should like to render them also some service, however, before I communicate to you what I have got to say, I begin by telling you that I came not for the purpose of dissuading you from doing what you have resolved, (having also represented to Mr. Brougham that I would not commit myself either with them or you, and he added as Ministers will not grant a list of witnesses, or a head of charges against her Majesty, we should like to know something from you, if you can give us any information with respect to the number of witnesses, or the depositions; then I answered all I knew, I would have never told for it would commit me, and that I knew only one witness, and that I knew nothing of the depositions they could give. Mr. Marietti added, that it was wished to know so much that her Majesty the Queen might prepare her own defence. After he asked me what I might know concerning the depositions and repeated again the assurance that he did not wish to know any thing from me to commit myself or any of the parties. I remember no more.—Did he give you any advice at any time as to the evidence you should give in this cause? Never. Had you ever gone by the name of Milani before you came to England? I took the name in Paris. In what year? Four or five days before I set out for England. When was that? In the month of July last year. What was your motive for taking that name at that time in Paris? As I knew that I was known in London by my own name, I endeavoured to shelter myself against any inconveniences that might happen to me. What tumult had happened to induce you to take the name? I was warned that the witnesses against the Queen might run some risk if they were known. Had you been informed that they actually had run any risk? I do not know they had run any risk—What did you mean by your former answer, that on account of a tumult which had happened you took that name.

[The former question and answer were then read on the suggestion of Lord Harrowby.]

Having stated in a former answer that you took the name of Count Milini, on account of a tumult. I wish to know what do you mean by that statement.? Whilst I was at Paris, a gentleman came to me, accompanied by Crouse, the courier, and told me to change my name, because it would be too dangerous to come to England under my own name, as I told him my name was known in London, a tumult having occurred on account of other persons.

In reply to a question from the Earl of Lauderdale, the witness repeated that he did not remember whether any body besides the Princess and Bergami was in the carriage at the time, as he states he saw them in the indecent posture described in his examination of yesterday; and that he did not remember in which of the two carriages with curtains, belonging to her R. Highness they were travelling at the time.

The examination of Sacchi, by the Peers, continued until four. Nothing of importance was elicited.

The Att. Gen. applied for delay to enable him to bring forward his Lugano witnesses, who, in consequence of the report of what had occurred at Dover, refused to come over.

NINETEENTH DAY---SEPT. 7.

The Att. Gen. withdrew his application for delay, from the time which must elapse before the witnesses could arrive. Mr. Brougham agreed to confine his further cross-examination of the witnesses in support of the bill to putting a few questions to Majocchi.

Theodore Majocchi was recalled and was cross-examined by Mr. Brougham; and re-examined by the Attorney-General.

Mr. Brougham having declared that he did not contemplate any further cross-examination, at any time.

The Solicitor-General summed up the case for the Bill.

Extract from the Summing Up of the Evidence.

The Solicitor-General.—My Lords, the Attorney-General for the Queen having closed his cross-examination of the witness, Theodore Majocchi, and the whole of the evidence in support of the allegations of the Bill being now before you, it becomes my duty to address your Lordships in support of the allegations contained in the Preamble of the Bill. We (him and his learned friends) had a duty to fulfil, and we were anxious to perform that duty with the utmost fairness and the utmost candour. My Lords, I trust that in pursuing the course which we have pursued, we have faithfully performed our duty. We are not to make ourselves parties to this inquiry. My Lords, the task now devolves upon me to call your particular attention to the facts which have been given in evidence, delivered at your Lordship's Bar. I know of no ground on which the Gentlemen on the other side may think fit to rest the defence of the Queen. I am not bound to know it. All I have to do, all my duty imposes on me is to state the course of evidence which has been laid before your Lordships, and to see how far the allegations in the preamble of the Bill have been made out. I am bound, and your Lordships are bound to presume that the Queen is innocent of the foul charges which have been imputed to her, until her guilt be established, if it shall be established. My Lords, we have been accused of spreading calumnies in every direction. We are free of that charge; we stated nothing of which satisfactory proof has not been given; the calumnies are not ours; the facts have been stated at your Lordships' Bar, by witnesses sworn to tell the truth. My Lords, I hold that the fact of adultery is proved, if facts appear, from which no man exercising a fair and impartial judgment, can doubt the conclusion. In all cases, adultery is seldom proved. It is not committed with open doors. The fact is necessarily committed in secret. During all my experience at the Bar, I do not remember one single instance where the fact had been directly proved. It is always inferred from circumstances more or less cogent. And, my Lords, I do not hesitate to say, that the facts in the present case are as strong as any I have ever heard established in the Courts of Law. This I consider the doctrine as perfectly plain and established, yet I beg to refer you to an authority of the highest kind---to the authority of a Judge of the greatest learning, and who is perfectly conversant in questions of this kind---I mean, my Lords, Sir Wm. Scott. [Here the Hon. and Learned Gentleman referred to the case of Loveday v. Loveday, which was decided in the year 1809, in which the Learned Judge said, that it was not necessary to prove the direct fact of adultery.] It may be inferred from general incidental circumstances; but the circumstances must be such as would lead a just and impartial man to the conclusion of guilt. I state this as it appears on the evidence. Great familiarity between the two parties has been proved, not by one or two, but by a multitude of acts. They have been seen walking together: they have been seen arm in arm; they have been seen kissing one another---kissing one another privately in the garden. He begged pardon if he had occupied their Lordships' time too long. He hoped he had fairly stated the evidence in the case. He had been anxious not to have tortured or discoloured any fact or circumstance; if he had tortured or discoloured in any degree, he regretted it; for he had been desirous only to do his duty, and not to misrepresent; and he hoped he might be allowed in conclusion to say, and he said it from the bottom of his heart, and in the utmost sincerity; he sincerely and devoutly wished, not that the evidence should be confounded and perplexed, but his wish was that it should be the result of this proceeding that her Royal Highness should establish to the satisfaction of their Lordships, and every individual in the country, her full and unsullied innocence. Whether this was likely or not, it would be unbecoming in him to offer any opinion. He had only to say that the preamble of the Bill was proved, unless the proof should be impeached by evidence, clear, distinct, and satisfactory, on the part of her Majesty.--(Hear, hear. Order, order.)

The Earl of Lauderdale rose to propose that the Counsel for her Majesty should be asked whether it was now their intention to open the case for the defence, or to ask the delay which had been agreed to.

The Earl of Lonsdale was understood to say, in this stage of the proceeding he conceived that it was not improper not to remind a noble Lord near him (Lord Liverpool) of observations he had made on a former occasion, respecting one of the provisions of this Bill, and to ask that noble Lord what determination he had come to on that subject. His own feeling, he admitted, and he believed the feelings of many of their Lordships were, that it was extremely desirable to separate the two provisions of degradation and Divorce in the Bill. His impression was---an impression in which a large proportion of that House concurred with him, he believed---that the conclusion which their Lordships should come into the Bill, ought to be conformed to the evidence alone given at the bar. Where an offence was charged, there should be no aggravation proposed in the punishment. The measure of the punishment ought rather to fall short of the offence. He therefore hoped the noble Lord would state whether there was any determination to withdraw the claim of divorce.

The Earl of Liverpool rose to address their Lordships in consequence of the observations of the noble Earl who had just sat down. Before he spoke to that subject, in order that no unguarded expression of his might convey an idea which he did not intend, he begged to say that it was his decided feeling, and he trusted of every noble Lord who heard him, that no opinion whatever should be formed of the evidence, till the whole defence should be before them. (Hear, hear.) Their minds were to be kept free from impressions respecting it, if possible; they were only to listen, weigh, and consider; their minds were to be kept entirely free upon the evidence before them till the defence should be closed.

Earl Grey agreed with what the noble Earl had stated respecting the propriety of preserving their judgment unbiassed till they could come to a full decision, when the whole case should be closed. When he therefore stated any thing hypothetically, he hoped he would not be understood as prejudging on the one side or the other. A more unreasonable proposition than that suggested by the noble Lord who first spoke on the other side, he had never heard. No answer that the noble Earl (Liverpool) could have given could have had the effect of warranting such a proposition. (Hear, hear.) It seemed to him to be a proposition to restrain the Counsel at the bar within certain limits in their defence. The clause alluded to in the Bill could be considered only when the whole case was closed, and the Bill came under consideration in a Committee. Now it was impossible that any alteration whatever could be proposrd or made. The defence was, therefore, to be directed against the whole Bill, as it stood at present. It was not only a Bill of Pains and Penalties, but a Bill of Divorce. That was the state of the Bill now before their Lordships; and to that extent it was the duty of the Counsel to direct the evidence for the defence. Upon that Bill as it now stood, their opinions and observations were to be given on the second reading. The clause alluded to could be considered only in the Committee. They were not to decide on the fate of the Bill as it now stood, without hearing the whole case, and without discussion, examination, and inquiry. (Hear, hear.)

The Earl of Donoughmore always differed with great regret from his noble Friend, whose heart and abilities were equally eminent. His noble Friend's wish always was to do his duty, and he was competent to discharge it from the integrity of his heart and the wisdom of his understanding. On this occasion he had great satisfaction in agreeing with his noble Friend. He had not risen, however, merely to express his own satisfaction, but his astonishment, at the opposition he could not call it, but the suggestion of the noble Lord on the other side. He meant no disrespect; he believed the noble Lord had consulted with none upon the subject; but this was a most momentous consideration, and he would express freely what he thought in every stage of it. The question now was the proof of the preamble to the Bill; that was, had the Illustrious Person done what was deserving of a Bill of Pains and Penalties, be their amount great or small? Whether the whole or a part of the Bill should be passed, was not the question at present. They had only one half of the evidence before them. If the Illustrious Person should not remain Queen, (they had been told a great deal of the public feeling) what would be the public feeling, if one degraded from the rank of a Queen should remain the King's wife? He desired as a Juror to be enabled to form his opinion on the whole of the issue.

The Lord Chancellor (to Mr. Brougham.) I understand it to be the wish of the House, to ask you how you propose to proceed? whether you propose to proceed to state the defence now, or take the delay agreed to be allowed?

Mr. Brougham. Amid the new and accumulating difficulties which, every step we proceed, are arising around us, even now we are met with a new Bill. (Order, order.)

The Lord Chancellor. When Counsel are ordered to withdraw, they are understood to be precluded from making any observations on what takes place in the House. If the Counsel act otherwise, the order for withdrawing must be enforced, and you will understand now that it is the pleasure of the House that you make no observation on what has been said by any of the Lords. You are asked a question, and you are to confine yourself to the answering of that question.

Mr. Brougham. I cannot say "Yes" or "Nay" to that question. I tell what I ask: I speak not of justice, but what I trust your Lordships will in compassion concede---

The Lord Chancellor. Mr. Brougham, this House does nothing in compassion. That is a mode of address which you ought not to use.

Mr. Brougham. Then I make no appeal to the compassion of your Lordships, I thought that an appeal to your mercy was the more respectful mode of presenting to you the request I had to make, and therefore I used that mode of address. But now I stand on my right. After the great mass of evidence which has been produced, I throw myself on the justice of your Lordships. I, not having had weeks and months beforehand to make myself acquainted with the details, as the Counsel on the other side have had, cannot be expected all at once to be prepared with an answer to the case on the other side; I therefore ask till to-morrow to answer your Lordship's question; and if your Lordships would meet at twelve instead of ten, that would give two hours of time for consideration.

The Lord Chancellor. Does the Learned Counsel mean to open his case to-morrow at twelve, or to give an answer then whether he will ask delay or not?

Mr. Brougham said, the Counsel for the defence very often changed their plans according to the aspect which the case against them assumed. He appealed to every Judge who had ever presided at Nisi Prius (he observed that the Learned Lords were not now present) whether it was not usual to ask a Counsel whether he intended to call witnesses, or trust to the effect he might produce on the minds of the Jury by observations on the evidence produced by the other party. The Counsel could reply, "I am not able to answer the question till I shall be enabled to view and consider the case on the other side." The Counsel for the defence always feels it of importance to answer, *quam primum*, the case made against him; and if he was not able to do so, he made up his mind, and called evidence. He (Mr. Brougham) should be wanting in candour, he should be wanting in the candour and fairness which he owed their Lordships, if he did not state his presentiment, and what he foresaw. He had not received---he did not say the commands of her Majesty---but he would disclose that he had not received the permission of her Majesty to ask for any delay at all. Standing in the peculiar situation in which her Majesty now stood, having so horrible a prospect before her, and finding it attempted to prove charges of such a character, by evidence of such a description as this, she must feel extremely unwilling to let the case remain so, with all the weight of the opening, and all the elucidation of his Learned Friend who had last addressed them. In justice only, if not in compassion, their Lordships must see that it was impossible to forego the right of defence in such circumstances for two or three months. There was only one other alternative. If, indeed, his mouth were to be stopped, if he were not allowed to exercise what he considered a right, by replying to the case on the other side, he must be content, and reserve himself for that opportunity of explanation that would be afforded elsewhere, and to which he need not now further allude. He had been taken by surprise, in some respect, in being thus called upon to make his election. When he had preferred to-day to proceed instanter with the cross-examination, his most powerful motive had been that he should thereby enable the Solicitor-General to sum up his case, and so far prevent the necessity, which might be absolutely fatal, of allowing two or