Lord Cochrane---" Was not Ralph Sandom at the time of this famous expedition a prisoner in the King's Bench ?---Witness believed he was a prisoner in the rules.

In reply to further questions from Lord Cochrane, witness stated, that he did not know of any rule of Court by which the Marshal had power to punish with *one month's* close confinement, and not more any escape from prison. He recollected his Lordship's being, on his re-apprehension, confined in the strong room, without fire ; and some days without the windows being glazed.

Lord Cochrane said, that one of his object was to shew that the main fear of the Marshal was the loss of his fine---The Court---" Rather say the loss of his man,"

Lord Cochrane joined in the smile which this observation created, and begged to ask if it would be relative to shew that the Marshal had the power of punishing the offence with which he was charged by close imprisonment ; and that, in this particular case, he had already inflicted that punishment ?---The Court replied, that such evidence would be immaterial.

Lord Cochrane then requested to know, if the intention to commit an act of delinquency did not form the essence of the offence ?---The Court could see no necessity for discussing that topic here.

Mr. Marryatt here stated that the case for the prosecution was closed.

Lord Cochrane then observed, that the ill-success which had attended the endeavours of those who, on the former trials in which he had been engaged, acted nominally or officially as his Counsel, induced him, on the present occasion, to decline their assistance, and to undertake the task of defending himself. That defence would be made to rest on two or three fundamental proposition ; and he should maintain in the first place, that the Marshal was influenced by improper motives in this prosecution, supposing that any offence had been committed ; and secondly, that so far from any offence having been committed, he had only done that openly, and for a laudable purpose, which others were in the constant practice of doing with the connivance of the Marshal, by means of bribery and corruption. He trusted that the Jury would consider it as their duty, and would even be so instructed from the Bench, not to confine their judgement to the bare fact in the indictment, but on the contrary, to sound their verdict on a full contemplation of all the circumstances, with a view to understand rightly, not the conduct only which he had pursued, but the motive by which he had been actuated. It was impossible for him not have observed, previous to his taking the measure which was the subject of this prosecution, that the very person who set it on foot had been repeatedly accessary to the absence of other prisoners committed to his charge ; and whether this was or was not a breach of his duty, it was not unnatural in him (Lord Cochrane) to conclude that he had an equal claim to the same indulgence. He was prepared, however, to contend that a mere escape, if it must be so called, was not, as such, a violation of the laws ; its criminality must depend on the purpose with which it is made ; and if the escape was made, not with a view of absconding, not with a view of defrauding creditors, or eluding the ultimate judgements of the law, there could be nothing criminal in the attempt. So far was the Marshal from regarding his departure in the serious light in which it was now represented, or describing it as an indictable offence, and so well did he then understand the true object which he (Lord Cochrane) had in taking this step, that he had proposed a compromise ; and he should produce the letter of Mr. Jones, addressed to Mr. B. Cochrane, offering to provide the means of his return to the prison without notice, by sitting up for him a whole night, accompanied by a confidential turnkey. But another material question was, was not the Marshal invested with sufficient authority for punishing those who might offend, as he was supposed to have done, against the rules and discipline of the prison. There was no doubt that he was, and as little that he had not omitted to exercise it. He was in the continual habit of suffering persons to be absent upon a pecuniary consideration. The charge against himself was, in point of fact, not that he had withdrawn himself for a short period from the custody of his gaolers, but that he had not done it in the ordinary way, viz. by corrupting them. He had been informed by great authority, on the occasion of his first persecution, when he moved for a new trial, that there was a rule of Court in existence, by which he was deprived of the benefit of a new trial, because all those that were tried with him did not join in the same application. Upon complaint of the injustice and absurdity of such a principle of legal procedure, it was declared, that this was the law of the Court of King's Bench.---Was it then surprising in him to suppose that the practice of the prison of the Kings's Bench must be equally its law ? He was anxious to state, that his real object in leaving his confinement was to denounce in that House, of which he was a Member, the scandalous abuses which he had witnessed ; and at the same time to vindicate himself from the calumnies that were circulated and the oppressions which had been heaped upon him.---That this was his sole design, was undisputed ; although no one was originally privy to his intention, none had since doubted it---not the Marshal, himself, who invited Mr. B. Cochrane to use his influence to induce him quietly to return. The Marshal was, perhaps, aware that a Committee of the House of Commons was at that time enquiring into the state and conduct of his prison, and that the circumstance of his departure, if known, would be no slight additional proof of his negligent attention to his duties. At the worst, his quitting the prison for the purpose which he had in contemplation, was but an irregularity, and could amount in no view to a crimnial offence. It was natural to one who had been long suffering for acts of which he was incapable, to embrace the earliest opportunity of vindicating himself, and of reminding the House, that their sentence of expulsion had been reversed by the suffrages of the people. That the House had refused to investigate the circumstances of his case, was not very consistent with the character given of it in some of our oldest and best authorities.---It was there represented as a place of redress for such of the people as were aggrieved ; and the writer of the Mirror in defining its proper functions, observed, that it was intended to protect the people against the King, the Queen, and the King's sons. Another ancient English historian, laid it down as among the most important duties, to watch over and correct the abuses of the King's Bench. If, therefore, he had failed in finding redress at their hands, he could attribute it only to some alteration in the constitution of that Assembly. He certainly did conceive it to have been a duty it owed to its own honour, as well as in justice to himself and to the Learned Lord of whose conduct he complained, to have gone into that inquiry ; and as he was precluded from a re-hearing in another place, by a point of practice, to have afforded it to him within those walls. Instead of being so fortunate, however, as to be allowed this opportunity, he was seized in the House by the Marshal and his assistants, and dragged to a pestiferous dungeon, where he was confined for 26 days, and from which he was not removed till his health had suffered so materially as to endanger his life. The Marshal had not apprehended him upon any accidental information, for he had learned from Mr. B. Cochrane that that was the day when it was his fixed intention to make his appeal to the House of Commons. He then thought proper to select this particular moment for replacing him in a state of the most rigourous and inhuman confinement, as if he had detected him in the commission of some criminal or dishonorable act. In the late Report of the Committee of the House of Commons might be found an accurate description of what was called the strong room, in which he was kept for 26 days in the gratification of his prosecutor's malignity. It was there recommended also, that some limit should be applied to the authority vested in the Marshal, of incarcerating individuals in a place so injurious to health, from the want of air, and the dreadful foulness of its smell. The same Report contained a variety of animadversions on the culpable negligence every where obvious in the Marshal's performance of duties, for which he received so profuse a remuneration. In this dungeon he was detained for 26 days, and subsequently to that in a garret, making an entire term of three months' close imprisonment. He was not, however, delivered from the strong-room till his health was so rapidly on the decline, that Drs. Buchan and Saumarez declared his life to be in danger. Here the Noble Lord read the certificates and appeared to be deeply affected. He then proceeded to state that the Order of Court, signed by Ld. Mansfield and the Judges of the King's Bench, which vested this authority of confining in the strong-room to the discretion of the Marshal, limited it to the period of one month. Had he, therefore, been confined 31 instead of 26 days, there could have existed no pretence for the present indictment ; for how could the prosecutor, after inflicting an adequte punishment, call upon the Court for further penalties ? Another proof of the motives of the Marshal was, this second indictment, after the first had been set aside, upon the ground that he was not properly designated, in being deprived of his title of Knight. An objection of the same nature would apply to the present indictment, in which he was described as a Knight simply ; whereas, he apprehended, he had still a title to the distinction of Knight of the Bath. He was not aware that he could be divested of that honour, which he might perhaps be allowed to say he deserved, as well as many of those who still retained it, unless he had violated the rules of the institution. Now the only crimes which could justify the degradation were, by the statutes of the order, heresy and cowardice : and he had not yet heard that these offences had been imputed to him. He trusted, therefore, that the Jury would not be disposed to become instruments of the prosecutor's vengeance. If an offence had been committed, it had been already surely punished ; but he had endeavoured, he hoped sucessfully, to prove that no offence had been committed. It was an act accompanied with no corruption, neither with the breaking of walls, nor bribery, proceeding from no intention of absconding from justice. The Jury could not, therefore, pronounce him guilty of the charge, if they wished to retain the highest of all rewards, that which had supported him in his adversity---a consciousness of innocence. Before he sat down, he wished to refer to a few of the circumstances attending two former trials, in which he had been a party, with a view of explaining why he had not availed himself of any legal assistance on the present occasion. In a late prosecution which he himself had undertaken for the purpose of convicting an individual of gross perjury on his own trial for an alledged fraud, when he had the benefit of Counsel, he had nevertheless been unsuccessful. On the former occasion, his instructions had been disobeyed; from what motive he was at a loss to discover ; for it could not for a moment be supposed that an additional fee of 50 guineas for doing nothing could have produced any effect on the minds of Gentlemen at the bar. Another disappointment which he had experienced, was in finding a Gentleman who had attended at several of his consultations, and whose assistance he had therefore confidently looked for on his trial, had suddenly deserted his cause, and become the leading advocate of the Stock Exchange.

Here Mr. Gurney rose to repel these observations. ---It was not true that he had ever attended a consultation upon the subject of the indictment preferred by the Stock Exchange, or even accepted a retainer from Lord Cochrane. It was true that he had received five guineas for a written opinion on the subject of a libel on which he had been consulted on behalf of the Noble Lord. It was also true that he had been applied to three weeks after he had been retained on the other side.

Mr. Justice Burrough observed, that there could be no doubt that he had done nothing but what was perfectly correct, and that there was no occasion for him to acquit himself of an accusation of this nature.

Lord Cochrane having now concluded his defence, Mr. Marryatt expressed a hope that it was the Noble Lord's intention to call some witness, in order to give them the opportunity of a reply.

This, however, Lord Cochrane declined doing.

Mr. Justice Burrough then proceeded to charge the Jury. He had listened with much attention to all that the Noble Lord had said ; but he must declare that he had heard nothing, either in point of law or of fact, that was the least applicable to the purpose. We had heard, indeed, a most determined attack on the Marshal. But this, besides being unsupported by facts, was unfair towards that officer, who had no opportunity of rebutting the charge. " You, Gentlemen of the Jury," said his Lordship, " had heard a long attack upon the Marshal and other, persons, but you must feel the injustice of the attack. Setting aside, then, those unmeritted attacks, let us attend to the gist of the defendant's answer. He says, that he escaped in order to do justice to himself in the H. of Commons. The offnece, indeed, had been admitted throughout the whole of the speech. But it was evident that no release from that imprisonment to which he had been sentenced by the justice of his country, could be justifiable, unless in legal form. For an individual, of whatever rank, to escape from that confinement to which he had been sentenced, was an offence, of the most serious nature, threatening the most injurious consequences to every thing that was valuable to us in society. It was his duty to tell the Jury that the defendant, both by the evidence produced, and by his own admission, had been guilty of an offence, and that of considerable magnitude. Lord Cochrane had made his escape from prison, and the Marshal, from whose custody he had fled, had a right to lay hold of him wherever he could perceive him, even in the House of Commons itself, though it did not appear that the House was actually sitting, when his Lordship was retaken. But even from the Noble Lord's own statement, it appeared that the Marshal had acted towards him with the utmost humanity. Even in the instance where the defendant had charged him with corrupt motives, and with compromising his character, what was there in it, but that the Marshal merely wanted him to come back privately, without making any noise ; and yet, now, this act of kindness proposed to the Noble Lord, on more cool deliberation, was most ungenerously called an act of corruption. All that the Jury had to consider, and all that they had before them, was the fact of the imprisonment on a legal commitment, with the fact of his being found out of prison, and retaken before the term of his imprisonment had expired ; and it was for the Jury, on their oaths, to says whether the defendent had not been guilty of this offence. They could not go into the merits of any of the other topics which the defendant had brought forward ; and he thought it was hardly possible for them to draw any other conclusion but that the defendant was guilty.

The Jury deliberated on their verdict and after about 10 minutes consultation, the Foreman addressed his Lordship, saying he was instructed to ask whether their verdict must be wholly confined to a simple answer to the question of guilty or not, or whether it might be accompanied with any observation of their own.

Mr. Justice Burrough—" All that the Jury have to say, is, whether the defendant be guilty or not."

The Foreman—" Should it be in the breast of the Jury to recommend the defendant to mercy, would your Lorship receive it ?"

The Judge---" Certainly you may do so if you please, it shall be submitted to the Court of King's Bench."

The Jury then returned the fowolling verdict---" The defendant is guilty ; but we take the liberty of saying, that the punishment he has already received is quite adequate to the offence of which he was guilty."

Here some of the party expressed their satisfaction by clapping of hands, and some cries of acclamation, which were suppressed by the magistrates and constables ; and the Judge remarked, that if such indecorous conduct was repeated, the party would be committed to jail.

Lord Cochrane said he wanted justice, not mercy.