

The Law Magazine and Law Review, Or, Quarterly Journal of Jurisprudence Volume 10



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1861 edition. Excerpt: ...What object could Lord Cochrane possibly have for stating that this gentleman came in one coloured coat rather than another? Surely a very weak question for the Serjeant to put. Gentlemen, / think I can account for the mistake; my Lord Cochrane made this affidavit a great many days, I think some weeks, after the transaction had taken place; and then he suggests as an explanation, that Lord Cochrane was accustomed to see De Berenger in. the green uniform of Lord Yarmouths riflemen, and there being nothing to fix on his lordships mind the colour of the uniform on this particular occasion, Lord Cochrane believed it to be green. This was, indeed, a most lame and damning defence, enough to ruin Lord Cochranes credit upon the affidavit he had sworn, and to excite his indignation, he having given positive instructions to call his servant to prove the point, upon which it was obvious his acquittal or conviction depended. Such, however, was the defence of Lord Cochranes own counsel, and Mr. Gurney was quick enough to perceive, and use this blunder of the defence. He says:-- Lord Cochrane puts De Berenger in a grey military great-coat, a green uniform, and a fur cap. I have proved that the uniform he wore was red. My learned friend, Mr. Serjeant Best, felt the strength of the evidence for the prosecution upon that, and he endeavoured to answer it by a very strange observation. Why, says he, consider, Lord Cochrane had been accustomed to see Mr. De Berenger in green; he did not make his affidavit till nearly three weeks afterwards, and how very easily he might confound the green in which he ordinarily saw him, with the red,

in which he saw him on that day, and on that day only? Now, if I wanted to show how it was impossible for a man to...

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