alluded to the circumstance of the prisoner being questioned, and said that was not a proper course of proceeding to be pursued in this or any other case. It appeared, however, that the prisoner did ultimately state in distinct terms that the pistols were loaded with ball, and if the jury thought that the witness who deposed to that fact spoke the truth, it was conclusive as to the fact that the pistols were really loaded with ball. The additional evidence upon the subject of the bullets was, a mark being found on the wall; but whether it was likely that the mark was really caused by the bullet discharged from the pistol held by the prisoner, would be a question for the consideration of the jury, and they would make the proper allowances. With respect to the rules and regulations of the society called 'Young England,' if such a society really existed, it was clearly intended for the purposes of mischief, and was designed to carry out some proceedings of force and violence. He did not, however, think that this part of the case required any very serious attention from the jury. It appeared that when the prisoner was at the Home Office, he certainly did make some acute observations, and such as any other man might have made use of under similar circumstances. Now, on the part of the prisoner, with regard to the two first points of his defence, it had been sworn his arm was raised quite above the level of the carriage, and another witness deposed that the mark on the wall was not made by a bullet. Then came the question whether the prisoner was of sane mind when he committed the act. If they thought that at the time he was irresponsible for his actions, and that he was labouring under insanity, perhaps they would think it the more likely that the pistols were really loaded with ball. This was, however, merely thrown out for their consideration. The question they would have to decide was one of the very greatest possible importance, and at the same time of the most difficult character. He would therefore state what was the law of England upon this subject. He might remark at this time that the case of Hatfield did not apply to this case. It was clearly proved in his case that he was in a state of raving madness, and that he had the day before attempted to destroy the child he loved. The ancient law of England was, that a man was not criminally answerable for an act he committed if he was *non compos mentis*—that is, not capable of distinguishing between right and wrong. This rule of law was to be applied to the evidence that had been produced on behalf of the prisoner. Much had been said about what was wished or desired, and counsel might be justified in saying that it would give gratification to all parties if it should be proved that the prisoner was insane, and if it should be shown that no man in this country was capable of committing such a desperate act; and if Her Majesty were in person in that court, she would no

doubt say, 'Do not take his life for raising his arm against me, but place him in a situation where he will be prevented by any possibility from doing any further injury to others.' The jury and the court, however, had a solemn duty to perform; they were to establish and support the law, and protect the lives of all classes of the community. It would, no doubt, be satisfactory to come to the conclusion that the prisoner was insane when he committed the act; but they must take care and see that the evidence which had been adduced warranted them in coming to that conclusion. With regard to the evidence affecting the grandfather's insanity, and which was produced for the purpose of showing that the prisoner was tainted with hereditary insanity, it appeared not to be very satisfactory. There was not the least proof of the character of the alleged insanity, neither was there any proof that it might not have been occasioned from some injury he had received in his head. It showed that he was very violent and outrageous, and the same might be said as to the prisoner's father, who appeared to have been at times guilty of most violent and outrageous acts, and who also appeared to have very much ill-used his wife, the unfortunate mother of the prisoner; but it would be for the jury to say whether this evidence was sufficient to satisfy them of the insanity of those parties. Many of the witnesses had expressed their opinion as to the insanity of the prisoner, and his relations, but he thought that they had no right to do this, and that the jury was the proper tribunal to express that opinion; and with regard to moral insanity, he considered that the evidence of a medical man, and his opinion ought to have no more weight than the opinion of a man of the world, conversant with the circumstances of the case, and who would be enabled to apply his judgment to the facts. Part of the defence appeared to be that the crime was of so monstrous a character that the prisoner must have been mad when he committed it; but this would be a most dangerous precedent to admit; for it would go to the extent that the bare atrocity of an offence carried impunity with

it. The medical gentlemen had, however, given their opinion that the circumstances under which this offence was committed were in themselves an indication of insanity on the part of the prisoner. The jury would, however, judge whether such an opinion was of any weight. Having gone through the whole of the evidence, he would make a few remarks as to the insanity attempted to be proved to exist in the persons of the prisoner and his father. With regard to the latter, it appeared that he was a clever artizan, earning a great deal of money, but spending it in a very foolish manner, and acting also in a most brutal manner towards the prisoner's mother. With regard to the prisoner, many circumstances had been adduced relative to his conduct; but the great question for the jury was, whether, at the time he committed the act, he was aware or conscious of what he was doing, and the nature of the act he committed; and if they did not believe it, then it would be their duty to convict the prisoner. If, on the contrary, they thought that he was insane, and unconscious of his acts, then it would be their duty to find that he was insane. He now left the case in their hands, with the fullest confidence that they would return a verdict that would give satisfaction to their own consciences and to the country.

The jury then retired at half-past six, and shortly returned, finding the prisoner 'Guilty of firing two pistols at her Majesty, but whether loaded or not, there was no sufficient evidence to prove; and they further found that the prisoner was of unsound mind at the time of the commission of the offence.'

Mr. Sidney Taylor declared that this amounted to a verdict of *not guilty*; and the Attorney-General insisted that it was an acquittal on the ground of insanity. The jury, after a few words of explanation from Lord Denman as to the form in which the verdict should be worded, again retired, and ultimately returned a verdict of *Guilty, but Insane*.

[The foregoing is abridged from the able Report of the *Globe* evening newspaper, which published the entire proceedings within an hour of their taking place.]

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