

THE EXAMINER.

No. 103. SUNDAY, DEC. 17, 1809.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 101.

TRIAL OF MRS. CLARKE, &c.

I HAVE done my best to sift out the truth of this curious Trial from the various reports; but though I had anticipated much to examine and compare on the occasion, I find there is little to say, for the whole matter resolves itself into a pure question of character. The parties so flatly contradict each other, and the Counsel on each side so determinately side with their respective Clients, with a feeling beyond that of mere law; that the Public, in order to condemn or acquit, have only to consider which of the parties they think most elevated, whether by disinterestedness, principle, or habit, above the meanness and the wickedness of perjury.

Of disinterestedness, there can be little on either side, whatever the respective Counsel may have asserted: Mrs. CLARKE and the WRIGHTS, if they hoped, as the phrase is, to get on in future, or even to have a chance of getting on, must have felt an interest in the proceedings; and Colonel WARDLE and his friends, from the same cause, as well as from the nature of popular reputation, must have felt most acute interest in them. Principle and habit generally involve each other; I say generally, because by the fine substitution of upper life, habit and polite custom sometimes take place of virtuous motive; and many persons would scorn to tell a falsehood on such occasions upon what is called a principle of honour, who would laugh in your face if you talked to them of the principles of morality. Upon this point, whether of principle or habit, Mr. WARDLE appears to have a decided advantage from education, from situation in life, and from the common decencies of a gentleman's fireside: Mrs. CLARKE will not bear a comparison; and the WRIGHTS, who were her acknowledged friends and recommenders, under circumstances of gross deception, are scarcely a jot better. Little is discovered respecting Mr. GLENNIE: his Martello journey with Mrs. CLARKE, which so much degraded Col. WARDLE, represents him in a frivolous and not very delicate light; but in swearing point blank against Mrs. CLARKE, he has still the decided advantage in all that constitutes character. Of Major DODD, wishing as I do to think well of the decided conduct which enabled him to give up his best prospects in life in order to stand by his friend, I still cannot help feeling an unwillingness to speak. His part in the transaction is the most mysterious of any. The jealousy between the Duke of YORK and his master the

Duke of KENT, was so notorious, that it is still difficult, very difficult, to ascertain what sort of encouragement the Major had or fancied he had in proceeding as he did, and why he has not explained his feelings in so doing. That he is a sacrificed man, whether self-sacrificed or otherwise, is evident; the word "unfortunate," as applied by Colonel WARDLE to the destiny brought on Major DODD, is a comprehensive word; and some new light might have been thrown on it, if that "Arch-juggler," mentioned by Mr. ALLEY, be he who he may, had been brought forward, as he ought to have been. Still however, setting aside all mystery and judging by what is known, the Major, as well as Colonel WARDLE and Mr. GLENNIE, has the decided advantage in point of character over the parties indicted; and it appears, that had there only been the two parties on the occasion, Col. WARDLE would have obtained an easy victory: but in an instant, whether brought by surprise on the ATTORNEY-GENERAL himself or whether kept back hitherto, by way of romantic denouement, by Sir VICARY himself, who had at first stated that he had no evidence to produce, comes a Mr. STOKES, who swears point blank against Mr. WARDLE, and gains the victory for Mrs. CLARKE. The Jury evidently thought this person's testimony so decisive, that they scarcely took a moment's consideration in pronouncing the verdict; and it seems, that in a Court of Law, a decided testimony given in this manner against persons prosecuting for Conspiracy, which in depriving the accused of their voice is considered a harsh measure, is of more weight with the Jury than character itself. Be it so. I have no doubt that the Jury acted with integrity and full conviction. But the Public, with whom character is every thing, must decide rather in Equity than in Law, on all occasions that are to influence their opinion of individuals. Here, is Col. WARDLE, a person with his character at stake, but in a most reputable situation of life, and confessedly a man of independent mind; he says No:—there, is Mr. STOKES, a person with his character at stake, and of whom nothing else shall be said but what is known to every body, viz. that he is a *Prostitute's Attorney*; he says Yes. I confess I cannot hesitate which to believe upon a contradiction so distinct. The only thing against Col. WARDLE, in point of law, with regard to this man, is favourable to him in a moral point of view: it is, that he must naturally be supposed to have a greater interest in maintaining a good character.

So far as to matters of fact,—as to things actually said and done. If however, with regard to such matters, Mrs. CLARKE and her accomplices are to be dismissed with contempt, Mr. WARDLE in other respects does not retire with undiminished reputation. In fact, his dignity suffered much diminution, when the circumstance of his journey

with Mrs. CLARKE transpired, as I had occasion to observe pretty strongly at the time; it has suffered more in the visits which he condescended to pay with her to WRIGHT'S shop, visits, which at least he has discovered to have been impolitic; and it would have been better for him on the present occasion, had he stated explicitly when first questioned, all that he had done, directly or indirectly, for Mrs. CLARKE. But there can never be a doubt among disinterested persons, that in bringing the Duke of YORK before the public he achieved a decided good for this nation, and deserves our lasting gratitude. Could his Royal Highness think as other men do, what would he not have felt on Monday last, when he sat subpenaed on the bench, contemplating the beautiful effects of his vices—when he heard his Prostitute's tradesmen seeking for money—when he heard so many suppressing hints and so many delicate vetos thrown out against the production of Royal Matters—and when he heard the Attorney-General, yea, even Sir VICARY himself, who protested against all belief of the kind on a former examination, haranguing on the credibility of Mrs. CLARKE!

[To be continued next Sunday, with Observations on Lord ELLENBOROUGH'S Charge, and on Mr. WARDLE'S Letter to his Lordship.]

FOREIGN INTELLIGENCE.

FRANCE.

PARIS, DEC. 4.—Yesterday, at six in the morning, a discharge of artillery announced the solemnities that were to take place. At half past ten the Emperor left the Thuilleries to proceed to Notre Dame. He was in the coronation coach with his Majesty the King of Westphalia.—The King of Naples, the Princes, Grand Dignitaries, Ministers, Grand Officers of the Empire and of the Crown, preceded his Majesty. The Clergy received his Majesty at the entrance of the church, and he was conducted to the choir under a canopy. The Tribunals of the Choir were occupied by her Majesty the Empress, the Imperial Family, the Kings of Wirtemberg and Saxony, and the Queen of Westphalia. One of the Almoners of his Majesty said the mass. His Eminence Cardinal Fesch, Grand Almoner, celebrated *Te Deum*. His Majesty, reconducted under the canopy, as on his entrance to the Church, proceeded to the Palace of the Legislative Body. The Emperor being seated, the Members of the Legislative Body newly elect took the oaths; after which the Emperor made the following speech:—

“Gentlemen Deputies of Departments to the Legislative Body,

“Since your last Session, I have reduced Arragon and Castile to submission, and driven from Madrid the fallacious Government formed by England. I was marching upon Cadiz and Lisbon, when I was under the necessity of treading back my steps, and of planting my eagles on the ramparts of Vienna. Three months have been the rise and termination of this fourth Punic war. Accustomed to the devotedness and courage of my armies, I must nevertheless, under these circumstances, acknowledge the particular proofs of affection which my soldiers of Germany have given me.

“The genius of France conducted the English army: it has terminated its projects in the pestilential marshes of Walche-

ren. In that important period I remained 400 leagues distant, certain of the new glory which my people would acquire, and of the grand character they would display. My hopes have not been deceived. I owe particular thanks to the Citizens of the departments of the Pas de Calais and the North. Frenchmen! every one that shall oppose you shall be conquered and reduced to submission. Your grandeur shall be increased by the hatred of your enemies. You have before you long years of glory and prosperity. You have the force and energy of the Hercules of the Ancients.

“I have united Tuscany to the Empire. The Tuscans were worthy of it by the mildness of their character; by the attachment their ancestors have always shewn us; and by the services they have rendered to European civilization.

“History pointed out to me the conduct I ought to pursue towards Rome. The Popes, become Sovereigns of part of Italy, have constantly shewn themselves enemies of every preponderating power in the Peninsula: they have employed their spiritual power to injure it. It was then demonstrated to me, that the spiritual influence exercised in my States by a foreign Sovereign was contrary to the independence of France, and to the dignity and safety of my throne. However, as I acknowledge the necessity of the spiritual influence of the descendants of the first of the Pastors, I could not conciliate these grand interests, but by annulling the donative of the French Emperors my predecessors, and by uniting the Roman States to France.

“By the Treaty of Vienna, all the Kings and Sovereigns my Allies, who have given me so many proofs of the constancy of their friendship, have acquired and shall acquire a fresh increase of territory.

“The Illyrian Provinces stretch the frontiers of my great Empire to the Save. Contiguous to the Empire of Constantinople, I shall find myself in a situation to watch over the first interests of my commerce in the Mediterranean, the Adriatic, and the Levant. I will protect the Porte, if the Porte withdraw herself from the fatal influence of England. I shall know how to punish her, if she suffer herself to be governed by cunning and perfidious counsels.

“I have wished to give the Swiss Nation a new proof of my esteem, by annexing to my titles that of their Mediator, and thus putting an end to all the uneasiness endeavoured to be spread among that brave people.

“Holland, placed between England and France, is equally bruised by them. Yet she is the *debourché* of the principal arteries of my Empire. Changes will become necessary; the safety of my frontiers, and the well understood interests of the two countries, imperiously require them.

“Sweden has lost, by her alliance with England, after a disastrous war, the finest and most important of her provinces. Happy would it have been for that nation, if the wise prince that governs her now, had ascended the throne some years sooner! This example proves anew to kings that the alliance of England is the surest presage of ruin.

“My ally and friend, the Emperor of Russia, has united to his vast Empire, Finland, Moldavia, Wallachia, and a district of Galicia. I am not jealous of any thing that can produce good to that Empire. My sentiments for its illustrious Sovereign are in unison with my policy.

“When I shall shew myself beyond the Pyrennees, the frightened leopard will fly to the ocean, to avoid shame, defeat, and death. The triumph of my arms will be the triumph of the genius of good over that of evil—of moderation, order, and morality, over civil war, anarchy, and the bad passions. My friendship and protection will, I hope, restore tranquillity and happiness to the people of the Spains.

“Gentlemen Deputies of Departments to the Legislative Body, I have directed my Minister of the Interior to lay before you the history of the legislation, of the administration, and of the finances of the year just expired; you will see that all the ideas I had conceived for the amelioration of my people, have been followed with the greatest activity—that in Paris, as in the most distant parts of my Empire, the war has not produced any delay in the public works. The Members

of my Council of State will submit to you different projects of law, and especially the law upon the Finances; you will see in it their prosperous condition. I demand of my people no new sacrifice, though circumstances have obliged me to double my military means."

PORTUGAL.

Lisbon, Nov. 21.—A decree of the Prince Regent, dated the 6th of July, was this day published here, limiting the Members of the Regency to three, viz. the Patriarch Elect of Lisbon, the Marquis das Minas, and the Marquis Monteiro Mor; and appointing Sir Arthur Wellesley Marshal-General of his forces. This arrangement is stated to have been adopted at the suggestion of the British Government.

TUESDAY'S LONDON GAZETTE.

This Gazette contains accounts of the following captures: The Grand Rodeur French privateer, of 16 guns and 30 men, by the Redpole sloop, Capt. Macdonald; and L'Heureuse Etoile privateer, of 2 guns and 15 men, by the Royalist sloop, Capt. Maxwell.

BANKRUPTCIES SUPERSEDED.

J. Pearson, Holshead, stationer.—J. Houlding and J. W. Sowerby, Liverpool, merchants.

BANKRUPTS.

- J. Smith, Leeds, grocer. Attornies, Messrs. Sykes and Knowles, New-Inn, London.
- J. Spencer, Manchester, victualler. Attorney, Mr. Cardwell, Manchester.
- S. Paull, Laleham, Middlesex, baker. Attorney, Mr. R. S. Taylor, Field-court, Gray's-Inn.
- T. Anstead, Wakefield, Yorkshire, inn-keeper. Attorney, Mr. Battye, Chancery-lane, London.
- G. Wooten, Northchurch, Hertfordshire, straw hat-dealer. Attorney, Mr. Mayhew, Symond's Inn, Chancery-lane.
- T. Ashce, Old North-street, Red Lion-square, merchant. Attorney, Mr. Lee, Castle-street, Holborn.
- T. Lureock, Seethingbourne, Kent, woollen-draper. Attorney, Mr. Atkinson, Castle-street, Falcon-square.

SATURDAY'S LONDON GAZETTE.

Foreign Office, December 15, 1809.

The King has been pleased to appoint the Hon. Henry Wellesley to be his Majesty's Envoy Extraordinary and Minister Plenipotentiary to his Catholic Majesty Ferdinand the Seventh; and has been pleased to direct him to reside in that character at the seat of the Central or Supreme Junta in Spain.

[This Gazette also contains an account of the capture of the French privateer La Comtesse Laure, of 16 guns and 55 men, by the Surveillante, Capt. Collier.]

BANKRUPTCIES ENLARGED.

- W. Drury, Stamford-street; Blackfriars-road, stationer, from December 16 to Feb. 3, at ten, at Guildhall.
- J. Ferguson, Burr-street, St. George in the East, merchant, from December 12 to January 30, at ten, at Guildhall.

BANKRUPTS.

- R. Spickernell, Seven Oaks, Kent, inn-keeper. Attorney, Mr. Flexney, Chancery-lane, London.
- E. Scott, Chandos-street, Covent-garden, shoemaker. Attorney, Mr. Wood, Richmond-buildings, Soho.
- R. Dean, Bow, Middlesex, baker. Attorney, Mr. Wilson, Devonshire-street, Bishopsgate-street.
- S. Godfrey, Liverpool, straw-hat-manufacturer. Attornies, Messrs. Griffiths and Hinde, Liverpool.
- M. Richards, Vauxhall, near Birmingham, dealer. Attornies, Messrs. Webb and Tyndall, Birmingham.
- J. Jennings, Denmark-court, Covent-garden, watchmaker. Attorney, Mr. Manning, Clement's-Inn.

- J. Burton, New Cross, Surrey, dealer. Attorney, Mr. Wainbrough, Warnford-court, Throgmorton-street.
- J. Tuson, Mile End, New Town, builder. Attornies, Messrs. Burt and Swinford, John-street, America-square.
- J. Bennet, Plymouth, haberdasher. Attornies, Messrs. Willis and Co. Warnford-court, Throgmorton-street.

PRICE OF STOCKS ON SATURDAY.

Consols 70 3/4

In answer to our Liverpool Friend, whose active kindness receives our best thanks, we have only to say, that the measure he proposes is of no material service to a Paper resolved to stand upon character and not upon connexions. Persons who wish to take the EXAMINER can readily have it upon their own application to the Office, or to any of the Postmasters and News-venders; and as to the diffusion of the Paper, the Proprietors would much rather owe its recommendation to its own merits, such as they may be, than to the momentary influence of Agents and Retailers.

THE EXAMINER.

LONDON, DECEMBER 17.

THERE have now been three Meetings of the Common Council, besides one of the Common Hall, to consider an Address to his Majesty on the Walcheren business. The first was in favour of a very spirited Address proposed by Mr. WAITHMAN; but I made a terrible mistake last Sunday, in saying *nine* Aldermen voted with him against *four*: the fact was the reverse; and I know not how I was led into the error with such a host of titled contractors before me. The second Meeting was called by Mr. Sheriff ATKINS, to reconsider the address, when a new one was proposed and carried, not materially differing in sentiment from the first, but somewhat softened in tone. The third was to reconsider *this* address, and to revive the original one, but it failed by a minority of 88 to 106; and the Aldermanic Body, to do it justice, was in high condition against it, comprehending, of course, all the Sir JOHNS and Sir WILLIAMS, all the full-blown biscuit, beef, and baronet-mongers.—The Common Hall carried a most animated Address with a spirit that augurs well of their future exertions.

LORD GRENVILLE has won his election at Oxford, and the University has now a Chancellor who will not disgrace it by bigotry, mediocrity, or imbecility of mind. What will "be said or sung" by Lord ELDON on the occasion, I know not; but every man who has a regard for the literature and philosophical spirit of his countrymen, must view with pleasure the discomfiture of that Maudlin Professor.

Advices have been received by Government, stating that a battle had taken place the middle of last month, between the French and Spaniards, in which the latter were completely defeated. The Spanish General ARRAZOL, had advanced, like SIR ARTHUR WELLESLEY, too far into the

enemy's possessions; and the French drew him on to the plains of Oeana, about thirty-six miles from Madrid, to a place in short, where the level extent of ground enabled them to act with every advantage. A report is spread at the same time, that the Duke del PARQUE has gained "some advantages" over the enemy. But it matters nothing in a political point of view, what advantages are gained or not, in the present state of Spanish affairs. BONAPARTE, in his summary speech to the Legislative Body, in which among other settled matters he talks of a change in Holland, tells them, that as soon as he shews his face over the Pyrenees, the English leopard will flee to the ocean. This is poor enough in point of style, and it suits him better to call us leopard than lion; but it is a fact in point of application, and indeed, with regard to Spain, he might have called us by the name of a much more ignoble beast than that of leopard. The Spaniards may fight well, as far as superstition will go: one man, with a crucifix at his button-hole, may fight bravely, and another man with his God in his pocket, may fight ferociously; but the spirit of superstition, unassisted by the spirit of freedom, will not do in these times, especially against a conqueror, who whatever may be his designs against other governments, comes to give the Spaniards a much better one than their own Junta will grant them. It must be repeated for the hundredth time, that the whole affair of Spanish resistance is nothing but a pompous jest. The Inquisition will not do: the slavery of the press will not do: the reign of the Priests will not do: and for all these reasons, the new French government will do.

A Meeting is to be held at twelve, to-morrow, at the Crown and Anchor, to consider the propriety of immediately entering into a Subscription for the indemnification of all the losses and expenses to which Col. WARDLE has been, or may be liable, in consequence of his public exertions, particularly during the last Session of Parliament.

The skeleton of our brave army has at last, thank Heaven, left the fatal shores of Walcheren. But as if Heaven itself determined to shew its disapprobation of the woe-bellied Expedition, on Monday 35 of the transports were driven on shore, and several wrecked!. Great anxiety also prevails on account of the tremendous gale which blew in loudest blasts yesterday morning.

The Sheriffs waited upon the KING at Windsor on Monday, and his Majesty appointed Wednesday next to receive the Address of the Corporation of the City of London at the Queen's Palace.

The friends to Catholic Emancipation exult at the victory obtained at Oxford by one of its most distinguished advocates. Lord GRENVILLE has a majority of 13 votes over Lord ELDON. The numbers were—Lord GRENVILLE, 406—Lord ELDON, 393—Duke of BEAUFORT, 233.

Last week a deputation from the Loyal Britons Volunteer Corps waited on Colonel DAVISON, to assure him of their determination to continue the original strength of the Corps, and of their unceasing attachment to him as their Colonel.

What a subject of joy it must be to the friends and defenders of the Duke of YORK, that, according to their own opinions, real or affected, they have now PROVED Mrs. Clarke to be a most excellently TRUE WITNESS! What a subject of joy to them and their royal patron! This is the very woman, who, in the House of Commons, the Attorney General declared not to be believed upon any account whatever! It must be very consoling to his Royal Highness to see, that his Darling, who was, by his friends, called by all manner of foul names, is now become a woman of undoubted veracity! We, who were looked upon as political enemies of the Duke, only insisted, that her evidence was entitled to some weight, when strongly corroborated by indubitable testimony; but his friends have now made her out a good witness of herself. It is time, therefore, for us to read her evidence before the House of Commons over again. It is valuable now. It cannot now, by the friends of the Duke, be called in question.—The payment of 10,000*l.* for the suppression of her book was asserted by the Counsel. In fact, this is pretty notorious; and it follows, of course, that she is now in friendship with those who gave her that ten thousand pounds. Lord ELENBOROUGH is reported to have found fault with the Counsel for saying that the ten thousand pounds came out of the public money, because no proof of it was brought forward. Very good; but if it be true that ten thousand pounds were given her, what sort of people must those be who would give her the sum; what must their actions have been; and at what would they stick?—Cobbett's Register.

Allowing, for the sake of argument, that the gift of one hundred and twenty-five pounds, completely nullified the whole of Mrs. CLARKE's evidence against the Duke of YORK, so far as it rested on her veracity, will it be contended that this occasions a shade of difference in the case of his Royal Highness? Do the foolish love letters, which mention that Doctor O'MEARA was to be introduced to preach before the KING on the recommendation of a Strumpet, depend on Mrs. CLARKE's veracity? What connection has her evidence with the affair of Mrs. SINCLAIR SUTHERLAND, another of the Duke's Mistresses, in compliance with whose private application, our late illustrious Commander in Chief refused that permission to an Officer which his Colonel recommended, and which was on the eve of being granted.—She had nothing at all to say to the affair of the money lender, who was to receive an official appointment, to facilitate a loan of ten thousand pounds to his Royal Highness. No, No.; the case of the Duke of YORK is not affected by Mrs. CLARKE's veracity. It was the multitude of unexpected circumstances which sprung up in the course of the inquiry, to which her evidence perhaps led, but over which she had no controul, that decided the Duke of YORK's case.

Lord CHATHAM has pursued the baneful system of favouritism to an extent beyond even his predecessors. Lord MOIRA made an unnecessary appointment when he became Master-General of the Ordnance, and put the country to useless expence in order to give his friend and physician, Sir JOHN HAYES, a sinecure of 1300*l.* per year. Lord CHATHAM has done much worse, for instead of saving this useless expence upon the death of Sir JOHN HAYES, he has filled up the unnecessary appointment, by making a young and obscure surgeon, the Physician-General of the Artillery, and putting him over all the old physicians and sur-

geons in the Ordnance Department; so that Mr. WEBB, a man almost unknown, and whose services might have been well rewarded by the half-pay of 5s. per day, is to tax the country with a sinecure for life of 1300l. a-year, while all the senior officers of the Medical Department are unjustly and unfeelingly degraded, by having this young man put over their heads. This will no doubt be ranked among the splendid services done the country by the great warrior CHATHAM!

From a Report made by General PRINCE to Marshal AUGEREAU, it appears that the French have recommenced military operations in Catalonia, with increased activity. The issue of these has been of late so much in favour of the enemy, that great apprehensions are entertained of Gerona. The Spanish army has been forced to retire to a considerable distance from that town; and the supplies collected for the relief of the garrison have been destroyed at Hostalrich. AUGEREAU has placed himself between Gerona and the Spanish army—a position that precludes the possibility of introducing supplies into the town without the risk of a general engagement.

THE PERSIAN AMBASSADOR.—On Wednesday all the King's Ministers, in full dress, paid their respects to the Persian Ambassador. By his Majesty's not coming to town on Wednesday, his Excellency cannot stir out of doors; as by the etiquette of his Court, he must not shew himself abroad, until he has delivered his credentials to his Majesty at his Court. This ceremony is to take place on Wednesday next, when his Excellency will make his formal entry to the Queen's Palace with Eastern splendour.—As we have lost all European Allies, it is prudent to pay due reverence to this friend from Asia. He is a handsome man, of noble mien, and dignified deportment, and has a family, which, in Persia, is not considered large, of only 63 children; but it is considered as a mark of good fortune, that he had six children borne to him on one and the same day.—The house taken for his Excellency is in Mansfield-street.

On Thursday last was married at Cheltenham, CHARLES SATTERTHWAITTE, Esq. of Rigmaden, Westmoreland, to FRANCES ANNA GEORGIANA, eldest daughter of the late CHARLES FRANCIS SHERIDAN, Esq. and niece to the Right Hon. RICHARD BRINSLEY SHERIDAN.

THE VOLUNTEERS.

MR. EDITOR,

Some discussion having lately taken place respecting the Volunteers, and as it seems to be admitted that the spirit of that body has decreased as much as their numbers, permit me to say a word in their justification.

It will be in your recollection, Sir, that when the country was declared to be in danger, notwithstanding the diversity of opinion which prevailed in regard to the men who were then at the head of affairs, and in spite of the accumulated miseries they had brought upon the country, with how much promptitude the wishes of government were put in execution, and the youth of all conditions enrolled themselves for the protection of their native land. This was a moment when Ministers, had they possessed the least degree of talent, might have drawn around the throne an impenetrable phalanx, formed of all the finest youth and spirit of the country, and who, had there been an occasion to lead them against the enemy, would not

have been eclipsed even by the heroes of Marathon or Thermopylae. But what was done to second this noble impulse? Were able and experienced officers appointed to teach them the military art, and proper measures taken to render the service honourable and useful to the country? No such thing—A few muskets were given out from the Tower, a little pay issued from the Treasury, and a few old women appointed for inspecting field officers!!! The consequence of all this was, the volunteers finding they were left to themselves, set about their organization after their own manner. Hence a herd of vain puppies, whose only distinction was their golden collars, assumed the title of officers, and took upon themselves what they considered an object of the first consequence to a military body, the choice of uniforms and equipments. One cannot think of the productions which arose from the brains of these mighty geniuses without the danger of bursting one's sides with laughter. Here were regiments of infantry, composed of slight young men, with enormous helmets on their heads, smothered in a mass of horse hair, and feathers a yard high; little dapper jackets bedizened with gold lace, and false pigtales outvieing in length those of the Chinese! With what feelings but those of contempt could thinking and reasonable men view a body so constituted, and officered with men whose money was their only accomplishment, and many of them in almost every corps, so much resembling Sir John Falstaff from luxurious living, as to be scarcely able to waddle!—This latter circumstance is a fact which every body must have noticed. These are the true causes of the decrease of the Volunteers, which rendered their services no longer honourable to themselves, or useful to their country. But even these mortifying considerations were not sufficient to induce a single individual to lay down his arms while there remained the least prospect of danger, and the most distant hope of serving his country. The present state of Europe may shortly render it necessary again to have recourse to the Volunteer system; but let Ministers know, that folly and corruption are things not very likely to rouse the spirit of the nation.—I am, dear Sir, your constant Subscriber,

A CI-DEVANT VOLUNTEER.

MR. WARDLE'S LETTER.

TO THE RIGHT HON. LORD ELLENBOROUGH.

MY LORD,

I have read, with attention, the Charge delivered by your Lordship to the Jury, upon the trial which took place on Monday last. I observe your Lordship in terms to have stated, that the evidence was contradictory, and therefore that the Jury must look to the probabilities of the case. Your Lordship, with force, pointed out the improbabilities of the case made on my behalf; but did not state, and therefore I presume, did not think, there was any improbability, inconsistency, or material contradiction, in the case of the Defendants. Differing, as I do, in opinion, most respectfully, with your Lordship, I beg leave, through the medium of this address, to point out what I conceive to be improbable, in the evidence of Mrs. Clarke and the Wrights; and wherein, I conceive, they have materially contradicted each other.

It is agreed, that the first time I saw Mrs. Clarke was on the 18th of November (A) when she resided in a ready-furnished house, belonging to Mr. Francis Wright, in B...

ford-place; and that the lease of the house in Westbourne-place was executed on the 9th of November. I wish now to draw your Lordship's attention to what was sworn to by Mr. Francis Wright, his brother, and Mrs. Clarke; which, to avoid the possibility of misrepresentation, I have taken from the evidence upon the trial, and give in an Appendix to this letter *.

From this evidence, it does appear, in my humble judgment, improbable, that Mrs. Clarke, *without a previous agreement or understanding*, should take the house in Westbourne-place, which was *unfurnished*, when, at that very time, she represents herself *distressed and without credit* (v); even with Mr. Wright, who from the year 1801, had furnished every house she had dwelt in (excepting only the establishment in Gloucester-place, supplied by Mr. Oakley);—had been bail for her—for Captain Thompson, her brother—and for Mrs. Farquhar, her mother, in numerous actions brought against them. But that such agreement, or understanding, did exist, I refer your Lordship to the evidence of Mr. Bull, Mrs. Mumford, and Mr. Curt (c), and I think, after an attentive perusal of their evidence, it is impossible to say, that Mrs. Clarke and Mr. Wright did not understand each other. Mr. Wright, my Lord, had *an interest* in supplying the furniture, he derived from thence *a profit*; Mrs. Clarke had *an interest* in receiving the furniture, and selecting a *Paymaster* for it. I believe, my Lord, this is no uncommon transaction. I say nothing of Mr. Daniel Wright. He was not proved to be a partner. He swears he was only an assistant, at a stipulated salary; he had not, therefore, a *direct* interest in the trade; but I refer your Lordship to the books of the Court in which you preside, wherein your Lordship will see that he (Mr. Daniel Wright) has *justified* as bail for Mrs. Clarke, and described himself as *Curver and Gilder* (v) and *Housekeeper*. Your Lordship knows, that upon such occasions, he must have sworn himself to have been the *Housekeeper* described, and worth double the sum he presented himself as bail for after payment of his debts.

But, my Lord, let me proceed to point out other improbabilities in the defendants' case. It is sworn, that I went to Mr. Wright's, for the first time, on the 1st of December, with Mrs. Clarke, and presented myself as the person who was to be responsible for any furniture Mrs. Clarke might order, and that to *an unlimited extent*. I was introduced by Mrs. Clarke (x) "as the gentleman who was to furnish the house," and by my *silence* assented to that introduction. Mrs. Clarke is positive that I heard what she said; and Mr. Daniel Wright is "pretty sure I must have heard it." Now, my Lord, does it fall within the verge of probability, that a tradesman should give credit to me, a person *unknown* to him, for a large amount, when he was only "pretty sure" I must have heard what Mrs. Clarke swears was said by her in my hearing? Do tradesmen usually so conduct themselves, or is it your Lordship's opinion, that because Mr. Wright would not supply the furniture "without an interview with me, that there might be no misunderstanding," for so he swears in his answer, and I have given your Lordship the extract from it below, (EE) yet, that when his brother did see me, he was satisfied *there could be no misunderstanding*, because I was silent, and he was "pretty sure" I must have heard what was said.

Mrs. Clarke, my Lord, swore, I was to furnish her house upon *condition* (x) that she gave me every information in

her power, and assisted me in the investigation. But, is it probable I should, on the 1st of December, have entered into an *absolute, unconditional engagement*, with Mr. Wright, for the payment of furniture, to an unlimited amount, when Mrs. Clarke might, at any moment, have withdrawn herself from me, and withheld giving further information, or assisting in the investigation, which did not take place till the 1st of February? It was urged by your Lordship, against me, that I had given Mrs. Clarke 100l. which your Lordship considered as a *bonus* for her testimony. In this your Lordship acted under a *misconception*. The money, so given, was upon condition she took with her her into the country her papers.

It was her documents I then wanted to possess, and not her testimony.—What, however, my Lord, if I had paid money to Mrs. Clarke for her testimony? Was it paid to conceal a great public grievance, or to bring such grievance to light? And mark, my Lord, *your own observation*, that it was improbable Mrs. Clarke should come forward, to give evidence before the House, *unless* she did so under the expectation of pecuniary recompence; so that according to your Lordship's doctrine, the truth must have remained unrevealed unless Mrs. Clarke was paid for the disclosure.

I proceed now to another branch of the Defendant's evidence, which strikes me to be improbable and contradictory. Mrs. Clarke, my Lord, swore, that the goods sent in upon hire were *turned*. Whereas Mr. Daniel Wright swore, that the goods sent in upon hire were converted into goods sold, and put down to my account (a); and Francis Wright has sworn, not that the goods were put down to my account, but to the account of Mrs. Farquhar; and that the goods sent in upon hire to Mrs. Clarke before I became acquainted with her, were also put down to the account of Mrs. Farquhar, for the following curious reason, which I will give to your Lordship in the words, as they are sworn in the answer of Mr. Francis Wright. "And, therefore, this Defendant, having explained, that the first entry of goods, sent in upon hire, to the said Mary Anne Clarke, had been made in the name of Mrs. Farquhar, the mother of the said Mary Anne Clarke, as the said Mary Anne Clarke was, at that time apprehensive of being arrested for debt, and many persons had been making enquiries at the shop of this Defendant (Francis Wright), at what place the said Mary Anne Clarke lived, the said Complainant (Gwyllym Lloyd Wardie) suggested, that the entries of the said goods should be continued to be made in the same manner, and the said articles, goods, and furniture, were entered in the books of this Defendant accordingly."

Now, my Lord, Mrs. Clarke's evident object was to elude the statute of frauds, and thereby subject me to the whole of Mr. Wright's demand. But, my Lord, not only is Mrs. Clarke's account contradicted by the Wrights, but the statement of the two Brothers is at variance; for, if Francis Wright's statement is taken for the truth, then all things hired, as well as sold, were entered in the name of Mrs. Farquhar, and formed one continued account.

(To be concluded next Week.)

THEATRICAL DINNER AND TRIUMPH.

The "Real Friends of the Drama, and Reprobators of Managerial Insolence and Brutality," having been in-

vited to dine together by public advertisement, nearly 500 persons on Thursday met for that purpose, at the Crown and Anchor Tavern. After a good dinner, and the health of the KING had been drunk with great applause, Mr. CLIFFORD, the Chairman, informed the Meeting that Mr. KEMBLE had waited upon him, and expressed his anxious wish that the differences between the Proprietors of Covent-Garden Theatre and the Public, (the Public now, and not *rabble* and *rioters*, as the *Morning Post* and the friends of the Managers have all along called them) could be amicably settled!! Mr. K. also expressed a wish to attend the Meeting, if he could be assured of a civil reception. Mr. CLIFFORD had pledged himself that he should be treated with respect, and Mr. KEMBLE was therefore in attendance. (Loud plaudits followed this statement, and Mr. K. was introduced.) Mr. CLIFFORD then said, that Mr. KEMBLE had informed him, that the introduction of the Magistrates into the Theatre, was their act, and not the Managers; and that for the introduction of hired persons into the House, the Managers were ready to apologize. As to the Private Boxes, they should be reduced to their former number; and Mr. KEMBLE hoped that the new prices would not be objected to. Mr. CLIFFORD having repeated what Mr. K. had informed him, said he trusted that the Meeting would use their victory with moderation.

Mr. FILE here addressed the Chair, and said that the Public would not be satisfied unless the Pit was to be reduced to its old price; an apology made by the Proprietors; Brandon dismissed, and the Prosecutions relinquished. (*Applause.*)

Mr. CLIFFORD said, he was authorized to consent to all those demands, except that relating to BRANDON, about whom Mr. KEMBLE must consult the other Proprietors.

After some further discussion, the Committee appointed to manage the Subscription for Persons Unjustly Prosecuted, took upon themselves to draw up terms of Peace, which were as follows:—

First, That the Private Boxes should be reduced to the same number which existed in 1802.

Secondly, That the admission to the Pit should be reduced to 3s. 6d. and that the price of admission to the Boxes should remain as at present, 7s.

Thirdly, That an apology should be made on the part of the Managers, and that Brandon should be dismissed.

Lastly, That all prosecutions and actions on both sides should be abandoned.

All these propositions were received with loud plaudits, except the one which related to the prices of admission: some called loudly for O. P. whilst others approved the compromise. After much discussion, the Chairman said the Propositions were carried, and when order was restored, Mr. KEMBLE addressed the Meeting, and expressed his thanks for the kindness and politeness with which he had been received: his health was drunk, and he then withdrew, amidst a mixture of applause and disapprobation.

Among other toasts, the following were drunk:—"The ancient and indisputable rights of the Pit;" "The Stage;" and "May this day's Meeting produce a Reconciliation between the Managers and the Public, equally advantageous to both."

The health of Mr. CLIFFORD being drunk, he returned thanks, observing, among other things, that his conduct had been attacked by a person of the name of JACKS, in the Common Council: this man had formerly been a

staunch supporter of the people, but having since got a contract for making water-proof great coats for the army, with an additional charge of 2s. 3d. for each coat, he found it convenient to change his tone. Such attacks from such persons did not demand a reply.

The Meeting then separated, and most of the company adjourned to the Theatre, where, after the farce of *Tom Thumb* had commenced in dumb show, Mr. KEMBLE at length made his appearance in his walking dress—half boots, great coat, round hat, and cane, as he had walked from the tavern. It required nearly half an hour to procure what was universally bawled for—silence. At length he said—

"LADIES AND GENTLEMEN"—(Here he was stopt by the noise. After an hundred bows, he was again heard to say)—"Ladies and Gentlemen—I ask"—(Again interrupted! Again he began)—"Ladies and Gentlemen, I ask ten thousand pardons for presuming to appear before you in a dress so little suitable to the very high respect which I feel, and which it is my anxious wish ever to shew you in this place."—(After some further interruption, but all from the incessant demand of silence, he resumed)—"It is entirely owing to the circumstance of my not being apprized that I should have the honour of appearing before you this night. Ladies and Gentlemen—I have been with the company of Gentlemen who have dined together at the Crown and Anchor Tavern; where a set of propositions were submitted to us for consideration, and to which the Proprietors have agreed. The first proposition is that the Boxes should continue at 7s." (*Applauses and murmurs.*) "That the Pit should be lowered to the old price—That the tier of Private Boxes—the tier of Boxes in the front of the House—should be thrown open and restored to the public at the end of the present season—And, Ladies and Gentlemen, that no trace or recollection of the past differences, which have so unhappily prevailed so long, should remain, I am further to say, that we most sincerely lament the course that has been pursued, and we engage that all legal proceedings shall forthwith be put a stop to on the part of the Proprietors. I pledge myself that instructions to that effect shall be given immediately." (*Applause.*) Now, Ladies and Gentlemen, before I retire, give me leave to express my most lively sense—"

Here he was interrupted by a loud and almost universal demand to dismiss Brandon. The dismissal of Brandon was vociferated from every part of the Pit—and there were mixed with this—various other cries—as "Boxes six shillings."—The Meeting demanded Old Prices generally—and no Private Boxes.—"What do you mean by boxes in the front? No private boxes." Amidst this tumult Mr. KEMBLE continued making his obedience in all directions to obtain silence; but in vain. He then retired—and, after a short interval, returned; when the cry of, "Dismiss Brandon" was revived. After ineffectual endeavours to obtain attention, he again withdrew, making the most respectful reverence to the spectators. The dumb show of the farce then went on, amidst the noise, which was greatly aggravated by the appeals to the pit of Mr. Moxden, who bowed, scraped, and cringed, holding a conversation with those nearest the orchestra, which, of course, the house could not hear. They called for Mr. Kemble—"Not from your mouth, but from your master's, will we hear an answer." Still he persevered; and a paper was flung upon the stage—he took it up, and said, "He should feel it to be his duty to deliver it to Mr. Kemble," and retired. An attempt was again made to go on with the farce—but the clamour was resumed. Mr. Munden then brought on Mr. Brandon, who stood before the company he had so grossly insulted, with a paper in his hand, which he was desirous to read; but he could not obtain a

hearing—and he was forced to withdraw. Soon after, Mr. MUNDEN brought on Mr. HARRIS, junior, who presented himself to the spectators, certainly not with much grace, for he felt an incessant something in his crop, that required scratching; but at length, with an air of much submission, he said—“Ladies and Gentlemen, Mr. Brandon is an old servant of my father,”—Mr. Harris was interrupted with “He must be dismissed.” He continued—“Mr. Brandon has been a faithful servant”—Again he was interrupted; and a thousand voices, very properly, called out, “It is a *sine qua non*. He has not rendered you faithful service—he has outraged all decorum—Send him to Bow-street—Make him a Police Justice. He must be dismissed,” &c. Mr. HARRIS retired. No further effort was made by the Managers to conciliate, and the Farce was soon concluded amidst din. The Company continued some time, and with their accustomed pastime—the O. P. dance—the usual cheers—and God Save the King.

On Friday, during the commencement of the first act, “KEMBLE, KEMBLE!” resounded from all parts of the house. At length Mr. KEMBLE appeared, dressed as *Penraddock*; his entrance was greeted with applause by a majority of the company, but was not so decided as to drown the disapprobation which was expressed by many. He then came forward, and said—

“LADIES AND GENTLEMEN,—I have the honour of informing you that, in compliance with your wishes, Mr. BRANDON has withdrawn from his office of Box-keeper, and every other Office in this Theatre.”

This was followed by a universal burst of applause. The company, however, manifestly expected a less abrupt conclusion of Mr. KEMBLE's address, and tumult and disapprobation were immediately renewed. “An apology, an apology!” was repeatedly shouted, as also, was “Irregularities,” accompanied by very strong expressions, indicative of the indignation excited by the insulting application in the Advertisement of that epithet to the shameful treatment the Public had experienced. At length Mr. COOK, of Clifton, addressing the house, exclaimed—

“GENTLEMEN—If you have any portion of English blood in your veins, you will insist on a most ample and satisfactory atonement, by an apology for ruffianism.”

Mr. KEMBLE then came forward, and made an apology to the house, to the following effect:—

“I understand your displeasure now arises from the circumstance of an apology not having yet been made for the introduction of improper persons into their Theatre;—I ask your pardon for not having made it sooner (applause), and I now, in my own name, and on the part of the other Proprietors, most humbly apologize for the same: we are very sorry for what has passed; and beg leave to assure you, that inclination and duty will render it our first pride, for the time to come, to prevent any thing of the kind occurring again.”

This apology was received by the public with applause. A placard was then unfurled, containing these words—“WE ARE SATISFIED.” The pressure of the company from without was so great, that many persons were forced against the spikes round the Boxes, and several persons loudly exclaimed, “Remove the spikes;” this produced considerable tumult. The third and fourth acts were heard pretty distinctly, but in the fifth act Mr. KEMBLE again came forward and said—

“GENTLEMEN,—The Company are anxious to remove every inconvenience, and shall therefore be removed by—”

After the conclusion of the Play, the Pit gave three cheers for “Clifford!”

Of the *Blind Boy*, no person in the house heard one word. Capt. HEWERTSON, the Author, being particularly obnoxious, from the prominent part that he has performed in the “Irregularities.”—“No HEWERTSON, no *Blind Boy*,” resounded from all sides, and the tumult was greatly increased by a rumour, “that the Managers were shuffling about the Private Boxes.” The curtain dropped amidst violent disapprobation. The house soon after cleared—great numbers loudly expressing their determination to persevere in their disapprobation of Private Boxes.

THE OPERA.

TO THE EDITOR OF THE EXAMINER.

SIR,—A worse opera, divertissement, and ballet were never produced than those with which the King's Theatre opened on Tuesday night, nor was there ever a worse company to perform them. The opera is, as usual, the production of that prince of poets Signor BUONAIUTI, of whose talents I have already had occasion to give a few instances. This new exertion of his faculties is denominated “*La Scomessa*,”—*The Wager*, and is in the true spirit of its author, who, possessing the modesty that generally accompanies men of his genius, has not only written the piece itself, but also a criticism upon it, in which he observes that it is altered, or to use his favourite phrase, “re-written,” from the English farce of “*The Midnight Hour*.” The changes he has made, he observes, are very judicious, and founded on rules fixed for the Italian opera; he then grows indignant, and proceeds, “Let these rules be called shameful fetters, but such incongruities are what give to the music of the Italian opera a decided pre-eminence in an opera over the vocal, expressive, and imitative music of any other nation.” From these observations, three important truths are to be learnt; firstly, that there are rules establishing the necessity of absurdities; secondly, that the Italian music has a decided pre-eminence over that of every other nation, Germany, of course, not excepted; and thirdly, that this pre-eminence is entirely owing to the incongruities of the Italian operas!!! Signor BUONAIUTI, in these remarks, certainly outshines himself, and leaves us lost in conjecture which to admire most, his rationality or his excessive diffidence. “*La Scomessa*” has been brought forward to shew Signor TRAMEZZANI's talent for comedy, and having once shewn it, it is to be hoped he will remain satisfied, and desist from repeating a performance for which he is so ill calculated. From the dignity and propriety of his action in *Sidigero*, something better might have been expected, but it appears the robes and crown of a King are widely different from the hat and pantaloons of a modern gentleman, and Signor TRAMEZZANI will act wisely in future, if he never descends from the throne to distort his fine countenance with grimace, that in real life would give him the reputation of being an idiot or a madman.

The new divertissement of “*Barea o Zeffro*” suffered considerable curtailment, in consequence of *Borras* having sprained his ankle in the morning, which rendered it absolutely necessary he should be calm in the evening.

A new ballet, called “*Pietro il Grande*,” completed the performance, and formed a most unhappy specimen of the



invention of Signor Rossi, the successor to Mr. D'EGVILLE. The incidents were perfectly unintelligible, but I could discover that a little man called *Peter the Great* made most ferocious faces, and put himself in divers passions, and that a much less woman, calling herself the *Empress Catharine*, flew about the stage brandishing a sword nearly as long as herself;—then there was a review of Russian troops, with a battle, after which *Peter the Great* pulled off his boots and amused himself by dancing a *pas de deux* before the *Empress*. The piece was lengthened out by the introduction of a number of little children, compared to whom Mr. D'EGVILLE's pupils were angels; but as they are organized into a regular academy, which Mr. TAYLOR has established to supply himself with dancers at a cheap rate, I shall take an early opportunity of making some further remarks on this seminary of corruption.

The musical department was certainly never conducted so indifferently as at present, which is proved by the employment of such persons as GUGLIELMI LE FILS, FERRARI, and VENEA, to compose for a Theatre that has little to recommend it but its music. That of the opera is by the first of the three, and betrays the utmost poverty of idea; not a single elegant air is to be found throughout the whole, and the harmony is totally destitute either of originality or successful imitation. As GUGLIELMI presides this season, it is to be feared his compositions will exclude those of better masters. If any proof were wanting of his bad taste, his restoration of the harpsichord to the orchestra, from which it had been with propriety banished since the invention of the grand piano-forte, would be sufficient evidence. The clicking of the quills, and the whistling of the cords, render the recitative more than usually unpleasant and tedious. Of the three composers I have mentioned, Mr. VENEA is certainly the best; the genius of GUGLIELMI is completely threadbare, and FERRARI's music is mere outside ornament; but VENEA does contrive to furnish some pleasing airs, although his composition is of a patch-work description. H. R.

FINE ARTS.

ROYAL ACADEMY.

On Monday the Royal Academy elected its annual officers, and bestowed the Premiums.—B. WEST, Esq. was re-elected *President* unanimously. N. MARCHANT, J. NOLLEKENS, J. YENN, J. S. COPLEY, Esqs. *Council*. Sir W. ERSCHLEY, J. FLAXMAN, T. STOTHARD, N. MARCHANT, Esqs. *Visitors*. G. DANCE, J. FARINGTON, Esqs. *Auditors*.—Mr. J. ADAMS received a gold medal for one of several excellent architectural designs by different candidates. Mr. FUSSELL, the worthy and able *Keeper*, lamented that there was only one medal for this class of art. Mr. A. PERIGAL obtained a silver medal for the best Academy-figure drawing. It was highly spirited. Mr. COLLINS received the 2d; Mr. LE COMPTE 3d; Mr. KENDRICK 4th; Mr. BAILEY 5th. MESSRS. PORDEN, ALLANSON, WYATT, ditto, for drawings of the Screen of the Admiralty.—On Friday Mr. CARLISLE delivered his fifth Lecture. After some general remarks on muscular shape and action, he dwelt minutely on the muscles of the head and face, the necessary connexion of which with the brain, in their various action and expression, could not, he said, be ascertained by anatomical research. He detailed interesting anecdotes of the effect produced by horror in erecting the

hair. One, to which he was an eye-witness, was of an heir to a large fortune at the instant he received account of his being disinherited. It was more to the purpose than any of the Professor's former Lectures.

R. H.

MR. WALTER HOWARD.

TO HIS GRACE THE DUKE OF NORFOLK.

MY LORD,—There are some obligations which every man of a just and honourable mind, whatever may be his rank in society, feels sacred and inviolable. "Justice" stands awfully pre-eminent in the list of these obligations, and no man who would enjoy the "*Mens conscia recti*" can dispense with her decrees.

In addition to the Dukedom of Norfolk, and the multitude of other titles by which your Grace is distinguished, you are the hereditary President and Judge of the only Court of *Honour* in this Country: by your high office appointed "to give relief to such as think themselves aggrieved in matters of honour." In this character, then, if the obligations of justice can be felt by one honourable man more intensely than another, you are or ought to be that man.

An appeal has been made to the public, and before the awful tribunal of public opinion you stand to answer Mr. WALTER HOWARD some plain and simple questions:—

Did you ever represent to him and his wife that you had an estate in trust for him of 400*l.* a-year?

Was this statement correct?

Did you or not authorise Mr. DELAMY to make any proposals to him?

And, lastly, is it true that the rents of Ewood estate were received by your Agent in the name of his father?

These questions arise out of a Letter which appeared in the EXAMINER of the 26th November, and seem capable of most explicit answers. Mr. WALTER HOWARD's situation appears to be deplorable; but because he cannot engage in long and expensive suits, nor indeed support the expense of procuring the necessary information and evidence to institute those suits, are his complaints to be disregarded, if they are just?

To know whether they are or not, the world looks to your Grace. Mr. WALTER HOWARD has stated facts, and signed his name to them: he has given his cause to the public, and your Grace will find that silence on your part will not persuade the world that these questions can be satisfactorily answered.

You stand in a peculiar situation; and a more lively feeling, a more acute sense of honour, is expected from your Grace, than from an ordinary man. Let us wait then your Grace's Answer.—I have the honour to be, your Grace's obedient servant,

Dorking, Dec. 6, 1809.

M. M.

CITY.

COURT OF COMMON COUNCIL.

On Wednesday a Court was again held, for the purpose of re-considering the Address which was voted at the former Court.—Mr. Sheriff ATKINS thought that the Address should be read: in his opinion it was couched in too warm language, and did not treat the Sovereign with sufficient deference and respect.—Alderman COMBS saw nothing in the Address of which the Court ought to be ashamed.—Mr. Sheriff WOOD thought the language of the Address highly honourable to the

Court that voted it, and that it would be extremely improper to make any alterations in it, when his Majesty had appointed Wednesday next to receive it.—Mr. BROWN very much approved of the Address: it was indeed time to complain when Ministers were squabbling with each other for place, and the country daily suffering under their gross mismanagement.—Sir C. PRICE, though he thought the Address a most disrespectful one, yet he would not vote for its re-consideration. If it was presented, he hoped it would be attended with the same effects to its promoters as the verdict in the King's Bench on Monday.—Mr. LUCAS and Mr. MAWMAN were for re-considering the Address.—Mr. WAITMAN had witnessed the failure of 20 Expeditions; but when he called for Enquiry, oh, it was always insulting to his Majesty to think of such a thing! Parliament would do its duty! He thought the sentiments of Sir C. Price both degrading and mischievous: Contractors had no right to boast of their independence, when they always advocated the cause of their employers. He was the public enemy of such men, and when he found *an ass in a lion's skin*, he must tear him out of it.—(Here Sir C. Price smiled contemptuously.)—It was their duty to present the Address in its original form: it was the duty of the country to express its feelings, now that Ministers had made them the scoff of Europe. It would be an example for Parliament; and he indulged a despairing hope that Parliament would yet do its duty.—Mr. DIXON wished the Address to be read and altered.—Mr. JACKS thought the country was in a very flourishing condition: he saw no reason for despondency: in his opinion the Address was very disrespectful to the King.—Mr. C. SMITH was of the same opinion.—Mr. WHEELER supported the Address.—Mr. KEMBLE was for omitting every thing harsh in the Address, as it would wound the feelings of the best of Sovereigns.—After several motions had been made, it was at length carried by a majority of 9, that an Address proposed by Mr. Sheriff ATKINS should be substituted for the former one, as not containing those passages which were exceptionable.

Another Court was held on Friday, which ratified the proceedings of the last Court respecting the new Address.

COMMON HALL.

The Livery of London met on Thursday, "for the purpose of considering the present deplorable situation of public affairs, and to adopt such measures as should seem necessary."—The Lord MAYOR was received with shouts of applause, and begged a patient hearing for the Speakers on each side of the question.—Mr. FAVELL opened the debate in a very neat speech. Corruption, he was happy to say, had now found such formidable opposition in the City, that its death might at last be hoped for. Mr. Favell here took a view of the state of public affairs; the late disgraceful Expeditions, and the no less disgraceful proceedings in Parliament respecting the trafficking for seats, Mr. Quinon Dick's case; as well as Mr. Canning's scramble and squabble with my Lord Castlereagh for place and power! These were fruitful topics indeed! But it was needless, he said, to dwell on these subjects:—every honest man saw them in the same light; all they had to do was to act with becoming spirit, and not attempt to varnish over corruption, as some persons did. These persons were in fact the bitterest enemies of the Throne, the foundation of which they were sapping, as well as the independence of the people. They should not rest in security until they had seen their affairs conducted with wisdom and integrity. To obtain such security was the object of their meeting, and he should therefore at once propose certain Resolutions, in unison with his sentiments: which he accordingly did.

Mr. Sheriff ATKINS, with some difficulty, obtained a hearing. He called upon his God to witness that he was no party man (*Fie, fie!*) He could not agree that Parliament never controuled Ministers. Recollect the case of Lord Melville. There was an instance of Parliament's doing its duty.—(The only one, exclaimed many voices, you can mention.—Shew us another.)—He had thus shewn one instance, and he wished to know when Parliament had refused its controul? (The Livery here exclaimed, "Instances innumerable!—The Helder,—

Contra Convention,—Lord Castlereagh's Writership,—Duke of York,—Dutch Commissioners!")—Mr. Atkins now attempted to proceed, and was endeavouring to shew the impropriety of introducing the word "deplorable" into the Resolutions, when he was compelled to give way to the shouts and groans of the multitude.

Mr. QUIN here presented himself, and spoke of the juggle by which the Address carried by a late Court of Common Council had been set aside, and another, not so bold and energetic, placed in its stead. Such conduct must degrade the Corporation in the opinions of every thinking man. As for Ministers, though they had shewn themselves destitute of common intellect, yet they could work miracles,—they could raise the dead to life, and make our deceased warriors Lieutenants, Captains, and Admirals! (*loud laughter.*) But their downfall is approaching, and it will be hailed by every lover of virtue and of wisdom.

Mr. WAITMAN, alluding to Mr. Sheriff Atkins' assertion respecting the controul of Parliament, asked, where could be the intellect of that man, who, looking at the events of the last 20 years, talked of the controul of Parliament? Even in Lord Melville's vaunted case, was that public delinquent brought to obtain attention, he again withdrew, making the most to justice? (*Bravo! bravo!*) Was he not restored to Royal favour? Does he not now give his advice behind the curtain, and is not his son enjoying place and power? Nay, does not this same Lord Melville enjoy annually eight or ten thousand pounds out of the taxes? (*Hear! hear!*) So much for the controul of Parliament and the punishment of public delinquents. How many families are there at this moment who riot on the public treasure? The Marquis of Hertford and his family take 56,000*l.* a-year out of the public purse; the two Seymours 12,000*l.* a-year; Lord Castlereagh's family 40,000*l.*; and the immaculate and conscientious Mr. Perceval and his relations, at least 60,000*l.* (*Oh, shame, shame!! it must not be! from all quarters of the Hall.*) These things are not only suffered but defended by Parliament, and it is therefore quite absurd to talk of its controul over the servants of the Crown. There are innumerable instances where the people have been insulted, plundered, and oppressed; but when was one public delinquent brought to justice? There are numberless enactments to make the people pay the taxes levied upon them; but where are acts to check the profligate expenditure of the public treasure? While 50,000*l.* a-year is expended to examine into the public accounts, not 500*l.* a-year has yet been saved.—It was the fashion at one time to talk of marching to Paris, yet these very talkers had thrown up fortifications to defend London! So much for the continental policy of our rulers, which had made France the arbiter of prostrate Europe. The deliverance of Spain might have been effected, if the liberties of that oppressed people had been restored to them; but the rising family of the Wellesleys have had their way, as well as Ministers, and corruption must not be touched upon. You must not call for inquiry respecting Spain or Walcheren, because, indeed, as Court sycophants affirm, it will hurt the feelings of his Majesty, but he would affirm that the only test of loyalty would be in boldly approaching the Throne with a petition for the removal of weak and wicked counsellors. We want the Act of Settlement and the Bill of Rights, and then, and then only, shall we be content.

Several other Resolutions were then put and carried.—Mr. FAVELL then proposed an Address and Petition of the Livery of London to the King, which, after a vain attempt of Mr. DIXON to obtain a hearing, were unanimously carried.

Mr. Sheriff WOOD then stepped forward, amidst reiterated shouts of "Hear the man in whom we can confide," and assured the Livery that he would do his duty with regard to their Petition, and if he was refused an audience of the King, he would demand one as a right. Beckford, he said, had been denied access to his Sovereign by the Household Lords, but they all well knew how that undismayed and honest citizen had acted. (*Bravo, bravo! the days of Beckford and Sawbridge revived!*) They only were the King's enemies who stood between him and his faithful People. "Gentlemen,"

concluded Sheriff WOOD, "I am your Officer, and shall be proud to obey your commands." (*Shouts of approbation followed this speech.*)

Mr. Sheriff ATKINS here observed, that whatever his opinion of the Address might be, he should also do his duty in seeing that it was presented to his Majesty. (*Wood will take care of us: we rely upon Wood.*) The Livery might rest assured that he was no enemy to their *real* interests. (*Groans and shouts of off! off!*) Sheriff ATKINS then bowed and retired.

Votes of thanks to Messrs WAITHMAN, GOODBEHERE, COOMBE, and the LORD MAYOR, were then carried, and the Meeting broke up.

LAW.

COURT OF KING'S BENCH.

Monday, Dec. 11.

THE KING v. FRANCIS WRIGHT, MARY ANNE CLARKE, AND DANIEL WRIGHT.

By day-break this morning, all the avenues to the Court were crowded by an anxious multitude, to hear the result of this cause,—which, though not in itself of much importance, had greatly excited the public interest on account of the peculiar circumstances in some measure connected with it. At nine o'clock, when Lord ELLENBOROUGH took his place, the Dukes of YORK, KENT, and GLOUCESTER, and Earl MOIRA, seated themselves on his left hand, and Mr. TIERNEY, with several other public persons, on his right.

JURY.

| | |
|----------------------|--------------------|
| CHARLES RICH, Esq. | WM. PALMER, Esq. |
| MATTHEW MOODY, Esq. | JOHN JACKSON, Esq. |
| H. CHARRINGTON, Esq. | WM. HORTON, Esq. |
| JOHN MARSHALL, Esq. | GEO. RANDALL, Esq. |
| T. LONGBOTTOM, Esq. | JAMES POOLE, Esq. |
| RALPH PENTON, Esq. | ROBERT DOVER, Esq. |

After Mr. ARABIN had stated the case, which was an indictment against the defendants for conspiring together to charge Mr. Wardle with the price of certain articles of furniture which had been furnished to Mrs. Clarke,—

Mr. ALLEY proceeded. He lamented that so heavy a weight had devolved on him, in consequence of Serjeant Best's having been subpoenaed as a witness for the prosecution, particularly when he saw opposed to him the mighty host at the bar,—the ATTORNEY GENERAL, Mr. GARROW, Mr. GLEED, and other able assistants.—Mr. ALLEY then proceeded to state the law relative to conspiracy, which he said was not so much the act as the manner of obtaining the object of those engaged in it, for there might be a conspiracy to do a lawful thing by unlawful means, and when the combination was proved, the act of one conspirator might be given in evidence against another, though they were a hundred miles apart. Col. Wardle had, on the result of a former trial, addressed the People of England, and pledged himself to prove that the verdict had been obtained against him by *perjury*: his client was now redeeming that pledge, and had charged the parties with a conspiracy, rather than indict them for perjury, by the advice of himself, (Mr. Alley), and his other legal advisers, as the best mode of procedure. Col. Wardle's conduct had not only been free from blame, but had been highly meritorious. He had served his Country and King in putting down the Irish rebellion, and had taken a glorious part in exposing the corruption that was gnawing the State to its vitals: he was an intrepid soldier, and an independent senator, bent on the Herculean task of cleansing an Aogean stable: he had done much good, and was therefore assailed by all the *Friends of corruption*; against which he had to place the admiration and love of the People, in whose service he was so honourably engaged, and who had in numberless instances voted him their heartfelt Thanks.—Mr. Alley said, that he maintained without the smallest doubt or hesitation, that this was a foul conspiracy, not only to rob his client of 2000*l.* in mo-

ney, but also to despoil him of what was of much more value to him, his honest fame, which stood so high in the country. The goods in question had been furnished for Mrs. Clarke alone, Col. Wardle had neither directly nor indirectly engaged to pay for them. Mrs. Clarke and Daniel Wright had even contradicted each other on the trial, for Daniel Wright said, that certain goods had been sent in on *hire*, which were afterwards brought to the account of Col. Wardle by sale to him. This itself would have made the whole of the pretended undertaking void, by the Statute of Frauds, which provides that all engagements of one person to pay the debt of another shall be void, unless in writing. This Wright did not know; but Mrs. Clarke did, and she therefore swore that none of the hired goods were afterwards put to the account of Col. Wardle. In fact, many of the goods in question had been sent into Mrs. Clarke long before she ever saw Col. Wardle, which was not till Nov. 18, 1808, although she had said she knew him in the autumn of that year. The truth was, the whole of the story was made up in order to cheat Col. Wardle, as he was sure it would be made appear in evidence. Major Dodd was present with Col. Wardle on the only two occasions of going to the Wrights, and his evidence would go to prove that the Colonel had never engaged to pay for the goods. Mrs. Clarke herself had over and over again required assistance from him to pay for these very goods, which he had peremptorily refused. On one occasion, having with tears in her eyes solicited this aid, Daniel Wright came in to enforce her request. This was a juggle between them to get something from Col. Wardle, by hinting, that unless he lent her his aid, he would lose her testimony on the Duke of York's business, for she must go to jail. Col. Wardle, so pressed, spoke to Major Dodd, who got Mr. Illingworth to accept a bill for 500*l.* at three months, in favour of Francis Wright, while Major Dodd took a counter-bill of Mrs. Clarke; and to guarantee Mr. Illingworth, Col. Wardle and Major Dodd gave in bills of 250*l.* each, which they paid when due. But this was a loan to Mrs. Clarke to relieve her in distress, and not an acknowledgment of any obligation to pay Wright for the furniture. In fact, Mrs. Clarke and the Wrights understood one another very well. Wright took houses for Mrs. Clarke, and furnished them in a splendid manner, that she might carry on her trade of prostitution to advantage, for which he took care to get ten times the value of the goods, from the silly people of all ages this woman caught in her net. In this way she got into Wright's debt, and he took care to hold her head above water, in order to get his money. In order to secure himself, however, he managed to take the houses in the name of Farquhar, her mother, over whom he had absolute dominion, by which he secured his goods should they be in danger. Then again, whenever actions were brought against Mrs. Clarke, this Wright bailed her, and being a married woman, she pleaded her coverture, and those who had trusted her were cheated. It was in this way Wright had taken a house belonging to Mr. Bull for her, which he fitted up in the usual style, representing Mrs. Clarke (under the name of Farquhar) as a chaste and respectable lady, whom he well knew, and had he fifty houses, she should have her choice. Soon after, however, Mr. Bull found that he had a strumpet in his house, and he got rid of her. Wright then put her into a house of his in Bedford-place, Russel-square, for a short time: after which he took another house for her of a Mr. Curt, and told him she was a woman of large fortune. Mrs. Clarke was to pay for the fixtures of this house, or she could not get possession of it. Money she had none, and Wright himself gave a check for 100*l.* though he had affirmed that he would not trust her a shilling beyond the 500*l.* she already owed him. This done, the lease was executed, not however to Mrs. Clarke, but to her mother, for Wright well knew that had Mrs. Clarke had the lease, she could plead her coverture against him as well as others. Now he wanted the dominion of the house himself, which he obtained by having the miserable mother of this miserable strumpet as the lessor. The oaths of Colonel Wardle and Major Dodd would prove that no stipulation to pay for the furniture had been entered into when they accom-

panied Mrs. Clarke to Wright's shop. Major Dodd indeed had received a hint, that he would lose his situation, worth 3000l. a-year, if he gave any such testimony. He did; however, give his evidence before a Grand Jury; and he did as certainly lose his office. "Oh shame, where is thy blush!" A Briton deprived of comfort and affluence for telling the truth before God and his country, in order to further the cause of justice! But he will have his reward in an approving conscience; and, Cincinnatus like, he prefers honest obscurity to opulence and guilt! Major Glenny, too, pursued the same open course, and has met the same fate, for he has lost an employment of 17s. a-day. These things spoke loud enough for themselves.—Much had been said respecting Mrs. Clarke's book, for which Sir Richard Phillips had agreed to give her 5000l. but she afterwards said she must have 7000l. as she must pay 2000l. she owed her upholsterer Wright. Sir Richard refused to give this sum, and Lord Chichester stepped forward, and purchased of her this infamous book for 10,000l. Ten thousand pounds sterling for the despicable trash of a strumpet, and fifteen guineas for Milton's *Paradise Lost*!!! It was thus that ribaldry, nonsense, and abuse, were paid for, whilst the works of the noblest genius were neglected! What was to be expected from a nation which encouraged such doings? Folly and vice splendidly encouraged; genius and virtue starving! These matters, said Mr. ALLEY, were indeed highly discreditable to the character of the age we live in. It was to corruption, and the general inclination to give way to its influence, that all the mischiefs which had happened in Europe were owing; by which an obscure individual, born in a contemptible little island of the Mediterranean, had risen the terror of legitimate Sovereigns, and had put them down at pleasure;—by—

[Here Mr. ALLEY was interrupted by Lord ELLENBOROUGH, who did not see what connection these topics, and the history of Bonaparte, could have with his case; in his opinion they were somewhat remote.]

Mr. ALLEY continued. It really appeared to him they were much in point. The melancholy state of society arose out of corruption, and the friends of corruption had marked Mr. Wardle as a person who must be put down for his enmity to their cause. This very trial was a proof of that assertion; and that we might have something like a correct opinion, look at the present condition of Europe; we shall see that Bonaparte owed more, infinitely more, to the effects of corruption, than to the exertion of valours. In one word, nations fell for want of public virtue. Neither Greece nor Rome would have fallen had they possessed the Trial by Jury. The safety of an Empire was now in the hands of the 12 Gentlemen before him; he had no doubt they would well remember and act upon the dying words of our immortal hero,—“England expects that every man will do his duty.”—It was indeed, said Mr. Alley, in conclusion, an arduous duty to perform, for there had been much management in this business. A principal juggler, in a high situation, directed the machinery in this cause; but should he dare to appear, he would be properly exposed: this, however, he well knew, and no doubt would remain behind the curtain.

The Minutes of the late action, and other documents, were then produced.

Mr. Wardle's Examination.

Mr. Wardle first became acquainted with Mrs. Clarke in Nov. 1808, for the purpose of procuring her evidence against the Duke of York. Mr. W. then stated the fact of his accompanying Mrs. Clarke, at her request, with Major Dodd, to Wright's house, where Mrs. Clarke asked their opinion respecting some carpets; but he never, directly or indirectly, said one word that could induce a belief that he was to pay for any thing that Wright was to furnish Mrs. Clarke with. On another occasion, when going to Donovans, Mrs. Clarke again requested him to call at her upholsterer's, which he did. While there, seeing a handsome sideboard, he asked the price of it; but did not select that or any other piece of furniture for Mrs. Clarke, or make any promise whatever of payment.—(Here Mr. W. stated the facts relative to the loan of 500l. to

Mrs. Clarke, made by a bill on Mr. Illingworth, as stated in Mr. Alley's speech.)—On his cross-examination by the ATTORNEY-GENERAL, Mr. W. said, in reply to a question by Lord ELLENBOROUGH, that the name of the Duke of Kent was never mentioned in the presence of Mrs. Clarke.—A verdict had been obtained against him on the late trial, but he had not yet paid the money, as his professional advisers had taken legal steps concerning it.—Q. (by the Attorney General) You are not without hope, that if you convict these people, you may be relieved from the payment of the money?—A. I know no way in which it will: I should be very glad if it did.—Q. Don't you expect it? A. I don't know whether it will.—Q. I ask you, whether you do not expect that it will? A. I am sure I don't know.—Q. Then you don't hope that by convicting them you shall avoid payment? A. I certainly do now hope it, from your pressing the question.—(A laugh.)—Q. Do you understand me, Colonel Wardle, as having told you that it will have that effect? A. I do.—Q. From what expression? A. From your thus pressing the question.—Attorney-General, “My reason for pressing the question was that I was so long before I got a direct answer.”—Q. Did you never tell Mrs. Clarke that the Duke of Kent knew you were proceeding against the Duke of York? A. Never.—Q. Would not Mrs. Clarke engage in the business, unless you could shew that Major Dodd was concerned in it? A. I must answer that question in a way that will be very unpleasant to me.—Q. I repeat the question. A. Mrs. Clarke never made any stipulation.—Q. I don't understand what your dark answer meant: tell the truth. A. I am not desirous of concealing any thing from the Jury or the Court; but I am desirous of not bringing forward any matter that is extraneous. I do this out of respect to those persons whom I must otherwise name.—Q. How came you to carry Major Dodd to Mrs. Clarke? A. I did not carry him. Mrs. Clarke's knowledge of him arose from other circumstances.—Q. You are the friend of Major Dodd? A. I am; but as things have turned out, I have been an unfortunate friend to him.—Q. What opinion did Mrs. Clarke say Major Dodd had given on the business of the investigation? A. That Major Dodd had said it would bring destruction upon her if she gave me any information. She had previously asked me whether I was not acquainted with Major Dodd. She then went into a detail, which I hope you will not ask of me now—if you do, I will do my duty, but I assure you, my Lord (addressing Lord Ellenborough), it will be a painful duty.—Q. If it bears on this case, state it? A. It bears to shew on what ground it was that Major Dodd could express himself so warmly, for no words could be too strong to express what I had received from Mrs. Clarke.—Lord Ellenborough. If it is not material do not ask it.—Col. Wardle. I don't think the Attorney-General does know it, as it is out of respect for the Royal Family that I hesitate.—Attorney-General. You have done as much mischief as you can do, by these mystical observations, therefore I desire you would speak out.—Lord Ellenborough. If it does not bear on the question, it is at present quite irrelevant; you have most frankly desired me to state it; it is a duty incumbent on me, Mr. Attorney General, to prevent it, if it is not relevant.—Colonel Wardle. The Attorney-General has dropped, that my observations were mystical; he will recollect they were only the assertions of Mrs. Clarke to me.—Attorney-General. Q. You state that she never named the Duke of Kent as wishing the Inquiry to go on? A. Never? for often have I told her alone, and before others, that I never had the honour of seeing him in my life.—Q. You did, in consequence of these apprehensions expressed by Mrs. Clarke that Major Dodd had given this opinion, quiet her mind? A. I so far quieted her mind as to request a communication from Major Dodd, that he never had said what she imagined him to have said.—Q. Did you do this by letter? A. I showed her a letter from Major Dodd on the subject.—Q. For the purpose of shewing her that Major Dodd was of a different way of thinking? A. It was for the purpose of doing away assertions that were false. I trust they were false.—Q. All that you could judge of you, found false? A. Yes; she spoke of them as a matter she had had from a friend.

—Q. You took Mrs. Clarke with you when you went to see the Martello Towers? A. I did.—Q. Your great object was the prosecuting the Inquiry? A. It was.—Q. You had no other object in getting acquainted with Mrs. Clarke? A. None.—Q. You never advised Wright to bring an action against the Duke of York? A. Never.—(Here many questions passed relative to the Letter addressed by Mr. Wardle to the People of England, in which he pledged himself to prove that a verdict had been obtained by perjury.)—Q. Well Sir, after you had been apprized of what had been sworn and had your witnesses there to contradict it; I want to know how you could afterwards swear that the evidence at the trial of this cause took "the deponent completely by surprise, and therefore he had not an opportunity of defending, &c.?" A. I was taken by surprise—(Attorney-General, "I really am not of that opinion")—because I could not tell what falsehoods would be sworn.—Q. Did you know Mrs. Clarke would prove the case. Had you any doubt of it? A. I really had a doubt whether you would venture to call her or not.—Q. Had you not got your witnesses to contradict her? I had only Major Dodd.—Q. Was he not there to contradict her? A. No. But as a witness to contradict any thing that might be sworn against me. He was subpoenaed, as having been with me at the upholsterer's.—Q. You never gave Mrs. Clarke any money? A. I did.—Q. What money did you give her? A. I gave her before we went to see the Martello Towers. She said if I would give her money to pay her butcher and her baker, she would go with us; and prior to our going, I gave her 100*l.*—Q. Having been introduced to her on the 18th of November, you, on the 27th of November, gave her 100*l.*? A. I did. I gave her 20*l.* after I came back. To the best of my recollection, I never gave her any more, unless it might be a very small sum.—Lord Ellenborough. Q. You said the contrivance of the note to Mr. Illingworth was not with a view to secrecy? What was the motive? A. Because I did not wish to make myself answerable for the debt.—Q. Do you think it was material whether it was done immediately, or intermediately? A. Yes, because I should have had no claim on Mrs. Clarke.—Q. Could you not have taken a note directly to Mr. Wright, and have taken a note from her? A. If she had had the ability to pay it, I think she would have paid it.—Q. Did you make her any, and what promises? A. I told her, if she would be a steady friend to the Public, they would be steady friends to her.—Q. You made no other promise? A. None, my Lord, I made her none.

Major Dodd examined.

Major Dodd said he was a Captain in the Royal Artillery. The first time he saw Mrs. Clarke was on the 26th of November, when he went along with Colonel Wardle, Mr. Glennie, and Mrs. Clarke, to Hythe, to visit the Martello Towers. [Great shouts of "Colonel Wardle for ever," being at this moment heard in the Hall, Colonel Wardle then passing through, Lord Ellenborough said, he would not sit here to administer justice with noise and clamour in the Hall. The cause must stand till the Hall was cleared. His Lordship then called the Under Sheriff, and desired that he would call out the *Posse Comitatis*, to repel this tumultuous spirit which seemed to have gone abroad. His Lordship should hold the Under Sheriff and his Principals liable for all the consequences which might result from the ebullitions of such a spirit of tumult. He desired that they would bring into Court every person who should dare to shout in the manner he had just heard, so as to create an impediment to the administration of public justice, and he should inflict on every such person a severe fine, and order him to prison till it should be paid. His Lordship was resolved not to sit there for the administration of justice, and to see that justice insulted.]

Major Dodd proceeded. He related the facts relative to calling upon Wright, in company with Mrs. Clarke and Colonel Wardle, where he was certain nothing whatever, passed which could induce any one to suppose that Mr. Wardle was to pay for the furniture ordered by Mrs. Clarke. He afterwards testified Mr. Wardle in making a loan of 500*l.* to Mrs. Clarke,

on her pressing intreaties. He had been Private Secretary to the Duke of Kent, and had also held a lucrative situation in another military department. Being asked when he was deprived of it, he said that might at some other time come before the Court; but he did not now wish to say any thing on that subject.—Q. by Mr. Garrow. I take it for granted you and Mr. Wardle have been long acquainted? A. Then you take for granted what is not the fact.—Witness said, that Colonel Wardle took Mrs. Clarke with them to the Martello Towers in order to procure information respecting the proposed investigation. He did not know that Mrs. Clarke was acquainted with his being the Duke of Kent's Secretary; but on the journey she must have known it from their conversation on the subject of the disturbances at Gibraltar, at which time he was the Duke's Secretary. He could lend Mr. Wardle but little service on the Inquiry; but he should have been proud to have assisted him. He did not know that Mrs. Clarke was in bad circumstances, though she once borrowed 5*l.* from him.—Q. What was all that machinery about the bills given to Illingworth? A. I thought it better Mr. Wardle's name should not appear.—Q. Aye; Mr. Wright could thus say he had received no payment from Mr. Wardle; Mr. Wardle could say, he had made no payment; dont you see how I have illuminated you? A. I do not answer *impertinent* questions.—Q. You know you had no authority from your Royal Master to give countenance or assistance to the Inquiry respecting his brother. A. Directly the contrary; he has always regarded it with regret and lamentation.—Q. And you did not scruple to return reeking from the pollution of consultations against his Royal Brother once more into the company of your Master? A. No; I viewed Mr. Wardle as coming forward in a patriotic cause: having been twenty-nine years in the military service myself, I should have thought I had been unworthy of the public bread I had broken, had I not given him every aid in my power for the public good.—Q. And you thought it consistent with honour to conceal it from the Duke of Kent? A. I should have thought it indelicate to have told him of it.—Q. Whose writing is this? (showing him two papers.) A. I think mine.—Q. Do you know when they were written? A. I cannot be certain.—Q. You must tell: you do not know whom you are dealing with? A. I do; you do not seem to know whom you are dealing with. The witness then stated that the papers shewn were written as hints to Mr. Wardle; he believed before the Inquiry.

Mr. Glennie examined.

Mr. Glennie gave evidence precisely to the same effect, as to Mr. Wardle not rendering himself liable to the payment of the Bill of Mr. Wright. Being cross-examined by Mr. Attorney-General, the witness said, that when on the tour with Mrs. Clarke, Colonel Wardle, and Major Dodd, to inspect the Martello Towers, he had made a point of noting down every thing that fell from Mrs. Clarke, not only upon subjects connected with the Duke of York, but with circumstances relative to the disposal of Baronetries, Peerages, &c. and every thing relative to the private and domestic Memoirs of the Royal Family.—(Lord ELLENBOROUGH highly disapproved of this, and said that no man of common decency would have gone such lengths to satisfy a prurient curiosity.) Mr. Glennie observed, that he had as much right as another man to indulge his curiosity!

Mr. Illingworth, wine-merchant, Pall Mall, was next examined, respecting the bill of 500*l.* He had known Major Dodd eleven years; but had only seen Col. Wardle once previous to the time of giving the bill. There was no secrecy whatever imposed by Mr. Wardle.

Samuel Bull proved that Wright paid the rent of a house furnished for Mrs. Clarke.

Joseph Curt, of Coventry-street, coffee-house keeper, proved that Wright recommended Mrs. C. to him as a woman of good character, when she took the house in Westbourne-place. When the rent became due, Wright paid it.

A Clerk to Mr. Ellis proved that Mrs. Clarke had been bailed by Wright.

Mr. ALLEY was here going to produce the policy of insurance from the Fire-office, to shew that the goods sent in by Wright were insured by him in the name of Farquhar,—but as that circumstance was admitted in the defendant's answer, it was not deemed necessary.

Sir R. Phillips, Knt. and bookseller, was then examined, and seemed quite indignant, and indeed thought it quite improper, that the Attorney-General should hint that he believed he had but a bad memory,—he who had so recently served the office of Sheriff of London and Middlesex!—He said that Mrs. Clarke stated that she must have a large sum for her book, as she had to pay Wright 2000*l.* for the furniture in her house. (Lord EULENBROUGH here interfered again, and said that it might not at this time have been convenient to discover that Mr. Wardle had undertaken to pay for the furniture.) Sir Richard then observed, that even after the question had been decided in the House of Commons, she had said the same thing.

Here the Case for the Prosecution ended, and—

Mr. ATTORNEY-GENERAL rose,—expressing his great surprise at the manner in which the case had been brought forward, both as to the tumult which had prevailed outside the Court, and the extraordinary speech made by his Learned Friend (Mr. Alley). It was the fashion now-a-days for persons to talk of the corruption by which they were opposed. The Learned Counsel had enlarged on the virtues and sufferings of two of his witnesses, who, by his account, had been deprived of their places for standing forward in a good cause. He was indeed surprized to hear Major Dodd's name mentioned in this way, as he (Mr. Attorney-General) had some months ago given it as his opinion that Major Dodd should be dismissed from the situation he held. There was nothing but falsehood at the bottom of this prosecution, and the attention of the Jury would be doubled when they were told that the defendants had been robbed of their evidence by the mode of prosecution resorted to. If the defendants had been guilty of perjury, why not indict them for it? By the present novel form, they had closed the mouths of the defendants, and thus hoped to get a verdict; but they would fail, and it would be proved that the original verdict was a proper and just verdict. Mrs. Clarke had been of great service to Mr. Wright, by dealing with him to the amount of 2600*l.* of which about 600*l.* remained due. She was then reduced, and though he might be content to lose this sum, yet it was not to be supposed he would trust her 2000*l.* more, in order to regain it. At this period, when she was penniless, Mr. Wardle took her up. And how did Major Dodd stand? Why, when his consultations with Mr. Wardle were discovered, and his Royal Master had expressed his disgust at the proceedings, he abandoned his situation, that of private secretary to the Duke of Kent, joined Mr. Wardle, and had even set down questions to be put to Mrs. Clarke. All this shewed the Major's morality, notwithstanding his talk about honour. Mr. Glennie too had merely gone to view the Martello towers, though it turned out that he had been drawing from and noting down all Mrs. Clarke's accounts of her private conversations with the Duke of York, for the purpose of applying them to his own uses! This was descending low indeed. These then were the witnesses. Mrs. Clarke was neither very delicate nor very silly: she surely then would not have made these communications without hope of recompence. The probability then was, that Wright had received the security of Mr. Wardle for furnishing her house. Who went to Wright's house with Mrs. Clarke; who gave their acceptances? Col. Wardle and Major Dodd. What took Col. Wardle to Wright's house, and kept him there for nearly an hour? Wright had told Mrs. Clarke that he would give no credit to Col. Wardle unless he saw and talked to him, and his going to the house was therefore quite consistent. The whole of the bill transaction with Illingworth was a juggle,—a piece of machinery, intended to pay Wright without giving any paper of Col. Wardle's own, which would have led to a belief that he supplied Mrs. Clarke with money. If all this had related to an old debt, the receipt would

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Mr. Wardle was then called in and re-examined.—He recollected the visit of Stokes, but not the circumstances stated by him, respecting his evidence in the House of Commons. The furnishing Mrs. Clarke's house was certainly never mentioned as the reason why Mr. Stokes was not to appear. Mr. Stokes objected to appear on account of Mr. Few's business, in which Mrs. Clarke having pleaded her coverture, he (Stokes) could not speak well of her conduct. Mr. Stokes never said to him that Wright would be a dangerous witness; nor did he even recollect that Wright had called that day.

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Mr. ALLEY said, that he was placed in a very unpleasant situation, as he had hitherto been in the habit of friendly intercourse with Mr. Stokes; yet he must protest against any inference as to the credit of that witness on such an account. Whether that intimacy was to continue or cease, would depend upon the verdict of the Jury. The learned Attorney General had stated, that Mr. Wardle had great interest in giving his evidence, and that Mr. Stokes could have no bias whatever. Now he could not but think that Mr. Stokes had a very powerful interest in the success of his three lucrative clients. The interest of Col. Wardle would not in any way be affected by the verdict, which ever way it went, as the Court well knew. Mr. Stokes had told a singular story; he said he was in full possession of the schemes against one of the highest personages in the land, and in the same breath confessed that he had never once opened his mouth to give the slightest information on the matter. What can be thought of his criminal silence respecting these foul transactions, as he has represented them? But not only did he not give any information on the subject, he even advised Col. Wardle not to have Wright examined at the bar of the House, lest he should be compelled to speak the truth, which would injure their cause! With such an acknowledgment, what possible credit was there due to Mr. Stokes? It must also be remembered, that the Jury, in the late trial, were two hours in considering their verdict, so nicely was the matter poised? Mr. Stokes, the Attorney for Mrs. Clarke in that action, was then sitting in Court,—he must have seen the uncertainty of the case,—he was then in possession of his conversation with Col. Wardle,—and why, therefore, did he not then get up and state this evidence, and thus put the cause beyond doubt or denial? On that occasion, it would have been given with effect; now it is lugged in very strangely indeed. Much regret has been expressed at the manner of this prosecution, as preventing the defendants enjoying the benefit of any evidence on their behalf. If the learned Attorney General, who had so pathetically alluded to his inability to call evidence, had originally intended to call Mr. Stokes, why did he lament that inability? and if no intention

did exist, what other opinion can rational men pronounce upon it, than a desperate effort to prop up by Mr. Stokes a rotten defence? All my witnesses, said the Attorney General, are shut up in this piece of parchment (the Indictment), yet, after all, out pops a Gentleman well acquainted with parchments, to contradict all the lamentations of the Counsel for the defence. Col. Wardle's evidence is in fact unimpeachable; he has neither used concealment nor evasion, but candidly and distinctly answered every question put to him. There is not a single ground for disbelief; and if you believe him, you must reject the evidence of Mr. Stokes, the conviction of whose clients would deprive him of many an advantageous job, as such persons are almost always immersed in troubled waters. One word on the attempt made to depreciate the character of Major Dodd, on the ground of his holding a confidential situation under the Duke of Kent, while he was lending his aid against the interests of his patron's brother. But what had Major Dodd said? Why, that he did not think it delicate to speak on the subject to the Duke of Kent; and that having eaten the public bread for 19 years, he was bound by gratitude and inclination to assist in putting down those military abuses which were ruining the country. This was his answer—an answer well worthy of his manly and patriotic character. Equally unimpeachable is the evidence of Mr. Glemie. As for the 100*l.* given by Col. Wardle to Mrs. Clarke, it was a common and well known practice to induce, by pecuniary reward, the discovery and punishment of guilt; and how can the same principle acted upon by Col. Wardle be construed into an offence? This mode has repeatedly been adopted in the highest prosecutions, and is conformable to the practice of the land, to reason, and to justice.—“It is impossible,” said Mr. Alley, to conclude, without returning my sincere thanks to you, Gentlemen of the Jury, and to the Noble Judge who presides, for the attention which you have condescended to render me. In the present exhausted state in which I feel myself, I know that I must rely upon the recollection of you, Gentlemen, to those observations which in the opening of the case I endeavoured to impress upon you. There is, however, a duty I owe myself, boldly and unequivocally to disclaim the imputation that has been cast upon me of a wish to encourage the licentious passions of any rabble out of doors, or of any faction in this empire. With any set of public men I have no association, but have endeavoured to take that path of personal independence which best, perhaps, accords with professional duties. Ever anxious to stand respected in the esteem of the wise, the virtuous, and the patriotic, I still trust that I am able to appreciate the precariousness of popular favour. The history of mankind has too frequently evinced, that it has been often conferred upon the worthless, whilst it has been denied to the deserving. It has been conferred without being merited by virtue, and as often demanded back without having been forfeited by crime. It is of mushroom growth, generated with the morning dew, but sure to be dissipated by the meridian beam. Its influence upon sound minds can be of little extent; upon you, Gentlemen of the Jury, it can have none. You now stand in a most awful situation—the eyes of the United Empire are upon you, and what remains of civilized Europe looks up to you for another monument to eternal justice.”

Lord ELLENBOROUGH then charged the Jury, observing, that this case was an indictment for a Conspiracy against three Persons. They might all have been indicted for perjury. Such would have been the correct course; and feeling as he ought to do, for the rights of accused persons, he could not but express his alarm at the new and almost unprecedented course which was adopted in the prosecution of that day. By that course the accused were deprived of almost all the means of being heard in their defence. They could not avail themselves of each other's testimony to refute any part of the accusation. If such a mode of proceeding should grow into practice, it was impossible to foresee the mischiefs which might follow. It was true that such a course was literally legal, but it was a most grievous abuse of a legal power. In stating these as his opinions, he wished to be understood as applying

Mr. ALLEY was here going to produce the policy of insurance from the Fire-office, to shew that the goods sent in by Wright were insured by him in the name of Farquhar,—but as that circumstance was admitted in the defendant's answer, it was not deemed necessary.

Sir R. Phillips, Knt. and bookseller, was then examined, and seemed quite indignant, and indeed thought it quite improper, that the Attorney-General should hint that he believed he had but a bad memory,—he who had so recently served the office of Sheriff of London and Middlesex!—He said that Mrs. Clarke stated that she must have a large sum for her book, as she had to pay Wright 2000*l.* for the furniture in her house. (Lord ELENBOROUGH here interfered again, and said that it might not at this time have been convenient to discover that Mr. Wardle had undertaken to pay for the furniture.) Sir Richard then observed, that even after the question had been decided in the House of Commons, she had said the same thing.

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did exist, what other opinion can rational men pronounce upon it, than a desperate effort to prop up by Mr. Stokes a rotten defence? All my witnesses, said the Attorney General, are shut up in this piece of parchment (the Indictment), yet, after all, out pops a Gentleman well acquainted with parchments, to contradict all the lamentations of the Counsel for the defence. Col. Wardle's evidence is in fact unimpeachable; he has neither used concealment nor evasion, but candidly and distinctly answered every question put to him. There is not a single ground for disbelief; and if you believe him, you must reject the evidence of Mr. Stokes, the conviction of whose clients would deprive him of many an advantageous job, as such persons are almost always immersed in troubled waters. One word on the attempt made to depreciate the character of Major Dodd, on the ground of his holding a confidential situation under the Duke of Kent, while he was lending his aid against the interests of his patron's brother. But what had Major Dodd said? Why, that he did not think it delicate to speak on the subject to the Duke of Kent; and that having eaten the public bread for 19 years, he was bound by gratitude and inclination to assist in putting down those military abuses which were ruining the country. This was his answer—an answer well worthy of his manly and patriotic character. Equally unimpeachable is the evidence of Mr. Glemie. As for the 100l. given by Col. Wardle to Mrs. Clarke, it was a common and well known practice to induce, by pecuniary reward, the discovery and punishment of guilt; and how can the same principle acted upon by Col. Wardle be construed into an offence? This mode has repeatedly been adopted in the highest prosecutions, and is conformable to the practice of the land, to reason, and to justice.—“It is impossible,” said Mr. Alley, to conclude, without returning my sincere thanks to you, Gentlemen of the Jury, and to the Noble Judge who presides, for the attention which you have condescended to render me. In the present exhausted state in which I feel myself, I know that I must rely upon the recollection of you, Gentlemen, to those observations which in the opening of the case I endeavoured to impress upon you. There is, however, a duty I owe myself, boldly and unequivocally to disclaim the imputation that has been cast upon me of a wish to encourage the licentious passions of any rabble out of doors, or of any faction in this empire. With any set of public men I have no association, but have endeavoured to take that path of personal independence which best, perhaps, accords with professional duties. Ever anxious to stand respected in the esteem of the wise, the virtuous, and the patriotic, I still trust that I am able to appreciate the precariousness of popular favour. The history of mankind has too frequently evinced, that it has been often conferred upon the worthless, whilst it has been denied to the deserving. It has been conferred without being merited by virtue, and as often demanded back without having been forfeited by crime. It is of mushroom growth, generated with the morning dew, but sure to be dissipated by the meridian beam. Its influence upon sound minds can be of little extent; upon you, Gentlemen of the Jury, it can have none. You now stand in a most awful situation—the eyes of the United Empire are upon you, and what remains of civilized Europe looks up to you for another monument to eternal justice.”

LORD ELLENBOROUGH then charged the Jury, observing, that this case was an indictment for a Conspiracy against three Persons. They might all have been indicted for perjury. Such would have been the correct course; and feeling as he ought to do, for the rights of accused persons, he could not but express his alarm at the new and almost unprecedented course which was adopted in the prosecution of that day. By that course the accused were deprived of almost all the means of being heard in their defence. They could not avail themselves of each other's testimony to refute any part of the accusation. If such a mode of proceeding should grow into practice, it was impossible to foresee the mischiefs which might follow. It was true that such a course was literally legal, but it was a most grievous abuse of a legal power. In stating these as his opinions, he wished to be understood as applying

that doctrine only to cases where the accused can be prosecuted in another manner. Much stress deserved to be laid upon the first sum of money given by Colonel Wardle to Mrs. Clarke. His Learned Advocate had complained of imputations that had been cast upon his Client's conduct, and how his motives in giving this sum of 100*l.* had been the subject of misrepresentation. In a case like the present, where evidence was contrasted with evidence, and contradiction opposed to contradiction, it became the Jury to weigh well the probabilities. In that view they would consider the cause of Mr. Wardle's connection with Mrs. Clarke. What were his objects through her instrumentality, and what were the inducements of that woman to lend herself to his views. If coupled with these various objects a man was to be found, and whether to gratify his ambition, or to court a temporary popularity, affording to a woman of such condition, and to whose co-operation he looked up for the furtherance of his hopes, and the accomplishment of his object, money, either in the shape of a loan or gift, such loan or gift could only be considered as a *bonus for testimony*. Under such circumstances, he who pursued his purpose by dealing with money, dealt corruptly. The Noble Lord next proceeded to recapitulate that part of the evidence which referred to the purchase of the furniture for Mrs. Clarke's house. Upon a point so contested by the evidence, a recurrence to the probabilities was necessary. What carried Colonel Wardle to select the furniture at Wright's? Why should he have subjected himself to the perilous responsibility, unless he went there as the paymaster? These probabilities should be scrutinized: and it was the duty of the Court to view with jealousy the evidence of a man who came to contradict the oaths of three witnesses, padlocked, as he would say, by the very course of proceeding which this prosecutor had adopted. To entitle any man in such a case to full credit, his conduct and his motive must be above suspicion. He should come into that Court, before he called for the perjury of three others incapable of being heard in their own defence, a witness, in the language of the law, *"omni exceptione major."*—The next part of the evidence was that of Major Dodd. In respect to that, it was impossible for any man to resist himself to very strong sensations. Here was a person in a high confidential situation about the person of the Son of his Sovereign. He was aware of all the plans which were carrying on to affect the Royal Brother of that Prince in whose confidence he was. If he did not conspire, he at least held common council with the enemies of that high personage. Were such the feelings of a well-cast organized mind? Were such the ordinary impulses of a well-regulated moral feeling? Did not such a course of conduct attach at least disparagement to the person who could practise it? What would be thought of that man who, taking advantage of the confidence reposed in him, was continually at work to collect for public exhibition, and for purposes of diffusing calumnies, such observations and statements, which he must say, and he was aware of the presence in which he spoke, a **BLAMEABLE INDISCRETION** had suffered to be wormed out of him. But if this was base (as base it was) in any private family, how aggravated must its criminality appear, when committed against the Family of the Father of his People. Again, view the conduct of Mr. Glennie. He, as it were, fattened upon the offals, whilst he extracted from this woman now accused, those observations which perhaps indiscreet affection had rendered to her. It was with pain he observed the Learned Counsel (Mr. Alley) for whose talents he felt the highest respect, and of whose professional advancement he augured well, suffer himself to be made the organ of licentious statements, not only not proved, but incapable of being proved in this case. Why venture to state that Lord Chester had given 10,000*l.* to have Mrs. Clarke's intended publication suppressed? His Lordship reviewed the evidence of Mr. Stokes, which he pronounced to be of high importance, corroborated as it was by *undeniable documents*. With respect to his silence on the former trial, he said, that it was a testimony which no man, standing in the relation which he then stood with Mr. Wardle and Mrs. Clarke, would give but with

reluctance. The relations had since changed. With respect to the species of contradiction given to Stokes by Mr. Wardle, it was for the most part from recollection; and it was most true, that Mr. Wardle, unless he determined to take leave of all pretensions to character, must deny that part which referred to the expectations of Mrs. Clarke and to the furniture of Mr. Wright. After some further observations, he exhorted the Jury to weigh the case with impartiality and due deliberation. They had in their hands the fate of three persons, manacled and fettered by the method adopted, thrown, as it were, into what he should call a complicated indictment for perjury, although the correct process was equally open and easy for the preference of Mr. Wardle. The decision was with them, and he sincerely believed it was committed to well poised reasoning, and honest minds.

The Jury consulted in their box for the space of six minutes and then returned a verdict of **NOT GUILTY**.

ACCIDENTS, OFFENCES, &c.

The following is a correct account of the forgery and swindling transaction in which the name of Earl Percy has been introduced. A Mr. T. an annuity broker, received a letter, signed 'Percy,' desiring him to call at Northumberland House, as he wished to contract for a loan of money, by way of annuity, and to be there at a given hour.—The pretended Earl Percy had his plan so well arranged, as to be actually coming out of Northumberland House as Mr. T. was going to knock at the gate. The sham Earl pretended to be much displeased at being kept at home beyond the hour he had mentioned, and observed, that as the business he wished to transact was of a delicate nature, he did not like to return so abruptly to Northumberland House, lest any suspicion should arise in the minds of the family, and proposed to retire to a coffee-house. This conversation was under the very roof of Northumberland House. Mr. T. and his Lordship were in the parlour, and informed Mr. T. that his most intimate friend, Colonel Beaumont, Member with him for Northumberland, had lost a cause with the Bishop of Durham, and was much in want of cash; that wishing exceedingly to oblige him, he wanted the loan of 15,000*l.* but did not like to apply to his father, the Duke, Mr. T. having no doubt whatever that he was in the presence of Earl Percy, instantly mentioned the terms on which he wished to lend such a sum; and after a few trifling alterations, the affair was adjusted, and orders given to prepare the deeds, with a strict injunction from the Noble Earl, that the transaction was to be kept secret. Matters were so settled, that the Earl was to receive the money at Alwick Castle, whither Mr. T. and some of his clients set off with the money and deeds. On their arrival at Newcastle-upon-Tyne, they were met by an accomplice of the Earl's, who informed them that his Lordship had left Alwick Castle for Hexham Abbey, the seat of Col. Beaumont, and that they were to proceed immediately to the Black Bull Inn, at Hexham, where the Earl would meet them. They did so, and soon after came his Lordship, and having executed the deeds, he received, not the 15,000*l.* his Lordship wanted, but 13,000*l.* which they produced on him to take. He then instantly discharged the Attorney's bill. It is said that 14,000*l.* of the money, another account says 10,000*l.* has been returned, and an offer made to return 4000*l.* more, by the two-penny post, provided the mock Earl can have such an understanding with the parties who lent the money, as to secure him against prosecution. We understand that the money-lenders do not know where to look for him; and that he has been so well, that it is in their power to convey their money to him, without the least trace where he is to be found.

BIRTHS.

At Winchelsea, on the 12th ult. the Lady of Capt. Becher, of the Royal Navy, of a son.

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