

TRIAL.

HIGH COURT OF JUSTICIARY, July 15, 1830.

A full, true, and particular Account of the Trial of Mr David Bertie, writer, before the High Court of Justiciary, yesterday, for violating the person of Margaret Gray, a girl fourteen years of age, servant in the house in which the pannel lodged, in East Cumberland Street, Edinburgh, and which Trial occupied the Court eleven hours.

The Indictment, after commencing in the usual form, set forth: That albeit, by the laws of this and every other well governed realm Rape is a crime of an heinous nature, and severely punishable: yet true it was and of verity, that David Bertie, the prisoner at the bar, was guilty of the same, he having, on the 10th day of May last, in a house situated in East Cumberland-street, then in the occupation of Mrs Jane Skirving, and in a room in the said house, which he (the prisoner) occupied as a lodger, wickedly solicited Margaret Gray, servant to the said Jane Skirving, and on her rejecting his solicitations, did attack her with force and violence in the said room,—and that on the said Margaret Gray getting away from him, he did some time afterwards in the passage of the said house, again attack the said Margaret Gray, and did seize her by the arm, and forcibly drag her back into his room, wherein, in spite of all the resistance in her power, he consummated the crime, with great force and violence—[and the particulars of which, as stated in the indictment, are unfit for publication.]

The indictment then went on to state, that the pannel, having been apprehended, and taken before the Sheriff substitute, had emitted before him, on the 11th and 13th of May two several declarations which, being to be used in evidence against him, had been lodged in the usual place for his inspection, as also a medical certificate signed by Dr Thatcher, and another medical certificate, signed by Dr Black, surgeon to the Police Establishment, and by Mr A. L. Black, and Mr Sidey, surgeons,—and also one other article, which, though it was named in the indictment and produced on the trial, it would be improper to mention here.

The trial commenced about twelve o'clock; and the prisoner having been placed at the bar, pleaded Not Guilty.

The Examination of Margaret Gray (who is not more than fourteen years of age, and who is a daughter of very decent parents at Joppa, where her father is a mason) occupied two hours and a quarter. She underwent a long and very minute cross-examination; but she was not materially shaken in her principal evidence.

There were twenty witnesses in all, for the Crown, amongst whom were, Margaret Gray, Mrs Skirving, Catherine Johnston, Ann Gray, the Medical Gentlemen mentioned in the indictment, Lieutenant Harvey, and Serjeant Charles Stewart, jun., of the Police Establishment.

The alleged facts of the case were, that on the day libelled, the prisoner and Margaret Gray being alone, in Mrs Skirving's house, in the absence of Mrs S., and the rest of the family, the prisoner offered the poor girl first one pound note, then two pound notes, and then three pound notes, if she would comply with his wishes. These temptations having been rejected by the girl, the pannel, as alleged, next proceeded to use violence in the way libelled in the indictment. After the commission of the crime, he had left the house; but he returned to it again, and was in bed when he was apprehended, about eleven o'clock on the same night. He has all along positively denied the crime.

The prisoner is a young man, about twenty eight years of age, dark complexion, roman nose, short stature, and of gentlemanly dress and appearance. He was Clerk to a Writer.

The exculpatory evidence occupied a very considerable portion of time, and there were several very respectable witnesses to the character of the pannel.

The Lord Justice Clerk having made a long and able summing up of the evidence, the Jury retired to consider of their verdict.

During the absence of the jury, the pannel remained in a state of the utmost agitation and anxiety. He repeatedly gazed round him with an indescribably haggard expression on his countenance, over which hung a cloud of the blackest gloom and most dismal melancholy. At times he laid his head down on his hands and arms; and for a few moments seemed asleep; and then he would raise his head again with the same unaltered expression. It struck almost every person in Court that his appearance now was like that of a maniac, or rather of a drunk man, arousing from sleep and trying to collect his dissipated ideas.

After an absence of about twenty minutes, the jury returned at eleven o'clock at night and pronounced by their Chancellor the following verdict:—My Lords: Owing to the contradictory statement of the evidence, we find the charge Not Proven.

On hearing these joyful words, the prisoner sprung to his feet, clapped his hands, uttered an exclamation of gratitude to the jury, and (all in an instant) appeared as if he wished to seize his hat, bound at once out of the Court.

Persons who shook the prisoner by the hand, state that it felt like the clammy hand of a person newly dead, or dying.

