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TO MR. PEEL,

SECRETARY OF STATE FOR THE HOME DEPARTMENT.

On the Bail and other Matters, appertaining to the affair of the Bishop and the Soldier.

Justice, when equal scales she holds, is blind;
Nor cruelty nor mercy move her mind.
When *some escape* for that which *others die*,
Mercy to those to these is cruelty.

DENHAM.

Kensington, 1 *August* 1822.

SIR,

SEE the disagreeable consequences of *endeavours to smother*, on the part of the "*respectable*" press I mean; for I have, as yet, no *positive* proof of such endeavours made by any body else. —See the disagreeable consequences! If the horrid affair in question had been communicated to the public in the *usual way*; and especially if the parties accused had, in the usual way, in *the way of* 1810, been *committed for trial*, the public, with no feeling but that of sorrow that so abominable a thing had been imputed to two of their fellow subjects, would have waited for that trial in the hope that the imputation would prove unfounded. But the manifest, the almost monstrous endeavours of the "respectable" and infamous press to stifle the whole thing, have filled, as they ought to fill, the whole nation with *suspicions*, which it will not be easy to remove.

The *bail*, taken in this case, has been, and long will be, a subject of great interest throughout the nation; because here the *government*, through one of its inferior agents, is the actor. I am no lawyer, and, therefore, I do not pretend to say, that it was absolutely *unlawful* in Mr. DYER to take bail, and to set the Bishop *at large*. Nor do I say, that it was an unlawful act to take *such bail* as was taken. But, I do say, that I was astonished when I

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heard of *any bail at all* being taken in such a case; and that I was equally astonished at the *amount* of the bail; the reasons for which astonishment I am now about to state; for addressing which statement to *you* your Office is, I think, quite sufficient ground.

As to the first, the admitting of the Bishop to *bail at all*, I was astonished, because I had *never heard of such a thing before*. I had never heard of such a thing in the case of the *Vere-street* gang; nor did it ever enter into my mind, that the offence, especially when *both the parties were of the age of discretion*, was bailable according to law, though the act might stop somewhat short of *absolute completion*, it being, besides, very difficult to affix *degrees* of guilt in such a case.

Nor has the "Doctor" of the *New Times*, in his "loyal" paper of the 30th of July, succeeded in convincing me, that I was in error in my notions as to this matter of bail in such cases. The Doctor is a great railer against "disloyal" people; and he works hard upon this occasion (for what *reason* we are left to guess) to make us quite satisfied, that Mr. *Dyer* was compelled to take the bail, and let the Right Reverend Father in God go at large. We will, if you please, Sir, *hear* the Doctor, before we proceed any further. He does not name the party after all; but he says that the *law* has done hitherto all that it can do. His words are these: "*More* the law "does not permit; for, black as "is the moral turpitude of the con- "duct deposed to, it still amounts "only to *a bailable offence*; and "we all know that both by the "Common Law, and by the *Ha- "beas Corpus* Act, it is deemed a "violation of the *liberty of the "subject*, in any Magistrate, to "refuse *or delay* to bail a person "bailable. In the present in- "stance, the *wealthier* individual "*found* bail *immediately*: and if "the other *should tender bail* at "any time before the Sessions, *it "must be accepted*. The Magis- "trate demanded *much more than "ordinary*, though we fear much "*less than effectual bail*; but it "must be remembered that *the "Bill of Rights* strictly forbids "the taking of *excessive bail*. It "is to be regretted that a villain "should ever shelter himself under "the protection of such salutary "enactments; but they are *too "closely interwoven with our li- "berties* to admit a doubt of their "*general utility*, even though in "a particular instance they may "operate to produce a defeazance

"of that *entire and exemplary* "*justice* which the case demands."

One can hardly help bursting out upon the Old Doctor here and calling him a hypocritical vagabond. This is a pretty fellow, indeed, to cry up the excellence of the Act of Habeas Corpus! a pretty fellow to discover, now that a Bishop is caught, such a tenderness for the "*liberty of the subject!*" A pretty fellow to discover that a Magistrate violates this liberty when he refuses to take bail or when he delays taking it. This old hack justified the delay in taking bail in the innumerable instances, in which such delay took place in the case of the Reformers. The old hack knows well, that, in scores of instances bail was delayed on the alleged ground of want of time to ascertain the *sufficiency* of the bail. We cannot help laughing, however, at the idea of the Magistrate having had the *Bill of Rights* in view, and that he therefore avoided demanding "*excessive bail;*" and, we must admire the hint of the old Doctors' Commons, that if the Soldier (the Bishop's partner) "*should now tender bail, it must be accepted!*" This is a good hint of old Doctors' Commons; and thus the law-officers would have nothing but *names* to try; the parties having given their friends what is called *leg bail.* The Doctor's conclusion, namely, that this bail work has arisen from institutions, "closely interwoven with our liberties," wanted a rounding, namely, "envy of surrounding nations and admiration of the world," which I am sorry to perceive is rather going out of fashion, not having been used but once, as far as I have perceived, during the last Session of Parliament, and only four times on the two last Circuits. It is a pity it should go out of use; for it has caused more laughter than any one thing within my recollection, not excepting the unanimity in the passing of your famous Bill about Bullion and Paper-money.

But, now, let us look a little at the doctrine, or, rather, the law, of old Doctors' Commons. It is my opinion, that Mr. DYER was not *compelled* to take bail at all. I am sure that he was not compelled to take it without delay. I am sure he was not compelled to take it the moment it was tendered. I am sure that the law authorises the Magistrate to hold in custody for *forty-eight hours*, which he is to take, if he pleases, as time necessary for him to inquire into the sufficiency of the bail: or, if this be not the law,

what will you say to the following Anecdote. A man was taken up at Woolwich for sticking up a placard, exposing the baseness of the Morning Post in asserting that the Queen, whether guilty or innocent, ought to be sacrificed to what it called the public good. A man was taken up for posting up this placard against the house of a Baker who gave him leave to post it up upon his house. He was taken before a Magistrate, who was also a *Parson*. Bail was tendered; and that bail delayed for forty-eight hours, on the ground of *notice of bail* being necessary. Before the forty-eight hours had expired the man was sent to Maidstone Gaol, where the Quarter Sessions were just coming on. A Gentleman went down from London, the Baker went from Woolwich, and the man was expected to be tried; but, behold, no Bill of Indictment was presented against the man, who was then turned out of goal to find his way back to his home as he could. And this, Sir, is in this same country, where old Doctors' Commons would have us believe, that Mr. Dyer dared not *delay* to bail the Bishop! This Law of ours is a curious thing, indeed, if Mr. Dyer could not delay in the case of the Bishop; and if the Magistrate at Woolwich could delay in the case of the man who was guilty of the enormous offence of posting up a paper, reprobating the idea of sacrificing an innocent Queen for what was called the public good. The public will not fail to draw the proper conclusion from facts like these; and therefore, I shall now come a little closer to old Doctors' Commons, and state the grounds of my opinion with respect to this not being a bailable offence.

Blackstone, in the fifteenth Chapter of his fourth Book, in speaking of this crime against Nature, says, as to the crime itself, "that the voice of Nature and of "Reason, and express Law of "God, determine it to be capital." He says, that our ancient law, in some degree imitated the vengeance of God on the two offending cities of old, "by commanding such miscreants to be *burned* "*to death*, though Fleta says they "should be *buried alive*: either "of which punishments was indifferently used for this crime "amongst the ancient Goths; but "now, the general punishment of "all felonies is the same, namely, "by *hanging*." And here Blackstone adds something of great importance in the present case. "And the rule of law herein is,

"that, if both are arrived at the "years of discretion, *agentes et* "*consentientes, pari pœna plec-* "*tantur.*" Which Latin words I dare say Dr. Coppleston taught you to interpret, "both acting "and consenting and agreeing in "the act, shall receive *the same* "*punishment.*"

So much for the nature of the offence and the legal equality of the crime. Now then, as to the bail. It is clear, that no person can be bailed for a capital felony. Blackstone says, (Book 4, Ch. 22) "Where imprisonment is only for "safe custody before the convic- "tion, bail is ousted or taken "away, if the offence be of a very "enormous nature; for then *the* "*public* is entitled to demand "nothing less than the highest "security that can be given; "that is to say, *the body of the* "*accused*, in order to insure that "justice shall be done upon him "if guilty. Such persons have "no other sureties than the four "walls of the prison." This would appear to be quite enough; for is it not manifest upon the face of it, that scarcely any sum of money would be a surety in a case like this. But, if we were to admit that there could be any mitigation; any room, for misinterpretation of this general doctrine, Blackstone in the same Book and Chapter, enumerates the cases in which bail cannot legally be taken; and amongst these, he has this, "persons taken with the "*manour*, or *in the fact of fe-* "*lony.*" By referring to another part of Blackstone, we find that the old word *manour*, means *mainoevre;* which means, in plain English, a handling, or having hold, of the thing stolen, or being about to be stolen. That relates to the case of theft. The other part of the rule relates to all felonies, and particularly to a felony of the description which we now have before us. "*In the fact* of felony," are the words. Now, Sir, what was the case here? In what situation were the parties seen by the witnesses? You have read the description of it. In what situation were they *taken to the Watch-house?* You have read the description of the situation of their garments, when they were assailed and beaten by the people. If these descriptions be *true,* if any thing like what these descriptions give us were true, did not the act of the parties and the manner of their detection fully amount to the description of the thing here given by Blackstone, being one of the cases in which, according to him, bail is clearly

not admissible? If this case do not present to us that which Blackstone describes as one of the cases in which bail is not to be taken, I defy any man living to imagine any thing which comes up to the words, "*in the fact* of felony."

Bail, in cases of enormous crimes, is taken only when there are doubts, and great doubts, too, of the truth of the charge; and were there any such doubts here? A commitment is merely for *safe custody*, and not for punishment. "Where bail," says Blackstone, "will *answer the same intention*, "it is right to be taken; but in "felonies, and other offences of a "capital nature, no bail can be a "security equivalent to the actual "custody of the person. For "what is there that a man may "not be induced to forfeit to save "his own life!" It appears to me that there is no view which we can take of this matter; that there is no rule or interpretation of law, to justify the taking of bail in this case; and, does not this agree with the whole of the *practice* of the Justices of the Peace and of the Courts; I speak merely as giving my opinion and belief upon this point; but I am quite sure that I never heard of persons being admitted to bail who were charged, on oath, with an offence like this; and if I rightly understand the law that I have read, and to which I have here expressly referred, my opinion that bail ought not to have been taken at all, and which opinion is conformable to that of millions, I believe, will stand unshaken by the doctrine now put forth with such ostentation by the New Times and other base and mercenary papers.

As to the amount of the bail, it is very true that the law says that excessive bail shall not be demanded; but it is equally true, that the law says, that, "If the "Magistrate take *insufficient* bail, "he is liable to be fined if the "criminal do not appear." Blackstone states this in the 22d chapter of his fourth Book. Coke, in his Institutes; Hawkins, in his Pleas of the Crown; divers Acts of Parliament, say, that *insufficient sureties, are no sureties at all*; and that, to take slender bail, is a crime in the Magistrate. Hawkins, says that the bail should be proportioned to the *ability* and *quality* of the prisoner, and to the *nature of the offence*. Who have we here, then? Nothing less than a man with a revenue of from ten to fifteen thousand pounds a-year; the son of an Earl, the brother of an Earl; and the uncle of an Earl; and the nature of the of-

fence is such, and so enormous, that the law itself almost blushes to describe it. And here we have him bailed for five hundred pounds; and that too, within, I believe, six hours of the time that he was brought before the Magistrate.

Allowing Mr. DYER to have had the *Bill of Rights* full in his eye; allowing that a sense of duty and of his oath would not suffer him to demand more than five hundred pounds, in a case like this, and from a Bishop, what are we to call the bail that is demanded and enforced in other cases? This, Sir, is the most important point to view the matter in. It is here that the thing most closely touches us. If Mr. DYER could not go beyond five hundred pounds; if this was not insufficient bail; if this was not what the law calls slender bail; if this was what ought to have been; if this was justice; what shall we say of the bail demanded and enforced upon Mr. Johnson, Mr. Bamfield, Mr. Moorhouse, and others, after the affair of Manchester, of August 1816. In the memorable year 1819, which at once witnessed the affair of Manchester and the passing of your bill? If this was justice in the case of the Bishop, what was that which demanded *eighty pounds* bail in case of the man mentioned above who was committed to Maidstone Gaol? What was that which kept Joseph Swann in prison for want of a *hundred pound* bail, which kept him in prison three months, previous to his *four years and a half of imprisonment*, for being present at a Reform Meeting, and for selling pamphlets, alleged to be hostile to the religion of which this Bishop was one of the principal teachers? *Law* and *Justice* might have their way in the case of the Bishop; but if they had, have they their way also in the case of those numerous persons, who have been kept in prison for want of bail under the charge of libel? We live in an age very unfortunate for this sudden outcry against "excessive bail." This outcry comes at an unfortunate time, and is applied to a most unfortunate case. After the public had witnessed the bail demanded of Mr. Carlile; bail for *life*, in a greater sum, I believe, than that of the Bishop. After the public had witnessed the bail in the case of his sister. After they had seen his wife sent to a dungeon with a baby in her arms. After they had read of the birth of a child in that dungeon. After

they had read, in his pamphlet of the first of March last, that plain, that simple, and that most dreadfully affecting narrative, of the treatment of these two women in Dorchester Gaol; after the public had read this, which you, Sir, ought to have read long enough ago: After all this, how is the public to restrain its indignation; what feeling but one is it to have, when it hears the caitiffs of the hireling press bawling out for the *liberty of the subject* and the *Bill of Rights!*

I have before stated my own case often enough; but when we see men ready to plead the *Bill of Rights* and to express extreme tenderness for the *liberty of the subject* on the score of bail; and when I see a Bishop, and a Bishop of Noble family, too, and accused of an offence like this upon the oaths of seven witnesses; when I see a man like this let loose, without hesitation, upon bail of five hundred pounds, I cannot but again and again remind the public, that, for having expressed my indignation at seeing English local militia-men, in the heart of England, flogged under a guard of German bayonets, I was sentenced to a felon's gaol for two years; that I rescued myself from the society of felons by paying *twelve hundred and forty-eight pounds for lodgings alone;* that, at the end of the time I paid a *thousand pounds sterling to the King;* and that, I was, then, to remain in prison for ever, unless I entered into bail in the amount of *three thousand pounds* myself, with two sureties in bond of *a thousand* pounds each!

It would be libellous, I suppose; it would be a libel, I dare say, on the late Ellenborough and his three associates, Grose, Le Blanc, and Bailey; it would doubtless be a criminal libel on the memory of the three former, and on the character of the latter; it would be a heinous offence, I suppose, if I were to say that that was "*excessive bail.*" It would be a libel, to say that those venerable Judges were guilty of a violation of the "*Bill of Rights;*" that bail, therefore, was *not excessive.* We are to say that that was all right, though I had no bishopric of from 10 to 15 thousand a-year; though I had no income but what arose from my daily labour; though I had nothing but my daily exertions and my possible continuation of life and of health to hold out as the foundation of a hope of preservation from actual want of a wife and

six children, from fourteen to three years of age. This was all right. This was no violation of the principles of that happy constitution, which is the envy of surrounding nations and the admiration of the world. But, Sir, if this was all right, is it also all right, where the Bishop is let loose, and for an offence like this, too, upon bail of *five hundred pounds!*

Leaving this question for you to answer at your leisure; and, without undertaking to say whether Mr. DYER did right or did wrong; whether the bail was *slender* or stout; whether it was, in *law*, insufficient or sufficient, it appears that, in fact, it was not sufficient *to keep the Bishop in England*, notwithstanding the doctrines laid down by lawyers, and notwithstanding the language of the law which calls those persons sureties which give bail for other persons. The Bishop is said to be gone. But, Sir, is there no getting him back? We have an Alien Law. The *Holy Alliance* have all of them Alien Laws. Our Holy friends would certainly assist us in a case like this. The Bishop must have had a *passport?* We know that passports are got now and then in a queer sort of way, as in the case of the man that went to Italy from the fortress in Cotton Garden! But the Bishop must have had a passport from somebody or other; how easy to trace him, then! Our Police Officers have frequently gone into the territory of our friends the Bourbons and the Orange Bovens, and brought back very obscure individuals. The *public* is, I assure you, Sir, very watchful, just at this time; it knows what can be done in this way. It knows what has been done; and it is now waiting to see what *will be done.* In short, it will never be made to believe, that it is not as easy to get back the Bishop, as it was, the other day, to get back a swindler. We shall see, then, when the trial comes on, whether the parties will be present or not; and then, and not till then, we shall be able fully to judge as to the sufficiency or insufficiency of the bail.

In the meanwhile let us turn to the Bishop's *partner.* This is said to be a *Private Soldier in the Foot Guards.* Some time ago Lord Palmerston said in the House of Commons that Barracks were necessary in order to keep the Soldiers distinct from *mixing with the people!* I will abstain from the corollary which this observation of his Lordship would suggest. But, let me observe, that if

five hundred pounds was sufficient for the Bishop, and if Hawkins' Law be good, that the amount of the bail is to be in proportion to the ability and quality of the prisoner, and if the hint of old Doctors' Commons be acted upon, the partner may be at large in a few hours, for I will engage, he has in his pocket more money than would make up the sum required in proportion to the bail demanded of the Bishop. Old Doctors' Commons says, that, if bail be tendered now, *it must be taken!* Oh Lord, yes! The *Bill of Rights* demands it! The *liberty of the subject*; the precious *liberty of the subject*; that delightful *liberty* which makes the printer of a newspaper give bail to the amount of three hundred pounds, with two sureties, bound for a hundred and fifty pounds each; that delightful *liberty of the subject*, which makes the printer do this, not only before he is charged with any offence, but even before he begins to print; this sweet *liberty of the subject*, this "mountain-nymph, sweet Liberty," of whom we are so enamoured, and who will dwell no where but in these blessed Isles; this precious liberty of the subject, will, old Doctors' Commons tells us, insist upon Mr. Dyer's taking bail for the Bishop's partner, if bail be tendered, even now! I should suppose that old Doctors' Commons has not given this hint, this *very broad hint*, without a motive; and I should be disposed to think, that he had not given it without some instigator. Be this as it may; it signifies very little as to the main point, whether the hint be adopted or not. The examinations are down in black and white; the witnesses are alive, and the Sessions approach. It signifies not a straw whether the partner be present or not; though, in case of his absence, it will occur to every one, that he will have even better luck than the Bishop; for, if out of prison, he is in his regiment and company, and it will be wonderful, indeed, if he be not *forthcoming* on the day of trial! The public have their eye upon this too; so that, it is impossible for any thing to take place that shall produce any other than a satisfactory result. He will hardly be *discharged* from the army! Oh, no. It will all be right. It will all be as it ought to be.

Before I conclude, let me call your attention to a publication put forth by the company of traders to whom the Old Times newspaper belongs. The publication to which I allude, puts some words

into the mouth of Mr. DYER, as having been uttered at his Police Office in Marlborough-street, on Monday last. Mr. Alley, a lawyer, had, it appears, taken occasion to ask the Magistrate and his people, in this public manner, whether he had been one of the bail for the Bishop. This he did in consequence of its having been insinuated, he said, that he had been one of the bail. Mr. DYER declared, it appears, that Mr. Alley was not one of the bail; and then follows in the Old Times aforesaid the following passage, well worthy, I think, of *your* attention:—"The Magistrate said, "what had been stated in the "paper was certainly false, and "whoever had written it must "have been *actuated by malice*, "which could be attributed to *no* "*other cause* than the *general de-*"*sire* of *certain parties* to *over-*"*throw* the *established authorities* "of *the country*, and they no "doubt *laid hold* of this *lament-*"*able transaction* as a *handle* by "which they might, were it pos-"sible, *effect their wish*. At all "times the conduct of Mr. Alley "had been upright and respect-"able. Before this subject was "disposed of, he must observe, "that *he was bound to take bail*, "the offence only being *a misde-*"*meanor*, and that it was con-"trary to all rule to give up the "names of the bail.—Mr. Alley "returned the Magistrate thanks, "and said bail was *certainly* "*obliged to be taken*, as, if not, "the Magistrate was *subject to* "*action for false imprisonment*." "—Mr. Wingfield, who was soli-"citor for the Bishop of Clogher, "said nothing could be fairer "than the learned counsel's con-"duct, and the remarks contained "in the paper in his opinion were "most unjustifiable. Several gen-"tlemen also expressed them-"selves in the same terms; one of "them termed Cobbett a "whole-"sale dealer in lies."—We think "it necessary for the information "of our readers to state, that the "persons now standing in the "situation of bail for the Bishop "of Clogher are *not attornies*, or "in any way connected with the "law, but both are *exercising* "*mechanical trades*."

I have already shown my reasons for disagreeing with Mr. DYER and Mr. Alley about the obligation to take bail at all in this case; and have shown, I think, sufficiently, how this bail differs in amount from the bail insisted upon in other cases. I will here just add, that it is curious enough, that the new and severe

doctrine about bail was not long ago conjured up, and that too by a *parson*. I should really like to know whether the Bishop were a Magistrate. This would make the thing complete. He is down in the *Red Book* as a *Commissioner of the Board of Education*; and I really wonder that he did not bring himself off by saying that he was giving the Soldier a lesson! Considering the parson and magistrate are now so often united in the same person, and especially in Ireland, it would be almost a wonder if he were not a magistrate; or, rather, if he be not; for he is, as yet, all that he was. To return, however, the new interpretation of the law of bail; that is to say, of the severity of it, we owe to the church, amongst other things that we owe it. It was Parson Hay that first demanded bail on a charge of libel. The legality of this was questioned; as well it might after the solemn decision in the case of Wilkes; but, when Six-Acts came to be passed, it was declared to be law to hold men to bail on a charge of libel *previous to conviction*. So that if any man goes and swears before a Magistrate, that another has written, printed or published, a thing that that Magistrate may *think to be a libel*, that Magistrate has the power to hold the accused party to bail until the trial, not only to answer the charge, but to *keep the peace and be of good behaviour in the mean time*; and, though the man may be acquitted of the libel; though the Grand Jury may throw out the Bill, still, if the bounden party have broken the peace, in the mean time, or has been guilty of any other sort of bad behaviour, he forfeits the recognisances, taken from him in a case where he had committed no offence at all! These are the laws of bail that we live under; and yet there are men who have the press in their hands, and who live immediately under these laws, who have had the baseness, the inexpressible baseness, to endeavour to smother up this affair of the Bishop and the Soldier.

I have said enough upon Mr. Dyer's and Mr. Alley's doctrine about bail; but I have now to notice this publication of the Trading Company, as it relates to the motives imputed to those, who prevented this affair from being smothered up by the press. I do not impute these words to Mr. Dyer, because, I find them in a paper which *only* says that which answers its own purposes. But, see, Sir, what words this

paper puts into the mouth of one of your Police Magistrates. Here is a Bishop of the Church of England, detected with a Private Soldier of the Foot Guards; here is a paper, making an exposure of the thing. Here is a paper preventing the thing from being smothered up; and here is this beastly and vile old rotten Times Newspaper telling the public, that Mr. DYER, one of your Magistrates, who receives a salary from the Government, for carrying on Justice of Peace work; here is the Times Newspaper telling the public that this Magistrate said, that the writer in question "must "have been actuated by malice, "which could be attributed to no "other cause than the general "desire of certain parties to "*overthrow the established autho-* "*rities* of the country, and that, "no doubt, they laid hold of this "*lamentable transaction* as a "handle by which they might, "were it possible, *effect their* "*wish*."—I pass over the mutual, and, I dare say, *merited* compliments of Messrs. Dyer and Alley; but, this accusation of wanting to overturn the *established authorities*, I really cannot brook with any degree of patience. I do not know that Mr. Dyer made the accusation; I must therefore ascribe it merely to his friend the Old Times, and is it not, Sir, most shockingly foolish? Is it not childish beyond compare? To have made it complete it should have come from the mouth of the Bishop himself, he belonging to a body, which have been ringing this charge in our ears for the full third part of a century. Let any enormity take place, no matter what. Let Mary Anne Clarke figure away; let Majocchi, Sacchini, and Demont, be produced from Cotton Garden. Let the press comment upon the transaction, and out bolts the charge, that we make it a *handle* to overthrow the constituted authorities of the country! Thus, to speak of the Bishop and the Soldier, is to endeavour to overthrow the established authorities of the country. Nothing is said about the overthrowing these established authorities by the hands of those who give importance to Mrs. Clarkes, to Italian witnesses, and who are the actors in exploits like that of the Bishop; all these are loyal people. They are no malcontents. They do not wish to overthrow the established authorities of the country. Oh dear no! It is not the poor murderer that is to blame; it is they that detect him, expose him, and would,

malicious dogs, bring him to the gallows if they could!

This whining accusation is, however, become threadbare. It is fairly worn out. By dint of steady perseverance I have taught this whole nation (with the help of your Bill) that, when a man cries out against attempts to overthrow the established authorities of the country, he means to say, that attempts are making to disturb him in the quiet enjoyment of what he derives from those established authorities. It is the old hacknied charge that did very well when wheat was fifteen shillings a bushel; when the Farmers of Northamptonshire rode hundred pound hunters, and dressed themselves in scarlet coats and jockey caps, and when the Banker Attornies had their bales of paper-money afloat; this cry about the established authorities did very well then; but, thanks to your immortal Bill, this cry now sounds like the ten times told tale of an ideot: the game is gone; and the cry has become ridiculous.

Let me now, Sir, in conclusion, express my surprise, that no Bill of Pains and Penalties against the Bishop has been brought into Parliament. I have, in another part of this Register, noticed the difference in the conduct of certain parties in this case and in that of the unfortunate and injured Queen; but I must here again observe, how natural, how plain, how short the case and the proceedings in the case of the Bishop. In the case of the Queen, the witnesses had to be hunted up; *rumour was the foundation;* then a *Commission* was sent to Milan to collect evidence. Then the witnesses had to be brought at an enormous expense; and that pretty concern of Cotton Garden had to be resorted to, and a guard on the water as well as by land to take care of the fortress. The House of Lords had to sit nearly all the summer, and, though it brought in the Bill, it finally threw it out!

In the case before us, a shilling fee gets the examinations before Mr. Dyer. The witnesses are all living in the parish of St. James most likely, and one evening's trial in the House of Lords settles the business. This would have been the right way, Sir, take my word for it. It will not be done half so well in any other way, and in this way the Government would have *gained*, disgraceful as was the crime that it would have had to punish. This

would have been much better than those proceedings, the intention to enter upon which is announced to us by old Doctors' Commons. As the thing is it must be seen by every one, and every person belonging to the Government must feel, that it is a heavy blow. The blow might have been parried; but, to do that, the villanous press, in the first place, has gone precisely the wrong way to work. To attempt to smother was to make the thing ten thousand times worse than it naturally was as far as regarded that which this foolish fellow (of the Old Times newspaper I mean) calls the established authorities of the country. If I had been in your place, I would have lost no time; not even a single hour, in convincing the public that I disapproved of the attempts of those infamous newspapers. The baser they are the more necessary this was; for public suspicion was sure to be uncommonly active. Therefore, no time should have been lost; and, of this opinion you will be, I am certain, before this affair is over. The New Times does, indeed, inform the public, that you heard nothing of the abominable transaction until after the chief criminal had been admitted to bail. Old Doctors' Commons has not said here what he means. He has said that "the "matter came to the knowledge "of the Home Department, *not* "*after* the chief criminal had been "admitted to bail." But he clearly does not mean this. Between *not* and *after* he has left out the word *till;* which makes all the difference. Yet to show you how active the public mind is, I have heard several persons remark upon this, and express their opinion that it is *no mistake at all*, and consequently that the knowledge reached your department before the bail had been taken. Most sincerely do I say, that I should be extremely sorry to find this opinion to be well-founded. I take the contrary to be the meaning of old Doctors' Commons, and also to be the fact. Yet it would appear somewhat strange, that the affair should have happened on Friday evening, at dusk; that the people should have pelted and pummelled a Bishop at that time in the evening; that a Bishop should be in a Watch-house dungeon all Friday night; that he, and a private soldier along with him, should be taken to one of the Police Offices on the Saturday; that St. James's parish should be all in a hubbub; that the examination of seven witnesses should be going on for some

hours, and that, all this while, though the party was related to several families of the "*Higher Orders*," not a word of the matter through the Police Officers, through the Police Magistrates, or through any body else, should have reached *your Office* at Whitehall, which is not, I believe, more than *seven hundred yards* from the spot where all the hubbub had commenced! This would seem *wondrous strange;* but, it is *possible*, and I most sincerely hope it is true. We have it, indeed, from very bad authority, that of old Doctors' Commons, but nevertheless it *is possible*! Time must unfold all.

Mr. *Dyer* is made to say, that it is *contrary to all rule* to *give up* the names of bail. Indeed! I did not know that there was any *giving up* in the matter. But, this I know, that the *names* of the bail in all the cases, relating to what is called "*Sedition and Blasphemy*," were not only *given up* to public view, but, by the infamous press, sent about with the *vilest insinuations* against the persons becoming bail! This I know well, and this the public knows; and, therefore, a *contrast* now presents itself worthy of *particular attention!*

Mr. *Wingfield* (the Times says) came forth as the *Attorney* of the Right Reverend *Father in God.* Now, as we are not, it would seem, to have the *names* of the bail, will Mr. *Wingfield*, the Attorney for the Bishop, go so far as to tell us, whether it was HE who obtained the persons to be bail? This is usually the *office of the attorney*; and will Mr. Wingfield be so good as to tell us, whether HE performed this office *upon this occasion?* This cannot be called "*precocient* curiosity," as Ellenborough called the looking into the affair of Mrs. *Clarke.* We may, surely, ask a question like this without being chargeable with a design to "overthrow the established authorities of the country."

Then, again, who was the *attorney* for the *Soldier*, for the Bishop's *partner?* Could no *attorney* be found for him? Could he get nobody to find *friends* to bail him? Blackstone calls *bail* an imprisonment in the hands of *friends;* he calls it "*friendly* custody." Could nobody find out a little matter of "*friendly* custody" for the Soldier? The *Old Times* says, that "two *mechanics*" were bail for the Bishop. Could no "two *mechanics*" be found to bail the Soldier? This is an odd thing! However, as I said before,

if old Doctors' Commons's hint should be taken; and if the Soldier were now to find "*friendly* custody," he could not do as the papers tell us the Bishop has done, that is to say, *quit the country*, unless he were first DISCHARGED! Oh, Lord! What a mess!

This, Sir, is a great *incident* in our drama. The effect of it will be felt to the last hour of the existence of the THING. It is like one of those wounds which men receive as they are going on towards old age; and which are not felt but at times. In very hot or in very cold weather. Against rain; or the like. Thus will this incident operate. It will never be cured. Time will smooth it over a little. But it will break out again. Its twitches and pangs will always be ready; and, it will cease its effects but with the cessation of the frame of which it has now become a constituent part.

The opinion which the dear dunderheaded Old Times newspaper has put into the mouth of Mr. Dyer respecting the motives of those who have been principally active in this disclosure, is, doubtless, levelled at me; at which I am by no means displeased, provided the party imputing the motive confine himself to the truth. When a man has been bound in bonds of *three thousand pounds* himself, with sureties in a *thousand pounds* each, and that, too, for expressing his indignation at Englishmen being flogged in the heart of England under a guard of German bayonets; when such a man beholds the Bishop at large, and is told that the law *compelled* the Magistrate to let him go upon a bail of *five hundred pounds*; when such a man beholds and hears these things he has something more of duty to perform than men in general; he has had experience, which men in general have not had. And if, in addition to this, he has heard a Minister say, that he has laid his writings before the Law-officers of the Crown, and is *sorry* that they have found nothing in them to prosecute; such a man must be a base dog indeed; perfidious towards himself as well as towards the public to hold his tongue upon an occasion like this.

It is thus that the feelings of individuals operate, in the end, to the public good. The movements in the mind of one man communicate themselves to the minds of others; and if one man is feeble in himself he may become strong by the means of such communication. All men in power should bear this in mind; and if they were to bear it in mind, they would be more careful how they act. The persons in power in this country have had lessons innumerable: whether they will ever profit from them or not is much more than I shall attempt to determine.

Waiting with great eagerness for the further proceedings in this case, I remain, Sir,

Your most obedient, and
Most humble Servant,
WM. COBBETT.