

TRIAL AND ACQUITTAL

The Trial of Mr James Stuart, who was tried at the High Court of Justiciary, for being art and part in a duel in which Sir Alexander Boswell lost his life, and after a trial of 18 hours he was acquitted from the Bar.

THE Trial of Mr James Stuart came on this day. (Monday, 10th June,) before the High Court of Justiciary. The Indictment having been read, the Lord Justice Clerk then asked Mr Stuart whether he was guilty---answered "My Lord I am not guilty." Mr Cockburn, then made an eloquent and impressive speech, in which he fully denied all the charges in the indictment; And on Mr Cockburn adverting to the death of Sir A. Boswell, Mr Stuart seemed very much affected. Mr Cockburn said, there was not a friend the deceased had felt such poignant anguish at his heart. He concluded by saying, that Mr Stuart acted under a moral necessity; and that a verdict of not guilty would be most grateful to humanity and most consistent with the laws.

Solicitor-General.---As no objections had been stated to the relevancy of the indictment, he had not to state in reply.

Earl Rosslyn was the first witness called.

Solicitor General.--- Are you acquainted with the gentleman at the bar? he answered I am, and then went on to state at great length and with much perspicuity, all the circumstances connected with it.

Honourable John Douglass.---I was acquainted with Sir A. Boswell. In the month of March I attended him to an interview with Lord Rosslyn. The interview was in the Waterloo Hotel. I went with Sir A. into a room where the Earl of Rosslyn was, and he held in his hand, I think, two papers. Lord Rosslyn mentioned, that he had called this meeting upon a very unpleasant business---those papers were copies--- that a friend of his obtained possession of the originals, which contained obnoxious passages as to Mr Stuart's character.

Dr Wood.--- On the 26th March last, Sir Alexander Boswell called upon the deponent;---he requested my professional attendance;--- he left my house, and returned soon after;---I then accompanied him and Mr Douglas in a carriage to Queensferry afterwards to the village of Auchertool. We then proceeded to the ground. Mr Stuart and Lord Rosslyn were upon the ground also. Lord Rosslyn desired me to remain at some space of ground, But I went forward---I heard the discharge of the pistols. Mr Liston and I turned our backs for the purpose of not seeing, when we turned round, upon hearing the fire, we saw Sir Alexander had fallen---we ran and found that the ball had entered the middle of the right clavicle. Two bones were extracted on the spot, the first by myself, and the second by Mr Liston. It was my opinion from the first that the wound was mortal. Sir Alexander said in the course of the journey, that he was determined to fire in the air.

Mr Liston.---Mr Stuart called upon the deponent to go to the country along with him. And when on Fife side, he informed him, he was to fight a duel with Sir Alexander Boswell. Mr S. said he had no malice against Sir Alexander: he said, if he had the misfortune to hit him, he wished it might be on the great toe, as a gentleman in England did lately on a similar occasion. The deponent gave the same evidence as Dr Wood.

Mr Thomas Allan, banker.---Deponent heard of duel shortly after it happened. He saw Mr Stuart at Calias. Mr Stuart asked deponent what news. I said the news were bad for him--- then says he, Sir A. is dead, When I told him that was the case, he burst into tears and was much agitated.

Mr Walker (a tutor in Sir A.'s family)--I am tutor to Sir James Boswell. I have been tutor in the family for several years and knew Sir A. Boswell. I think the hand-writing of the Whig Song is not Sir A. nor that of any of the family. The address seems to be the same with the rest.

The Lord Justice Clerk said the Jury would weigh all these circumstances seriously in their minds, they would give a verdict consonant to the dictates of their own conscience, and, if in this case they were enabled to come to a decided and clear opinion, the advantage and privilege of that doubt belonged to the gentleman at the Bar. The Jury chose Sir John Hope, Bart. as their Chancellor; and after consulting for a few minutes in the Jury box, the chancellor delivered an unanimous verdict Not Guilty. The verdict was received with loud cheers.