

The trial was thereupon put off until the Tuesday following, at ten o'clock, and every means which could be thought of were used, for the purpose of giving notice to the said William Cobbett of the trial being deferred until that day, when, if he would give his attendance, he would yet have an opportunity of being heard, and of making good his charges: but the said William Cobbett did not then appear, nor has any thing been since heard from him: not one of the several persons who had been summoned at his instance, as witnesses, offered a single syllable in support of any one of the articles of charge, although they were distinctly read in the presence of all of them; and it was expressly announced to them that they would be heard; and as many of them were of a subordinate character, they were also assured of every just protection the court could give them. The defendants were consequently acquitted.

There is every reason to suppose that the accusation was destitute of foundation, and wilfully and maliciously set on foot for the purpose of calumniating the characters of the three officers in question, and of putting them to expence, the accuser not hesitating, in order to obtain this end, to deceive the crown, and make a mockery of public justice.

The opinion of the Attorney and Solicitor General is desired, whether under the circumstances above stated, Cobbett can be criminally prosecuted for his conduct; and if he can, what is the most advisable mode of proceeding against him, in order to deter others from the like attempt.

OPINION.

We think that Cobbett, unless he could be proved to have conspired with others wilfully and maliciously to prefer these charges, could not be criminally prosecuted. The parties injured by his conduct, which is certainly most highly blameable, might maintain actions upon the case against him.

JOHN SCOTT.
JOHN MITFORD.

25th May, 1792.

FINIS.