

646. Proceedings on the Trial of JAMES HADFIELD, at the Bar of the Court of King's Bench, for High Treason, June 26: 40 GEORGE III. A. D. 1800.*

COURT OF KING'S BENCH *June 26th 1800.*

Present.---Lord *Kenyon* Chief Justice; Mr. Justice *Grose*; Mr. Justice *Lawrence*; Mr. Justice *Le Blanc*.

Counsel for the Crown.---Mr. *Attorney General* [sir *John Mitford*, afterwards lord *Redsdale*; successively Speaker of the House of Commons and lord chancellor of Ireland].

Mr. *Solicitor General* [sir *William Grant*, afterwards Master of the Rolls].

Mr. *Law* [afterwards lord *Ellenborough* and Chief Justice of the King's-bench].

Mr. *Garrow* [afterwards a Baron of the Exchequer].

Mr. *Wood* [afterwards a Baron of the Exchequer].

Mr. *Abbott* [afterwards Chief Justice of the King's-bench].

Solicitor.---*Joseph White*, esq. solicitor for the affairs of his Majesty's Treasury.

Counsel assigned for the Prisoner.---The Hon. *Thomas Erskine* [afterwards Lord Chancellor Erskine].

Mr. Serjeant *Best* [afterwards a Judge of the King's-bench].

Assistant Counsel.---Mr. *Knapp*.

Solicitor.---Mr. *Charles Humphries*.

The Court being opened, and James Hadfield set to the bar, the jurors returned by the sheriff were called over:

Rice Davis, esq. challenged by the prisoner.

Samuel David Liptrap, esq. challenged by the crown.

Major Rhode, esq. challenged by the prisoner.

Castin Rhode, esq. challenged by the prisoner.

Jesse Russel, esq. challenged by the prisoner.

Luke Flood esq. sworn.

Thomas Baldock, gent. sworn.

Peter Adams, cooper, sworn.

William Windsor, pawnbroker, challenged by the prisoner.

Daniel Williams, esq., challenged by the prisoner.

James Green, esq., excused on account of deafness.

John Grant, esq., sworn.

John Hanson, tea dealer, challenged by the prisoner.

Edward Pryce, gent., challenged by the prisoner.

Joseph Wigg, builder, challenged by the prisoner.

Thomas Druce, stationer not a freeholder.

Thomas Bingham, cutler, sworn.

Richard Meux, esq., challenged by the prisoner.

John Blue, baker, challenged by the prisoner.

Benjamin Banks, shoemaker, not a freeholder.

Webb Marryat, esq., sworn.

John Scott, coal merchant, challenged by the prisoner.

Alexander Brodie, esq., challenged by the prisoner.

Matthew Oliver, linen draper, sworn.

Stephen Maberly, esq., challenged by the prisoner.

Thomas Windle, esq., sworn.

John Perry, esq. challenged by the prisoner.

Charles Rich, esq., sworn.

John Warren, esq., sworn.

Joseph Bird, esq., challenged by the prisoner.

Arthur Shakespear, esq. challenged by the crown.

Peter Mellish, esq., challenged by the prisoner.

Thomas Gutterson, brewer, not a freeholder.

Joseph Ainslie, esq., challenged by the prisoner.

William Blackmoor, esq. sworn.

Andrew Burt, esq., challenged by the crown.

William Clapperson, esq. challenged by the prisoner.

Samuel Jackson, esq., challenged by the prisoner.

Thomas Turner Weatherhead, esq., not a freeholder.

William Watson esq. sworn.

THE JURY.

Luke Flood

Thomas Baldock

Peter Adams

John Grant

Thomas Bingham

Webb Marryat

Matthew Oliver

Thomas Windie

Charles Rich

John Warren

William Blackmoor

William Watson.

* Now first published from the MS. notes of Mr. Gurney.

The Jury were charged with the prisoner in the usual form.

Mr. *Abbott* opened the Indictment which was as follows:

Middlesex } THE jurors for our lord the
to wit } king upon their oath present
that James Hadfield late of Westminster in the county of Middlesex labourer being a subject of our said lord the king not having the fear of God in his heart nor weighing the duty of his allegiance but being moved and seduced by the instigation of the devil as a false traitor against our said lord the king his supreme true lawful and undoubted lord and wholly withdrawing the cordial love and true and due obedience fidelity and allegiance which every true and faithful subject of our said lord the king should and of right ought to bear towards our said lord the king on the fifteenth day of May in the fortieth year of the reign of our said sovereign lord George the Third by the grace of God king of Great Britain France and Ireland defender of the faith and so forth at the parish of Saint Martin in the Fields in the county of Middlesex maliciously and traitorously with force and arms &c did compass imagine and intend to bring and put our said lord the king to death.

1st Overt Act.—And to fulfil perfect and bring to effect his most evil and wicked treason and treasonable compassing and imagination aforesaid he the said James Hadfield as such false traitor as aforesaid on the fifteenth day of May in the fortieth year of the reign aforesaid at the parish of Saint Martin in the Fields in the county of Middlesex with force and arms maliciously and traitorously did buy obtain and procure and in his custody and possession did have and keep a certain pistol and a large quantity of gunpowder and divers leaden shot slugs and bullets with intent thereby and therewith maliciously and traitorously to shoot at assassinate kill and put to death our said lord the king.

2nd Overt Act.—And farther to fulfil perfect and bring to effect his most evil and wicked treason and treasonable compassing and imagination aforesaid he the said James Hadfield as such false traitor as aforesaid on the fifteenth day of May in the fortieth year of the reign aforesaid at the parish of Saint Martin in the Fields in the county of Middlesex with force and arms maliciously and traitorously did secretly and clandestinely arm himself with a certain pistol charged and loaded with gunpowder and certain leaden shot bullets and slugs and did go and repair so armed as aforesaid to a certain theatre called Drury-lane theatre with intent at and in the same theatre by and with the said pistol so loaded as aforesaid and with which he the said James Hadfield had so armed himself as aforesaid maliciously and traitorously to shoot at assassinate kill and put to death our said lord the king.

3rd Overt Act.—And farther to fulfil perfect and bring to effect his most evil and wicked treason and treasonable compassing and imagination aforesaid he the said James Hadfield

as such false traitor as aforesaid on the fifteenth day of May in the fortieth year of the reign aforesaid at the parish of Saint Martin in the Fields in the county of Middlesex with force and arms maliciously and traitorously did shoot off and discharge a certain pistol then and there being loaded with gunpowder and divers leaden shots slugs and bullets which he the said James Hadfield then and there had and held in his right hand at the person of our said lord the king with intent thereby and therewith maliciously and traitorously to shoot assassinate kill and put to death our said lord the king against the duty of the allegiance of him the said James Hadfield against the form of the statute in that case made and provided and against the peace of our said lord the king his crown and dignity.

Mr. *Attorney General.*—Gentlemen of the Jury;—The prisoner at the bar, James Hadfield, stands indicted for high treason; and that high treason is the compassing and imagining the death of the king—a crime which you must all feel to be one of the highest and of the most heinous nature, involving in its probable consequences every thing which can affect the peace and happiness of the country.

Gentlemen, the overt acts of this treason, which, according to the law, are to be alleged in the indictment, are all directly aimed at the person of the king; the prisoner is charged with procuring and keeping in his custody a pistol for that purpose; he is charged with going to the Theatre Royal in Drury Lane armed with that pistol loaded for the purpose; and, finally he is charged with having fired that pistol at the person of the king.

Gentlemen, upon this subject, which has much engrossed conversation, you probably have heard many things:—it will be your duty to discharge from your minds every thing which you have heard upon the subject, to attend solely to the evidence which will now be given to you upon oath, and upon that evidence to decide. If, in stating to you that evidence, I should err, you will be able to correct me by the observations which you will make upon that evidence. I shall endeavour to state it to you shortly, but truly, for no purpose but to lead you to the right understanding of the evidence as it shall be delivered to you, and to enable you to embrace within your view the tendency of the different parts of it as they shall be given to you.

Gentlemen, the facts, I think, will be proved distinctly and plainly;—namely, that on the 15th of May last, when his majesty went to the Theatre Royal in Drury Lane, at the moment of his entering into the theatre and advancing to the front of that box in which his majesty sits, the prisoner at the bar, who was then in the pit, a little removed from the centre of the pit, farther from the box where his majesty stood (in a position, therefore, which enabled him to take a very direct view of that box which you will recollect is a little

elevated), got upon the bench upon which he had been sitting, drew a pistol which he had before concealed, and discharged it at the person of the king: Providence warded off the blow, and it so happened that the slugs with which it will appear the pistol was loaded struck different parts of the box very near the person of his majesty, but happily hurt no one.

Gentlemen, the crime with which the prisoner stands charged is the compassing and imagining the death of the king; for the law has made that imagination of the mind a crime in the case of the king when it is demonstrated by any overt act; but even in the case of maliciously firing a pistol at any person the law has thought fit to make that demonstration of a wicked intent a capital offence, whoever shall be the object of it.

The evidence that will be given to you, will prove to you clearly and distinctly the facts which I have stated. I shall also, gentlemen, produce evidence to show to you the conduct of the prisoner, from the time when it can be clearly shown that he was possessed of that pistol which it is alleged as the first overt act that he procured, and the purchase that he made (as far as evidence can be given of that fact) of the gunpowder. With respect to the slugs I can give you no evidence, because from the appearance of the slugs, which will be produced, you will perceive that it is most probable they were procured by himself (which they easily might be) in his business, which was that of a silver spoon maker, and in which, as I understand, lead is occasionally used.

Gentlemen, I shall trace the prisoner from, I think, about two o'clock of that day, when you will find he had two pistols; one of them he left at a house which will be mentioned to you, the other he took with him. I shall trace him before he went to the theatre: I shall show the conversations which he then had with respect to his intentions of going to the theatre;—I do not mean declaring any intent of the purpose with which he was going there, but declaring his intent of going there; so that it will appear to you that his going there was a *deliberate act*. I shall show to you, that when he was there, he concealed the pistol he had about him, and that the persons who were immediately near him, were not in the least aware that he was so armed, until the moment when he raised himself upon the bench and discharged the pistol at the person of the king; at that moment, as you may readily imagine, every person around him was eager to seize him: the pistol was dropped, and the prisoner was seized; he was conveyed over the division between the pit and the orchestra; he was conveyed to a room under the stage, and I shall show to you what passed upon that occasion, and the view with which I shall do this I will state to you.

Gentlemen, the fact of his firing the pistol at the king will be so clearly so distinctly and

so manifestly proved, that there can be no doubt of his guilt, if some excuse cannot be offered: from circumstances, I must presume, that the excuse which will be offered is, that the prisoner at the bar labours under the misfortune of insanity. Gentlemen, it will be my duty to explain to you, under the correction of the Court, what I conceive to be the law of this country upon this subject.* I apprehend, that according to the law of this country, if a man is completely deranged, so that he knows not what he does, if a man is so lost to all sense, in consequence of the infirmity of disease, that he is incapable of distinguishing between good and evil—that he is incapable of forming a judgment upon the consequences of the act which he is about to do, that *then* the mercy of our law says, he cannot be guilty of a crime. It says he cannot be guilty of a crime, for this reason; because the WILL, to a certain degree, is of the essence of the crime. If a man does an act ignorantly—that is, if in the doing of that which is perfectly lawful, without knowing it, he does that which is unlawful; for instance, if discharging a pistol for a lawful purpose, by mere accident, that pistol should have destroyed a man, he could not be deemed guilty of murder, because he had no intent whatever of doing that which was the result of his act;—but it would be a grievous thing for the safety of all persons in this country, if men who occasionally labour under insanity should therefore be held excused, whatever crimes they may commit.

Gentlemen, in the case of idiots—of those who are afflicted by the absolute privation of reason, so that the person knows not what he does and never has known—a man of that description stands excused, because heaven has not blessed him with that use of the faculty of reason which enables him to distinguish between right and wrong. An infant, a child who has not attained the maturity of reason which enables him to exert the faculty as it ought to be exerted, is also excused, because he is not able to distinguish between right and wrong:—a madman, labouring under the extreme of the disorder when in a phrenzy, or a person who is suffering the severity, for instance, of a violent fever, may do an act of which he is perfectly unconscious, and for which, therefore, he cannot be deemed to be responsible. But when it is to be considered in a court of criminal justice what is the result of the act that has been done, the jury who are to try the person accused for that act, are to weigh *the degree of discretion* which the person accused possessed.

If it were alleged that a person was an idiot, you would try what is the ordinary degree of faculty of his mind; you would see whether, in the ordinary intercourse of life, he had the

* See the case of John Frith for High Treason, vol. 22 p. 307, and the case of sir A. Gordon Kinloch for murder, vol. 25, p. 391.

capacity to distinguish so far as would enable him to see whether that which he had done was right or wrong; persons of extremely weak understanding have committed crimes, and have suffered for those crimes, though their understanding was below the ordinary level of the understandings of mankind; but the juries have found that they possessed that competent understanding which enabled them to discern good from evil; and if they had that degree of understanding, the peace of the world requires that they should be criminally responsible for the acts that they do.

In the case of a child, you measure his capacity in the same manner; it is not the *age* of the child, but the *capacity* of the child, and you judge of it principally from that which he did at the moment of the fact with which he stands charged; for instance, if a child having done a criminal act, shows a consciousness that he has done wrong; if he endeavours to conceal it; if he does that which demonstrates that although he had not a complete view of the subject—he did not understand the enormity of his guilt—he did not see it in all its consequences as a person possessed of a complete mature understanding would do—yet if he possessed that degree of sense which enabled him to judge whether the act which he was committing was right or wrong, that has constantly been held sufficient to induce a jury to find infants of very tender years guilty of offences.—Gentlemen, I conceive that the law of this country states it to be so in the case of persons labouring under that disorder which is commonly called lunacy, that is, a person who is occasionally insane but has lucid intervals. The law I take to be clearly and distinctly laid down by those authorities for whom we have professionally the greatest respect—by those for whom in the succession of ages all that have stood in the place in which we stand have had respect.

My lord chief justice Coke, in laying down the law upon this subject, is very clear and very precise; he states, in his Pleas of the Crown, that “he that is *non compos mentis*, and totally deprived of all compassings and imaginations, cannot commit high treason by compassing or imagining the death of the king; for *furiosus solo furore punitur*; but it must be an absolute madness, and a total deprivation of memory.”—My lord chief justice Hale, in commenting upon the passage, observes, that the true rule is, to judge in the same way in which you would judge with respect to an infant, whether there was that competent degree of reason which enabled the person accused to judge whether he was doing right or wrong; he says that the passage in my lord Coke is general; the qualification he conceives to be that which I have stated; and in cases which have come before the Court at different times such have been the decisions.

There are two very memorable cases in that collection of criminal law, which is commonly called the State Trials; one of these is the case

of a person of the name of Edward Arnold,* who was indicted at Kingston assizes, in the year 1723, before Mr. Justice Tracy, for maliciously shooting at my lord Onslow. That Arnold's mind was deranged there could be no doubt; that it was deranged even with respect to my lord Onslow himself; that he had misconceived some acts of my lord Onslow's in a very extravagant manner, there can be no doubt; but, gentlemen, what was it that was opened to the Court upon that prosecution? THAT HE HAD A STEADY AND RESOLUTE DESIGN, AND USED ALL PROPER MEANS TO EFFECT IT; that was considered by the counsel [Serjeant Cheshire] who opened the case to the jury, as that which it was necessary to show, in order to demonstrate, that this man (whatever might be at times the state of his mind) at the time when he did this act had so far possession of his mind, as to form a steady and resolute design, and to use all proper means to effect it. The Court, in summing up to the jury in that case, stated that “the shooting my lord Onslow (which was the fact for which the prisoner was indicted) was proved beyond all manner of contradiction; but whether that shooting was *malicious* was the question, and that depends upon the sanity of the man.” The question which Mr. Justice Tracy upon that trial stated was, “whether the man had the use of his reason and sense?—if he was under the visitation of God, and could not distinguish between good and evil, and did not know what he did, though he committed the greatest offence, yet he could not be guilty of any offence against any law whatsoever. If a man be deprived of his reason, and consequently of his intention, he cannot be guilty.”

But, gentlemen, you observe, that on the other side we must be very cautious;—it is not every frantic and idle humour of a man that will exempt him from justice, and the punishment of the law; a man must be *totally* deprived of his understanding and memory, and who doth not know what he is doing any more than an infant, than a brute, or a wild beast; such an one is never the object of punishment. Therefore, says he, in his address to the jury, I must leave it to your consideration, whether the condition this man was in, as it is represented to you on one side or the other, doth show a man who knew what he was doing, and was able to distinguish whether he was doing good or evil. That, gentlemen, was the manner in which, upon this trial, Mr. Justice Tracy thought it his duty to state the law to the jury; the law as stated by him has never been contradicted, but has always been adopted: the jury pronounced a verdict of guilty:—unquestionably the man, at the instance and intercession of the noble lord who had been the object of the attack, was respited; and he remained in prison thirty years, until his death, under that respite.

* Vol. 16, p. 693.

Gentlemen, another case to which I shall call your attention, is one which probably has already occurred to your minds, I mean the case of my lord Ferrers.* That my lord Ferrers occasionally laboured under the misfortune of insanity, there can be no doubt: he had murdered a person of the name of Johnson, his steward—he had done it deliberately, shooting him in a room in his own house; the situation of the man after he was shot, and till the time of his death—the fact of his being alone in the room with my lord Ferrers, and other facts which were sufficient demonstration of the guilt of murder, supposing my lord Ferrers to be an object of punishment, were clearly and distinctly proved. It was alleged, that the consequence of that fact, namely, that it was murder, did not follow; because my lord Ferrers was incapable of knowing what he did, that he laboured under the misfortune of insanity, and therefore was not capable of forming a proper judgment upon the act which he did.

Gentlemen, upon that occasion, all the authorities were gone through by the person who then filled the office of solicitor general to his majesty, in a most solemn trial before the peers of parliament—every assistance was had upon that trial, and, therefore, what passed upon that trial must be considered as the most complete establishment of the law upon the subject. The law as laid down by my lord Coke—as laid down by my lord Hale, and as I have taken the liberty of stating it to you, was stated, was urged, was commented upon with infinite ability by the learned gentleman who then stood as counsel for the crown upon that prosecution; and it was insisted, that it was not necessary that a person committing a crime should have the full and complete use of his reason, but, as my lord Hale emphatically expresses himself, A COMPETENT USE OF IT;—whether he had that use of it which was sufficient to have restrained those passions which produced the crime; and that if there be thought, design, and faculty to distinguish the nature of actions, to discover the difference between moral good and evil, then, upon the fact of the offence proved, the judgment of the law must take place.

Gentlemen, to the law thus laid down upon that trial, all the judicial authorities in the kingdom must be deemed to have given their assent; the judges, sitting there as the assistants of the House, heard the law so laid down; and if such was *not* the law, it was their duty to have declared the contrary. The Lords, with one voice, found my lord Ferrers guilty of the offence wherewith he was charged, judging of his capacity *at the moment*, not whether at any former times he had been deranged in his mind; not whether he was one of those unfortunate persons who labour under the affliction of insanity, that is, of occasional insa-

nity with lucid intervals—if there is a total and absolute insanity and deprivation of the mind, there can be no doubt the sufferer cannot be guilty of the offence—but whether at the time he had that capacity of mind which was capable of forming intention, whether he weighed the motives, proceeded deliberately, and knew the consequences of what he did.

Gentlemen, I think you will find, that the prisoner at the bar, whatever may have been at times the situation of his mind, was, at the time he committed this act, at least so far possessed of it as to have that competent degree of reason which my lord Hale says is necessary to make a man guilty of the offence. He had been in the army, he had been discharged from it, and I believe he was so discharged partly on account of the state of his mind. Gentlemen, that degree of sound mind which is necessary for a person in such a situation, is very different from that which I have been observing upon to you. For the purpose of discharging any *constant duty*, a *constant sanity* of mind is necessary. There are also degrees of sanity necessary for different acts: if a man is called upon to make a contract, he must have that capacity of mind which will enable him to embrace all the particulars of that contract, to weigh that which he is to give against that which he is to receive, and perhaps he may not be sufficient even in point of information to form a judgment upon that subject; if he is to make a disposition of his effects by testament, it requires at least a certain degree of continued sanity of mind to enable him to make that disposition; but upon that head, it has been held, over and over again, that persons who a moment before have been in such a state of fury that it has been necessary to restrain them by putting that force upon them which is ordinarily used in those cases, yet recovering in the shortest space of time the use of their reason, so as to enable them to understand the act that they were doing, that act has been held to be valid, and to be a sufficient disposition of their property. But with respect to the commission of a crime, I do conceive that the degree of sanity which may be necessary even to give validity to a testamentary act, much less to a matter of contract for disposing of a man's property in his life time, is necessary for the purpose of enabling a jury of the country to pronounce a man guilty of a crime. A child cannot dispose of his property in any manner whatever, and no man would think he had a capacity for that purpose; but he has a sufficient capacity to be guilty of a crime. Why? Because there is a natural impression upon the mind of man, of the distinction between good and evil, which never entirely loses hold of the mind whilst the mind has any capacity whatever to exert itself—nothing but total and absolute debility deprives the mind of any man of that.

Gentlemen, when the evidence will detail to you the conduct of the prisoner, you will

* Vol. 19, p. 885.

find him acting as other men would do upon similar occasions; you will find that he cautiously left one of his pistols behind him, *for a reason which he himself assigned*; he was capable, therefore, of assigning a reason for the act which he was then doing,—you will find him going to the place where he purchased the gunpowder which he made use of—you will find that he conducted himself there like any other man—that he was capable of a contract to that extent, which indeed no man would have an idea that he was not capable of; that is capable of discerning what was the article he wanted, and what was the price that he was to pay for it.

Gentlemen, you will find him, in conversation with different people, stating his intention to go to the play; stating afterwards that he was going to the play; so that he had clearly conceived in his mind the deliberate purpose of going to the play. You will find him conversing with those persons upon the subject, representing himself as unable to stay with them, being obliged to go upon the business which he then had in hand. When he came to the theatre, he had that use of his understanding which enabled him to procure the admission; he had that use of his understanding, which enabled him to place himself in that part of the theatre most fit for his purpose, namely, the pit, at a small distance from the orchestra, a little removed from the centre; where he had the most complete view of, and the most complete aim at that box in which his majesty was to be. The faculties of the mind were used for all these purposes, and must have been used. He had a competent degree of reason to distinguish upon all these particulars, and he did distinguish.—After persons came about him in the theatre, he had that degree of reason which prompted him to conceal the pistol—which prompted him to conduct himself quietly, orderly, and with all that sobriety which a person patiently waiting for the representation of a piece upon the stage ordinarily uses.

Gentlemen, when his majesty entered the box, and the prisoner's dreadful purpose was to be put in execution, you will find him taking the utmost advantage for that purpose, by raising himself upon the seat, which, elevating him above every other person, enabled him to accomplish his purpose undisturbed. If he had stayed below, his arm might have been struck down the moment he raised it; when he stood upon the seat, he was above every body near him, and therefore could the more readily effect his purpose. There is thought, design, and contrivance in this; and he had a mind equal to that thought, equal to that design, equal to that contrivance; he knew whether or not it was advantageous to place himself in that situation; can you believe that he did not know the consequence of the act which he was about to do? He fired in that direction; the slugs struck against parts of the box; but such was the interposi-

tion of Providence, that they did no mischief; they were directly aimed at the spot in which his majesty was, but one struck upon the side, and the other, I believe, over that box. After he had done the act, he dropped the pistol; that might have been involuntary; at the same time, it has somewhat the appearance of design. He was hurried over the partition between the pit and the orchestra, and he was then in the kind of heat and agitation which naturally prevails on such occasions. He was asked what could prompt him to do what he did. Gentlemen, those who saw him at that moment will describe, how far he appeared to them to be in the possession of his understanding, and conscious of the act that he had done, and of the consequence of that act—that he knew that, by the law, his life was forfeited.

Gentlemen, you will have no doubt, when the evidence is detailed to you as it is represented to me, that before the act, at the time of the act, and after the act, he had that degree of understanding which enabled him to form a judgment of that which he proposed to do, of that which he did, and of that which he had designed. When a man has that degree of understanding, however deranged his state of mind may have been at other times, the law says, and the safety of the world requires, that he should be responsible to justice for the act which he has so done—as responsible as an infant, as responsible as a person of weak understanding, but who yet has that degree of understanding sufficient for these purposes.

Gentlemen, this is the evidence which I have to offer to you, and this is what I conceive to be the law upon the subject. We must all feel happy, that the act which forms the charge of guilt against the prisoner, had not that dreadful effect which it might have had; but, gentlemen, though providentially his majesty's life was saved, yet it is important to the purposes of justice, to the purposes of general safety, as well as to the particular safety of whoever in this country may wear the crown, that it should be known and understood, that a man who perhaps may be at some times deranged, and who may never perhaps perfectly recover the sanity of his mind, so as to make him such as a man who had never laboured in any degree under that infirmity, may yet be guilty of crimes, and may be punished for those crimes. So the jury thought, so the Court thought, when Arnold was tried for shooting at my lord Onslow; so the highest judicature in the kingdom thought, when they condemned to death my lord Ferrers; and so the highest authority in the kingdom thought, when he suffered execution to pass according to that judgment. Gentlemen, with this observation I will lay the case before you. I trust I have neither over-stated the facts nor the law; if I have over-stated the facts, in any particular, you will be able to correct me as the evidence is

produced; if I have over-stated the law, I shall receive the correction which I ought to receive from the place from which I ought to receive it.

EVIDENCE FOR THE CROWN.

Mr. Joseph Calkin sworn.—Examined by Mr. Solicitor General.

You belong, I believe, to the musical band, at Drury-lane theatre?—I do.

Were you in the theatre on Thursday the 15th of May?—I was.

In what part?—The lower end of the orchestra, the opposite end to where his majesty sits, with my back towards the stage, and my face to the audience.

Did you see the prisoner there?—At the moment when the pistol was fired I did.

Relate what you saw the prisoner do?—The moment his majesty comes into his box, it is the usual custom for the audience to rise up; and at the moment his majesty came in, I looked up towards the box, and turned my eyes towards the audience; when the audience were rising, I saw this man above all the rest, with a pistol in his hand; the pistol was pointed to his majesty's box, and as it appeared to me towards his majesty's person.

Had you a distinct opportunity of seeing the pistol while it was in that position?—I had.

Then it remained pointed for some space of time?—He pointed it; it instantly was discharged, and the pistol dropped almost instantly.

Was it held steadily?—Very steadily.

Was it dropped on the ground?—It fell on the ground, I imagine.

What happened afterwards?—Every body in the pit wished to secure him; I put my instrument down, I do not know where; I got upon my desk, and assisted in pulling him over the orchestra, and I never quitted sight of him till he was brought into our room under the stage, where he was examined. Mr. Sheridan came down, and his royal highness the duke of York.

Did you hear the prisoner say any thing, immediately after his being brought into the room?—When his royal highness came in, he said—“*God bless your royal highness; I like you very well; you are a good fellow; but this is not the worst that is brewing: you need not be surprised at this, for this is not the worst that is brewing*”—or words to that effect.

Mr. John Holroyd sworn.—Examined by Mr. Law.

Were you in the pit of Drury-lane theatre, on Thursday evening the 15th of May?—I was.

Did you sit near the prisoner at the bar?—I accompanied some friends there; I was separated from those friends in getting in; the prisoner made way for me, and I sat next to him.

How long did you sit by him, before his majesty entered the theatre?—I conceive, about three quarters of an hour.

Did you observe any thing particular in his behaviour, during those three quarters of an hour you sat by him?—I did not: I did not exchange a word with him.

Did you observe any thing particular in his countenance or gestures during that time?—I remarked to a friend that sat next to me that he was a pitiable object, from the severe wound he had upon his cheek, and the appearance of a ball extracted from his temple.

Did he make room for you or in any manner accommodate you in taking your place in the theatre?—I was separated from my friends in getting in; when I got into the theatre I looked round to see where my friends were; there was no room there for me; I asked him if he would be so good as make room for me, he obligingly did.

Did he merely make way for you, or say any thing?—I think he said “*willingly, sir,*” and he made room to accommodate me.

Did his countenance exhibit any marks of agitation at the time his majesty entered, immediately prior to the discharge of his pistol?—I cannot say that I observed him.

Did you observe the time when his majesty did come into his box?—Particularly.

What did you see the prisoner then do?—My attention was directed towards the king's box: I saw a pistol presented before my face; at that instant the contents went from it.

Had you the means of observing, and did you observe in what direction that pistol was fired?—Unquestionably the direction of the pistol was towards the king's person, or the king's box.

You have no doubt the pistol was so pointed?—I was asked that question before the bullets were found, I think by Mr. Sheridan; I spoke positively then, that if there was any thing in the pistol, the bullets would be found there, or thereabouts.

Was it your persuasion, before they were found, from the direction of the pistol, that it was towards the king's box?—It was.

You, I believe, seized his person immediately?—I struck him, and I rather suspect I struck the pistol; for I had a sort of wound in my hand; as to knocking him down, he was very soon down; I do not know whether I knocked him down or not, but I was one who assisted in securing him after the pistol was discharged.

Were you on his right hand or his left?—On his left hand.

Were you nearer to his majesty?—Yes, one nearer to his majesty.

Mr. Erskine.—Were you on the side farthest from where his majesty sat, or on the opposite side?—I was on the farthest side of the pit.

How many might be on that side of you?—There might be the distance of about six feet from the prisoner to the end of that side of the pit.

Lord Kenyon.—Nearer to or farther from the king?—Farther from the king.

Mr. *Law*.—Did not that situation give him a greater convenience of taking an aim than if he had been placed more immediately under his majesty's box?—I am not able to answer that.

Did it give him a perfect view of his majesty's box?—It was where a good view of the king might be taken, but I am not a judge of what is the best place to take to do such an act.

Mr. *Jeremiah Parkinson* sworn—Examined by Mr. *Garrow*.

Were you in the orchestra of Drury-lane theatre on the fifteenth of May?—Yes, I was.

How were you situated with respect to the stage and the audience?—I sat in the middle of the orchestra, with the audience at my left hand, almost at the bottom of the orchestra, facing the king.

How long had you been in your station before his majesty came to his box?—Perhaps ten minutes; I cannot pretend to say; a short time.

Did you observe the prisoner at the bar?—I did.

In what situation was he, when you first observed him?—It is customary when his majesty comes into his box, for the audience to rise from their seats; the audience rose upon his majesty's coming in; the prisoner was considerably higher than the people about him; he was standing upon the second seat from the orchestra in the pit; I saw him present a large pistol, which appeared to me in a direction at the king's box.

When was that with respect to his majesty's coming into his box?—At the moment his majesty came forward to make his usual bow to the audience; I never quitted him with my eye till the pistol went off: he stood with his arm extended thus (*describing it*), and he appeared to me deliberately to take aim at the box; what I mean by *deliberately* is, it appeared that he took sufficient time to take aim, for I saw him look up the barrel of the pistol.

Look along the barrel, as a man does when he takes the sight?—Yes, I saw the pistol discharged in that position; as soon as it was fired, some gentleman in the pit pulled him from the bench: he fell towards the orchestra; I got upon the bench in the orchestra and laid hold of him: with the assistance of several of the gentlemen in the pit, as well as in the orchestra, we got him over the spikes into the orchestra, into the room that we sit in under the stage; Mr. Townsend came in, and we gave him in charge to him.

Did you continue in the room, till his royal highness the duke of York came in?—I did.

Did you hear any thing addressed to his royal highness by the prisoner at the bar?—Yes, I did; I am not able to state all he said to his royal highness, the room is so small and was in such confusion. I heard him say to his royal highness "*this is not all*" or "*this is not the worst*;" I am not certain which

of those expressions, it was to that purport; "*You do not know what is going forward*," or words to that effect.

From the situation in which you saw the prisoner your eye never quitting him, had he a commanding station, if he had been so minded, to have taken an aim at his majesty?—In my opinion, he could not have fixed himself in a better one.

Major *Wright* sworn.—Examined by Mr. *Wood*.

Were you at Drury-lane Theatre on the 15th of May last?—I was.

What part of the theatre were you in?—The first row of the pit from the orchestra.

Did you see the prisoner at the bar there?—I did.

Where did he sit?—He was in the second row, immediately behind me.

How long had you observed him there?—I had not taken any particular notice of him; some time, I had been in the house I presume near three quarters of an hour.

Had he been there all that time?—The greatest part of that time, I should suppose.

What did you see him do?—Upon it being announced that the king was coming into his box, I was leaning against the orchestra looking stedfastly towards the king's-box; and immediately on his majesty's entering the box, I heard the report of a pistol just at my left shoulder almost, I was rather startled at it, almost momentarily I turned round, and I saw the prisoner standing on the bench, seemingly very much agitated and confused, and I then immediately jumped upon the bench upon which I had sat, and took hold of him by the collar; there was a cry out in the house, "*secure the villain*;" and I believe I made use of the expression, as loud as I could speak, "*I have got him safe enough*." I pulled him towards the orchestra; a number of other persons got hold of him then; upon my leaving him, I turned round, and looked at the place where he had been, and a young lady, of the name of Ormiston, who sat in the seat behind the seat on which he had sat, pointed down to the ground, to which place I looked, and picked up this pistol [*producing a horse pistol*].

Lord *Kenyon*.—Had it been discharged?—I apprehend it to have been just fired; it had the smell of the gunpowder upon it.

Miss *Elizabeth Ormiston* sworn.—Examined by Mr. *Abbott*.

Were you at Drury-lane play-house on the 15th of May last?—Yes.

Were you in the pit?—Yes.

How many benches from the Orchestra was the bench on which you sat?—The third.

Did you see the prisoner at the bar there?—Yes.

How near was he to you?—On the seat immediately before me, but he sat a little on one side.

How long were you in the play-house before his majesty came?—About half an hour, I believe.

Had you observed the prisoner there during that time?—He was there.

Did you observe any thing particular in his conduct or behaviour during that time?—Nothing at all.

When his majesty came into the box, did you observe any thing particular in the conduct of the prisoner at that moment?—Not at the moment.

How soon did you observe the prisoner in any particular situation?—As soon as his majesty had made a first or second bow, I cannot say which, he fired his pistol.

Where was he, at the moment he fired the pistol?—I cannot say exactly whether he was upon the ground or the bench, it flurried me so much.

Did you see a pistol in his hand?—Yes, as he fired it off.

What became of the pistol the moment he had fired?—Almost immediately after, he threw it down before me.

He was then secured, as we have understood, and taken from that place?—Yes.

After that had happened, did you point out the pistol which you had seen fall from his hand to any person?—Yes, to Mr. Wright.

Did you see Mr. Wright pick up that pistol which the prisoner had thrown down?—Yes.

David Moses Dyte sworn.—Examined by Mr. *Attorney General*.

Were you in the pit of Drury-lane theatre on the 15th of May?—Yes, I was.

In what part of the pit were you sitting?—It was either the third or the fourth row, I cannot say which; but it was directly above where the pistol was discharged.

Did you see the pistol discharged?—I did not see it discharged, but I saw it in the prisoner's hand directly after it was discharged.

Did you see the prisoner before?—I seized him; I had not seen him before.

Lord Kenyon.—Was that after Mr. Wright had seized him?—When I seized him, I do not know positively whether any body else had seized him; I was on his left hand; at the discharge of the pistol, I laid hold of him directly.

Mr. Attorney General.—Had you observed the prisoner before?—I cannot say I had, to my knowledge.

Mr. John Francis Wood sworn.—Examined by *Mr. Solicitor General*.

Were you at Drury-lane theatre on the 15th of May last?—I played a tenor in the orchestra.

Where did you sit in the orchestra?—With my back to the stage, my face of course towards the audience, the last but one on that side which is called the Prince's side, which is opposite to his majesty's box.

Did you see the prisoner there?—I had noticed the prisoner for several minutes previous to the transaction.

Where was he when you first noticed him?—Between the second and the third row; I suppose he was seated on the third row.

What did you see him do?—I saw the prisoner, previous to firing the pistol, jump or step up upon the seat of the second row; the barrel of the pistol first caught my eye, which I at first thought was a spy glass, which people sometimes use in lieu of an opera glass; he held it forward nearly in this posture [*describing it*], with his arm stretched out.

In what direction?—Towards the royal box. I saw the pistol fired, and then assisted in securing the prisoner.

Where was his majesty at that time?—In front of the box.

Mr. Law.—We have other witnesses, of whom we have given the account; their testimony is merely to the same effect. I will now call his royal highness the duke of York.

[As soon as his royal highness entered, the prisoner said, "God Almighty bless his good soul, I love him dearly."]

His Royal Highness the Duke of York sworn.—Examined by *Mr. Law*.

Your royal highness was at Drury-lane theatre, on the evening of Thursday the 15th of May last?—Yes, I was.

Where did your royal highness first, on that evening, see the prisoner at the bar?—I cannot say, that I can speak positively to having seen him in the house, because it was dark at that side of the house; it was the moment the curtain was drawn up, and I could not have immediately sworn to his person; but I went out immediately after, and saw him in the room called the music room, under the stage.

Had your royal highness any conversation with him in that room?—The moment I came in, he said, "God bless you; I know your royal highness; you are the duke of York; I served under you."

Did your royal highness ask him any question upon that?—I made a remark to the gentleman who was with me, "I am sure I know that man's face."

Did your royal highness recollect him?—I recollected his face; I could not recollect exactly where I had seen him, but I remembered his face perfectly.

Does your royal highness recollect any conversation with him, whether he had been one of your orderlies?—After part of the examination, I said, "I think I know you;" he said, "Yes." I said "I think you have been one of my orderlies," he said "Yes, I have."

Will your royal highness have the goodness to explain what is meant by orderlies?—One of the dragoons who attended upon me. General officers have a number of orderlies

attached to them; this was one of the men attached to me. I then asked him, particularly, when; he mentioned, particularly, the day after the battle of Freymar, that he had been one of my orderlies.

In the conversation you had with him, did his answers appear to be the answers of a person who knew the subject upon which your royal highness was conversing?—Perfectly.

Does your royal highness recollect any thing he said respecting the act he had been supposed to be recently doing?—He said once or twice, at different times, he knew perfectly well that his life was forfeited.

Will your royal highness have the goodness to recollect, whether there was any thing more said by him?—He said that he was tired of life, and that he regretted nothing but the fate of a woman who was his wife, who would be but a few days longer he supposed his wife: in talking upon the enormity of the crime he had been committing, he said, I think, exactly in these words “the worst has not happened yet” or “has not come yet.”

In the whole course of the conversation which your royal highness had with this man, from the first to the last, upon that occasion, did he betray in his answers any irregularity, from which you could collect a then existing derangement of his understanding?—Not the least; on the contrary, he appeared to speak as connectedly as could possibly be. The first conversation at which I was present, continued nearly three quarters of an hour; he was as much collected as possible.

Did your royal highness direct any search after the slugs?—After his majesty was gone, I remained to see the house searched. In searching his majesty’s box, there was a hole found at the corner of the box, that had the impression of a shot, which was on the right hand, I should think about fourteen inches higher than where his majesty’s head might be; it was a hollow pilaster, and in searching below, a slug was found, I cannot call it a ball, for it was not round. I was in the king’s box at the time the slug was found in the orchestra.

From the smell of that slug, or from any other circumstance could your royal highness collect that it had been recently fired?—It appeared by the smell to have been recently fired; there was the smell of powder upon it.

Was it found in the orchestra in such a situation as that it might have rebounded from the pilaster?

Lord Kenyon.—I understood that the pilaster which it struck was hollow, that it had perforated the pillar, and fallen down.

His R. H. the Duke of York.—The side of the box is angular, the pilaster is semicircular; so that of course there is a space between the pilaster and the wall, and it must have fallen through, for the pilaster was pierced.

Mr. Law.—I believe your royal highness did not see any other slug found?—I did not see any other slug found.

His Royal Highness the duke of York, cross-examined by Mr. Erskine.

Are the orderly men who are in attendance upon a person of your royal highness’s rank and distinction both in the army and otherwise, taken promiscuously, or how?—They are taken as the most tried and trusty men.

Your royal highness has stated, that the prisoner was examined for a considerable length of time upon this most disastrous and extraordinary occasion; no doubt, upon the man’s expression of the affection which he appeared to feel for your royal highness, it would occur to somebody to ask how he reconciled that with the act which had been the immediate subject of inquiry?—When he was asked why he committed the act, he only said he was tired of life.

Did he enter into any explanation of that phrase?—He said he was tired of life, that he thought he should be certainly killed if he were to make an attempt upon his majesty’s life.

Mr. Law.—Did he give the answer collectedly, or as a man under any disturbance of mind?

His R. H. the Duke of York.—No; he was perfectly collected, in my opinion, at the time he answered.

Joseph Richardson sworn—examined by Mr. Garrow.

Were you at Drury lane theatre on the 15th of May last?—I was.

Did you there see the prisoner at the bar?—I did.

Where did you first see him?—I saw him after he had been lifted over the spikes of the orchestra and carried into the anti-room, to which the musicians retire in the intervals of their business.

What has been called to day the “music room”?—It is a little room into which the musicians retire in the intervals of their business.

How long had you been in that room with the prisoner, before his royal highness the duke of York came there?—I think our presence there was as nearly at the same time as possible.

Do you recollect any thing that was addressed by the prisoner to his royal highness?—Towards the conclusion of his examination, after his commitment had been made out and he was retiring, he, in passing the duke of York, addressed him with great enthusiasm, and said, “God bless him; for he was the soldiers friend, and the soldiers loved him.”

Do you remember any other expression which he used during the time you were in the music room, before or after?—He said that he knew the duke of York; that he had served with him.

Do you remember any expression he made use of, resulting from the charge which was then made against him of having attempted

the king's life?—The question appears to me a little ambiguous.

Do you recollect any expression used by the prisoner, on any charge being made to him of having attempted the king's life?—He constantly denied that he had any intention to take away the king's life.

You are quite sure of that expression?—As to his intention, a general denial of such intention.

Was that denial made in the manner of a man at that time under the impression of lunacy, or of a collected man knowing what he was speaking of?—During his examination at Drury Lane theatre, at which I was present the whole time, I saw no one indication of lunacy about him whatever. Perhaps it would be only rendering justice in this case, to premise something that happened before this declaration of his. When his royal highness the duke of York, Mr. Sheridan, and a gentleman, I think of the name of Wickstead, a magistrate, and myself had sat down to examine the prisoner, with pens ink and paper and all the formalities of such business, he said to us, "gentlemen, do not give yourselves all this trouble; use me well, and I will tell you the whole truth. I am a man tired of life; my plan is not to take away my own life, I sought therefore to get rid of it by other means; I did not mean to take away the life of the king but I thought this attempt would answer my purpose as well."

How long might that occupy, from the first moment you saw him?—I should fancy not much less than an hour and a half.

I take for granted that such an occurrence excited a good deal of agitation in the minds of most persons there?—The guards were there, and kept the room clear; the agitation in the audience was universal and tumultuous certainly.

Do you happen to recollect whether the prisoner in your presence made use of any expression, with respect to any thing that might happen at any future period?—I was told so in the room, but I did not hear it myself.

If you were told so in his presence, and he made any observation about it in your presence, you will state it; if not, I shall not press that question farther?—I am not at all conscious that he heard it.

Mr. John Weale sworn—examined by Mr. Wood.

Did you make any search for any slugs at Drury Lane theatre?—As a carpenter employed in the theatre; we were all ordered by Mr. Sheridan to examine into the drapery and all the other decorations of the box, as soon as the king retired from the theatre; we searched between two and three hours in the course of the evening.

Did you find any thing, and what?—In the course of the evening one was found, but not by me. In the morning, between eight and nine, I came again in order to re-instate the box in the position it now is; there was a man

of the name of Carter along with me; we searched round the flooring of the king's and prince's box, but found nothing; we found it in a box called and known by the name of lady Milner's box.

What did you find?—A piece of lead: lady Milner's box is adjoining to a box where the prince of Wales sits.

How far is that from the king's-box?—About three feet from the pilasters that support the king's box.

Did you find any mark any where?—There was a groove cut in the cope-moulding over Lady Milner's box.

What sort of a mark was it?—The moulding was cut through I suppose about an eighth or a sixteenth of an inch deep; from that it went and razed the paper off the lower member of the same moulding.

Could you judge what that was occasioned by?—I judge that was done by that piece of lead which I picked up in lady Milner's box.

What did you do with that slug which you found?—I kept it in my own possession, till I delivered it up to the prince of Wales, at the secretary of state's office, next day between twelve and one.

Was it delivered in the presence of Mr. Ford?—Yes, and delivered to Mr. Ford afterwards; it was never out of my sight till it was delivered to Mr. Ford.

Richard Ford, esq. sworn.—Examined by Mr. Garrow.

You have some slugs, I believe, in your possession?—I have [*producing them*].

Where were they delivered into your custody?—There are two; one was delivered by a person of the name of Weale; the other by Fosbrook and Johnson; they have remained in my possession ever since.

John Weale called again.

Mr. Garrow.—Was that ball which you delivered to Mr. Ford, the same you found at the theatre?—Yes, I will swear it is the same; there are two marks of my own upon it.

Did you smell to the slug that you found?—I did; I made an observation both of the smell and the dew upon it. It appeared to me to be recently discharged from some sort of fire-arms.

John Beten sworn.—Examined by Mr. Abbott.

Did you search in Drury-lane theatre on the night of the 15th of May?—Yes.

Did you find any thing?—Yes; I found the first slug that was found; I found it in the orchestra, just off the seat of the pit.

That was on the night of the 15th of May?—Yes.

Did you make any observation upon the state and appearance of that slug?—By the look of it I did; as soon as I picked it up, I delivered it to the duke of York; and I made a mark upon the boards where I found it.

What judgment did you form from the look and appearance of it?—It was shaped al-

most like a half-moon, hollowed out in the middle.

Could you form any judgment whether that piece of lead had been recently discharged?—That I could not tell. I delivered it immediately to Mr. Johnson, and he delivered it to the duke of York.

Did you observe any thing of the smell?—No; I delivered it immediately to Johnson, and saw him deliver it to the duke of York.—*[The witness looks at the slug.]*—That is the slug I found.

Mr. Justice *Lawrence*.—Is that the part of the king's box which is near the orchestra?

Witness.—The pilasters come close to the orchestra; it stands upon the front of the box.

How near was the bottom of the pilasters to the orchestra?—The orchestra comes directly up close to it.

Thomas Fosbrook sworn.—Examined by Mr. *Attorney General*.

Were you present at Drury-lane theatre on the 15th of May, when a slug was found?—I was; I saw the slug found.

Had you that slug in your hand?—I had it in my hand; I saw it examined by the prince of Wales, the duke of York, and all the people in the box; it was afterwards wrapped up in a piece of paper by Mr. Sheridan, and sealed with the duke of York's seal; and the duke of York gave it into my possession.

What did you do with it?—I gave it to Mr. Ford the next day, at the duke of Portland's office.

Mr. *Alexander Johnson* sworn.—Examined by Mr. *Solicitor General*.

Did you deliver any slug to the duke of York?—I did.

Should you know it again if you saw it?—Certainly; this is the slug. It smelt of powder at the time I delivered it.

Did you examine any of the boxes adjoining that in which his majesty sat?—I did; I examined the princesses box, and the box over it, where the attendants sit.

Did you discover any mark upon any part of the adjoining boxes?—I discovered a mark in the front of the attendants' box, directly over where the princess Elizabeth sits.

What part of the box?—About three feet from the pilasters of the king's box, and about four or five inches over the cove.

Could you form any judgment by what that mark had been made?—It appeared to have been made by a slug or bullet, that had struck and rebounded; it did not go through; for there was, upon the ledge, some loose whitening, or cement, that is generally put to fill up the bead-work, which had fallen from the mark upon the little moulding directly under.

William Harman sworn.—Examined by Mr. *Law*.

What are you?—A silver-spoon maker.

†

Are you journeyman to Mr. Dicks?—Yes.

How long have you known the prisoner at the bar?—I have known him seven years.

Did the prisoner at the bar call upon you at any time on Thursday the 15th of May?—Yes, about two o'clock.

At what place did he call upon you?—At Mr. Dicks's shop, in Greenhill's-rents, near Smithfield.

Did he at that time show you any thing?—He showed me a pistol; he said he had been buying a pair.

Did you ask him any question, upon his telling you he had bought those pistols?—I asked him what he bought them for? he said he bought them for his young master, and gave eight shillings for them; that he meant to charge his young master twelve shillings, after he had cleaned them up, and then he should get four shillings by them.

Did he leave either of his pistols with you or at the place where he was?—Yes, he left one.

Did he give any reason for leaving that one pistol with you?—He said, if he took it home, his wife would be frightened.

At the time when he called upon you, produced this pistol, and had this conversation with you about leaving the pistol for fear his wife should be frightened, did he appear to you to be collected, and to understand what he was about?—Yes.

Was his appearance the appearance he usually bore, or was there any thing different from his usual manner on that occasion?—No, he seemed as well as ever he did in his life.

Thomas Dicks sworn.—Examined by Mr. *Garrow*.

I believe you carry on the business of a silver spoon-maker?—Yes.

Was the young man who has just left the Court, William Harman, a journeyman of your's?—Yes.

Do you know the prisoner at the bar, James Hadfield?—Yes.

Did he, at any time, work for you as a journeyman in your business?—About a year and a half ago.

How long did he work for you?—About three weeks.

At one time?—Yes.

Did he execute his business like other journeymen in the same trade?—Yes.

Have you, since he ceased to work for you, occasionally seen him upon visits to his shop-mates, and upon other occasions?—I have met him in the streets several times.

Do you remember seeing him at your house on Thursday the 15th of May last?—Yes.

About what time of the day?—Somewhere about two, or after two o'clock, in the afternoon.

Whom did you see him in company with, and what was his business there?—He called to see Harman.

Did you see any thing in the possession of the prisoner at that time?—Yes; when I shoved the shop door open, I saw him sitting on a stool in the shop; he said to me, "How do you do, master?" and he said he had bought a bargain; that he had given eight shillings for a pair of pistols. He asked me what I thought they were worth? I said, I did not think they were worth four. I went out of the shop then, and went down stairs, and he went out to get some beer, to treat the young men with some beer; he laid the pistol down, and then went away.

Lord Kenyon.—One of the pistols?—He had only one.

Mr. Garrow.—He had been some time with Harman before you went in?—Yes; the pistol lay there; I told him to take the pistol with him; he said, "No, I shall not go to work this afternoon; I shall go home and clean myself." I told him to take the pistol with him; he said he should frighten his wife with the pistol if he took it, and he would leave it till he came back again; he called again for it, put it into his pocket, and took it away, and I saw no more of him.

How long was he absent?—About twenty minutes; time enough to clean himself.

Had he cleaned himself before he returned last?—Yes; he was clean when he came and fetched his pistol away.

He was in his working dress when you saw him first?—Yes.

He went away, and returned in twenty minutes clean, and then took away the pistol?—Yes.

During the whole of the time that you saw him upon that Thursday the 15th of May, from his manner, from any thing that he said, from any thing you gathered in his conversation, did you observe any thing extraordinary in his manner, or was it the manner of a sane man, knowing perfectly what he was doing?—He seemed more solid than ever I saw him before; I thought he seemed duller, not so cheerful in spirits; that was all the notice I took of him.

Was there any thing disjointed in his conversation, any thing out of its place?—No.

Any thing that gave you an idea that there was any thing the matter with his head?—No, not that gave me any idea of that, he seemed lower in spirits I thought than I had usually seen him before.

Cast your eye upon that pistol; was it a pistol of that sort?—I think this was the pistol.

A Juryman.—Did you see only one pistol, or a pair?—Only one.

Mr. Garrow.—He produced only one to Harman, but mentioned two.

William Harrison sworn.—Examined by Mr. Wood.

Do you know the prisoner at the bar?—Yes.

How long have you known him?—Between seven and eight years.

What business do you follow?—A hair-dresser.

Do you shave likewise?—Yes.

Have you been used to shave the prisoner, during those seven years?—Yes.

Do you remember his coming to your shop on the 15th of May last?—Yes.

What time of day did he come to your shop?—It was between two and three o'clock, to the best of my recollection.

For what purpose did he come to your shop?—I was coming out of the door, I met the prisoner coming across the way; I stopped at the door, he said "Ah! William, do you live there," I said "yes;" he told me he wanted shaving, he said he was going farther, and he would call as he came back.

At what time did he return to you?—In about ten minutes or a quarter of an hour; then I shaved him.

Did he tell you where he was going?—He told me he was going to the play, that was all he said to me.

How long did he stay with you?—He might be in the shop about eight minutes; I was shaving a man when he came in.

Did you observe any thing particular about him at that time?—Nothing but as usual.

You say you have shaved him occasionally?—Yes; it was full seven years ago since I shaved him first; that was before he went to the Continent.

George Webb sworn.—Examined by Mr. Abbott.

Whom do you live with?—Mr. Clarke.

Where does he live?—No. 74, Saint John-street, West-Smithfield.

What business does he follow?—An oil and colourman.

Does he sell gunpowder?—Yes.

Do you remember any person coming to the shop on Thursday afternoon, the 15th of May last?—Yes.

Did you observe any thing particular in the face of that person?—Yes, he had a scar in his face, and his eye seemingly drawn.

Did that person whom you so describe, ask for any thing, and what?—He asked for one ounce of superfine gunpowder.

What answer was given to him?—That it was at the warehouse, and when the porter came home, he being then out, that it should be got for him.

Upon receiving that answer did he go away?—Yes.

Do you see the man?—Yes, the prisoner at the bar is that man.

Did he say he should call again, when he went away?—Yes.

Did it happen that you were sent out on a message soon after that?—Yes.

Did he call again while you were at home?—No.

Thomas Punter sworn.—Examined by Mr. Attorney General.

Do you know the prisoner at the bar?—Yes.

Did you see him on the 15th of May last?—Yes,

Where was it you saw him?—At the Bull's-head, the corner of Aylesbury-street, Jerusalem-passage.

Is that near Smithfield?—It is in Clerkenwell.

Is it near Saint John-street?—Yes, it is.

Was there any body at the Bull's-head, besides yourself, that you knew?—Five of my shopmates.

When you saw the prisoner what happened?—We were going away from the Bull's-head; one of my shopmates said, there goes Hadfield, and directly said go and call him in, I being outside towards the door, I ran out and called Mr. Hadfield.

What time was this?—At about four o'clock in the afternoon; he was in Saint John's-square; he turned round and said, "how do you do Mr. Punter;" to the best of my knowledge he said, "I cannot stop for I am going upon particular business," or to that purpose; I said, "they won't detain you five minutes;" he returned back to the Bull's-head.

Did he go into the house?—Yes.

Did he stay any time?—Only five minutes; he had a glass of brandy; we were all going.

Was there any conversation?—Nothing particular.

Did you observe any thing particular about him?—No.

Did he appear as usual?—Yes.

James Bagnald sworn.—Examined by Mr. Solicitor General.

Do you remember being at the Bull's-head, in company with Punter, on the 15th of May?—I do.

Do you remember seeing the prisoner?—Yes.

About what time?—Between four and five o'clock as near as I can recollect, I saw him going by through the window; I said, "there goes Jem. Hadfield;" some of them, I do not know which, said, call him in; he was called in.

How long did he stay with you?—Not above two or three minutes, I suppose.

Did he say any thing, why he could not stay longer?—Not in my hearing.

How did he appear?—He appeared as well as ever I saw him.

Mr. Law.—We have the three other journeymen who were present at the same time, but we do not trouble the Court with them.

Mr. Erskine.—It cannot be necessary in the view I have of the case.

Mr. Law.—Here we close our case.

DEFENCE.

The Honourable Thomas Erskine.—Gentle-

men of the Jury;—The scene in which we are engaged, and the duty which I am not merely *privileged*, but *appointed* by the authority of the Court to perform, exhibits to the whole civilized world a perpetual monument of our national justice.

The transaction, indeed, in every part of it, as it stands recorded in the evidence already before us, places our country, and its government, and its inhabitants, upon the highest pinnacle of human elevation. It appears, that upon the 15th day of May last, his majesty, after a reign of forty years, not merely in sovereign *power*, but spontaneously in the very hearts of his people, was openly shot at (or to all appearance shot at) in a public theatre in the centre of his capital, and amidst the loyal plaudits of his subjects, YET NOT A HAIR OF THE HEAD OF THE SUPPOSED ASSASSIN WAS TOUCHED. In this unparalleled scene of calm forbearance, the king himself, though he stood first in personal interest and feeling as well as in command, was a singular and fortunate example. The least appearance of emotion on the part of that august personage, must unavoidably have produced a scene quite different, and far less honourable than the Court is now witnessing; but his majesty remained unmoved, and the person *apparently* offending was only secured, without injury or reproach, for the business of this day.

Gentlemen, I agree with the attorney-general (indeed, there can be no possible doubt), that if the same pistol had been maliciously fired by the prisoner in the same theatre, at the meanest man within its walls, he would have been brought to *immediate* trial, and, if guilty, to immediate execution.—He would have heard the charge against him for the first time when the indictment was read upon his arraignment. He would have been a stranger to the names and even to the existence of those who were to sit in judgment upon him, and of those who were to be the witnesses against him; but upon the charge of even this *murderous* attack upon the king himself, he is covered all over with the armour of the law. He has been provided with counsel by the king's own judges, and not of *their* choice, but of *his own*. He has had a copy of the indictment ten days before this trial. He has had the names, descriptions, and abodes of all the jurors returned to the court; and the highest privilege of peremptory challenges derived from, and safely directed by that indulgence. He has had the same description of every witness who could be received to accuse him; and there must at this hour be *twice* the testimony against him as would be legally competent to establish his guilt on a similar prosecution by the meanest and most helpless of mankind.

Gentlemen, when this melancholy catastrophe happened, and the prisoner was arraigned for trial, I remember to have said to some now present, that it was, at first view, difficult to bring those indulgent exceptions

to the general rules of trial within the principle which dictated them to our humane ancestors in cases of treason against the political government, or of *rebellious* conspiracy against the person of the king. In *these* cases, the passions and interests of great bodies of powerful men being engaged and agitated, a counterpoise became necessary to give composure and impartiality to criminal tribunals; but a *mere murderous* attack upon the king's person, not at all connected with his political character, seemed a case to be ranged and dealt with like a similar attack upon any private man.

But the wisdom of the law is greater than any man's wisdom; how much more, therefore, than mine! An attack upon the king is considered to be parricide against the state, and the jury and the witnesses, and even the judges, are the children. It is fit, on that account, that there should be a solemn pause before we rush to judgment; and what can be a more sublime spectacle of justice than to see a statutable disqualification of a whole nation for a limited period, a fifteen days *quarantine* before trial, lest the mind should be subject to the contagion of partial affections!*

From a prisoner so protected by the benevolence of our institutions, the utmost good faith would, on his part, be due to the public if he had consciousness and reason to reflect upon the obligation. The duty, therefore, devolves on *me*, and, *upon my honour*, it shall be fulfilled. I will employ no artifices of speech. I claim only the strictest protection of the law for the unhappy man before you. I should, indeed, be ashamed if I were to say any thing of the rule *in the abstract* by which he is to be judged, which I did not honestly feel; and I am sorry, therefore, that the subject is so difficult to handle with brevity and precision. Indeed, if it could be brought to a clear and simple criterion, which could admit of a dry admission or contradiction, there might be very little difference, *perhaps none at all*, between the attorney-general and myself, upon the principles which ought to govern your verdict; but this is not possible, and I am, therefore, under the necessity of submitting to you, and to the judges for their direction (and at greater length than I wish), how I understand this difficult and momentous subject.

The law, as it regards this most unfortunate infirmity of the human mind, like the law in all its branches, aims at the utmost degree of precision; but there are some subjects, as I have just observed to you, and the present is one of them, upon which it is extremely difficult to be precise. The general principle is clear, but the application is most difficult.

It is agreed by all jurists, and is established by the law of this and every other country,

* There must be fifteen days between arraignment and trial.

that it is the REASON OF MAN which makes him accountable for his actions; and that the deprivation of reason acquits him of crime. This principle is indisputable; yet so fearfully and wonderfully are we made, so infinitely subtle is the spiritual part of our being, so difficult is it to trace with accuracy the effect of diseased intellect upon human action, that I may appeal to all who hear me, whether there are any causes more difficult, or which, indeed, so often confound the learning of the judges themselves, as when insanity, or the effects and consequences of insanity, become the subjects of legal consideration and judgment. I shall pursue the subject as the attorney-general has properly discussed it. I shall consider insanity, as it annuls a man's dominion over property; as it dissolves his contracts, and other acts, which otherwise would be binding; and as it takes away his responsibility for crimes. If I could draw the line in a moment between these two views of the subject, I am sure the judges will do me the justice to believe, that I would fairly and candidly do so; but great difficulties press upon my mind, which oblige me to take a different course.

I agree with the attorney-general, that the law, in neither civil nor criminal cases, will measure the degrees of men's understandings; and that a *weak* man, however much below the ordinary standard of human intellect, is not only responsible for crimes, but is bound by his contracts, and may exercise dominion over his property. Sir Joseph Jekyll, in the duchess of Cleveland's case, took the clear legal distinction, when he said, "*The law will not measure the sizes of men's capacities, so as they be COMPOS MENTIS.*"

Lord Coke, in speaking of the expression NON COMPOS MENTIS, says, "*Many times, as here, the Latin word expresses the true sense, and calleth him not amens, demens, furiosus, lunaticus, fatuus, stultus, or the like, for non compos mentis is the most sure and legal.*" He then says, "*Non compos mentis is of four sorts: first, idiota, which, from his nativity, by a perpetual infirmity, is NON COMPOS MENTIS; secondly, he that by sickness, grief, or other accident, wholly loses his memory and understanding; third, a lunatic that hath sometimes his understanding, and sometimes not; aliquando gaudet lucidis intervallis; and therefore he is called non compos mentis so long as he hath not understanding.*"

But notwithstanding the precision with which this great author points out the different kinds of this unhappy malady, the nature of his work, in this part of it, did not open to any illustration which it can now be useful to consider. In his Fourth Institute he is more particular; but the admirable work of lord chief justice Hale, in which he refers to lord Coke's Pleas of the Crown, renders all other authorities unnecessary.

Lord Hale says, "There is a partial insanity of mind, and a total insanity. The former is

either in respect to things, quoad hoc vel illud insanire; some persons, that have a competent use of reason in respect of some subjects, are yet under a particular dementia in respect of some particular discourses, subjects, or applications; or else it is partial in respect of degrees; and this is the condition of very many, especially melancholy persons, who for the most part discover their defect in excessive fears and griefs, and yet are not wholly destitute of the use of reason; and this partial insanity seems not to excuse them in the committing of any offence for its matter capital; for doubtless most persons, that are felons of themselves, and others, are under a degree of partial insanity, when they commit these offences: it is very difficult to define the invisible line that divides perfect and partial insanity; but it must rest upon circumstances duly to be weighed and considered both by judge and jury, lest on the one side there be a kind of inhumanity towards the defects of human nature; or, on the other side, too great an indulgence given to great crimes."

Nothing, gentlemen, can be more accurately or more humanely expressed; but the application of the rule is often most difficult. I am bound, besides, to admit that there is a wide distinction between civil and criminal cases. If, in the former, a man appears, upon the evidence, to be *non compos mentis*, the law avoids his act, though it cannot be traced or connected with the morbid imagination which constitutes his disease, and which may be extremely partial in its influence upon conduct; but to deliver a man from responsibility for crimes, above all, for crimes of great atrocity and wickedness, I am by no means prepared to apply this rule, however well established, when property only is concerned.

In the very recent instance of Mr. Greenwood* (which must be fresh in his lordship's recollection), the rule in civil cases was considered to be settled. That gentleman, whilst insane, took up an idea that a most affectionate brother had administered poison to him. Indeed, it was the prominent feature of his insanity. In a few months he recovered his senses. He returned to his profession as an advocate; was sound and eminent in his practice, and in all respects a most intelligent and useful member of society; but he could never dislodge from his mind the morbid delusion which disturbed it; and under the pressure, no doubt, of that diseased prepossession, he disinherited his brother. The cause to avoid this will was tried here. We are not now upon the evidence, but upon the principle adopted as the law. The noble and learned judge, who presides upon this trial, and who presided upon that, told the jury, that if they believed Mr. Greenwood, when he made the will, to have been *insane*, the will could not be supported, whether it

had disinherited his brother, or not; that the act, no doubt, strongly confirmed the existence of the false idea which, if believed by the jury to amount to *madness*, would equally have affected his testament, if the brother, instead of being disinherited, had been in his grave; and that, on the other hand, if the unfounded notion did not amount to madness, its influence could not vacate the devise.* This principle of law appears to be sound and reasonable, as it applies to civil cases, from the extreme difficulty of tracing with precision the secret motions of a mind, deprived by disease of its soundness and strength.

Whenever, therefore, a person may be considered *non compos mentis*, all his *civil* acts are void, whether they can be referred, or not, to the morbid impulse of his malady, or even though, to all *visible appearances*, totally separated from it; but I agree with Mr. Justice Tracy, that it is not every man of an idle, frantic appearance and behaviour, who is to be considered as a lunatic, either as it regards obligations or crimes; but that he must appear to the jury to be *non compos mentis*, in the legal acceptation of the term; and that, not at any *anterior period*, which can have no bearing upon any case whatsoever, but *at the moment* when the contract was entered into, or the crime committed.

The attorney-general, standing undoubtedly upon the most revered authorities of the law, has laid it down, that to protect a man from *criminal responsibility*, there must be a *TOTAL deprivation of memory and understanding*. I admit, that this is the very expression used both by lord Coke and by lord Hale; but the true interpretation of it deserves the utmost attention and consideration of the Court. If a *TOTAL deprivation of memory* was intended by these great lawyers to be taken in the *literal* sense of the words:—if it was meant, that, to protect a man from punishment, he must be in such a state of prostrated intellect, as not to know his name, nor his condition, nor his relation towards others—that if a husband, he should not know he was married; or, if a father, could not remember that he had children; nor know the road to his house, nor his property in it—then no such madness ever existed in the world. It is *idiotcy* alone which places a man in this helpless condition; where, from an *original* mal-organization, there is the human frame alone, without the human capacity; and which, indeed, meets the very definition of lord Hale himself, when, referring to Fitzherbert, he says—"Idiotcy or fatuity *à nativitate, vel dementia naturalis*, is such a one as described by Fitzherbert, who knows not to tell twenty shillings, nor knows his own age, or who was his father." But in all the cases which have filled Westminster-

* N. B. The jury found for the will; but after a contrary verdict in the Common Pleas, a compromise took place.

* 3 Bro. C. C. 444. 13 Ves. jun. 39. Collinson on Lunacy, 49, 624.

hall with the most complicated considerations—the lunatics and other insane persons who have been the subjects of them, have not only had memory, *in my sense of the expression*—they have not only had the most perfect knowledge and recollection of all the relations they stood in towards others, and of the acts and circumstances of their lives, but have, in general, been remarkable for subtlety and acuteness. Defects in their reasonings have seldom been traceable—the disease consisting in the delusive sources of thought; all their deductions within the scope of the malady, being founded upon the *immoveable* assumption of matters as *realities*, either without any foundation whatsoever, or so distorted and disfigured by fancy, as to be almost nearly the same thing as their creation. It is true, indeed, that in some, perhaps in many cases, the human mind is stormed in its citadel, and laid prostrate under the stroke of frenzy; these unhappy sufferers, however, are not so much considered by physicians as maniacs as to be in a state of delirium from fever. There, indeed, all the ideas are overwhelmed—for reason is not merely disturbed, *but driven wholly from her seat*. Such unhappy patients are unconscious, therefore, except at short intervals, even of external objects; or, at least, are wholly incapable of considering their relations. Such persons, *and such persons alone* (except idiots) *are wholly deprived of their UNDERSTANDINGS*, in the attorney-general's seeming sense of that expression. But these cases are not only extremely rare, but never can become the subjects of judicial difficulty. There can be but one judgment concerning them. In other cases, reason is not driven from her seat, but distraction sits down upon it along with her, holds her, trembling, upon it, and frightens her from her propriety.—Such patients are victims to delusions of the most alarming description, which so overpower the faculties, and usurp so firmly the place of realities, as not to be dislodged and shaken by the organs of perception and sense; in such cases the images frequently vary, but in the same subject are generally of the same terrific character. Here, too, no judicial difficulties can present themselves; for who could balance upon the judgment to be pronounced in cases of such extreme disease? Another class, branching out into almost infinite subdivisions, under which, indeed, the former, and every case of insanity, may be classed, is, where the delusions are not of that frightful character, but infinitely various, and often extremely *circumscribed*; yet where imagination (*within the bounds of the malady*) still holds the most uncontrollable dominion over reality and fact; *and these are the cases which frequently mock the wisdom of the wisest in judicial trials*; because such persons often reason with a subtlety which puts in the shade the ordinary conceptions of mankind: their conclusions are just, and frequently profound;

but the *premises from which they reason*, WHEN WITHIN THE RANGE OF THE MALADY, are uniformly false:—not false from any defect of knowledge or judgment; but, because a delusive image, the inseparable companion of real insanity, is thrust upon the subjugated understanding, incapable of resistance, because unconscious of attack.

Delusion, therefore, where there is no frenzy or raving madness, is the true character of insanity; and where it cannot be predicated of a man standing for life or death for a crime, he ought not, in my opinion, to be acquitted; and if courts of law were to be governed by any other principle, every departure from sober, rational conduct, would be an emancipation from criminal justice. I shall place my claim to your verdict upon no such dangerous foundation. I must convince you, not only that the unhappy prisoner was a lunatic, within my own definition of lunacy, but that the act in question was the IMMEDIATE, UNQUALIFIED OFFSPRING OF THE DISEASE. In *civil* cases, as I have already said, the law avoids every act of the lunatic during the period of the lunacy; although the delusion may be extremely circumscribed; although the mind may be quite sound in all that is not within the shades of the very partial eclipse; and although the act to be avoided can in no way be connected with the influence of the insanity:—but to deliver a lunatic from responsibility to *criminal* justice, above all, in a case of such atrocity as the present, the relation between the disease and the act should be apparent. Where the connexion is doubtful, the judgment should certainly be most indulgent, from the great difficulty of diving into the secret sources of a disordered mind; but still, I think, that, as a doctrine of law, the delusion and the act should be connected.

You perceive, therefore, gentlemen, that the prisoner, in naming me for his counsel, has not obtained the assistance of a person who is disposed to carry the doctrine of insanity in his defence, so far as even the books would warrant me in carrying it. Some of the cases, that of lord Ferrers, for instance, which I shall consider hereafter, distinguished from the present, would not, in my mind, bear the shadow of an argument, as a defence against an indictment for murder; I cannot allow the protection of insanity to a man who only exhibits violent passions and malignant resentments, *acting upon real circumstances*; who is impelled to evil from no morbid delusions; but who proceeds upon the ordinary perceptions of the mind. I cannot consider such a man as falling within the protection which the law gives, and is bound to give, to those whom it has pleased God, for mysterious causes, to visit with this most afflicting calamity.

He alone can be so emancipated, whose disease (call it what you will) consists, not merely in seeing with a prejudiced eye, or with odd and absurd particularities, differing, in many

respects, from the contemplations of sober sense, upon the actual existences of things; but, *he only* whose whole reasoning and corresponding conduct, though governed by the ordinary dictates of reason, proceed upon something which has no foundation or existence.

Gentlemen, it has pleased God so to visit the unhappy man before you; to shake his reason in its citadel; to cause him to build up as realities, the most impossible phantoms of the mind, and to be impelled by them as motives *irresistible*; the whole fabric being nothing but the unhappy vision of his disease—existing no where else—having no foundation whatsoever in the very nature of things.

Gentlemen, it has been stated by the attorney general, and established by evidence, which I am in no condition to contradict, nor have, indeed, any interest in contradicting, that when the prisoner bought the pistol which he discharged at, or *towards* his majesty, he was well acquainted with the nature and use of it;—that, as a soldier, he could not but know that in his hands it was a sure instrument of death;—that, when he bought the gunpowder, he knew it would prepare the pistol for its use;—that, when he went to the playhouse, he knew he was going there, and every thing connected with the scene, as perfectly as any other person.—I freely admit all this: I admit, also, that every person who listened to his conversation and observed his deportment upon his apprehension, must have given precisely the evidence delivered by his royal highness the duke of York; and that nothing like insanity appeared to those who examined him. But what then? I conceive, gentlemen, that I am more in the habit of examination, than either that illustrious person, or the witnesses from whom you have heard this account; yet I well remember (indeed I never can forget it), that since the noble and learned judge has presided in this court, I examined, for the greater part of a day, in this very place, an unfortunate gentleman who had indicted a most affectionate brother, together with the keeper of a mad-house at Hoxton, for having imprisoned him as a lunatic; whilst, according to his evidence, he was in his perfect senses. I was, unfortunately, not instructed in what his lunacy consisted, although my instructions left me no doubt of the fact; but, not having the clue, he completely foiled me in every attempt to expose his infirmity. You may believe that I left no means unemployed which long experience dictated; but without the smallest effect. The day was wasted, and the prosecutor, by the most affecting history of unmerited suffering, appeared to the judge and jury, and to a humane English audience, as the victim of the most wanton and barbarous oppression: at last Dr. Sims came into court, who had been prevented, by business, from an earlier attendance;—and whose name, by-the-by, I observe to-day in the list of the witnesses for the crown. From Dr. Sims I soon learned that the very

man whom I had been above an hour examining, and with every possible effort which counsel are so much in the habit of exerting, believed himself to be *the Lord and Saviour of Mankind*; not merely at the time of his confinement, which was alone necessary for my defence; but during the whole time that he had been triumphing over every attempt to surprise him in the concealment of his disease. I then affected to lament the indecency of my ignorant examination, when he expressed his forgiveness, and said, with the utmost gravity and emphasis, in the face of the whole court, "I AM THE CHRIST;" and so the cause ended. Gentlemen, this is not the only instance of the power of concealing this malady; I could consume the day if I were to enumerate them; but there is one so extremely remarkable, that I cannot help stating it.

Being engaged to attend the assizes at Chester upon a question of lunacy, and having been told that there had been a memorable case tried before lord Mansfield in this place, I was anxious to procure a report of it: and from that great man himself (who within these walls will ever be revered), being then retired in his extreme old age, to his seat near London, in my own neighbourhood, I obtained the following account of it; "A man of the name of Wood," said lord Mansfield, "had indicted Dr. Monro for keeping him as a prisoner (I believe in the same mad house at Hoxton) when he was sane. He underwent the most severe examination by the defendant's counsel without exposing his complaint; but Dr. Battye, having come upon the bench by me, and having desired me to ask him what was become of the PRINCESS whom he had corresponded with in cherry-juice, he showed in a moment what he was. He answered, that there was nothing at all in that, because having been (as every body knew) imprisoned in a high tower, and being debarred the use of ink, he had no other means of correspondence but by writing his letters in cherry-juice, and throwing them into the river which surrounded the tower, where the princess received them in a boat. There existed, of course, no tower, no imprisonment, no writing in cherry-juice, no river, no boat; but the whole the inveterate phantom of a morbid imagination. I immediately," continued lord Mansfield, "directed Dr. Monro to be acquitted; but this man, Wood, being a merchant in Philpot-lane, and having been carried through the city in his way to the mad-house, he indicted Dr. Monro over again, for the trespass and imprisonment *in London*, knowing that he had lost his cause by speaking of the princess at Westminster; and such," said lord Mansfield, "is the extraordinary subtlety and cunning of madmen, that when he was cross-examined on the trial in London, as he had successfully been before, in order to expose his madness, all the ingenuity of the bar, and all the authority of the Court, could not make him say a single syllable upon that topic, which had

put an end to the indictment before, although he still had the same indelible impression upon his mind, as he signified to those who were near him; but conscious that the delusion had occasioned his defeat at Westminster, he obstinately persisted in holding it back."*

Now, gentlemen, let us look to the application of these cases. I am not examining, *for the present*, whether either of these persons ought to have been acquitted, *if they had stood in the place of the prisoner now before you*; that is quite a distinct consideration, which we shall come to hereafter. The direct application of them is *only this*; that if I bring before you such evidence of the prisoner's insanity as, *if believed to have really existed*, shall, in the opinion of the Court, as the rule for your verdict in point of law, be sufficient for his deliverance, then that you ought not to be shaken in giving full credit to such evidence, notwithstanding the report of those who were present at his apprehension, *who describe him as discovering no symptom whatever of mental incapacity or disorder*; because I have shown you that insane persons frequently appear in the utmost state of ability and composure, even in the highest paroxysms of insanity, except when frenzy is the characteristic of the disease. In this respect, the cases I have cited to you, have the most *decided application*; because they apply to the overthrow of the whole of the evidence (admitting at the same time the truth of it), by which the prisoner's case can alone be encountered.

But it is said, that whatever delusions may overshadow the mind, every person ought to be responsible for crimes, *who has the knowledge of good and evil*. I think I can presently convince you, that there is something too general in this mode of considering the subject; and you do not, therefore, find any such proposition in the language of the celebrated writer alluded to by the attorney general in his speech. Let me suppose that the character of an insane delusion consisted in the belief that some given person was any brute animal, or an inanimate being (and such cases have existed), and that upon the trial of such a lunatic for murder, you firmly, upon your oaths, were convinced, upon the uncontradicted evidence of an hundred persons, that he believed the man he had destroyed, to have been a potter's vessel; that it was quite impossible to doubt that fact, *although to all other intents and purposes he was sane*; conversing, reasoning, and acting, as men not in any manner tainted with insanity, converse, and reason, and conduct themselves: suppose farther, that he believed the man whom he destroyed, but whom he destroyed as a potter's vessel, to be the property of another; and that he had malice against such supposed person, and that he meant to injure him, knowing the

act he was doing to be malicious and injurious, and that, in short, he had full knowledge of all the principles of good and evil; yet would it be possible to convict such a person of murder, if, from the influence of his disease, he was ignorant of the relation he stood in to the man he had destroyed, and was utterly *unconscious* that he had struck at the life of a human being? I only put this case, and many others might be brought as examples to illustrate, that the knowledge of good and evil is too general a description.

I really think, however, that the attorney general and myself do not, in substance, very materially differ; because, from the whole of his most able speech, taken together, his meaning may, I think, be thus collected: that where the act which is criminal, is done under the dominion of malicious mischief and wicked intention, although such insanity might exist in a corner of the mind, as might avoid the acts of the delinquent as a lunatic in a civil case, yet that he ought not to be protected, if malicious mischief, and not insanity, had impelled him to the act for which he was criminally to answer; because, in such a case, the act might be justly ascribed to malignant motives, and not to the dominion of disease.—I am not disposed to dispute such a proposition, in a case which would apply to it, and I can well conceive such cases may exist. The question, therefore, which you will have to try, is this: whether, when this unhappy man discharged the pistol in a direction which convinced, and ought to convince, every person that it was pointed at the person of the king, he meditated mischief and violence to his majesty, or whether he came to the theatre (*which it is my purpose to establish*) under the dominion of the most melancholy insanity that ever degraded and overpowered the faculties of man. I admit that when he bought the pistol, and the gunpowder to load it, and when he loaded it, and came with it to the theatre, and lastly, when he discharged it; every one of these acts would be overt acts of compassing the king's death, if at all or *any* of these periods he was actuated by that *mind and intention*, which would have constituted murder in the case of an individual, if the individual had been actually killed.—I admit also, that the mischievous, and, in this case, the traitorous intention must be inferred from all these acts, unless *I can rebut the inferences by proof*. If I were to fire a pistol *towards* you, gentlemen, where you are now sitting, the act would undoubtedly infer the malice. *The whole proof, therefore, is undoubtedly cast upon ME.*

In every case of treason, or murder, which are precisely the same, except that the unaccomplished intention in the case of the king, is the same as the actual murder of a private man, the jury must impute to the person whom they condemn by their verdict, *the motive* which constitutes the crime; and your province to-day will, therefore, be, to de-

* This evidence at Westminster was then proved against him by the short-hand writer.

cide, whether the prisoner, when he did the act, was under the uncontrollable dominion of insanity, and was impelled to it by a *morbid delusion*; or whether it was the act of a man, who, though occasionally mad, or even at the time not perfectly collected, was yet not actuated by the disease, but by the suggestion of a wicked and malignant disposition.

I admit therefore, freely, that if, after you have heard the evidence which I hasten to lay before you, of the state of the prisoner's mind, and close up to the very time of this catastrophe, you shall still not feel yourselves clearly justified in negating the wicked motives imputed by this indictment, I shall leave you in the hands of the learned judges to declare to you the law of the land, and shall not seek to place society in a state of uncertainty by any appeal addressed only to your compassion: I am appointed by the Court to claim for the prisoner the full protection of the law, but not to misrepresent it in his protection.

Gentlemen, the facts of this melancholy case lie within a narrow compass.

The unfortunate person before you was a soldier. He became so, I believe in the year 1793—and is now about twenty-nine years of age. He served in Flanders under the duke of York, as appears by his Royal Highness's evidence; and being a most approved soldier, he was one of those singled out as an orderly man to attend upon the person of the commander in chief. You have been witnesses, gentlemen, to the calmness with which the prisoner has sitten in his place during the trial.—There was but one exception to it.—You saw the emotion which overpowered him when the illustrious person now in court, took his seat upon the bench. Can you then believe, from the evidence, for I do not ask you to judge as physiognomists, or to give the rein to compassionate fancy: but can there be any doubt that it was the generous emotion of the mind, on seeing the prince, under whom he had served with so much bravery and honour? Every man certainly must judge for himself:—I am counsel, not a witness, in the cause; but it is a most striking circumstance, when you find from the crown's evidence, that when he was dragged through the orchestra under the stage, and charged with an act for which he considered his life as forfeited, he addressed the duke of York with the same enthusiasm which has marked the demeanor I am adverting to:—Mr. Richardson, who showed no disposition in his evidence to help the prisoner, but who spoke with the calmness and circumspection of truth, and who had no idea that the person he was examining was a lunatic, has given you the account of the burst of affection on his first seeing the duke of York, against whose father and sovereign he was supposed to have had the consciousness of treason. The king himself whom he was supposed to have so malignantly attacked, never had a more gallant,

loyal, or suffering soldier. His gallantry and loyalty will be proved; his sufferings speak for themselves.

About five miles from Lisle, upon the attack made on the British army, this unfortunate soldier was in the fifteenth light dragoons, in the thickest of the ranks, exposing his life for his prince, whom he is supposed to-day to have sought to murder:—the first wound he received is most materially connected with the subject we are considering; you may see the effect of it now.* The point of a sword was impelled against him with all the force of a man urging his horse in battle. When the Court put the prisoner under my protection, I thought it my duty to bring Mr. Cline to inspect him in Newgate; and it will appear by the evidence of that excellent and conscientious person, who is known to be one of the first anatomists in the world, that from this wound one of two things must have happened: either, that by the immediate operation of surgery the displaced part of the skull must have been taken away, or been forced inward on the brain. The second stroke, also speaks for itself: you may now see its effects.—[*Here Mr. Erskine touched the head of the prisoner.*] He was cut across all the nerves which give sensibility and animation to the body, and his head hung down almost dissevered, until by the act of surgery it was placed in the position in which you now see it; but thus, almost destroyed, he still recollected his duty, and continued to maintain the glory of his country, when a sword divided the membrane of his neck where it terminates in the head; yet he still kept his place though his helmet had been thrown off by the blow which I secondly described, when by another sword he was cut into the very brain—you may now see its membrane uncovered. Mr. Cline will tell you that he examined these wounds, and he can better describe them; I have myself seen them, but am no surgeon: from his evidence you will have to consider their consequences. It may be said that many soldiers receive grievous wounds without their producing insanity. So they may undoubtedly; but we are here upon *the fact*. There was a discussion the other day, on whether a man, who had been seemingly hurt by a fall beyond remedy, could get up and walk: the people around said it was impossible; but he did get up and walk, and so there was an end to the impossibility. The effects of the prisoner's wounds were known by the *immediate* event of insanity, and Mr. Cline will tell you, that it would have been strange indeed if any other event had followed. We are not here upon a case of insanity arising from the spiritual part of man, as it may be affected by hereditary taint—by intem-

* Mr. Erskine put his hand to the prisoner's head, who stood by him at the bar of the Court.

perance, or by violent passions, the operations of which are various and uncertain; but we have to deal with a species of insanity more resembling what has been described as idiocy, proceeding from original mal-organization. *There* the disease is, from its very nature, *incurable*; and so where a man (*like the prisoner*) has become insane from *violence to the brain, which permanently affects its structure*, however such a man may appear occasionally to others, his disease is *immovable*; and if the prisoner, therefore, were to live a thousand years, he *never* could recover from the consequence of that day.

But this is not all. Another blow was still aimed at him, which he held up his arm to avoid, when his hand was cut into the bone. It is an afflicting subject, gentlemen, and better to be spoken of by those who understand it; and, to end all farther description, he was then thrust almost through and through the body with a bayonet, and left in a ditch amongst the slain.

He was afterwards carried to an hospital, where he was known by his tongue to one of his countrymen, who will be examined as a witness, who found him, not merely as a wounded soldier deprived of the powers of his body, but bereft of his senses for ever.

He was affected, from the very beginning, with that species of madness, which from violent agitation, fills the mind with the most inconceivable imaginations, wholly unfitting it for all dealing with human affairs according to the sober estimate and standard of reason. He imagined that he had constant intercourse with the Almighty Author of all things; that the world was coming to a conclusion; and that, like our blessed Saviour, he was to sacrifice himself for its salvation; and so obstinately did this morbid image continue, that you will be convinced he went to the theatre to perform, as he imagined, that blessed sacrifice; and, because he would not be guilty of suicide, though called upon by the imperious voice of Heaven, he wished that by the appearance of crime his life might be taken away from him by others. This bewildered, extravagant species of madness appeared immediately after his wounds on his first entering the hospital, and on the very same account he was discharged from the army on his return to England, which the attorney-general very honourably and candidly seemed to intimate.

To proceed with the proofs of his insanity *down to the very period of his supposed guilt*. This unfortunate man before you, is the father of an infant of eight months; and I have no doubt, that if the boy had been brought into court (*but this is a grave place for the consideration of justice, and not a theatre for stage effect*)—I say, I have no doubt whatever, that if this poor infant had been brought into court, you would have seen the unhappy father wrung with all the emotions of parental affection; yet, upon the

Tuesday preceding the Thursday when he went to the playhouse, you will find his disease still urging him forward with the impression *that the time was come*, when he must be destroyed for the benefit of mankind; and in the confusion, or rather *delirium* of this wild conception, he came to the bed of the mother, who had this infant in her arms, and endeavoured to dash out its brains against the wall. The family was alarmed; and the neighbours being called in, the child was, with difficulty, rescued from the unhappy parent, who, in his madness, would have destroyed it.

Now let me, for a moment, suppose that he had succeeded in the accomplishment of his insane purpose; and the question had been, whether he was guilty of murder. Surely the affection for this infant, up to the very moment of his distracted violence, would have been conclusive in his favour; but not more so than his loyalty to the king, and his attachment to the duke of York, as applicable to the case before us; yet at that very period, even of extreme distraction, he conversed as rationally on all other subjects, as he did to the duke of York at the theatre. The prisoner knew perfectly that he was the husband of the woman, and the father of the child;—the tears of affection ran down his face at the very moment that he was about to accomplish its destruction; but during the whole of this scene of horror, he was not at all deprived of memory, in the attorney-general's sense of the expression: he could have communicated, at that moment, every circumstance of his past life, and every thing connected with his present condition, *except only the quality of the act he was meditating*. In *that*, he was under the over-ruling dominion of a morbid imagination, and conceived that he was acting against the dictates of nature, in obedience to the superior commands of Heaven, which had told him, that the moment he was dead, and the infant with him, all nature was to be changed, and all mankind were to be redeemed by his dissolution. There was not an idea in his mind, from the beginning to the end, of the destruction of the king; on the contrary, he always maintained his loyalty: lamented that he could not go again to fight his battles in the field; and it will be proved, that only a few days before the period in question, being present when a song was sung, indecent, as it regarded the person and condition of his majesty, he left the room with loud expressions of indignation, and immediately sung, God save the King, with all the enthusiasm of an old soldier who had bled in the service of his country.

I confess to you, gentlemen, that this last circumstance, which may, to some, appear insignificant, is, in my mind, most momentous testimony; because, if this man had been in the habit of associating with persons inimical to the government of our country, so that mischief might have been fairly argued

to have mixed itself with madness (which, by-the-by, it frequently does); if it could in any way have been collected, that from his disorder, more easily inflamed and worked upon, he had been led away by disaffected persons, to become the instrument of wickedness; if it could have been established that such had been his companions and his habits, I should have been ashamed to lift up my voice in his defence. I should have felt, that, however his mind might have been weak and disordered, yet if his understanding sufficiently existed, to be methodically acted upon as an instrument of malice, I could not have asked for an acquittal; but you find, on the contrary, in the case before you, that notwithstanding the opportunity which the crown has had, and which, upon all such occasions, it justly employs to detect treason, either against the person of the king, or against his government; *not one witness* has been able to fix upon the prisoner before you, any one companion, of even a doubtful description, or any one expression from which disloyalty could be inferred; whilst the whole history of his life repels the imputation. His courage in defence of the king and his dominions, and his affection for his son, in such unanswerable evidence, all speak aloud against the presumption that he went to the theatre with a mischievous intention.

To recur again to the evidence of Mr. Richardson, who delivered most honourable and impartial testimony; I certainly am obliged to admit, that what a prisoner says for himself, when coupled at the very time with an overt act of wickedness, is no evidence whatever to alter the obvious quality of the act he has committed.—If, for instance, I who am now addressing you, had fired the same pistol towards the box of the king, and having been dragged under the orchestra, and secured for criminal justice, I had said, that I had no intention to kill the king, but was weary of my life, and meant to be condemned as guilty; would any man who was not himself insane, consider that as a defence? Certainly not; because it would be without the whole foundation of the prisoner's previous condition; part of which it is even difficult to apply closely and directly by strict evidence, without taking his undoubted insanity into consideration; because it is his unquestionable insanity which alone stamps the effusions of his mind with sincerity and truth.

The idea which had impressed itself, but in most confused images, upon this unfortunate man, was, *that he must be destroyed, but ought not to destroy himself*. He once had the idea of firing over the king's carriage in the street; but then he imagined he should be immediately killed, which was not the mode of propitiation for the world; and as our saviour, before his passion, had gone into the garden to pray, this fallen and afflicted being, after he had taken the infant out of bed to destroy it, returned also to the garden, saying, as he

afterwards said to the duke of York, "that all was not over; that a great work was to be finished:" and there he remained in prayer, the victim of the same melancholy visitation.

Gentlemen, these are the facts, freed from even the possibility of artifice or disguise; because the testimony to support them will be beyond all doubt; and in contemplating the law of the country, and the precedents of its justice, to which they must be applied, I find nothing to challenge or question. I approve of them throughout; I subscribe to all that is written by lord Hale; I agree with all the authorities, cited by the attorney-general, from lord Coke; but above all, I do most cordially agree in the instance of convictions by which he illustrated them in his able address. I have now lying before me the case of earl Ferrers: unquestionably there could not be a shadow of doubt, and none appears to have been entertained, of his guilt. I wish, indeed, nothing more than to contrast the two cases; and so far am I from disputing either the principle of that condemnation, or the evidence that was the foundation of it, that I invite you to examine whether any two instances in the whole body of the criminal law, are more diametrically opposite to each other, than the case of earl Ferrers and that now before you. Lord Ferrers was divorced from his wife by act of parliament; and a person of the name of Johnson, who had been his steward, had taken part with the lady in that proceeding, and had conducted the business in carrying the act through the two Houses. Lord Ferrers consequently wished to turn him out of a farm, which he occupied under him; but his estate being in trust, Johnson was supported by the trustees in his possession: there were, also, some differences respecting coal-mines; and in consequence of both transactions, lord Ferrers took up the most violent resentment against him. Let me here observe, gentlemen that this was not a resentment founded upon any *illusion*; not a resentment forced upon a distempered mind by fallacious images, but depending upon *actual circumstances and real facts*; and acting like any other man under the influence of malignant passions, he repeatedly declared that he would be revenged on Mr. Johnson, particularly for the part he had taken in depriving him of a contract respecting the mines.

Now suppose lord Ferrers could have showed that no difference with Mr. Johnson had ever existed regarding his wife at all—that Mr. Johnson had never been his steward—and that he had only, from delusion, believed so when his situation in life was quite different. Suppose, farther, that an *illusive imagination* had *alone* suggested to him that he had been thwarted by Johnson in his contract for these coal-mines, there never having been any contract at all for coal mines; in short, that the whole basis of his enmity was without any

foundation in nature, and had been shown to have been a *morbid image* imperiously fastened upon his mind. Such a case as that would have exhibited a character of insanity in lord Ferrers, extremely different from that in which it was presented by the evidence to HIS PEERS. Before THEM, he only appeared as a man of turbulent passions; whose mind was disturbed by no fallacious images of things without existence; whose quarrel with Johnson was founded upon *no illusions*, but upon existing facts; and whose resentment proceeded to the fatal consummation with all the ordinary indications of mischief and malice; and who conducted his own defence with the greatest dexterity and skill. WHO THEN COULD DOUBT THAT LORD FERRERS WAS A MURDERER? When the act was done, he said, "I am glad I have done it. He was a villain, and I am revenged;" but when he afterwards saw that the wound was probably mortal, and that it involved consequences fatal to himself, he desired the surgeon to take all possible care of his patient—and, conscious of his crime, kept at bay the men who came with arms to arrest him; showing, from the beginning to the end, nothing that does not generally accompany the crime for which he was condemned. He was proved, to be sure, to be a man subject to unreasonable prejudices, addicted to absurd practices, and agitated by violent passions; but the act was not done under the dominion of uncontrollable disease; and whether the mischief and malice were substantive, or marked in the mind of a man whose passions bordered upon, or even amounted to insanity, it did not convince the lords, that, under all the circumstances of the case, he was not a fit object of criminal justice.

In the same manner, Arnold, who shot at lord Onslow, and who was tried at Kingston soon after the Black Act passed on the accession of George 1st, lord Onslow having been very vigilant as a magistrate in suppressing clubs, which were supposed to have been set on foot to disturb the new government, Arnold had frequently been heard to declare, that lord Onslow would ruin his country; and although he appeared, from the evidence, to be a man of most wild and turbulent manners yet the people round Guilford, who knew him, did not, in general, consider him to be insane.—His counsel could not show, that any *morbid delusion* had ever overshadowed his understanding.—They could not show, *as I shall*, that just before he shot at lord Onslow, he had endeavoured to destroy his own beloved child. It was a case of *human resentment*.

I might instance, also, the case of Oliver, who was indicted for the murder of Mr. Wood, a potter in Staffordshire. Mr. Wood had refused his daughter to this man in marriage. My friend Mr. Milles was counsel for him at the assizes. He had been employed as a surgeon and apothecary by the father, who forbid him his house, and desired him to bring in his bill for payment; when, in the agony of disappoint-

ment, and brooding over the injury he had suffered, on his being admitted to Mr. Wood to receive payment, he shot him upon the spot. The trial occupied great part of the day; yet, for my own part, I cannot conceive that there was any thing in the case for a jury to deliberate on.—He was a man acting upon *existing facts*, and upon *human resentments* connected with them. He was at the very time carrying on his business, which required learning and reflection, and indeed, a reach of mind beyond the ordinary standard, being trusted by all who knew him, as a practitioner in medicine. Neither did he go to Mr. Wood's under the influence of illusion; but he went to destroy the life of a man who was placed exactly in the circumstances which the mind of the criminal represented him. He went to execute vengeance on him for refusing his daughter. In such a case there might, no doubt, be passion approaching to frenzy; but there wanted that characteristic of madness to emancipate him from criminal justice.

There was another instance of this description in the case of a most unhappy woman, who was tried in Essex for the murder of Mr. Errington, who had seduced and abandoned her and the children she had borne to him. It must be a consolation to those who prosecuted her, that she was acquitted, as she is at this time in a most undoubted and deplorable state of insanity; but I confess, if I had been upon the jury who tried her, I should have entertained great doubts and difficulties: for although the unhappy woman had before exhibited strong marks of insanity, arising from grief and disappointment; yet she acted upon *facts and circumstances*, which had an *existence*, and which were calculated, upon the ordinary principles of human action, to produce the most violent resentment. Mr. Errington having just cast her off, and married another woman, or taken her under his protection, her jealousy was excited to such a pitch as occasionally to overpower her understanding; but when she went to Mr. Errington's house, where she shot him, she went with the express and deliberate purpose of shooting him. That fact was unquestionable; she went there with a resentment long rankling in her bosom, bottomed on an existing foundation: she did not act under a *delusion*, that he had *deserted her* when he had not, but took revenge upon him for an actual desertion; but still the jury, in the humane consideration of her sufferings, pronounced the insanity to be predominant over resentment, and they acquitted her.

But let me suppose (which would liken it to the case before us), that she had never cohabited with Mr. Errington: that she never had had children by him; and, consequently, that he neither had, nor could possibly have deserted or injured her.—Let me suppose, in short, that she had never seen him in her life, but that her resentment had been founded on

the morbid delusion that Mr. Errington, who had never seen her, had been the author of all her wrongs and sorrows; and that, under that *diseased* impression, she had shot him. If that had been the case, gentlemen, she would have been acquitted upon the opening, and no judge would have sat to try such a cause: the *act itself* would have been decisively characteristic of madness, because, being founded upon nothing existing, it could not have proceeded from malice, which the law requires to be charged and proved, in every case of murder, as the foundation of a conviction.

Let us now recur to the cause we are engaged in, and examine it upon those principles by which I am ready to stand or fall, in the judgment of the court.

You have a man before you, who will appear, upon the evidence, to have received those almost deadly wounds which I described to you, producing the immediate and immoveable effects which the eminent surgeon, whose name I have mentioned, will prove that they could not but have produced; it will appear, that from that period he was visited with the severest paroxysms of madness, and was repeatedly confined with all the coercion which it is necessary to practise upon lunatics; yet what is quite decisive against the imputation of treason against the person of the king, his loyalty never forsook him.—Sane or insane, it was his very characteristic to love his sovereign and his country, although the delusions which distracted him were some times *in other respects*, as contradictory as they were violent.

Of this inconsistency there was a most striking instance on only the Tuesday before the Thursday in question, when it will be proved, that he went to see one Truelock, who had been committed by the duke of Portland as a lunatic. This man had taken up an idea that our Saviour's second advent, and the dissolution of all human things, were at hand; and conversed in this strain of madness: this mixing itself with the insane delusion of the prisoner, he immediately broke out upon the subject of his own propitiation and sacrifice for mankind, although, only the day before he had exclaimed, that the Virgin Mary was a whore; that Christ was a bastard; that God was a thief; and that he and this Truelock were to live with him at White Conduit-house, and there to be enthroned together. His mind, in short, was overpowered and overwhelmed with distraction. The charge against the prisoner is the overt act of compassing the death of the king, in firing a pistol at his majesty—an act which only differs from murder inasmuch as the bare compassing is equal to the accomplishment of the malignant purpose; and it will be *your* office, under the advice of the judge, to decide by your verdict to which of the two impulses of the mind you refer the act in question: you will have to decide, whether you attribute it wholly to mischief and malice, or wholly to insanity, or to the one mixing itself with the

other. If you find it attributable to mischief and malice *only*, LET THE MAN DIE. The law demands his death for the public safety.—If you consider it as conscious malice and mischief mixing itself with insanity, I leave him in the hands of the court, to say how he is to be dealt with: it is a question too difficult for me.—I do not stand here to disturb the order of society; or to bring confusion upon my country; but, if you find that the act was committed wholly under the dominion of insanity; if you are satisfied that he went to the theatre, contemplating his own destruction only; and that, when he fired the pistol, he did not *maliciously* aim at the person of the king—you will then be bound, even upon the principle which the attorney-general himself humanely and honourably stated to you, to acquit this most unhappy prisoner.

If, in bringing these considerations hereafter to the standard of the evidence, any doubts should occur to you on the subject, the question for your decision will then be, which of the two alternatives is the most probable—a duty which you will perform by the exercise of that reason of which, for wise purposes it has pleased God to deprive the unfortunate man whom you are trying; your sound understandings will easily enable you to distinguish *infirmities* which are *misfortunes* from *motives* which are *crimes*. Before the day ends, the evidence will be decisive upon this subject.

There is, however, another consideration which I ought distinctly to present to you; because I think that more turns upon it than any other view of the subject; namely, whether the prisoner's defence can be impeached for artifice or fraud; because I admit, that if at the moment when he was apprehended, there can be fairly imputed to him any pretence or counterfeit of insanity, it would taint the whole case, and leave him without protection; but for such a suspicion there is not even a shadow of foundation. It is repelled by the whole history and character of his disease, as well as of his life, independent of it. If you were trying a man under the Black Act, for shooting at another, and there was a doubt upon the question of malice; would it not be important, or rather decisive evidence, that the prisoner had no resentment against the prosecutor—but that, on the contrary, he was a man whom he had always loved and served? Now the prisoner was maimed, cut down, and destroyed, in the service of the king.

Gentlemen, another reflection presses very strongly on my mind, which I find it difficult to suppress. In every state there are political differences and parties, and individuals disaffected to the system of government under which they live as subjects. There are not many such, I trust, in this country; but whether there are many or any of such persons, there is one circumstance which has peculiarly distinguished his majesty's life and reign, and which is in itself as an host in the prisoner's defence: since, amidst all the trea-

sons and all the seditions which have been charged on reformers of government as conspiracies to disturb it, no hand or voice has been lifted up against the person of the king: there have, indeed been unhappy lunatics who, from ideas too often mixing themselves with insanity, have intruded themselves into the palace — but no malicious attack has ever been made upon the king, to be settled by a trial: his majesty's character and conduct have been a safer shield than guards or than laws. Gentlemen, I wish to continue to that sacred life that best of all securities; I seek to continue it under that protection where it has been so long protected. We are not to do evil that good may come of it; we are not to stretch the laws to hedge round the life of the king with a greater security than that which the Divine Providence has so happily realized.

Perhaps there is no principle of religion more strongly inculcated by the sacred scriptures than by that beautiful and encouraging lesson of our Saviour himself upon confidence in the divine protection: "Take no heed for your life, what ye shall eat, or what ye shall drink, or wherewithal ye shall be clothed; but seek ye first the kingdom of God, and all these things shall be added unto you." By which it is undoubtedly not intended that we are to disregard the conservation of life, or to neglect the means necessary for its sustentation; nor that we are to be careless of whatever may contribute to our comfort and happiness; but that we should be contented to receive them as they are given to us, and not seek them in the violation of the rule and order appointed for the government of the world. On this principle nothing can more tend to the security of his majesty and his government, than the scene which this day exhibits in the calm, humane and impartial administration of justice; and if, in my part of this solemn duty, I have in any manner trespassed upon the just security provided for the public happiness, I wish to be corrected. I declare to you, solemnly, that my only aim has been to secure for the prisoner at the bar, whose life and death are in the balance, that he should be judged rigidly by the evidence and the law. I have made no appeal to your passions—you have no right to exercise them. This is not even a case in which, if the prisoner be found guilty, the royal mercy should be counselled to interfere: he is either an accountable being, or not accountable; if he was *unconscious* of the mischief he was engaged in, the law is a corollary, and he is not guilty; but if when the evidence closes, you think he was conscious, and maliciously meditated the treason he is charged with, it is impossible to conceive a crime more vile and detestable; and I should consider the king's life to be ill-attended to indeed, if not protected by the full vigour of the laws, which are watchful over the security of the meanest of his subjects. It is a most important consi-

deration both as it regards the prisoner, and the community of which he is a member.—Gentlemen, I leave it with you.

EVIDENCE FOR THE PRISONER.

Major *Edward Michael Ryan* sworn—Examined by Mr. Sergeant *Best*.

Were you an officer in the 15th light dragoons?—I was.

What rank did you hold in that regiment?—I was a captain.

Were you abroad with the regiment in the year 1793?—I was.

Do you recollect a person of the name of Hadfield being in that regiment?—Perfectly well.

Do you know his person now?—Perfectly well.

Do you see him?—That is he [pointing to the prisoner].

Was he abroad with the regiment in the year 1793?—He was.

Was he engaged in any action, with the regiment?—I believe in every action the regiment was in until he was wounded.

Do you recollect in what action it was that he was wounded?—On the 18th of May 1794, near Roubaix.

How had he conducted himself previous to this time?—As a very good soldier and a very good dragoon.

Did he appear to be a loyal man?—Always particularly so.

Do you know what wounds he received on that day?—I cannot take upon me to say, as that man was left in a punt which we were both thrown into.

Were you with him?—I was; we were left in a punt.

Had you an opportunity of observing him afterwards?—No; for we were surrounded by a vast deal of the French cavalry and infantry, and we were under a very heavy fire at this time.

Where did you see him again after this?—I saw him about September 1795; he came to my lodgings in St. James's-street.

Had you not seen him from the time of this transaction till September 1795?—I had not.

Did any thing particular occur, when you saw him in September 1795?—He appeared to me extremely incoherent then, and showed manifest symptoms of derangement.

Hercules Macgill sworn—Examined by Mr. *Erskine*.

Do you know the prisoner?—Yes.

Were you in the battle with him where he was wounded?—I was.

Did you know him before that time?—I knew him in the year 1793.

Was he a good soldier?—A very good soldier; he was my right-hand man, after the death of another.

Did you consider him not only as a good

soldier, but as a man loyal to the king?—I did.

Was he perfectly so in his manners and in his language?—Perfectly so.

Were you near him when he was wounded in battle?—I was, and received two slight scars in endeavouring to rescue him; I saw him receive two or three cuts.

At the time he was receiving these wounds was he fighting gallantly, and with spirit and confidence, in the cause of his country?—He was fighting gallantly.

Did you ever see any thing in him, that hung back from the service of his country and his king?—Never in my life.

What became of him after he received those wounds?—He was left for dead, as I supposed, in the field.

When did you see him next afterwards?—At Croydon barracks in the year 1796.

After his return from France?—Yes.

You had known him before those wounds, and you have described him, and I need not repeat it; did you find him in the same condition when you saw him in Croydon barracks?—I heard that he was in the hospital, and that he was rather deranged in his mind; I went to see him, astonished that he was alive: I went to speak to him; some words originated by my asking him trifling questions how he was: In a sort of riotous frenzy, he snatched a small bayonet from one of the guard, and made a lunge at my side; I rescued the bayonet from his hand.

From your own observation at the time, (and recollect you must speak the truth, and only the truth) have you any doubt in the world that he was mad?—It is impossible to declare positively that he was; but from his deranged state, and from the attempt upon one or two more people's lives, as I understood, I thought he was.

Was he totally different from the condition you had observed him in, before he received those wounds?—Perfectly different in every part whatever; quite deranged.

Did he remember you, and know that you were the man?—I cannot believe he did, from the deranged state he was in, and his offering to take my life.

You did not enter into that with him?—I did not.

John Lane sworn.—Examined by *Mr. Sergeant Best*.

I believe you are a soldier in the Coldstream regiment of guards?—I am.

Were you a prisoner in France in the year 1795?—I was.

Where were you confined?—I was in the hospital of Sanceil, three miles from Brussels.

Do you remember Hadfield being brought to that hospital?—Yes.

On what account was he brought there?—He was brought there in a fit.

What sort of fit was it?—He was brought there, and laid on a bed; he never spoke all that evening.

That was the first evening that he came?—Yes.

Did you converse with him the next day?—Yes.

What account did he then give of himself?—When the doctor came round in the morning, he got up on end in the bed on his back-side, and looked round very wild; they asked him what countryman he was; he did not make any reply, till at last he spoke and said, "I have been asleep a great while, I am awake now;" by that I knew he was an Englishman.

What did he say then?—I said, from what part of England did you come? he said, I came from London; I am king George.

In what manner did he say this, as a person jokingly?—He looked very serious, and like a man that was out of his mind; he then turned his head towards me, and said, lend me that, the looking glass, pointing to it, which hung at my bed's head; it was delivered to him; he held it in this manner, and stroked his face and head; I asked him what he was feeling for; he said, I am feeling for my crown of gold; I am king George, and I live in Red Lion street, Clerkenwell.

From the observation you made upon him at this time, did he appear to you to be a person insane?—Yes; he was taken away, and confined in a cell by himself. I never saw him any more for three weeks.

By whom was he taken away?—By the doctor and nurses of the hospital as a madman; they deemed him as such.

Did you see him again?—Yes; I saw him again, about three weeks after, walking in the garden.

What state was he in?—He was walking very serious by himself; there were some more Englishmen in the garden; he came up towards us; one said to the other, here comes Hadfield; when he approached, they said "How are you this morning, king George?" he gave a laugh, and said, "that is all done away with now."

Did he appear to be in a better state than he had been?—Yes, quite sensible.

Henry Cline, esq. sworn.—Examined by *Mr. Erskine*.

I need not ask you what you are; you are very well known to the Court and jury. Have you had an opportunity of examining the wounds of the prisoner at the bar?—I examined them yesterday, which was the first time that I saw the prisoner.

Did you examine this wound upon his temple?—I did.

What remarks did you make upon that wound in his temple?—The wound on his temple is very considerable, but it is not probable that that should have at all injured the brain; it is a considerable wound, but the direction which it appears to have taken was not of a nature to injure the brain.

Did you observe whether there was any

thing displaced in that part of the skull?—There is a wound immediately above the eye-brow, which appears to have penetrated the skull; and in all probability the brain was injured in consequence of that wound.

Did you examine a wound the prisoner has in the back of his head?—I did; there are likewise two other wounds situated near the upper part of his head, which appear also to have penetrated the skull, and probably injured the brain likewise in those parts.

Taking that person to have been subject to no insanity before those wounds that you observed, and immediately afterwards to have been affected with insanity, should you consider, from your knowledge of the human body and the anatomy of it, that the injury to the brain was likely to be the cause of those symptoms?—It frequently happens, that after injury of the brain, there is some derangement of the understanding; the mental faculties are variously affected; sometimes by loss of memory, at other times of some particular sense, and very frequently that derangement taking place which is commonly called insanity.

If insanity does arise from an injury to the brain by violent wounds, is it an insanity likely to go off or likely to continue from time to time?—That depends very much on the duration; if it has existed for some length of time after the accident has happened, there is great probability of its permanency.

If it has lasted four, five, or six years, with paroxysms of strong insanity commencing at the time of the wounds, is it likely to continue?—I should conceive it would be permanent.

Lord Kenyon.—Without any intermission?—No; there are certain existing causes; that are occasionally taking place, that will even increase those effects, and sometimes under favourable circumstances there may be no apparent derangement at the time.

Mr. Erskine.—Have you frequently observed persons that were lunatics, whether from hereditary taint, wounds on the brain, or other circumstances that are invisible, have you frequently seen such persons, though under paroxysms of lunacy, capable of conversing and appearing rational?—In every respect rational.

From your experience, have you not known persons who were lunatic, whether from an original hereditary taint or wounds in the brain, or from any other invisible cause, and in the paroxysms of madness as high as it can operate, capable of conversing, reasoning, and speaking, as if they were sane?—Yes; it very frequently occurs that they will appear rational in every answer that they will give to the questions commonly put to them, and rational in their conduct.

Though at that time in a paroxysm of their peculiar madness?—I do not mean just during the time of paroxysms.

I am supposing a person to have a morbid

imagination which constitutes the lunacy, and subject to that morbid imagination, may that person within your own experience converse upon common subjects, as if he were not visited by or subject to the dominion of that disease?—I mean they would talk perfectly rationally for one instant of time, and then immediately after, perhaps, they will show symptoms of insanity; and as we can only judge of the paroxysm by the effect, therefore I conceive it cannot be said a paroxysm is upon the patient, till he shows it by some irregularity in his conduct or his conversation.

Doctor Creighton, sworn.—Examined by Mr. Sergeant Best.

You are a physician I believe?—Yes.

Have you applied particular attention to the disease of madness?—Yes, I have.

I believe you have seen the prisoner at the bar?—I have.

From the examination you have had of him, is it your opinion that he is now a person of sane mind or otherwise?—I have not the smallest doubt that he is insane. I believe him to be insane. He is not a maniac, but he labours under mental derangement of a very common but a particular kind.

I believe you have examined his wounds?—I have.

Are the wounds which he appears to have received, likely to have been the occasion of that madness?—I think that they are very probable causes of the disposition to that madness: there are many instances of this kind of madness having been occasioned by such injuries done to the brain.

Supposing this to be the cause of his madness, is it likely that that madness should continue?—I believe him to have laboured under this kind of madness constantly from its first attack. When any question concerning a common matter is made to him, he answers very correctly; but when any question is put to him which relates to the subject of his lunacy, he answers irrationally.

Is that a common thing with all madmen?—With all madmen of this description.

Then, although you said you believe that this madness has continued from the first cause of it, is it probable that he might at times have conducted himself rationally?—Most undoubtedly; for it requires that the thoughts which have relation to his madness should be awakened in his mind, in order to make him act unreasonably.

Are there any particular seasons of the year when a person labouring under these infirmities would be more likely to be affected than another?—Yes; there are instances where it has occurred periodically, but it depends much more upon certain variations in the state of his health.

Would the approach of hot weather affect his health?—It is a very common cause of the augmentation of the disorder.

Dr. *Creighton* cross-examined by Mr. *Law*.

When did you see and converse with this person first?—Last night.

What did you converse with him upon as the subject of his madness, in order to excite that madness?—Upon religious subjects, and also upon the subject of his claim.

Had the conversation upon the latter subject the effect of exciting him to any considerable degree of violence?—Not at all.

Had the mention of the other subjects, the religious matters you adverted to, the effect of exciting him to violence?—Not to violence at all.

In what way did the mention of the subject of his claim disturb him?—I do not know that I ought to say it disturbed him; it did not disturb him; he mentioned that he thought he was ordained to die, and to die as Jesus Christ did.

I ask you, in what particular, the mention of his claim produced the exhibition of madness?—I can only answer this question by narrating his conversation; there was no external violence in the man, but his conversation produced conviction in my mind that he was mad, that he was insane upon particular subjects. I must narrate the conversation, in order to produce the same conviction upon the Court.

Prior to that time, had he appeared to you in all particulars as a sane person, in the conversation you had with him?—He answered very correctly the questions I put to him.

Lord *Kenyon*.—Did you tell him you were to be a witness to-day?—No; I asked him if he had been well treated during his confinement in prison, and how he had received his wounds; to those things he answered very correctly.

Mr. *Law*.—Who went with you?—Mr. *Cline* the surgeon.

Mr. *Erskine*.—The gaoler was present.

Mr. *Law*.—We do not impute any thing;—how long were you with him?—About half an hour.

Until you talked with him about religion, he appeared perfectly like a sane person?—Yes.

Mr. *Erskine*.—I do not know whether Mr. *Law*'s examination lets me in to ask to the conversation: I believe it is more regular not.

Mr. *Lidderdale* sworn.—Examined by Mr. *Erskine*.

You are, I believe, a surgeon?—Yes.

To what regiment?—The 15th light dragoons.

From what length of time have you been surgeon to that regiment?—From the 22nd, July 1795.

Do you know the prisoner at the bar, Hadfield?—Yes.

Do you remember him, after he had been prisoner in France, joining the regiment in

this country or coming to Croydon?—I do not recollect his joining the regiment.

Where did you see him in England?—At Croydon barracks.

You were at that time surgeon to the regiment?—Yes.

Had you known him before?—I had not.

Had you occasion to attend him as a surgeon, and to examine him?—Yes.

Upon what occasion did you attend him as a surgeon and examine him?—In the spring of 1796, being brought in, in a state of insanity.

What did you do with him?—I had recourse to bleeding, blistering, and cathartics.

Was it necessary to confine him?—Yes.

In the way that madmen are generally confined?—Yes; to tie him down to the bed in the manner that is common.

How long did he continue in that state?—To the best of my recollection, about a fortnight.

Was he discharged from the regiment?—Yes, at the expiration of that time.

Was he discharged from the regiment on that account?—Yes, and the wounds that he had received in the service.

Did it appear to you, as a medical man and as a surgeon, that those wounds might be the probable cause of that derangement that he had?—Yes; I conceived so at the time.

Do you think still that it was owing to that?—Yes, I should conceive that it would operate still.

You have not seen him since, have you?—No.

Mr. *Lidderdale* cross-examined by Mr. *Garrow*.

You have not seen him since he was discharged?—No.

He was confined till you thought him in a fit state to be discharged?—He was confined for a fortnight, and then delivered up to the charge of his brother, who took him to town.

Captain *Wilson* sworn.—Examined by Mr. *Sergeant Best*.

I believe you are an officer in the 15th regiment of light dragoons?—I am.

Did you serve abroad with that regiment?—I did.

Do you remember the prisoner Hadfield serving in that regiment?—Yes.

Do you recollect his being in an engagement?—I remember his being in several.

Do you remember his being wounded?—I recollect the circumstance of its being related afterwards that he was wounded, and it was supposed killed.

You knew him before he was wounded?—I did.

What character had he?—No man had a better character for courage, and in every respect as a soldier; if a man had been to be selected from the regiment for bravery loyalty and zeal, Hadfield would have been one of the first candidates; he was remarkable for them.

When did you see him again?—Not till after we came home from the continent; he joined the regiment at Croydon; I was in the barrack yard; a cart came in; Hadfield was brought in in it, escorted by some of the party, a detachment with which he had been at Bromley, and they reported him to be mad.

Did you take any notice of him at that time?—I did not take any notice of him.

Do you know what he was discharged for?—I understood for the wounds which caused the insanity; the surgeon informed me so.

Christopher Lawson sworn.—Examined by *Mr. Erskine*.

Were you in the battle near Lisle on the 18th of May 1794?—I was.

The battle in which Hadfield was wounded?—Yes, at the same battle.

Were you present when he was brought into the hospital?—I was.

Was it thought at that time that he would survive the wound?—It was thought he would not survive.

At that time do you know whether he was esteemed a good soldier?—Not knowing the man before that time, I cannot answer that.

Have you seen him since you returned to London?—I have.

Where did you see him?—I saw him somewhere in Clerkenwell.

Was he desirous at that time of continuing in his trade, or of being a soldier?—He mentioned to me he wished to be a soldier, and he said in short that he was one.

David Hadfield sworn.—Examined by *Mr. Sergeant Best*.

You are brother to the prisoner at the bar?—Yes.

Do you remember going to see him at Croydon?—Yes.

Were you sent for there?—Yes.

When was that?—In March 1796.

What state did you find him in?—In a state of derangement, very much so, raving mad.

At that time I believe he was discharged from his regiment?—Yes, in April.

Was he delivered into your custody?—Yes.

Did you take care of him after this?—I did.

In what state was it necessary for you to keep him?—I kept him as comfortable and as quiet as I could.

Was it necessary to keep him in a state of confinement?—Not at the time I brought him from thence; he was something reconciled, better recovered.

How long was it before it was necessary to put him into a state of confinement?—About two months after that; about June it was necessary to put him in a state of confinement.

How long was he continued in confinement?—He was confined to his room about nine days.

Was that absolutely necessary from the then state of his mind?—Yes, decidedly so.

Have you known him since that time?—Since that time he has been in various fits.

What kind of fits?—Bellowing and hallooing out.

How frequently have those fits occurred?—About the hot season; at about the changes of the moon it will come upon him, and about the hot season being set in.

Have you observed a difference in him when the hot season has set in?—A great deal.

What has been his condition at that time generally?—He has begun to talk at random, that he was a prince, that he was Jesus Christ, and that he was God.

When did you first hear him talking in this manner?—He talked in this manner when he first came home from abroad, and he always talked in that way when he was about going off.

What do you mean by about going off?—When he was going out of his mind.

Have those random conversations been followed by any other appearances of madness?—By madness, and nothing else.

Have you been obliged from time to time to confine him?—Yes, from time to time.

How have you confined him?—Confined him to his bed, and to keep the door of that fast to the best of our power.

Has that occurred every year?—Yes, to the best of my knowledge.

Were you with him frequently in this present spring?—No.

What was the reason of that?—There was a little variance between us.

Then you cannot state to the Court in what state he was in the present year?—No, I cannot, farther than by hearsay.

David Hadfield cross-examined by *Mr. Garrow*.

You used an expression I understood perfectly, a proper one, "it was very plain to any body used to him when he was going off," when the fit was coming on?—Very plain to them that knew him.

At that time he was quite an altered man?—So far an altered man that he would roll his eyes about.

So that you could have told pretty nearly what the state of the moon was by his manner?—Yes.

His going off would have indicated the state of the moon as well as looking at the almanac; nobody looking at him could have doubted but the madness was coming on?—Just so.

It was impossible he could conceal or disguise it?—At times he was very cunning.

But then it would break out again?—Yes.

He was not able to conceal it for any length of time together?—No, by no means.

And I should suppose a great concourse of people would disturb him and set him off?—Any thing that disturbed his mind.

He would be less able to conceal his infirmity among a great concourse of people, for instance, such a place as we are in now, than in his private family?—Just so.

When the fit was on him, and he was mad,

he could hardly have passed with the most careless observer for a sane man?—He could not.

They must have taken him for a madman?—They must so.

He could not, at such times, converse for any length of time together without every body's seeing he was a poor unfortunate soldier that ought to be kept at home?—Yes.

And at such times his family made a point to keep him at home?—Yes, and they would have done so in a little time at this time.

One of the circumstances his head ran upon was that he was a prince?—Yes.

If you had taken him to a party where the king had been, or any thing of that kind, that would have made him stark mad, when any body had talked of the king or a prince?—Yes, he was always king himself.

Any idea of a king or prince coming would have made him furious?—Yes.

If you had given him any thing you could not have restrained him from that?—No, not in the least.

A crowded church would have disturbed him much?—It oftentimes did; I have gone to church with him, and have been forced to withdraw from the church to revive him.

Owing to the crowd exciting those ideas in his mind?—Exactly so; we dare not relate any thing to him for fear of deranging him again.

You would have hardly thought it possible to keep him quiet in any crowded place, for a quarter of an hour together?—Not at all.

His wife is a careful sort of woman?—Yes.

And very observant of his motions?—Yes.

Upon the first symptom of rolling his eyes, and any of the symptoms coming on, she always took care of him that he should not stir out?—She always did.

She unfortunately had so much experience of him, that she could not be deceived in the symptoms that it was coming on furiously?—She could not indeed.

He was never able to work I should think at those times?—No, not at all.

Not even to make broken days?—No, not at all; it was more necessary to confine him.

He had no inclination to work upon those days?—No, he was so at random.

And sulky withal?—Yes.

Rude, rough, and uncivil to master, shop-mates and all?—Yes, quite so.

If you had asked him to take a drink, it would have been a grievous affront?—Oh yes, greatly so.

And this even when it was first coming on?—Yes.

How long did it generally continue, after the change of the moon?—Some times longer than others, particularly at the full of the moon; I cannot say how long, that was the time he was at the worst, in hot weather.

I was sorry to hear you say you had not seen him much of late, because you had a little variance with him; that was a little un-

lucky as he was such a madman. I wonder you should not have borne with his infirmity?—I did: it was nothing of animosity between us; no more than I happened to move farther away, he did not know where I was, and I did not inquire after him; circumstances occurred I did not wish to be seen.

I was afraid you had some misunderstanding; I was wrong in that?—Yes.

What did you mean by having had a variance?—A variance I cannot call it.

A few words?—Yes, a few words when he was in this hasty way.

When he was in this hasty way, he gave you a few words which made you not visit him?—Yes, just so.

If he had gone home and asked for his best clothes to go holiday-making when he was in those fits, his wife would not suffer him for the world?—Not to let him have them?

Yes?—Oh! no, he would have them by all means; nothing could stop him.

And every body about him the least used to him, must have seen this was a poor madman?—Just so.

Mary Gore sworn.—Examined by
Mr. *Erskine*.

You are sister of Hadfield's wife?—Yes.

Did you live in the house with him?—Yes, I did.

How long have you known him?—A good while.

Were you in the house with him, in the month of May last?—Yes, I was.

Did the warm weather affect him at all?—Very much.

How did it affect him?—In his head.

In what manner did it affect him in his head?—He talked so very bad.

Let us hear how he would talk?—On the Tuesday, the 13th of May, he came home between one and two o'clock——

Had he been bad any time before that?—Yes, ever since the Sunday before.

Tell my lord and the jury, in what manner between the Sunday and Tuesday he was mad; what were the symptoms of his illness?—In his head.

How did he use to talk from the Sunday to the Tuesday?—About seeing Jesus Christ.

What did he say about Jesus Christ?—That he was a damnation blackguard, and many more very odd expressions; I cannot rightly recollect.

Try if you can recollect any other expressions used by him between the Sunday and the Tuesday, besides those you have mentioned?—He said he was going a long way, that he was a very clever fellow, that he had a great deal to do.

Did he say any thing about the Virgin Mary?—Yes: that was on the Tuesday, he came home between one and two o'clock to dinner, and my sister asked him if he had had his dinner; he said no, he had not had it, but he would have it; upon which she reached it

him out; my sister asked him where he had been? he said, he had been to see God; he said the Virgin Mary was a damnation bloody whore, and our Saviour was a damnation thief, and God Almighty was a damnation blackguard. My sister told him to hold his tongue; she told him if he did not she would have him confined; she asked him if he would go to work, he said, yes he would go to work he must go to work to keep the frame; I do not know what he meant, He went out, and I followed him. I followed him as far as Charterhouse-lane; when he got there he ran up to the rails to the gate; I ran after him; when he got to the gate he stopped; he said he had got a great deal to do, and a long way to go, I followed him as far as the bottom of Half-Moon-passage, which is almost by where he works; I stopped there at a chandler's shop, Mr. Hadfield stopped there to drink a share of a pot of beer with two men, I stopped at the chandler's shop about half an hour, while he stood out of doors with these two men.

Did he converse with those two men he was drinking with?—Yes.

What did he converse with them about?—That I did not hear; I went into the chandler's shop, and told the gentlewoman that he was out of his mind, and I wanted to follow him to see where he went to, she let me come in and stand there.

And was Hadfield there at that time?—He stood at the public-house about half an hour: I did not want him to see me, because he might have begun upon me when he came home; he did not see me all the way.

Did you overhear what was passing between him and the other people?—I did not; I kept at a distance. After he drank the beer, I heard him say good by to the men; and he went up Half-Moon-passage into his master's shop, and then I came home and told my sister he was gone to work. When he came home in the evening, between seven and eight o'clock along with Mr. Crick, he said he had been to see God; he talked about various expressions about God Almighty, and what I told you before; after he had had his supper, he wanted to go into the garden to pray.

Did he say why he wanted to go into the garden to pray?—He said he should see God, that he was to pray there three hours.

Was that upon the same day on which he had used those shocking expressions towards God and towards Christ, that he wanted to go into the garden to pray?—It was; my brother, Harrison, and Mr. Crick went together into the garden to fetch him in, and they brought him in.

How long had he been in the garden, when they went to fetch him in?—They missed him out of the room, and went to fetch him in out of the garden; not five minutes after the time when they brought him in, he said he must go again and see God; and he said he was God Almighty's servant, and he was

going to build a house up in White Conduit-fields, and was to be God Almighty's servant.

And who was to live in that house in White Conduit-fields?—Mr. Truelock the cobbler and him, and he was to take his goods there.

What was he to do when he was there?—To live along with Mr. Truelock. Hadfield was to be God and Mr. Truelock was to be Satan; and that he had been and marked out the ground. With great persuasions between Mr. Crick and Mr. Harrison my brothers they got him into bed; when he was got into bed, my brothers kept behind the door; he jumped out again in five minutes after, and said he must go into the garden, because he was ordered; my brother would not let him go, he must go, he said, God had ordered him to go; my brother would not let him go into the garden, and he put him into bed again; between one and two in the morning he jumped out of bed—

Were you in the room the whole of that time?—I never went to bed all night; he jumped out of bed; he jumped as far as from that place to that; he shook his shirt, and took up my sister's petticoat, and said—"God damn it's little eyes, I will kill him;" that was, to my sister's little child.

Was the child asleep at that time?—Yes, the child was asleep in bed; I had just closed my eyes.

Did he go at that time towards the bed?—He jumped from the bed towards the window.

Was the child in the bed?—Yes; it screamed out, and my sister screamed out; I ran and opened the door, and my brother came in.

What is your brother's name?—Harrison. Before that, he jumped out of bed, got into the cupboard, threw down a kettle of water, and he said that was to be his bed; God had told him so. That was before he said he would kill the child. When my brother Harrison came in, he saw all the water about; he asked me and Mr. Hadfield what it was? he said he was getting into his bed, that was his bed (that was the cupboard); Mrs. Roberts, the landlady of the house, opened her door, and asked if Mr. Hadfield was mad? and when my brother came in, Mr. Hadfield said he had lost a great deal of blood; Mr. Harrison told him not to talk so foolish, but go to bed again; accordingly he got into bed again, and in the morning my sister Hadfield got up; my brother waked, and asked for the child; I told him he should not have it; he asked me what was the reason he was not to have the child?

Was he generally fond of the child?—Very fond indeed. I told him I was afraid he would dash its brains out; he asked me what for? I told him he got up in the night, and said he would: he said I was a damned liar, for he never got up all the night: my sister, Mrs. Harrison, came in in the morning, and told him he ought to be ashamed of himself to disturb all the whole house; he said she was a

a liar, he had never waked all the whole night.

When he jumped out of bed in the night, and said, Damn its little eyes, he would dash its brains out, did he state any reason why he was to deal thus with the child?—He said, God had told him to kill the child.

Did he say why God had told him to kill the child?—He did not.

Did you see him on the Thursday morning?—Yes.

What became of him afterwards, on that Wednesday?—He had his breakfast, and said he would go to work to keep the frame.

Did he go out?—Yes; my sister told him, if he did not go to work, he must starve.

At what time did he go to work?—Between nine and ten; accordingly he went out; I followed him; he went to the shop.

Did you go to the shop?—I went to the corner that he might not see me, he went in, then I came home again.

When did you see him next?—I saw him again between three and four in the evening of the Wednesday.

Did he say where he had been?—He said, he had been to see God; my sister and me asked him where? he said, up in White-conduit; she asked him, if she might go and see him? he said, yes; he said, God was a shoe-maker, accordingly my sister, Mr. Hadfield, and me, went up to the corner of White-lion-street, to Mr. Truelock, the shoe-maker; he said, he was God.

Mr. *Erskine*.—We have Truelock's commitment here as a person deranged.

Witness.—My sister and I went up to Truelock; we asked Truelock if he had seen a man cut in the face?

Lord *Kenyon*.—We cannot go into that; did you see Hadfield at home when you came home?—No, he was not at home; he came home a little afterwards, and asked us if we had been to see God; we told him yes, we had been to see the shoe-maker.

What answer did he make to that?—Hadfield asked us what the shoe-maker said to us? we told him, he told us Mr. Hadfield had been to him, and he ought to go to work, and that Hadfield had told him he would go to work; Hadfield had been at home to sleep that evening, while we were gone.

What did Hadfield say, when you told him that?—He said it was very true that Truelock had said that to him; Mr. Hadfield was to mind what Truelock said to him.

Did any thing farther pass with him then?—Only about the Virgin Mary and Jesus Christ, and all that pack of nonsense.

All that passed again on the Wednesday evening?—Yes.

How soon did he go to bed that Wednesday?—When we came home again on the Wednesday afternoon, he had his tea.

And still talking in that manner about the Virgin Mary?—Yes; he went into the garden for a little fresh air, my sister ordered him in;

a gentlewoman came after a room up stairs to let; she looked out at the window; Mrs. Roberts, the landlady of the house, was with her; that woman asked her what was the matter with that man? she said he was out of his mind, but not so bad as that people should mind him, and the woman would not take the room for it.

What was Hadfield doing in the garden at this time?—Walking round it, looking at the flowers and things, appearing in a strange manner, with all his hair about his head, his coat open, and his waistcoat and his stockings hanging about him.

What time did he go to bed?—As near as I can guess, between nine and ten, after he had had his supper; he rose up in the night, and said he had lost a great deal of blood, had a great way to go, and a great deal to do, and said, "Come all in; by God you are all welcome."

What time was this in the night?—Between eleven and twelve at night; my sister awoke with the noise.

You were in the room at the time?—Yes; I never went to bed all that night.

Did he continue in the bed the remainder of that night?—He jumped up, but my sister got him into bed again.

Did he continue there the remainder of the night?—Yes; then he slept till the morning; in the morning he got up, and looked a great deal worse, very bad indeed.

That is, the Thursday morning?—Yes, the Thursday morning.

What did he say on the Thursday morning?—All the same nonsense over again about the Virgin Mary, and such as the cobbler told him; he said he had seen God in the night, and the coach had been ready, and he had been to dinner with the king.

During all the time that you have been acquainted with him, did he speak evil of the king, or affectionately of him?—He always spoke very good of him; he said if they would take him, he would go again to have another cut at the French; he said he had been, but they would not take him.

Did you ever hear him make use of any expression disloyal to the king, or disrespectful to his family?—No; I heard him praise them to the highest: he always said, "God bless the king; if it were not for the king, I should not have my pension." After he said he had been to dinner with the king, he had his breakfast and went to work, as we supposed; he came home between one and two in the afternoon to dinner; he told my sister to get the tea ready between three and four o'clock, he was going to be made an Odd Fellow (a club called Odd Fellows); my sister made answer, what reason had he to go into another club, when he was in one?

What is that club?—I do not know; it is somewhere in Aldersgate-street; he said, because it was better than his other; accordingly he went out, and came home between three

and four in the afternoon to tea, as he said he would; he came home and cleaned himself; he talked about God and the Virgin Mary, and all that, over again; Mrs. Hadfield made him his tea; he drank about half a cup; she asked him why he would not drink the rest? he said he could not, he did not want any more; he said to me, "Mary, drink the other;" I made answer, "I won't, Jem;" he said, "God damn you, if you do not, I will throw it over you." I immediately got up, and went to the corner of the room, and my sister told him, he ought to be ashamed of himself; he said, "I did not want it," and then he put it down again, and went out, and I saw no more of him; my sister said, after he was gone,—

Mr. *Erskine*.—We cannot hear that.

Mary Gore cross-examined by Mr. *Law*.

He dressed himself before he went out on the Thursday?—He did; when he came home between three and four while the tea was being made.

By his conversation on Tuesday, Wednesday and Thursday, he must have been so mad that nobody could be ten minutes in his company, without finding out that he was mad?—Yes, he was; but not so mad but my two sisters could manage him very well together.

They could manage him at home, but when he was abroad he must of course appear more mad?—He used to come home in fits.

On Tuesday, Wednesday and Thursday, you say he had been holding this mad blasphemous conversation?—Yes.

Could he be ten minutes in any body's company, on either of those days, without showing that he was mad?—No; every body in the house knew it.

But on the Tuesday, the Wednesday, and the Thursday he went to his usual place of work?—Yes.

Did he return at the usual time from his usual place of work?—On Tuesday he came home between 7 and 8, with Mr. Crick.

I think you said you heard him talking on Tuesday?—That was after dinner.

And it was after that he came back and behaved so ill and violently?—Yes.

Did any of the people where he had been at work come home with him, and bring him back as a disorderly man?—It was either the Tuesday or Wednesday, Mr. Lee, and two or three more of his shopmen, brought him back; he had been in a fit: that was the day when the woman came to inquire after the room.

They brought him home in a fit?—He had been in a fit.

Was he a man who liked to frighten you in the way in which you state, or would he be very shy of giving his wife any alarm?—I cannot say as to that; she always knew when he was going off; it would come on in the middle of the day when eating his dinner.

Was he particular, when in his right mind, not to give his wife any alarm?—When he

was in his right mind, there could not be a man more attentive to his wife.

Then any time when he was particularly attentive not to give his wife alarm or frighten her, he was in his right mind?—No; she knew how to manage him.

From your judgment of him, as paying particular attention not to give his wife alarm, did not that show he was in his senses, was not he attentive to her when in his right mind?—Yes.

Did he work as usual on the Saturday before and the Monday?—On the Monday, I believe, he did.

On the Saturday before, did he go to his work?—I do not know; he was beginning to be bad on the Saturday, but not so much as that we minded any thing about it.

But on Monday, Tuesday, Wednesday and Thursday, he went to work all those days?—For what I know; I saw him in, but do not know how long he might stay in his shop; I followed him on Tuesday and Wednesday, but not on Monday, nor Thursday.

If he was so bad, why did not you apply to somebody to keep him at home?—He would not be kept at home; and sister did not like to go any where because when he got in his senses he ill used her for it.

But when he attempted the life of the child, and threatened to destroy it, did not your sister next morning apply to somebody to take care he did not destroy her or the child?—Only the people in the House; and we kept the door a-jar, that they might come in when he used to go off; he snored like a jack-ass.

Did you go to the shop, and tell them that he was out of his mind?—I went and told Mr. Lee on Tuesday that he was going out of his head.

But still he staid and did his work there?—He did.

But when in his senses, you say he was very attentive to his wife?—He was.

Mr. Justice *Grose*.—How long had your sister been married to him?—Between four and five years, I think.

How long after he was married, was it before he appeared in this deranged state?—I cannot tell.

You did not know him before he was married?—Yes.

Did he appear in this state before he was married?—Not that I know.

Catherine Harrison sworn.—Examined by Mr. *Sergeant Best*.

You are sister, I believe to Hadfield's wife?—Yes.

How long have you known Hadfield?—I have known him about fifteen years.

Do you recollect when he returned from the continent?—Very well.

When he came home from the continent, did you observe any difference in him from what there had been when you had seen him before?—A great deal.

What was that?—When he had his discharge from the regiment, they lived in Denmark court; he was out of his mind for about a fortnight.

When did he live in Denmark court?—Directly as he had his discharge.

Was he confined there?—No, it was without confinement.

Was he disordered in his senses at that time?—A great deal.

Have you known him from that time downwards?—Yes, till now.

How has he been since?—Very well in the state of his health.

How has his mind been?—He has been deranged in his mind every year from that time.

At what season of the year has the disorder generally attacked him?—From the beginning of the Spring till the dog-days are over.

I understand you to say you have been in the habit of attending him at those times?—I have.

Has he appeared at those times to be insane?—He has.

Did you see him on the 13th of May last?—Yes.

That was a Tuesday?—I saw him Monday, Tuesday, Wednesday and Thursday.

Did you observe any thing particular in him on the Monday?—I did; a very great deal of difference; he came home about one o'clock to dinner on the Monday; I asked him what he would have for dinner; he made me an out-of-the-way answer; he said he was a prophet, and that he was the Lord Jesus Christ: he came home about twelve o'clock on Monday night.

Where did he go after dinner on Monday?—I cannot say; he came home about twelve o'clock on Monday night; I was waked out of my sleep at two in the morning.

Where did you sleep?—In the room opposite him; I heard him say, "blast his little eyes I will kill him."

When the fit was not upon him, but he was in his senses, was he fond of his child?—Very fond. When I heard him say, "blast his little eyes," I wakened my husband, and asked him to go to him; I said he was going to dash the child's brains out; my husband went into the room.

Did any thing more happen that night?—My husband settled it; I did not hear any more.

Did you see him next morning?—Yes, I did; I asked him how he could go to hurt the child? the answer he made me was, he knew nothing about it.

Did you observe any thing particular respecting him on this Tuesday morning?—Yes, he looked very deranged in his mind.

Did he exhibit the same appearance that he had at Denmark court?—Yes, his complaint got worse every year.

What became of him on Tuesday?—He went away from us at breakfast time, and re-

turned at one o'clock to dinner; my sister asked him where he had been? the answer he made was, "you won't believe me if I tell you;" my sister said, yes she would; he said he had been up to White Conduit fields, and had seen the cobbler.

Did he say any thing about eating that day?—Yes he said he could not eat, for the Lord Jesus Christ told him he must not eat, but he must go to work to keep the frame.

Did you observe any thing more at that time?—He went on to say a great many out-of-the-way things at the same time.

Can you recollect any of the things he said?—He said that he was the Lord Jesus Christ, and he was going to build a house in White-Conduit-fields for him and the cobbler to dwell; I told him I would go up to the cobbler; I went up and told him not to give the man any encouragement, for he was a madman, and not to put things in his head.

Did any thing else pass that day?—No; he went to work directly, to keep the frame, as I said before.

When did you next observe any thing particular? do you remember his going to the garden?—Yes; on Tuesday night he came home between seven and eight o'clock, with one of his shopmates with him: he brought a paper from this Truelock, and read it to us; and he said we must believe all that, for he was going to believe it, and he was going into the garden to pray for three or four hours, and he would see the Lord appear to him from nine to twelve o'clock.

What was the paper?—A paper Truelock had given him.

Did he go into the garden?—Yes, he went into the garden, and Mrs. Crick and my husband fetched him out, and put him into bed.

Did you observe what he did, whilst he was in the garden?—No, I did not see him.

Did you see him on the next day?—I saw him the next morning; I asked him how he was; he said it was no matter how he was, for he was the Lord Jesus Christ; he said he had lost a great deal of blood; he came home on Wednesday at dinner-time, I perceived him get worse.

In what respect did he appear worse?—Very out-of-the-way questions, and he complained all day of pain in the back of his head; I persuaded him to lie down and go to sleep.

Did he talk in the same style then as he had talked before?—Yes, as to what he was and where he was going, and that he was going to build a house in White Conduit-fields, and he went on worse.

What became of him that night?—He went to bed on Wednesday night, and was very restless all night. I went into his bed-room two or three times to look at him; I found he started, jumped up, and was very much agitated in his mind.

How did he appear on Thursday morning?—He appeared very bad; I said "Jem, I am

afraid we shall be obliged to confine you, I find you get worse;" he doubled his fist in my face and told me, if I said so again, he would murder me; he said he was very well, and he was the Lord.

Did any thing farther pass on the Thursday morning?—No, nothing farther passed on Thursday morning; he went out.

Was any body sent to watch him?—One night my youngest sister went to watch him.

At what time did he come back again?—At one o'clock to dinner, he wanted his cloaths; he said he was going to be made an Odd Fellow, and he would eat but very little dinner; he said he could do without victuals, that Truelock had told him he was to live without victuals.

What became of him after dinner?—He went out, and returned in less than an hour; he came home and changed his cloaths; he was very wild then.

What time are you now speaking of?—About four o'clock on Thursday afternoon; he went out to be made an Odd Fellow; I made him his tea before he went; he was going to chuck it over me, because he said it was too hot: he was going to drink it; he said that he was in a hurry; he was ordered to go and he must go: I asked him what time he would return; he made me no answer; when he was gone out, I said to my sister, "You will be obliged to have this man confined."

Do you recollect his being in those fits when any stranger came in?—No; there was no stranger came in when he was in those fits; I knew I could manage him, and they would make him outrageous.

When he is not in those fits, is he a loyal man?—Yes; he was always for a coach to go to see the king, and dine with the king; and he said the duke of York was a real good man. I never heard to the contrary but he was a loyal man, always for his king and country, and he said if it was not for his wounds and his having a discharge, he would go and have another cut at the French.

Has he continued in that mind till lately?—Yes, always until lately.

Catherine Harrison cross-examined by
Mr. *Garraw.*

You say you did not permit strangers to be present, because you thought that it would make him outrageous?—Yes.

Then strangers must have observed the fit was on him, if they had been admitted?—Yes, and I knew I could govern him when others could not.

Very sensible. Now, upon this Thursday, you would have thought it very improper to let strangers in, because they would have observed it, and been alarmed at it?—Yes.

He was so wild nobody could have seen him ten minutes together, without seeing he was a madman?—No; half an hour or an hour perhaps they would not see any thing the matter with him, and then it would come on violently.

When you asked him about his tea, he answered you in this blasphemous manner?—Yes; before, he was a very good man, when the fit was not on him.

But even at this time you could not get a kind answer from him though an affectionate and kind sister?—No, he was always ruled by me.

When you observed him so bad, and you thought it fit he should be confined, after this how came you to let him go out to be made an Odd Fellow this evening?—Because we thought it would do him good, and turn his brain another way from what the cobbler had said.

You thought he might be trusted to do that?—We thought it would cheer him up, and put other thoughts out of his head.

Going among company, and getting some drink, and that would cheer him and mend his health?—As for drink, I never saw him fond of drink.

That was your reason for not keeping him at home?—That was my reason for not persuading him.

George Harrison sworn,—Examined by
Mr. *Erskine.*

You are the husband of the person who has been just examined?—I am.

Do you lodge in a house with Hadfield and his wife?—Yes.

Have you known Hadfield long?—Near three years.

What has been his condition in the Spring of the year, upon the weather becoming hot?—The first time that ever I saw him in his deranged state was at Mr. Jones's, where he lodged before he came to this house; I was sent for on a Sunday, and I went.

When was this?—Last Summer; that was the first time I saw any thing deranged.

Had you been acquainted with him much before?—I had; when I went up into the room, he was in bed and in fits; I held him down in the bed; when he came to, he talked in a deranged state, and said he must go; I asked him where, he said he must not tell he was ordered not to tell, and seemed much confused; I asked him several times over what he meant; then he got better, I was with him about an hour, then I came away; that was the first time I ever saw him deranged.

In the Spring of this year, a few days before this happened at the play-house, do you recollect what condition he fell into?—The first I saw of his deranged state that week was on the Monday night, when he was going to kill his child.

Relate what you know of that transaction about the child: was he at other times fond of this child?—Very fond of it.

A child about eight months old?—Yes.

His only child?—Yes. My wife awoke me and said "for God's sake get up; for Jem is going to kill the child."

Was this on Tuesday night?—No, Tuesday morning, about two o'clock. I ran into the room, his wife was sitting up in her shift with the child in her arms; the other sister was in her shift; I sat down at the foot of the bed, and Hadfield beside of me; I saw some water on the floor; I asked what it was; they said he had got into the cupboard for his bed.

He was there at the time?—He was, and that he was sitting upon a box and knocked down a kettle of water.

Did you say any thing to Hadfield?—I desired him to be quiet, and to get into bed.

Did you ask him what he had been doing with the child?—I did not; I desired him to get into bed.

Did he get into bed?—Yes, he got into bed.

Did you remain in the room any time afterwards?—No great time; Mrs. Roberts, the landlady of the house, was disturbed with the noise of his jumping out of bed upon the floor; she came out and said "for God's sake what is the matter?" I did not see Mrs. Roberts, but I heard her voice.

When did you see Hadfield after that?—I did not see him after that, till the Tuesday night; then he came home with a young man of the name of Crick; I was at home; Hadfield sat down to supper, and Crick and myself, my wife and his wife and sister; he began to talk in a deranged state.

Relate what he said?—He began to talk about the cobbler Truelock; I enquired who the cobbler was? he said his name was Truelock; he said the Virgin Mary was a bloody whore, Jesus Christ was a bastard, and God Almighty was a damnation thief.

At other times when he discoursed of the Divine Being, in what manner did he discourse?—He is a man that seldom or never discourses upon religion at other times; he said that he was ordered to go into the garden to pray from nine to twelve, and he should see God appear to him; then he went into the garden; I was at the street door along with Crick; I said to Crick, we will follow him; we went into the garden; I called out to him, he was at the farther end of the garden, I desired him to walk in doors; he said he would not, and begged of me to leave him alone. I told him I would insist upon his going in doors; me and Crick made him go in; when he was in doors we wanted him to go to bed, he walked about and stamped about the room; at last he sat down in one of the chairs, and we undressed him, and put him into bed.

Did you see any thing more of him that night?—When I put him into bed, I begged him to lie down; with that, he did. I went from the bed side; the bed is in a large closet with folding doors. I went behind the door. I suppose he thought I was gone; he jumped up in bed again, and got up; when I found that, I came to him again, and made him lie down, and begged

of him to go to sleep and not disturb me, for I wanted to get up in the morning to go to work; with that he laid down; he served me so two or three times; at last I believe he dropped asleep, and I saw no more of him that night.

Did you see him on the Wednesday?—Yes, I saw him at dinner: I had had my dinner, and was going to work at two o'clock; I opened the street door; he came up to the door at the time; I walked in with him, and stopped some time; his wife wanted him to have some dinner; he would not eat any; he said he could do without victuals, he did not want any; I told him he had better eat, he said no he did not want any, he was ordered not to eat; with that he pulled out a letter he received from Mr. Truelock; we still wanted to press him to eat, he would not; he said he could do without eating, his wife said, "if you do not eat you will suffer by it" he said he did not want to eat, I told him to eat his dinner, and go to work; "if you do not go to work." I said "you will find the ill-effects when Saturday night comes;" he said it did not matter to him.

This was at dinner-time on Wednesday?—Yes.

What became of him afterwards?—I do not know; I went to work.

Did you see him on the Thursday?—On Thursday I met him as I was going to work; that was about two o'clock.

In what condition was he at that time?—I met him, I said "hallo, where have you been to: your dinner is getting cold at home;" he said, oh! it did not matter, it did not matter to him, and he went away from me. I happened to turn my head round and he was gone, I saw nothing more of him.

Was he in this sort of humour whether he was ill or whether he was well?—No.

Did he appear to be a man attached to the king and to the government?—A man that I believe loved his king and country to his heart; I never heard him speak against the king.

Did you ever hear him, when out of humour in consequence of his insanity or disease say any thing bitter or malignant of the king?—Never in my life; and I always heard him speak in praise of the duke of York; he would serve him at any time and wished to go abroad again.

What to do?—He said any thing above a common man, he would go again.

And you mean to swear he always spoke affectionately of the king and the government?—Yes; I never heard him speak against the king nor yet the royal family, but he always spoke in praise of the duke of York for the time that he was abroad with him.

Elizabeth Roberts sworn.—Examined by Mr. Sergeant *Best*.

I believe the prisoner lodged at your house?—Yes.

How long did he lodge with you?—Three months.

Have you observed, during the time he has been there, any thing particular in him?—I think for the whole time I always perceived a kind of wildness about him.

Has that wildness increased or diminished?—Increased.

Have you attended particularly to him latterly; in May last?—I had an apartment to let, and a person refused to take it on account of Mr. Hadfield's wild look.

When was that?—About a week before this unfortunate affair happened; he had had a fainting fit, and I had sent a bottle of hartshorn into his room; he looked extremely wild.

Did you take any notice of him on the Monday before the Thursday when this happened?—I did, particularly.

What did you observe?—A very great dejectedness of spirits.

Had you any conversation with him?—I had with his wife.

We must not hear what passed between you and her, if you had no conversation with him?—Not on Monday; on Tuesday morning I was waked at two o'clock by a violent noise, he appeared to me to be jumping, I went down into the passage.

Did you see him in his room, or speak to him?—I did not go in; I spoke to him, I asked him if he was mad; he did not answer; his wife said he was going to dash the child's brains out against the head board.

After that, did you go into his room?—I did not.

When did you next observe any thing particular?—I had a conversation with him on Wednesday evening at seven o'clock.

What passed between you at that time?—He said he was very low spirited, that he had been to see two soldiers flogged, and was much affected at the sight.

Lord *Kenyon*.—Mr. *Erskine*, have you nearly finished your evidence?

Mr. *Erskine*.—No my lord; I have twenty more witnesses to examine.

Lord *Kenyon*.—Mr. Attorney-general, can you call any witnesses to contradict these facts? With regard to the law, as it has been laid down, there can be no doubt upon earth; to be sure, if a man is in a deranged state of mind at the time, he is not criminally answerable for his acts; but the material part of this case is, *whether at the very time when the act was committed this man's mind was sane*. I confess, the facts proved by the witnesses (though some of them stand in near relationship to the prisoner, yet others do not) bring home conviction to one's mind, that at the time he committed this offence, and a most horrid one it is, he was in a very deranged state. I do not know that one can run the case very nicely; if you do run it very nicely, to be sure it is an acquittal. His sanity must be made out to the satisfaction of a

moral man, meeting the case with fortitude of mind, knowing he has an arduous duty to discharge, yet if the scales hang any thing like even, throwing in a certain proportion of mercy to the party.

Mr. Attorney-general, you have heard the facts given in evidence; to be sure such a man is a most dangerous member of society, and there are some doctrines and points laid down in a speech which has been alluded to, that are very well worthy the attention of every body,—I believe in the speech of a very illustrious member of our profession, Mr. Yorke, in the prosecution of lord Ferrers. It is impossible that this man with safety to society can be suffered, supposing his misfortune is such, to be let loose upon the public. But in a criminal prosecution, I will, in this part of the business, throw it out for your discretion and that of the other gentlemen who give you their assistance upon this occasion, whether it is necessary to proceed farther. If this shall appear to be an assumed case,—if you can shew it to have been a case by management, in order to give a false colour and complexion to the real transaction, then assuredly this case vanishes.

Mr. *Attorney General*.—I must confess, that I have certainly no reason to imagine that this is a coloured case: on the contrary, I stated that I apprehended the prisoner had been originally discharged from the army upon the ground of his insanity. With respect to his sanity immediately preceding and subsequent to the act, I have offered the evidence I had; unquestionably, the circumstances which have now been stated, were perfectly unknown to me.

Lord *Kenyon*.—Your conduct, Mr. Attorney-general, has been extremely meritorious; no man living has an idea of reproaching any that took any part in the prosecution; it was most fit and absolutely necessary to make the enquiry; the result of the inquiry being such as it is, in the present posture of the cause, I will put it to you whether you ought to proceed.

Mr. *Attorney General*.—I am certainly much obliged to your lordship, for having done what you have been so good as to do; your lordship will feel how much it was necessary for me to wait until I should have some intimation upon the subject.

Lord *Kenyon*.—It was necessary for us all to wait till the cause was arrived at a certain point of maturity. The prisoner, for his own sake, and for the sake of society at large, must not be discharged; for this is a case which concerns every man of every station, from the king upon the throne to the beggar at the gate; people of both sexes and of all ages may, in an unfortunate frantic hour, fall a sacrifice to this man, who is not under the guidance of sound reason; and therefore it is absolutely necessary for the safety of society, that he should be properly disposed of, all mercy and humanity being shown to this

most unfortunate creature. But for the sake of the community, undoubtedly, he must somehow or other be taken care of, with all the attention and all the relief that can be afforded him.

Mr. *Attorney General*.—I most perfectly acquiesce in what your lordship has said.

Lord *Kenyon*.—Gentlemen of the Jury; The attorney-general's opinion coinciding with mine, and with that great assistance I have on my right and left, I believe it is necessary for me to submit to you, whether you will not find that the prisoner, at the time he committed the act, was not so under the guidance of reason, as to be answerable for this act, enormous and atrocious as it appeared to be.

A case is put into my hand of a person tried for felony, who, appearing to the Court to be mad and dangerous to society, was ordered to be removed to a proper place of confinement. I do not think that is the thing to be done here; I apprehend he should be at present confined, till properly disposed of.

Mr. *Erskine*.—My lord, we, who represent the prisoner, are highly sensible of the humanity, justice, and benevolence of every part of the Court; and I subscribe most heartily to the law as it has been laid down by my learned friend the attorney-general; most undoubtedly the safety of the community requires that this unfortunate man should be taken care of.

Lord *Kenyon*.—Something must be done that he may be prevented from committing farther mischief.

Mr. Justice *Grose*.—At present he must not be discharged.

Mr. *Attorney General*.—It is laid down in

some of the books, that by the common-law the judges of every court are competent to direct the confinement of a person under such circumstances.

Lord *Kenyon*.—That may be, Mr. Attorney-general; but at present we can only remand him to the confinement he came from; but means will be used to confine him otherwise, in a manner much better adapted to his situation.

Mr. *Garrow*.—Would it not be for the benefit of posterity, if the jury would state in their verdict the grounds upon which they give it, namely, that they acquit the prisoner of this charge, he appearing to them to have been under the influence of insanity at the time the act was committed? there would then be a legal and sufficient reason for his future confinement.

VERDICT.

Foreman of the Jury.—We find the prisoner is Not Guilty; he being under the influence of Insanity at the time the act was committed.

This case gave rise to the two statutes of 40 Geo. 3rd, chapters 93 and 94, by virtue of the latter of which (for the safe custody of insane persons charged with offences) Hadfield was continued in custody. See the debate on the introduction of these acts by the Attorney-general, in New Parl. Hist. Vol. 35, p. 389.

END OF VOL. XXVII.