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THE  
WHOLE PROCEEDINGS  
ON THE TRIAL OF  
*MR. WILLIAM STONE,*  
FOR  
HIGH TREASON,  
IN THE COURT OF KING'S BENCH,  
AT  
WESTMINSTER-HALL.

BEFORE  
THE RT. HON. LLOYD LORD KENYON,  
THE HON. MR. JUSTICE ASHURST,  
THE HON. MR. JUSTICE GROSE, AND  
THE HON. MR. JUSTICE LAWRENCE.

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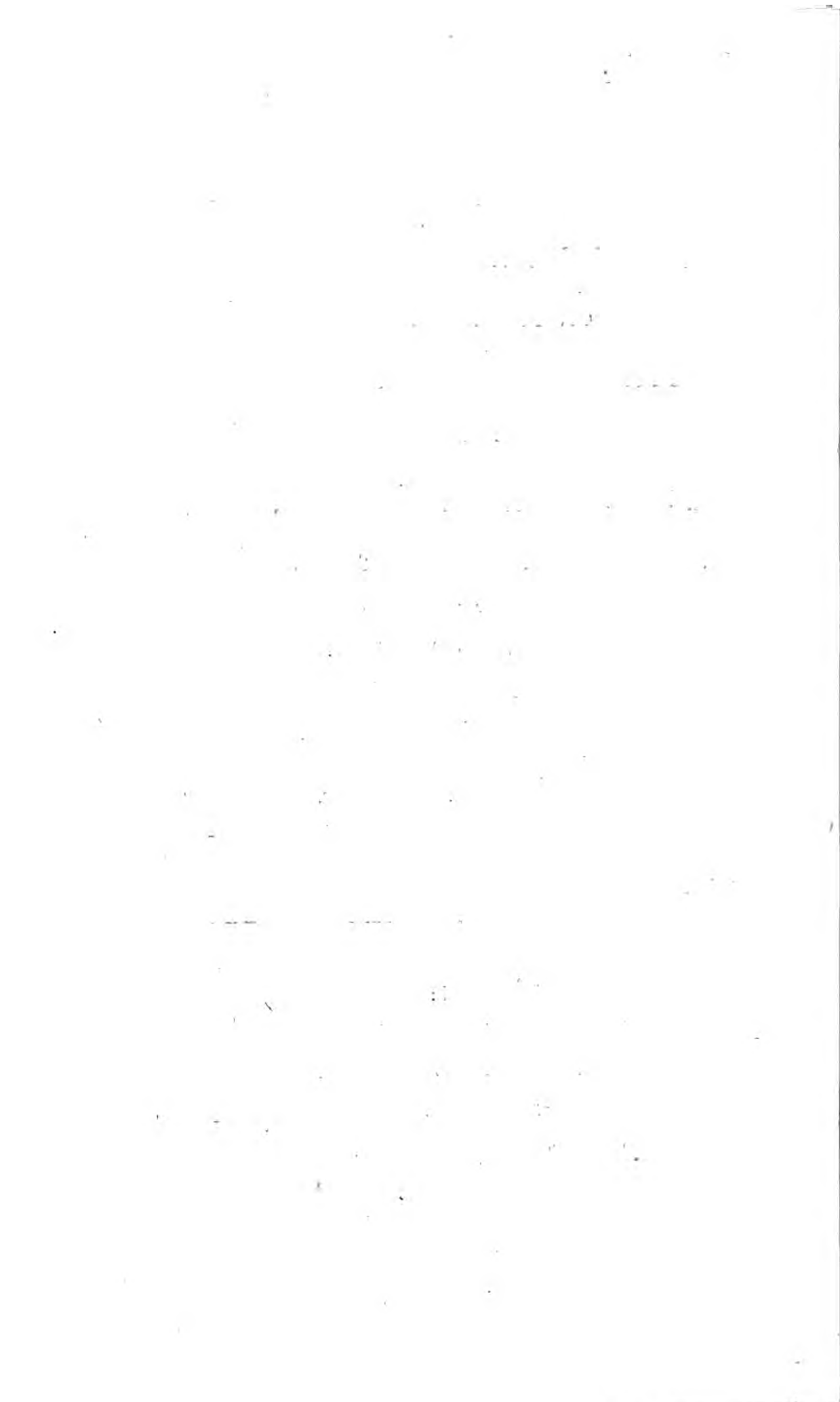
TAKEN IN COURT, AND FAITHFULLY REPORTED,  
BY A STUDENT OF THE MIDDLE TEMPLE.

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LONDON:  
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## ADVERTISEMENT.

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*THE Editor cannot refrain offering his sincere Thanks to the Gentlemen to whose politeness he has been so much indebted in the Prosecution of his Report of this important Trial.—To MR. ERSKINE his Thanks are more particularly due; and he feels a conscious pride in stating, that that Gentlemen thought the manuscript of his Speech in Mr. Stone's Defence, worthy of a perusal before it was put to Press. The Editor also humbly presumes that this report of the whole of a Trial, of as much importance as any that has occurred in the annals of the Administration of the Criminal Law of this Country, not only for the Liberality and Candour of the Law Officers of the Crown, but also for that unrivalled Eloquence displayed on the occasion, will be found as correct as possible. It now only remains for him to express his acknowledgments, for the very great attention that has been shewn by the Publisher, as far as concerns the accuracy of the Printing.*

MIDDLE-TEMPLE,  
February 13th 1796.

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STATE OF MISSISSIPPI

IN SENATE

January 11, 1880.

REPORT

OF THE

GOVERNOR

AND

OF THE

LEGISLATURE

FOR THE YEAR

1879.

MISSISSIPPI: WASHINGTON: 1880.

PRINTED BY THE

W. S. WALKER, GOVERNOR,

AND

THE

LEGISLATURE,

AT THE

STATE HOUSE,

JANUARY 11, 1880.

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W. S. WALKER, GOVERNOR,

AND

TO THE  
PEOPLE OF GREAT BRITAIN.

A SERIOUS and attentive perusal of this report of a Trial, not only as to the high and important objects it embraces, but of the indelible proof it presents of the exalted Justice, powerful and unrivalled Rhetoric, manly and decorous system of demeanour, not only displayed but also *preserved* in a British Court of Judicature, will prove how much Englishmen ought to rejoice in a blessing which affords at once protection and security to every individual, more especially when the most momentous of all appeals comes before it ;—may its lustre shed a bright and animating influence over the nations of the earth, illumine as well as irradiate the Societies of men, by securing to them the essence of all civil compacts under the *jus gentium*, the legal and well apportioned rights of men—then will the efforts of Anarchy cease—Law, which is the basis of man's dearest rights, be administered by the fair hands of wisdom, integrity, candour, and moderation;

and the sighing world find peace, security,  
and happiness—such is the blessing of Bri-  
tish Law—such the exalted system and prac-  
tice of her Courts—such may they remain,  
undiminished, unimpaired, and unclouded.  
IN SECLA SECULORUM.

AMEN.

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TRIAL  
OF  
MR. WILLIAM STONE,  
ON A CHARGE OF  
HIGH TREASON,

*In the COURT of KING'S BENCH, WESTMINSTER;*

BEFORE

THE RT. HON. LLOYD LORD KENYON, *Chief-Justice,*

MR. JUSTICE ASHURST,

MR. JUSTICE GROSE, AND

MR. JUSTICE LAWRENCE.

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*Thursday, January 28, 1796.*

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By nine o'clock, the Judges were seated on the Bench; and, immediately after, the Prisoner (accompanied by Mr. KIRBY, the Keeper of Newgate, and his Attorney, Mr. WILSON, of Bartlett's Buildings) was put to the Bar.

By Half past Ten o'Clock, the Twelve following Gentlemen were sworn as a Jury to try the Prisoner.

J. LEADER, of Tottenham Court Road, Esq.

J. MAYHEW, of Hornsey, Esq.

J. ETHERINGTON, of Newington Green, Esq.

T. COLE, of Twickenham, Esq.

CHARLES MINIER, of the Strand, Esq.

DANIEL DYSON, of Tottenham, Esq.

T. BURNETT, of Lateham, Esq.

WILLIAM SUMNER, of Clerkenwell Close, Esq.

J. LORKIN, of St. John's Street, Esq.

P. TAYLOR, of Wapping, Esq.

W. WEST, of Tottenham, Esq.

ISAAC DIMSDALE, of Glass House Yard, Esq.

The Clerk of the Crown (Mr. BARLOW) then read the Indictment against the Prisoner, as follows:—

*Indictment.*

MIDDLESEX to wit Be it Remembered that on Thursday next after three Weeks from the day of the Holy Trinity in the Thirty-Fifth Year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. in the Court of our said Lord the King before the King himself at Westminster in the County of Middlesex upon the Oath of

Robert Stephenson, Esq.  
Simon Le Sage, Esq.  
Hezekiah Green, Esq.  
Robert Lewis, Esq.  
Edward Read, Esq.  
John Groves, Esq.  
John Thompson, Esq.  
John Sich, Esq.  
John Spinage, Esq.  
Thomas Bramley, Esq.  
John Nicholl, Esq.

William Dickey, Esq.  
Blanchard Coward, Esq.  
Peter Henderson, Esq.  
Jeffrey Merryweather Shaw, Esq.  
William Parker, Esq.  
John Alexander, Esq.  
Thomas Davis, Esq.  
Thomas Marthwaite, Esq.  
Edward Hippsley, Esq.  
and  
Joseph Thackery, Esq.

good and lawful men of the said County of Middlesex now here sworn and charged to enquire for our said Lord the King for the Body of the said County It is presented as followeth (that is to say)

MIDDLESEX to Wit THE JURORS for our Lord the King upon their Oath present that on the first day of March in the Thirty-fourth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. and long before and continually from thence hitherto an open and public War was and yet is prosecuted and carried on between our said Lord the King and the Persons exercising the Powers of Government in France that is to say at Old Ford in the County of Middlesex and that William Stone late of Old Ford aforesaid in the County of Middlesex aforesaid Merchant a Subject of our said Lord the King of his Kingdom of Great Britain well knowing the Premises but not regarding the duty of his allegiance nor having the fear of God in his heart and being moved and seduced by the Instigation of the Devil as a false Traitor against our said Lord the King and wholly withdrawing the allegiance fidelity and obedience which every true and faithful

Subject of our said Lord the King of right ought to bear towards our said Lord the King and contriving and with all his strength intending the Peace and Common Tranquility of this Kingdom to disquiet molest and disturb and to depose our said Lord the King from the Royal State Title Power and Government of this Kingdom and to bring and put our said Lord the King to death heretofore to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid maliciously and traiterously with force and arms did compass imagine and intend to depose our said Lord the King from the Royal State Title Power and Government of this Kingdom and to bring and put our said Lord the King to death And to fulfill perfect and bring to effect his most evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with force and arms maliciously and traiterously did conspire consult consent and agree with one John Hurford Stone one William Jackson and divers other false Traitors whose names are to the said Jurors unknown to aid and assist and to seduce persuade and procure divers Subjects of our said Lord the King to aid and assist the said Persons exercising the Powers of Government in France and being enemies of our said Lord the King as aforesaid in an hostile Invasion of the Dominions of our said Lord the King and in the Prosecution of the said War against our said Lord the King

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with force and arms maliciously and traiterously did conspire consult consent and agree with the said John Hurford Stone William Jackson and divers other false Traitors whose names are to the said Jurors unknown to raise levy and make Insurrection Rebellion and War within this Kingdom against our said Lord the King and to invite persuade and procure the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid to invade this kingdom with Ships and Armed Men and to prosecute and carry on the said War against our said Lord the King within this Kingdom

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid well knowing the said William Jackson traiterously to have come to and landed in this Kingdom for the traiterous purpose of procuring and obtaining Intelligence and Information whether the Subjects of our said Lord the King were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being enemies of our said Lord the King as aforesaid in Case an hostile invasion of this Kingdom should be made by them for the Prosecution of the said War against our said Lord the King and of sending and causing to be sent such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King did with Force and Arms maliciously and traiterously receive and treat with the said William Jackson at Old Ford aforesaid in the County of Middlesex aforesaid for the Aid Assistance and Direction of the said William Jackson in the Prosecution Performance and Execution of his traiterous purpose aforesaid and did then and there maliciously and traiterously Treat, Consult and Converse with and did then and there maliciously and traiterously Aid Comfort Abet and Assist the said William Jackson in about and concerning the Prosecution Performance and Execution of his the said Willam Jackson's traiterous purpose aforesaid

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false traitor as aforesaid during the said War to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did Conspire Consult Consent and Agree with the said John Hurford Stone William Jackson and divers other false Traitors whose names are to the said Jurors unknown to collect and obtain and cause to be collected and obtained Information and Intelligence within this Kingdom and the Kingdom of Ireland whether any and what part of the Subjects of our said Lord the King were disposed to aid and assist the said Persons exer-

cising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in an hostile Invasion of any and what part of this Kingdom or of the Kingdom of Ireland for the Prosecution of the said War against our said Lord the King and to Communicate Notify and Reveal and cause to be Communicated Notified and Revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their conduct and prosecution of the said War against our said Lord the King

AND FURTHER TO FULFILL perfect and bring to effect his most Evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with force and Arms maliciously and traiterously did enquire and cause to be enquired of divers Persons in this Kingdom and did collect and obtain and cause to be collected and obtained from such Persons Information and Intelligence whether the Subjects of our said Lord the King were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in Case an hostile Invasion should be by them made into this Kingdom for the Prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND FURTHER TO FULFILL perfect and bring to effect his most Evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did obtain and in his Custody and Possession did keep divers Letters Notes Memorandums and Instructions in writing containing Information and Intelligence how the

Subjects of our said Lord the King were affected to our said Lord the King and his Government and in what Manner the said Subjects were likely to act in Case an hostile Invasion of this Kingdom should be made by the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND FURTHER TO FULFILL perfect and bring to effect his most Evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did send and cause and procure to be sent from this Kingdom to be delivered in foreign Parts beyond the Seas divers other Letters Notes Memorandums and Instructions in writing containing Information and Intelligence how the Subjects of our said Lord the King were affected to our said Lord the King and his Government and in what Manner the said Subjects were likely to act in case an hostile Invasion of this Kingdom should be made by the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the thirty-fourth Year aforesaid and on di-

vers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traitorously did with the said William Jackson and divers other false Traitors whose Names are to the said Jurors unknown conspire consult consent and agree to raise levy and make Insurrection Rebellion and War against our said Lord the King within his Kingdom of Ireland and to cause procure and incite the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid to invade the Kingdom of Ireland with Ships and armed Men and to carry on the said War against our said Lord the King within the Kingdom of Ireland

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and Treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traitorously did conspire consult consent and agree to and with the said William Jackson and divers other false Traitors whose names are unto the said Jurors unknown that he the said William Jackson should go to and land in the Kingdom of Ireland for the traitorous Purpose of procuring and obtaining Intelligence and Information whether the Subjects of our said Lord the King of his Kingdom of Ireland were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in Case an hostile Invasion of the said Kingdom of Ireland should be made by them for the Prosecution of the said War against our said Lord the King and of sending and causing to be sent such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King and did then and there maliciously and traitorously aid and assist the said William Jackson in going to and landing in the said Kingdom of Ireland for the Prosecution Performance and Execution of the traitorous Purpose last mentioned and which said William Jackson in pursuance of the said last mentioned Conspiracy Consultation Consent and Agreement heretofore and during the said War to wit on the twenty-eighth day of March in the thirty-fourth Year aforesaid did go to and land in the Kingdom of Ireland and did stay and continue there for a long

time to wit for the space of one month for the Prosecution Performance and Execution of the traiterous Purpose last mentioned

AND FURTHER TO FULFILL perfect and bring to effect his most evil and wicked Treason and treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid after the said William Jackson had gone to and landed in the said Kingdom of Ireland for the traiterous Purpose last mentioned and while the said William Jackson remained and continued in the said Kingdom of Ireland for the traiterous Purpose last mentioned and during the said War to wit on the fifth Day of April in the thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did correspond with advise council aid abet and assist the said William Jackson in and about the Prosecution Performance and Execution of the traiterous Purpose last mentioned

AND FURTHER TO FULFILL perfect and bring to Effect his most evil and wicked Treason and treasonable Compassing and Imaginations aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did furnish and supply and cause to be furnished and supplied and aid and assist in furnishing and supplying the said William Jackson with divers Sums of Money Bills of Exchange and Notes for Payment of Money thereby to enable the said William Jackson to fulfill perform and execute his the said William Jackson's traiterous Purposes before mentioned in Contempt of our said Lord the King and his Laws to the evil Example of all others in the like Case offending contrary to the Duty of the Allegiance of him the said William Stone against the Form of the Statute in such Case made and provided and against the Peace of our said Lord the King his Crown and Dignity

AND THE JURORS aforesaid upon their Oath aforesaid do further present that on the said first Day of March in the thirty-fourth Year aforesaid and long before and continually from thence hitherto an open and public War was and yet is prosecuted and carried on between our said Lord the King and the Persons exercising the Powers of Government in France to wit at Old Ford aforesaid in the County of Middlesex aforesaid and that the said William Stone well knowing the Premises but not regarding the Duty of his Allegiance nor having the



**F**ear of God in his Heart and being moved and seduced by the Instigation of the Devil as a false Traitor against our said Lord the King and wholly withdrawing the Allegiance Fidelity and Obedience 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 and contriving and with all his Strength intending to aid and assist the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King in the Prosecution of the said War against our said Lord the King heretofore and during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day with Force and Arms at Old Ford aforesaid in the County of Middlesex aforesaid maliciously and traiterously was adhering to and aiding and comforting the said Persons exercising the Powers of Government in France then being Enemies of our said Lord the King as aforesaid and that in the Prosecution Performance and Execution of his Treason and traiterous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did conspire consult consent and agree with the said John Hurford Stone William Jackson and divers other false Traitors whose Names are to the said Jurors unknown to aid and assist and to reduce persuade and procure divers Subjects of our said Lord the King to aid and assist the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in an hostile Invasion of the Dominions of our said Lord the King and in the Prosecution of the said War against our said Lord the King

**AND IN FURTHER PROSECUTION** Performance and Execution of his Treason and traiterous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did conspire consult consent and agree with the said John Hurford Stone William Jackson and divers others false Traitors whose Names are to the said Jurors unknown to raise levy and make Insurrection Rebellion and War within this Kingdom against our said Lord the King and to invite persuade and procure the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid to invade this Kingdom with Ships and

Armed Men and to prosecute and carry on the said War against our said Lord the King within this Kingdom

AND IN FURTHER PROSECUTION Performante and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid well knowing the said William Jackson traiterously to have come to and landed in this Kingdom for the traiterous Purpose of procuring and obtaining Intelligence and Information whether the Subjects of our said Lord the King were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in Case an hostile Invasion of this Kingdom should be made by them for the Prosecution of the said War against our said Lord the King and of sending and causing to be sent such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King did with Force and Arms maliciously and traiterously receive and treat with the said William Jackson at Old Ford aforesaid in the County of Middlesex aforesaid for the Aid Assistance and Direction of the said William Jackson in the Prosecution Performance and Execution of his traiterous Purpose last mentioned and did then and there maliciously and traiterously treat consult and converse with and did then and there maliciously and traiterously aid comfort abet and assist the said William Jackson in about and concerning the Prosecution Performance and Execution of his the said William Jackson's traiterous Purpose last mentioned

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traiterous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did conspire consult consent and agree with the said John Hurford Stone William Jackson and divers other false Traitors whose Names are to the said Jurors unknown to collect and obtain and cause to be collected and obtained Information and Intelligence within this Kingdom

and the Kingdom of Ireland whether any and what Part of the Subjects of our said Lord the King were disposed to aid and assist the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in an hostile Invasion of any and what Part of this Kingdom or of the Kingdom of Ireland for the Prosecution of the said War against our said Lord the King and to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did enquire and cause to be enquired of divers Persons in this Kingdom and did collect and obtain and cause to be collected and obtained from such Persons Information and Intelligence whether the Subjects of our said Lord the King were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in case an hostile Invasion should be by them made into this Kingdom for the Prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the Thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did obtain and in his custody and possession did keep divers Letters Notes Me-

memorandums and Instructions in Writing containing Information and Intelligence how the Subjects of our said Lord the King were affected to our said Lord the King and his Government and in what manner the said Subjects were likely to act in case an hostile Invasion of this Kingdom should be made by the Forces of the the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the Thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did send and cause and procured to be sent from this Kingdom to be delivered in Foreign Parts beyond the Seas divers other Letters Notes Memorandums and Instructions in Writing containing Information and Intelligence how the Subjects of our said Lord the King were affected to our said Lord the King and his Government and in what manner the said Subjects were likely to act in Case an hostile Invasion of this Kingdom should be made by the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the prosecution of the said War against our said Lord the King with intent to communicate notify and reveal and cause to be communicated notified and revealed such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their conduct and prosecution of the said War against our said Lord the King

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first day of March in the Thirty-fourth year aforesaid and on divers other days as well before as after that day at Old Ford aforesaid in the County of Middlesex aforesaid with

Force and Arms maliciously and traiterously did with the said William Jackson and divers other false Traitors whose Names are to the said Jurors unknown conspire consult consent and agree to raise levy and make Insurrection Rebellion and War against our said Lord the King within his Kingdom of Ireland and to cause procure and incite the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid to invade the Kingdom of Ireland with Ships and armed Men and to carry on the said War against our said Lord the King within the Kingdom of Ireland

AND IN FURTHER PROSECUTION Performance and Execution of his Treason and traiterous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traiterously did conspire consult consent and agree to and with the said William Jackson and divers other false Traitors whose Names are to the said Jurors unknown that he the said William Jackson should go to and land in the Kingdom of Ireland for the traiterous Purpose of procuring and obtaining Intelligence and Information whether the Subjects of our said Lord the King of his Kingdom of Ireland were or were not well affected to our said Lord the King and his Government and were or were not likely to join with and assist the Forces of the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid in Case an hostile Invasion of the said Kingdom of Ireland should be made by them for the Prosecution of the said War against our said Lord the King and of sending and causing to be sent such Intelligence and Information to the said Persons exercising the Powers of Government in France and being Enemies of our said Lord the King as aforesaid for the Aid Assistance Direction and Instruction of the said Enemies of our said Lord the King in their Conduct and Prosecution of the said War against our said Lord the King and did then and there maliciously and traiterously Aid and Assist the said William Jackson in going to and landing in the said Kingdom of Ireland for the Prosecution Performance and Execution of the traiterous Purpose last mentioned and which said William Jackson in pursuance of the said last mentioned Conspiracy Consultation Consent and Agreement heretofore and during the said War to wit on the twenty-eighth Day of March in the Thirty-fourth Year aforesaid did go to and land in the Kingdom of Ireland and did stay and continue there for a long time to wit for the space of one Month

for the Prosecution Performance and Execution of the traitorous Purpose last mentioned

**AND IN FURTHER PROSECUTION** Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid after the said William Jackson had gone to and landed in the said Kingdom of Ireland for the traitorous Purpose last mentioned and while the said William Jackson remained and continued in the said Kingdom of Ireland for the traitorous Purpose last mentioned and during the said War to wit on the fifth Day of April in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traitorously did correspond with advise council abet and assist the said William Jackson in and about the Prosecution Performance and Execution of the traitorous Purpose last mentioned

**AN IN FURTHER PROSECUTION** Performance and Execution of his Treason and traitorous adhering aforesaid he the said William Stone as such false Traitor as aforesaid during the said War to wit on the said first Day of March in the Thirty-fourth Year aforesaid and on divers other Days as well before as after that Day at Old Ford aforesaid in the County of Middlesex aforesaid with Force and Arms maliciously and traitorously did furnish and supply and cause to be furnished and supplied and aid and assist in furnishing and supplying the said William Jackson with divers Sums of Money Bills of Exchange and Notes for Payment of Money thereby to enable the said William Jackson to fulfill perform and execute his the said William Jackson's traitorous Purpose before mentioned in Contempt of our said Lord the King and his Laws to the evil Example of all others in the like Case offending contrary to the Duty of the Allegiance of him the said William Stone against the Form of the Statute in such case made and provided and against the Peace of our said Lord the King his Crown and Dignity

To all these Charges, the Prisoner pleaded "NOT GUILTY."

Mr. Wood (one of the Counsel for the Crown) opened the Proceedings, in behalf of the Prosecution, with recapitulating the various Counts of the Indictment, in the usual manner.

The ATTORNEY GENERAL then rose, and addressed the Jury as follows :

GENTLEMEN OF THE JURY,

You are now called upon to discharge the most solemn and important duty that can belong to you, as Members of civil society ;—to decide on the fate of a man, sent, by the Grand Jury of his Country, to answer to the greatest Crime an English Subject can be guilty of, or an English Jury give their verdict upon : and, I am sure, your decision, on so momentous an occasion, will be fully consistent with the duties you owe to yourselves, to the Prisoner at the Bar, and to your Country. I am too sensible, that I am myself placed in a situation the most delicate and trying that is annexed to the official capacity I have the honour of being placed in. Yet, however unpleasant may be the exercise of that duty with which you are entrusted, or the feelings with which it is accompanied, it will be necessary to perform it with integrity and candour. There is not a person present in this Court, who does not feel for the unfortunate situation of the Gentleman at the Bar, and cherish a wish that he may be innocent of the Crimes laid to his Charge. You have, on this occasion, Gentlemen of the Jury, a double duty to fulfil ;—*first*, in what you owe to the Fame, Fortune, and Life of the Prisoner ; and, *secondly*, in what you owe to the Claims of your Country, whose welfare and justice are both implicated in your verdict. By the evidence I shall in the course of the trial lay before you, will your judgment be influenced, and that verdict regulated. For Mr. Stone to wipe away the Charges against him, and clear up his Innocence, which God grant he may ! will, I am convinced, afford the sincerest pleasure to every Englishman here present.

The Law upon the Facts laid in the Indictment, I conceive to be perfectly clear :—Mr. STONE is charged with two kinds of Treason ;—*first*, “ With conspiring the Death of the King ;” and *secondly*, “ with adhering to his Enemies.” To support these Charges, various overt acts are stated. I shall not waste the time of the Court in endeavours to prove, that these overt acts, if established, amount to High Treason. If they can be established, by that strong evidence, which, happily for Englishmen, the merciful spirit

of the Laws of this Country requires, they constitute the Crime, known as High Treason from the 25th of Edward the IIIrd to the present time. The Indictment charges the Prisoner with conspiring, along with his brother JOHN HURFORD STONE, residing in France, under such peculiar circumstances as will be hereafter explained to you, and the Reverend WILLIAM JACKSON, the Death of the King, and the Subversion of the Government. It will be proved in evidence, that the Executive Government of France, meditating the Invasion of this Country, sent over Mr. Jackson to enquire into the probability of success, and to find out the general disposition of the people. This Jackson likewise visited Ireland, upon the same mission, and for the same purposes. With these persons—John Hurford Stone and Mr. Jackson, William Stone (the Gentleman at the Bar) conspired and co-operated. Besides this, he conspired to levy war against Great Britain, and to assist in carrying it on. *Thirdly*, he received Jackson with hospitality, though fully informed of his views in visiting this Country; and procured, and contributed to communicate to the French Government, Intelligence upon the very Objects for which he (Jackson) came to this Country. All the other overt acts stated in the Indictment resolve into the general fact of his conspiring to aid Jackson in the Execution of his Purposes. If then the proofs, that will be adduced in support of these Charges, be so clear and satisfactory, as not to leave any doubt in your minds, I am entitled, in behalf of my Country, to demand your Verdict.

I shall now proceed to lay before you the Evidence, by which the Charges against the Prisoner are supported; and shall begin by stating a fact, to which, I hope you will give its full weight, and utmost influence, in explaining the conduct of Mr. Stone, and obviating the guilt of the accusation; and another fact, in behalf of the Prosecution, whatever consequences they may lead to. One of the persons, with whom the Prisoner conspired the Crimes, charged in the Indictment, is John Hurford Stone his brother, a long Correspondence with whom now exists. From this brother, Mr. Jackson came over recommended to the Prisoner. A very important Correspondence, between this Jackson and Mr. William Stone, will also be produced in evidence. When the Prisoner's papers were seized at *Old Ford*, he was



required to give up his correspondence with his brother at Paris, which, as will be proved to you, he did with the utmost readiness. Some of the letters were lodged in his escrutoire; and none of them were found in places which indicated the least wish to conceal them. It will however be proved, from the testimony of Mr. King, the under Secretary of State, that Mr. Stone, when asked to give up his correspondence, carried on under the names of Enots and Popkin, (names that will appear of infinite importance, in the course of the trial,) denied the existence of any such correspondence; though a letter, signed '*Thomas Popkin*,' was afterwards found among his papers, which will be produced in evidence. It will appear, that, early in the year 1792, John H. Stone went to France, in order to establish a manufactory of sal-amoniac; where he soon became a domiciliated Frenchman, adopting the sentiments, and guided by the interests, resulting from his new character. To drop all correspondence with his brother, thus drawn into interests adverse to this Country, would have been, perhaps, very difficult for the Prisoner; though it was certainly become dangerous to continue it, and prudence might have suggested the propriety, nay, necessity, of submitting to a temporary interruption. The war, between Great Britain and France, broke out sometime in March 1793. About this period, a letter was written, by his brother John Hurford Stone, to the Prisoner at the bar, in which his sentiments, as a domiciliated Frenchman, are very clearly displayed. "*We*," says he, "have declared war against you, with general approbation. Holland will quickly be ours, which will produce important effects with respect to England, &c." Before the month of November, 1793, the Executive Government of France formed the design of invading this Country; a design which Mr. John Hurford Stone seemed by no means ignorant of; and which he even hinted at, in his correspondence with his brother, the Prisoner at the Bar. By a letter from Paris, about this time, directed for Messrs. Lawrence and Co. but which, as well as all others so directed, was carried unopened to Mr. William Stone, Mr. John Hurford Stone advises the Prisoner "to dispose of the house at Old Ford, as it will be taken before May; and makes him proposals for establishing a manufactory in France; and dwells much on the great advantages that

“ would probably result from such a scheme.” Another letter, of the 16th of December 1793, developes his ideas, on this head, still farther. “ I shall,” says he, “ have an opportunity of disclosing what I meant about the house at Old Ford.” After speaking of the operations of France, he adds, “ we are every where invincible. The disaster at Toulon is a small part of the evils you have to expect, \*————— must take place, before you can fully comprehend me.” In another letter, he says, “ I have got your’s, enquiring what I meant about the house at Old Ford. This will be explained in the detail you will have, on the arrival of my American friend; use him with hospitality :—for he is very much my friend.” This American friend was no other than Mr. Jackson, in whose transactions, *here*, the Prisoner is clearly, as I think, implicated. In another letter, he says, “ the events of the succeeding month will be much more astonishing, than those of the last.” On the 17th of January 1794, he says, “ I have written by an American gentleman, who will give you information of various things, and from whom you will receive various propositions. What I have said about Old Ford House, is but a small part, but all depends on the 21st, and circumstances will determine whether the evil will be averted.” It is for you, Gentlemen of the Jury, to attend to the result of this correspondence, and to consider, whether these blanks, and the inferences arising from the tenor of the whole, can be satisfactorily explained, or rendered compatible with innocence, and rectitude of intention. For myself, I wish, most sincerely wish, that the Prisoner at the Bar may be able to give a colour to acts, which, in my opinion, admit not of complete justification, so that they may no longer be considered as overt acts of High Treason. There is, Gentlemen, another letter from John Hurford Stone, signed ‘ *Benjamin Beresford*,’ a name of great importance in the evidence for the prosecution, in which “ he acknowledges the receipt of various letters, and says, he had given a letter to his American friend,” who was in reality an Irishman. He ar-

\* It is necessary to observe here, that in all the letters written by Mr. J. H. Stone to his brother Mr. Wm. Stone, the Prisoner, there are several parts filled up with a kind of short hand, which, not being intelligible, were passed over, in reading the letters in Court, as blanks.

ranges the mode of paying the money that might be advanced to him; and particularly, in another part of the same letter, adds, "he will have affairs of great consequence to transact with you." This gentleman, Mr. Jackson, though he came to England, under the pretence of commercial concerns, not only was a clergyman, but had no mercantile affairs whatever—that he made public. It will be materially necessary for the prosecution to prove the transactions, alluded to in this letter. In the same letter, John Hurford Stone rejoices "that his brother (the Prisoner) is getting rid of his present engagements, and thinks his future concerns will be more agreeable." He likewise dissuades him from any new connection, in order "that he may have more leisure to devote himself to what his friend shall propose." He also seems to doubt about the house at Old Ford, and thus notices his own situation—"A man, who has established three manufactories here, is entitled to some consideration; and I have more than my share of it. We have taken thirteen English merchantmen; and the report is, that we have taken fifty two more." Another letter, signed J. H. Stone, after pointing out channels of communication, says—"the 5,000l. has not been received." This alludes to some transaction of which I am totally ignorant. He also sends him a draft for 300l. on a Banker in Dublin, and another draft for a smaller sum; the amounts of which he requests may be remitted to him, and points out the mode of remission. In another letter, directed for Lawrence and Co. intended of course for Stone, he says—"I have not changed my sentiments. The *thing* is as fixed now as then." If, Gentlemen, you agree in thinking this *thing* means an Invasion—if it be clear to you, that the Prisoner knew such a thing was intended, and was employed to facilitate the enterprise, he must be guilty of the overt acts of High Treason laid in the Indictment. In another letter, he hints at "the probable consequences of an invasion, and the uncertainty of commercial speculations;" but apparently endeavours to conceal his true design. When he speaks of Ireland, he uses almost the same language, and colours and conceals what, in reality, refers to an invasion, under the enigmatical form of a scheme of commerce. All these letters, sent before the arrival of Jackson, in England, taken together, will afford a clue to

unravel the transactions of the Prisoner with that unfortunate man, and, when joined with other proofs that will be adduced, shew, that Mr. Stone knew the purposes of Mr. Jackson's mission to this Country. The conclusion therefore must be—That this is an overt act of High Treason, indicative of the intention stated in the indictment.

Mr. Jackson arrived in England, in February, 1794; and Mr. William Stone will be found intimately connected with him, immediately on his arrival. When Jackson landed at Hull, he left with the captain of the ship, in which he came passenger from Hamburgh, the following direction. “ Enclose a letter for me thus:”—‘ John Cokayne, Esq. ‘ Lyon’s Inn, near Temple Bar, London.’ I take this opportunity, Gentlemen, of speaking relative to Mr. Cokayne’s evidence: It is very probable, that the Counsel for the Prisoner may endeavour to invalidate it, from what transpired in Ireland, as well as from the relative situations of him and Mr. Jackson. I know it will be stated to you, that he was a Spy set over the conduct of Jackson, by the Government of this Country. I admit, that it is your duty to look at the testimony of a person in his situation, with extreme caution; and, that it is the duty of the Court to protect the Prisoner to a certain extent; but I do not expect to hear it maintained, that to Mr. Cokayne’s evidence no credit at all is due: for besides that he is a man of very respectable character, justice requires, that where evidence is consistent, credible, and corroborated by authentic documents and concurrent circumstances, it should be received with attention.

I will now state the communications that took place between Stone and Jackson, after the latter’s arrival. And here I beg to state, that, though some material Witnesses for the Crown are absent, I could not, consistent with my duty, delay the trial any longer. When Jackson first arrived, he saw nobody but Mr. Stone and Cokayne; and, during this period, Mr. Stone made many, and various, enquiries to find out the real sentiments of the people of this country, and how they would be affected in case of an Invasion. In the course of these enquiries, he applied to several political characters, for whom I entertain the highest personal respect; but whose indiscretion, on the occasion, appears to me very surprizing. An application was made by the Prisoner (but

whether with a view to benefit his Country, or to afford, through the medium of Mr. Jackson, useful Information to the Enemy, will be for you, Gentlemen of the Jury, to determine) to Mr. Vaughan, a considerable Merchant, in London; who went so far as to put in his (Stone's) hands a paper, which formed the basis of the communications, prepared by Jackson to be sent abroad, some of which, probably, reached the place of their destination, though a part of them were seized, or intercepted, as will be proved to you in the course of the trial. Some communications were likewise had by Mr. Stone with Mr. W. Smith, who gave him some papers, which were used for a similar purpose, as will appear in evidence. Applications were also made by the Prisoner to Lord Lauderdale, Mr. Sheridan, and some other Gentlemen, to whom Mr. Jackson was represented as a person authorized to listen to any thing pacific, that the Ministers of this country might wish to offer to the ruling Powers in France, and as one whom they might converse with on the subject. The object and intention of these different applications, was certainly to procure such a statement of the impracticability and folly of the intended Invasion, as might deter the ruling party in France from attempting it; and rescue the Prisoner's brother, John H. Stone, from the disgrace he was likely to suffer, from a suspicion that he had been guilty of imposture, with respect to the extent and importance of his information.

Mr. Sheridan, and the other Gentlemen, however, immediately saw the impropriety of such communications; and declined all interference, if the subject of the Invasion were talked of. And their conduct, in not giving proper information to the Secretary of State of these attempts, is, in my opinion, liable to considerable censure. Since therefore, it is very evident, that the Prisoner was apprized, by letters from his brother in Paris, of the plans and expectations of the enemy, it will remain for you, Gentlemen of the Jury, to determine, whether these applications could be made for justifiable purposes, and with an innocent intention. If the Papers, furnished by Mr. Vaughan and Mr. Smith be proved to have been copied by Jackson, with the Prisoner Stone's assistance, in order to their being sent abroad, as *useful* information to the enemy, it unquestionably affords evidence of an overt act of conspiracy. The paper, written by Mr. Vaughan, contains the following passages:

“ Exclusive of *positive* information, that the general tem-  
 “ per of the Country is not adverse to the War, appears in  
 “ this:—There are no petitions against the war;—Juries  
 “ give *courtly* verdicts; there are no mobs, though the peo-  
 “ ple are suffering under the keenest distress, and want;  
 “ there is a general readiness to enlist into the armies; and  
 “ the pressing of men for the navy is submitted to without  
 “ murmurs, or discontent. The votes of Parliament are  
 “ nearly unanimous, though more than half through the  
 “ time of its duration, and of course looking forward to the  
 “ period of its re-election. Lord Chatham, who is at the  
 “ navy, continues in place, even in spite of his negligence,  
 “ and want of capacity. The friends of Liberty, here, are  
 “ alarmed and confounded, since the great body of the peo-  
 “ ple is unfriendly to them. The *first* Revolution was seen  
 “ with general approbation; but the second has few ad-  
 “ mirers. In Scotland and Ireland, the Democrats are a  
 “ small minority; nor can the people at large be converted  
 “ by French Principles, or even by Invasion. This Country  
 “ can, with ease, equip a much more powerful Fleet than  
 “ that of France: for, if the navy of France consist of  
 “ Sixty Eight Ships, England can readily send out double  
 “ that number, by calling in the assistance of other Powers,  
 “ and manning her own Ships with a mixture of foreign  
 “ seamen and native landmen. Moderate terms of Peace,  
 “ held out by the French Government, will very much tend  
 “ to render the war unpopular. Philanthropic Language,  
 “ and a declaration, that the present Government is revolu-  
 “ tionary, together with the liberation of all the English  
 “ confined in France, will answer the same purpose. If,  
 “ under all these circumstances, the terms are not arrogant,  
 “ the war may lose ground in the opinion of the people;  
 “ but, at all events, the whole Country will unite, hand and  
 “ heart, to repel a foreign Invasion, and defend their native  
 “ soil.”

The Paper of Mr. Smith gives a similar account of the  
 state of the public mind. It is couched in the form of a  
 letter, and seems intended to remove the alarms which Mr.  
 Stone had expressed of a French Invasion, by demonstrating  
 its impracticability, not only from *external* circumstances of  
 difficulty, but also from our own *internal* situation. In a  
 letter of the 17th of March, 1794, from the Prisoner to his  
 brother in Paris, these papers were inclosed, lest a dupli-

cate, formerly sent, should not have reached him. In this letter, he also adds, "I trust my last gave sufficient information, that the minds of the people, *here*, are not disposed to favour your plans." Mr. Stone knew that Mr. Jackson came to this Country on business; and it will be for him to explain the nature of that business, which never was mentioned before a third person; besides that Mr. Jackson never moved in the sphere of mercantile connexions. Why then did Mr. Stone, knowing the purposes for which they would be used, enable Mr. Jackson to transmit them abroad? In a Letter of the 16th of March, from I. H. Stone, there is a passage very material to the Prisoner. He there tells him, (the Prisoner) "to correct his (Jackson's) views:" and the Counsel for Mr. Stone may contend, that, by procuring the papers in question, he tried to *correct his views* with respect to an *Invasion* of England. But it remains for you, Gentlemen, to determine, whether the information was obtained for the benefit of France, or of this Country. On the 30th of March, 1794, the Prisoner received a letter from his brother, saying, "he had received too many letters from his American Friend;" and desiring "that his (Jackson's) letters might, in future, be directed to his friend Nicholas." In another letter, Mr. I. H. Stone says: "as to our American Friend, the account given of him is very *satisfactory*, and to myself *useful*." Was it *satisfactory* to the People who had sent him, as it prevented the projected Invasion? Before Mr. Jackson went to Ireland, he left with the Prisoner two directions, marked with a cross; these, I hope Mr. Stone will be able to explain: but, to me, they appear altogether incomprehensible. They were addressed to persons in *Hamburgh*, to be forwarded from thence; and Jackson's letters were directed in the same manner. Unless, therefore, the Prisoner can explain these transactions, he must remain implicated with Mr. Jackson, in the objects of his mission to this Country. How then can he be innocent?

Mr. Jackson's letters, signed 'THOMAS POPKIN,' were answered by Mr. Stone, under the signature of WILLIAM ENOTS (the Prisoner's name reversed). One of these letters, though apparently speaking of commercial transactions, has this remarkable passage:—"If you know any thing of the family at Shields, you cannot too soon let me know it, as the assizes at Cork are about to commence."

Here is plainly an allusion to something, which they must frequently have conversed about, and which was disguised in this enigmatical language: for Mr. Stone never complains of not understanding Mr. Jackson's allusions; but writes to him, in the same stile, and maintains the same allegories. Another letter was sent by the Prisoner to Jackson, under a cover, directed to 'John Cokayne, Esq. Hyde's Coffee-House, Dame-Street, Dublin,' in the same enigmatical stile, and enclosing a letter directed to 'Mr. Johnson, at Messrs. Lawrence and Co.' (for Johnson was a name which Jackson frequently assumed). A letter from Jackson, signed 'Thomas Popkin,' describes the state of manufactures, which description, in reality, contains the state of the disposition of the people in Ireland, and encloses a paper, pointing out a method of inciting the people there to revolt, and a dismemberment from Great Britain. There is likewise a letter, signed 'Thomas Popkin,' written by Jackson, addressed to 'Benjamin Beresford,' in which he mentions the posture of affairs, under the colouring of a law-suit; but concludes—"Say, whether your brother-in-law shall proceed by hostile, or pacific means. This mode of expression cannot refer to a law-suit; but glances at bolder, and more dangerous measures. It will be vain for the Prisoner's Counsel to say, that Mr. John Hurford Stone, being strongly attached to the interests of England, employed his brother, the Prisoner, in plans favourable to his Country: for if Jackson was engaged (which it cannot be doubted he was) in communicating intelligence *useful* to the Enemy, and Mr. Stone was aiding, and assisting, him in his schemes, he cannot clear himself of a criminal intention. But John Hurford Stone, it is notorious, was entirely devoted to France, a domiciliated Frenchman! and if his views were, really, to prevent the Invasion of this Country, why did he write under feigned signatures, and employ such an agent as Mr. Jackson, a man whose treasonable intentions have been proved, as clearly as human testimony can prove them? It is, besides, an absolute fact that, posterior to November 1793, Mr. Stone, the Prisoner, had no communications whatever with the Government of this Country. A letter, to Mr. Pitt, will be called for by the Prisoner's Counsel; and, from a consideration of this, it will be for you, Gentlemen, to determine, whether Mr,



Stone really, and *bona fide*, meant to furnish that information to Government, which it was his duty, as an Englishman, and a lover of his Country, to do.

[*The Attorney-General here closed his observations upon the Evidence; and, after a short pause, proceeded to the Peroration of his Speech, as follows:*]

#### GENTLEMEN OF THE JURY,

I have now stated to you a great deal of the detail of the evidence, against the Prisoner; but, I hope, not more than will be found necessary to assist your understandings, and aid your judgment, fully to comprehend the merits of the cause. I have addressed you under impressions, which, as Prosecutor, I may have been too ready to receive. But it is the great, and invaluable blessing of Englishmen, to have an impartial tribunal to refer to, against those impressions, which Prosecutors receive, in their views of a cause. It is the great privilege of this Country, that all accusations must be examined before THAT TRIBUNAL, WHICH, WHILE IT PUNISHES THE GUILTY, IS THE BEST SAFEGUARD OF THE INNOCENT. You have, Gentlemen, a great, and most sacred, duty to perform, to the Prisoner at the Bar, and to your Country; and YOU OWE TO GOD, TO YOUR CONSCIENCES, AND TO POSTERITY, A TRUE VERDICT, ACCORDING TO THE EVIDENCE. If you are not satisfied by such Evidence, AS HAPPILY FOR US ALL THE MILD, AND MERCIFUL, SPIRIT OF THE LAWS OF THIS COUNTRY REQUIRES, that the Prisoner has violated the statute of the 25th of Edward the IIIrd, in conspiring the King's Death, and adhering to his Enemies, you must give a verdict of acquittal. But, if you should be satisfied of the truth of the Charges, brought against the Prisoner, it will be your duty to pronounce accordingly, and give that verdict, which the Justice of your Country demands at your hands. Gentlemen of the Jury, the interests of the Prisoner at the Bar, are as dear to me, as they can be to you; but there are other interests, which WE MUST BOTH HOLD INVIOLENT—THE INTERESTS OF OUR COUNTRY. I know every one, here present, hopes the Prisoner (\*Gentle-

\* These are the exact words of the Attorney General, and this change, or rather correction, of the expression, is highly honourable to the official prosecutor of a great and free people.

*man* I mean) at the Bar may be able to explain the transactions, which I have detailed to you. GOD GRANT THAT HE MAY ! YOUR VERDICT MUST ACQUIT OR CONDEMN HIM ;—TO YOUR HANDS I COMMIT HIS LIFE AND FORTUNE, AND THE JUSTICE OF YOUR COUNTRY ; AND CONCLUDE IN THE BENEFICENT LANGUAGE OF THE LAW, WITH HOPING, GOD MAY GRANT THE PRISONER A GOOD DELIVERANCE !

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The ATTORNEY-GENERAL then proceeded to produce Evidence, on behalf of the Prosecution.

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WILLIAM M'CLEAN *called.*

You are one of his Majesty's messengers ?

*Witness.* I am.

Were you present at Old Ford, at the seizure of Mr. Stone's papers ?

*Witness.* I was.

At what time ?

*Witness.* On the 3d of May, 1794.

Will you look at those papers : (*sundry letters produced*) Were they found at Old Ford ?

*Witness.* They were ; and were marked by me.

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THOMAS LAWRENCE *called.*

You were a partner with Mr. Stone, the Prisoner at the Bar, in Rutland Place, Upper Thames Street ?

*Witness.* Yes.

Were not sundry letters received, by the foreign mails, directed for Lawrence and Co ?

*Witness.* There were.

What was done with letters so directed ?

*Witness.* They were not opened, in the regular course of business ; but always preserved, in order to be opened by Mr. W. Stone himself.

Do you know the hand-writing of Mr. John Hurford Stone ?

*Witness.* I think I do. (The Counsel for the Crown here said they would call *another Witness, who could better prove the hand-writing of Mr. John Hurford Stone*).

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JOHN HOLMES called.

Are you acquainted with the hand-writing of Mr. John Hurford Stone?

*Witness.* I am well acquainted with it.

Is that letter (No. 1, *vide Appendix.*) his writing?

*Witness.* It is.

Is that (No. 2) his?

*Witness.* It is. (*The Witness proved ten letters to be the hand-writing of Mr. J. H. Stone: about one of them, signed 'Beresford,' he rather hesitated.*)

Should you believe it (*the letter signed Beresford*) to be Mr. J. H. Stone's writing, was it shewn you elsewhere?

*Witness.* I cannot positively say.

Should you, had you received it in the course of business, have answered it, as written by Mr. J. H. Stone?

*Witness.* There is certainly, in many parts, the character of Mr. J. H. Stone's writing; but I would not swear it to be his.

What is your opinion?

*Witness.* I am of opinion, that the letter is the hand-writing of Mr. J. H. Stone.

Cross-examined by Mr. ERSKINE.

How long have you known Mr. J. H. Stone?

*Witness.* About twelve or thirteen years.

---

The letters from No. 1, to No. 10, (*vide Appendix*) were here read by Mr. BARLOW, the Clerk of the Crown.

---

JOHN CLARKE called.

In the year 1794, you were Captain of the ship called the Elbe, of Hull?

*Witness.* I was.

Did you not bring a gentleman, passenger from Hamburgh to Hull, who left that direction with you? (*The direction left by Jackson at Hull (VIDE APPENDIX.) was here handed to the Witness.*)

*Witness.* I did.

At what time?

*Witness.* About the 25th of February 1794.

---

WILLIAM M'CLEAN *again called.*

Were the papers marked No. 17 and 18 (*Papers handed to the Witness*) found among the Prisoner Stone's papers?

*Witness.* They were.

Cross-examined by SERJEANT ADAIR.

When you went by a warrant, to Old Ford, to seize Mr. Stone's papers, did he make any attempt to conceal any part of them?

*Witness.* No; he produced them all *willingly*.

Did he endeavour to secrete any thing?

*Witness.* By no means.

Did any of his family make any attempt of that kind?

*Witness.* Not the least.

Where did you find the papers No. 17 and 18?

*Witness.* In a room, like a library, which had in it many recesses.

Did you, on the Monday in May 1794, after the seizure of Mr. Stone's papers at Old Ford, go to his counting-house in Rutland Place?

*Witness.* No: I do not remember that I did.

Were the papers at Mr. Stone's under lock?

*Witness.* Yes.

Did Mr. Stone produce the key?

*Witness.* Yes; and assisted to deliver the papers to us.

Examined again by Mr. GARROW (*Counsel for the Crown.*)

Would it have been *possible*, for Mr. Stone to have secreted any part of his Papers?

*Witness.* No; I think it would not.

---

EDWARD LAUZUN *called.*

You are one of his Majesty's messengers?

*Witness.* I am.

You were at the seizure of Mr. Stone's papers?

*Witness.* Yes.

Do you know that paper? (*No. 18 handed to the Witness.*)

*Witness.* I do.

Where was it found?

*Witness.* I think it was found, at Mr. Stone's counting-house, in London.

---

JAMES WALSH *called.*

You knew the late Rev. Mr. William Jackson?

*Witness.* I did, very well.

And are well acquainted with his hand-writing?

*Witness.* I am.

Is that his hand-writing? (*The direction left by Jackson at Hull here produced*).

*Witness.* I think it is.

Is that (No. 17) his hand-writing?

*Witness.* I believe it is.

Is that (No. 18)?

*Witness.* I think it is.

Is that (No. 19)?

*Witness.* I do believe it to be his hand-writing?

---

WILLIAM M'CLEAN *again called.*

Was that paper (No. 13 *banded to Witness*) found among Mr. Stone's papers at Old Ford?

*Witness.* Yes.

---

JOHN HOLMES *again called.*

Is that (No. 13) the hand writing of John H. Stone?

*Witness.* Yes; I believe it to be so.

---

JOHN KING, Esq. *called.*

You are one of his Majesty's Under Secretaries of State?

*Witness.* I am.

Were you at Old Ford at the seizing of Mr. Stone's papers?

*Witness.* Yes; I was.

At what time?

*Witness.* On the 4th of May, 1794.

Did you ask Mr. Stone any questions relative to his cor-

respondence with Jackson, carried on under the signatures of 'ENOTS and POPKIN'?

*Witness.* Yes; and told him, if he would give up his correspondence, under those signatures, that his other papers should not be molested. He said, 'that no correspondence had passed under those names;' but, in a short time, a letter was found signed 'Thomas Popkin.'

Was that it? (*Letter produced.*)

*Witness.* I cannot swear, as I did not mark it.

Are you certain, that Mr. Stone said he had no correspondence, under the name of 'Popkin'?

*Witness.* I am.

---

EDWARD LAUZUN *again called.*

Do you know that letter? (*Same as shown to Mr. King.*)

*Witness.* Yes.

Where was it found?

*Witness.* Among Mr. Stone's papers, at Old Ford.

---

JOHN KING, Esq. *again called.*

Were you with the Messengers, when Mr. Stone was arrested?

*Witness.* I was.

Cross-examined by Mr. ERSKINE.

Where were the letters now produced found?

*Witness.* In the drawers of a writing table.

Was Mr. Stone at all embarrassed, at the time of the seizure of his papers?

*Witness.* No; not at all. He seemed to me *less embarrassed*, than I thought it *possible* for a man to be, under *such circumstances*.

Were you present at Mr. Stone's examination, before the Council?

*Witness.* A part of the time.

Where was this particular letter, signed 'Popkin' found?

*Witness.* Laying on the writing table, partly open.

Was it particularly secreted above the rest?

*Witness.* No; it was not.

Did you go with the Messengers to Stone's Counting-house?

*Witness.* Yes.

Where were the letters No. 17 and 18 found ?

*Witness.* I cannot tell.

Were any papers found at the Counting-house ?

*Witness.* Yes.

Did not Mr. Stone appear quite happy, at the finding of the paper No. 20.

*Witness.* He did.

---

JAMES WALSH *again called.*

Whose hand writing is that ? (No. 20.)

*Witness.* I think it to be that of the late Mr. Jackson.

---

OLIVER CARLETON *called.*

You are I think an Officer of the Police, in Dublin ?

*Witness.* I am.

Were you concerned in apprehending Mr. Jackson ?

*Witness.* I was.

Did you seize any papers ?

*Witness.* Yes.

Is that (No. 21) one of the papers you seized ?

*Witness.* Yes.

---

REUBEN SMITH *called.*

Do you know the Prisoner William Stone ?

*Witness.* Yes.

Do you know his hand writing ?

*Witness.* I think I do.

Is that (No. 21) his writing ?

*Witness.* I cannot swear that it is : I have my doubts.—

The body is *perhaps* Mr. Stone's writing.—The Superscription I very much doubt about.

What is your *opinion* ?

*Witness.* I cannot swear *positively*. I do very much *doubt* the superscription being Mr. Stone's writing. The body of the letter may be his.

Cross-examined by SERJEANT ADAIR.

Have you seen Mr. Stone write often ?

*Witness.* I have.

Did you ever express a doubt, to any one, about your knowledge of his writing?

*Witness.* No.

You are sure you never expressed a doubt to any one?

*Witness.* Yes.

---

PETER LONGRIDGE *called.*

Do you know the hand writing of Mr. William Stone, the Prisoner at the Bar?

*Witness.* I believe I do.

Is that (No. 21) his hand writing?

*Witness.* Yes; I have seen him write often.

---

WILLIAM M'CLEAN *again called.*

Was that (No. 11) found among Mr. Stone's papers?

*Witness.* Yes.

Was that? (No. 11\*)

*Witness.* Yes.

Was that? (No. 12)

*Witness.* Yes.

---

PETER LONGRIDGE *again.*

Is that paper (No. 11) Stone's, the Prisoner's, writing?

*Witness.* I believe that it is.

Is that (No. 11\*) his writing?

*Witness.* I do not think that it is, unless the postscript, which is crossed out; *that* I believe to be his.

Is that (No. 12) his writing?

*Witness.* It has, in some parts, the character of his writing; but I do not think it to be his.

Cross-examined by SERJEANT ADAIR.

You are sure you say, that the paper (No. 11) is Mr. Stone's writing?

*Witness.* I am.

About the paper (No. 11\*) you have your doubts?

*Witness.* I have. I am only certain as to the parts crossed out.



You are certain the paper (No. 12) is not Mr. Stone's writing?

*Witness.* I cannot think it to be his.

---

The papers No. 11. No. 11\*. and No. 12. were here read by Mr. BARLOW, the Clerk of the Crown.

---

WILLIAM SMITH, *Esq.* M. P. called (*examined by the ATTORNEY GENERAL.*)

*Attorney General.* Do you know the Prisoner Mr. Stone?

*Witness.* I do.

*Attorney General.* How long have you known him?

*Witness.* When I was examined before the Privy Council, I think I had known Mr. Stone, four or five years; I must therefore, now, have known him six or seven years.

*Attorney General.* Is that his hand writing. (No. 12.)

*Witness.* No; it is my own writing.

*Attorney General.* How did it pass from you to Mr. Stone?

*Witness.* I believe I gave it to him, in some way or other; he sent to me for it by *his* servant, or, as I rather think, I sent it to him, by *my* servant. However it is certainly my hand-writing, and Mr. Stone had it from me; in what manner, I cannot now exactly recollect.

*Attorney General.* Had you, previously, any conversation with Mr. Stone, about one Johnson or Jackson?

*Witness.* Yes, I had; but, before I begin the relation of it, I beg to state prior facts. About two years ago, I was examined, on this matter, before the Privy Council; and, as my examination was then on oath, and written down,—

*Attorney General.* The Court has nothing to do with what passed, before the Privy Council: we only wish you to state, what you recollect now.

*Witness.* I conceive it absolutely necessary, to state this fact. I do not know, that I am regular; if I am not, I shall not wish to do it; and I appeal to your Lordship, whether I am right, or not: but I do not pretend to say, that, at a distance of two years, I can exactly recollect what passed, at a tavern, and what I only heard, accidentally. I was called upon to relate what I knew of the matter, when it was more fresh in my memory, than it is, at present; and, there-

fore, if there should be any inaccuracy, in what I now relate, or any difference, from that which appears on paper, it arises out of the natural circumstances of the case: for my memory may fail me.

*Attorney General.* It cannot be expected, Sir, that you should remember, very accurately, all that passed, at this distance of time; but, I dare say, you will be able to state the substance of what passed.

*Witness.* At a meeting at Freemason's Hall, Mr. Stone came to me, and said,—“ My correspondence with my brother has been interrupted, for a long time; but a person has, lately, brought me a letter from him, to which he requests, and much wishes, an answer. He appears much alarmed, that the French intend to invade this Country; but he thinks, means may be afforded him of counteracting impressions, there entertained, as to the state of affairs in England, which may, eventually, be very advantageous to this Country.” Mr. Stone appeared to me much alarmed himself,——

*Attorney General.* Tell the Court what he did and said, not how he appeared.

*Witness.* I meant to describe his expression and manner.

*Attorney General.* We should certainly know all Mr. Stone said, and did.

*Witness.* It will be impossible for me, to say *all* that Mr. Stone said: he, however, *expressed* himself, I will say, under like alarm with his brother; and, I think, asked me, what was my opinion on the subject. I told him in effect, (for I cannot repeat the words) that I thought he must know my opinion, on that point; because he had, often, heard me express my persuasion, that such an attempt would never be made. And, I believe, I might state reasons, similar to those in the paper, which has been shewn me. (No. 12.) After some conversation more, he told me, he had had communications with Mr. Vaughan, whom I knew, on the same subject; and that Mr. Vaughan had told him, he thought there could be no impropriety, in giving his brother that general information, he seemed so much to wish for; and had given him a paper containing his opinions, on that head. In this, or some other part of the conversation, he shewed me a paper, (to which I have already alluded) and asked me my opinion of its contents. I told him, I thought the opinions, contain-

ed in that paper, might be very *true*; but that the expressions of it appeared to me, in many parts, very *exceptionable*. He then informed me, he had shewn it to several other gentlemen, (he particularly mentioned Lord Lauderdale and Colonel Maitland) who thought the paper *innocent*; but, that they also had objected to *particular expressions* in it. But, I am sure, he told me, he did not mean to make any use of the paper, if the opinion of his friends should be against it. I cannot recollect further, except that I told him,—‘ That lest he should forget, or misunderstand, what I had said to him, I would put it down in writing, and let him have it.’

*Attorney General*. Had you, at this time, any conversation, about an American gentlemen.

*Witness*. He told me, that an American gentleman (I think he said his name was Jackson) brought the letter from his brother.

*Attorney General*. Did Mr. Stone inform you any further about this Mr. Jackson?

*Witness*. No; not a syllable.

*Attorney General*. Do you know where Mr. Vaughan is now?

*Witness*. I do not know.

*Attorney General*. Was the paper, in question, to be communicated to any one else?

*Witness*. Not that I know of.

*Attorney General*. Was any use whatever made of that paper?

*Witness*. Not to my knowledge. When Mr. Stone was apprehended, I heard to my great surprise, that this paper of mine was found, among those of that gentleman.

*Attorney General*. Is that paper (No. 12. handed to *Witness*) the paper of Mr. Vaughan?

*Witness*. I cannot swear that it is; but I think it may.

Cross-examined by Mr. ERSKINE.

*Mr. Erskine*. You say that you have known Mr. Stone, six or seven years?

*Witness*. Yes.

*Mr. Erskine*. Have you known him intimately, or in confidence?

*Witness.* No: I never was at Mr. Stone's house; but I have met him at Doctor Craufurd's, and at Freemason's Hall. Mr. Stone once applied to me, to endeavour to get a Bill passed, relative to a trade, in which he was materially concerned; and I spoke to Mr. Rose about it. That was the only intimacy, that ever existed between us.

*Mr. Erskine.* I am going, Sir, to ask you some questions, concerning things, of which I am not ignorant; but which are necessary for the information of the Jury. You are, I believe, a Member of Parliament?

*Witness.* I am.

*Mr. Erskine.* And a man of considerable property?

*Witness.* I hope so.

*Mr. Erskine.* And Mr. Stone knew you as such?

*Witness.* I am sure he must.

*Mr. Erskine.* Was the conversation, at Freemason's Hall, between you and Mr. Stone, in confidence?

*Witness.* No.

*Mr. Erskine.* Did you consider it as a matter of delicacy, or as intended to be kept a secret?

*Witness.* By no means: From the impressions left on my mind, I think I knew he had mentioned it to many others, and that he wished me to mention it also.

*Mr. Erskine.* Upon the whole, what was the impression on your mind of the criminality of the paper in question, and of Mr. Stone's conduct in the business?

*Attorney General.* I must object to this question: it is very irregular.

*Mr. Erskine.* Would you then have conducted yourself as you did, if the impression on your mind——?

*Attorney General.* The Jury are not to take Mr. SMITH'S opinion: they are to judge from facts alone.

*Mr. Erskine.* I am not asking his judgment; but what struck him at the time.

*Lord Kenyon.* If such a question be permitted, it will warrant the Attorney General in putting questions, which I should not wish to be put; and of which we cannot foresee the consequences. It may lead into enquiries, what are the opinions of all Witnesses in matters of Politics, and other things; which would be the most dangerous thing in the world.

*Mr. Erskine.* I am sure, I remember, that such questions

were permitted to be put, on the late State Trials, at the Old Bailey.

*Lord Kenyon.* I do not pretend to that accurate knowledge of the practice of the Courts, in Criminal Cases, I could wish. Mr. Justice Lawrence, was, I believe, present at those trials.

*Serjeant Adair.* On that occasion, it was constantly asked the Witnesses, whether they would have continued Members of the Corresponding Society, if they had thought their intentions criminal?

*Mr. Erskine.* It was exactly as Serjeant Adair has stated it.

*Mr. Justice Lawrence.* The question, on the State Trials, which my brother Adair has mentioned, was intended to prove the Object of the Societies, and therefore was necessary.

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RICHARD BRINSLEY SHERIDAN, Esq. M. P. called.

(Examined by Mr. Law.)

*Mr. Law.* Did Mr. Stone apply at your House, in March 1794, relative to an American Gentleman?

*Witness.* He did; but I beg here to state, that the whole of my conversation with him, was given before the Privy Council, and was taken down in writing: I could wish, therefore, to refer to that examination, as being given, while circumstances were fresh on memory, and as being, of course, more accurate than my present recollection.

*Mr. Law.* We cannot refer to that; and must therefore request of you to relate what passed, entirely from your memory: we cannot, in this Court, take notice of any examination that took place elsewhere.

*Witness.* I merely wished it, from knowing that it must be more exact, than my memory of the transaction is now. I will, however, relate what passed, as well as my memory will let me, straight forward, to save the trouble of interrogatories.

Mr. Wilson, a gentleman whom I knew, introduced Mr. Stone, as desirous of communicating something of great importance to the interests of this Country, which had been, already, communicated to several gentlemen, particularly Lord Lauderdale, and his brother, Colonel Maitland. This, I understood, to be the Invasion of this Coun-

try, planned by the Executive Government of France, from an idea of general discontent among the People of this Country; which information, Mr. Stone had obtained from his Brother in Paris. Mr. Stone then told me, he thought he could, through a circuitous channel of Communication, (meaning, I suppose, his Brother) undeceive the Government of France, and prevent the Invasion. After this, Mr. Stone stated, that he had endeavoured to get the opinion of different political Characters, in this Country, whose opinion, he thought, might forward his object; and that he had had interviews with several Gentlemen, whom he named, *viz.* Mr. Smith, Mr. Vaughan, and some other Ministerial Gentleman, whose name I cannot remember. He then read a paper, which tended to prove the folly of an Invasion; but I stopped him, before he had done, fearing he might be deceived in the American Gentleman, and not thinking it altogether discreet, to meddle in such delicate affairs. Mr. Stone, upon this, endeavoured to argue with me, but I declined it; and he said, he thought he served the Public and his Country in preventing the Invasion; though he was convinced, that the attempt must be unsuccessful, and could not end in any advantage to the Enemy. I then told Mr. Stone that he might rely upon it, that all his actions were watched by Government; and, that were I Mr. Dundas, I should, from Mr. John H. Stone's situation in Paris, certainly put a stop to all such Communications. After this, Mr. Stone represented the American Gentleman as a medium, through which any pacific dispositions, on the part of the Government of this Country, might be communicated to the Executive Government of France; and said, that he believed he (the American Gentleman) had had communications with some of his Majesty's Ministers. I ended the conversation, rather abruptly; and never saw, or heard from, Mr. Stone again. The general impression upon my mind, at the time, was, that he was a weak man, acting from honest motives; and that he wished to do good. When I told him of the propriety of communicating to Mr. Dundas, what he knew, he, at first, rather hesitated; but, after a short time, seemed to have no objection to it. When the conversation was over, I asked Mr. Wilson, why he had brought so foolish a business to me? for I had imagined I was to hear something relative to Proposals of Pacification,

Mr. SHERIDAN retired, but was again called.

*Serjeant Adair.* I think you said, that Mr. Stone informed you, he had had communications with some Person connected with Ministry, whose name you could not recollect: Was it General MURRAY?

*Witness.* Yes; it was; I now recollect it perfectly well.

LORD LAUBERDALE called.

(Examined by the ATTORNEY-GENERAL.

*Attorney-General.* Had you any communications, in March 1794, with Mr. Stone, as to an Invasion of this Country by the French?

*Witness.* Yes, I had; at Hudson's Coffee-House, in Bond-Street. My brother, Colonel Maitland, went with me there; and we talked a good deal with Mr. Stone about French affairs, who, after some time, produced a Paper, which, he said, was given him by Mr. Vaughan. While he was reading this Paper, Colonel Maitland asked, whether Mr. Vaughan had written a particular passage? Mr. Stone replied, that the Paper contained the substance of Mr. Vaughan's opinion.

*Attorney General.* Do you recollect to what particular passage Colonel Maitland excepted?

*Witness.* I do not.

*Attorney General.* Did Mr. Stone mention to you an American gentleman, who had come to this Country?

*Witness.* He did.

*Attorney General.* Were you informed what was the Object of his Mission here?

*Witness.* I could not gather so much.

*Attorney General.* Did your Lordship give any advice, as to Mr. Stone's future conduct?

*Witness.* I believe Colonel Maitland might say, that we could not approve, or give any sanction to, the contents of that Paper.

Cross-examined by MR. ERSKINE.

*Mr. Erskine.* Should you know the Paper, shewn you by Mr. Stone as Mr. Vaughan's?

*Witness.* I think I should.

*Mr. Erskine.* Was that it? [No. 11\*]

*Witness.* I cannot positively swear; but it appears to me to be it.

*Mr. Erskine.* Was any part of this business communicated to you in confidence, or as a secret?

*Witness.* No, by no means; I believe, I understood it was known to many others at the time.

MR. ——— TOWGOOD called.

Had you any conversation, in the spring of the year 1794, with Mr. William Stone, about his brother in Paris?

*Witness.* Yes, I had.

Will you relate that conversation?

*Witness.* He said an American gentleman was come from Paris, who brought him news of his brother; and, that this Gentleman had been asking him, about the State of Parties in England, and how the People would be affected to the French, in case of an Invasion? Mr. Stone then said, he thought this an opportunity of doing a real good to this Country; and gave it as his opinion, that, however different opinions might be on other subjects, there would be but one, in Case of an Invasion—namely—an unanimous Resistance; and that it would be proper the French should know this. I, after this, told Mr. Stone, I thought the subject rather a delicate one, and in this he acquiesced; but said, he should be cautious to do nothing wrong. He then produced a paper, (No. 11\*); and said, he had mentioned the matter to Lord Lauderdale, Colonel Maitland, and Mr. Sheridan, thinking that, if the opinion of the impracticability of an Invasion were sanctioned by their names, and forwarded to his brother, it might have much more weight than his opinion as an individual. In another Conversation, Mr. Stone told me, he had given the American gentleman a Paper, strongly expressing sentiments of the same nature he had already told me, as to an Invasion; and seemed very happy at the pains and trouble he had taken, in doing what he considered as an essential good to his Country, by preventing the attempt of an Invasion.

Did Mr. Stone ever converse with you, about an Invasion of Ireland?

*Witness.* Never.



Did you know what became of the American gentleman Mr. Stone mentioned ?

*Witness.* No.

By whom was the Paper written, which Mr. Stone shewed to you ?

*Witness.* I believe, it was for the most part written by Mr. Vaughan ; though, I think, some parts of it were written by Mr. Stone.

You are sure he always spoke of the gentleman you have mentioned as an American ?

*Witness.* Yes.

Cross-examined by SERJEANT ADAIR.

How long have you known Mr. Stone ?

*Witness.* For many years.

In the course of that time, what has been your opinion of his character ?

*Witness.* I always thought him a Friend of Reform ; but, at the same time, a real Friend to the Constitution, and a loyal, honest Man.

---

THOMAS ROGERS called.

You know the Prisoner Mr. Stone ?

*Witness.* I do.

Had you any Conversation with him in March 1794 ?

*Witness.* I had.—I met Mr. Stone, in the street, who informed me, that an American gentleman had brought him a letter from his brother in Paris, which Gentleman wished to collect the Sentiments of the People of England, towards the French Nation. I rather declined this Conversation ; saying, that I had no wish to enter into political Discussion ; and that I wished to avoid even the shadow of an imputation ; knowing that, in a period of general Alarm, the most innocent intentions were liable to misconstruction. Some time after this, Mr. Stone called upon me ; and read to me a paper, which tended to prove, that the English Nation would, to a Man, unite to repel an Invasion. He then told me, he was satisfied, that he should do his duty, if, by stating, what he believed to be true, he could serve his Country, and prevent the Invasion.

Cross-examined by Mr. ERSKINE.

Was the conversation in the street, between you and Mr. Stone, in confidence ?

*Witness.* No.

You would then have told it to me, or any one you knew, immediately after, had you met us, at the first turning you came to ?

*Witness.* It is more than probable I should.

How long have you known Mr. Stone ?

*Witness.* Many years.

And, in the course of your knowledge of him, what has been your opinion of his general character ?

*Witness.* I always thought him a loyal, well meaning man.

---

EVAN NEPEAN, Esq. called.

Do you know these papers ? (*papers handed to the witness.*)

*Witness.* Yes : I received them, when Under Secretary of State, from Lord Grenville. I did not mark them ; but his Lordship will, I dare say, know that they are the same.

---

LORD GRENVILLE, called.

Your Lordship remembers those three papers ?

*Witness.* Yes ; I gave them to Mr. Nepean. I believe they came from Paris ; but I am not certain : they certainly however came from abroad ; and were sent to me, officially, as Secretary of State. I do not think myself at liberty to state, through what channel they came to my hands.

---

JAMES WALSH, again called.

Do you know whose writing those letters are ?

*Witness.* Yes : they are the writing of the late Mr. Jackson : (*These were Letters of Jackson, dated the 17th and 18th of March 1794, and another Letter.*)

*Serjeant Adair.* I beg to submit it to the Court, by what principle, or rule of Evidence, these Letters can be adduced against Mr. Stone ; or by what means any thing said, or done, by Mr. Jackson, without Mr. Stone's knowledge, can implicate him.

*Attorney General.* The Conspiracy, between Jackson, the Prisoner, and his brother, being proved, the act of any one of them, may be adduced in Evidence against the other.

---

(*The Letter of the 18th of March 1794 was here produced and read.*)

*Attorney General.* I desire, that the Letter of Jackson, of the 17th March, may be read. (*This Letter was to prove the practicability of an Invasion of Ireland.*)

*Serjeant Adair.* I contend, that such Evidence is not admissible, to prove the private intentions and disposition of a third person; though it has been received in cases, where a Conspiracy was to be established by it, as at the late State Trials.

*Mr. Erskine.* Speaking in the presence of two learned Judges, who presided at those Trials, I will assert, that such Evidence was not received there, except to the end mentioned by my learned Friend.

*Attorney General.* This Letter ought certainly to come before the Jury. I beg to state the case of Bowes, now in the King's Bench. A person of the name of Bowes, an attorney, was implicated in the individual act of that gentleman, who had run away with lady Strathmore, because a Conspiracy had been previously proved. Every individual act, in Case of Conspiracy, attaches to the whole. This fact was ruled on the late trials, at the Old Bailey, for High Treason; as it was there admitted by the learned Serjeant himself, that the individual act of one, attached to the whole: for it must be remembered, that the acts of the distant society at Sheffield, were held to be legally imputable to the London Corresponding Society, and that at Norwich.

*Serjeant Adair.* The principle, on which my learned friend, the Attorney General, has argued the present Case, is, most decidedly, distinguishable from the Cases he has stated. I am ready to admit, that, when several persons are charged, and put on their Trials *together* for a Conspiracy, there is no doubt that every piece of Evidence is admissible. The acts, done by the persons charged with the Conspiracy, on the late State Trials, were acts charged against them, as Members of Societies, who, *by all their strength*, formed a plan to overturn the Constitution. But the present Case is very dif-

ferent: an individual is called upon to answer for the act of another in a distant Country; an act of which he had no previous knowledge, and could be bound by no tie to give his sanction to. If the proposition of the Attorney General be admitted, where is the Court to stop? Besides the Evidence, in this Case, is quite contradictory: Mr. Stone's Letter to Jackson was to prevent, and point out the absurdity and folly of, an Invasion.

*Lord Kenyon.* I felt some doubts, upon this point, at first; because, in a Case of Blood, it is natural to doubt upon points, which, in Civil Cases, create no hesitation. In Civil Cases, I know very well, that, if Evidence be admitted improperly, the party injured may easily have relief by application to the Court; but, in a Case of this kind, it is much more delicate to decide. However, upon considering the subject, I can see no difference between this question, and that decided at the Old Bailey, upon the late State Trials; and, therefore, I shall acquiesce in the determination of so respectable a Tribunal, and permit the Evidence to be received.

*Mr. Erskine.* I beg again to refer to the State Trials, in favour of the argument used by the learned Serjeant (*Adair*) There are two branches belonging to the proposition: the first to shew, that a Conspiracy did exist, and the second to shew, that the Prisoner was a Member of that Conspiracy. I have the highest veneration for the Court, before which the State Prisoners were tried, at the Old Bailey; but, if it had ruled otherwise than this, I should think it entitled to very little respect. Good God, my Lord, if Evidence of this kind be admitted in Court, whose life will be safe? Except specific evidence can be brought of a Conspiracy, and that the Prisoner did actually accede to the letter of Jackson, he cannot be criminated in his conduct.

*Attorney General.* According to the Law of England, it is impossible to prevent any Evidence, that is brought before a Jury, from being properly estimated by them, and admitted by them to any extent they think proper.

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The Letter of the 17th of March 1794 was here read by  
Mr. BARLOW Clerk of the Crown.

---

Mr. JOHN COKAYNE, *called.*

(Examined by Mr. GARROW.)

*Mr. Garrow.* You knew the late Mr. Jackson?

*Witness.* Yes I did; I knew him for many years: particularly in the beginning of the year 1794, when he returned from abroad: I then had a constant intercourse with him.

*Mr. Garrow.* You accompanied him to Ireland, did you not?

*Witness.* Yes, I did.

*Mr. Garrow.* And what became of him there?

*Witness.* He was tried for High Treason, convicted, and, I believe, (for I was not present) died at the Bar, when brought up to receive judgment.

*Mr. Garrow.* Do you know that Letter? (No. 25.)

*Witness.* Yes; the direction, 'for Messrs. Lawrence and Co. Rutland Wharf,' was written by me, at Mr. Jackson's request.

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JAMES WALSH *again called.*

Do you know whose hand writing that Letter is? (No. 25.)

*Witness.* I believe it to be the hand writing of Mr. Jackson.

---

ISAAC DE JONCOURT *called.*

You are Deputy Comptroller of the Post Office in Dublin?

*Witness.* I am.

Have you any knowledge of that Letter? (No. 25).

*Witness.* Yes; it was intercepted in the Post Office in Dublin, and never, I believe, found its way to England in due course.

---

Mr. JOHN COKAYNE *again called.*

*Mr. Garrow.* At what time was your intercourse with Jackson renewed?

*Witness.* Either in January, or February, 1794. About

1790 or 1791, Mr. Jackson left England, in consequence of Debts he had incurred, for the most part, by the Royalty Theatre. He then went to Paris. On his return, in 1794, he came to me: for an intimate intercourse had at all times subsisted between us. While he remained in London, he resided at the Buffalo Tavern, Bloomsbury. I had frequent intercourses with him, and saw him, almost every day.

*Mr. Garrow.* Did you provide Mr. Jackson Lodgings at the Buffalo Tavern?

*Witness.* Yes: he particularly wished to be private; and I recommended him there, as a place very likely to answer that purpose.

*Mr. Garrow.* How long did Mr. Jackson remain in London?

*Witness.* About five or six weeks; and then went to Ireland, of which Country, I believe, he was a native.

*Mr. Garrow.* Did you know of any Commercial Concerns Mr. Jackson had in this Country?

*Witness.* No; I did not know of any such concerns he had: he was a Clergyman.

*Mr. Garrow.* Did not Mr. Jackson keep himself very secret, while in London?

*Witness.* Yes; with a view, as he said, of concealing himself from his Creditors. From the subsequent conduct of Mr. Jackson, I was induced to write to Mr. Pitt, in March, 1794, whom I afterwards waited on, accompanied by Mr. Estcourt. After my interview with Mr. Pitt, I accompanied Mr. Jackson to Ireland, and arrived there, about the 2d or 3d of April, 1794.

*Mr. Garrow.* Did not you, during Mr. Jackson's stay in London, direct several letters for him to houses abroad?

*Witness.* Yes, at his particular request; he assigning, as a reason for wishing me to do so, his dread of his Creditors, who, he was apprehensive might, by some means or other, see his hand-writing, which was a very remarkable one.

*Mr. Garrow.* When you went to Ireland, were you not present, with Jackson, in the company of Mr. Hamilton Rowan, then confined in Newgate?

*Witness.* I was not present at Mr. Jackson's first interview with Mr. Rowan. At a subsequent interview, I was present with Jackson, Rowan, and Counsellor Tone. I, then, heard a proposition made by Jackson and Rowan, to Mr. Tone, for

the latter to go to France; but could not exactly, then, tell for what purpose, or the nature of the business. In another interview, I understood, that Tone was to carry with him Letters to France, from Jackson and Rowan, to inform the French of the disaffection of the People of Ireland to the Government of Great Britain; and to require the assistance of the French to invade Ireland. I cannot now repeat the exact conversation; but the substance of it was, as I have stated. Tone in part accepted the proposal of going to France; but was, suddenly, called into the country, and the business was left undecided. Mr. Jackson thought Tone went into the country rather abruptly; and applied to Doctor Reynolds, who rather started at the proposition, threw several obstacles in its way, and continued undetermined. Shortly after, Mr. Tone returned, and, at an interview with Jackson and Rowan, stated some objections he had; but was over-ruled by their persuasions. He said, however, he could not go, until he had received some Pecuniary Reimbursements from the Catholics, which his going to France, then, might prevent his receiving at all. I believe they did not meet again; nor do I know whether Mr. Tone went to France, or not.

*Mr. Garrow.* Did not you, while in Ireland, direct a cover for some one at Hamburgh, at Mr. Jackson's request?

*Witness.* I did. I think to 'Monsieur, Monsieur Chapeau-rouge, Hamburgh.' Under this cover was a Letter, with only a cross upon it; in this Letter was also written by me—"Remember me to Lagnalot and all our Friends;" and in this last Letter was another enclosure, the contents of which I was entirely ignorant of.

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ISAAC DE JONCOURT *again called.*

Do you know that Letter (No. 27?)

*Witness.* Yes: I remember it was put into the Post Office, in Dublin, for the purpose of being sent abroad; but was intercepted, and never sent.

*Lord Kenyon.* I think it necessary, that the Court, and the Gentlemen on both sides, should consider whether the Trial is not likely to run to such a length, that the fatigue of at-

tending it will disqualify the Court, and the Jury, from giving it such attention, as it requires; and, if that be the case, will it not be better to adjourn?

*Attorney General.* I think it will occupy about four Hours more, to finish the Examination of Witnesses, on the Part of the Crown. I, therefore, leave it entirely to the decision of the Court, whether we shall adjourn, after the conclusion of Mr. Cokayne's Evidence, or proceed.

*Serjeant Adair.* In behalf of my Client, I beg to say, that I am very ready to abide by the Decision of the Court; but, at the same time, I do not imagine, that so much time will be employed in the Examination of Witnesses, on the part of Mr. Stone, as on that of the Prosecution, since there is little or no written evidence. It seems, however, better, in my opinion, to conclude the Evidence on the part of the Crown, to-night; because, if the Court should be detained to a late hour, on the second day, it may subject the Defence of Mr. Stone to a great disadvantage.

*Lord Kenyon.* I hope that four hours will not wear the spirits of the Court, or Jury, much; and, therefore, do not foresee what disadvantage can arise.

*Mr. Erskine.* If the Court adjourns, at the conclusion of the Evidence, on the part of the Crown, I shall have an opportunity, in conjunction with the other Gentlemen, employed in the Prisoner's defence, to dedicate that time, which others allow for rest, to a review of what has already passed, that we may the better be able to perform our duty.

*Lord Kenyon.* From the assiduity and talents of the Gentlemen, concerned for the Prisoner, I doubt not, that such precautions have been taken, as will render all farther preparation unnecessary. I think, however, that leisure ought to be afforded the Jury to recruit their strength; as I remember to have heard, that the strength of a Jury did once give way, in a long trial: I believe it was in the Case of Lord Pomfret, in a Trial at Bar.

*A Jurymen.* I beg leave respectfully to apprise the Court, that I, as well as the greater part of the Jury, am an early riser; and, if we can be indulged with temporary rest, we shall be very willing to resume our task, at any hour, in the morning, your Lordships may be pleased to appoint. I am an old man, and of course sooner fatigued,



than a young one; and I am fearful, if I am detained here four hours longer, without any intermediate rest, that I shall fall asleep upon my seat, and be unable to discharge my Duty, as my Oath and Conscience demand, in a business of such importance, as the present; which is, truly, a Cause of Life and Death.

*Attorney General.* I think, my Lord, after the examination of the present Witness, it will be better to adjourn.

*Lord Kenyon.* Be it so then.

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Mr. JOHN COKAYNE *again called.*

*Mr. Garrow.* When you were in Dublin, I think you lodged in the same house with Mr. Jackson, and was in habits of daily, and constant intercourse with him?

*Witness.* I was.

*Mr. Garrow.* Did you know of any particular business, or commercial concerns, Mr. Jackson had in Ireland?

*Witness.* I did not know of any commercial concerns he had there; and I think that, from our habits of intimacy, I must have known of them, if he had had any. In fact, I do not think, that Mr. Jackson had any kind of business whatever in Ireland, except with Mr. Hamilton Rowan, and Counsellor Tone: sometimes indeed he saw his wife.

*Mr. Garrow.* Did you never direct Covers for 'Monsieur Monsieur Chapeau-rougé,' while in London, before you had the interview with Mr. Pitt?

*Witness.* Yes; I did.

Cross-examined by SERJEANT ADAIR.

*Serjeant Adair.* Did you ever give any written account of your transactions in this affair?

*Witness.* Yes, sir.

*Serjeant Adair.* Is that your Writing? (*Paper shown to Witness.*)

*Witness.* Yes.

*Serjeant Adair.* Have you any recollection of the Contents?

*Witness.* Let me cast my eye over it. If you mean to ask me abstractedly as to the Contents, I beg to submit, that, as

I avow the whole of this Paper\*, the whole may be read. Shall I read it to the Court?

*Serjeant Adair.* There is no occasion at present. I do not mean to entrap you. When you left England with Mr. Jackson, did you know the object of the Journey?

*Witness.* I did not, sir.

Examined again by Mr. GARROW.

*Mr. Garrow.* Will you be so good as to state the nature of your Connection with Mr. Jackson, when in England?

*Witness.* Mr. Jackson, after his return to England, asked me, as his Friend, to direct several Letters for him; as his Debts were so heavy, that, if his hand writing were known, he might be discovered, and locked up for ever. With this, knowing Mr. Jackson to be much in Debt, I complied: never presuming so far on my Friendship with him, as to desire to know the Contents. One day he told me, that, as he was not likely to succeed in the Business for which he came to England, he had some thoughts of going to Ireland; and asked me, whether I knew any mercantile people to whom I could apply, to obtain provisions and other necessaries to supply the French with. He said he had an unlimited order for any quantity that could be procured; and he should have a large Commission for obtaining them; and that I should have a large Commission also; which, he could venture to say, would amount to ONE THOUSAND POUNDS A YEAR. He said he knew, I had heavy Losses in my Profession; but that this would be an opportunity of taking me from the Fatigues of Business, and placing me in, an Independant State. Thus ended the conversation, which however did not escape my mind: for I immediately suspected, that, by directing so many Letters for my Friend, without knowing their Contents, I might be brought into an unpleasant Situation,——

\* The Letter, here alluded to, contains an exact Statement of Mr. Cokayne's Motives, and Conduct, through the whole Business: (vide Appendix) and it is but Justice to him, to say, that this Letter, the Observations of the Attorney General in his opening, and the handsome Admissions and Observations of Mr. Erskine, in his Defence of Mr. Stone, place his (Mr. Cokayne's) Character in a different light, from what it has been; and remove that Obloquy, with which it has been, so unjustly, loaded.

*Mr. Erskine.* As this was merely a Transaction of the Witness's own Mind, it cannot be admitted as Evidence.

*Mr. Garrow.* You say you directed Letters, without knowing the Contents of them,—was it that circumstance led you to make communications to the Minister?

*Witness.* Yes; I was led by my Suspicions to communicate what had passed to the Minister; in my interview with whom, I was accompanied by Mr. Estcourt. And—

*Mr. Garrow.* That is sufficient, as Mr. Pitt will be examined;—and the Inference is plain.

*Attorney General.* I desire the Letter (No. 28) signed 'Enots', and directed 'Thomas Popkin', may be read; but it must first be proved.

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WILLIAM LONGRIDGE *again called.*

Whose hand-writing do you believe that to be? (No. 28)

*Witness.* I believe it to be the hand-writing of Mr. William Stone.

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Mr. DE JONCOURT *again called.*

Have you ever seen that Letter? [No. 28]

*Witness.* Yes, it was intercepted in the Post-office, in Dublin; and was there marked by me, as well as all the Enclosures (for I opened them all) and the Enclosure here had been sealed with a second wafer: the first appeared to have been red, and the second of another colour.

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Mr. Barlow, the Clerk of the Crown, then read the Letter (No. 28.)

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*Attorney General.* As the Court is about to adjourn, I hope the Sheriff will provide proper apartments for the Jury, and take care that they are not separated.

*Lord Kenyon.* I hope the Jury will be well accommodated; but they must not receive any Communications, or read a Newspaper, or talk with any one upon the subject of the Trial.

Two Officers were sworn to wait upon the Jury, and to see Lord Kenyon's Directions obeyed.

About eleven o'clock, the Court adjourned to the next morning, (Friday) at nine o'clock.

After the rising of the Court, Mr. Stone retired, escorted by Mr. Kirby, the Keeper of Newgate.

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*End of the First Day's Proceedings.*

TRIAL  
OF  
MR. WILLIAM STONE,  
ON A CHARGE OF  
HIGH TREASON.

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SECOND DAY.

---

Friday, January 29, 1796.

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AT nine o'clock, the Judges were seated on the Bench, when Mr. Stone, escorted by Mr. KIRBY, the Keeper of Newgate, was put to the Bar; and the names of the Jury having been *pro forma* called over, the ATTORNEY GENERAL proceeded to call Evidence on the part of the Crown.

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WILLIAM M'CLEAN *again called.*

Do you know those Papers? (No. 37 and 38)

*Witness.* Yes; they were found among Mr. Stone's Papers, at Old Ford.

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THOMAS HILL *called.*

You were once Clerk to Mr. William Stone, the Prisoner at the Bar?

*Witness.* Yes.

Do you know that Paper? (No. 38)

*Witness.* Yes; I copied it from a manuscript of Mr. Stone's own writing, at his request; though I do not know for what purpose. The word "EXTRACTS," at the top of the Paper, I believe to be Mr. Stone's own writing.

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The Paper (No. 38) was here read by MR. BARLOW.

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*Attorney General.* It is our Intention to compare these Extracts, from the Letters of Mr. Stone's brother, with the originals, from which they differ, in many material particulars.

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Some of the original Letters were here read by MR. BARLOW.

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*Attorney General.* We wish particularly to call your attention to the substitution of the words '*the French,*' in the Extracts, for the word '*We,*' in the original Letters. This evidently proves, that the person, corresponding with the Prisoner, considered himself as interested in all the successes, and projects of the French. We wish also to call your attention to the substitution of the word '*Ignorance,*' in the Extracts, for the word '*Folly,*' in the Originals. We now request, that Mr. Pitt's Letter (No, 37) to Mr. Stone may be read, as it refers to these Extracts, and a letter which has been suppressed.

*Serjeant Adair.* I must object to this, as no cognizance can be taken, by way of Evidence, of any thing to which that Letter refers. Mr. Pitt is subpcenad; and may be examined in Court.

*Attorney General.* I merely wish, that the Letter may be read, since the difference between the Extracts and the original Letters, of which we have stated some parts, sufficiently prove, that the Extracts were not fairly made, and that the Prisoner did not make fair and honest communications to the Minister; and, consequently, cannot be entitled to the benefits, to which such communication, would, otherwise, have entitled him.

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The Letter (No, 37) was here read by the Clerk of the Crown.

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*Attorney General.* I think it necessary to state, that Mr. Dundas, the Secretary of State, attended, the whole of yesterday, pursuant to his subpcena; and that, from the calls of his official situation, he wishes to be examined early. The object, to which I mean to examine him, is, whether Mr. Stone ever communicated any thing to him, relative to

an American merchant, and the views Mr. Stone had, in making his enquiries relative to the sentiments, and disposition of the people of this Country.

*Serjeant Adair.* There is no necessity to detain Mr. Dundas, as his testimony only goes to the proof of some Letters, of which there will be sufficient proof without him; and to which no opposition is intended. On behalf of Mr. Stone, I have no objection to admit the fact.

*Attorney General.* I shall now produce the Letter from Mr. William Stone to Mr. Pitt, of the 8th of April 1793, which I should not have done, if it had not been the wish of Mr. Stone, by subpoenaing Mr. Pitt to produce that Letter, to have his confidence withdrawn.

---

THOMAS HILL *again called.*

Whose hand-writing do you believe that Letter to be? (No. 39)

*Witness.* It appears to me like the hand-writing of Mr. William Stone.

---

The Letter (No. 39) was here read by MR. BARLOW.

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*Attorney General.* No answer was returned to this Letter; and, on the 15th of April 1793, Mr. William Stone wrote again to Mr. Pitt, which was almost a repetition of the last sentence, in the former Letter; and, on the day following, Mr. Pitt returned in answer the Letter, dated April the 16th, superscribed No. 37, which has been already read, in the course of this day's proceedings.

---

OLIVER CARLETON *again called.*

Did you apprehend Mr. Jackson in Dublin?

*Witness.* I did.

Were those papers (No. 15, 24, 29, 30, 31.) found in his apartments at the time?

*Witness.* They were.

Was any other person with you at the time?

*Witness.* Only Mr Atkinson.

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— ATKINSON *called.*

You were present with Mr. Carleton, when Mr. Jackson was apprehended in Dublin?

*Witness.* I was.

Do you know those Papers? (No. 15. 24. 29. 30. 31.)

*Witness.* Yes; they were found in Mr. Jackson's apartment.

---

HENRY MANLEY *called.*

Did you live clerk with the Prisoner Mr. Stone?

*Witness.* I did.

Do you know that hand writing? (No. 25).

*Witness.* I cannot positively say; but I believe it to be the hand-writing of Mr. Gallier, another of Mr. Stone's clerks.

*Serjeant Adair.* This cannot be produced in Evidence, as no connection has been proved, between the Prisoner and Gallier, relative to the Charge on the present Indictment.

*Mr. Garrow.* The Evidence for the Prosecution has proved a Conspiracy, between the Prisoner Stone and Jackson; and that a correspondence took place in consequence, on that subject; sometimes, in the hand-writing of Stone, and, sometimes, in the hand-writing of others. There are divers modes of proof: if the Letters, thus found, had been in the hand-writing of Stone, and delivered by himself to Jackson, it would certainly have been the strongest; but it does not, on that account, preclude others. The present Paper was written by a person, who was accustomed to write for Stone, on the subject of the Conspiracy; and moreover is a Copy of the Paper, given the Prisoner by Mr. Smith, (No. 12.) which has already been given in Evidence. On these grounds, I think the Paper should be admitted.

*Lord Kenyon.* The latter reason, given by Mr. Garrow, entirely varies the case; it must, on that account, be received.

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The Paper No. 29. was here read by the Clerk of the Crown.

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HENRY MANLEY *again examined.*

Whose hand-writing is that? (No. 30)

*Witness.* I believe that to be Mr. Gallier's also.

*Serjeant Adair.* This not being a Copy of any previous Evidence produced, cannot be admitted on the same grounds as No. 29. It is the hand-writing of a living person, who might himself have been produced, to prove his own writing; and the present is, certainly, not the *best* Evidence that *might* be produced;—*which*, in all Criminal Cases, in particular, the Law requires. Besides the name of *Gallier*, is not to be found in the list of witnesses.

*Mr. White. (Solicitor for the Treasury)* I think the latter remark of the learned Serjeant, rather hard and personal; but I beg to declare, that, till the examination of the last witness, I never heard Gallier's name mentioned, or I should certainly have inserted it in the list.

*Mr. Garrow.* I beg to repeat my former argument—the Conspiracy between Jackson and Stone has been proved; and, that their correspondence was, sometimes, carried on in the hand-writing of others. On this account the Paper No. 30. should, I think, be received.

*Lord Kenyon.* The Paper in question is, certainly, no Evidence. The acts of Jackson, in prosecution of the common design between him and Stone, may be given in Evidence; but this Paper may have been sent, idly and maliciously, to him. In private conversation, I might say what I thought of it; but, sitting here, judicially, I cannot permit it to be received as Evidence.

HENRY MANLEY *again examined.*

Whose hand-writing do you believe that to be? (No. 31)

*Witness.* It is my own: I copied it.

By whose directions did you copy it?

*Witness.* I should suppose by Mr. Stone's: for I used to have Letters to copy for him; but I have no particular recollection of this.

Did you ever copy Letters by any other persons directions?

*Witness.* No; and, on that account, I believe this to have

been done by his directions. (*This was a Duplicate of Mr. Vaughan's Paper No. 11.*)

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A Letter found in Jackson's apartments, written by Mr. Tone, relative to the Affairs of Ireland, was here read by the Clerk of the Crown.

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Mr. ISAAC DE JONCOURT *again called.*

You have compared the Paper you have in your hand with the original Record of Mr. Jackson's Conviction for High Treason in Dublin?

*Witness.* I have.

*Mr. Erskine.* This cannot be admitted as Evidence, since the Record is imperfect without a *Judgment.*

*Serjeant Adair.* I am of the same opinion with my learned Friend.

*Mr. Garrow.* Mr. Jackson died in Court, when about to receive Sentence. We cannot, however, produce Evidence to substantiate the Fact, as Mr. De Joncourt was not in Court, at the time.

*Lord Kenyon.* We must have the *Judgment.* It is a very singular Case;—but we cannot receive the Record of a mere *Conviction.*

*Mr. Law.* We mean only to offer it as Evidence of a *Conviction.*

*Mr. Justice Grose.* That of itself is nothing: for Judgment might have been arrested, for any thing that we, *judicially*, know.

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Mr. COKAYNE was here called to prove a Letter (No. 26) but was not in Court.

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*Serjeant Adair.* We have no objection to take it as proof: Mr. Cokayne can prove it in some other stage of the Trial.

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The Letter (No. 26) was here read by Mr. Barlow. (*This Letter is addressed 'a Monsieur Monsieur Beresford, a*

*Monsieur Bourcard, Basle, Switzerland, and is signed 'POP-KIN.'*)

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*Attorney General.* I am happy in being able to say that the Evidence, on the part of the Prosecution, is closed.

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Mr. SERJEANT ADAIR then rose, and opened the Defence on the Part of the Prisoner, Mr. Stone, as follows :

#### GENTLEMEN OF THE JURY,

You are called upon, on the present occasion, to discharge one of the most important, the most awful, and the most sacred Duties, which can belong to Men as Members of civilized Society.—On the one hand, you are entrusted with the Vindication of the Laws of your Country, and the safety and well-being of that Society, of which you form a part ; while, on the other, the Life, the Fortune, and the Character of a Fellow-subject, are committed to your impartial Decision. The dearest Interests of the unfortunate Man at the Bar, are now in your hands ;—unfortunate I must call him : for, whether guilty or innocent of the atrocious Crimes laid to his charge, no man, in his situation, and who has gone through the Sufferings he has gone through, however pure may be his innocence, can be called fortunate.—No Man, indeed, can be called fortunate, who, under any charge of Guilt, whether of a less or a more atrocious nature, has been confined, near Two Years, in a Dungeon. The Circumstances, which have attended the Prisoner's Situation, have been peculiarly hard : since the loss of Fortune, of Friends, of Health, and of Character has been the consequence of his supposed Crimes. In the present instance, I feel what every Lawyer must feel, when the most important Interests of his Client are in danger ; and what every man must feel for Losses, sustained by the Prisoner at the Bar, which it is not in the power of a Jury to restore. Your Verdict may put his Life out of danger, and may restore him to that Liberty, of which he has, so long, been deprived ; but it cannot replace him in the situation in which he was before his apprehension on suspicion of the Charges, now brought against him. What can repair the Loss of Two

Years of domestic Comfort and Felicity? What can be an adequate reparation to one, who is a Bankrupt in Fortune and Reputation, deserted by his Friends, and whose Constitution is wasted by Confinement?—Whose Wife, the tender and affectionate Companion of his Fortunes, is worn down with Affliction, at the sight of her Husband's long and complicated Woes?—These constitute a Punishment, more than adequate to any degree of Guilt short of that with which the Prisoner is charged; and of this, I have not the least fear of being able to prove him innocent. Every thing (such is the extent of the Crimes charged on the Prisoner)—every thing, which can be dear to the finest feelings of human nature,—every thing, that can be interesting to Man as a Member of Society,—every thing, in short, which his understanding, or his feelings can set a value on, is at your disposal. No one feels more than I do the necessity, which my Learned Friend, the Attorney General, has stated of mingling Justice with Mercy.—To your Country, and to public Justice, of which the Laws of that Country are the appointed Guardians, you owe an important and indispensable Duty; but you have also another Duty to fulfil, which is—in Justice to remember Mercy.

It is your Duty to be upon your guard, against the artful and ingenious constructions, which the Counsel for the Prosecution may have put upon particular Branches of the Evidence; and, in cases of doubt, (when the Life of a Fellow Creature is at stake) it is also your Duty to lean to the side of Mercy. But why do I mention doubt, when I am confident I shall be able to prove clearly, that not the least shadow of Guilt can attach to the Prisoner? I have not, Gentlemen of the Jury, over-rated the importance of the Duty you have to perform; and I earnestly pray the God of Justice and Mercy, to enlighten your Hearts and Understandings, to a just, and merciful, discharge of it!

You have, I must allow, heard the Case stated, with equal candour and ability, by the Attorney General; and the moderation he has displayed, in conducting the Prosecution, will spare me much trouble, in opening the Evidence for the Defence.

The Prisoner is charged, in the Indictment, with conspiring, with two other persons, to compass the Death of the

King; and with sending to the Enemy Intelligence concerning the state of this Country, in order to persuade them to attempt an Invasion on his Majesty's Dominions. The Crime is of a weighty, and aggravated nature; and in proportion, therefore, to the magnitude of the Crime, and the severity of the Punishment, will, I trust, be your attention and impartiality in investigating the Evidence, adduced on both sides of the Case. Let me intreat you to bear in mind, that you cannot, consistently with the Duty you owe to the Laws, with the obligations arising from your situation, or with the feelings, which should ever be congenial to the Minds of an English Jury, convict the Prisoner of High Treason, unless you are satisfied by the Evidence, as well of the malignant Intentions of his Heart, as of the truth of Facts. The statement of these Facts has been so candidly made by my Learned Friend, the Attorney General, that I feel relieved from the necessity of pressing this consideration on your Minds. Convinced, therefore, that the impression, made by his opening, was too deep to be effaced, I shall not spend more of your time in enforcing it. And if, as I have before observed, it is your Duty (a Duty on the performance of which you will look back with feelings of the highest satisfaction) to acquit the Prisoner, from the Evidence brought in behalf of the Prosecution, it will become doubly a Duty, and you will have still greater reason to rejoice, if, in what I am about to advance, I shall remove every doubt, and prove, that, whether every act of his was conformable, or not, to the strict rules of Prudence, no Suspicion can be entertained respecting the Innocence of his Intentions.

A great deal has been said, and a great deal proved, respecting the agency of two other persons, in the supposed Conspiracy, in which the Prisoner is accused of having acted a part. This sort of Evidence was absolutely necessary, on the part of the Prosecution: for, if the Conspiracy could have been proved never to have existed at all, Mr. Stone's Innocence followed as a necessary consequence. The existence of the Conspiracy may, however, be clearly proved; but it may also be proved, that Mr. Stone had no share in it. It is then your duty, Gentlemen, attending to the ground on which the Evidence is admitted, and to the purposes for which it has been produced, to consider, how far the Proofs of the Conspiracy bear upon Mr. Stone, and

not to let it influence your minds, farther than as it operates to prove his share in it, and that he actually was a party: for otherwise, however reprehensible may have been his conduct, the present charge must fall to the ground.

A great deal of Evidence has been laid before you, respecting the two Confederates in the Plot; and some degree of intercourse and communication, between them and the Prisoner, has been proved: you must, however, be convinced of his having been privy, and consenting, to their traitorous intentions,—or he must be acquitted. This is the only ground on which he can be found guilty, and on this point it is for you, Gentlemen, to decide.

With regard to the persons with whom Mr. Stone corresponded, the first, Mr. W. Jackson, whether guilty, or not, is now immaterial, was convicted of High Treason, in Ireland; and died, before the execution of his sentence. It was necessary, as a preliminary step, that *his* (Mr. Jackson's) Crime should be stated and proved. A variety of Letters, from him to different persons, have been produced, which prove the nature of it beyond the possibility of mistake: it was a Crime of the highest magnitude, and atrocity; it was sending intelligence to the Enemy of the internal state of the Country, with a view to persuade them to make an hostile Invasion of Ireland; mentioning, as an inducement, that they would there find many who, like him, would be ready to abet their designs. I thank God, that the task of defending that unfortunate man, was not assigned me: I will therefore dismiss the subject with observing, that, whether guilty, or not, he was at any rate a *probable* instrument to promote the designs of the Enemy. But it cannot have escaped your observation, in the past stages of this trial, that the conduct of Mr. Stone, has been directly the reverse of that ascribed to Mr. Jackson; and that it was calculated to produce an event, directly contrary to the object of the traitorous machinations of the latter: why then should he be condemned to the same fate with that unhappy man? That the conduct of Mr. Stone was perfectly loyal, will, I trust, after the examination of a few witnesses, if it is not so already, be as clear as the light. If it be a crime, to invite the enemy to invade a country, and to bring on it the calamities of pillage, and desolation, is it also a Crime to avert those evils, by deterring the Enemy from their hos-

tile purpose? This is a coincidence in Crime, produced by contrariety of exertion, to which it will, I presume, be impossible to reconcile your understandings, or your hearts. I will prove, to your satisfaction, that Mr. Stone used every effort to frustrate the designs of the French, and to preserve his Country from the horrors of an Invasion. That the spirit and exertions of the mass of the people, would, in such a case, ultimately frustrate the designs of the Enemy, cannot be doubted; but, I presume, no man of common sense, or common feeling, will regret, that an individual, supposing he had it in his power to decoy the French into a hostile Invasion of this Country, in the confidence that they would, by the virtue and valour of his countrymen, ultimately be repelled, had persuaded them to relinquish such a design;—and, at the same time, that he had prevented his Country from acquiring the honours of a triumph, had also saved it from the horrors of confusion, bloodshed, and devastation. Is the advantage in this Case to be compared with the mischief? Or would the honours of victory be any compensation for the calamities of domestic war? In this Country, no ramparts protect our coast; no fortresses guard our interior domains. On the Continent, where towers and bulwarks abound, what scenes of desolation have been acted, during war? In Great Britain, with what accumulated misery would the picture be overcharged? France had, at the period of the projected Invasion, one million two hundred thousand men in arms; and, according to her sanguinary system, would have made little scruple of sacrificing the lives of forty or fifty thousand to her project of invading this country, had she not been satisfied, from some quarter or other, of its impracticability. That Mr. Stone took measures to avert this threatened Invasion, in order to injure this Country, and promote the views of France, is a proposition so monstrous, that it cannot approve itself to the understanding of any honest man: yet this proposition must be assented to, or the object of the present Prosecution given up.

The other Person, said to be an accomplice in the Conspiracy, is one more nearly connected with the Gentleman at the Bar;—his brother Mr. J. Hurford Stone, who was then, and unfortunately for the Prisoner is still, resident and domiciliated in France;—a man of a fervid imagination, and a restless mind;—fond of speculation, and a friend to Inno-

vation. Induced by this temper of mind, unfortunately for himself, in consequence of the late Revolution in France, he went to that Country, to see if he could there find for himself an advantageous situation. He was soon able to establish three considerable manufactories; in consequence of which he acquired a property and interest in the affairs of France, which attached him strongly to that Country. His peculiar turn of mind made him an easy prey to those, who found their advantage in making him the instrument of their designs, by inducing him to believe, that the calamities attendant on the Changes that had taken place in France, would ultimately end in promoting the general happiness of mankind. This appeared to me, from the first, to be a delusion; but it is a delusion, which has possessed the minds of many as honest, and some perhaps wiser, men than Mr. J. H. Stone; an enthusiast, pledged by property, to the Country he lived in,—of a temper governed by fancy and by hope, which prognosticated much future good from the greatest temporary evils. A correspondence was carried on between the two brothers; and, unfortunately, no caution was taken, on the part of Mr. J. H. Stone, to conceal his political sentiments. Mr. W. Stone, fond as he was of his brother, could not drop all correspondence with him; and, from the pure sentiments of fraternal regard, seems never to have strongly censured the opinions he entertained. And, as the Attorney General has so favourably, and honourably observed, it would be too much, in such a situation, to expect a cessation of correspondence; and difficult for the wisest man, under such circumstances, to conduct a correspondence with perfect prudence, and propriety. This opinion, so candidly, and liberally, delivered by the Conductor of the Prosecution, I consider as containing an ample apology for the indiscretions, of which the Prisoner may have been guilty, in the course of his communications with his brother.

Having thus stated the situation and characters of the persons, with whom Mr. Stone stands charged of having conspired, it will be necessary, to say something of the circumstances of Mr. Stone himself. I have already noticed some of the personal distresses, occasioned by his arrest; and I shall, now, have to particularize others. I mean not to impute blame to any of the parties, concerned in the prosecu-



tion; but there is one circumstance, which I cannot forbear mentioning as it is of the utmost importance to the Prisoner at the Bar—and that is, the long delay of his trial. On account of the absence of some witnesses, whose Evidence he conceived of considerable importance, it was delayed at his motion. From the time of Mr. Stone's arrest, Government, by the seizure of his Papers, and those of Mr. Jackson, has been in possession of all the Evidence, that has now been laid before you; but, during the space of a year and three quarters, the persevering industry, and great acuteness of the Law Officers of the Crown, has been able to discover no particulars, that were not notorious before. Was this ever the case, where the Charge of a Conspiracy was founded in truth? In such instances, not a year, not a month, not a week, have ever passed, without bringing to light new facts, in Evidence of the guilt of the Conspirators.

If, from the mysterious correspondence, under the signatures of 'POPKIN and ENOTS,' I had entertained any suspicion of the guilt of the Prisoner, I should have waited for facts to corroborate that suspicion; but if, after a fair examination of his conduct, no such facts had appeared, my suspicion would have been removed: in this case, therefore, Gentlemen, you cannot be called upon to infer any criminal intention in him. Though the fact, of the guilt of his supposed confederates, be proved; yet their guilt does not necessarily imply his, unless he took part in their confederacy: and, although he has been proved to have corresponded with them, he may still be innocent.

The seizure of all his papers has induced a great difficulty in the conducting of Mr. Stone's defence, as he is, thereby, precluded the advantage of *written* Evidence. All that may be favourable to him he is deprived of. His memory, after two years confinement, and distress, must, in some instances, have failed him. Application has been made for his written papers, which were refused; and there are no legal means of obtaining them. In this instance, the law has, certainly, brought considerable hardships upon the Prisoner. This being the case, nothing can be laid before you, with regard to written Evidence, except the Letters from his Brother, which have been produced in support of the Prosecution; and which, notwithstanding the deductions that have been attempted to be made from them, are greatly

in his favour. I do not mean, to go through the whole of the correspondence; but merely to make a few observations on the most important passages, and to state the general result of the whole. I must, however, previously remind you of the outline of the principal facts of the case.

A person, of the name of Jackson, came over from France, by way of Hull, in the character of an American merchant, with Letters of introduction, from Mr. J. H. Stone, to Mr. W. Stone the Prisoner: Mr. Stone, during his residence in London, shewed him some civilities, and advanced him money on his brother's account. Soon after, he went over to Ireland; where he was tried, and convicted of Treason; and died. While he remained there, Mr. Stone furnished him with some statements of the internal state of this kingdom. The question then for your decision, Gentlemen, is, whether, admitting these facts, you are convinced, from what Mr. Stone knew of Jackson, that he gave him these statements for the information of the Enemy, with the criminal intention stated in the Indictment; or, on the contrary, with a view of preventing that very calamity, which he is, there, accused of wishing to bring upon his Country. Some parts of Jackson's communications, it is true, are of an improper nature; and some parts of the Prisoner's correspondence are mysterious; but from this, allowing the existence of a Conspiracy, no inference can be drawn.

This is the general outline of the evidence, I mean to lay before you;—by this you will see, that the conduct of Stone and Jackson was influenced by motives entirely different; and that, if the one meant to invite, the other meant to prevent an Invasion. Jackson was convicted, and justly convicted of High Treason, in endeavouring to promote an Invasion.—The Prisoner is accused of the same Crime, and the overt act, proved against him, is that, of having endeavoured to prevent an Invasion.—If one was guilty, the other must be praise-worthy.—On what principles of justice then, can they be placed on the same footing?

So far presumptive reasoning carries us: let us now examine, how far the Evidence will bear us out in this presumption. The general tenor of the Letters, from J. H. Stone to his Brother, is, that the former was engaged in a variety of commercial transactions, in which he wished the latter to join with him. This view of the correspondence, will ex-

plain the passages, in his Letters to and from Jackson, supposed to refer to transactions of a treasonable nature. Whatever may have been Jackson's intention, it cannot be doubted, but that J. H. Stone certainly referred to real commercial business: for when we see a man in a commercial line, introducing a Merchant to his Brother, and corresponding with him on mercantile subjects, the natural and fair inference to be deduced, in such a case, is, that commercial, and not political business, was the subject of their Correspondence; particularly, as this construction will point out what the expressions, in the Letters, may naturally refer to, without torturing them to the meanings, given them in the Indictment. Jackson is, in none of the Letters, represented to Mr. W. Stone, under any other character than that of an American Merchant; and it is from these Letters alone, since the Prisoner's Testimony cannot be admitted, that we can learn any thing of his knowledge of Jackson. It is to no purpose to say, that Jackson was represented under a false character; nay, this is rather in favour of the Prisoner; since, if Jackson was an Emissary from France, J. H. Stone kept it a secret, even from his Brother. But why, if he shared in a Conspiracy, of which his Brother was an Accomplice, did he conceal from his knowledge one of the Conspirators?—Mr. Stone had no reason to doubt the truth of the first account he heard of Jackson; and, therefore, could not be affected by his assuming a fictitious character.

The privacy and concealment affected by Jackson, previous to his departure for Ireland, in desiring, that his Letters might be directed to other persons, is another circumstance, to which I must request your attention; this circumstance has been most fully and satisfactorily explained, in the Evidence given by Cokayne, his confidential Friend: he swears, that, although Jackson's Letters were ordered to be directed to him, and not to Stone, (a circumstance which implies that he was more intimate with Jackson than Stone was) he never knew, or even suspected, his treasonable designs, before he went to Ireland. His Evidence goes still further, and accounts for Jackson's concealment, from a wish that his Creditors might not know of his being in England. He also swears, that Jackson communicated to him a wish he had of establishing some mercantile connections in England, with a view of supplying the Enemy with

various articles in an illicit manner; and that he asked him, if he knew of any person, who would embark in such a concern. But how came he to ask such a question of Mr. Cokayne, who was an Attorney? Could he not confide in Mr. Stone, who was a considerable Merchant, and to whom he came so strongly recommended, if he had been embarked in a conspiracy with him? This is proof positive of a want of confidence on the part of Jackson, and a want of concert on that of the Prisoner. Jackson, having thus failed in the accomplishment of his purpose, in England, went to Ireland, to try his success there. But why did he fail of success here? Evidently, because he failed of finding an associate in Mr. Stone. If his object was mercantile, Mr. Stone refused to form any mercantile connection with him; if it was treasonable, he did not find an accomplice in Mr. Stone: for he was obliged to go to Ireland. This plain statement of Cokayne's Evidence, clears up many suspicious circumstances, respecting Mr. Stone's character and designs.

The next circumstance is,—supplying Jackson with money previous to his departure; but this was not a criminal act, unless, (which has never been proved) it was given him for a treasonable purpose. Let us see, what were his motives for this proceeding, and his subsequent conduct. Mr. Jackson came over from France, recommended to Mr. Stone by his Brother, with a Letter of Credit to a limited amount. In payment of a debt due to his brother, Mr. W. Stone gave Jackson £.50; and placed it to his Brother's account. This step was perhaps imprudent, after the Traitorous Correspondence Bill had passed; but, on the part of the Prisoner, it was perfectly honourable: for had he any reason, considering the smallness of the sum, to suppose that Jackson meant to apply it to any sinister purpose? Did it carry the appearance of an Emissary from a powerful Nation, to have a Letter of Credit for only £.50? Have we not seen, in former Trials, that Spies sent from one Nation to another, have lived in a style of the most princely magnificence, and spent thousands on thousands? What reason then had Mr. Stone, judging from apparent circumstances, to suppose, that Jackson was an Emissary from France? When the receipt for the sum, for which the latter had credit, was demanded by the Officer who seized Mr. Stone's papers, he was even ignorant where it was to be found; until it ap-

peared accidentally in his Counting-house, among other papers, in the common routine of business.

With regard to the foreign directions left with Mr. Stone,—the propriety of using them may be inferred from the caution necessary, at that time, in conducting a foreign Correspondence, however remote the subject of it may be from any thing treasonable, or suspicious. The feigned names, used in the Correspondence with Jackson, were necessary to conceal the latter from his Creditors. I confess I do not understand many passages in these Letters, those, for instance, respecting “the Addresses being of no use, because the price of the articles was changed”—“the family at Shields”—“the Assizes at Cork, &c.” I will not so far disgrace my judgment as not to allow, that these expressions are suspicious, and evidently mysterious and that they may add weight to precise Evidence; but of themselves they infer nothing that can criminate the Prisoner. The passage, in his answer to Jackson’s Letter, evidently refers to the affairs of France; and expresses such an opinion of them, as must render it utterly incredible, that he could have harboured the design of favouring their Invasion. With regard to the Papers, furnished by Stone to Jackson while abroad—Are there any symptoms of treachery in the manner in which he procured them?—Where are the appearances of conscious guilt?—Where the nocturnal plots, and secret cabals, generally attendant on a Conspiracy?—None are to be found.—He went to the first Characters of both Parties in the Kingdom; told them the fact, and asked them their opinion.

The publicity of his conduct with regard to Mr. Vaughan’s and Mr. Smith’s Papers, makes it clear, that he thought they contained nothing criminal.—He shewed them to many Persons, and read them openly. The Evidence for the Crown, instead of proving that he got those Papers for any malicious purpose, proves, on the contrary, that he considered himself as doing a meritorious act. The Testimonies of Mr. Sheridan, Mr. Smith, and Mr. Rogers, prove this in the clearest manner. If he really had any traiterous design, he acted in such a manner as no man would have done that was fit to walk the streets,—who was not a most consummate driveller,—who was fit to be trusted with his own affairs, or, in short, who did not wish to be hanged. Can

it, for a moment, be believed, that a man, who had a dark, foul, and traitorous design in his heart, would have acted thus? No:—his very manner of acting, on this occasion, is sufficient to refute ten times the Evidence brought against the Prisoner. Besides, he gave distinct, and positive, Information to the Minister of the designs of the French; who coldly thanked him, but declined all farther communication on the subject. He then waited on General Murray, conceiving that *his* representation might have more weight with Mr. Pitt, than his own; which he thought had not met with the reception due to it's importance.

It has been said, that, in his communications with Mr. Pitt, he purposely kept back a material part of two Letters, one dated in October, and the other in November, from which he gave Extracts; but from this circumstance, no inference can be drawn that can any way implicate Mr. Stone; and I defy the ingenuity of the learned Gentleman, who conducts the Prosecution, to say, that, when their whole contents are read through, there is any thing in them that can fix the smallest imputation on him. Subsequent Letters too, independent of that of the 18th of March, have explained, and confirmed, that Mr. Stone was impelled by no other motives, in the Communications he made, than by the purest love of his Country. I will not deny that the idea he so fondly cherished,—that the Intelligence which he received was of the greatest importance, and his vanity in supposing that his Communications entitled him to an intercourse with the Ministry, may have occasioned him to be guilty of those indiscretions, which, however foolish and absurd they appear, can never be construed into Evidence of his guilt.

#### GENTLEMEN OF THE JURY,

I must now beg to apologize for the length of time which I have occupied in addressing you, on behalf of the Gentleman at the Bar; but when the Fortune, the Character, and the Life, of a Fellow Subject are at stake, you will, I trust, indulge the feelings of him who has had the weighty and important charge of defending him. I appeal to your own feelings;—fancy yourselves in the situation in which I stand;—and I have no doubt that you will acquit me of having overstept the bounds of my duty. Were I in the

situation in which Mr. Stone is at present, possessing a mind clear, and unembarrassed by the consciousness of guilt, I would not, for a moment, hesitate to trust every thing I held dear, to the natural inference, which you must draw from the Evidence produced on the part of the Crown, in favour of his perfect innocence of the Conspiracy, and even of his ardent, and disinterested love for his Country; and should consider all farther Defence as unnecessary. But, considering that his life depends upon the event of this Trial, I might be thought negligent of my duty, I might be thought to trifle with that Life, if I had acted in a manner different from what I have. Though there is much in the body of Evidence, that has been adduced on the part of the Crown, to convict Jackson, yet I defy the utmost extent of ingenuity to find any thing to support the assertion, that the Prisoner had a share in the dark Conspiracy against his Country.

I shall now, Gentlemen of the Jury, proceed to lay before you Evidence to corroborate what I have advanced. This Evidence, however, is in general rather a corroboration of what has been proved by the Evidence for the Prosecution, than any thing new. I shall call Witnesses to prove the publicity with which Mr. Stone communicated the Correspondence of his Brother, not only to Friends, but to Strangers; (I need not observe how totally incompatible such a conduct was, with the Crime with which he stands charged) and I shall conclude the Evidence with proving, from the testimonies of many Gentlemen of the most respectable character, that the Prisoner, so far from harbouring treasonable designs, has been uniformly loyal to his King and Country, and a firm Friend to our present Constitution.

It now only remains for me to observe, that every circumstance unites to shew the Prisoner's intentions were innocent, nay laudable; and I am confident, an English Jury, when so sacred a deposit as the Life of a Fellow Subject, is committed to their charge, will suffer no acts of imprudence, unattended by guilt, to induce them to give a Verdict of Condemnation.

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The Counsel for the Prisoner then proceeded to call the  
Witnesses for the Defence.

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NATHANIEL HARRIS called.  
(Examined by Mr. ERSKINE.)

Do you know the Prisoner, Mr. Stone ?

*Witness.* Yes.

Were you ever present, when he said any thing relative to  
an Invasion ?

*Witness.* Yes ; I was once in his company, when he produced a Paper, stating the impossibility of an Invasion, in consequence of my having expressed myself very apprehensive of such an event. Mr. Stone said, that, though he was an Enemy to the War, he wished to keep the French at arms length.

Do you remember any thing of the Contents of the Paper Mr. Stone produced ?

*Witness.* Yes ; it pointed out, in very strong terms, the Absurdity of an Invasion, when the whole Nation would rise in a Mass to repel it. I then told him, that his making such a representation to Mr. Dundas or Mr. Pitt, would be doing a service to his Country, and that they would thank him for it. I told him also, that I was afraid of the situation of affairs and did not care to say much, at that time.

Was this Communication made in Confidence, or with any injunction of Secrecy ?

*Witness.* No ; there were three Ladies, and, I think, two Gentlemen in the room, at the time ; so that he could not mean me to conceal it.

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ROBERT WARD called.

You are a Coal Factor, Sir, I believe ?

*Witness.* I am, Sir.

Do you know the Prisoner, Mr. Stone ?

*Witness.* I do.

How long have you known him ?

*Witness.* Ten years.

Did you ever hear him read any Letters, or Papers ?

*Witness.* Yes ; I have heard him read *publicly* Extracts



from Papers, concerning the Affairs of this Country and France.

In the course of your knowledge of Mr. Stone, what has been your general Opinion of his Character?

*Witness.* I always thought him of a quiet disposition, a loyal Subject, and a man of fair dealing and credit in business.

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SAMUEL TOULMIN *called.*

Do you know Mr. Stone, the Prisoner at the Bar?

*Witness.* I do.

How long have you known him?

*Witness.* I have never been very intimate with him; and I have known him very little, for the last two years.

In the course of your knowledge of him, what has been his general Character?

*Witness.* I always believed him a man of perfectly good Character.

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NICHOLAS STOKES *called.*

(Examined by Mr. ERSKINE.)

You are, I believe, a Clerk in the House of Messrs. Downe and Co?

*Witness.* I am.

Was the Prisoner, Mr. Stone, ever in the habits of coming to your Counting-house with any Letters?

*Witness.* Yes; after his brother went to Paris, he used to come, and read to me Letters he had received from him in France, and afterwards leave them with me, for a day or two, till he came again?

Were these Letters communicated to you in Confidence, or with any injunction of Secrecy?

*Witness.* No; by no means: Mr. Stone never affected any wish of concealment.

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JOHN FREE *called.*

(Examined by Mr. ERSKINE.)

You are, I think, a Banker, and Partner in the House of Downe, Thornton, and Co.?

*Witness.* I am.

Do you know the Prisoner, Mr. Stone?

*Witness.* I do very well.

Did he ever communicate to you Letters received from his brother in France.

*Witness.* Yes: I have seen him, from time to time, since his brother went there; and he has often informed me of receiving Letters from him, which he has, from time to time, read to me, and left in my custody.

Did he seem to wish the Communication of them to be a Secret?

*Witness.* I never understood that he did.

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GEORGE THOMPSON *called.*

Do you know Mr. Stone the Prisoner at the bar?

*Witness.* Yes.

How long have you known him?

*Witness.* Twelve or fourteen years.

Have you known him since his brother went to France?

*Witness.* Yes.

Did you understand that he corresponded with his brother in France?

*Witness.* I did: for he frequently came to the Coal Exchange, which I attended on business, and there read Letters he had received from him.

Did you ever hear the contents of such Letters?

*Witness.* Sometimes I attended to them, and sometimes I did not.

Did Mr. Stone wish to make any concealment of the contents of these Letters?

*Witness.* He always read them *publicly*; and I remember his reading one Letter, in the Coal Exchange, when *forty or fifty Persons were present.* Upon the whole, what was your general opinion of Mr. Stone's Character?

*Witness.* I always thought him a very respectable Character, and as worthy a man as I ever knew.

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WILLIAM PARKINS *called.*

(Examined by SERJEANT ADAIR.)

Do you know the Prisoner Mr. Stone ?

*Witness.* Yes ; I know him very well.

Do you know any thing relative to his Correspondence, with his brother in France ?

*Witness.* Yes ; I have heard him read Extracts from Letters received from him *publicly*, in the Coal Exchange.

Did he read them in Confidence ?

*Witness.* No ; he did it quite *openly*.

Do you remember the Contents of any Papers read by Mr. Stone ?

*Witness.* Yes ; one in particular related to the Disposition of the People of this Country ; and stated, that the idea of an Invasion was a very ridiculous one : for that if the French were to attempt it, the People of this Country would rise in a Mass. This he stated quite *openly* ; no attempt whatever was made at Concealment.

How long have you known Mr. Stone ?

*Witness.* Six or seven years.

And, in that time, what has been your opinion of his general Character ?

*Witness.* He was always highly respected as a mercantile man.

What did you think of his political opinions ?

*Witness.* I never heard him utter any Sentiment of Disloyalty to his Majesty, or Disaffection to the Government.

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HENRY SMITHERS *called.*

(Examined by SERJEANT ADAIR.)

Do you know the Prisoner Mr. Stone ?

*Witness.* Yes.

Did you ever hear him read Letters, from his brother in France ?

*Witness.* Yes ; frequently, in the Coal Exchange ; he was in the habit of doing it repeatedly. I cannot say, that I heard him read all the Letters he so read, nor that he read all the Letters he received : but those he did read, he read *publicly*.

He did not then make any Secret of them ?

*Witness.* No ; by no means.

How long have you known Mr. Stone ?

*Witness.* Ever since the year 1786.

And, in that time, what has been your opinion of his Character in matters of Politics ?

*Witness.* I never heard him utter a word of Disloyalty either to his Majesty, or the Government ; nor did I conceive him much disposed to interfere in Politics ; not so much as many others I know. I have, indeed, heard him express his Disapprobation of the present Administration.

*Serjeant Adair.* Thank God, that is no Treason, in this Country.—God forbid it ever should, to disapprove of the present Administration ; however well, I may think of them.

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———— DOWNE called.

*(This Witness did not appear.)*

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*The Rev. THOMAS TAYLER called.*

Do you know the Prisoner Mr. Stone ?

*Witness.* Yes.

How long have you known him ?

*Witness.* For twenty years ; and, in the course of that time, have frequently seen and conversed with him, and been in great intimacy with him.

Did you ever observe any thing in his Conduct, that tended to treasonable Practices ?

*Witness.* Very far from it : I have ever heard him express himself with Loyalty to the King, and affection to the Government.

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*The Rev. ROCHEMONT BARBAULD called.*

Do you know the Prisoner Mr. Stone ?

*Witness.* I do.

How long have you known him ?

*Witness.* Two and twenty years.

And, in that time, what has been your opinion of his general Character ?

*Witness.* I always thought him a sensible man, and mode-

rate in his Politics : nor did I ever hear him express any sentiment of disloyalty, or any thing against the interests of his Country.

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JOSEPH CHAMBERLAYNE *called.*

Do you know the Prisoner Mr. Stone ?

*Witness.* Yes : I have known him twenty years.

And what has been your opinion of his character, in that time ?

*Witness.* That he was a fair and honest man.

Did you ever hear him utter any sentiments of disloyalty ?

*Witness.* No : on the contrary, I always thought him attached to the King, and Government : and in the riots of 1780, he belonged to a military corps formed to preserve good order, of which I was a member.

Did you ever hear him read any Letters from his brother in France ?

*Witness.* Yes : I recollect once to have heard him read a Letter from his brother.

Did he make any secret of it ?

*Witness.* No ; no not the least.

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JOHN BLUNT *called.*

You are I believe a coal factor ?

*Witness.* I am.

Do you know the Prisoner Mr. Stone ?

*Witness.* Yes : I have known him the best part of twenty years.

And, in that time, what has been your opinion of his character ?

*Witness.* I always considered him a very respectable character, and a real friend to the Constitution.

Did you ever hear him express any sentiments of disloyalty ?

*Witness.* No : on the contrary, I have heard him say, that the man who wished for any alteration in the Constitution of this Country, must be either a MADMAN, or a FOOL.

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The REV. JOHN KIDDELL *called.*

Do you know the Prisoner Mr. Stone?

*Witness.* I do: I have, at all times, been in habits of intimacy with his family; and have known him even from his childhood.

Did you ever hear from him any sentiment of disloyalty?

*Witness.* No: I have always thought him a loyal and worthy subject; and know that he was brought up in a manner, that must have given him principles of firm attachment to the Constitution, and the House of Hanover.

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DOWNE *again called.*

*(This Witness was not examined.)*

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The REV. JOHN BELSHAM *called.*

*(This Witness was not examined.)*

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*Serjeant Adair.* We have a cloud of witnesses ready to be examined to the same effect with those already examined, on the part of the Prisoner; but, as I conceive the Court and Jury are fully satisfied of the points we wished to establish, we shall not take up their time with calling any more.

*(N. B. None of the Witnesses called in behalf of Mr. Stone were cross-examined by the Counsel for the Crown.)*

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MR. ERSKINE then rose; and the whole Court observing the most profound silence, he addressed the Jury as follows :

GENTLEMEN OF THE JURY,

We are anxious on our part, acting for the Prisoner, to consume as little as possible of your time, consistently with the wish that you should thoroughly understand, and be able to investigate the cause, in justice to the Crown, as well as to the unfortunate Prisoner who now stands at the bar; and have, therefore, declined to go over all that part of the Evidence in Defence, which tends to the same purpose with what has been already stated: desirous to afford you an opportunity of hearing me and the Counsel for the Crown in reply, while yet your faculties are clear and your attention unimpaired. Revolving in my own mind what course I should pursue, if I were in the situation of the Prisoner arraigned at your Bar, and had desired my learned friend (*Serjeant Adair*) to conduct my Defence, reserving it to myself to make such observations as might appear to me necessary, after what he has done this day, I should have remained silent; nor should I have ventured to take off any thing from that impression, which must have been made by the exertion of his understanding and ability. But though such would have been my conduct with respect to myself, I cannot act thus when standing for another. Endeavouring, therefore, to interfere as little as possible with the impression made by the learned Serjeant, it is necessary for me again to call your attention to the principles on which this Case must be decided, and the Evidence by which it is supported.

The first matter that claims attention is to see what the Charges laid in the Indictment are; and for the honour of the Attorney General, I have to mention, that in the Charges, as stated by him, there is nothing which we can have any wish to vary or contradict. He, indeed, made no concession in favour of the Prisoner; nor if he had would he be entitled, as he now is, to the thanks of the Bar. It is

not his part acting as Counsel for the Crown to plead the cause of the Prisoner. But, though he made no concession in his favour, he did not endeavour, as has been attempted in former times, to confound your deliberations and bewilder your understandings; but stated the nature and substance of the Charges, with an accurate and anxious precision.—And when he stated the danger of foreign Invasion, what can more strongly mark the security of this Country from any such attempt, than that which he himself has exemplified in the distinction he has shewn in the modes of proceeding, between an English Court of Justice and those Tribunals founded in blood, which have been erected in other countries and in former times? What can more powerfully tend to rivet the attachment of the subjects and engage their support to the Government under which they live, than the comparison which they are called upon to institute between the conduct of my learned friend on the present occasion, and that of those men, whose memories will stink in the nostrils of posterity,—between the mild, equitable administration of Justice, and the capricious and tyrannical proceedings and decision of other countries, and of former ages in our own.

The Charges in the Indictment are two;—*first*, Conspiring the Death of the King;—*secondly*, adhering to, aiding, and assisting the Persons exercising the Powers of Government in France. If these Charges are true, the Prisoner must be supposed to have fallen off from his allegiance to the Government, and his duty to the Laws;—and in order to substantiate these Charges, the record states what he has done.—I admit that the Indictment is ably drawn; I make no complaints of those who had prepared it: we do not come here to criticise others, but to defend ourselves. The Indictment charges the Prisoner with being concerned in a Conspiracy, *first* here, and *then* in Ireland, in order to incite the French to attempt an Invasion; and with communicating intelligence to them for that purpose, as to the State of the respective Countries. This he is supposed to have done in consequence of a previous concert with the governing Powers in France. I will here quote the language of the Attorney General,—“ The French  
“ intending to invade England, sent Jackson as their Agent  
“ to examine the state *first* of this Country, and *then* of



“ Ireland. Mr. Stone was apprized of the object of his  
 “ Mission—entered into all his Views—supplied him with  
 “ Money—and assisted him in procuring Intelligence rela-  
 “ tive to the purpose of the intended Invasion, and in com-  
 “ municating the same to the French.” So said the Attor-  
 ney General—so say I, as the Prisoner’s Counsel: for if he  
 communicated to them Intelligence to induce them to sus-  
 pend their projected Invasion, not for the advantage of this  
 Country but of France, in order that they might after-  
 wards carry it into effect with better preparation and more  
 accumulated force, the Sentence of the Law will attach, and  
 Death must be the inevitable consequence. If Mr. Jackson  
 came here for the purpose of informing the French what  
 they ought to undertake, and from what they ought to re-  
 frain, and if Mr. Stone, *knowing such to be the object of his  
 Mission*, was aiding and assisting in procuring Intelligence  
*for this purpose, and not from any view to the advantage of his  
 Country*—you have heard from the Attorney General—you  
 are told also by me—and you will hear from the Court—  
 “ that you must find him GUILTY.” If you had not been  
 distinctly told so by my learned Friend, the Attorney Gene-  
 ral, you might have been sucking in the poison of collateral  
 Treasons; but, agreeing in every point with his Statement  
 of the Charges, I admit that they constitute the highest  
 Crime which can be committed by an English Subject  
 against the English Government. It is necessary, however,  
 that in proportion to the atrocity of the offence, there should  
 be Evidence to connect it with the individual who is  
 charged.

Great and abominable as I consider any attempt against  
 the immediate person of the Sovereign, the Crime which is  
 here charged is still more atrocious. The Magistrate falls;  
 but the Law lives. I need not mention to you, Gentlemen,  
 the Revolution of 1688.—By a violation of the original com-  
 pact between the King and his People, James II. was com-  
 pelled to abdicate his Crown. Still, though the Throne was  
 vacant, the Law existed, and the Constitution appeared  
 after the Accession of William III. with renovated splen-  
 dour. I need not mention to you the subsequent attempts  
 in the reigns of GEORGE I. and GEORGE II. to restore the  
 Line of the Stuarts; which, even if they could have been  
 successful, still would the Laws have remained, and the ve-

nerable institutions of our Forefathers have been preserved. But he who invites a Foreign Enemy to land in the Country, throws down the venerable fabric that has been reared by our Ancestors and cemented with their Blood—subjects our Lives and Fortunes to the disposal of lawless pillage and brutal ferocity—and involves in our ruin the fate of all those to whom we have given existence, and in whose welfare we are interested by the dearest and most sacred relations. Not only the present Age, but Posterity, are the irretrievable victims of so horrid and atrocious a Crime. Gentlemen, how must you feel in the contemplation of such a dreadful offence if, when the idea presents itself to my mind, I feel myself so strongly impressed with its fatal consequences, as almost to forget the duty I owe to the unfortunate Man at the Bar, whose Life I am protecting. Is it then too much to say, that the Charge requires to be supported by a Degree of Proof, equal to the enormity and improbability of the Crime?

The Counsel for the Prosecution have chiefly called the evidence of Gentlemen opposite, in their political sentiments, to the present Administration. They tell you, that if an Invasion were attempted, all England would rise in a mass to repel it. Though there are some in this Country who think that the democratical part of the Constitution is oppressed by the overbearing Influence of the Crown;—though there are others of opinion that the Prerogative of the Crown is attacked by the aspiring Spirit of the People;—yet all agree, that in case of any Invasion from France, there would but one common sentiment—and one united effort:—that every heart would be resolved, and every hand would be raised, to repel the Invaders of our Country. Then consider in what a situation this man (*Mr. Stone*) is placed. You take him out of the whole mass of English Subjects;—you place him on a pinnacle, distinct from the rest of the Community, as a Figure of Infamy:—You say to him, “that, while the whole Nation will rise in a mass, you are the only Traitor that will not rise; you alone connect yourself with a man in France, and with an Agent of the French Government to promote the Invasion of a foreign Enemy.” What do I expect from this Statement? Not that you, judging from the rules of Evidence, which are founded on the analogies of Reason and the experience of History, should discharge

the Crime from your minds, as one altogether chimerical and unfounded. No! it is possible that every Crime within the compass of the human imagination may be committed; nor can it be admitted in a Court of Justice, however consistent with charitable construction in the intercourse of private life, that it is a sufficient vindication of a Crime imputed to an individual, that its enormity is such as to render it impossible. But, at all events, in the proofs which would ascribe to this man feelings and principles so different from those which actuate the great body of the Community, there ought to be no loop or flaw, no ambiguity of fact, no uncertainty of application. You ought to be well convinced of the guilt of this individual, before you pronounce him to be a solitary tare in the solid, compacted sheaf of English spirit and independence. It is your business not to try if by any possible implication, you can find him guilty; but, whether the Evidence is such that you cannot help finding him guilty—it will then be your duty to give a Verdict to that effect. The question is, whether the Counsel for the Crown have made out such a Case that you can see no road out of it, and that you cannot reconcile the innocence of the Prisoner with the materials they have laid before you.

Is the Charge against the Prisoner accompanied with any circumstances which render it peculiarly difficult of proof? It has often been remarked from the Bench, that Crimes do not admit of the same Evidence as Contracts. Crimes may be committed privately; Contracts require a co-operation of persons;—Crimes shun the light; Contracts admit it. It is, therefore, with respect to the Evidence of Crimes that you are not always to expect publicity. But with respect to the Crimes charged on the Prisoner there is nothing like secrecy. He courts open day in the perpetration of his treasonable purpose. You see in him a man glorying in the conduct which is afterwards to subject him to the penalties of the vilest Criminal. He conceives himself benefiting his Country and securing a claim to its gratitude, by those very proceedings which are now brought forward to devote his Life to the sword of Justice, and to brand his character with infamy. You find him, before he sent any Communications abroad, consulting the most respectable Persons as to the effect of such Com-

munications. This is at least sufficient to prove, that he did not conceive he was committing any act inconsistent with his duty as a good Subject. I am extremely ready to admit that he, as a private man, did not take the most regular mode of obtaining and communicating that intelligence which he conceived would, in its consequences, be advantageous to his Country. It is always the wisest, the safest, and the discreetest method, when an Individual is in possession of any important Intelligence, to communicate it to the Governors of the Country in order that they may compare it with the Information they have had from other sources, and take those steps which, upon the whole, they may deem most expedient.—But, I am not now trying to vindicate the discretion of Mr. Stone; I am not requiring that you should give your sanction to his conduct.—I am not asking you to place a wreath on his brow, as a testimony of his merits and public services.—I only appeal to you, whether, in what he did, he acted from the honest, though mistaken motives which I have alledged, or for the traitorous purposes imputed to him by the Counsel for the Prosecution.

The Attorney General has told you, that you must try the Prisoner on the principles of man, and on the common rules applicable to human conduct; and that, judging from them, it was impossible Mr. Stone (if the Facts alledged against him were sufficiently proved) could be otherwise than guilty. I on my part desire that he may be judged by this criterion: because if Mr. Stone has conducted himself in the manner charged by the Prosecution, it is a case which has no parallel;—he has acted in a manner, in which no human being has ever acted. You ought, therefore, to hesitate as to the admission of his guilt, except the Facts are so cogent and the conclusions so clear as to afford no room for doubt;—except the concurrence of Evidence is so strong and decided, that all reasoning on the truth of the Facts is superseded, and all discussion of them rendered nugatory. The very principle on which you desired to try him is decisive in his favour.

If the Attorney General had conducted himself as some of his Predecessors have in former times,—if he had insiduously produced Mr. Vaughan's Paper, without farther comment, and stated, that the communication of that Paper

sufficiently proved Mr. Stone had sent Intelligence to the Enemy respecting the State of this Country;—if he had done this, he might have said, when we offered the explanatory Evidence, that this was only the Prisoner's own explanation of his conduct. But by the explanation we are now enabled to make from the Evidence brought forward on the part of the Prosecution, we are not left to collect the intention merely from the Paper, or to set up a Defence which may appear in a suspicious and objectionable light; the proof of the innocence of Mr. Stone's intentions has repeatedly appeared from the Evidence adduced to accuse him: it has appeared, that he informed several Gentlemen of the arrival of an American from France, who had stated to him the determination of the French to attempt an Invasion of this Country; that he thought he had it in his power to avert the calamity; and that he applied to them to assist him in making such a representation as might be useful for that purpose. Such is the history of the Communication to which a traitorous intention is now attempted to be imputed. The Fact of the Communication itself is so connected with the purpose for which it was made, that it is impossible to separate the one from the other.

Whether the Attorney or Solicitor General shall reply to us, they can obtain no verdict but on the principle of destroying the Evidence which they have already established. They may admit, indeed, that he held this language, but they may say that this was all mere colour. The *onus probandi* will then rest with them.—It will be for them to prove that the language which he has been shewn to have held was merely pretext, and that the criminal intention is sufficiently proved by other overt acts.—It will be for them to prove the affirmative; not for us to prove the negative. At present the bane and the antidote come together in the Evidence for the Crown. You are not left to collect the intention from remote inference or probable conjecture, the Counsel for the Prosecution have given the whole *res gestæ*—a full statement of the transactions from beginning to end; and in this statement it appears not like any description of Treason in the English law.—It appears rather an act of merit—the mistaken act of an honourable man. They must then admit that they have been imposed upon, and that the only Evidence they have been able to bring forward of his

act, is completely exculpatory of his intention. But, as the oracle of the English law, Lord Coke, says, (and would to God, that, like my honourable and learned friend, the Attorney General, he had exemplified in his practice the effect of his own principles!) “ the guilt of Treason is to be made out, not by conjectural inference, not by strains of imagination or wit; the statute of Edward the III<sup>d</sup> expressly requires, that it should not be *probably*, but *proveably* demonstrated.” What is required by it is not conjectural, but moral demonstration. But how are you to find this in the present case? By what magic are you to fix upon the Prisoner the guilt of a treasonable Conspiracy, after the Evidence which has been given of the open line of conduct he pursued, and his explicit declaration of his purpose? Is there such extreme probability in the case, as to induce you to think it easily capable of moral demonstration? Is there any one who will say, that an attempt to avert an Invasion of this Country (admitting, which cannot be doubted, that it could not have been ultimately successful) was not beneficial? It may be said, that any intelligence on this subject would have been more regularly communicated to his Majesty’s Ministers; though it is not very likely, that what was matter of public talk in the Coal Exchange, did not reach their ears: But the question is—the mischief, and not the irregularity of his conduct. If any man should pretend to say, that the attempt to avert an Invasion was not beneficial, such a man, like other bullies in the hour of danger, would be the last to be found when the Invasion took place. Let any one consider the consequences of an Invasion by an enemy, who rush into the field in such astonishing numbers, and whose exhausted battalions are recruited with such inconceivable rapidity, that we see whole armies mowed down like the crops of autumn, and rising again like the grass of the Spring. What must be the consequences of such an attempt in a Country, whose paper credit, the organ of its extensive commerce, trembles at every breath, and must infallibly fall before so rude a blast? How feeble the consolation that such an attempt would finally be repelled by the spirit and valour of Englishmen!—How much blood must be shed!—How much havock must be made!—What a dreadful wound must be given to public prosperity!—And how many scenes of anguish prepared for domestic life!—Nor is it the

least consideration what a powerful temptation would be afforded to treachery: for, while men continue to be men, money will always be found to purchase it. If the French had landed 100,000 men, and by a successful effort once possessed themselves of the capital, even though we had ultimately succeeded in repelling them, though the next day not one of them had been left alive, how dreadful must have been the consequence to the great body of the nation!—And how many years would have been necessary to repair the effects of such a calamity! Has any Secretary of State, or any military man been brought forward to say, that we have suffered in not being invaded by the French, or that we should have gained by a successful resistance to such an attempt? Is there any man sufficiently wicked, rash, and inconsiderate, to wish that we had had an opportunity of shewing our prowess, at the expence of our blood, our credit, the safety of our families, and the security of our Government. All that has been adduced in Evidence against Mr. Stone is, that he endeavoured to avert this attempt. He is a man who is not otherwise proved to have opened his mouth in any rash or intemperate expression; he belonged to a society who, in a letter of Jackson's, are stigmatized as those who only sought for places, and from whom no approbation of French principles could be expected. He is not even proved to have uttered one sentence against those who hold the reins of Government, or against the present war—though unquestionably disapproving of both. Does not this shew how abominable it is to select this man as the perpetrator of that Crime with which he is now charged, and to predicate of him what can be predicated of no other man in the kingdom? I am sure it cannot be predicated of myself; though I should be extremely sorry if it were possible to bring against me, in a public Court, every word I have said in moments of heat and irritation, respecting certain men and certain things, treasured up by a ministerial agent, and accompanied with the embellishments that usually attend such reports. But this man has never been an object of suspicion. Let me remind you of the words which one of the witnesses stated he had heard from him, “that whoever wished to alter the Constitution of this Country, must either be a madman or a fool.” Yet I admit him to be an enthusiast for human privileges, and for the cause of liberty; and so far

must be the friend of the British Constitution. The first which exemplified in its PRACTICE, THE HIGHEST DEGREE OF CIVIL LIBERTY MANKIND CAN ENJOY ; AND WHICH, BY ITS LIBERAL EXAMPLE, ONCE ENLIGHTENED A SURROUNDING WORLD. IN THE FORMATION OF WHICH, PROVIDENCE SEEMS TO HAVE BEEN LAVISH OF BLESSINGS, EVEN TO EXCESS. LONG, LONG MAY IT CONTINUE THE VERY STANDARD AND CENTRE OF EVERY THING THAT IS GOOD AND GREAT IN HUMAN INSTITUTIONS !

But what sort of an Invasion is the Prisoner charged with inciting? The invasion of one regulated state against another, managed like a duel with all the circumstances of civilized refinement in war? No! the Invasion of a Government, convulsed with revolutions, which could give no security to those who supported it; but, on the contrary, was likely to destroy them. What Evidence is there that Mr. Stone received any assurance, that in case of an Invasion he should be secure?—That his wife and his children should be safe from the insolence and cruelty of a licentious soldiery? Is there any passage in the letters from his brother, which have been produced to this effect?—Do you find in them, “ Don’t be afraid of an Invasion, you are safe ?” On the contrary, in the Letter which announces the projected Invasion, do we not find this expression—“ Sell your house at Old Ford, else it will be taken ?” Do we not find another remarkable passage, in which he says, “ that his letters are examined in France—that he is an object of suspicion to the Government—and that, though he is treated with delicacy, he is under considerable apprehensions for the issue?” Is this the Letter of a man who sent Jackson, as his agent into England, for the purposes of a conspiracy with the French Government. For God’s sake, if his Majesty’s subjects are to be executed, let them be executed on reason, and on fact! When Jackson was in England, when his Treason with respect to this Country was consummating, when he was preparing to go to Ireland, we find Mr. J. H. Stone trembling for himself, in danger from the very Government whose confidence he is supposed to possess, holding a clandestine Correspondence with the Prisoner at the Bar, which he supposes likely to be more dangerous to himself than to his brother in England.



When these Letters mention—"Mercantile Transactions, Manufactures, &c." I have no hesitation in admitting, that John Hurford Stone might wish, by means of Jackson to draw his Brother into that illicit trade in which so many people in Europe were induced to embark, and for which the situation of France afforded so powerful a temptation:—when her Ports were blocked up by our Fleets, and her want of all necessaries induced her to purchase supplies at an immense price. Is it to be conceived that if there had been any other Letters they would not, from the operation of that vigilance which Ministers thought proper to adopt in a critical state of the Country, have been stopped in the Post Office? If the Prisoner had been aware of any thing dangerous in the contents of these Letters, would he not have taken the precaution to have destroyed them? Read all the Letters, and see whether he knows any thing more of Jackson than in the character in which he was always represented to him—an American Gentleman.—All these Letters he leaves open and exposed.

When he becomes the victim of Power and the object of a Criminal Charge, what is his conduct? When Mr. King, the Under Secretary of State, came to seize his Papers and to arrest his Person, so far from discovering any apprehension, he shewed himself more tranquil than could be expected on such an occasion. Would such have been the appearance of a guilty man sinking under the pressure of detection, exposed to infamy, and menaced with the awful retribution of Public Justice? A guilty man could not have appeared as Mr. Stone did before a Person of the character of Mr. King;—a man of the deepest knowledge of the world, and the keenest observation of the human heart. May we always have in office men capable of such observation, and who are honourable enough fairly to state the result of it! Mr. King might have simply stated, that he was occupied with the business upon which he had come—the seizure of the Papers; and did not particularly notice the appearance Stone exhibited. But the Prisoner's conduct was too remarkable not to attract a particular attention: for as Mr. King has told you in his Evidence—Mr. Stone was less embarrassed than he could have thought it *possible* for any one to be under such circumstances.

So far was the Prisoner from feeling any necessity of secrecy or testifying any apprehension of danger, that he com-

communicated the contents of those Papers which are now brought forward as proofs of the Charge against him to every Person he met. Mr. Rogers, in his examination, said that he met him in the street, and communicated to him the contents of one of the Papers which has been produced on the Trial. And so far was he from conceiving the communication to have been made with any degree of secrecy, that, had he met me a few minutes after, he might, in the course of common conversation, have repeated it to me. Let this be a signal observation, that Papers under these circumstances should be sent to a Jury, while the Counsel for the Prosecution declare, that they do not mean to convict upon the enigmatical passages in the Letters, but in consequence of the preceding Acts of the Prisoner being such as to take away all plea of Defence. I feel it my duty, however, to speak for the Crown as well as the Prisoner.—When there appeared enigmatical passages there was undoubtedly ground for enquiry. It never can be my wish to dispute the propriety of enquiry, or to condemn the vigilance which is exerted by the servants of the Crown in a critical period. But, by the acquittal of the Prisoner, the prerogative of the Crown is not thrown down or even lowered; on the contrary, it acquires a greater stability;—By fixing it on the solid basis of Justice, you raise it to a prouder pre-eminence; and you will more strongly rivet the attachment of the subjects, by rendering them sensible of the blessings they derive from a mild and impartial administration of the Laws. If then you would support the Crown—support the Laws.—It is thus, that instead of having your Country converted into a Prison-ship, and her subjects only restrained by Laws from emigration, you will invite emigration from other countries that have not yet experienced the blessings of equitable and wise Institutions.

I am glad that in the present instance the Evidence is not disputable. It happens in transactions where there are many parts to be proved that you must begin somewhere;—And, on this ground I have often been checked by Lord Mansfield and your Lordship, when I have objected to Evidence: you have told me that I must allow those who were concerned on the other side to begin and to prove something. In the present case there are two parts of proof,—*first*—the General Conspiracy;—and *secondly*—the particular overt Acts so far as they affect the Individual,

The greater part of the Evidence has gone to prove the Conspiracy: the name of Mr. Stone has been but seldom mentioned; and that only as having taken a part contrary to the object of the Conspiracy, and therefore unconnected with its guilt. For instance, if there has been a Conspiracy to set my house on fire, concerted by the treachery of my servants, can any third person be convicted as an accomplice in their crime, if it be only proved that during the transaction he was seen with a leathern bucket in his hand, assisting to prevent the flames? Yet nevertheless, on the trial of such a person the acts of the Conspirators might be proved.

The principle of Evidence is founded in reason, and built on humanity and justice.—It is proper, that the Court should have every thing before it, in order to be able to separate the parts of the transaction, and to see in what point the individual is connected. Let us examine then, from the Evidence, how far Mr. Stone is proved to have acted with the intention, charged in the Indictment. In the Letters of John Hurford Stone, from No. 1 to No. 10, it is to be remarked, that so far from Mr. Jackson being the burden of the correspondence, as might have been supposed, if only detached extracts had been read, the Letters are filled with a variety of other matters, and that the expressions relative to Jackson are very few. As to the credit which the latter had on Mr. Stone, on which so much stress is laid, let us see exactly what the transaction is.—We find, that there had been some pecuniary concerns between Mr. John Hurford Stone and Mr. Jackson, and, that the former gave the latter credit on his Brother for 150l.; from which afterwards was deducted the amount of two small sums received abroad. So far from being an unlimited credit, or a credit for any considerable amount, for the purpose of any great undertaking, we find it a mere matter of business, settled in the ordinary forms, and with all the punctuality that is usual in such transactions. Government, finding by the Letters in their possession, that there had been some pecuniary concerns, were desirous to ascertain the particulars and the amount, in order to throw light on the nature of the Conspiracy. And it is to be remarked, that the account relative to the money, was not found among the other Papers, at Old Ford, but deposited at the Counting House of Mr. Stone, in Rut-

land-Place, Thames-Street, along with his other Papers of business. Mr. Stone conducted the persons, employed for the purpose by Government, to his counting house; and expressed himself very happy when this Paper was found. He had, undoubtedly, reason to be so, because it refuted the idea of that connection, which was supposed to exist between him and Jackson. The trifling amount of the sum unequivocally demonstrated, that the transaction was merely incidental; and that it was impossible they could be engaged in any treasonable undertaking, for which immense sums would have been necessary. There are no Letters to shew that Mr. Stone was acquainted with the real object and character of Mr. Jackson. There are no Letters to shew that Mr. Stone acted with any other motive, than that which the Evidence for the Crown has established. That motive is totally different from the abominable purpose charged upon Jackson, of inciting the French to attempt the Invasion of this Country, and of affording them intelligence, in order to bring about the accomplishment of their project. It has been proved to you, that Mr. Stone's endeavours were only exerted to avert this calamity. Gentlemen, it ought further to be recollected, that he was not a man in desperate circumstances, that he should have been readily induced to embark in so horrid a design, as the Invasion of his Country. He had a flourishing trade,—an affectionate family;—he was respected in business, and happy in domestic life, when he was arrested on the Charge for which he now stands at your Bar. Such *was* his situation, Alas! after an imprisonment of two years, what *is* his situation? Now to you he looks for his deliverance from the Charge of Treason;—but not from the horrors of a Prison. When you send him from your Bar, justified from that foul imputation, he must again be sent back to a dungeon in consequence of debts, contracted by the ruin of his business, and the pressure of supposed crimes. This circumstance has, indeed, nothing to do with your verdict; but, when considering the melancholy condition of the Prisoner, I must have been less than a man, had it not crossed my imagination with a force too great to be suppressed.

Does not then the whole of the Evidence for the Prosecution shew, that this unfortunate man was actuated by a good motive? And I contend, that, if his motive had been

bad, he could not have acted as he did. The State Trials are well known.—Does there occur, in those Trials, throughout the whole history of the Country, any one instance of a person charged with Treason, who tells every one the business in which he is engaged, who has nothing to conceal, and who, instead of shrinking from detection and discovering any apprehension of his danger, courts publicity in his proceedings, and claims merit from his conduct? But I am prepared to shew more,—that there must have been some application from Jackson to Mr. Stone, to engage him in some illicit commerce—which the latter refused.

The Evidence of Mr. Cokayne has been brought forward on this occasion. On the Trial of Jackson in Ireland, a whole day was spent in pulling this witness to pieces, in endeavours to shew that he had come over as an accomplice of Jackson, and that he had been tried and *narrowly* acquitted of Perjury.

*The Attorney General. (Interrupting Mr. Erskine.)* He was tried, and MOST HONOURABLY ACQUITTED. I appeal to your Lordship, whether I can suffer any Imputation to be brought against Mr. Cokayne, or his Character to be lacerated in order to invalidate his Testimony?

*Mr. Erskine continued.* God forbid! that I should wish to slander a man, who acted only in compliance with his duty. Were Mr. Cokayne himself in this Court, he would know, that I would be the first man here to do him every Justice. I know he was tried for Perjury, and *honourably acquitted*; and it would be unmanly, and ungenerous in me, not to admit it. And both I, and my learned Friend, Serjeant Adair, are very ready to declare, that we *know* how *unwillingly* he went to Ireland at all. In Ireland it was necessary to attempt to pull down his Evidence; because, if it was believed, Jackson must fall—must be inevitably guilty. I freely, however, acquit Mr. Cokayne of all the suspicions that attended his conduct; but, while I do him this Justice, let me implore you, Gentlemen of the Jury, in the name of Humanity and Justice, and in the name of God, to banish from your minds all suspicions relative to the conduct of the Prisoner at the Bar, and to look only to the proveable Evidence. But it is not my wish to take any thing from the effect of a verdict of acquittal;—it is not necessary, for our Defence, to invalidate the Evidence of Mr. Cokayne: he is,

indeed, a very *material* Witness for us. We find him, from his own Evidence, in terms of the strictest intimacy with Jackson; who not daring to shew his face in this country and having his Creditors at his heels, reposes himself on his Confidence and Protection. Cokayne provides him with Lodgings, visits him every day, and directs his Letters, lest his hand-writing should be recognized by any of his Creditors. When Jackson is in Ireland, there is not a day, in which we do not find Cokayne present at the cabals respecting an Invasion of that Country by the French; yet, during all this time, he never heard Jackson mention the name of Stone. Nay, he states that before he went to Ireland, he did not know the object of Mr. Jackson's Journey to that Country to be, to concert the Plan of an Invasion, or to collect Information for that purpose. If he did not know it, what Evidence is there that it was known to Mr. Stone? Mr. Jackson told Cokayne, that he wanted to establish certain mercantile connections, and that he had an unlimited credit for any quantity of provisions and necessaries he could procure for the French. But did he tell him he had any credit upon the Prisoner at Bar? If Mr. John Hurford Stone wished, by means of Jackson, to inveigle his Brother into any illegal commerce of that sort, it has nothing to do with the merits of this Case—it will be his concern if he ever returns to this Country. But it is evident, that if any such proposition was made to the Prisoner, it was refused: for Jackson tells Cokayne that he had not succeeded in this Country, and was therefore going to Ireland. Afterwards, in Ireland, when the difficulty occurred of the want of Money to send a Person to France, does he say that Mr. Stone will supply it? No! When Mr. Stone is in prison waiting the issue of Jackson's trial, does Cokayne state one word in Court respecting Stone as an accomplice? Or do the Counsel for the Prosecution ask one Question on the Subject? What Evidence is there then to shed the Blood of the Prisoner, who is only proved to have acted a part, which if at all effectual, was so far beneficial to the Country, and which was in no respect advantageous to himself. How striking is the remark of Mr. Rogers—and how appropriate on this occasion? When he was addressed by the Prisoner respecting the menaced Invasion of the French, he declined all Conversation on the Subject, because in times of alarm,

when men's minds were agitated, he did not choose to busy himself with Politics: for he was aware, that the most innocent Intentions were liable to misconstruction from those who were disposed to misrepresent them. This it is that is so peculiarly lovely in a Court of Justice:—In private life we are too apt to go to extremes in forming our Judgments, and wherever there appears questionable circumstances we are too much addicted to impute bad motives. In a Court of Justice we are only allowed to form our decision from the testimony of concurring Evidence, and the rigid Scrutiny of Facts.

The Paper of Mr. Vaughan so much relied on, will sufficiently shew the upright and patriotic Intentions of the Prisoner: It was to be communicated to the Government of France, and so anxious was he to prevent the intended Invasion, that in the transcript of the original Paper in his own hand-writing, he had crossed out those passages which exposed our Weakness, such as “the absence of all Troops but the Militia, and a few Cavalry on the Coast, &c.”

If the Prisoner wished to consult the opinions of others respecting his treasonable purpose, he undoubtedly applied to the worst persons such an agent could have recourse to. He gave information to the Minister; who was *officially* concerned in the welfare and safety of the country. He made application to Mr. *Smith*, a gentleman possessed of an immense fortune, for the most part vested in the funds, which must inevitably be ruined, even by a partial Invasion. Mr. Sheridan, Lord Lauderdale, and other gentlemen of rank, talents, and property, were the confidants whom he entrusted in a conspiracy, to which they of all men must be the most adverse.

In the Evidence before you this day, Gentlemen, you will be able to judge of the *fallibility* of those who pretend to be *decyphers* of Treason. At the trial of Jackson in Dublin, the Counsel for the Crown explained Mr. *Nicholas* to mean the Minister of War, or of the Marine in France; whereas he is now clearly personified into Mr. NICHOLAS MADGETT. In the same stile of reasoning, the Prosecutors here endeavour to convict Mr. Stone of Treason by this curious kind of syllogism:

The Man whose Friend is a Traitor, is himself one;  
But Stone was Jackson's Friend;  
Ergo, Stone is a Traitor.

It is unnecessary to expose this ridiculous sophistry ; and it cannot therefore be expected that the Prisoner at the Bar should be called upon for proofs of his innocence, when in fact you must perceive that no proofs of a substantial nature have been brought to establish his guilt.

Recollect now, Gentlemen, the situation in which we stand :—no Papers were given us—we were called upon to make our Defence from Papers, with Copies of which we have been furnished for the first time during the Proceedings on this Trial. Were I in a place of deliberation, instead of a judicial assembly, I might perhaps argue on the propriety of having Papers of this description deposited in some safe and confidential hand, open for inspection and reference, in order that we might know how to square our defence. But I wave that subject for the present :—It is the character of innocence, under all circumstances, to be fearless and assured ; Guilt trembles at every breeze, and dreads the disclosure of those secret machinations which must overwhelm it in detection and shame. Innocence knows that it has nothing behind it ; it shrinks not from investigation, because it has nothing to dread from the consequences of disclosure. —Innocence, like the mantle of the Prophet, is the strong shield and safeguard of the Prisoner ; and wrapt in this, he securely appeals to your decision.

With respect to the addresses, to which in the mysterious manner in which they have been introduced, a degree of importance has been annexed that does not belong to them :—no Letters were sent to be transmitted by them, nor can they implicate Mr. Stone in any share of blame, whatever were their contents, since he was unacquainted with what they contained. But what has the Attorney General made out by the Letters from Ireland ? Jackson left the Country with Cokayne, and writes that there would be no occasion for the directions, “ as the price of the articles is changed.” He then wishes to know “ of the family at Shields ; and requests Papers relative to them may be sent immediately, “ as the assizes at Cork are about to begin forthwith.” In the answer there is not a syllable about an Irish family at Shields ; but he speaks of French affairs under the allegory of “ the family.” “ He hopes that the turn that had taken place would “ tend to purify them, and to render their conduct less exceptionable.” If then, as he clearly does in this passage, he



speaks of the French Government as the worst possible, is it credible that he could be plotting to introduce this Lawless Government into this Country, to stake his fortune and happiness upon his fluctuating vicissitudes, and to expose his family and his relations to the uncontroled licentiousness of a brutal and insolent soldiery? Is it possible that he could thus wish to level with the ground the noble and majestic edifices which his Ancestors have reared, that he could wish to trample on every thing that is great, sacred, and venerable, and to set himself up as a spectacle of infamy to the world and to posterity? Could he thus court an independence formed by the disjunction of all the bonds of Society,—by a divorce from every thing that even natural instinct would cherish the most? To support such a conclusion will indeed require all the ingenuity of the Solicitor General's Reply, and a powerful Chain of Evidence indeed, which I defy him to produce. If a Verdict of Condemnation can be given upon the Evidence already adduced, I could almost say,—let the French come: their horrors will then appear less dreadful, for there will be less to lose.—Let the most fierce and uncivilized savages come, and lay waste the country: they may perhaps in a climate where Liberty once had flourished, acquire the sense to revive institutions which were mouldered away and overthrown.

GENTLEMEN OF THE JURY,

In thus deprecating a conviction, it is not my wish to impose terror on your consciences;—I do not wish to impress on your minds any idea that there is a greater obligation upon you to acquit than to condemn.—You must conduct yourselves as has often been repeated from the Bench, as firm men doing that which your oaths and consciences require you to do. Feeling that I stand in a situation which has enabled me as much as possible to understand and be acquainted with the rules of Evidence, (as I necessarily must be from the experience of that practice which has fallen to my share) unless my zeal has, in the present instance, transported me beyond the bounds of sober reason, and induced me to view, in a perverted manner, the materials in support of the Charge brought before you,—I AM CONFIDENT THAT

IT IS YOUR CLEAR DUTY TO ACQUIT THE PRISONER. I am confident also, that as it is the Duty of the Counsel for the Crown not to throw a cloud around a cause, or to raise a mist of suspicions to mislead your understandings, and perplex your decision, but to afford you that light of Evidence, which may serve to guide you to the Truth of the Cause; —so is it your duty in exploring your way to that Truth, not to admit the intervention of those Clouds which will only serve to obscure it. By this you will be enabled to pronounce, in the persuasion of the Prisoner's Innocence, that Verdict of Acquittal in which, as the Attorney General stated, every man must rejoice when it is delivered.

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THE SOLICITOR GENERAL then rose, in reply to Mr. ERSKINE; and addressed the Jury, as follows:

GENTLEMEN OF THE JURY,

Notwithstanding the great length of the Trial, I am now obliged, however reluctantly, to take up more of your time with a few observations on the Evidence before the Court, and on what has fallen from the Prisoner's Counsel in his Defence. The long Imprisonment of Mr. Stone has been adverted to in pathetic language by his Counsel. His Imprisonment has indeed been long, and, if he is innocent this is a circumstance which is to be lamented; but this delay is not to be imputed to the Prosecutors: there was a necessity for trying Mr. Jackson first; that Gentleman made two applications to postpone his Trial, and these applications were granted.—Part of the delay was imputable to Mr. Stone himself, as he put off his Trial from Michaelmas Term on account of the absence of his Witnesses; so that the imputation of unnecessary delay cannot justly be brought against the Officers of the Crown.

*Lord Kenyon. (interrupting the Solicitor General.)* I beg your pardon, Mr. Solicitor General, for interrupting you; but, perhaps, Mr. Stone may wish to address the Court; and, I presume, this will be the proper time, before you make your Reply. Do you wish to say any thing, Sir?

*Mr. Stone.* I humbly thank your Lordship for your attention; but my Counsel have said so much, that nothing remains for me to say.

*The Solicitor General (continued.)* It has been said, that you are not to form your determination on trifling conjectures, or suspicions, however strong; or on nice distinctions, or subtle reasonings; but on positive proof. To this, which has never been controverted on the part of the Crown I am ready to subscribe: the Jury ought, certainly, to be fairly satisfied, by positive Evidence, of the guilt of the Prisoner; and such Evidence, I think, has been

given in this case. I may have formed a wrong opinion; and I shall feel myself sincerely happy, if you can, upon a fair and impartial view of the case, pronounce the Prisoner "NOT GUILTY." If you do so, however, from my view of the Evidence, I must say that my judgment is defective.

Much has been said relative to the indiscretion of the Prisoner; but indiscretion, to which all men are liable, is no rational excuse for their continuance in error. The Counsel for the Prisoner have saved themselves some trouble by the mode of conduct they have adopted; they have not disputed Jackson's criminality: such an attempt indeed would have been futile in the extreme. The motives, which induced him to come to England, and, afterwards, to go over to Ireland, are allowed to be those of procuring Intelligence for the French Government. The only question is, therefore, whether Mr. Stone, knowing either the whole, or a part of the object of Jackson in coming to England, conspired with him to attain that object. If he only concealed the traitorous intentions of Jackson, it will constitute a serious Crime, though it may not amount to High Treason; but, if he gave him any assistance, his conduct from that moment becomes treasonable.

Jackson's motives can now no longer be doubted; and I shall proceed to shew that they were either wholly, or at least partly known to the Prisoner. The only question then is, whether the Prisoner, possessed of this knowledge, has acted in a manner that will implicate him in a share of the guilt?—The Defence set up is this:—the Prisoner's indiscretion is allowed; but the criminal motives imputed to him in the Indictment, denied: his object, it is said, has been, throughout, to serve his Country; although, in the prosecution of it he may have acted improperly. Your duty, therefore, Gentlemen of the Jury, is to investigate his motives from his conduct; no part of which (I am sorry to say it) will justify so favourable an interpretation. The Prisoner knew perfectly well that Jackson came here to obtain Information respecting the opinions of the People of England, which he was to communicate to the French Government. That the Prisoner knew all this, is clear from the Evidence.—The Facts were communicated by J. H. Stone, at the end of April 1794. Jackson's Letters of the 17th

and 19th of March in the same year, both state that his object was to learn the real opinion, as far as it could be learned, of the People of this Country, in case of an Invasion. To the attainment of this end it was necessary, that the Prisoner should obtain the real opinion of the leading men of this Country; he, therefore, made application to the principal Members of both Parties; among whom were Members of Parliament, and a Gentleman, who was formerly under Secretary of State and afterwards Secretary to the Treasury. Mr. Sheridan, as a Man of Business, rejected all communication with him; advising him at the same time to desist from his project. This admonition given from a knowledge of the improper and mischievous nature of the Business, it is to be lamented, was disregarded by the Prisoner. Lord Lauderdale in his Evidence, has observed, that his brother, Col. Maitland, objected to the Paper of Mr. Vaughan. From the Evidence of Mr. Towgood it also appears, that Mr. Stone did not deny that this was a delicate subject to intermeddle with. His conversation with Messrs. Smith and Rogers was to the same effect. Still, however, he persevered; and endeavoured to obtain the opinions of eminent political Characters in this Country, to be communicated to the ruling Powers in France, through the medium of this American Gentlemen.

I may stop and rest the merits of the Case here for endeavouring to convey any Intelligence to an Enemy, is certainly Treason. And does it require ingenuity—does it require much subtlety of reasoning, or niceness of discrimination to prove that he did this? Certainly not; I state plain facts, from which you are to draw a plain and obvious inference. It is clear from the Evidence that he knew for whom the Intelligence was to be collected; and it is also clear in point of fact, that it was absolutely transmitted to the Enemy. It may here be observed, that Mr. Stone's representation was not strictly true: to Mr. Sheridan and others he asserted, that his Correspondence with his Brother had for some time been interrupted, while to others he said, (what has appeared to be the fact) that this Correspondence had been uninterrupted. With respect to the pretended American Gentleman, he merely spoke of him in general terms, without saying who he was, what was

his business, or where he was to be found. It appears then, that the Prisoner knew of the object of Jackson's mission.

It must now be considered by whom Jackson was recommended to the Prisoner—by Mr. J. H. Stone, who, though an Englishman born, had forsaken his Country, and was attached by the ties of interest and affection to the Government of France. To what purpose could such a person send over an Agent here, but to serve France?

Much Argument has been used to convince the Court of the Innocence of the Prisoner's Intentions, from his consulting with men of rank and character; but to such he must necessarily have applied, in order to obtain the opinions of men of the most weight and influence in the country. Now it cannot be supposed, that men in such situations would give Intelligence for the purpose of being communicated to the Enemy; it was therefore necessary to use some pretence to deceive them. If Jackson himself had undertaken to collect the popular opinion, would he not have adopted a similar method, as the only one likely to be successful? To say that the communication of Intelligence to an Enemy, was for the purpose of benefiting this country, is an evident and palpable absurdity. To deceive the Agent by false Intelligence, would be the only way of doing good in such a case.

The manner in which the pretended American Gentleman was introduced, must have afforded ground for suspicion. By a series of Letters it appears, that he was to communicate a great deal of mysterious matter, which could not in any other way be known to the Prisoner. If Mr. Stone was ignorant of the real character of Jackson, he must have been surprized at the circumstance of an American Merchant coming to this Country without having any mercantile transactions in view; and, if he really knew who Mr. Jackson was, he must have also known the object of his mission. The Key of this Mystery is, I believe, in the hands of the Prisoner and a few others.

Mr. Stone having procured information for Mr. Jackson, assisted him with money to go to Ireland, and communicated with him when he was there, notwithstanding that Mr. Sheridan and others, to whom he went, had put him upon his guard against Jackson, and expressed in strong terms their disapprobation of the whole proceeding. Mr.

Sheridan, in particular, stopped the Prisoner while he was reading to him Mr. Vaughan's Paper, and advised him, if he had any thing to communicate, to go to Mr. Dundas. He also told him, that he might be imposed upon by the American Merchant, and added, that if he were Mr. Dundas, he would make himself acquainted with every particular of this American Gentleman's conduct while in this Country. From the Letter of the Prisoner to Jackson, of April 5, 1794, and the Answer, it appears plainly, I think, that Mr. Stone knew of his purposes both here and in Ireland. Jackson's Letter was written under the fictitious name of POPKIN; this was unnecessary in writing to Stone, if he had merely to guard against his Creditors, for his affairs were not embarrassed in Ireland, and the reason of his conduct could only be to avoid detection in case of his Letters being opened. The answer of Mr. Stone proves, that the enigmatical strain of his Correspondent's Letter was perfectly understood by him, and his signing himself ENOTS, could only have been done for the purpose of concealing this Correspondence.

The Counsel for the Prisoner have dwelt much on the circumstance of his appearing perfectly unembarrassed at the seizure of his Papers. This must be allowed to be something in his favour, but it is counterbalanced by another circumstance—his denial of his correspondence under the signatures of ENOTS and POPKIN, when soon after a Letter was found among his Papers signed POPKIN, which has been proved by Mr. Walsh to be in the hand-writing of Jackson.

The nature of the Intelligence sent to France by the Prisoner, through the medium of Jackson, seems to have been to this effect:—"Don't attack England where our main force is: Ireland, where there are some outposts weak enough, seems more favourable to such an enterprize." If indeed Mr. Stone designed to correct Jackson's views, it could have been only by rendering them more subservient to the views of the French Government.

As to the communications from the Prisoner to General Murray and Mr. Pitt, they do not appear to differ from those given to Mr. Sheridan and others; nor does it appear that he communicated all he knew, especially to the latter, as he did not inform him that he thought Jackson a suspi-

cious person. In the Intelligence conveyed to Mr. Pitt, in April 1793, he neither communicated all he knew, nor mentioned the person from whom he received his Intelligence; he also withheld material Passages in the Extracts he gave from the Letters he had received. The small amount of the credit Jackson had upon Mr. Stone, I must observe, is no proof that his object was not to obtain Intelligence for the French, or that Mr. Stone did not assist him in procuring and conveying that Intelligence.

GENTLEMEN OF THE JURY,

I shall now conclude with expressing my Conviction, that upon an impartial review of the Evidence, you will find every part agreeing together, and tending to support the Charge against the Prisoner at the Bar; and however much your Humanity may induce you to wish to acquit him, yet I am sure that the superior considerations of Truth and Justice, and the Duty you owe to your Country, demand you should find him "GUILTY."

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When the SOLICITOR GENERAL had ended his Reply, one of the Jury, in the names of his Brother Jurymen, requested that they might have some Refreshment.

LORD KENYON. I shall not have occasion to detain you long, Gentlemen; I hope, therefore, you will think Refreshment at this time the less necessary.

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His Lordship then began his Charge to the Jury as follows:—

### GENTLEMEN OF THE JURY,

I have witnessed the painful attention you have shewn, during the course of a Trial, as long and as important as any in the annals of Westminster-Hall. Its importance naturally demanded the very full and ample discussion which it has received. On the one side, Gentlemen, it was necessary to observe the most scrupulous attention with respect to the Life and Honour of the Gentleman accused; for in cases of Blood, too much caution cannot be preserved. While on the other, the interest, the safety, nay even the preservation of the Community were objects of the most important nature. The Crime charged upon the Prisoner is the highest and most atrocious that can be committed in Society; inasmuch as it necessarily goes to the destruction and dissolution of the whole Community, and tends to tear asunder all the bands of Law and Order, by which mankind are protected and held together. To *myself* every occasion of exercising the necessary part of my duty, in animadverting upon those accused of Crimes like the present, must be painful; but as Society cannot be upheld without the sanction of Laws and Punishments, however my feelings as a man may be affected, I shall, while I preside over the Criminal Justice of this Kingdom, always, I hope, be found to discharge that duty which I owe to my Country.

The Indictment consists of two Counts. The *first* is, compassing and imagining the Death of the *King*; and the *second*, charges the Prisoner with adhering to the *King's* Enemies. As no manner of Evidence has appeared that can in any way support the first Count, it must be left entirely out of the question, and your whole attention bestowed on the second alone.

With respect to the Law on the subject, it is clearly High Treason to send such Intelligence, by Letter or otherwise, to the *King's* Enemies as may be *useful* to them, or give

them any advantage in War. It has been so considered by the best Law Authorities, and especially by Lord Mansfield, and the able and eminent Judges who assisted him in this Court: for after a most minute and solemn enquiry, it was determined by them—that to send Letters to point out to the King's Enemies the means of offence or defence, constituted the *Crimen Læsæ Majestatis*, or High Treason.

During the course of this long Trial, to the end of which we are now approaching, had any thing improper been urged by the Counsel, either for the Crown or the Prisoner, it would have been my duty to have corrected it. Or if I had then omitted calling them back to the just line of their duty, I should, in my Address to you, have made such observations as occurred to me on the subject. But the conduct of the Counsel, on both sides, has rendered any interference of mine unnecessary; and the Letters in particular have received, in my apprehension, a very proper construction from the able and learned Gentlemen who conducted the Defence: for I agree with them, that the commercial terms, in far the greater part of them, were intended to convey the ideas commonly annexed to those terms. They all refer to trade only, and do not, as has been supposed, convey any hidden political meaning; except, perhaps, that in which mention is made of "the Family at Shields," which has been supposed symbolical of the French Government. This very probably may be mysterious, as it was stated by Mr. J. H. Stone in a subsequent Letter to the Prisoner, that the meaning was abstruse; but that Mr. Jackson, who was shortly to come, would explain it. You will be best able to form your own opinion, Gentlemen, with respect to the influence Mr. J. H. Stone's share in the transaction ought to have upon your minds. He was the Prisoner's brother; and seems, on every occasion, to have considered himself a *domiciliated* Frenchman; as is particularly evident in his Letters to the Prisoner, where, when he speaks of the People of England, he uniformly uses the expression *you*; and when speaking of the People of France, he as constantly uses the word *we*.

Of all the written Evidence, two Papers only are of any material importance in the Cause. These emphatical Papers I will lay before you. They were both found in the possession of Mr. Stone; and were written, the one by Mr.

William Smith, and the other by Mr. Vaughan, and were both communicated by the Prisoner to Mr. Jackson. (*His Lordship here read to the Jury the Papers No. 11\* and No. 12. Vide Appendix.*) It is very material for you, Gentlemen, to consider the *quo animo*, with which these Papers were communicated. Under several circumstances the communication of such Papers would be no legal crime; for however *useful* they might be to the Enemy, if an evil intention did not accompany the communication of them, it may amount to a strong degree of Indiscretion, but not to Treason. It is for you, therefore, attentively to consider the motives with which they were kept in the Prisoner's custody; and if it shall appear to you, that they were kept for the purpose of transmitting Information of the State of this Country to France, in order to be serviceable to the Government there, then no doubt can remain of his criminality. It has been admitted by the Prisoner's Counsel, that if the communications were likely to be beneficial to the French Government —

*Mr. Erskine (rising and interrupting his Lordship)* Good God, my Lord! I could not make any such admission: the Duty I owe to the Gentleman at the Bar would forbid it. I only said, that the Question was, whether he meant to serve the French Government, or to do an essential Good to his Country.

*Serjeant Adair.* I beg to declare, that I made no other admission than what has been stated by my learned Friend Erskine.

*The Attorney General.* The Fact may be as stated by the Counsel for the Prisoner; but I think it highly indecorous to interrupt a Judge in the middle of his Charge.

*Lord Kenyon (continued.)* I hope my Brethren on the Bench, and also the Counsel at the Bar, will correct any mistake I may make: in a Case where the Life of a Fellow-subject is concerned, I shall be glad that any error into which I may fall, should receive instant correction.

Much has been said, in the course of the Trial, that to me seems perfectly irrelevant. But it will be your Duty, Gentlemen of the Jury, to look to the Evidence as the grand source of Information by which to guide your Decision. All the exercise of ingenuity and eloquence, unless as it relates to the Evidence adduced, is not to have any weight in regulating your Judgment.

It is necessary for me here, to point out to you particularly the Evidence of Mr. Smith, Mr. Sheridan, Lord Lauderdale, Mr. Towgood, and Mr. Rogers. From the Evidence of these Gentlemen, you will be able to form your judgment, and regulate your decision in part, as to the real motives of the Prisoner's Conduct. It is necessary also to direct your attention to the Evidence of Mr. King, to whom the Prisoner, at first, denied the existence of any Correspondence under the Signatures of ENOTS and POPKIN, when immediately afterwards a Letter was found signed 'POPKIN.' The unembarrassed behaviour of Mr. Stone before Mr. King, has been dwelt on so very eloquently and forcibly by his Counsel, that it is almost unnecessary for me to mention it to you.

With respect to the Prisoner communicating his accounts from Paris to people in the streets, and in public places, it is to be considered, whether by so communicating he did not mean, that the accounts, relative to the state of this Country, should be conveyed to France or not. It is extremely material to consider the circumstance of communications having been made by the Prisoner, prior to JACKSON's coming into this Country, and of his having denied Papers, which were afterwards found in his possession. The Great Searcher of Hearts only knows the state of them; the only way MEN can know the Hearts and Designs of others, is by their actions—their overt acts. The Papers the Prisoner intended to send to France, together with his connection with Jackson, are the acts for your consideration; and it is also for you to consider, whether the Character given of him by so many very respectable Persons is to blot out the opinions you would *otherwise* form in this cause.

GENTLEMEN OF THE JURY,

I shall not farther exhaust my own strength, or wear out your attention; as I have already made my remarks on what appeared to me the most material parts of the Evidence on the Trial, and therefore now submit the whole to your consideration.

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The JURY thinking probably, that no other Judge intended delivering his opinion, began here to deliberate on their VERDICT; but their attention was again called by some observations made by Mr. JUSTICE LAWRENCE, who addressed them as follows:

GENTLEMEN OF THE JURY,

From what I have heard detailed in the course of the Trial, it seems to me, that the Prisoner undoubtedly, after receiving the advice of Lord Lauderdale, Mr. Sheridan, and others to the contrary, continued to correspond with Jackson; and that the information contained in the extracts which have been read, and which were proved to have been found by the Officer of the Police, in Mr. Jackson's apartment in Dublin, sufficiently demonstrate the fact. In one part of these Papers it is stated, that the correspondence had been for some time interrupted between France and this Country. This sufficiently proves, that a correspondence was entered into, and kept up by the Prisoner; but as he made no sort of secret of the information he communicated, but mentioned it to several persons, I think the only question for you to decide upon is, whether the information, so sent by the Prisoner, was criminally meant, or sent as a warning to the French, to shew the folly of any attempt to invade this Country.

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The Attorney General here recapitulated the part of the Evidence alluded to by Mr. Justice Lawrence; after which Mr. Justice Grose said a few words to the Jury, as follows:

GENTLEMEN OF THE JURY,

From an attentive consideration of the whole proceedings in this important Trial, but more particularly from a review of the Evidence, adduced on both sides, I think it necessary to say, that I perfectly agree with my learned Brethren on the Bench, as to the nature of the Evidence laid before you.

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The Jury here took some refreshment, and then retired to deliberate on their Verdict. In two hours and forty minutes, they returned into Court, finding the Prisoner "NOT GUILTY."

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N. B. When the Verdict of the Jury was delivered, there was a great shout of applause, and one Gentleman, of the name of Thompson, was fined by the Lord Chief Justice KENYON, for disorderly behaviour.

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The Counsel for the CROWN were,  
The ATTORNEY GENERAL.  
The SOLICITOR GENERAL.  
Mr. LAW.  
Mr. GARROW, and  
Mr. WOOD.

Solicitor, Mr. WHITE.

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The Counsel for the PRISONER were,  
Mr. SERJEANT ADAIR, and  
Mr. ERSKINE,  
Assisting Counsel,  
Mr. GIBBS, and  
Mr. HOLROYD.

Attorney, Mr. Wilson.

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## APPENDIX.

\* \* \* *It is with extreme concern, that the Editor has to state his having been disappointed of the Letters, from No. 1 to No. 10, written by Mr. John Hurford Stone in France, to his Brother Mr. William Stone in England, Copies of which were promised to him. The Counsel on both sides have been applied to; but as the Letters were lodged in the Crown-office, immediately after the Trial, they are inaccessible. It is hoped, however, that this omission will be of the less Consequence, as the most material Passages in them are quoted, in the opening Speech of the Attorney General.*

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(No. 11.)

THIS Paper was Mr. Stone's Writing, and is a Transcript of the Paper No. 11\*, with the omission of some of the exceptionable Passages. (*Vide* Page 32.)

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(No. 11\*.)

THIS Paper was that furnished by Mr. Vaughan to Mr. Stone relative to the State of England, and is as follows :

“ EXCLUSIVE of positive information of the temper of the Country, it may be known by people at a distance by the following signs :

“ There are no petitions against the war.

“ There are courtly verdicts given by juries, with few exceptions.

“ There are no mobs, though much distressed.

“ There is much readiness to enlist as soldiers.

“ There is much quietness in being impressed on the part of seamen.

“ The votes of Parliament are nearly unanimous, though the Parliament has run through half its length, and the

members of the House of Commons look to their re-election.

“ The stability of Lord Chatham continues in defiance of all his neglects.

“ Terror pervades the friends of liberty, who would soon shew a different appearance if they were countenanced by the majority of the people.

“ The temper of England is in favour of the first French Revolution, but not of the second.—However, on the whole, it shews symptoms of being adverse to the present situation of the war, not from disliking its principles, but from seeing little profit in it. At the same time, though they think its main object unattainable (namely the overthrow of the present French System) they would be more earnest for peace had they either suffered enough, or did they think the present French Government sincerely disposed to peace.

“ There are many persons attached to the principles of the French Revolution in England, if they are reckoned numerically, but they are as nothing compared to the great mass of the people who are indisposed to them.

“ In Scotland the proportion of Democrats is encreasing, but they are as yet a small minority.

“ Ireland will follow the Democracy of Scotland, each of these countries wants time only to convince itself in its own way, but it will not be convinced by a French Invasion.

“ If France were to invade England every man would turn out from good will or from fear, and the few who are discontented would be quelled with ease, as the French Citizens were by La Fayette in the Champ de Mars, or the disaffected lately by the Commissioners in Alsace.

“ There could be but one line of conduct for Englishmen to pursue, should the country be invaded.—They must defend it.

“ Wars being but the means of attaining peace, and the well meaning among the subjects of the Confederates, being told that the French are so adverse to peace, or ask such preliminaries that it is in vain to treat with them, it would be highly useful if France declared, after any new successes which she may hereafter attain,

“ Her aversion to conquest,

“ Her disposition to peace,

“ Her desire that other nations should govern themselves.



“ Her determination of changing this system if the war against her is continued. And it would be useful also if every convenient opportunity were taken of declaring that her present government is revolutionary, and that the Constitution of June last will be acted upon at the peace ; and also if she declared her regret at the necessity of using harsh measures, and now and then employed philanthropic language which has an astonishing effect in pacifying the English, and indeed pacifying Europe.

It would tend much to conciliate the minds of the English were the Convention to decree the liberation of all the English now in a state of arrest unaccused of crimes, and restoring to them their property, at the same time allowing them to leave the country within a certain space of time.

“ It would tend also much to create an aversion to the war, were the Convention to decree the terms on which they would make peace. This conduct would be magnanimous, and if they did not hold out terms extravagant, the people of this country would not hesitate to speak their aversion to a continuance of the war.

“ It would be very advisable to have copies of the more important decrees of reports lodged at Havre to come hither by neutral vessels for the purpose of being translated.

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(No. 12.)

This is the Letter of Mr. Smith to Mr. Stone, mentioned in Mr. Smith's Evidence. (*Vide* Page 33.)

“ DEAR SIR,

“ I WAS a good deal surprized the other day at the degree of credit which you appeared to give to the rumour of a French Invasion ; but as I know many *are* of your opinion, and many more *affect* to be so, I feel desirous of stating to you the reason, why I cannot but disregard any such apprehension. In the first place, nothing appears to me more clear than that those, who are now at the head of affairs in France, are too wise to make such an attempt without a prospect of some advantage, adequate to the risk which must be incurred, both by the army and the fleet employed in the service : and this advantage, I should think, must be something more than merely the burning of a few towns and

villages, (supposing even that to be accomplished) or the creation of a temporary alarm. From general history too, and yet more strongly from their own recent experience, must they be aware of the difficulty of an hostile army making any lasting impression on a people unwilling to receive them, and especially *on an island* in possession of a superior navy, and which can at any time call other fleets to its assistance.

If all this be true, it is scarcely reasonable to expect such an attempt, *unless the French flatter themselves with the hope of co-operation on this side.*—An expectation, as far as I am able to judge, still less likely to be realized than even that of success without it. That numbers here are disgusted with the war, I have no reason to doubt; but no symptoms have yet appeared of any general disapprobation of Government. On the contrary, Ministers seem to have been successful in raising a strong spirit of attachment to every branch, I might also say—to every abuse of the Constitution. Nor do I think it possible for any man, who impartially views the state of things and of parties in this country, to expect any other effect from an Invasion, than an almost universal rising of the People to defend themselves against an attempt, which they would consider as levelled at their Constitution and Liberty, and which they would therefore execrate and resist, as much as the French did the Duke of Brunswick's irruption.

Much has been said of the progress of French principles here; if by this is meant no more, than that at one time the opinion was rapidly spreading of the French Revolution having a favourable aspect on the happiness of Europe and of mankind, I firmly believe it; and I believe also, that a pretty general persuasion prevailed of the existence of such abuses in our own Government, as required a Reformation *speedy and effectual*. Partly however from natural causes, and partly from artifice, I am convinced, that their opinions have much decreased both in force and extent, and that though the tide may turn, yet that it is not by an Invasion that such a Revolution would be brought about: we should only wrap our cloak tighter around us, like the man in the storm, and refuse every offer of fraternity that came in so questionable a shape.

Sincerely wishing for Peace, and thinking that those Rumours of Invasion are industriously circulated with a view of

exasperating the People, and of rendering them more in earnest for the War, I should be very desirous of stating publicly in Parliament every idea I have here communicated to you, if I did not know that my general attachment to the Cause of Liberty, and the satisfaction which I have repeatedly expressed at the overthrow of Despotism in France, have rendered me to a very considerable degree obnoxious, and exposed my Sentiments to misrepresentation of the most invidious kind.

I am, &c. &c.

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(No. 13.)

This was the direction left at Hull with Captain Clark by Mr. Jackson, and proved to be his writing by Mr. Walsh. (*Vide* page 29.)

“ Enclose a Letter for me thus,”

“ John Cokayne, Esq.

Lyon's Inn,

Near Temple Bar,

London.”

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(No. 17.)

The direction left by Jackson with Mr. Stone. (*Vide* page 29.)

A Cross ✕ thus

*To Monsieur Daudebuscaille.*

(The outward cover.)

*To Messrs. Texier, Angely et Massac.*

*a' Amsterdam.*

(The inside cover.)

A Cross ✕

(Outward cover)

*To Mr. Chapeaurouge,*

*Merchant,*

*Hamburg.*

(To each a recommendation to forward the inclosed.)

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(No. 18.)

Letter of the 5th of April from Mr. Jackson to Mr. Stone signed "POPKIN," (*Vide* page 31.)

To Mr. WILLIAM STONE, London.

" Dublin, 5th April, 1794.

" DEAR SIR,

" OWING to a variety of incidents, which I will explain when I have the pleasure of seeing you, I have been prevented writing until the present moment. Some very excellent friends, to whom I owe most singular obligations, being apprized of my arrival, have endeavoured to render me service—and, were their power equal to their wishes, I am confident I should experience the benefit of their good intentions: Accepting, as I do, the will for the act, they have a claim on my gratitude.

" I must request you not to make use of any of the addresses I left you, the price and nature of the articles being entirely changed.

" You will have the goodness to enclose your letter or letters to me, under a cover thus directed—" John Cokayne, Esq. Hyde's Coffee-house, Dame-street, Dublin."

" Pray write immediately.

" I request, my dear Sir, that you will dedicate an instant, on the return of the post, in acknowledging the receipt of this letter; and if you have any letters from the family at Shields, which regard their affairs in this Country, you cannot too soon enclose them to me, as the assizes at Cork are about to commence.

In the course of a very few days I will give you some information respecting the bills which you commissioned me to present.

" I hope your lady enjoys better health, and with very sincere wishes for her and your happiness, I request you to believe me your real friend,

" THOMAS POPKIN."

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No. 20.

This was a Paper containing an account of money transactions between Mr. *William Stone* and Mr. *Jackson*. (*Vide* page 31.)

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(No. 25.)

This was a Letter sent by Mr. *Jackson* in Dublin, to Mr. *Stone* in London, and intercepted in the Post-Office; it was directed for Messrs. *Lawrence and Co.* and enclosed a Letter for Mr. *Stone*. (*Vide* page 45.)

Messrs *LAWRENCE and Co.* at their Coal Wharf, Rutland-Place, near Blackfriars-Bridge, London, enclosing a Letter directed to Mr. *STONE*.

“ Dublin, 21st April, 1794.

“ DEAR SIR,

“ YESTERDAY your letters were delivered to me, I am glad to find that the patterns I sent have reached the persons for whom they were intended; as from the silence of the parties I concluded that the outriders had neglected the delivery of them. I do not see any thing in the late change of fashions which alters my opinion of the stability of the new institution, particularly as the principal persons who superintended it, I never have been able to detect in the slightest deviation from the line of consistency. The rest have at all times been suspected of sinister motives and tergiversation.

“ The state of manufactures in England which your friend drew out, and which you so obligingly gave, is very just, as far as it related to England; but the principles of the people, with regard to trade, their opinion as to a change, to be brought about by industry and co-operating exertion are so totally different, as to throw all comparison out of the question. I am promised by a very eminent and sensible manufacturer a statement of the manufacturing branches here which will gratify you.

“ I shall obey the instructions of your sister-in-law by not writing to her, which does not however preclude me from

requesting, that when you write you will remember me in the most affectionate manner to her and Mr. Nicholas. Let them know where I am, and that I am doing every thing in my power to serve Mr. Nicholas, and give him satisfaction in bringing his affairs to the issue he wishes. His friends here have it in agitation to send a person, on whom his family and he can depend, to him with copies of such covenants and leases, as will shew the readiness of his sister-in-law here to come immediately to terms with him; and I shall advise a junction of interest, rather than a tedious Chancery suit. I wish you would copy this part of my letter and send it to him; a few days will decide whether the person goes or not; if he should, he will go from me and the family here with full power to treat with Mr. Nicholas, finally settle terms, and thus put an end to enmity and litigation. I am sure the medium of a third person is all that is wanting to bring the parties perfectly to accord. The sister-in-law is admirably disposed to a reconciliation. I hope this will be effected, as one interview is better than a thousand letters. If the person should go, Mr. Nicholas must receive him as he deserves, and treat him as he will merit. I had written the above during the negotiation with a person to go to Mr. Nicholas. He has, this morning the 24th of April, decided that his private affairs will not permit him. I shall therefore send a statement of the family expectations and situation here drawn up by as eminent a pleader as the gentleman who composed the paper in England.

“ I shall set out for Cork in a day or two, from which place you shall hear from me; and should you receive any intelligence from or of our friends, I intreat you to communicate it to me under cover to John Cokayne, Esq. to be left at the Post-office, Cork. I wish you would write the first post day to your sister-in-law, and desire her to inform Mr. Nicholas, that to-morrow I send off two letters for him from his friends here, containing opinions thoroughly considered and well digested by the first Counsel here; as such he may shew them, and the family may act accordingly. As my time has been wholly employed in collecting them, and as they came from the first and most enlightened sources, let your sister-in-law desire Mr. Nicholas to look out for them as matters of consequence: they contain the real state of the case.

“ I sincerely wish you happiness, and that of your family,  
and am truly,

“ Yours,

“ THOMAS POPKIN.”

“ Do not fail to communitate to Mr. Nicholas by the  
means of your sister-in-law what I have written.”

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No. 26.

This was a Letter sent for the foreign mail by Mr. Jackson and intercepted in the Post Office in Dublin: (*Vide* page 58.)

A Monsieur BERESFORD, chez BOURCARD et Co. BASLE,  
Switzerland.

“ Dublin, 24th April 1794.

SIR,

“ YOU are requested to see Mr. Madgett directly, and inform him that this evening two papers, containing the opinion of the first Counsel in this kingdom relative to his family law-suit, are sent off to him by the post. Mr. Madgett's friend has been wholly occupied since his arrival here in obtaining those opinions, attending different consultations and collecting what is now sent as a real case in point—Your brother-in-law, with whom the friend of Mr. Madgett here had frequent conferences, approves the opinions as containing the opinions of all good and honest lawyers on the subject. Madgett may therefore proceed for the recovery of his family fortune by hostile or pacific means, as he and his friends think proper.

I am, Sir, your humble servant,

“ THOMAS POPKIN.”

N. B. Your brother-in-law has written to your wife in order to find out the sex of your child.—I am told that it is a very fine boy, the picture of his father, sound in every part except the brain.”

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(No. 27.)

This was a Letter containing an account of the state of Ireland, sent by Mr. Jackson by the Foreign Mail from Dublin, and intercepted in the Post Office there. This Letter consisted of two covers: the first directed as follows:

*' A Messrs. Texier, Angely, et Massac,  
' A Amsterdam.'*

The second cover was directed

*' A Monsieur Monsieur Daudebuscaille,  
A Amsterdam.'*

Within this second cover was a paper, marked on the outside with a large black cross; and within which was written "*Remember me to Lagnalot and all our Friends.*" Within this again was the Paper as follows:

" THE situation of Ireland and England is fundamentally different in this—the government of England is national, that of Ireland provincial. The interest of the first is the same with that of the people—of the last directly opposite. The people of Ireland are divided into three sects; the Established Church, the Dissenters, and the Catholics; the first infinitely the smallest portion, have engrossed besides the whole church patronage, all the profits and honours of the country exclusively, and a very great share of the landed property. They are of course aristocrats, adverse to any change, and decided enemies of the French Revolution. The Dissenters, which are much more numerous, are the most enlightened body of the nation, they are steady republicans, devoted to liberty, and through all the stages of the French Revolution, have been enthusiastically attached to it. The Catholics, the great body of the people, are in the lowest degree of ignorance, and are ready for any change, because no change can make them worse. The whole peasantry of Ireland, the most oppressed and wretched in Europe, may be said to be Catholic. They



have, within these two years, received a certain degree of information, and manifested a proportionate degree of discontent by various insurrections, &c. They are a bold hardy race, and make excellent soldiers. There is nowhere a higher spirit of aristocracy than in all the privileged orders, the clergy and gentry of Ireland, down to the very lowest, to countervail which, there appears now a spirit rising in the people which never existed before, but which is spreading most rapidly, as appears by the Defenders as they are called, and other insurgents. If the people of Ireland be 4,500,000, as it seems probable they are, the established church may be reckoned at 450,000, the dissenters at 900,000, the catholics at 3,150,000. The prejudices in England are adverse to the French nation, under whatever form of government. It seems idle to suppose the present rancour against the French is owing merely to their being republicans; it has been cherished by the manners of four centuries, and aggravated by continual wars. It is morally certain that any Invasion of England would unite all ranks in opposition to the invaders. In Ireland, a conquered, oppressed, and insulted country, the name of England and her power is universally odious, save with those who have an interest in maintaining it: a body however only formidable from situation and property, but which the first convulsion would level in the dust; on the contrary, the great bulk of the people of Ireland would be ready to throw off the yoke in this country, if they saw any force sufficiently strong to resort to for defence until arrangements could be made; the dissenters are enemies to the English power, from reason and from reflection, the catholics, from a hatred of the English name; in a word, the prejudices of one country are directly adverse of the other, directly favourable to an invasion. The government of Ireland is only to be looked upon as a government of force; the moment a superior force appears, it would tumble at once, as being founded neither in the interests nor in the affections of the people. It may be said, the people of Ireland shew no political exertion.—In the first place, public spirit is completely depressed by the recent persecutions of several.—The convention act, the gun-powder, &c. &c. Declarations of government, parliamentary unanimity, or de-

clarations of grand juries, all proceeding from aristocrats, whose interest is adverse to that of the people, and who think such conduct necessary for their security, are no obstacles. The weight of such men falls in the general welfare, and their own tenantry and dependants would desert and turn against them. The people have no way of expressing their discontent *civiliter*, which is at the same time greatly aggravated by those measures, and they are, on the other hand, in that *Semi-barbarous* state, which is of all others the best adapted for making War. The spirit of Ireland cannot therefore be calculated from newspaper publications, county meetings, &c. at which the gentry only meet, and speak for themselves. They are so situated that they have but one way left to make their sentiments known, and that is by War. The church establishment and tythes are very severe grievances, and have been the cause of numberless local insurrections; in a word, from reason, reflection, interest, prejudice, the spirit of change, the misery of the great bulk of the nation, and above all, the hatred of the English name, resulting from the tyranny of near seven centuries, there seems little doubt but an invasion and sufficient force would be supported by the people. There is scarce any army in the country; and the militia, the bulk of whom are catholics, would to a moral certainty refuse to act, if they saw such a force as they could look to for support."

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(No. 28.)

This was a Letter from Mr. Stone in London, to Mr. Jackson in Ireland, directed to Mr. THOMAS POPKIN, and signed W. ENOTS.

Mr. THOMAS POPKIN.

" DEAR SIR,

" I yesterday received your's of the 5th inst. I am happy you find yourself so agreeably situated where you are. I have received no letter for you; but the day after you left me, I received one to say your first letters were received. I have received another since, in which mine was acknow-

ledged, which I wrote the post after Gillet was with us, but no mention was made of any other.

“ I have not made use of what you left with me. What a wonderful change there is in the family! Will it tend to good? I confess I think better of it now than before. I want what you possess, a knowledge of the several branches of it to form a proper judgment of the conduct in the last fracas.

“ Political affairs seem taking a strange turn, if we take into our view the great whole. I cease to wonder at any thing; we seem, I think, to be the only party resolved to go on with vigour. The King of Prussia publicly avows his disinclination, and I think the French, as well as the Emperor, shew it by their inaction; but to what can the proscription now going forward in Paris tend? Will it purify them, and make their conduct less exceptionable and their government more fixed and permanent? I really feel a kind of awe in thinking on those subjects, and see every day new matter to astonish me.

“ We are all tolerably well, and I remain,

“ Your’s very truly,

April 11th, 1794.

W. ENOTS.”

“ P. S. Since writing the above, I have received a letter in which is—‘ I have received our friend’s letters, and you must tell him, that having given them to the proper people, he must in future address his friend Nicholas and not ‘ me;’ and in the conclusion he particularly requests he may not be written to.

I feel particularly happy, that the several letters have been received; and I trust that even in the peculiar circumstances of the family, they will produce proper effects.

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No. 29.

This was a copy of the Letter of Mr. Smith No. 12. found in the possession of Mr. Jackson, in Dublin. (*Vide* page 55.)

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No. 31.

This was a Copy of Mr. Vaughan's Paper, No. 11. made by Mr. Manley, Mr. Stone's clerk, and found in the possession of Mr. Jackson in Dublin.

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No. 37.

This was the Letter to Mr. Stone from Mr. Pitt, dated April the 16th, 1793, in answer to Mr. Stone's Letter of the 15th of April, 1793.

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No. 38.

This was a Letter of Mr. Stone to Mr. Pitt, and contained the extracts from the Letters of Mr. J. H. Stone, from No. 1 to No. 10. which were alluded to by the Attorney General. (*Vide* page 54.)

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The Letter of Mr. Cokayne, explanatory of his conduct, mentioned in his cross-examination by Serjeant Adair. (*Vide* Page 49.)

" SIR,

" FROM the very great anxiety I feel in wishing to continue to have the place, I flatter myself I held in your opinion, previous to the late transaction, which, by the machinations of my private enemies, as well as those of my Country, have been grossly mistated in the public prints, and allusions drawn therein to my great prejudice, on facts that never existed (and which the enclosed trial will furnish you, I hope, with a compleat refutation of), I have taken the liberty of addressing this, with the first correct copy of the trial that I could obtain.

" It would perhaps be considered indecorous and indecent in me to make any comment on my own Evidence, or of any matter relating thereto; but I cannot let slip this opportunity of adding a little to it that does not appear therein. The situation Mr. Jackson daily put me in, whilst in London, by *prevailing* on me to direct his letters to his Corres-

pondents abroad, under pretence, that his hand-writing being very remarkable, it might, if he directed them himself, be discovered by his creditors that he was in England, was a serious and perilous one; and, whilst he was daily visiting me, eating and drinking at my table, he was imposing on my credulity and friendship, and prevailing on me to do acts that he alone knew might endanger, every moment, my very existence.

“ Several of these letters did I address for him, without ever asking for, or hearing, or seeing one word of their contents. What were their contents I am to this moment ignorant; but when he opened to me the intention for which he visited this kingdom, and I understood that he came for the purpose of supplying the enemy with provisions, I made Government (as I then thought, and still think my duty was) acquainted with such his intentions. The facts and treason on which Mr. Jackson was tried and convicted arose in Ireland, therefore I could not be privy to a scheme, or communicate such a scheme to Mr. Pitt in London, at the interview I had with him, a long time before it existed; nor could I have, of course, any ideas of convicting a man of an offence that was not existing.

The statement of the Attorney General, in folio 32—my examination in chief, in folio 40, and 41—and my cross examination in folios 60, 61, 62, 64, 66, 124, and 125, I trust, will convince you of the rectitude of my conduct and intentions, and will fully refute the malice of my enemies; who have wantonly stated me, not only as an accessory, but also as having been promised payment of a debt due to me from Jackson, if I convicted him of the offence he stood charged with.

“ If I was in any measure or degree an accessory, Mr. Jackson had made me so under the mask of friendship in England, when he prevailed on me, as he said, for the purpose of screening him from his creditors, to direct and superscribe his letters to his foreign correspondents. The contents of any of which I never saw, but the evil tendency of which I think from the circumstances that have since transpired, I need not doubt might have been fatal to me, if discovered by Government, previous to my interview with Mr. Pitt.

“ An accessory subsequent to my discovering Mr. Jackson to Mr. Pitt, I never could be; as Mr. Pitt had daily in-

formation from me as to the several transactions that were going on.

“As to the promise and its full extent, as made me by Mr. Pitt when I saw him, and I only once saw him, I have accurately, solemnly, and truly sworn to the fact. No trial or conviction of Mr. Jackson was in my mind, nor could be at that time in Mr. Pitt’s mind. To *my knowledge* Mr. Jackson had not done any offensive act whatever. He had communicated only his intentions of wanting to find mercantile connections in England to provide the French with various necessaries they wanted—That he was to have a large commission for such his services—That he meant to go to Ireland for such purposes.—I confess I was alarmed at having wrote the superscription to his letters by his desire, when I found he meant to supply the enemy with provisions. To prevent such his scheme taking effect, and to inform Government of the imprudent step I had been led into by Jackson, was the sole motive of my waiting on Mr. Pitt, and the only information I *then knew, or could, or did give him*. Jackson had not, to my knowledge, begun the offence he was tried for, therefore a conversation concerning his conviction could not take place; and to the conversation I had with Mr. Pitt, Mr. Estcourt, the Solicitor to the Stamp Office, who was present, will, I am convinced, give ample evidence as to the substance thereof being as I have before stated.

“My inducement, therefore, could not be payment by Government of a debt that Jackson himself was, at the time I gave Information of him, fully capable, and willing to pay me; as he frequently told me he had a large sum of money in the hands of a person in London (whose name he did not think proper or prudent then to mention), besides the advantage he expected to derive from the commission on goods he could get the French supplied with.

“I shall not trespass any further on your time, and only beg leave to subscribe myself,

Your very obliged and most humble servant,

London, May 14, 1795.

JOHN COKAYNE.”

