

leaving him there; if the presbyters or elders had the power of ordination lodged in them: for that island had been converted to Christianity long before this epistle was written, and before Titus came thither: and no doubt there were many Presbyters among them. The same may be said of Timothy's being sent to Ephesus. To what purpose was he sent thither, if presbyters there before had power to ordain? So that it appears from Scripture, and from the nature of the episcopal office, that none but Bishops have authority to ordain Ministers in the Church; and consequently none but those who are ordained by them, can be truly said to have a divine commission, or any authority to minister in the Christian Church.

*Seventhly*, The next power to be mentioned, which the Church exercised in the primitive ages, was that of making canons, or laws for the behaviour of its members in spiritual affairs. Whereby it is not meant, that the Church has authority to change any of the divine laws, or impose any article of faith, or rule of moral duty, or to prescribe any condition of salvation, which is neither expressly contained in the Scriptures, nor can certainly be concluded from them; but only that she is invested with power in all such things as relate to the outward peace and order of the Church. And if it appears that things of this kind are left undetermined by the Scriptures, and also that it is necessary they should be determined, then we cannot doubt but that Christ has entrusted the Church with authority to determine them. Now that these are not particularly determined by Scripture is very evident. For the rules of Scripture are all general. We are commanded to assemble together to worship God, but the times and places are not expressed. We are commanded to follow such things as make for peace and edification, and to do all things decently and in order; but the particular methods whereby order must be maintained, and edification promoted, are no where set down. Timothy, and all other Bishops with him, are commanded to lay hands suddenly on no man, but the previous trials of such as are candidates for holy orders, and the time and methods of examination into their abilities and behaviour, are left undetermined. But it is necessary that these things should be determined; for otherwise nothing but disorder and confusion would be seen in the church, and therefore Christ has certainly left the governors of his Church authority to determine them. And accordingly if we enquire into the practice of the apostles, and other primitive governors of the Church, we shall find, that, besides the standing rules of the Gospel, they established many regulations, as the several occasions of the Churches under their care required. In many of St. Paul's epistles, especially in those to the Corinthians, he prescribes particular rules for the decency of divine worship, the avoiding of scandal, and other things which were not determined by Christ, and he speaks of customs which he himself and other apostles established and the Churches observed (n). There is and ever will be the same necessity of prescribing rules for the peace and good government of the Church, and the order and decency of divine service, that there was in the apostolic age; and consequently there is the same reason why this authority should be transmitted to the Bishops in all ages, as any other part of the apostolical office.

(n) 1 Cor. xi. 16.

## LONDON.

HOUSE OF LORDS—OCTOBER 3.

### THE QUEEN.

(Mr. Brougham's Speech continued from our last.)  
He would read to them part of a letter published in Italy in 1792, by a person who was nearly becoming the victim of a conspiracy by testimony of that description. He would tell their Lordships that that letter was evidence of what Italian testimony was made of, because it was published before all Italy, and addressed openly in the writer's own name to the Prime Minister of the country, with his name attached to it; that minister at the time enjoying the highest civil authority—I mean General Acton. "There is nothing to fear for want of swearing there; the ordinary profits are from 3 to 4 ducats, according to the circumstances of those who sell, and of the occasions of those who buy. If there you want to fabricate a will, defame a reputation, or forge a hand-writing, you have only to cast away rumours, and to open your purse, for the stores of perjury in this country are always open." It poured in upon him in a full tide, and he presented his appeal in such words, as he had now read to their Lordships; and his Royal Master, who was implicated in the charge, was acquitted by such an appeal; and he would repeat it as applying to charges as treacherous, and far more incredible in themselves, than that an Italian should have suborned a judge to injure so foul a character.

He would beg their Lordships' pardon, but he had drawn himself aside from the observations he was making, as to the manner in which the case had been got up. He prayed their Lordships to observe how these witnesses acted after coming before the Court. The first thing that would strike an observer must have been the way in which they entered, and how one improved upon another after an interval of time, and how much that improvement was required. In dealing with such a subject of false swearing and conspiracy, he would take one of the first instances which struck him, which would be enough to illustrate his proposition. Their Lordships must remember the manner in which the Attorney General opened the case of Mahomed, the dancer;—that their Lordships must remember, according to his statement, he was a man of the most brutal and depraved habits, exhibiting the grossest indecencies, and the exhibition was too disgusting to be more than alluded to, those indecencies which tends to lust and sexual intercourse—he was a person that deserved not the name of a man.

No, he meant to take that as an instance, because it showed the opposition he had stated, and yet it was but one among many others. He would show their Lordships how careful the Attorney General was in opening his case as to that part, how careful he must have been, and how most anxious he was to prove that part of his case, for not content with being foiled once or twice, but again he went to work, and came two or three times to the charge. The Attorney General brought them at intervals, and if one did not say it strong enough at the beginning, he brought it stronger in the end. Now, if he showed their Lordships any thing against that, it spoke volumes against all the rest, for that was one of their great points, and if they fall here their Lordships could guess as to the rest. Their Lordships, no sooner than the first question was put, must have perceived what it was his learned friends had experienced. When the first witness was asked a question as to this point, his learned friends expected to see an exhibition of the most gross and indecent description respecting a part of a dance which I cannot recount. Their Lordships would see now the first witness swore as to that. The witness he alluded to was not only their first, but their main witness. Majocchi at first would only allow that it was a dance. "Any thing else," said his (Mr. Brougham's) learned friend, "did you observe any thing else?"—Then was the usual answer of *non mi ricordo*, and then he was a little more open than usual, and said, "but if there was, I have not seen it and I do not know it."—Did the witness see any part of his dress in any particular way?" said the Solicitor General, (evidently alluding to what he had written down before him.) No, he said, his dress was the same as usual. That would not satisfy his learned friend, but he must ask, "How did he use his trowsers?" His trowsers were always in the same state as usual. Here then was a complete failure, and here was no shadow of a proof of those mysteries which this witness was expected to divulge. This was on the Tuesday—either on the Monday or the Tuesday. The examination of Majocchi began on the Monday, and the part relating to the subject on which he was now addressing their Lordships, was not till the day after. On the Friday with the interval of two days—and their Lordships, for reasons best known to themselves, but which must have proceeded from justice guided by reason, and having on one occasion prohibited the publication of the evidence; in order that injustice might not be done a defendant, it surely could not be done with a view of injuring the Queen, and still less with any intention of giving the witnesses against her Majesty an opportunity of reading and profiting by each other's evidence, but he had no doubt their Lordships did it with a view of gaining for the Queen that unanimous verdict which the country had pronounced in her favour—that was the reason they allowed the evidence to be published from day to day. Two days intervened between the evidence given by Majocchi and Dirollo, during which time Dirollo had access to Majocchi, as well to other persons; but there is occasion for the getting up of a story to have not only access to the person of the witness that is gone before, but it is necessary to have reference to his evidence, because when a witness has been telling a falsehood, he may forget what he has sworn; therefore their Lordships must see that this is the only way to facilitate false evidence. Dirollo comes then after two days have elapsed, and he improves upon Majocchi, and he says the man made a wrapper or a roll, and the witness then began to think of some indecencies, but he did not venture to say them there, whatever he has said elsewhere; but he starts back and says, "for my part I cannot tell what he meant." Here, then, we have got a step on Dirollo; and he added something which he, in his own wicked imagination, might think indecent, but which he was forced to admit he did not know the meaning of.—The next witness who spoke to these mysteries improved on Dirollo, and had told their Lordships in plain terms that which he had a right to say, because he could prove it to be false, because he knew and would prove, that the same dance was witnessed by wives and daughters as modest and as pure as any of their Lordships. Now, there was another improvement on this story which he would advert to, but that he wished to go to the more important point of money. No sooner had Bergiolo (the captain) and Petazzo (the mate, of the polacre) proved that they were bribed by sums of money so inadequate to what they ought to have received, but yet so infinitely beyond any thing that could be claimed for their services, they had swam such as men in their stations had never before dreamt of, and no sooner was the impression made, than one and all swore that they were disinterested witnesses, not one of whom ever received a shilling compensation!! "Half a crown for the loss of my time, or a few stivers to feed my family was the utmost hope of me," said one; while the female's expectations were limited to the humble hope of having her expenses paid; and when he asked Dirollo what he was to get for coming here—"Oh! nothing but my trouble!"—"What do you expect to get when you go back?"—"Only the happiness of being allowed to return to my master." The Cook at Trieste was offered and refused money. The others had nothing. Dumont nothing, Sacchi nothing, but all right anxious to get back. One of the witnesses, Sacchi, has been living at the expense of a man servant, and what says "thank God! I have always been in as easy circumstances as at present, (always of course keeping his servant)—always as well off as at present, and was always as well dressed?" Having a servant to wait upon him, and other things, he must have lived at the rate of three or four hundred a year, which is equal to fourteen or fifteen hundred in Italy, and yet he goes to be a courier, a common

courier, who was angry at being turned off and remonstrated against it wishing to return back. He had now come to the last of those general observations, which was one, in his opinion, of the highest consequence.—The Blanks which were left in the evidence of the witnesses in support of the Bill—He conjured their Lordships to attend to this point; for, if he had no other argument against the Bill, he would stand on this, as soon as on the credibility of the witnesses, he was convinced that in such a case as this it must be fatal to the Bill. The Attorney Gen. had said there were rumours, why the Ladies of her Majesty's suite had left her service. If there had been a shadow of foundation for these rumours, why did he not produce the Ladies—and not put it on her Majesty to bring them forward? It might be said they were connected with her Majesty, and received a salary from her. This was not the case of a bill of exchange, or of a misdemeanor—it was a Bill of Pains and Penalties, to which their Lordships had to say *Ay* or *No*. Then Good God, was he to be told that he must produce those Ladies as witnesses for his illustrious client? He saw no good reason why they were not called, but they did not come from Cotton Garden! It was telling him that his illustrious client was not to be condemned on the evidence made out against her, but on evidence that she was bound to produce. Such doctrine was contrary to all law, and in the face of the jurisprudence of the country.—He called on their Lordships to dismiss the case altogether; for if they intended to support their symbols of dignity; they must dismiss it. The learned Counsel then asked permission to retire for a short time, which was granted, amidst loud cries of *Hear! Hear!*

Mr. BROUGHAM, after a short absence, returned, and resumed his address. The first and most important witness was Majocchi. He had been long in the service of the Princess; and was only dismissed on the return of the Queen from the voyage and journey into Greece and to the Holy Land. He and Dumont stood apart from the other witnesses—their evidence went through the whole of the case.—They were, in fact, the witnesses for the Bill. The only failure on Majocchi's evidence which discovered his weakness, was the failure of his memory, which might be very innocent; but were he to be called on to expatiate on the cases of innocent and guilty forgetfulness in a witness, he could not quote a more powerful example of the latter than had been given by Majocchi. To shew that there was the most absolute proof of perjury through guilty forgetfulness, he would come directly to his testimony respecting the relative situation of the sleeping chambers. The witness on these occasions had a perfect recollection as to attacking the Queen; but an utter forgetfulness as to protecting himself from the effects of a cross-examination. Being asked, where were the apartments situated? His reply answered to the wishes of the Prosecutor: for it was reckoned a good thing to bring them near together. He referred their Lordships to his evidence as to the situation of the apartments at Naples.—He reminded them of the words used by him on that occasion (*cantano*) meaning that these apartments were at a distance from those of the suite; but upon being questioned as to the exact situation of the apartments of the suite—he could not say—he did not know.—Here then was an end of innocent forgetfulness. Another instance was, when asked if he had seen the Villa d'Este since his return from the Grecian voyage. Being asked if the situation of the chambers was the same as before—he entered into a minute description of the various positions of the stairs, rooms, and corridors; and pointed out with apparent facility, the alleged alterations. I know, my Lords, it is always the case, that persons who invent lies, intermix them with truth; but I wish to contrast the accuracy of the witness's recollection, in this and some other points with his not having the slightest recollection of a whole new wing having been added to the Villa d'Este in his absence. This one circumstance was enough to shew the dishonesty of his whole testimony. The witness was accurate as to time, when it suited him.—He twice saw the Queen go into Bergami's bed-room—she remained the first time, from 10 to 15 minutes; the second time from 15 to 18 minutes—the medium is 16 minutes and a half. When a gun was fired from the window, he was particular in saying three minutes had elapsed. But when he found that the answers would be of no use to the prosecution, but to the defence, he could not tell whether her Majesty travelled all night; whether she travelled for four or for eight hours. Was it possible that he could not recollect whether there were two, or twenty-two soldiers on board the polacre—that he could not tell whether they slept in the hold or not, though he himself slept there during the whole voyage. He knew nothing of Hughes, a banker's clerk, until he saw that I had a letter; but then he said—"I do remember a young man, whom from familiarity I called my brother banker—I was intimate with his family." His recollection also was very incorrect as to the money he had received; and when reminded of the kissing that took place in the closet, he refused to repeat it, and said he had only heard "whispering." The Solicitor-General was by no means satisfied with this—he was after something more than whispering. I could give many other instances to prove that the tales got up by this witness, were but in part recollected. In the instance of the Queen riding on the ass at Genoa—nothing further could be ascertained from his testimony; than that Bergami had held her from falling.—This would not do more was expected—but this was all.—The Princess having free access to Bergami's room through rooms in which no person slept, had referred passing through that in which Majocchi slept. This was the most incredible, the most silly invention, that could be made. The account this witness gave of his leaving the service of her Majesty, contains as much gross and deliberate falsehood, as ever polluted the walls of a Court of Justice; and allow me, my Lords, to observe, that where you see one material part of a person's evidence grossly and palpably false, it is not necessary to go more into detail—it is not necessary to prove him a perjurer throughout; the whole of his evidence is discredited. He told you, my Lords, that he never wished to return to her service—he told you with a flourish; he said—"I would rather eat grass, than go back to that house." Is this true or false?—Do you believe that this man would eat grass before he would go back to the Queen? He admits that he made an application to be restored; but he made not one, but many applications to several persons. I shall next call your attention, my Lords, to the well paid swearers, the master and mate of the polacre. The mate was asked, Were the guns on

deck? He answers, "To be sure they were—they were not in our pockets!" The single answer shews you the demeanour of this witness, who has been held up as an important witness, highly deserving of credit. The learned gentleman commented largely on the enormous sums this man and the captain were to receive from Government for their services—such as would enable them to live in great palaces in Italy. The master, mate, and 20 men, together with the ship, had been hired for a sum about one fourth part less than he now receives for coming to swear against her Majesty; and, independent of the hope of reward, his testimony, my Lords, is bottomed on revenge, he had a quarrel with Bergami, who refused to pay him the sum of £1300. Count Ludolph, the minister, in answer to his memorial, told him that he must go to London with his complaint; and to London he came; amongst other reasons for the purpose of following up that claim. The Queen, my Lords, sitting on board the vessel, with her arms entwined round the neck of her menial servant, and sometimes kissing him, was a circumstance so insignificant, as not to attract the particular attention of the master and the mate; and yet their accounts differ materially. The captain swears that the Princess was sitting on Bergami's knee, near the mast, and that they were kissing; The mate says the Queen was sitting on a gun; but not a word about kissing. See then, my Lords, the miserable consequences of not having witnesses completely drilled. The palpable difference of the story of each, shews that neither can be true. And yet the master represented himself as a man of primitive manners and antediluvian virtue—such as reigned in Paradise before the fall: He immediately desires his mate to go away; for his mate was under him, and he had the care of his morals.—He was besides, a distant relation; he was responsible for his purity; and therefore he would not allow this youth to remain for one moment near that part of the ship where the Queen and Bergami were. The guilty persons did not desire him to retire; they did not care who saw them; but the provident and virtuous master, who would not allow his mate to remain one moment near such a pair—who came near to each other, though they did not touch. I shall trouble you, my Lords, with one statement more of these men; it will tend to shew the advantage of being well drilled and well paid. The captain was asked whether he had communicated with the mate, as to the evidence they had to give? He answers—"I am not a man who would speak out of court, any thing that I might deliver there."—Did you and the mate ever communicate with each other?—"Never, never." If, my Lords, you choose to believe this, far be it from me to destroy such a delusion.—Believe it in God's name! But if you do not believe it, you must believe something else, viz.—that the witnesses are perjured again and again.

The course of his observation now brought him to some personages of greater importance than the captain and mate—he meant Dumont and Sacchi. The lady was a person who described herself to be of a romantic disposition—an enemy to marriage; she hated mankind in the abstract; only making an exception in favour of such a friend as Sacchi. She loved Liberty.—"The mountain nymph, sweet Liberty!" and, in this pursuit, their Lordships would see into what company she had fallen.—She was, indeed, the most finished model of a waiting-maid the world had ever seen: Moliere, Le Sage, Congreve, and Cibber, had all fallen short of this admirable original. She possessed great readiness in adjusting one part of her evidence with another; and great skill, if the eternal lovers of truth would allow it, in binding and deluding her hearers. She evinced not a little readiness in reconciling the story she had told with the contents of the letters produced; which letters she had not forgotten, altho' she did not know that they were still in existence to be produced against her. Had she been aware of their preservation, and had her patrons known their contents, their Lordships would never have heard of her. Her constant mode was to deal in double entendres; Sacchi did the same, so that it was impossible to know what they really meant. He had heard her praise, when she said that she was sincere in some of the applauses she had bestowed on the Queen; and when asked, whether she had not been in want of money? Never, was the reply. Did not you write to your sister that you were in want of money? It may be so; but it was not true. This was called candour; and to his no small astonishment, he had heard her evidence praised for its fairness, by persons of moderate abilities. What praise was due to that ingenuousness with which she acknowledged to the House that she had dealt wholesale in truth, and that independence could be placed upon a syllable that fell from her lips. Yet, in the opinion of some persons, so captivating, so seductive a blandishment was this, that it blinded her judges to her faults, and opened their eyes to all the tales of so accomplished and ingenuous a liar. "Pure, dear, innocent, Swiss Shepherdess, how ingenuous thou art!" was the cry; and all that she uttered was believed. The sense of her letters was clear and obvious; and he prayed to God that their Lordships might so believe it; and might not stand a solitary exception to the conviction of all the rest of mankind. He hoped they would believe this woman sincere in her praises of the Queen; and that she spoke in her letters the language of her heart; and that her notions had only been changed, as her mind became corrupted, when she fell into the hands of the CONSPIRATORS.

Her affection for her sister was another point. She had done her utmost to secure one of those innocents of 17 or 18 years, in a house, which, if her story was now credited, instead of being called a palace, deserves only the name of a Brothel! In referring to the evidence of Sacchi, there was one very pleasing symptom of liberality. He remembered when few persons would have ventured to bring forward a principal witness on any case, much less of a delicate nature, who had been a soldier of Bonaparte, and who had been promoted by the Corsican usurper: However, against the Queen of England he was thought a witness good enough; and coming to England, he took upon himself the character of a gentleman; and he, who after having been a common soldier, had been employed as courier to the Queen, was brought forward as a person on whose testimony the utmost reliance might be placed. Sacchi, too, dealt in double entendres; besides he had gone by three whole names and a diminutive; two of them known, and one yet unknown, but by three names and a half had he gone. He stoutly denied having received any pay from his present employers; yet being turned away by the Queen, from the low office of a Courier, he came to England and lived like a gentleman of fortune. Like Dumont, he showed the same want of co-