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Inquest On Culley

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Mr. Roebuck

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said, he had to present a petition to the House of much public importance. It was from the Jurors who sat on the Coroner's Inquest on the body of Robert Culley, the policeman, who was killed in Calthorpe-street. He said, the object of the observations he had to make, was directly to charge his Majesty's Government with a dereliction of duty. This he should do by first, charging them with having created a riot, instead of preventing one; secondly, by charging them with bringing into disrepute a useful body of men; and thirdly, by pursuing an illegal line of conduct in what they might term the administration of justice. These, he would admit, were grave charges, but he had ample evidence to support them. Some persons of the National Union of the Working Classes had issued a placard calling upon their countrymen, as the House of Parliament would do nothing for the people, to form a National Convention. Any person who knew anything of the working classes, must be aware that the persons calling this meeting had but little weight with the working classes, and were a very small knot of persons, whose opinions were rather peculiar than general. Scarcely any one would have attributed power to these few, until the right hon. Secretary issued his anonymous proclamation. This, it was probable, would be referred to by the right hon. Secretary as an official document, but it was not an official proclamation in the proper sence of the word, because it bore no stamp of authenticity—it was printed by nobody knew whom—stuck out by nobody knew whom—and signed by nobody. But this placard, emanating from a higher source than the other, was stuck up in greater numbers, and read, of course, by more persons. To put down the meeting, the right hon. Secretary had recourse to 1,700 policemen, and the consequences that resulted he (Mr. Roebuck) should state, not only from evidence which was adduced at the trial, but also from information which he had received from several most reputable men, who were present on the occasion, and whose names he was at liberty to mention. The hon. Member then went into a detail of the transactions at Calthorpe-street, which did not in any material point differ from that already and repeatedly published. He had, he said, already declared, that the conduct of the Government was unjust, impolitic, and illegal. It was also in direct opposition to the course that they had adopted on previous occasions, when those at the head of his Majesty's Government had not only sanctioned but encouraged the people to meet in large numbers for the purpose of effecting an alteration in the Constitution. To what did the great meeting at Birmingham lead but to a revolution? For he would contend that the passing of the Reform Bill was, strictly speaking, a revolution. Yet, how differently had the Government acted when they excited the people to aid them in keeping their places and carrying the Reform Bill. Of all Governments, the present ought to have been the last to have attacked the people. It might be said, that the Government had no desire that the people should have been attacked; if so, he would ask why they had not taken proper precautions against it? No danger, it had been proved, was likely to result to property or person from the meeting, but still Government had thought proper to sanction a violent attack on the people, evidently for political purposes. He admitted, that Government should be intrusted with great powers, but those powers ought to be exercised with prudence. He deprecated, in this instance, the conduct of Ministers, who, the country had been led to believe, had the interests of the people at heart, but who, by their conduct, had proved the very reverse. He admitted, that an assemblage of persons, met for the purpose of resisting the payment of taxes, was illegal; but the meeting at Coldbath-fields had no such object in view. From the placard which had been issued, it was too much to say that the meeting had really taken place to form a National Convention; it

might have been that they had met for the purpose of petitioning Parliament to form a National Convention, and, in that case, the meeting was a strictly legal one. In his opinion, the proceedings on the part of Ministers were most impolitic and illegal. He would next speak to the proceedings in the Court of King's Bench to quash the verdict of the Jury. That verdict was the verdict of the country; the Jury, on their oaths, had come to the opinion they had; and what did the Solicitor General ask? Why, to quash the opinion of the country; and that any other Jury who might be called upon to investigate the matter, should not be influenced by that verdict. That was, in fact, putting an end to Coroners' Juries altogether, and placing the Solicitor General as Judge in any case, of what proceedings should take place, and what not, allowing such proceedings as he liked to take place, and putting an end to such as he disliked. When it was thought proper that the verdict of the Coroner's Jury should be quashed, why had not the Government taken measures to call another? If a Jury even were called to sit in trial of the individuals supposed to have been concerned in the affray by which Culley, the policeman, was killed, they would be placed in a situation in which they could not give a verdict according to law. He sincerely hoped that an explanation of all the circumstances would be given by the right hon. Gentleman, which would induce him (Mr. Roebuck) to proceed no further with the case; if not, however, he should feel himself bound to move for a copy of the Inquisition laid before the Court of King's Bench, for the purpose of enabling him to determine what ulterior proceedings he should adopt. The Petition was read as follows:—

“To the hon. the House of Commons in Parliament assembled; the Petition of the undersigned Jurymen upon the Inquest held on the body of Robert Culley,”

“Showeth,—That your petitioners, the undersigned, were summoned to serve and did serve as Jurymen on a Coroner's Inquest upon the body of Robert Culley, a policeman, slain in an affray that took place on the 13th of May, at Coldbath-fields. That your petitioners did then, acting in discharge of their duty, under the solemn obligation of an oath, return a verdict of Justifiable Homicide on the part of some person unknown.”

“That to return some verdict was the solemn duty which the wisdom of the law had imposed on your petitioners. That your petitioners paid all due attention to the evidence adduced, and upon the evidence they felt themselves bound, as honest and conscientious men, to return the verdict above-mentioned; they exercised a privilege given by the law in the only way their consciences permitted.”

“That your petitioners have heard with great pain and alarm that this, their conscientious verdict, has upon an *ex-parte* statement of his Majesty's Solicitor General, been quashed by the Court of King's Bench, and that a slur has thereby been cast upon them in their character of jurymen acting under the solemn obligation of an oath.”

“That your petitioners also fear, that this proceeding may have a tendency to bring into discredit the Trial by Jury, and to make men believe that a trial by the country is a mere idle form, handed down to us by an ignorant ancestry, and retained only from a foolish adherence to old prejudices.”

“Your petitioners, therefore, pray your hon. House to take these matters into consideration, and to pursue such measures as in your wisdom may seem requisite, to free your petitioners from blame, and to secure to future jurymen the privileges conferred on them by law.”

“And your petitioners will, as in duty bound, ever pray, &c.”

Mr. Lamb

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rose, but before he had addressed the House,

Mr. Cobbett moved, that the House be counted. He was determined that such an important question should not be brought before the House with empty benches.

Mr. Roebuck

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entreated the hon. Member not to persevere in his Motion. If he had contemplated such a proceeding, he most certainly would not have made such a charge at so great a length. An opportunity for the right hon. Gentleman to explain, ought to be immediately afforded.

The Speaker

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said, the hon. member for Oldham ought to have moved, that the House be counted while the hon. member for Bath was addressing the House, as it was in consequence of the importance of the subject that he wished it to be brought before a fuller House. As the benches were in the same state now, that they were in when the hon. member for Bath addressed the House, an opportunity should in fairness be given for the Government to explain.

Mr. Cobbett

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did not know, that it was allowable to move the counting of the House while an hon. Member was addressing it.

The Speaker

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said, the hon. Member was quite unacquainted with the forms of the House; it not only was quite allowable, but was frequently done.

Mr. Cobbett

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begged leave to withdraw his Motion.

Mr. Lamb

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proceeded. The hon. member for Bath had so guarded himself against any unfair and unnecessary imputation upon the police force, that he (Mr. Lamb) should not think it necessary to detain the House with any lengthened vindication of that useful and effective body. He would shortly refer to the facts of the case; there was, however, so much of law mixed up with it, that in some points he must leave it to his learned friend the Solicitor General. The charge against the Government was certainly not a light one—it was twofold, and involved first, a dereliction of duty, the allegations in support of that being, that they had decidedly created a riot. It was very easy to charge Government with a dereliction of duty, in the means they had used to prevent or quell tumultuary meetings, which were, unfortunately, thought too strong or too weak for the occasion; but it was not so easy, in anticipation of such assemblies, to adopt measures which might not be liable, in some quarters, to such a charge. It was said, that the meeting in question was quite contemptible. He called on the House to look at the placard that had been issued; and although the hon. and learned member for Dublin had called it elsewhere, a matter altogether of "tom-foolery," he was quite convinced the real intention of the meeting was to adopt some means of upsetting the Legislature of the country. This was what they meant he had no doubt by their National Convention. Stripping it of all special pleading, attempted to be introduced into the subject, in common parlance, it amounted to this—their object was, and he believed if any of them had been asked, they would have declared their real intention to be, the organization of a body which was to take on itself the duties of the Legislature. If the meeting had been really contemptible, their object was seditious, and it was the duty of Government, while such objects were contemptible, to crush them. It might, by quibbling argument, be shown that the meeting was contemptible; but he fully believed, that there was not one concerned in putting forward that placard but would openly avow, that the intention was to call a meeting of delegates from every part of the country, who were to take upon themselves the duties of the Legislature. There was another circumstance to be taken into consideration—which was, that the placard was accompanied by another bill, signed by a person who called himself Lloyd, editor of *The Republican*, which, among other things, called upon the people to send their own Representatives—to represent themselves, which was the easiest and shortest way of settling the business. It also called upon them to meet in that place, which was then filled with the nominees of borough mongers, or of those national nuisances, the Lords. That was a species of tom-foolery which it would not do for the Government, or any Government to laugh at. The hon. Member said, that the intention of the Meeting was to petition Parliament to call a National Convention. A very likely thing, that they were to petition that House to call a body who were to set aside the House itself; it was too ridiculous to be thought of for a moment. Then the next charge was, that the placard denouncing the meeting was not a Proclamation—it was not signed. Notices that meetings were illegal had been frequently issued before, and had generally been found effective—it was a mere, notice to the people that the meeting was decidedly illegal, and the same kind of notice had been issued when the meeting was called at White Conduit-house, and there it was not signed, and still it was sufficient. Then, again, upon the Fast-day, when the Unions intended to march through the City, a similar notice was issued, upon which the police acted,

and nothing was then said about the illegality of it. It would be degrading to the Kingly authority if his Majesty were called upon to exercise one of his highest prerogatives—the issuing of a Proclamation—upon every occasion of that sort. Now, there was one thing in the face of that notice which carried authority with it; it was printed by the King's printer; and the hon. Gentleman, as a lawyer, was aware that it was a misdemeanor in any one imitating the superscription of that person. The next charge was, that the Government notices were more widely circulated than the placards announcing the meeting. He could say nothing as to the truth of that; but certainly it was the duty of the Government, if they thought such a notice necessary at all, to see that it received very wide circulation, in order that it might be effective. The hon. Member asked why the police did not take possession of the ground? That appeared to him to be the very method by which a croud would have been assembled, and a riot endangered; besides, what right had they to say to any person—" You shall not pass through this thoroughfare, or, you shall not stand here," before any meeting was constituted—before any illegal act had been committed? That, in his opinion, would have been the worst plan possible; the result of it would have been, first to create a crowd, where none might otherwise have been, and in the next place it would have driven the mob away to some other place, where they would have held their meeting. Besides, it was the duty of the police to take care that no part of the mob should separate from the rest, and go somewhere and commit mischief, as was done by a part of even a loyal mob, that went down to congratulate the King; a part of it detached itself, and committed an infamous attack upon the house of the Duke of Wellington. Then, said the hon. Member, where was the use of 1,700 policemen to put down 500 poor persons who were unarmed? Now, there were 1,700 policemen sent out, but they were scattered all over the town; a part was even so far distant as Greenwich, which was rendered necessary as the Union had declared their intention of marching in bodies from different quarters. Besides, the number that attended was no criterion of the numbers that might have been there, and it was the duty of Government to be well prepared against all contingences. He had no hesitation in declaring that the instructions of the police were to do nothing till the meeting was constituted, and then to press on and secure the leaders, or ringleaders. Government owed more to the State than merely to prevent a meeting of such a nature—they owed it to the country to secure those who were the instigators of such measures. The hon. Member had put off his discussion on account of his (Mr. Lamb's) illness; in that the hon. Member had conferred a benefit even on himself, for if newspapers were to be relied upon, the hon. Member had used language in another place which he did not now repeat; the hon. Member had charged the Government with the crime of giving the police spirits to drink, in order to stimulate them beyond their duty, [Mr. *Roebuck* had not used such words; he said that they had been supplied with beer]. Even that was a grave charge—a most grave, and, in his conscience he believed, a most unfounded charge. Of course he could not say, that none of the police had taken any refreshment, after being there some hours; but one thing he could say, that the whole of the division which were first in contact with the mob, had not more than one can of beer amongst them [Mr. *Roebuck*: It was sworn at the Inquest.] He was not aware that the fact stated by the hon. Member was sworn to. One man had certainly said, that the police generally were drunk, but that was too preposterous an assertion for belief. The instructions were given to the police on the spot, and did not emanate from the Home-office. The instructions given on the spot, by Colonel Rowan, to the police were:—"Be firm, be moderate, and strike nobody unless you are resisted." It had been represented that the police had rushed in pell-mell. Now, on this part of the case, the most satisfactory evidence could be produced. In all his inquiries, and from the previous character which the police had borne, he believed that not one policeman offered the slightest injury until (as it was proved before the Coroner, by Colonel de Roos and others) a number of stones and other missiles had been thrown by the mob. They advanced up one street in order to clear it, and there was plenty of room to retreat towards Bagnigge Wells; and when in Calthorpe-street, the Superintendent, finding his men took up the whole breadth of the street, contracted his division so as to leave room for the mob to go away on either side, and many persons did so go away. He did not believe, that the intentions of the mob were quite so orderly as had been represented by the hon. Member. That hon. Gentleman relied greatly on the exclamations of a person who called upon the meeting to take care of his wife and children; and he said that was not the speech of a man wishing to subvert the Constitution; perhaps not; but it was the speech of a man who might have gone quietly away if he pleased, and he did not choose to go away. He was glad to hear, that the hon. Gentleman had not gone so far as some others had, in depicting the horrors and slaughter on that occasion. The only slaughter he (Mr. Lamb) knew of, was that inflicted on the police. It was certainly unwise to argue, that a man having arms to defend himself, ought to refuse to use them when he was assailed with stones. The man who did so must be more than mortal, and have possessed more than even military forbearance. As to wounding women and children there was no proof, either in what appeared before the Coroner, or at the Home-office that any such circumstance had occurred; it was stated in general terms before the Coroner that such was the fact, and indeed if females had been in the pell-mell of the affray, it would be impossible to say, that some were not hurt, but he wholly disbelieved the charge that any woman or child was wilfully injured. With regard to the Coroner's inquest, and the setting aside of the inquisition, it was far from his intention to cast imputations upon the Jury. He hoped and trusted that the Jury meant to do, and did do their duty satisfactorily to their own consciences; but considering the farrago of evidence that was brought before them, it was a very proper thing that the verdict was quashed. He did not feel, that the least blame was attributed to the Government, and he was sure it would ultimately appear, that there was not the slightest blame to be attached to the police for the manner in which they had discharged their duty. He could say now, on mature reflection, that he could never have reconciled to himself, as one who was responsible for the peace of the community, and for maintaining the supremacy of the law, to have allowed that meeting to take place; it might have passed off quietly, if let alone; but although the plans of the leaders might not

have been organised, their object was illegal; and, as long as he held office under the Crown, he could not reconcile it to the duty of any Minister to permit a meeting, the object of which was decidedly illegal, to pursue that object quietly, and without taking means to bring the ringleaders to justice, and in order to prevent effects which no man could say would not be injurious.

The Solicitor General

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said, as he had been attacked for the share he had taken in this subject, and for having improperly discharged the duties of his office, he was anxious to vindicate himself. The petition of the Jurymen was entitled to the greatest respect, but he regretted, that such a discussion should be brought on so very inopportunely. There were various trials to take place arising out of this transaction; in the course of a fortnight one man was to be tried for his life on a bill of indictment which had been found by the Middlesex Grand Jury, and there were other trials for misdemeanors, in which both the law and the facts must be investigated. He had a very high estimation of the superintending power of that House where there was a failure of justice—when Judges misconducted themselves, or where Government had been guilty of any misconduct, and then let Government be impeached before the House; but it was inexpedient to appeal to that House on facts which ought to be tried by the ordinary Courts. The petitioners complained on two grounds—first that a slur had been cast upon them; and secondly, that the Trial by Jury had been brought into discredit by the inquisition being quashed. Now, in fact, no slur whatever was cast upon the Jury. When he applied to the Court of King's Bench to quash the inquisition, he distinctly expressed his sincere respect for the Jury, and for the intentions by which they had been actuated. This case was spoken of as if it were unusual for the Court of King's Bench to set aside the verdict of a Jury. He would say, that such occurrences took place at least fifty times a-year, and not only were the verdicts of Juries set aside, but also the judgments of the Courts, and even the unanimous judgment of the Judges, upon appeal to the House of Lords. It was no slur, upon the Jury which sat on this inquest that the verdict had been set aside. This could not bring the Trial by Jury into disrepute; but the improper findings of Juries, unchecked by a higher Court, would have a direct tendency to bring the Trial by Jury into disrepute. The verdict was contrary to law, and it was the bounden duty of his Majesty's legal advisers to move that it should be quashed. The hon. and learned member for Bath, however, set up his knowledge in those matters in opposition to that of the learned Judges, and, he believed, of every lawyer in that House. He had been surprised to see the hon. and learned member for Dublin stand by, when the judgment of the King's Bench was impugned. He would tell the hon. and learned member for Bath, that the verdict was set aside, because the finding of the Jury was in opposition to the evidence. According to the facts which the Jury found, there was no pretence for saying that the act of the man who slew Robert Culley was only "justifiable homicide." Justifiable homicide, was a man putting another to death, by the warrant of law, or to save his own life, in the last extremity, if he did not use all means possible to avoid the extremity of giving the mortal blow, it might be manslaughter—it might be excusable homicide—but it was not "justifiable homicide." Unless the facts showed, that the person who slew the deceased must himself have died if he had not given the blow, then it was not justifiable homicide, though it might be manslaughter, or excusable homicide. In this case, the Jury did not—nor could they—find, (for there was not a tittle of evidence to show) that it was necessary for the man who slew Robert Culley to strike the blow; if there was provocation, yet there was no sufficient provocation to strike Culley to the heart. But the Jury found these facts—'That Robert Culley was a policeman in the peace of God, and of our Lord the King, and in the discharge of his duty, at a certain meeting which was held for the purpose of establishing a National Convention; and that a certain person, to the jurors unknown, did then and there make an assault upon the said Robert Culley, and that the said person unknown, with a certain sharp instrument, the said Robert Culley, in and upon the left side of his body, did then and there strike, stab, and penetrate; and that the said person unknown, by such stabbing, striking, and penetrating, did give one mortal wound of the depth of one inch, and of the breadth of three inches, upon the body of said Robert Culley of which mortal wound the said Robert Culley did then and there die.' These were the facts found by the Jury; and then they said: "We find a verdict of justifiable homicide." Next followed their reasons for so finding. Now, those reasons ought to have been, that Robert Culley made an assault upon this person unknown, and that he threatened the life of this person unknown; and that this person unknown had no means whatever to preserve his own life without a mortal assault upon the said Robert Culley. But no mention was made of these things. Robert Culley made no assault, but, on the contrary, it was found that he was in the peace of God, and of our Lord the King. He must here observe, that the most mischievous consequences might arise from such observations as were made by the hon. and learned member for Bath, and the hon. and learned member for Dublin, during the time the Jury was sitting. The hon. member for Dublin had laid it down as a law, that no public meeting could be dispersed without the previous reading of the Riot Act. This he (the Solicitor General) had protested against at the time, and he now argued, that it was not necessary that the Riot Act should be read previous to the dispersing of an illegal meeting, as a Magistrate or constable was quite competent to disperse such a meeting. The Riot Act having been read, any person remaining on the ground for one hour afterwards, commits an act of felony; and that was the intended operation of the Riot Act. Assuming all that had been stated of the conduct of the police to be correct, he would ask if the hon. and learned member for Bath meant to say, that the violence of any of the police in one part of the ground, or in many parts, could justify the slaying of another policeman in a different part of the ground? To this it was, that the assumptions of the hon. member for Bath would lead. With respect to the application to the Court of King's

Bench to quash the verdict of the Jury, it had been made by him, in concurrence with his Colleague, the Attorney-General; that Court, by qualifying the verdict of the Jury, had decided upon its impropriety, and upon the illegality of this meeting; and he thought that the House would take the opinion of the Court in preference to that of the hon. member for Bath. The House would be surprised when he told them that some portion of the public Press had advised persons attending these meetings to arm themselves with knives to meet the police, and that advice had been sanctioned by the verdict of an English Coroner's Jury, who said it was justifiable homicide to put a policeman to death while on duty. Such was the opinion of an English Coroner's Jury. For these reasons he had thought it his duty to bring the verdict of the Jury before the Court of King's Bench; that Court had no choice but to decide upon the facts that were brought before them, and upon those facts they had come to the determination of quashing the verdict. Though he had been condemned for the course he had adopted by the hon. member for Bath, he rejoiced to know, that he had the favourable opinion of many estimable members of society. The next charge that had been made against him was, that there had not been a fresh inquiry. Now, it had in previous cases been decided that there could be no fresh inquiry without the special order of the Court of King's Bench, and unless the deceased was exhumed, and submitted for the inspection of a fresh Jury. It would be fatal to the verdict of any Jury on an inquest, if it should appear, that they had proceeded without a view of the body. He had not advised the adoption of that course, because he saw no necessity for it, being clearly of opinion, that such an inquiry was not at all likely to promote the ends of justice. If any of his Majesty's subjects were dissatisfied with that course, it was competent for them to make a motion on the subject before the King's Bench, which would exercise its own opinion whether it would refuse or grant the Motion. Before he sat down, he must protest against the doctrine of the hon. member for Bath, that the meeting was legal. Its legality did not depend on its numbers; there might be a legal meeting of hundreds of thousands, and an illegal one consisting only of three persons. Where there was a meeting to supersede the Constitution, and to put down King, Lords, and Commons, such a meeting was illegal, and it was wholly immaterial, what the numbers attending it were. Could any reasonable man look at the placard calling the meeting, and say, that a meeting assembled in consequence was legal? It was impossible. That meeting was called for the purpose of calling on Parliament to dissolve itself, and place in its room Mr. Lee and Mr. Mee. That placard called the meeting to form a national convention, which it described as the only means of securing the rights of the people, and by that means to bring about a violent revolution in the country. Such a meeting was dangerous to the public peace, and it had therefore been properly suppressed. If, as had been asserted, there was any brutality or intemperance in the conduct of the police, he should be one of the last to sanction it. He trusted, that it would be investigated, and the parties so acting punished. He would never stand up as the advocate of an excess of authority. If such was the fact, was it not strange that no proceeding had yet been taken against any one? The police had been stabbed; but he had not as yet heard a single instance of any persons attending the meeting, with the exception of the police, having been hurt or wounded. If there were any, he trusted they would call on the law to take their case into consideration. He could assure the House, that in applying to the King's Bench to quash the verdict of the Jury, he considered he was conferring a benefit on his country.

Mr. O'Connell

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considered it impossible to exaggerate the effect which ought to be given to the verdict of an honest Jury. It was the Englishman's only protection. It was impossible at the same time to exaggerate the evils which would arise from the impunity of the police force, when it was found that their conduct had been unconstitutional and ferocious. The police in Ireland were armed with deadly weapons, and the cases in which they inflicted murder were monstrous and of continual recurrence. Yet, notwithstanding this, on every occasion they had the usual official eulogium passed on their conduct by those connected with the Government. It was, therefore, most important that the police should be very strictly and jealously watched, and it was equally important that the verdict of an honest Jury should be respected. A verdict of a Jury might, indeed, be informal, and on that account might be quashed, which was the case in the present instance. It was only on a ground of technicality with which the Jury in the present instance had nothing to do, that the Court of King's Bench had set aside their finding. There was a formal heading to the inquisition, which was either the work of the Coroner or of some other person, but which was altogether independent of the verdict of the Jury. In this instance, he was informed, it had been drawn up by a person named Stafford, in Bow-street. In that inquisition, it was stated that the man Culley was, "in the peace of God and of our Lord the King, and that he was there killed in the exercise of his duty." Now, this was a matter which it was impossible for the Jury to find, and at the same time to find he was slain justifiably. But this certainly had never, in fact, been pointed out to the attention of the Jury. It was totally inconsistent with their verdict; and it was quite impossible that they could have referred to it. It was the practice in Ireland, when a Coroner's Inquest took place, that the entire evidence was embodied in the finding; and when a *certiorari* was applied for, the whole evidence, as well as the finding, was before the Court. But that was not the ease in England. Only the inquisition, which, in fact, was drawn up with great technical formality, and which was altogether independent of the verdict of the Jury, was required to be produced in Court; and it happened in this instance, as he had already stated, that the heading was altogether inconsistent with the finding of the Jury.

The Solicitor General

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said, that the inquisition containing the clause referred to had been signed by all the Jury; and it was therefore to be taken for granted that they were acquainted with its contents.

Mr. O'Connell

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continued: It was impossible that their attention could have been called to such a clause. They must indeed have been insane if they could have found that the man was, in the peace of God and of our Lord the King, in the exercise of his duty, and was slain justifiably; but it was the duty of the Coroner to have apprized them of it, and shown them that their two findings were inconsistent; but that did not disparage the verdict of the Jury. A good deal had been said about the meeting having been illegal, and he would admit, that it had been called for an illegal purpose. The law, in reference to illegal assemblies, consisted of three parts—as it respected a riot, a rout, and an unlawful assembly. A riot might consist of any three or more persons who were engaged with force and violence breaking the peace. In a case of that description every man was a constable, and could arrest the rioters; a riot was defined to be an assembly, intending to carry an illegal object by violence; and the third case was, when there was an illegal object, but no force or violence intended. Of this last character was the meeting in question. On information, a Magistrate's warrant might have been procured, and they might have been arrested. But what was the evidence? As far as appeared by the reports, the conventionalists used no violence. The evidence went to prove, first of all, an attack by the police on the flags and banners. There was no evidence to show that they had been impeded in any attempt to arrest any of the meeting, but evidence on the other side to prove that the rush at the flags was accompanied by promiscuous and inhuman assaults on the multitude, brutally beating them; and the blood was seen streaming at every side from their blows. The law applicable to such a case was, that on the warrant of a Magistrate there should have been arrest. There was no arrest—there was no attempt to impede the arrest—but, on the contrary, without notice, without warning the people, an assault was made, beating them to right and left, following women and men who were unprotected and unarmed up the stairs where they fled for refuge. With these facts before them, it was impossible the Jury could have come to any other verdict. The true and legal meaning of Justifiable Homicide was, where a man, who was pursued and attacked by another, retired as far as he could, and tried to escape but could not, that then he turned round and killed the man who would have killed him, and caused death in order to save his own life. Now, the Jury had found—he would leave out of view at present what was said about the Riot Act and about the conduct of the Government—but they found that the conduct of the police was brutal, ferorocious, and unprovoked by the people. Now, if such was the case, he would defy any lawyer to say, that a verdict of anything but Justifiable Homicide could have been returned.

Sir George Grey

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said, the learned Solicitor General had assumed all these facts in his application to set aside the verdict.

Mr. O'Connell

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He could not have done so; he was too good a lawyer to have done so. Then, take it the other way; a policeman acted, not in the peace of our Lord the King, in the way described in the verdict, against the people. Putting all the facts together, would any one tell him—would any lawyer say—that a man hard pressed in the way he had described, would not be justified in saving his own life, even at the expense of that of his antagonists? Good God! was a policeman to have a privilege to kill when and where he thought proper? Such a thing might be said in that House, but no man would dare to broach such a doctrine in a Court of Law, for there he would be instantly set down, and his bold assertion at once meet with a flat contradiction. The police were now become soldiers in a different dress, but were not so well conducted as soldiers, at least in his country. He believed that here the police had in general been well-governed and conducted, but here was the first case where they were convicted by a Jury of brutality and ferocity; therefore he was the more anxious to take advantage of it, in order that it might be a lesson to them, before they got so low in the scale of brutality as their fellows were in Ireland, for then there would be no hope of them. Had the Coroner done his duty, and drawn up such an inquisition for the Jury as it was his duty to have done, then no criticism could possibly have set aside that noble verdict, but it would have been as firmly settled in the records of the country as it was in the hearts of the people.

Sir George Grey

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said, that it was incumbent upon him to refute the assumptions of the hon. and learned Member, for if they were to go forth with the weight which his talents commanded, they were calculated to do much harm. He had perverted the case, not intentionally, but he had assumed and stated as facts things which had no foundation. No man, whether lawyer or not, could doubt but that the killing of a policeman in the discharge of his duty was murder. In this case the facts were, not that Culley had pressed an individual threatening to take his life, and that he was killed while so pressing that individual so as to endanger his life. There had not been a single individual brought forward upon the inquest who had received wounds which would at all endanger life, so that that argument altogether fell from under the hon. and learned Gentleman. Had the verdict not been quashed, an impression would have gone abroad which would have been dangerous, that a man had a right to resist the constituted authorities even unto death.

Mr. Godson

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regretted that his Majesty's Government, through their law officers, had thought it necessary to quash the inquisition; it would have been much wiser if the verdict had been permitted to remain attached to it, because it was the inquisition only which had been attacked, and not the verdict; the latter was the act of the Coroner alone. The Jury had found the verdict of "Justifiable Homicide;" that the police, of which Robert Culley was one, had made an unprovoked attack—he would not use the other words of the verdict, because he wished to discuss the subject calmly, temperately, and dispassionately—that the police had made an unprovoked attack on the multitude, and that one of that multitude had caused, in a justifiable manner, his death. Who was there in England would say, that seventeen men on their oaths had found a verdict which was contrary to the fact, and that they had thereby violated their oaths? [Sir *G. Grey* did not impute to them a violation of their oaths, but they were wrong in point of law.] He was sorry that Government had ever raised the question, but as a lawyer, he was justified in saying, that there was no legal power to quash the verdict. The Jury found, that the blow that had been given was justifiable—that was found as a fact; and no Gentleman required to be told, that all the facts of the case should not be stated in the verdict. If an action was brought, the verdict was either for the plaintiff or defendant; so in a case of murder, the verdict was either guilty or not guilty. The whole conduct of Government only went to impugn, not the verdict, but the inquisition, which was drawn up by the Coroner, who knew what he had to draw out, and might have drawn a good inquisition; he might have averred, that a number of persons were collected together—that the police made an unprovoked attack on them—that R. Culley was one of those police—and that the blow was given by a person so attacked, which was necessary to save his own life. In that form the inquisition would have supported the verdict, the Court of King's Bench would never have quashed the inquisition, and the Trial by Jury would not have been questioned. The mistake, therefore, was with the Coroner, who alone was censurable, and not the Jury. He trusted, that the people would thus know, that in what had taken place, no censure had been cast on the Trial by Jury. The verdict had not been attacked, and Government had gone out of their way in getting the inquisition quashed. The hon. and learned Solicitor General stated, that one reason for quashing the verdict was for fear it should ever be tendered in evidence in any criminal case. He had looked for authorities, and he could find no instance in which an inquisition had ever been tendered in evidence. The only part of the proceedings which could be evidence was the depositions of witnesses. He again deplored the steps that had been taken by his Majesty's Government which went to stultify their own acts.

Mr. Hume

Share

was sorry that the Solicitor General was not in the House to hear the convincing arguments which had been adduced by the learned Gentleman who had last spoken; and deprecated the idea of the Solicitor General producing the bill calling the meeting together, as evidence against the parties who were assembled without any proof to show from whence it came, and by whom it was issued. He regretted the obloquy which had been thrown upon the police by these transactions, while the idea of any importance being attached to the meeting, and the attempt to magnify the proceedings into treason were completely ridiculous. The learned Solicitor General had been left without a leg to stand on; that hon. and learned Gentleman had unfairly alluded to the opinions which hon. Members expressed whilst the inquest was holding, forgetting the proclamation which had been issued by the Government offering a reward of 200*l*. for the apprehension of the murderer of Culley, whilst a verdict existed of justifiable homicide. His Majesty's Government appeared to be making every effort to bring that Government into disrepute with the people of England.

It being three o'clock, the Debate was adjourned.

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