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The Great Trials of History

TRIAL OF LORD CARDIGAN

There has been only one trial of a peer of England before the Sovereign in Parliament since 1776. This was Lord Cardigan, whose very name was odious to the people and who, by what may be inferred from the words of Macaulay, could not go into a theater without being insulted, and could not go into a railway train unless a hiss was raised against him.

Lord Cardigan, at the time of his trial, was commanding officer of the Eleventh Hussars, and many were the insults given to other officers of the same regiment, by the sending of insulting messages, the flogging of a soldier on Sunday between the services, where half an hour before the soldier's comrades had mustered for worship, and finally Lord Cardigan went so far as to fight a duel with a lieutenant who had left the corps, and shot him through the body.

In September, 1840, a letter was inserted in the "Morning Chronicle" denouncing Lord Cardigan with reference to his insults and, in other words, writing a letter which, although true, was not expected to make the public any more friendly towards the despotic officer and Lord. It was signed "An Old Soldier," but was written by a Captain Harvey Tuckett, whose name and address were (with his consent) given to Lord Cardigan on his application to the "Chronicle."

A challenge was sent, and the two fought a duel on Wimbledon Common near a windmill. At the second exchange of shots Captain Tuckett was wounded and the parties were taken into custody by the miller at the windmill, who had, to prevent the recurrence of duels on the common, some time before been made a constable.

Under the Magna Charter a peer tried for felony must be tried by his peers, and on February 16, 1841, a brilliant array of these dignitaries were assembled at the Peers' Chamber. Cardigan was first taken to task by the Bishop of London for his language, and Lord Eldon expressed his inability

to understand how a man could fight a duel without some amount of delinquency, while the Bishop of London stigmatized dueling as "a shame and a scandal, the remains of the system of chivalry, barbarous, wicked and unchristian."

The miller whose name was Thomas Hunt Dann, was first called. On Saturday, September 12, 1840, about five o'clock in the afternoon, he said two carriages stopped on the edge of the common from which Lord Cardigan and three other gentlemen alighted, after which he witnessed the duel. He took all four into custody, but allowed Tuckett, having been wounded, to proceed to his home on giving him his visiting card.

But the prosecution suddenly found themselves in a quandary. No witness to the transaction could prove the real Christian names of Captain Tuckett, the only Christian name of his they knew was "Harvey." A chemist knew him as Harvey Tuckett, and Mr. Codd, an army agent, knew him as Harvey Garnet Phipps Tuckett, but had not seen him at Hamilton Place or Poultry Place, and consequently could not connect him with the Harvey Tuckett mentioned by the miller and the chemist.

Lord Denman was not the man, where a defendant's liberty was in peril, to refuse him the benefit of any flaw, however trivial. There was, he observed: "An absolute want of circumstances to connect the individual at whom the pistol was fired and who afterwards was seen wounded at Hamilton Place, with the half-pay officer known as Mr. Codd as bearing the names set forth in the indictment. The mere fact of the wounded persons bearing some of the names used by the half-pay officer is no proof that the former and the latter are the same."

The peers concurred in the proposal, strangers were re-admitted and silence proclaimed. The Lord High Steward then put the question individually to every peer, calling the names from a list. Addressing the junior baron he inquired: "John Lord Keane, how says your Lordship, is James Thomas, Earl of Cardigan, guilty of the felony whereof he stands indicted, or not guilty?" Whereupon Lord Keane, standing up in his place uncovered, and laying his right hand on his breast, answered: "Not guilty, upon my honor." All the peers present concurred in this unqualified verdict with the exception of the Duke of Cleveland, who answered: "Not guilty legally, upon my honor." And thus Cardigan escaped punishment for a crime of which he was guilty, but not technically so.

Tomorrow—Trial of Massachusetts Quakers.

REAL EXCITEMENT

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"Buffalo hunting—"
"Yes."
"And bear hunting—"
"Of course."

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Lodge Notices

Phoenix Lodge No. 2, Knights of Pythias, meets 7:30 p. m. every Friday. Visiting members invited. Clarence E. Ica, C. C. Center. W. C. Powell, K. R. & S. Phone Office 567; Residence, 209Rts.

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We do not figure bills; they all figure for you now, don't they? Write for personal letters, drive to your place and coax you to let them figure even unto annoyance. Who brought about the change? Now, to get the lumber out of one shed which I have to move and enlarge, I am going to sell 75,000 feet of 1x12, 2x4, 2x6, at \$15.00 per thousand, and 10,000 feet 5/8x2 battens and 1/2 inch ceiling at \$20.00, 4,000 feet of 1/2 resaw at \$10.00.
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