# LONDON.

OCT. 8.

*From Bell's Weekly Messenger.*

## HER MAJESTY's DEFENCE.

In our preceding papers we have marked out the general outline of the Queen's defence, as it is stated amongst those who have the means of knowing. In our paper of this day we have to produce the first effect and fruit of this defence; and we shall preface it by stating, that this defence, and the evidence by which it has been supported, is, so far as it goes, almost decidedly in favour of her Majesty. It does not, indeed, directly repel the facts alleged by the witnesses of the prosecution, because, for the most part, it refers to a previous time, and to different places; but it enables her Majesty's defenders to employ an argument of much force. Up to the time of the English attendants leaving the service of her Majesty, her conduct was perfectly correct. Bergami was already in her household, and treated only as became her station. The case, therefore, they may argue, rests entirely and exclusively upon the Italian witnesses, and her Majesty is guilty or not, accordingly as these witnesses are entitled to credit. But what credit is to be given to men of whom General Acton, the minister and favourite of the King of Naples, deliberately asserts, that they have all their price, as much as the price of different sins formerly had in Catholic indulgences,—and that for a few carlins (half guineas, we believe) any number of Italians might be hired, and at any time, to depose to any circumstance.

So far as respects this assertion, we have all along stated, that we fully believe it to be a just estimate of the Italian character, and that it was the bad government, that succession of revolutions, and that superstitious mummery, by which the church of Rome has unhappily injured the cause of religion. And having this opinion, we have, from the commencement of this business, considered the witnesses against the Queen as entitled to no farther credit, than our courts are in the daily habit of giving to the worst witnesses,—King's evidence, informers, spies, accomplices, betrayers of their fellows, &c.—It is candid, however, to state on the other hand, that this character of the witnesses, however, it may affect their evidence as direct, absolute, and independent testimony, does not disqualify it from being good circumstantial evidence. It is still so many alleged narratives, which may be compared with each other, and with facts to be determined by other testimony.—This is the sale light in which to consider it. Let us put the character,—the moral, religious, honest, and honourable character, of the witnesses totally out of the question,—let us assume them to be what we really believe the greatest part of them to be,—let us take it for granted (what is certainly undoubted) that they only came forward from a view to that pay which they would not receive at home,—let us suppose all this, and we shall clear the question of innumerable difficulties, and arrive at the conclusion that their depositions are to be considered as only so much circumstantial evidence.

Considered as such evidence, they depose to about six very main circumstances. The first, a general course of improper familiarity, and a grading intimacy between Bergami and the Queen. Secondly, to the adulterous scene at Naples,—the masque, &c.—with all that followed it. Thirdly, to the bath on board the Polacca. Fourthly, to the tent scenes in Greece. Fifthly, to the indecent exposure of person,—the indecent contemplation of naked figures, and a continued course of adulterous conduct in the villa d'Este at Como. And sixthly, to the scene in Germany deposed to by Krem.

The evidence in defence, as yet appears, is calculated chiefly to repel the accusation under the first head, and to explain away that withdrawing of the English attendants, of which the Attorney-General certainly much availed himself in his opening speech. The Attorney-General's argument, under this head, if fully stated, was, that this withdrawing of her Attendants was a tolerably strong presumption of the evident impropriety of her Majesty's conduct, and is the reason why he can adduce none of them in support of the prosecution;—that her Majesty was, in fact, at the time of her alleged criminality, accompanied only by Italian servants, and that therefore the case admits of no other witnesses either of her guilt or of her innocence.—To the first of these statements Mr. Brougham replies by evidence, that her Majesty's attendants did not withdraw from her person under any suspicion of her criminal intercourse, but because they did not deem it convenient to accompany her Majesty into remote countries: and so far the evidence in the defence certainly meets, and satisfactorily answers the allegation of the Attorney-General under this head. Under the second point Mr. Brougham's answer is, that the proof of her Majesty's good conduct, up to the moment of the departure of her English servants, and after Bergami was hired, is a strong presumption that she could not, so shortly afterwards, have fallen into such an extreme state of turpitude, and it is exceedingly suspicious that no case could be made out against her whilst she was surrounded by good witnesses,—by people of unsuspicious character and credit,—but that in the moment in which she falls into the hands of those who can be hired at so many carlins to swear to any thing, she is instantly, and without any interval, made to appear the most gross and abominable of all adultresses.

This is Mr. Brougham's present strong point, and it certainly is not without great weight, though, like all other arguments of presumption, it may certainly be contradicted by a state of facts stronger than the presumption itself. All criminality must have a commencement, and it is certainly no direct answer to a charge of a precise crime at an exact period, that up to that period,—that is to say, before it, the crime was not committed. Perhaps, it may be alleged, that the temptation did not before present itself,—perhaps the restraints were too strong, and too many,—perhaps the crime only arose upon the opportunity and facility of committing it. All these are the answers on the other side; and with this statement of both sides, we shall leave the decision with our readers. The principle of this species of defence and reasoning is this—Evidence of previous character has a weight in proportion to the doubt of the case—it has no weight whatever against the direct testimony of two or more unimpeachable witnesses deposing to a precise act with every appendage of time, place, and circumstance. In circumstantial evidence, it is one of the circumstances to be taken into the consideration, and to be allowed its due weight, in deducing the natural inference from the consistency of the facts proved with the matter alleged. But, in its most perfect degree, it is still only a presumption, and, indeed, in no case can have any weight against either direct testimony, or the coherence and consistency of numerous alleged facts, with a state of facts proved by other unimpeachable witnesses.

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Since we have written the observations in the former part of our paper, the evidence in defence of her Majesty has proceeded in a very substantial manner, and we conceive it to belong to candour and impartiality to continue our remarks.

The evidence of Lady Charlotte Lindsay is to be opposed, as we have before asserted, to the collective evidence of the Italian witnesses—that the Queen and Bergami lived in a state of the most disgusting familiarity, and to a degree totally unwarranted even by the habits and manners of Italy. Her Ladyship, on this head, deposes, that up to the period of quitting her Majesty, she saw nothing of this kind. That it is, indeed, within the habits of Italians to be familiar with their domestics, to a degree which would be deemed inconsistent with English manners. That she saw nothing in the conduct of her Majesty exceeding this degree. That unpleasant reports, which she did not believe, but which still affected her own reception and quiet, had reached her, (Lady Charlotte Lindsay) with respect to the Queen, in Italy, and that, in consequence, she resigned, but that she herself saw nothing but the usual latitude of foreign manners, and that more relaxed absence of ceremony and distance, which the necessities, inconveniences, and urgencies of travelling, occasion.

This is the substance, and we think most fairly stated, of the deposition of Lady C. Lindsay, and it certainly goes to negative that portion of the Italian evidence, which alleges a general and disgusting intimacy in the daily intercourse of life between the mistress and servant. It almost clears her Majesty of any alleged gross familiarity in this early part of her intercourse with Bergami, and upon the occasions to which Lady C. Lindsay is speaking. It is fair, however, to add, that as respects the prosecution, it does not decidedly contradict this part of the Italian evidence, as they may not depose to the same time and circumstances. Her Majesty might assume one conduct before her ladies, and another before the domestics of whom she was less in awe. This at least would be the observation of a Judge in commenting upon this evidence in his summary. The same Judge would, however, add that this deposition was still to be taken into consideration as establishing that kind of general conduct, at that period, which ought to be carried to her Majesty's credit in weighing the depositions against her at nearly the *same* period. If it appear that the English lady and the Italian witnesses depose to the same period, and to the same circumstances, there can be no doubt but that they are contradictory, and that the Italian evidence is false. But if they depose to different times, and to different circumstances, both may be true,—one as speaking of one time, and one of another,—one as speaking of her Majesty's conduct before her Ladies, the other before her domestics, and in the absence of her higher ladies. This deposition, in short, is evidence of character,—not directly contradicting the deposition of the former witnesses, but forming a circumstance which, in any doubt, is to be thrown into her Majesty's scale.

The next evidence is that of Lord Llandaff, who was at Naples at the same time with the Queen, and at the period in which her adulterous connection with Bergami is stated to have commenced. His evidence is of the same effect, and of the same character, as that of Lady C. Lindsay. He saw nothing (*at that period*) improper in the conduct of the Queen. He and his lady were in the daily habit of visiting the Queen. There was nothing indecorous with reference to foreign manners, in her Majesty's being waited upon by Bergami in her bed-chamber. It was the common practice in the intercourse of daily life in Naples. He himself, his brother, &c. had visited Italian ladies of fashion and character in the same manner,—in their bed-chambers, and the ladies in bed. Bergami was at that period with the Queen, but his lordship saw nothing that struck him as even remarkable. This is likewise, (a Judge would state in his summary) evidence of general character; and, therefore, does not *decidedly* contradict any part of the evidence, though it is entitled to its own weight.—Taken in connection with that of the preceding witness, it certainly explains many of the circumstances of intimacy and intercourse, which are deposed to by the former witnesses; and which, without this explanation, would of themselves be circumstances of strong presumption against her Majesty. The proper effect, and the proper use of this evidence, is, that the Jury should bear it in their minds, whenever any of those circumstances are alleged; and should then consider whether what is thereto deposed, belongs to these foreign usages of people of character, and as such, does not amount in itself to any argument of guilt; or whether it exceeds these habits, and therefore justifies such a presumption. It is not (the same Judge would continue) a contradiction of any fact alleged by the former witnesses; but it is an explanation into an innocent tendency of certain facts, which, without this explanation, would be, undoubtedly, strong presumptive evidence of guilt; but when taken with this explanation, they cease to constitute such presumptions.

The next evidence is that of the Hon. Keppel Craven, another English gentleman in the suite of her Majesty, and whose evidence certainly comes much more directly to some of the material points of the accusation. He deposes in substance, that he was with the Queen at Naples, at the period alleged to be that of her first adulterous connection with Bergami—that he saw nothing of any improper familiarity. That Bergami had much of the manners of a gentleman—That he advised her Majesty to remove William Austin from her bed-chamber, In answer to a question by a Peer, he added, that this advice did proceed from himself *at the suggestion* of her Majesty. He proceeded to depose, that her Majesty's dress at Naples (in the masque scene) was not indecent—that it did not strike him as so, and must have struck him if really so—That the masque might have been worn over the former dress—That on one occasion he saw Bergami walking on the terrace with the Queen—That he believes there were others in the garden, and that (though he mentioned it to the Queen, because he knew there were spies upon her conduct) he himself saw nothing improper in it.

This evidence is chiefly important on two points, the first as to the part of his having recommended the removal of William Austin, and the second, that of the contradiction of the witnesses,—or rather a different statement, with respect to the masque scene. As respects William Austin, the Attorney-General mentioned it as one of the circumstances presumptive of the guilt of the Queen at Naples, that Wm. Austin, the former constant sharer of the Queen's chamber, was removed on the night of the masque scene. To this, this witness deposes, that he himself advised this removal in Germany, and that it was carried into effect in Italy. This part of the evidence is therefore an answer to that allegation and does it away, so far as it before went in presumption of a guilty purpose. The witness Majocchi deposed to the indecency of the masque dress—Madame Dumont said it was ugly. This witness saw no indecency in it. This is not indeed a direct contradiction of a determinate fact between Majocchi and Mr. Craven: indecency of dress being one of those things of circumstances about which two spectators might differ in opinion;—but it is certainly the opinion of a better and more unexceptionable witness than Majocchi, and therefore this deposition must be taken as establishing two conclusions:—the first, that the masque dress was not indecent—and the second that there is much malice and exaggeration in Majocchi's testimony. The result of these three depositions certainly much weaken the first important fact in proof,—the commencement of the adulterous connection at Naples, and after the masqued opera. They do not decidedly oppose, contradictory evidence; but they explain away the fact of the removal of Wm. Austin to make way for the introduction of Bergami,—the undressing of the Queen by Bergami, to invest her in the masque, and the alleged indecency of the masque. If the deposition of Mr. Craven be believed, these facts are removed, and the alledged adultery, in this instance, instead of being corroborated by any facts of this kind, is certainly much weakened by the explanation of these circumstances which were alleged in proof of it.

Such is the present aspect of the defence; and so far as it is gone, it has certainly affected the case of the prosecution, in the proportion of the characters for credit and respectability of Majocchi and Dumont, with that of Mr. Craven.

It is material, however, to observe, that there is as yet no direct contradiction to the evidence, either of Majocchi or Dumont; but certainly there is such an explanation of parts of their evidence as has removed such parts from being any confirmation of the rest. It is an answer, in fact, to part of the alleged proofs against her Majesty.

Having seen the evidence to a later time (just as this article was going to press) we think it further incumbent on us to state, that the alleged adultery at Naples on the night of the masquerade, appears to us as perfectly explained away; and upon this point (speaking with due humility) we must fully and decidedly acquit her Majesty of the fact as alleged to be committed on that evening. We say this with very great pleasure. Some of our readers may probably have entertained in the course of this business an opinion different from what they must see our own to have been; but we trust they will do us the justice to acknowledge, that in this business, as in all others of any bearing on morals, justice, and fair dealing, we have always spoken with our conscience uppermost.

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BONAPARTE'S SON.—Some time back it was mentioned in the public papers, that it was intended to bring up the young Napoleon as an Ecclesiastic. A letter from Paris says, "This is so far from being the case, that I have seen, in a letter from Vienna, an account of the promotion of the young Prince Reichstadt (this is his title) to the rank of a corporal in a regiment which forms part of the garrison of Vienna, and into which regiment he entered as a private soldier. He appears on parade with the regiment in his uniform, goes through his military exercise with great precision, and is a very great favourite with the soldiers."

# St. John, November 28.

| ARRIV. | MAILS. | DUE |
|---|---|---|
| 1 | ....English for October | 0 |
| 1 | ....Halifax, by the Land route | 0 |
| 0 | ....Ditto via Digby | 1 |

The English Mail for October was not received last night nor a late letter, and the papers brought by it are only to the 9th of that month—up to that time the following 10 witnesses had been examined in evidence for the Queen's Defence, viz:—

Colonel A. B. St. Léger;
Earl of Guildford;
Lord Glenbervie;
Lady Charlotte Lindsay;
Earl of Llandaff;
Hon. Keppel Craven;
John Whitcomb, his valet;
Sir William Gell;
William Carrington, his valet; and
Mr. Sicard.

The Message of the President of the United States, to both Houses of Congress, had been previously received and put in types which obliged us to omit a great part of Mr. Brougham's opening Speech, intended for to-day; and prevented our giving the examination of the witnesses in behalf of the Queen;—in lieu of the latter, our readers will find two interesting articles from Bell's Messenger on the present state of the case, and the nature of the evidence, which, we trust, will be found equally satisfactory as the perusal of the long and tedious examination of witnesses, and otherwise supercede any comments we might have been induced to make.

## Hymeneal.

MARRIED

On Thursday evening last, by the Rev. R. WILLIS, Mr. WILLIAM TORIN, to Miss PHŒBE, second daughter of Mr. T. D. COWDELL, late of Halifax.

On the 22d inst. in St. Paul's Church, Hampton, by the Rev. JAMES COOKSON, Mr. SAMUEL D FOREST, of Kingston, to Miss RACHEL FOWLER, of Norton.

## Obituary.

DIED.

In this City, suddenly on Wednesday evening last, aged 33 years, Mr. HENRY STERING, much regretted by his relatives and numerous acquaintance.

## MARINE LIST.

ARRIVED, NOV. 21—28.

*Brig Sophia, Deblois, Demerara, 21, H. Gilbert, rum, &c. Left brigs Phœbe, Mackie, and Avery, Dawson, of this port.*
*Brig Shamrock, Milne, Demerara, 27, Joshua Hughson, rum, &c.*
*Schr. Industry, Richards, Tobago, 23, S. Smith & Co. ballast.*
*Am. Schr. Betsy, Fuller, Portsmouth, E. Noyes, staves.*
*Schr. Clothier, Gray, N. York, 14, T. Millidge, flour.*
*Schr. Rapid, Hopkins, New-York, E. Noyes, flour, &c.*
*Schr. Venus, Emery, Machias, master, lumber.*
*Schr. Recovery, Deering, Portland, lumber.*
*Schr. Independance, Haynes, New York, 6 Crookshank & Johnston, ass. Cargo.*
*Brig Nixon, Watford, Medeira, Z. Wheeler, wine, &c.*

CLEARED, NOV. 21—28.

*Brig Enterprize, Hunter, Ayr, timber.*
*Brig Margaret, Clunie, Leith, timber.*
*Ship Plantagenet, Petre, Liverpool, do.*
*Ship Campion, Galilee, Liverpool, do.*
*Brig Brisk, Mossop, Montego Bay, ass. Cargo.*
*Ship Thomas Henry, Thompson, Liverpool, timber.*
*Barque Hannah, Smith, Liverpool, timber.*
*Ship Regent, Boston, Liverpool, do.*
*Schr. Blockade, Wells, Barbadoes, lumber.*
*Brig Maid of the Mill, Boag, Greenock, timber.*
*Brig Laxford, Cock, Demerara, ass. Cargo.*
*Brig New Active, Elmes, Montego Bay, lumber.*
*— Ocean, Holmes, Dundee, timber.*
*— Ranger, Cape, Liverpool, do.*

AMERICANS CLEARED.

*Sloop Anson, Ross, Portland, ballast.*
*Schr. Fructown, Sprague, Machias, ditto.*
*Schr. Loire, Bassett, New York, ass. cargo.*
*Schr. Hunter, M'Kenzie, Lubec, ballast.*
*Sloop Jewel, Salisbury, Boston, ballast.*
*Schr. Shark, Smith, Camden, plaster.*


## Notice.

THE Sale of the Materials of the Ship SUSANNAH (advertised for Monday last) will take place To-morrow at 11 o'Clock, at the Store of Messrs. JAMES EWING & Co.—And immediately after the above Sale at the same place,

10 Hhds. Cape Madeira,
5 ditto Cape Brandy.

St. John, Nov. 28, 1820.

CUSTOM HOUSE SALE.—On Wednesday the 13th December next, at Noon, in front of the Custom House, pursuant to a Decree of the Vice Admiralty Court of this Province, the following Articles, viz.

40 Chests and half Chests TEAS.

St. John, Nov. 28.

## LAST NOTICE.

ALL Persons having any demands against the Estate of the late JAMES DWYER, deceased, are hereby requested to tender their Accounts duly attested to the subscribers, within three Months from this date, (after which period no demands will be attended to) and all persons indebted to the said Estate are desired to make immediate payment.

HENRY HENNIGAR, } Executors.
WILLIAM TILL. }

St. John, N. B. Nov. 27, 1820.

## NOTICE.

THE Subscriber intending to close Business by the first of MAY next, now offers for Sale his STOCK ON HAND, at very Reduced Prices.—It consists of the following, viz:—

Superfine Cloth; Cassimeres, Pelisse, and other Cloths; Bombazetts and Flannels; White and Printed Cottons and Checks; Silk and Cotton Umbrellas; Irish Linen and Sheeting; Cotton Stockings, white and coloured; with a great variety of other Articles of Dry Goods.—ALSO: Wine, Brandy, and Gin, of the first quality; Soap, Window Glass, and Nails.

JOHN THOMSON.

N. B.—All those indebted to the Subscriber are requested to make immediate payment; and all Persons having any demands against him, are desired to present them for Settlement. St. John, Nov. 28, 1820.

## Cheap Passage from Ireland in the Spring.

PERSONS desirous of getting out their friends from Ireland in the Spring, are requested to make early application at the Store of the Subscribers, where a list for names is at present lying. W. & S. M'DONALD.

Nov. 28. St. John Street.

## For Liverpool.

THE fine Brig ENTERPRIZE (269 Tons Register,) E. HUBBARD, Commander, will sail about the 10 of December, has excellent accommodations for a few Cabin Passengers, an early application will be necessary. Apply to Capt. H. on board, or at the Store of McLeod, Robertson & Co.

St. John, Nov. 28, 1820.

## NOTICE.

ALL Persons having any legal demands against the Estate of WILLIAM BEATTAY, late of this City, deceased, are requested to present their Accounts within Three Months from the date hereof; and those indebted to said Estate, are desired to make immediate payment to

JAMES BEATTAY,
Executor.

Carlton, 20th Nov. 1820.

## Found.

A LETTER of Attorney from Anderson to Jones, and a Deed of Gift, from the same to the same, for some property in Fredericton, has been found in the Market-square of this City, which the owner may have by paying for this Advertisement, and giving a gratuity to the finder. Nov. 28.

FESTIVAL OF SAINT ANDREW. The Anniversary Dinner of the Saint Andrew Society, will be held at Mr. CODY's, on Thursday the 30th November. Members of that Society and Gentlemen of Scotch descent who may wish to attend, are requested to leave their names at Mr. CODY's, and receive Tickets, on or before Tuesday the 28th inst. Dinner on the Table at half-past Four.

By order of the President,
W. BARR, Jun. Secretary.

St. John, Nov. 21, 1820.

## TO LET,

THE valuable and commodious Premises surrounding the Grist Mill, on the confines of the City, within the Parish of Portland, consisting of the MILL STORE, so called, being a large and excellent Warehouse; a SHOP adjacent thereto within the Building forming the Grist Mill; the MILL SLIP, & the WHARVES at the head and on each side thereof; and the large WHARF lately erected at the southern end of the Grist Mill.—All the above Premises have been put in complete repair, and are secured by substantial Fences. There will be let with them if required, a convenient TIMBER POND, immediately adjacent on the western side. The whole Premises form one of the most complete Mercantile Establishments, particularly adapted to the Lumber and West India Trades, within this Vicinity, and will be let for a term of years at a moderate rate. Apply at the Office of WARD CHIPMAN, Jun. Esq.

St. John, Nov. 21st, 1820.

## CASH,

AND the highest Prices given, for FURS of all kinds—by

Nov. 21, 1820. G. & W. SEARS.

TO LET, until the first of May next; part of the STORE in St. John street, now in the occupation of the Subscribers, to whom, for further particulars, application may be made.

Nov. 21. M'LEOD, ROBERTSON, & Co

## TO LET.

THREE or Four good sized Rooms with convenient Dressing Rooms, and the use of a Kitchen, to be let from this date to the 1st May next, in a genteel dwelling House in Prince William Street. For further particulars apply at this Office. Oct. 31.

## FALL GOODS,

*Per the Frances, from Liverpool.*

A FEW Bales English BLANKETS,
Ditto FLANNELS,
Ditto CLOTHS and BOMBAZETS.

For Sale Cheap. Apply to.

Oct. 31. SAMUEL STEPHEN.

A TRUNK, from London, containing 35 superfine Blue and Black COATS, intended for another market, was brought to this port by mistake:—they are offered for Sale by the Subscribers at cost and charges.

HEAVISIDE & COCHRAN.

St. John, Nov. 11, 1820.

GEORGE BALL, HAIR DRESSER, &c. begs leave to inform his Friends and the Public, that he has just received per Brig Dawn, from London, a general assortment of PERFUMERY, FRIZETTS, BANDS, &c. All of which he will dispose of on the most moderate terms. 4th Nov.

STABLING FOR HORSES.—The Subscriber begs leave to inform his Friends and the Public, that he has taken that Stand in King-street, lately occupied by JAS. O. BURNS, and hopes by strict attention to merit a share of the public favour. ROBERT HUNTER.

St. John, Nov. 7, 1820.