

THE EXAMINER.

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THE POLITICAL EXAMINER.

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

No. 152.

KING'S ILLNESS.

THAT this distressing subject is still before the public, is the fault of those who create unnecessary delays in supplying the deficiency it has occasioned. The Physicians have at length been examined by Parliament; and the result of their depositions offers not a shadow of excuse for any longer postponement of a Regency. On considering this examination, and its bearings on that important measure, his MAJESTY'S disorder is to be regarded in four several lights,—1st. With respect to its own nature; 2d, as affected by his age; 3d, as affected by his want of sight; and 4th, as affected by his peculiar rank and habits of life.

1. The Physicians say that they have never before witnessed a case precisely like that of the King; but from the general tenor of their answers, this opinion seems to arise from the other points of consideration, and not from the disorder abstractedly considered: they mean to say, that they have never before seen a King in this situation, or a personage altogether so circumstanced, not that they have never seen a similar disorder. Dr. WILLIS, who is understood to be the principal Physician as far as derangement is concerned, applies the term "*derangement*" to his MAJESTY'S disorder in contradistinction to *insanity*, and thus explains himself:—"I consider the King's derangement as more allied to delirium than insanity: whenever the irritation in his MAJESTY arises to a certain point, he uniformly becomes delirious. In *delirium*, the mind is actively employed upon past impressions, upon former objects and scenes which rapidly pass in succession before it, resembling in that case, a person talking in his sleep: there is also considerable disturbance in the general constitution, great restlessness, great want of sleep, and total unconsciousness of surrounding objects. In *insanity*, there may be little or no disturbance, apparently, in the general constitution; the mind is occupied upon some fixed assumed idea, to the truth of which it will pertinaciously adhere in opposition to the plainest evidence of its falsity, and the individual is acting always upon that false impression. In *insanity* also, the mind is always awake to objects which are present. Taking *insanity* therefore and *delirium* as two points, I would place *derangement of mind* somewhere between them. His MAJESTY'S illness, uniformly, partakes more of the delirium than of the insanity." Dr. WILLIS'S distinction is clear, and, I believe, scientific. HASLAM and other writers on the subject discriminate in the same way; but it is to be observed at the

same time, that these distinctions only regard the *species* of the same complaint; they all come under the head of what is commonly called *madness*; and the term *insanity* does not seem properly chosen in opposition to a delirium of this nature, for it only signifies mental *unsoundness*, and whether the perceptions of the mind are too wandering or too confined, they are in either case, though perhaps not equally, unsound. Of delirious madness, which recurs to past scenes and is unconscious of surrounding objects, and of fixed madness, which is absorbed in some particular idea, the reader will easily recollect examples and descriptions. One of the most lamentable sufferers under the latter was the late excellent Mr. COWPER; whose devotional sensibility had been overwrought by mistaken friends, and who fancied himself in a state of reprobation. But there are mixed insanities, consisting of delirium and morbid absorption at once, of which feverish or hypochondriac people may have some little idea from common delirium, in which the patient is sometimes not unconscious of surrounding objects though he is dwelling upon some main and fanciful point of anxiety,—such, for instance, as a notion that his bed-clothes threaten to suffocate him, or that the persons present are leaguely to do him a mischief. Of this kind was the madness of the celebrated MALLEBRANCHE, who having been alarmed in a former part of his life when journeying over a precipice, used to imagine that his chair had a yawning gulf at the side of it, though his perceptions were not at all disturbed with regard to the chair itself and the other objects in his room. By what Dr. WILLIS says at the conclusion of the opinion above-quoted, it would appear, that his MAJESTY'S disorder is of another mixed nature; and that while he is perfectly unconscious of the persons present, his mind is often running upon one particular idea, to which he bends all the rest. There is something extremely touching in supposing that his late daughter is one of the principal objects of these aberrations; but it does not follow, either from this idea or from the mixed nature of his disorder, that his MAJESTY'S thoughts are of a melancholy complexion. The fancies and feelings of insanity may be of a painful or a pleasurable nature; and are mostly found to take their complexion from the previous or general colour of the patient's mind. Thus the madness of TASSO was a lofty melancholy, wandering into the sublime fancies and other worlds: ALEXANDER fancied himself in the midst of his triumphant butcheries: SWIFT, agreeably to his misanthropic temper, kept a sullen and contemptuous silence.

In such cases, and I believe in all cases where the mind is unhappy, the body has been considerably disordered.—Hypochondria, which in its smaller degrees is apt to manifest itself so ludicrously, but in its excess is perhaps

the most dreadful of all diseases of the mind, takes its name from the upper region of the stomach, and arises entirely from a bad state of blood, or at least from a disturbed re-action of the bodily and mental faculties upon one another; so wonderful is the connection between the most gross and most refined parts of our nature, between matter and mind, between the power of digesting food and the power of thinking—of legislating—of being great and wise! Luckily, his MAJESTY has done what FREDERICK "the Great" could not bring himself to do; he has lived temperately; and this temperance, together with a slight and cheerful turn of mind, seems to have saved him from the greater miseries of derangement. From what is known both of his past and present disorder, he does not appear to be at all hypochondriac; neither does he seem at any time to have been susceptible of those loftier afflictions, which make speculation prey upon itself,

"And o'er-inform the tenement of clay."

Be this as it may, it is sufficiently ascertained, that whatever may be the specific nature of his MAJESTY's disorder, it is a mental incapacity, by which he is rendered unfit for the discharge of his regal office; and it is equally clear that the Physicians, who a week or two since had hopes of his speedy recovery, and who are still confident that he will recover ultimately, can venture to fix no date to their anticipations. Were there no additional and contingent reasons, therefore, in his MAJESTY's case, for the immediate declaration of a Regency, this statement of their's would be sufficient. But there are.

2. One of these, as has been before observed, is his MAJESTY's advanced age, which, though it has nothing to do, abstractedly considered, with foregoing the regal office, is very much to be regarded when connected with mental disorder and a disposition to continual relapses. The Physicians are right in avoiding every thing like a political opinion in their depositions; but the people, into whose hands the reins of Government have returned for some weeks past, must view the Royal situation in every possible light that may affect them or their posterity. His MAJESTY is seventy-two years of age; his tendency to irritability is mentioned as very strong; and it is to be observed that such tendencies by no means grow weaker with age; not to mention the natural decrease of the faculties, mental and bodily, at such a time of life. It is true, his Constitution is excellent, and he has recovered from similar attacks; but there must be a time when a constitution so tried will be exhausted. The reader will observe that there have been relapses of which the public were not informed; and even in case of recovery in the present instance, it does not follow that his MAJESTY will be in a state in which the resumption of his public duties would be serviceable either to himself or to the country. Out of the five Physicians in attendance, only one (Dr. BAILLIE) recollects a similar case of age and infirmity; and if this be reckoned favourable with regard to

the vigour of his MAJESTY's years, it will have a different appearance when considered as the only case in which an individual so circumstanced had reached to such an age. In a word, this individual, says Dr. BAILLIE, "did not recover."

3. The want of sight is reckoned a favourable or unfavourable circumstance according to the stage of his MAJESTY's disease. Its influence is happily expressed by Dr. REYNOLDS. "During a certain period of the disease, and under certain circumstances, his being blind is rather a beneficial circumstance, because it intercepts some sources of irritation; but at another period of the disease, it will be adverse to him, because it also intercepts some sources of amusement." Perhaps want of sight would also influence different minds according to their different degrees of strength and patience. Be this as it may, here is at least a public acknowledgement that his MAJESTY is blind; and though the circumstance seems to be strangely indifferent to certain persons in a political light, yet considering the duties of a British Monarch, and the servants which it is sometimes his misfortune to have, there cannot well be a more important or conclusive argument in favour of unlimited Regency. Even in the East, where underlings are accustomed to rule in the name of their master, and the blind will of the Sovereign is so much respected, the possession of eye-sight is yet reckoned so necessary to the Royal office, that to be deprived of vision, is to be rendered incapable of governing; and a jealous tyrant or an usurper thinks he has secured himself against all action on the part of those whom he suspects, by putting out their eyes. How far a people might consent to be guided by a blind Sovereign, is another question; but when to the continual danger of not being able to think, is added the certain inability to act, the question of a decided incapacity to govern seems to be put at rest, even upon considerations of humanity.

4. If any thing remains to shew the continual disposition to insanity on the part of the KING, it is that irritable tendency, which expresses itself in what his Physicians call "hurry." His MAJESTY's general manner is known to have a tincture of this peculiarity; and it is remarkable that the late King of DENMARK is not the only instance of a similar peculiarity among the Sovereigns of the 19th century. The reason assigned by Sir HENRY HALFORD for his present MAJESTY's excitability seems to involve something of the cause of this habit, and presents a forcible and melancholy lesson to the envious of royalty:—"I conceive," says the Doctor, "the KING is more capable of being excited by external causes from not having been in the habit of being contradicted or opposed through his life." Why will the Ministers render it any longer necessary to hold up these distressing pictures to the public eye?

FOREIGN INTELLIGENCE.

FRANCE.

PARIS DEC. 13.—The following letter has been received at Rotterdam from London, dated the 19th Nov.; it is perfectly authentic:—"It is impossible to form an idea of the confusion in which we are. The immense extension which commerce had acquired, has been suddenly paralysed by the severe measures adopted by the French Government. Yes, my friend, this country, the centre of the commerce of the world, for the last three months, that is, since the adoption of the continental system, has been in a crisis, the result of which it is impossible to calculate. The Gazette contains lists of 50 or 60 bankruptcies, which take place every week in the different commercial towns.—And how can it be otherwise? The little isle of Heligoland, at the mouth of the Elbe, which served as an entrepôt for all the colonial produce that passed into the interior of Germany, is so encumbered with merchandize of every kind, that coffee has been lately sold there at 6 sous French, and sugar at 3 sous; not enough to pay freight and insurance. Judge from this of the situation of the colonies; produce there, must be worth nothing. Consternation is thus at its height among the merchants; those who have any property left are anxious to retire from business, and wait for better times; others falling one after another. Add to this the King's Malady, which is complete insanity, and the obstinacy of Ministers not to permit the appointment of a Regency, in order to keep their places, and you will see that the political crisis is as great as the commercial. God knows how all this will end."

SWEDEN.

STOCKHOLM, Nov. 20.—Yesterday was published the declaration of war against England. The substance of it is, that in order to remove every thing that was equivocal in the position of Sweden, and to co-operate with all the Continental Powers in forcing England to re-establish a maritime peace, the King declares war against the United Kingdom of Great Britain and Ireland, orders the cessation of all intercourse, either by letters or otherwise, with that country, and enjoins all his Field-marsbals, Generals, Admirals, &c. to cause that order to be published and executed wherever it may be necessary.

PORTUGAL.

LISBON, DEC. 2.—Gen. Drouet has joined Massena with 22,000 men, much stores, &c. Massena is at Santarem, occupying a very strong position in the front of the town; he has pushed in considerable force over the Zezere, and occupies Punhete; he will probably attack Abrantes, as the possession of it would greatly facilitate his depredations in the Alentejo. We have about 5000 Spaniards and Portuguese in it. Our head quarters are at Cartaxo. Gen. Hill has crossed the Tagus with a large force. A division of the army, with some seamen and marines, still occupies the lines of Torres Vedras, and it is thought probable we shall have the company of Massena near us all the winter.

PROVINCIAL INTELLIGENCE.

Thursday last a Portuguese prisoner, confined on board the San Ysidro, at Plymouth, (having been taken in a French ship) entered into the English service. This circumstance so irritated an Italian, who stood by him, that he instantly trans-

fixed the unfortunate man, plunging his knife to the handle into his bosom, and, on the Portuguese starting round, he plunged it in the same manner into his back. The Italian then endeavoured to destroy himself, but was prevented, and when in custody, again endeavoured to choke himself, by swallowing a half-guinea and some cloth.

The roof of a house in Common Pump-street, Norwich, inhabited by Mr. Earl, was blown in on Friday se'night. A man, woman, and child were in bed in the upper story. Providentially a principal beam fell across them and prevented their sustaining any injury, except a few slight bruises, and they were got out by the neighbours, after remaining in that situation more than an hour. The posts of the bed under the above room were literally pressed through the floor, and yet a woman who slept in it received no injury.

A cowslip which was taken out of the field in full bloom last summer and planted in a garden belonging to the Rev. Mr. Preston, of Wold Newton, in the East Riding of Yorkshire, put out a stalk of five flowers in September last; and is now in full vigour and likely to continue.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, Dec. 17.

The LORD CHANCELLOR took his seat on the Woolsack about the usual hour, and several Peers attended. No proceedings took place, nor was any communication made from the Committee appointed to examine the Physicians attending his Majesty; and their Lordships adjourned till Wednesday.

Wednesday, December 19.

THE KING'S ILLNESS.

LORD LIVERPOOL informed the House, that it was the intention of Ministers to propose the adoption of the measures of 1788 and 1789, relative to the King's indisposition, as being most agreeable to the history and analogy of the Constitution.

LORD SPENCER expressed his disapprobation of the proceedings thus to be adopted.

LORD GRENVILLE declared his unqualified adherence to the proceedings of 1788. He thought no mode by address, or any other than that resorted to in 1788, could be accomplished without injury to the Constitution.

LORD LAUDERDALE was entirely of a different opinion, as he thought those proceedings were altogether pregnant with mischief to the Constitution.

LORD HOLLAND too had very strong objections to such proceedings.

After some further conversation, it was settled that the House should be called over on Thursday the 27th inst.—Adjourned.

Thursday, Dec. 20.

The Report on the state of the King's Health being brought up,

LORD HOLLAND made some observations on the awful situation of public affairs, and particularly alluded to Sweden, Portugal, and America, as proving that there should be no delay in the settlement of the Executive.

LORD LIVERPOOL declined entering upon these topics at present: Ministers were aware of their responsibility, and were taking the best course they could devise.

The Duke of CLARENCE, LORD GROSVENOR, LORD ERSKINE, EARL STANHOPE, LORD DARNLEY, and the Duke of NORFOLK, all deprecated the dilatory proceedings of Ministers in such an awful crisis. The Duke of CLARENCE said, that what was good for the King was good for the Country, and what was good for the Country was no doubt good for the King.

After some further conversation, the House adjourned.

HOUSE OF COMMONS.

Monday, Dec. 17.

Mr. DUNDAS, † Chairman of the Committee, appointed by

Complain of the abuse of the Great Seal? No; he conveyed to both Houses his warmest acknowledgments for their conduct. (*Hear, hear!*)—It might be said, indeed, that his Majesty acted thus, because he was advised by the same persons who had recommended the measure.—(*Hear, hear! from the Opposition Benches.*)—He was glad he had found the true grounds of their opposition; he was glad he had touched the chord which vibrated in unison to their secret feelings.—(*Hear, hear! from the Treasury Benches.*)—There was not then, however, any want of talent or of disposition to oppose whatever might be proposed, and yet an Address to his Majesty, in answer to his most gracious communication by his Commissioners, was adopted *nam. con.* He had heard much said about the assumption of Legislative Power by the two Houses, and on this it was stated truly, that by a statute of King Charles II. any man maintaining that the two Houses had power to legislate, incurred a *premunire*. But he conceived that an Address would be as much an assumption of Legislative Authority as a Bill. However, he would think it but fair to ask of the Honourable Gentlemen opposite, to state what their proceedings would be. Would they address the Regent? But this was a title quite unknown at present in the country, nor would they know where their address could be directed; and if they were to address the Prince, they should stop before they desired a man, however near to the Throne, to step into the King's place. This, in fact, was an act of Legislation. But how was the Regent to act? How was he to call a Parliament? How was he to get the Great Seal affixed to the Commission for convening them? It was the right of both Houses to dispose of that Seal; and authorising the disposition of it was exactly the same thing as disposing of it themselves. The one was a direct, and the other an indirect way. The Prince, in the mode proposed by the Gentlemen of the other side, would act by virtue of the same authority transferred to him from both Houses, and that was certainly an act of Legislation: a proceeding by Bill would have over the other the advantage of a more mature deliberation. The necessity of adopting measures to secure to his Majesty, on his recovery, the restoration of his power unimpaired, was admitted on both sides; and were Gentlemen opposite, he would ask, to grant power to the Prince without any limitation, or were they to specify those limitations in the Address? In speaking of the Prince of Wales, he never could express himself in terms adequate to the profound respect he had for his Royal Highness, and for his character. In such sentiments, he knew, the Gentlemen opposite completely coincided, but the more exalted the Prince's character deservedly was, the more the House should be cautioned how they should establish a precedent under that sanction. There was no part of the propositions which he had taken the liberty of submitting to the House, which could with fairness be denominated unconstitutional or incompatible with the ultimate interests of the country. However grating it might be to the feelings of his Royal Highness, for whom no man entertained a more profound respect than himself, if even he accorded with the sentiments of the Right Hon. Gentlemen opposite as to the expediency of granting to his Royal Highness a full and complete power without the slightest restraint, he yet felt himself bound to say, that if that power was to be given, it had much better be given by Bill than by Address. Upon these considerations it was, he should take the liberty of proposing to the Committee the Resolutions which he had read in the early part of his speech, and which he should then place in the hands of the Chairman.

The first Resolution was then read from the Chair, and passed without a dissentient voice.

On the question being put upon the second Resolution:—

Sir FRANCIS BURDETT contended that if the House was a full and fair representation of the people, they would not follow old precedents, upon an occasion so nearly concerning the very existence of the Constitution, without, in the first instance, having some conference with their constituents. Much had been said by the Right Hon. Gentleman upon the nature of the question. He had said that it was not the principle but the

fact upon which the House had to decide; and as to the expediency of the fact, he said there was no doubt, because the House was a full and fair representation of the country—that fact, however, he (Sir F. Burdett) would most distinctly deny. When the number of improprieties of which the House had been guilty, and which had brought them so generally into disrepute, was considered, it ill became them to pass such resolutions as were then before them. It could not be forgotten that during the last Sessions it had been offered to be proved at the bar of the House, that 150 Peers and 144 Members of the House of Commons were returned by Ministerial influence—(*Loud coughing, and other interruptions, were here heard from all parts of the House.*)—He was not surprised that Gentlemen were unwilling to hear their own integrity called in question: they had, however, been guilty of conduct which LOST THEM THE CONFIDENCE OF THE COUNTRY, and with this firm conviction on his mind, which no clamour could remove, he felt it his duty to protest against the proceedings proposed. It had been said that the present melancholy state of the country was analogous to that of the year 1688, and upon this proposition all the measures which were deemed proper at that period were again brought forward. In his estimation the House had not to reason upon the analogy, but upon the emergency of the case—(*Hear! hear!*) What were the facts at the time of the Revolution? The incapacity of the reigning King was admitted; that incapacity did not however arise from illness, but from a despotic exercise of those laws which were meant for the protection, and not for the destruction of the people. Upon this ground, it was deemed expedient to supply his place, not by a Regent, trammelled by the chains of a designing Ministry, but possessed with full powers, to act according to the best of his judgment for the welfare of the State. At the present crisis, the incapacity of the Sovereign was admitted, arising from an affliction which was universally and sincerely lamented. The Right Hon. Gentleman had said that the Throne was not vacant. If this assertion was true, why did he not prove it by some act of the Executive power? In truth there was little or no difference between the state of the country, as it was at the present moment destitute of a King, and its state at the time of the Revolution. It was equally necessary that the kingly office should be filled, not by a Regent circumscribed in his powers, but by one, in the full possession of all those means, which the King himself, when competent to the discharge of his duties, possessed. He did not in fact see how the Right Hon. Gentleman could contend, that by the adoption of the measures proposed, the House would not be totally subverting the Constitution. In 1688, the opinion of the citizens of London and of a large body of the country was considered essential before the measures then adopted were carried into effect, whereas upon the present occasion there had not been any appeal whatever beyond the Members of the House. At their will alone was an act to be performed, in which the vital interests of the nation were so deeply concerned. He could not witness such conduct without feelings of the greatest indignation. When he took a retrospect of past events, he only was amazed at the presumption with which the House was about to act. Could he forget, or could the world forget, that it was in evidence before the House, that Members had been turned out of their seats for not voting in favour of the views of the Right Honourable Gentleman? Could he forget that a Noble Lord, and even the Right Hon. Gentleman himself, had been publicly accused of bartering the patronage of Government for Seats in Parliament? Could he forget that the House of Commons allowed a public accountant, Lord Melville, to refuse, with the utmost effrontery, to give an account of his disposition of the public money?—And yet the catalogue of their offences did not terminate there.—The disgraceful result of the Inquiry into the fatal Expedition to Walcheren, gave new grounds for public animadversion, and excited new causes for regarding the Parliament with distrust.—He had heard various terms of odium applied to different parliaments.—There was the Long Parliament, the Rump Parliament, and so forth—and some years hence, he had no doubt, the present parliament would

be stigmatised with the name of the *Walcheren Parliament*. (*Laughter.*) However impetuous former Parliaments might have been in their course towards the loss of public confidence, the rapid strides of corruption of late years were beyond comparison. With respect to the mode of constituting the Regent as proposed by the Right Hon. Gentleman, it could fairly be said, that he was pursuing the same course with the faction of 1783, that was to say, *with a due regard to the places and emoluments of himself and his colleagues*. Were it proposed to appeal to the kingdom upon the expediency of the plan to be followed, it would be immediately answered, that it was intended to introduce Jacobins and demagogues. He could only say that he knew no other Jacobinical opinions upon the subject than Judges Blackstone and Coke. The latter, in his *Lex et Consuetudo Parliamenti*, clearly pointed out the right of the people to judge in all cases where their own interests were concerned. Although the Prince might have no more right than any other individual to become Regent, how much less right had the House of Commons to appoint a person to that office? Nothing could be more reasonable than placing the power, which was deficient in the State, in the hands of him to whom it would go by legal course, and to render that power effectual, it should be given without any of those restrictions, the imposition of which would only give rise to difficulties which would prevent its due exercise. If the King had too much power, it should be reduced; but if no more power existed than was necessary, it would be as improper to take it from the Regent as from the King. The Right Hon. Gentleman had passed but cursorily over the Report of the Physicians, with a remark, that the deduction to be drawn from it, the incapacity of the King, was so evident, that it required no comment. There was one important fact, however, which did not seem to have attracted attention, and that was, that from the whole report, no fair conclusion could be drawn, that from 1788 his Majesty had any substantial remission of his disorder; relapses had been heard of, and the public had been deceived. The Right Hon. Gentleman had said, that the House was not called upon to make a king—He (Sir F. Burdett) was not of opinion that they were; but the Learned Gentleman wanted to make a King which he might carry about in his pocket, regardless of the consequences which must result to a nation, already weighed down by afflictions drawn on its devoted head by the imbecility of that Right Hon. Gentleman and his compeers. If the Regency was given to his Royal Highness the Prince of Wales, he knew no man more likely to gain the confidence of the people, nor did he believe there was one more competent to discharge the important duties which would devolve upon him. But if he was appointed, it was indispensable that he should be possessed of full powers to act as the interests of the country might require, without any of those injurious restrictions which must only involve him in the greatest difficulties. In reverting again to the Report of the Physicians, he perceived that their opinions varied as to the time at which the King became unfit to perform the functions of his office; and in fact, after a close perusal of the whole detail, he conceived, if a Regency took place at all, it ought to be permanent. This opinion he formed from the Physicians having ascribed many of his Majesty's relapses to political subjects. At a period like the present, therefore, when every succeeding day afforded some new and extraordinary, if not calamitous incidents, it did not appear likely that so firm and well establishment of his Majesty's faculties could take place, as would warrant him in taking upon himself the difficult task of Government; and to suffer the Government to remain exposed longer to the weakness of the present Ministers, **WOULD BE TREASON TO THE COUNTRY.** He could not sit down without noticing the delay of five or six weeks, occasioned by the usual policy of the Right Hon. Gentleman. What was then to be done might have been done upon the first day of the meeting of Parliament. He thought the whole a miserable sham, calculated to stab the vital interests of the country; to patch up an oligarchy, and to varnish with form that which, if it appeared in its true colours, would be spurned with contempt. With

these sentiments he should protest against all the proceedings of the Right Hon. Gentleman.

The question on the second Resolution was then carried.—After which the third Resolution was put.

Mr. PONSORBY considered the proceedings of 1788 unconstitutional. The Right Hon. Gentleman's proposition was, that the House had the power to provide a remedy in the present case, and that the proper mode was by Bill—a mode implying the consent of the Three Estates of King, Lords, and Commons. The Commons were then to proceed to supply the deficiency of the Royal Authority by a mode requiring the Royal Assent, while the very ground on which they proceeded at all, was that there was no King to give that assent! Incapacity was to be made capable, and derangement rational! Were they rational? Could they be regarded as in their sound senses, when they sat in serious deliberation upon such a proposition? Let no Protestant smile at the absurdity of the Roman Catholic who believes in the doctrine of transubstantiation in opposition to the evidence of his senses, when he sees a grave Legislature asserting that the assent of the King was necessary to an act, the foundation of which was, that there was no King by whom that assent could be given. Be that the Right Hon. Gentleman's mode of proceeding, but he hoped he had not eloquence enough to persuade the House to embrace so palpable an absurdity. To any restrictions on his Royal Highness at this time of day, he should also highly object. He was come to that time of life seldom attained by Kings when they mounted their thrones. If at the age of 48 years he was not fit to be trusted with power, he should be afraid he never would be fit. The Right Hon. Gentleman talked of the long and happy reign of his Majesty. But were we now in that state of security and even of greatness and grandeur which we fortunately enjoyed at the time his Majesty came to the throne? And did we contemplate in those Gentlemen on the opposite benches persons capable of extricating us out of our difficulties? Or had we not rather to dread from their imbecility and weakness that we shall be plunged still more deeply in calamity? He dared to say the Right Hon. Gentleman considered himself to be one of the blessings of the present reign, (*laugh, and hear, hear!*) and hoped that the measure which he now recommended to the adoption of the House, would be one of the means of continuing this great blessing for some time longer to the country.—He concluded by moving,

“That an humble Address be presented to his Royal Highness the Prince of Wales, requesting that his Royal Highness will be pleased to take upon him, during the indisposition of the King, and no longer, the Government of this Realm; and administer the same in the name and in the behalf of his Majesty, under the style and title of Regent of the United Kingdom of Great Britain and Ireland.”

Mr. CANNING said, that he must support the proposition of his Right Hon. Friend (Perceval) seeing an authority altogether in favour of that mode of proceeding, and not being satisfied that in addressing the Prince the House should exercise transcendent power. As to limitations on the Prince of Wales, at least as to the disposal of Places and Pensions, he was not prepared to say that he approved of any such, as things were now situated. He did not wish to see the hands of Government weakened. There was no party in this country in 1788, which would have availed itself of the circumstance of any restriction in this respect on the Executive Government in the hands of a Regency; and he did not now think any such restriction expedient.

Lord TEMPLE entered at some length into the precedent of the Revolution, and that of 1788. He concluded by voting in favour of the Resolutions.

Lord JOCELYN spoke on the ministerial side of the question.

Mr. ADAM maintained that the precedent of 1788 could not bear down the true principles of the case. The Regent can never be restricted without endangering the principles of the Monarchy. In the future stages of the Bill no efforts which he could make should be spared in giving it his most marked opposition.

The ATTORNEY GENERAL supported the motion for proceeding by Bill.

Sir S. ROMILLY thought that the House could not proceed by Bill, for the very mention of such a mode of proceeding must convince every one, that it was necessary to have his Majesty's assent to a Bill, before it could pass into a law; and how could his Majesty's assent be obtained during his present melancholy situation? The assent of his Majesty meant his will; and in his present lamentable state, how could that will be known? He disapproved of the Bill, because thereby the House would legislate without the control of the third branch, without acknowledging such act. The Resolution which the House was called upon to adopt was most unconstitutional and dangerous in its tendency, therefore he could not approve of it, and should support the Amendment for an Address.

The SOLICITOR-GENERAL supported the motion for a Bill.

Mr. HORNER approved of the proceeding by Address.

Mr. CROKER supported the Resolution.

Mr. WHITBREAD observed, that his Majesty has been labouring for seven long weeks under the afflicting disease; the exercise of the Royal Authority has been interrupted; and the Ministers have dared (*Hear, Hear!*) to exercise the Royal Functions without making any communication to the Nation. The Right Honourable Gentleman had stated to that House, that the symptoms of his Majesty's disorder were become more favourable, and that a speedy recovery was to be anticipated. Could the Right Honourable Gentleman say, upon the evidence of the Physicians whom we have examined, that the recovery is likely to be speedy? All of them say they cannot give any such information. But supposing that he did recover, supposing that he should again be restored to the use of his reason—in the future period of his life he will again, in all probability, be subject to a frequent recurrence of the same calamity.—There was such a recurrence in 1801. Of that disease there was then a distinct relapse; and the Minister of the day dare (*Hear*) to carry on the business of the Nation. In 1804, he was again in the same state. He could not make up his mind, that his Majesty was then fit to transact the public business; he could not believe that a person who is subject to hurries could be fit to wield the Executive Power. "I reverence (said Mr. W.) the King; but I cannot forget that he is the Sovereign of whom I am one of the Representatives." When the approach to him even in perfect sanity is cut off; when we know that in 1801 and 1804 the public business was carried on without his participation, should we not then provide for the proper discharge of the kingly office? The mode of proceeding by Address is the most complete and perfect. We, the Lords Spiritual and Temporal—We, the Commons of this realm, offer to your Royal Highness the Executive Power. Is there any tribunal higher than this? No; there is none. If you address then the Prince, your proceedings will have the highest authority; but if you make that an Act of Parliament, which is not an Act of Parliament, the want of the Executive deprives it of efficiency. He would attack the Crown when it was in full force and vigour, but he would not attack it when it is obscured. He had fought against it in the measure of Reversions, because they were odious to the people, and not beneficial to the Crown. Mr. W. here paid a tribute to the dignified reserve of the Prince's conduct. No man could taunt him with saying, that he knew how he was to act on such or such an occasion. The Ministers were resolved, however, to render him almost a mere pageant; and to deprive him of the power which was necessary to the discharge of his office. A certain General said, Give me an army of 4,000 men, and if I invade this country, I shall either entirely subdue it, or make it not worth having; so in like manner the Minister may say, "Give me these restrictions, and if I have not the power, I will, at least, make power not worth the having." Why would you tie up the hands of the head of the Executive? Why would you attempt to shade the splendour of the Throne? Is the splendour of the Throne calculated to make the man who fills that Throne happy? No; it can make no man happy.—It exists for the benefit of the nation. The Right Hon. Gentleman talks of Jacobins; but what Ja-

cobins ever proposed more alarming measures than this? He would have us to preserve the Royal Authority, not for the people for whom it was intended, but for the King. (*Hear!*) In whose guardianship has the King been these seven weeks? In the hands of these usurpers. "I asked in the Privy Council (said Mr. W.) a question of the Physicians, which, from my being deferred, received no answer. I asked who sent for a certain Physician? I was stopped; but I now repeat it as important. Who has exercised all the Royal functions these seven weeks? Let them give us an account of themselves. Is this a state in which Kings like these ought to go on? We know that the thing is only accessible by one sense. Let us reflect, that even when the King is perfectly well, it is impossible for any information to be conveyed to him, but through the medium of his Ministers, and sometimes, perhaps, of his minions. Let us reflect on the unhappy state into which Sweden fell after the death of Charles XII, by attempting to abridge the power of his Successors; when, in fact, the King became the mere servant of the State; and if we are wise, we shall be cautious of setting a precedent to this Country, of a similar degradation of the Royal authority.

Lord CASTLEREAGH got up amidst loud cries of question. In the course of his speech, the patience of the House was not so conspicuous as that of his Lordship. He spoke in favour of the Resolutions.

The House then divided on the last resolution. Ayes 269.—Noes 157.—Majority 112.—Adjourned.

Friday, Dec. 21.

The Report of the Committee being brought up, and the question being put on the second Resolution.

Lord W. RUSSET opposed it as unnecessary.

Sir F. BURDETT also again spoke against it; he said that the City of London had not been treated in a proper manner; the Corporation had great weight in the scale of public opinion, and had they, with the gentry in various parts of the country, addressed the Prince to accept the reins during his father's incapacity, it would have been a very proper proceeding. An Hon. Gentleman (Mr. Canning) could be very facetious about an Alderman's gown; yet he could dine in the City with a host of jobbers and contractors, when it suited his views.—The will of the two Houses was all that is wanted; that will could be better expressed by an Address than by a Bill, as the latter required the consent of all the branches—King, Lords, and Commons.

Mr. LAMBE approved of proceeding by an Address.

Mr. STEPHEN was of a different opinion: a Bill he thought the most expeditious mode. The Learned Gentleman talked in the usual style of the "best of Sovereigns," "grateful people," &c. &c.

Mr. WYNNE thought an Address would be the most expedient measure.

Mr. WILBERFORCE, upon a full view of the question, was prepared to give all the Resolutions his entire support. With respect to the proposed limitations, he should reserve his opinion.

Mr. STUART should vote for an Address.

Mr. GRATTAN was altogether of opinion that an Address was the only proper course.

Mr. YORKE acknowledged that they had only a choice of evils; but that proceeding by Bill was the less objectionable mode.

Sir J. NEWPORT preferred an Address.—Speaking of the Prince of Wales, he said, that such was the predilection of the Irish for his person, that his word or a wish would go further to conciliate them, than all the measures that could be devised.

Mr. ELLIOT did not approve of the precedent of 1758; he should vote for an Address.

Mr. H. ADDINGTON should give his cordial assent to all the Resolutions.

Lord PONCHESTER declared himself the zealous advocate for an Address, as the most likely course to preserve the liberties of the Country and the splendour of the Throne.

Mr. LOCKHART approved of the Resolutions.

Mr. PERCEVAL maintained, that of the two proceedings, the one was not less legal than the other. He then alluded to what Mr. Whitbread had observed respecting former relapses of his Majesty not having been announced to Parliament, and said that in this Mr. W. was not correct. In the first instance, the relapse was notorious; in the second, though there was a slight return, yet his Majesty was competent to the transaction of public business, as the Physicians had proved. As to the delay with which Ministers had been charged, they had proceeded with their eyes open to the responsibility attached to their conduct, both as to their duty to the King and to Parliament. "I also feel," continued Mr. P. "our responsibility in another point of view. I mean with respect to the most sacred interests of the public. Should it happen that it would be impossible to obtain the King's authority for any act to which his Sign Manual should be placed, I should consider myself bound to use that authority (*Hear! Hear!*) Gentlemen may say, that this is assuming the exercise of the Monarchy; but I do say, that if any department of the Executive required the Sign Manual, that officer would be most deeply responsible who should neglect such duty.—(*Hear! Hear!*) I say again, if any of the Members of the Government hesitated to command that the act should be done—I mean the Great Seal—he would be deeply responsible (*Loud cries of Hear! Hear!*) This is the feeling I have of my duty, and I think it right to own it; and if any appeal to Parliament should be necessary in future, I hope that its candour, its honour, and its justice will be dealt out to us. On that day, should it arrive, I will fling myself on the mercy of this House, and cheerfully submit to its judgment."—(*Hear! Hear!*) Mr. Perceval, in reply to a question put last night, observed, that as to who sent for this or that Physician,—why one, to whom the King had a rooted aversion, was called in—he did not think proper to answer, till the House commanded him.—(*Hear, hear, hear!*)

Mr. WHITBREAD remarked, that the Right Hon. Gentleman had now proclaimed himself and his friends as the persons who had arrogantly usurped the Royal Authority. Until this day, no man had dared to tell the House of Commons that he and his colleagues would controul the public purse. As the Right Hon. Gentleman had shown so much presumption, he, (Mr. W.) pledged himself that he would scrutinize his acts with no ordinary rigour. Had the Officers of Government taken no oaths; or were their consciences in the keeping of the Right Hon. Gentleman? Alluding to Mr. Stephens' attempt at the pathetic, Mr. W. said, he would paint the possible picture of a man,—that man a King,—in a state of double blindness, bodily and mental,—surrounded by his afflicted family, who with himself implored that a certain individual should not be empowered to controul him!—Could the House conceive a case of greater misery? If such a case existed, the removal of such a person might afford a better chance for the Royal recovery. He had been compelled to state this hypothetically, because he had been over-ruled in the Committee when he wished to put a question which would have brought out the truth.—He had also been over-ruled when he wished to learn the nature of those "hurries," described by the Physicians, and how they were excited;—answers to such questions would have enabled them to form some judgment as to the probability of the King's recovery. After the declaration of the Right Hon. Gentleman, the two Houses must take measures to prevent him and the lawyers about him from cheating the Public and the Constitution. He had sworn allegiance to the King, and he would rather die than submit to the usurpation of the opposite Gentlemen.

Mr. ADAM was surprised at the boldness of the Chancellor of the Exchequer; but this he knew, that the Lord High Chancellor would not at present put the Seal even to a Commission of the Peace.

Mr. PERCEVAL and Mr. WHITBREAD said a few words in explanation; after which the House divided, as the previous question had been moved.

For the previous question, 15—Against it, 98—Majority, 83—The second and third Resolutions were then carried.—Adj.

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

S. Bennett, Bath, upholsterer.
 J. and J. Birch, Manchester, cotton-merchants.
 R. Bray, Brighton, timber-merchant.
 J. Carter, Poplar, Middlesex, slopseller.
 E. Chambers, Wateringbury, Kent, shopkeeper.
 H. Dixon, Manchester, joiner.
 B. Doubayand, Warrington, cotton-manufacturer.
 N. Dublow, Brighton, vintner.
 W. Fawcett, Liverpool, merchant.
 J. and A. Flint, Gluttonmill, Stafford, cotton-spinners.
 H. Gilbert and W. Saunders, Birchaun, Devon, merchants.
 S. Hall, Bristol, ironmonger.
 J. Higgett, Trimsaran, Carmarthenshire, coal-merchant.
 T. Hopkins, Morley, Yorkshire, merchant.
 M. and A. Huntsman, Louth, milliners.
 J. Irwin, Clement's-lane, merchant.
 G. Kearsley, Fleet-street, bookseller.
 A. Keene, Bath, bookseller.
 T. G. Kendall, Liverpool, merchant.
 C. Leo, Dowgate-bill, merchant.
 J. Millard, Bristol, baker.
 M. Nathan, Whitechapel, tailor.
 W. Newsom, Bristol, innholder.
 J. Parsons, Sawbridgeworth, Herts, dealer.
 S. Peck, Gravesend, painter.
 J. Penford, Ringwood, Hants, mealman.
 W. Phillips, Brighton, builder.
 H. Thomas, Kingston-upon-Hull, merchant.
 C. Willgoose, St. Philip and St. Jacob, Gloucestershire, coal-merchant.
 W. Wood, Framwellgate, Durham, muslin manufacturer.

SATURDAY'S LONDON GAZETTE.

This Gazette contains accounts of the following captures:—The Melampe, Danish privateer, of 3 guns and 17 men, by the Ranger sloop, Capt. Acklom; and L'Aventurier, French privateer, of 14 guns and 50 men, by the Royalist sloop, Capt. Downie.

BANKRUPTCY SUPERSEDED.

W. Bennett, Piccadilly, linen-draper.

BANKRUPTS.

J. Jarratt, Assembly-row, Mile-end, dealer.
 T. Roberson, Oxford, attorney at law.
 C. Grant, Cushion-court, Broad-street, merchant.
 W. Cox, Birmingham, merchant.
 W. Major, Friday-street, Norwich shawl-manufacturer.
 J. Wharton the younger, Chester, corn-merchant.
 A. Goffen, Kingston-upon-Thames, ironmonger.
 J. Clark, Shoe-lane, builder.
 W. Freeman, Lamb's-conduit-street, upholsterer.
 J. Wells, Minehead, Somerset, tanner.
 P. Ryan, Bath, butcher.
 P. Johnson, Old-street, cabinet-maker.
 J. Lomas, jun. Mickley, Yorkshire, paper-manufacturer.
 J. Biggers, Gracechurch-street, jeweller.
 R. Acton, Manchester, corn-factor.
 A. Rayner, Union-place, City-road, dealer and chapman.
 J. Lovell, Aldersgate-street, jeweller.
 G. Ulrich, Croydon, baker.
 J. Barker, Liverpool, sugar-refiner.
 T. Billinge, jun. Liverpool, bookseller.
 J. Smith, Liverpool, merchant.
 R. Whidborne, Crediton, Devonshire, maltster.
 G. B. Marsden, Manchester, upholsterer.
 W. Lungley, Barton-Mills, Suffolk, merchant.
 W. Platt, Bolton-le-Moors, Lancashire, innkeeper.
 T. Davis, Prince's-row, Surrey, tea-dealer and chandler.

- J. Jenkins, Montagu-square, baker.
- H. Bidwell, Whitechapel, linen-draper.
- T. Brincelow, Ashton-within-Mackerfield, Lancashire, grocer.
- E. Jacob, Lantrissant, Glamorganshire, cattle-dealer.
- W. Parker, Waltham-Abbey, timber-merchant.
- T. Trueman, St. Mary Axe, mattress maker.
- S. Pursell, Milk-street, warehouseman.
- C. Brown, Union-street, Bishopsgate-street, baker.
- T. Mallars, Gravel-lane, Christ-Church, baker.

PRICE OF STOCKS ON SATURDAY.
3 per Cent. Red. 65 $\frac{1}{2}$

TO CORRESPONDENTS.

The Letter of SEMPRONIUS,—G. DAY,—A LOVER OF EQUITY,—B. ON IMPRISONMENT FOR DEBT,—and other Communications, will be inserted as soon as possible. X. Z. is informed, that the name of the Paper which contained the Advertisement alluded to is not remembered. It appeared in more than one.

THE EXAMINER.

LONDON, DECEMBER 23.

Mr. PERCEVAL, in the House of Commons on Thursday, divulged his promised ideas concerning a Regency. It appears that he is kind enough to agree with the general opinion in favour of committing this office to the Prince of WALES, but would guide the House upon the principle of what he calls the "precedent" of 1788; that is to say, he would bestow the Regency by means of a Bill instead of an Address, limit it to a short time in the expectation of a recovery on the part of the KING, and suspend for a year the power of granting not Peerages alone, but all Pensions and Places unconnected with the Regent's immediate necessities, particularly the offices of his MAJESTY'S household, the right of naming which, as well as the custody of the KING'S person, should be left, he says, to the QUEEN. These opinions our disinterested politician submitted to the House in the shape of three Resolutions, the first declaratory of his MAJESTY'S present incapacity; the second stating the right of the Parliament, "lawfully, fully, and freely representing all the estates of the people," to supply the deficiency thereby occasioned; and the third proposing to supply this deficiency by procuring, *somehow or other*, the Royal Assent to a parliamentary Bill. In the course of his recommendations of this measure, Mr. PERCEVAL took occasion to assure his hearers that "he never could express himself in terms adequate to the profound respect he had for his Royal Highness and his character." Nothing could be more graceful, seasonable, or sincere. It is only to be hoped, and indeed, from the PAINTER'S refusal to accept to his proposed visit at Carleton House, it is very probable, that his Royal Highness entertains sentiments equally profound for the Right Honourable Gentleman, though not precisely of the same nature.

Were the Minister's Resolutions proposed in a disinterested spirit, and discussed by an Assembly "really" representing the people, they would be worthy of more attention. But when the people see that the predomi-

nant intention in the debaters is to struggle for power and place,—that a Bill is proposed by Ministers in order to hold up one peculiar interest, and an Address proposed by the Opposition in order to hold up another,—they become sick and disgusted. In both the modes, considered with reference to the supposed *temporary* nature of royal incapacity, there is a mixture of good and bad:—the Bill gives to Parliament a more decided air of acting for themselves on the occasion, but it imposes too many restrictions on the Regent; the Address has the advantage of expedition, and is more liberal, but the restrictions to be subsequently imposed would probably be too few. But either would do very well, were the situation of the King explicitly considered, and the composition of Parliament such as to speak the true voice of the people to the ruler it elects. The reader of the late debates is struck with astonishment to see how both parties abstain, almost unanimously, from mentioning the King's loss of sight, as if blindness was no hindrance to the proper resumption of his office; as if, in fact, it was not a physical impossibility in the way of that resumption, equally strong, though not equally distressing, with loss of intellect! Who is to say that a Monarch in either situation shall not be hedged in with deception? that he shall not touch deception? that he shall not sanction it, advance it, and ruin both himself and his country by it? The truth is, that as every body is agreed on the propriety of giving the Regency to the Prince of WALES, his Royal Highness ought at once to have been appointed unlimited Regent. A proper regal state might have been preserved to the King, together with his just title; but the cares of government should undoubtedly have been transferred to eyes that can keep watch for them, and to hands that are guided by the sight and the understanding. The Ministers have got their majority as usual, and it is otherwise;—and while the people have thus received an additional lesson that no disorder in the state can be effectually remedied while the King's servants possess such an influence, the Foxites, it is to be hoped, have received an additional one also on the wretched folly of their adherence to corruption.

The Royal Dukes have united to sign a kind of Protest against the Minister's proceedings. It is a very weak paper, without meaning and without importance.

The House of Commons met yesterday, and afterwards had a conference with the Lords in the Painted Chamber, and delivered the Resolutions passed in the Commons on a former day; they then adjourned till Friday next.

The expedition which had been so long preparing in the rivers Enns and Jade, the object of which was supposed to be a *coup-de-main* against Heligoland, put to sea about the 20th of November. It consisted of twelve gun-brigs, and twenty-four gun-boats. Two days after, Lord GEORGE STRAIGHT, the Commodore on that station, received intelligence that the enemy were out, and immediately proceeded in quest of them, with the *Horatio* frigate, *Paz* schooner, six gun-brigs, and two gun-boats. On the 24th

his Lordship got sight of the enemy, but unfortunately was not able to close with them. Three of their gun-brigs, however, were driven on shore, near the Jade; the rest escaped into Varel.

On Wednesday **LUCIEN BONAPARTE**, Family, and Suite, landed at Plymouth. They were conveyed in carriages to the King's Arms Inn, accompanied by Sir **ROBERT CALDER**, General **ENGLAND**, Lord **BORRINGDON**, and several Naval and Military Officers. "LUCIEN (say the papers) appears about 50 years of age, about five feet seven inches high, of a sallow complexion, thin visage, and is very much like the pictures seen here, which are said to be a good likeness of the Emperor.—Madame **BONAPARTE** is a stout handsome woman. The Children consist of five Daughters and two Boys; the eldest Daughter is about 17 years of age, and very handsome, so are her Sisters; the Boys are young, the eldest not being more than eight years old." It is also said that "they are to proceed to **Limoges**, in **Montgomeryshire**, a seat of the Earl of **Powis**, who has offered to Government this noble residence, with the park and pleasure grounds annexed, for the accommodation of **LUCIEN** and his family. Mr. **MACKENZIE**, the late negotiator for a Cartel of Exchange of Prisoners, is gone down to Plymouth, for the purpose of explaining to him the conditions upon which he is to be allowed to reside in this country.—He is considered as a prisoner of war."

America has allowed us till the 2d of February to rescind our Orders: if we fail of so doing, the non-intercourse is, by the Act of Congress of May 1, revived against us; and all our vessels arriving in the United States subsequently to the 2d of February are forfeited.

Ten of the principal Mercantile Houses at Gottenburgh have recently failed; our own Gazettes are filled with bankruptcies; and yet there are persons who even now contend that **BONAPARTE'S** Continental system is not accomplishing its destructive intentions!

Messrs. **Craddock and Joy**, Publishers of the *Anti-jacobin Review*, were on Friday found guilty of a libel upon the Rev. Dr. **Hodgson**, Principal of Brazen-nose College, Oxford. The libel charged Dr. **Hodgson** with suppressing a letter which he had undertaken to forward, by which means he had secured to himself the election to that office; which assertion was altogether false.—Lord **ELLENBOROUGH** said, that it was the province of the Jury to determine what was or was not a libel: he thought the present was a calumnious one.—The Jury hesitated for some time, and then brought in a verdict of guilty.

Mr. **RICHARDS**, who had been many years a Member of the Royal Academy, and Secretary to that Institution, died on Tuesday last, in the 81st year of his age, in Somerset-place. He was chiefly distinguished as a painter of theatrical scenery. His picture of the opening scene of *The Maid of the Mill* was much admired, and was the subject of an engraving by **WOOLLET**.

At the Bath Theatre, a Mrs. **GARRICK** is playing, of whom report speaks in high terms, both as singer and performer: she is said, as the former, to resemble Mrs. **DICKENS**, but her voice more harmonious.—Mrs. **GARRICK**, when Miss **GRAY**, came forward at a very early age at Covent-Garden Theatre; but marrying Mr. **GARRICK** (the nephew of the celebrated **DAVID GARRICK**), she retired from public life; to which she has now returned.

In answer to some questions put by "a Temporary Hospital Mate," a Correspondent assures him, that he has

made enquiry of medical gentlemen, who assert, that no professional person can be legally compelled to serve beyond the period of their verbal agreement; there being neither law nor custom to sanction their detention in the service beyond such period.

At a Court of Common Council on Thursday, Mr. **WAITHMAN** brought forward the Report respecting the London Militia, upon which he commented with considerable force; maintaining that none of the statements had been or could be refuted. He took occasion to exonerate Mr. **GORE SMITH** from blame as far as he could, observing that he acted under the controul of the Lieutenancy; but insisted that the duplicate of the accounts allowed by the Quarter Sessions ought to have been presented to that Court, and not the Accounts which the Commissioners had passed themselves, and in which those balances, amounting to upwards of 8000*l.* were omitted to be brought forward; that no Account could be considered a just one where the balances were omitted. He moved, "That the Court do agree with the Report."—Sir **JOHN EAMER** and Alderman **HUNTER** entered into a long vindication of their conduct, accompanied with many personal invectives against the Committee and some of the Officers who gave evidence.—They were replied to by **L. C. WIGAN**, Mr. **QUIN**, Ald. **WOOD**, and others. After considerable debate, the consideration of the Report was postponed.

BULLETINS.—A correspondent says, that "at the battle of **Fleurus**, while the enemy was advancing, and so long as the combat lasted, a French aeronaut, who hovered over the heads of both armies, sent General **JOURDAN** *Bulletins*, or short notices, of Prince **COBOURG'S** movements, on scraps of paper, fastened to metal rings, that ran down the cords by which the balloon was retained in its station."

CAPT. MASON AND R. THROP.—**Benj. Johnson**, 22, Commercial-road, requests the *Examiner* to state, that having seen his name introduced into an Affidavit made by **Richard Throp**, he thinks it proper to affirm most solemnly, that **R. T.** put all his papers relative to the prosecution of **Capt. Mason** into **B. J.'s** hands, and requested that he would present them to his Commanding Officer as the price of **Throp's** discharge; which **B. J.** accordingly did, but they were rejected with contempt by **Col. Smith**. **B. Johnson** further affirms, that **Mr. Monk** (**Throp's** brother-in-law) wished **B. J.** to intercede with **Major** (now **Col.**) **Jackson**, for **Throp's** discharge; and that **Throp** himself accompanied **B. J.** when the Memorial alluded to was presented.

Note.—The above paragraph is inserted, in justice to **B. Johnson**: but it is proper to state, that the good of ill-conduct of **Richard Throp** does not in the slightest degree alter the facts proved in Court against **Capt. Mason**, where **Throp** was the Prosecutor, not the evidence.—On this subject, owing to the pressure of temporary matter, **J. H.'s** Letter, in reply to **Capt. Mason's** Defender, is again postponed till next week.

PUGILISM.—A battle between **Crib** and **Molineaux**, the black, took place on Tuesday, on Copthall Common, near East Grinstead, for 200 guineas, and a subscription purse of 100 guineas. The former, after a disgusting fight of fifty-five minutes and forty-four rounds, became victor. Both parties were dreadfully mangled and disfigured!—The following statement (says a constant reader) will

prove the very intimate connection that at present subsists between the *pickpockets* and the *pugilists*:—the expected fight between the two ruffians, *Crib* and *Molineaux*, having excited much attention among the *high* and *low* blackguards of the metropolis, all the *swell* pickpockets, as they are termed, were anxious to attend for the purpose of exercising *their* talents, and notwithstanding the scene of action was kept with as much secrecy as possible, *they* were *early* apprized of it; and it is a fact that more than *one hundred* notorious London pickpockets were mustered at East Grinstead, 30 miles from town, before ten o'clock on the morning when this brutal and disgraceful exhibition took place. The Magistrates might have easily apprehended these two ruffians *before* the day of battle, and have bound them over to *keep the peace*; but we have now too many sporting gentlemen in the commission."

TAX-GATHERERS.—The *Examiner* is requested to state, that, "in the case of P. and B. communicated by *Philo-Justitia* last week, there appeared a deviation from the fact; for instead of a *warrant* of distraint being produced and acted upon, the *unwarrantable* expenses of brokerage were *paid*; an attempt having been previously made to seize upon a table in the room.—N. B. Other facts, of a more aggravated nature, can be adduced; but some redressive measures being about to be adopted, render further exposure at present unnecessary."

INDECENT EXHIBITION.—A Correspondent, signing himself "A Reader," writes—"In passing a shop near Temple Bar (I believe an old established Wax-work Exhibition, as it is mentioned by Lord Chesterfield in his *Miscellaneous Pieces*) my attention was directed towards a Bill nailed on the threshold, with the notice—"Her R. H. the Princess AMELIA lying in State;"—and in looking into the place, I saw two wax figures dressed as undertakers, and lamps burning in the back part of the shop, which was hung round with crape; and this I presumed to be the entrance to so shameful an exhibition. My feelings being much shocked at the idea of making a shew of so distressing and solemn a circumstance (and one in which the Public has felt with sympathy) I left the place much disgusted. Every one of common feeling who has retraced the sufferings of the late Princess AMELIA, will feel much that so kind and charitable a personage should have been visited with so unequal a portion of misery, and will, I hope, hold the inventor of an exhibition so *indecent*, in abhorrence. The Public in general, I flatter myself, will abstain to encourage so glaring an insult on their humanity."

LEGAL POWERS.

TO THE EDITOR OF THE EXAMINER.

I have seen the question proposed in one of the public prints, whether, under the present political incapacity of the King, the several Courts of Law could, legally and constitutionally, pass sentence on a culprit? My Lord Coke has determined that question, Mr. Examiner, as follows:—

"If the Crown descend to the rightful heir, he is REX *before coronation*: for by the Law of England there is no *interregnum*: and coronation is but an ornament or solemnity of honour. And so it was resolved by all the Judges, Hil. 1. Ja. in the case of Watson and Clarke, Seminary Priests; for by the Law there is *always* a King,

in whose name the *Laws* are to be maintained and executed, otherwise *Justice* should fail. Divers Kings before the Conquest voluntarily renounced their Kingly office: and so did King Henry II. in the 16th year of his reign, and Henry his sonne was created and crowned." 8. Inst. 7.

We therefore see that by *law* there can be no *interregnum* in England. Whether such there be in *fact* at the present period, I submit to the consideration of your judicious readers?—Your's, &c. TRISMALTES.

THE KING'S ILLNESS.

MEDICAL BULLETINS.

Windsor Castle, Dec. 16.

"The King has passed an indifferent night, but he is as well as he was yesterday."

Windsor Castle, Dec. 17.

"His Majesty has passed a quiet night though without much sleep, and has appeared rather better through the last 24 hours."

Windsor Castle, Dec. 18.

"His Majesty has passed a good night, and is much in the same state this day as he was yesterday."

Windsor Castle, Dec. 19, 1810.

"His Majesty has had a tolerable good night, and is much the same this morning as he was yesterday."

Windsor Castle, Dec. 20, 1810.

"His Majesty has passed a good night, and appears rather better this morning."

Windsor Castle, Dec. 21.

"The King has had a very good night, and is better to-day."

Windsor Castle, Dec. 22, 1810.

"His Majesty has passed a pretty quiet night, and is not materially different from his state yesterday."

ABSTRACT OF THE REPORT OF THE COMMITTEE ON THE STATE OF THE KING'S HEALTH.

(Presented to the House of Commons on Monday.)

"The Committee appointed to examine the Physicians who have attended his Majesty during his illness, touching the state of his Majesty's health, and to report such examination to the House,—have, pursuant to the order of the House, proceeded to examine the said Physicians, which examination is as follows:—The Report then goes on to state, at great length, (39 folio pages) the Questions and Answers,—the substance of which is to the following effect:—

Dr. H. Revel Reynolds (examined on the 14th December) was of opinion that the King was incapable of attending to any kind of public business. He still, however, entertained "very confident hopes" of the King's recovery. The symptoms of his Majesty were favourable, from the soundness of his constitution, preserved by simple and temperate diet and the regular habits of his life: his memory was strong, and as correct as it ever was; his perceptions as acute; his judgment is perverted and he has lost his discretion at present. He had seen his Majesty recover from three attacks of the same disease, in some parts of which he was even worse than at present.—Dr. Reynolds believed that the greater number of persons so affected have recovered, but he could not fix the period of recovery; their hopes and expectations had fluctuated. He had no doubt that when once his Majesty's aberrations were gone, that he would recover perfectly: some vestiges of complaint might remain, but he had no doubt that his Majesty would be able to "discharge his functions just as well as ever." His Majesty was sometimes better, and then worse again: he was better now than he has been at several periods of the disorder. Dr. Reynolds understood that his Majesty's disorder came on from anxiety respecting the illness of the Princess Amelia. He had never seen any persons, of the advanced age of his Majesty, labouring under such a disease. It is the general opinion, that as life advances the chances of re-

covery become doubtful. He had known people who have never recovered, but they had not such sound constitutions as the King. A sound constitution affords much the greatest probability of recovery. Patients, whose habits of life were just the reverse of the King's, sometimes found benefit from the adoption of a temperate regimen. What he meant by the integrity of the King's mind was, that his memory was entire—his perceptions were entire—and his acuteness considerable, which appears from his making every now and then a comment on any thing said: his judgment was perverted and his discretion slept; but there were now and then transient gleams of both. He never saw a case exactly similar to the King's: the disease was modified by his particular constitution, and perhaps in some measure by his peculiar station. Though vestiges of the complaint might remain after the King's recovery,—though now and then a little *hurry*, or something, might for an hour agitate him,—yet it would subside again, and his Majesty would be perfectly competent to transact the public business. This was the case in former recoveries.—The indications of disease could hardly be called paroxysms—it was more a hurry of manner than any thing else. He did not know that when his Majesty was so hurried he was competent to transact business: he understood that when the King, from any opposition, was rather in a hurry, if he was told there was any business to transact, it composed him directly. This he was told by several persons who attended the King. After the complete recoveries of 1789 and 1804, these hurries occurred. Age has made few depredations upon his Majesty: he appears younger and stronger than many persons much younger than himself, and therefore much better able to resist the effects of disease than many younger persons would be. He should, however, suppose that his Majesty's present age, in comparison with his age at the former periods of attack, would have some effect on the probable continuance of the malady. His Majesty's sight is now very defective: his being blind at one period of the disease might be of benefit, as intercepting some sources of irritation; but at another period it might be adverse, as it also intercepts some sources of amusement. He could not say therefore whether his Majesty's defective sight would be injurious or otherwise. His Majesty's relapse, after the last examination of the Physicians, "puts the prospect of immediate recovery to a greater distance," but he did not think of ultimate recovery. The circumstance of his having got well from similar attacks, is a foundation of hope that his Majesty will recover from his present one. There was something so peculiar in the King's case, that his advanced age, coupled with the prior attacks, did not shake the confidence of the Physicians: there was no mark of fatuity about him. The first symptom of his Majesty's present complaint was observed on the 25th of October. None of the Royal Family have seen his Majesty since he was called in, on the 3d of November; but the Lord Chancellor saw him the day before yesterday. There was a discussion on the subject, as there was some doubt whether the interview would not irritate him; but his Majesty had been told by Sir H. Hallford that the Chancellor was to be there, and it was therefore unanimously resolved that he should see him. They desired the Chancellor to avoid every thing that might create discussion. Once or twice, during the last fortnight, the King has been bodily indisposed: at times he has been seriously ill of fever, independent of mental disease. The Chancellor saw his Majesty alone for 18 minutes.—He could not state any probable time for his Majesty's ultimate recovery:—there are so many fluctuations, it is impossible, Dr. Reynolds said, to give any decided opinion.

Dr. Matthew Baillie examined.—He coincided generally in opinion with Dr. Reynolds: He thought it very probable that the King would ultimately recover: he had never attended the King before his present illness. He had observed one or two symptoms of his Majesty's disorder before the 25th of October. During the illness, the bodily ailment of the King has been at times very little; it certainly was less probable that the King should recover than if he were a younger person; but the King, at 72, is stronger than many persons of 62, and therefore may

have a better chance than most persons would have at the same period of life. He thought the King's defect of sight was less likely to have an influence upon his positive recovery, than upon the duration of his illness. He really could not form any conjecture as to the probable duration of the King's illness. He never knew but one person as old as the King who was affected with this disorder; that person was not blind, and did not recover. He had now rather a less sanguine expectation of the King's recovery, than when he was last examined.

Dr. Heberden examined.—He entertained the greatest expectation of his Majesty's recovery. By the word "hurry," as applied to his Majesty, was meant that he talked more rapidly, with quicker transition from one subject to another, not an incoherent talking. The King is generally better after passing a good night. His Majesty was not more forward now in his recovery than he was a fortnight ago. He thought it more likely, from his Majesty having been afflicted three times before, that he would now recover. Derangement of mind and delirium of fever do not come under the general character of insanity; no more does his Majesty's case, which is not merely the delirium of fever, nor any common case of insanity: "it is a derangement attended with more or less of fever, and liable to accessions and remissions." He had seen cases of insanity in persons above 70 years of age; they did not recover. His Majesty's constitution was "perfectly sound," which was favourable to his recovery. He did not think his Majesty's disorder originated in his bodily health; but his bodily health has been affected by his disorder. During his Majesty's illness, when the fever has been totally absent, the mental derangement has continued, but not in any great degree. He considered the "hurries" which his Majesty is subject to as vestiges dependent upon the malady. The cause which renders the King liable to these attacks, he deemed a peculiarity of constitution, of which he could give no distinct account. With reference to the present case, he thought the cause of the King's illness was owing to the Princess's sickness: that cause produced, from the peculiarity of his Majesty's constitution, the derangement both in mind and body which constituted his present disorder. He thought the state of his Majesty's sight an inconvenience; but that it would not retard his ultimate recovery.

Sir Henry Hallford, Bart. examined.—He said that the King's disorder had amended considerably since its commencement, though it had not made much progress during the last fortnight. He had not seen any patients precisely in the King's situation. The King, he thought, was more capable of being excited by external causes, from not being in the habit of being contradicted or opposed through life. He had not hopes of his speedy recovery, nor could he limit the time. He had heard of recoveries of patients above 70 years of age, but could not speak from his own knowledge. The King's bodily health was not perfectly good; he has never, in this illness, been entirely free from fever. When there was mental derangement, he thought it probable that there must be bodily. On the 25th October, his Majesty asked him some questions respecting the propriety of taking medicine; his conversation and his manner were hurried. On the 28th of Oct. his Majesty's symptoms rapidly increased: up to that time, he thought his Majesty was capable of transacting business. The King is by no means now so well as he was on the 25th of October. Since the last examination of the Physicians, the King has had a paroxysm of a violent nature, but not of so long a duration as the previous ones have been; and since that time the remissions have not been quite so complete. After sleep the King is always more composed. Her Majesty saw the King on the 29th of October. She was the last of the Royal Family who saw him. The Chancellor has seen the King twice, and Mr. Perceval once. He informed his Majesty that the Chancellor was at Windsor, and the King desired to see him: he expressed great satisfaction when he saw the Chancellor; but the interview did not appear to have any effect on his Majesty's malady. The circumstances which led to the second interview were these:—He found the King involved in a great

many errors and misconceptions, and he (Sir H. Hallford) took the liberty of using the Chancellor's name entirely as a medical expedient. It occurred to him that the mention of the Chancellor would extricate the King from those errors; and it had the desired effect. He therefore proposed that his Majesty should see the Chancellor. He did not consult his colleagues in this matter; but they made no objection whatever. He thought that some benefit had arisen from this interview. The King, on being told that Mr. Perceval was at Windsor, expressed a wish to see him; he was introduced, and staid six or seven minutes. Dr. Willis expressed an opinion that the interview with the Chancellor might be injurious; but the King having been promised that he should see him, and being anxious for the interview, it was judged proper that it should take place.—Respecting the King's sight, he thought with Dr. Reynolds. He could not form any thing like a satisfactory conjecture as to the duration of his Majesty's illness.—His Majesty's perceptions are clear and keen; his memory, which is the first faculty usually observed to be influenced and injured by this disease, and which is the first to feel the effects of age, is sound and strong: his judgment is in eclipse. If the King were now in the same state in which he was between the 25th of October and the 27th at night, he believed his Majesty would be competent to the transaction of public business.—The "hurried" manner spoken of, means that his Majesty's conversation is more rapid and his thoughts occur more quickly in succession upon one another, than in a state of perfect health: his conversation is not wandering; it is connected, but too rapid. He thought the apprehension on the mind of a patient of the recurrence of mental malady, after repeated attacks, would make him more susceptible of the influence of such external causes as would produce the disease. He entertained very high expectations of the King's recovery, on the grounds that hitherto no injury was done to the King's faculties by the disease, and that he observed no failure in his constitution.

Dr. Robert Darling Willis examined.—He entertained confident hopes of his Majesty's recovery. He attended his Majesty in the year 1801. The present malady is the same as that with which his Majesty was then afflicted. He thought the state of the King's sight would retard but not prevent his ultimate recovery. He never saw a person of his Majesty's age labouring under a similar complaint. His Majesty's complaint did not appear to be connected with age; there is no mark of age in the symptoms; and it therefore appeared to him that his Majesty was as likely to recover, notwithstanding his age, as he would from any other accidental complaint. He could not state any period at which his recovery was likely. In 1801, he concurred in the Bulletins which stated that his Majesty was completely recovered; there were some little remains of "hurry" about him, but nothing further that he could recollect. At that time (on the 14th or 15th of March) a relapse took place, after the Bulletins had ceased. Between the cessation of the Bulletins and the relapse his Majesty's Ministers had access to him. Nobody was present at the time but the parties. The relapse continued a few days only, without violence. He discontinued his attendance, on that occasion, on the 3d of June, 1810. These "hurries" are vestiges of the King's malady.—He did not think that either good or harm was produced by the Chancellor's interview with the King.—"I consider," said Dr. Willis, "the King's derangement more nearly allied to delirium than insanity; whenever the irritation, in his Majesty, arises to a certain point, he uniformly becomes delirious. In delirium the mind is actively employed upon past impressions, upon objects and former scenes, which rapidly pass in succession before the mind, resembling in that case a person talking in his sleep. There is also a considerable disturbance in the general constitution; great restlessness, great want of sleep, and total unconsciousness of surrounding objects. In insanity, there may be little or no disturbance apparently in the general constitution; the mind is occupied upon some fixed assumed idea, to the truth of which it will pertinaciously adhere, in opposition to the plainest evidence of its falsity; and the individual is always acting upon that false impression.

In insanity, also, the mind is awake to objects which are present. Taking insanity, therefore, and delirium, as two points, I would place derangement of mind somewhere between them. His Majesty's illness uniformly partakes more of delirium than of the insanity."—When he first saw the King, he was wholly unconscious of surrounding objects: but that was not his condition on Tuesday last; then there was derangement. But his Majesty's malady has never borne the character of insanity; it never gets beyond *derangement*, according to the scale which he had just laid down. This applies to the illness of 1801 as well as to the present case. He did not attach any importance to a patient having previously had repeated attacks of mental disorder, if he saw no consequences follow; and in this case he had perceived none whatever. The King having expected a visit from the Chancellor, he was in that state of expectation, that it was a doubt whether as much irritation would not arise from keeping him away, as from admitting him: he therefore assented to the interview, as a choice of evils.—He thought his Majesty's disorder much more easily cured, as being more nearly allied to delirium than insanity.—When a patient had been under his care more than once, he certainly would expect the return of that patient more than after the first attack.

LORD FOLKESTONE AND GEN. CLAVERING.

The following singular Statements have been published. If Gen. Clavering had worn a fool's cap for a twelvemonth, he could not have made himself appear in a more ridiculous light:—

On the 7th inst. Brigadier-General Clavering addressed the Letter, No. 1, to Lord Folkestone.

No. I.

No. 2, *Prince's-street, Cavendish-square, Dec. 7.*

MY LORD,—Having been abroad since December, 1809, I did not till lately meet with a book entitled "The Rival Princes."—In that work there is a letter signed "Folkestone," wherein a most unwarrantable liberty is taken with my name. But as it is impossible that the son of the Earl of Radnor could so degrade himself as, unprovoked, wantonly to sport with the character of any man, I hope your Lordship will assist me in endeavouring to discover the person who has presumed to shelter himself under your title, being satisfied that you must concur with me in opinion, that he is a most malicious and impertinent scoundrel. I have the honour to be, my Lord, with great respect, your Lordship's obedient servant,

Viscount Folkestone, &c.

H. M. CLAVERING.

Upon the receipt of this letter Lord Folkestone sent the answer No. 3, in an envelope, containing a Note from Mr. Lushington, No. 2.

No. II.

SIR,—I am desired by Lord Folkestone to forward the inclosed to you. His Lordship declines any correspondence in future, and requests that any further communication may be made through me.—I am your obedient humble servant,

December 7, 1810.

STEPHEN LUSHINGTON.

No. III.

Dec. 7, 1810.

SIR,—I have already publicly avowed, and again avow, the letter signed "Folkestone," and published in a work called "The Rival Princes"—I will add, that the epithets you apply to the supposed unknown author of that letter are grossly false, and unbecoming the character of a gentleman to use.

FOLKESTONE.

The next morning General Clavering called upon Mr. Lushington, and having found him at home, delivered to him the following letter:—

No. IV.

No. 2, *Prince's-street, Cavendish-square.*

December 8, A. M.

SIR,—I have this instant the honour of your Note, with an accompanying inclosure from Lord Folkestone. His Lordship

avows himself the author of a scurrilous letter, wherein he secretly stabbed at my character, and consequently appropriates to himself the opinion that I have been compelled to deliver of such an infamous proceeding; and he fancies he can irritate me by epithets, which I should most justly have incurred, had I permitted the letter alluded to in the Rival Princes to pass unnoticed.—Experience has proved to me that a man who is capable of wantonly attacking another, is equally capable of securing himself behind his privilege; therefore I will not send a challenge to such a Member of Parliament: but if any man who, unprovoked, has attempted to assassinate me, should think fit to invite me to the field, I will attend for the avowed purpose of destroying him, or falling in the attempt; to accomplish which, such combat shall not be agreeable to usage on trifling points, at the vague distance of twelve paces, but shall be decided with a broad-sword, or with pistols, the muzzles in contact with each other: and if I should have the good fortune of meeting in public any man who shall have presumed to say or to write—"that I have acted unbecoming the character of a Gentleman," the strength of my cane shall be tried upon his head. Permit me, now, Sir, to apologise to you for being under the necessity of submitting what must be most unpleasant to peruse, trusting that in equity and impartiality you will acquit me of any intemperance, on considering the dilemma to which my Lord Folkestone's conduct has reduced me.—I have the honour to be, Sir, with great respect, your obedient humble servant,

H. M. CLAVERING.

Stephen Lushington, Esq.

Mr. Lushington having perused this letter, informed General Clavering that he should communicate it to Lord Folkestone; but that for himself, he must entirely decline being present, or having any concern with a meeting such as described in that letter. Gen. Clavering said, he had made up his mind; that his injuries were of no common sort; that the meeting should be upon the terms described in that letter, and upon no other; that he would have no second; that friends were too apt to settle such affairs. Mr. Lushington repeated his determination not to be present on the terms mentioned, nor at all, except Gen. Clavering was attended by a friend; and added, that he did not think that Lord Folkestone had acted with the intention Gen. Clavering imputed to him, from the intimacy which had subsisted between Lord Folkestone and a near connection of Gen. Clavering's, uninterrupted even by the publication of his letter, which had been done in breach of confidence. Gen. Clavering replied, that he could not consider the matter in that light; that Lord Folkestone ought to have apologized to him, when he did to others. In this conversation Mr. Lushington observed, that he was quite sure that Lord Folkestone had no intention of availing himself of any privilege of Parliament; that none existed in the present case, as no part of the transaction concerned any proceedings in the House. On these points Gen. Clavering differed.

Mr. Lushington communicated the letter, No. 4, to Lord Folkestone; and the same day waited upon General Clavering, and delivered to him No. 5.

No. V.

December 8.

SIR,—I have with the least possible delay communicated to Lord Folkestone your letter; and I am requested by his Lordship to say, that he is ready to meet you upon any terms which may be agreed upon by any gentleman on your part, and myself on his; that his Lordship never entertained the idea of availing himself of any privilege of Parliament, and he does not consider that there exists any applicable to the present case. I am your obedient humble servant,

H. M. Clavering, Esq.

STEPHEN LUSHINGTON.

General Clavering having read this letter, observed, that he had for three weeks carefully deliberated upon the line of conduct he should pursue; it was detailed in his letter (No. 4,) and from that he would not swerve; that he did not consider this a common case—not a difference upon slight points, which could be settled in the usual mode; that if he went out, he was fully determined to exterminate Lord Folkestone, or to

be exterminated himself; he repeated, that he went with the same disposition as to meet an enemy in the field; he considered his injury so great, that he would not leave the decision to chance; that the letter, though not intended for publication, had not been disavowed, as Lord Folkestone thought fit to do by the others; that he would appoint no second whatever, but would abide by what he had first written; that one of his reasons was, that seconds were usually satisfied to have an apology made, and to that he would never consent. Mr. Lushington said, Lord Folkestone had not any intention of offering any apology, and repeated this distinctly afterwards. General Clavering replied, he had not consulted any one upon this occasion; that, perhaps, he should have a difficulty in finding any friend whose mind was wrought up to the pitch his was; that he would meet Lord Folkestone in five minutes, in that room, in Lord Folkestone's, or in the garden; but that he would not name any person to act on his part. Mr. Lushington said, he could not think of being present alone. General Clavering observed, that he should be well satisfied to have Mr. Lushington only; but that though he had no thoughts of a Surgeon, yet he would not object to one being present, having no authority to act in any way for him, and that it should be so understood. Mr. Lushington replied, that though quite unused to these matters, yet that he had always understood that it was usual and right for a Gentleman to attend on each side, and that nothing should induce him to go out singly. General Clavering asked if Lord Folkestone would consent to meet him on the terms mentioned in his letter? Mr. Lushington replied, that Lord Folkestone had already given his answer, which was written in No. 5; namely, that he would meet General Clavering in any way which might be deemed fair and proper by two Gentlemen, one appointed on each side. This question was repeated by General Clavering, and he was again referred to the letter No. 5; upon which Gen. Clavering observed, that he would not appoint any one. Mr. Lushington then said,—“Am I to understand that you refuse to accept Lord Folkestone's offer of meeting you, and giving satisfaction in the mode expressed of that letter, namely, to be fixed by two Gentlemen, one appointed on each side, as is usual and customary?” General Clavering observed, that he considered the injury as such, that he would not consent to accept that offer. Mr. Lushington said, that in matters of this sort distinctness and clearness were of the greatest importance, and that, in Lord Folkestone's name, he again demanded if General Clavering would accept the offer made of meeting him in the field in the manner to be fixed by seconds?—Gen. Clavering more than once refused. Mr. Lushington said, that as Lord Folkestone's offer of satisfaction had been explicitly refused, he was authorized by Lord F. to tell General Clavering, that he declined having any thing further whatever to do with him. General Clavering replied, he supposed Lord Folkestone was aware of what he threatened to do if he met him in the street, as he had in his letter, No. 4, stated his determination. Mr. Lushington answered, that Lord Folkestone had read the letter, and must be aware of its contents; and added, that as Lord Folkestone's proposal was refused, there was an end of his mission; but that he was ready to be the channel of any future communication, if General Clavering should think fit to make any. General Clavering desired Mr. Lushington, who was quitting the room, to come back, and said he would write to a friend, who perhaps would consent to be his second on his own terms; that he would mention the affair to him, and make a communication to Mr. Lushington the Monday following. On Sunday General Clavering called upon Mr. Lushington, and said he had now been down into the country to a friend of his, Captain Smith, of the Navy, who had kindly consented to be his second on this occasion; that he would candidly confess that Captain Smith disapproved of his letter, No. 4, and that therefore the part relating to close fighting must be considered as retracted; that, considering all the circumstances, he thought he might be excusable. On Monday, December 10th, Captain Smith and Mr. Lushington met; and having become mutually responsible to each other, that the respective parties for which they acted would rigidly abide by their united decision, and thinking the

dispute might be adjusted in a manner strictly honourable to both parties by mutual concession, came to the following agreement:—

“General Clavering is sensible that the letters he wrote Lord Folkestone contained very improper expressions, which were dictated by the warmth of irritated feelings; but which, upon cool reflection, he retracts and disavows.—Lord Folkestone considered it as impossible, whilst those letters remained disavowed, for him to say any thing respecting his letter published in the “*Rival Princes*;” but these letters being recalled, he does now, as he would have done in the first instance, had they not been written, admit, that he is sorry that any expression offensive to General Clavering, in a private letter of his, should, through a breach of confidence, have been made public; and he adds, that he never had any intention of giving offence to General Clavering.

“MATHEW SMITH, Captain in the Royal Navy.

“STEPHEN LUSHINGTON.”

LAW.

COURT OF KING'S BENCH.

Wednesday, Dec. 19.

LIBEL.—BELL v. BYRNE.

Mr. TOPPING stated, that this was an action of damages, brought by Mr. Hugh Bell, a respectable merchant of this City, against Mr. Nicholas Byrne, the nominal proprietor of the *Morning Post*. The defendant was charged with publishing a false and scandalous libel, to the injury of the plaintiff's feelings and character.—About the period when the arrest of Sir Francis Burdett engrossed so much of the public attention, a correspondence, under the name of Mr. Roger O'Connor, had appeared in *Cobbett's Register*. An article appeared in the *Morning Post* of the 15th of last May, purporting to be an abstract of the speech of the Attorney-General for Ireland, at the time when a motion was made in the Irish House of Commons relative to Mr. O'Connor. The speech comprehended several letters, shewing the connection between the Irish State prisoners and some persons who had attracted the attention of the Government. These letters were followed in the article by comments on the characters alluded to, and the comment attached to Mr. Bell's name in the article was, that he had been confined on a charge of high-treason, in England, in February, 1798. This was totally untrue; and yet its effect upon the character of a peaceable and respectable man must be most serious, if it were not done away by the measures which were now adopted, at once to clear the plaintiff's character and to punish the defendant. He (Mr. Topping) knew very little of the *Morning Post*, as it seldom fell in his way; but it was apparent, that the circulation of such a charge must be highly detrimental in a country where reputation was the great treasure of a man. But the character for a due regard and obedience to the laws under which he lived was most essential, and it was that important branch of character that the slander of the libeller was intended to cut away. In the present instance, there could be no defence, though there might be a feeble attempt at justification. But that would sink under the advocate, and the Jury would only have to consider, what should be the compensation to the plaintiff. The cause was from many circumstances a singular one; but not the least of its singularities was, that it produced the Attorney-General in the new character of *Defender of a gross, malicious, slanderous libel*. The Learned Counsel had been used to other exertion of his great powers: he had now to act the part of one screening the malevolence of the libeller. At other times, that Learned Counsel was seen pressing in a different direction, and mustering the whole of his strength to beat down the cause of the accused. Of these efforts, one must say, in the sentiment of Shakspeare,—

“O! it is excellent

To have a giant's strength; but it is tyrannous
To use it like a giant.”

However, in the present instance, even his powers must fail;

defence was a new field to him; he must now perform on a new instrument; and he would probably be as awkward a performer upon that as he was upon the *lungeolet* case, yesterday. The present case was of the simplest order. A reputable man had been traduced—the injury had been offered through a medium that must make it the most extensive. A compensation for that injury was sought of the Jury, and there could be no doubt that they would do what justice required.

The ATTORNEY-GENERAL said, that as the Counsel for the prosecution had professed to give a simple statement, it should be met by a simple defence. The circumstances of the publication were few, inartificial, and such as must perfectly do away the charge of particular malice against the plaintiff. When on an occasion which was probably fresh in the memory of the Jury, Mr. Roger O'Connor had brought himself into the public eye by certain correspondences, it became the habit of his friends to talk of him as a man of unimpeached loyalty. Those correspondences were canvassed in the different public prints; and among the rest the *Morning Post*, not having, probably, the same entire faith in Mr. O'Connor's merits, gave its readers a report of a speech spoken by an eminent Law Officer in the House of Commons of Ireland. The report touched upon some circumstances of his connection with persons not highly reputable as loyal or honest subjects. This report was taken from the *Dublin Journal* of some years back. The Jury had already heard how far the present plaintiff's name was animadverted on. It was merely in a cursory and accidental manner; without any peculiar allusion, without any peculiar mark of malice, but merely as a part of the current paragraph. If the printer had exercised any thing like thought upon the subject, he would probably have omitted the plaintiff's name. The whole statement was taken from a paper openly published, openly circulated, and yet untainted by the plaintiff in his zeal for vindication. If there ever had been evil in the thing, it had been done and had passed away in the years which had since passed. This was to be looked to, and to be the great consideration with the Jury. The trial of the malicious intention lay with them; for the charge of malice was only to be substantiated by proof of intention. It was in this sense that he (the Attorney-General) was inclined to judge of the language which had been so singularly used by the Learned Counsel on the opposite side. It was impossible not to consider it as extraordinary, as very extraordinary and strange. The proper name for a charge of that nature coming against a person in his (the Attorney-General's) situation, was, *slanderous and scandalous*; but as there was, it was to be presumed, no malicious intention, it should receive an answer. What! was the charge of *professional severity, of pushing hard against the persons accused of libel, to be laid upon him*? The whole course of his professional life was before the world. He was known from his boyhood, and there was not an hour of his life that had a stain upon it; HE HAD NEVER PRESSED THE LAW; he would make no other reply to the singular and most unnecessary expressions which had so hastily escaped the Counsel on the opposite side. It was to be presumed there was no malicious intent in this; and the plaintiff in the case ought to feel in the same way. There could be no intention to injure him; the publication of the paper was for a purpose with which he had no possible connection. There was no imputation of treason meant now to be fixed on the plaintiff. He was exonerated from it, and of course the injury was nothing. It would be admitted that loyalty was a valuable part of the character of a British merchant, or of a British man; but the Jury would consider the desire to injure, and the injury done. If they came to the question of damages, they would make it a short one. The case seemed clear, and the Jury would proportion judgment accordingly.

Mr. Pasley, from the Secretary of State's Office, was called to give evidence of the warrant for arresting the plaintiff, in March, 1798.

The warrant was read; it directed that Mr. Hugh Bell, of Charter-house-square, should be arrested on suspicion of high-treason.

Cox, a King's messenger, had received the warrant on the 6th of March, 1793. He arrested Mr. Bell the 7th of March. He searched the bureau and desks for papers; and intercepted the prisoner's letters. He conveyed his Prisoner to the Secretary of State's Office: Mr. Wickham was there. About half-past one, prisoner was discharged.

Mr. TOPPING, in reply, could not repress his astonishment at the manner in which the Attorney-General had taken up words which he had used in the opening statement. It was not becoming a man to bring his personal feelings before the Court; but he would be unwilling his station—he would be unwilling the gown he wore, as King's Counsel—if he could be silent under the language which the Attorney-General had used. No; he was not to be deterred, he was not to be influenced by the *vultus instantis tyranni*. "Scandalous and slanderous!" Did the Attorney-General think he was to stand up; and to

"Bestride the bar

"Like a Colossus, whilst others

"Were to walk under his huge legs, and peep about

"To find themselves dishonourable graves."

No; life was not to be endured on such a covenant! To use the words of the great poet again,

"I had as lief not be; as live to be

"In awe of such a thing."

The Attorney General should be made to feel this. It should be a lesson to him the longest day he had to live.

Lord ELLENBOROUGH.—"Mr. Topping, it is perhaps better not to pursue this line. The words which occurred could not have been meant so strongly as you think. They merely passed as things of that kind generally do; it is painful when they excite such notice as at present."

Mr. TOPPING.—"My Lord; the language was not to be endured, or passed over. I owe a vindication to the Court; I owe it to myself."

Lord ELLENBOROUGH.—"I know, Mr. Topping, there is no malignity in your disposition; I cannot doubt that; but it is better that things of this kind should go to as little length as possible."

Mr. TOPPING.—"My Lord, I have the highest deference for the Court; and I will not enlarge on what has been said. But I know that what passes here must go forth to the public; and I owe it to my profession, I owe it to myself, to throw off so degrading an imputation as that thrown upon me by the Attorney-General. The sentences shall be brief and few. But I must not sink before any man who thinks to brow-beat me into submission."—Mr. Topping proceeded:—He had but few opportunities of addressing a Jury; and he now could not suffer any thing like a stain to be fixed on him: The Noble Judge upon the Bench had known him from his youth up. He had nothing to conceal from any man; there was nothing that could authorize insulting language in his professional habits or professional life. He had not charged the Attorney-General with persecution; he had not charged him with malignity; and the sudden burst of that Learned Counsel's opinion was perfectly uncalled for by any thing which had occurred. He had only said, that the Learned Counsel must find himself in a new situation: that defence of libel must be less easy to him than its accusation. A few ludicrous allusions had been made to his want of ease and practice on the Bageolet; and no observation had been made that ought to disturb him. If he had thought the Attorney-General one who pressed the severity of the laws against the unfortunate persons who had incurred their punishment—if he had thought him malignant to that degree—he could not have associated with that officer; and yet they walked home side by side yesterday. He (Mr. Topping) was not fond of speaking of himself; but he must be allowed for once to say of himself, that he would fasten an unjust charge on no man, and bear it from no man—He then recapitulated the facts of the case, and concluded by saying that the defendant, from even the justification which he had put in, must have been conscious of the falsehood of the charge, and that the Jury should consider the case of the plaintiff as that which might be their own.

Lord ELLENBOROUGH briefly stated the evidence. If it had appeared that the warrant was on a charge of high-treason, the justification would have been made out, and a verdict must have gone for the defendant; but the warrant only was, on suspicion of high-treason. It was certainly improper that a person's name should have been introduced as the plaintiff's was; but the Jury would take it into their serious consideration, in apportioning damages, how the evil was palliated, by its having been done so long since, by the consideration of the rumour having extended as widely as probably it would ever extend. The *Dublin Journal* came over to London, and was probably sometimes in the hands of the present Jury; so that the additional circulation by the *Morning Post* could not have the effect of much additional injury.—A verdict must be found for the plaintiff.

The Jury, without leaving the box, found for the plaintiff—
Damages—Five Hundred Pounds.

SHERIFF'S COURT.

Wednesday, Dec. 12.

BOLTON AND OTHERS v. HILL.

The plaintiffs in this case are proprietors of the coaches from the Golden-cross, Charing-cross. The defendant is a coachman lately employed by them in driving one of their stages. It appeared in evidence, that in April last an action had been brought against the proprietors, by a person to recover damages for the injury he had sustained in consequence of their servant (the present defendant) having driven their coach against him while on horseback; whereby he was thrown from the horse and much hurt; and the horse killed; and in which action, it being proved that the accident arose through the extreme negligence and improper conduct of the coachman, the person injured recovered damages against the proprietors, who therefore brought this action against the coachman, to recover back the amount of the damages incurred by them through his improper conduct.—Damages for the Proprietors, 133l. 9s.— [It is hoped that this verdict may be a salutary lesson to the drivers of stage-coaches in general.]

ACCIDENTS, OFFENCES, &c.

Lady Heathcote's dressing-room was robbed last week of a valuable pearl and diamond necklace, estimated at 1000l.—The casket from which this article was taken contained other jewels to the amount of 10,000l.—The strictest examination has afforded no clue to the discovery of the perpetrator of the theft.

A Portuguese gentleman, of the name of Silva, shot himself on Tuesday, in a fit of derangement, at his lodgings in Norfolk-street. Hope are entertained of his recovery.

MARRIAGES.

On Thursday, the 22d ult. at St. James's Church, Clerkenwell, John Towler, Esq. of the same parish, to Isabella Jane, eldest daughter of Mr. John Clarke, Master of an Academy at Enfield.

DEATHS.

On Saturday se'night, at Brenford, Mrs. Trimmer. Her useful writings are well known to the Public.

On the 14th inst. in the 79th year of her age, at Mortlake, Mrs. Coke, mother of T. W. Coke, Esq. of Holkham.

Last week, at Loddon, Christian Newstead, in the 100th year of her age.

The *Examiner* is requested to contradict the paragraph inserted last Sunday respecting the cause of Mrs. Giarelli's death. The Lady, it appears, had been for a considerable time indisposed; and her death was evidently occasioned by a paralytic stroke, whilst conversing with her maid and grand daughter, and not in consequence of abrupt information communicated by a medical man.