

THE EXAMINER.

No. 166. SUNDAY, MARCH 3, 1811.

THE POLITICAL EXAMINER.

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

No. 162.

REMARKS ON AN ARTICLE IN THE COURIER.

It was to be expected, that while the late verdict in favour of the *Examiner* would awaken the congratulations of numbers of people in this metropolis, it would also excite the irritability of others, and strike pale more than one glowing countenance that had beamed with malicious anticipation. The triumph indeed would otherwise have been incomplete. It was fit that the same event, that called forth the rejoicing of the liberal of all parties, should be graced with the mortification of their opponents. Accordingly, while all the periodical writers in this town, who have any reputation for independence or liberality, have without exception expressed their hearty pleasure at our acquittal, the Ministerial Papers have either preserved a sullen silence, or broken out into exclamations of peevish surprise at the Jury and undisguised rage at the *Examiner*. The *Morning Post*, which, though still defying all our attempts to teach it a small quantity of decent writing, seems to have acquired a little wholesome fear of the rod, has kept itself judiciously dumb on the occasion; but the *Courier*, having had only a few little touches sufficient to irritate and not to quiet, could not resist the opportunity of venting its spleen, and like the madman who runs his hand into the fire to ease a scratch, of provoking a greater pain to get rid of a less.

The article against us is headed "*Mutinous Libels*," and the writer commences with an eulogy on his own generosity, professing to be shocked at differing from the Jury, and lamenting the necessity of stigmatizing such libels in justification of his own character. What this character is he does not inform us, and it is perhaps vain to enquire; but he insinuates that it is something totally distinct from that of the *Examiner*, and we believe that none of our readers will be disposed to contradict him. Having commenced with an assertion in the application of the very title, he proceeds in a style consistent with his generous exordium, and favours us with a profusion of epithets, certainly not in the most argumentative way, but very explanatory of his feelings on the occasion, and such as must excite the gratitude of writers who have no pretensions to shine but by contrast. The article, which the Jury pronounced to be no libel, is accordingly represented as a very gross one;—it is not only a libel—but an *exaggerated* libel; an *inflammatory* and *declamatory* libel; a *sedition* and *malicious* libel; a *horrible, delusive, mischievous, ferocious, butcher-like, bloody, and inhuman* libel;—there-

fore, its intention was "to excite a mutiny in the English army;" and "this, and this alone," says our conclusive friend, "was the object of the writer." Here, then, against the writer in question, is brought a distinct charge of traitorous intention; and in copying the article into our paper, we are of course included in the accusation. Such a charge might fairly allow us to enter into the general characters, private as well as public, of the persons accused and accusing, and to enquire whose habits of life and thinking, are most likely to lead them into bad principles? But we forbear. We shall not even examine which it is of the writers in the *Courier* that has thus subjected himself to the danger of exposition;—whether it is the same person who advocated the cause of reform in another paper, now rendered infamous by corruption;—whether it is the author of a notorious and unprincipled imposition practised some years ago upon the Public, for the vile purposes of stock-jobbing;—or lastly, whether it is that gentlest and most mandlin of metaphysicians, who descants with so much propriety, over the turbot and silver plate, on the folly of ardent principle and the optimism of corruption. It is enough for us, that this charge is a good specimen of his consistency; and that while he deprecates the substitution of railing for discussion, he stumbles upon the very fault he would condemn, and strikes his unblushing face upon the ground of his own argument.

In fact, the amount of the *Courier's* reasoning is simply this;—that the tone of the article in question is too warm to be well-meant;—and this was the amount also of the Attorney General's. Now, what is this but an opinion on their parts? a hasty conclusion, made in their own minds because they wish to make it, and that ought not to have been brought forward without a reference to the general character of the *Examiner*, and to all the other warm things it has said or quoted in favour of the English army, nation, and constitution? The ATTORNEY-GENERAL said not a word of those; he knew he could not venture to do so; and it seems, that as he is paid for doing his best to convict people, it is not expected that he should take notice of what is in their favour. But when the Editor of a Paper steps forward to denounce people as seditious and mutinous in their intentions, it becomes him to bring ample proofs of it from the general tenour of their life and writings, from the principles which they studiously advocate, and by which they studiously act, and particularly, from all that they have previously advanced upon subjects connected with despotism and freedom, and with the general comparative state of France and England. If our accusers so conducted themselves, they might, if they pleased, still continue to regard the article in question as inflammatory; but they would also descri-

minate between warmth and intension,—they would state what they knew of warm statements in the *Examiner* on the side of public virtue and of English benevolence,—and then they would come to this conclusion, which is, after all, the plain matter of fact;—that the *Examiner*, by copying from the *Stamford News* the observations on military flogging, intended, like that paper, to express its abhorrence of so barbarous and degrading a mode of punishment; and so far, and *so far only*, to represent the system of BONAPARTE as decidedly better than ours, and therefore worthy of our imitation.

If the *Courier* and his friends can discover no marks of truth in this statement, we cannot help it; it is their own fault; their belief in strong declarations is naturally vitiated; and in a word, we desire not the good opinion of those who judge of plain dealing by Mr. CANNING, of disinterestedness by Mr. PERCEVAL, and of humanity by Copenhagen expeditions. However odd it may appear to them, we really do feel most heartily for the agonies, mental and bodily, that are inflicted by the military scourge; we think the punishment utterly disgraceful to a nation, so humane and so spirited in other respects; and we are happy to see it branded accordingly with a warmth and force proportionate to its hard-heartedness and infamy. The *Examiner* is as little disposed as the *Stamford* writer, to deny that there are touches of exaggeration in the article, though certainly not in the description of the actual suffering:—they are, for instance, willing to allow that the statement at the conclusion, respecting the effect of the sight of whips on our armies abroad, is an exaggeration, and what is more, that it was meant to be so, for it is a mere piece of irony:—they allow also, that there is serious exaggeration in representing military flogging to be “at least as exquisite a torture as any that was ever devised by the infernal ingenuity of the Inquisition.” Torturing with fire is probably worse, and there can be no doubt as to the pre-eminence of gradual suffocation. Those who feel as they ought on this subject, will make every allowance for warmth in treating it; and to those who do not, explanation would be an unmerited compliment. What renders the statement of the *Courier* infinitely droll, is that it absolutely accuses the writer of inhumanity, and talks of the “ferocious delight” with which he dwells upon the sufferings inflicted by this torture! This is a new way of turning pity into maliciousness, and of representing a man to be insensible to misery in proportion to the interest he takes in it’s behalf.—Upon this principle, our illustrious HOWARD took a “ferocious delight” in visiting prisons; and those who underwent labour and hazard to expose the Inquisition, had themselves a taste for it’s enormities! If the *Courier* can point out in the *Examiner* a single instance, in which it has applauded the miseries inflicted by man on his fellow-creatures;—if it can point out a single passage in which it has spoken with praise of NAPOLEON’S sanguinary ambition,—or of the Marquis WELLESLEY’S treat-

ment of Indian Chiefs,—or of the Walcheren Expedition,—or of the bombardment of an unsuspecting city, over which death and destruction were scattered by an ally,—we will allow the charge. Can the Editor of the *Courier* do this?—Not he:—but he can produce hundreds of passages from his own paper *exulting in such events*:—he shall dwell with satisfaction,—not indeed on the ambition of NAPOLEON,—for he praises none but that of the English Ministers,—but on the sanguinary aggrandizement of Indian territory,—on the measures that held his countrymen rotting away in the Walcheren marshes,—and on the surprise of a friendly power with fire and sword, in which the unsuspecting inhabitants were enveloped in blazing ruins, and females and children had their limbs carried away by grape-shot before their parents’ eyes! And is this the creature to convert indignation into a crime?—a glowing sympathy into a cold-blooded want of feeling?

As to the “bad effect” of what was said against military punishment, one would have thought, that Mr. BROGHAN had settled all disputes on such a head, when he asked whether the description was so likely to produce it as the thing itself? The description was undoubtedly meant to have an effect, and a strong one, and for that reason, it gave an *accurate account* of the punishment;—but it was not intended to effect mutiny or revolt; it was intended to rouse the public attention to a subject of national degradation; to stimulate the enquiry of those who could and would enquire into it to some purpose; and perhaps to shake the consciences of others who were fond of wreaking their ill-temper and carving out their petty despotism on the backs of Englishmen. It is said, “Why did you not fairly discuss the subject?” “Why did you not argue coolly, pro and con, and endeavour to convince rather than to inflame your countrymen?” Nay, my Lord ELLENBOROUGH, who has the reputation of loving a joke, and does in truth exhibit a very serious taste that way, was facetious enough to ask “why the writer, if he had been really actuated by a feeling for the soldiery, did not make a *private representation* to some Member of the Legislature, instead of drawing a picture calculated to harrow up the souls of his readers, &c. &c.” This question had before been glanced, in a more courteous way, at Sir ROBERT WILSON. To the gallant officer, it must have been sufficiently droll; but to us it was humorous beyond measure. This would have been an effectual mode certainly of exchanging some effect for no effect; but as that was not our object,—as discussion had already been exhausted on the subject to no purpose,—and as Sir VICARY GIBBS, in the excess of his compliments to Sir ROBERT, declared that he had never even heard of his arguments on the subject;—in a word, as we wished to see a real impression made upon the country, that might tend to shame away the practice from among us, instead of leaving the subject to be perused in manuscript by a Minister, and thrown into the fire, or left without any better effort to the mercy of a Ministerial majority—we acted as we have done; and

what is the consequence? Why, an effect is produced—a good effect upon the feelings of the Public;—a British Jury have sanctioned the impression by the honest approbation of their hearts; and we not only repeat our conviction of its benefit, but what will complete the horror of the *Courier*, and go near to petrify all the feeling that remains to him—we confidently hope, that by the help of the alleged libel, copied from the *Stanford News*, we shall do much towards ultimately rooting out this last remnant of uncultivation—this stubborn and choking piece of slavery, from our native soil.

That the outcry on the part of the *Courier* might want no climax of rage and absurdity, it is closed with as singular a set of opinions as perhaps ever ventured to insult the understandings of an English public. The writer informs us, that “the man who becomes a soldier; renounces the English Constitution as far as respects his military service;” that the *private* soldier is unlikely to have any interest or connection *but what are military*;—that “martial law is the *only* law affecting him;”—that he is *out of the pale of the Constitution*; and that it is “either absurd or wicked to apply it to his state.”—So saying, he exhorts the man to be happy and Anti-Galican, and to fight for English liberty.—But upon this point he is already in excellent hands; and we see no necessity for pursuing the subject at present. In the mean time, we sincerely advise this worthy and his friends to confine themselves to their trade of defending the Ministers, and not to meddle with persons who, wishing to censure no delinquencies in others, and conscious of no political vices to conceal in their own lives, are as fearless of examination as they are ready to bestow it.—Retire, retire, Gentlemen, for decency’s sake,—or if not for decency’s, for your own,—to your patrons and a bottle; and there, calling for white handkerchiefs and pouring out libations to the departed *Friend*, lament over the shocking increase of humanity and public spirit, so fatal to selfishness and public corruption.

IRISH CATHOLIC COMMITTEE.—Notwithstanding the unconstitutional Letter of Mr. POLE to the Irish Magistrates, the Catholic Committee met as usual in Dublin on the 9th ult. At the moment of their assembling, Alderman DARLEY and Mr. BABINGTON, two Magistrates, entered the room, and requested that the Meeting would disperse.—A conversation here took place between Lord FRENCH (the Chairman), the two Magistrates, and others, in which his Lordship and his associates displayed great firmness. The result was, that Alderman DARLEY retired to obtain further instructions. On his return from Mr. POLE, he informed the Committee that it was not the intention of Government to prevent the Catholic Committee from meeting to prepare or forward their Petition. Here this inconsistent proceeding terminated—the Magistrates quitted the room, and the Committee proceeded in their business.

Total estimate of the Army this year, 15,316,925*l.*
4*s.* 3*d.*

FOREIGN INTELLIGENCE.

GERMANY.

NUREMBERG, JAN. 21.—According to news from Vienna of the 16th inst. peace has been concluded between Russia and the Porte. We are yet ignorant of the details; we only know for certain, that Moldavia and Wallachia are decidedly given up by the Porte to Russia.

PROVINCIAL INTELLIGENCE.

The inhabitants of Liverpool have entered into resolutions for the establishment of an Asylum for Penitent and Reformed Prostitutes. The Mayor is appointed President; and the Committee will consist of all the Clergy of the Established Church, the Clergy of all other denominations, and such other respectable Gentlemen of the Laity, as are willing to contribute their assistance to the undertaking.

PHENOMENON, AT WORKING, IN SURREY.—In the Church-yard of this place, as long as any thing is left in the corpse interred there besides the bones, a kind of plant grows up from it, about the thickness of a bull-rush, with a top like the head of asparagus, which comes near the surface, but never above it: the outside is black, but the inside red; but when the corpse is quite consumed, the plant withers away. Some Naturalists account for this by the soil being entirely red sand.

A Rogue hanged in his own Halter.—A letter from Liverpool has the following curious relation:—A man had killed a fat pig, and taken, as he supposed, every precaution to render it secure for the night,—for he had been more than once robbed of his promised bacon. When he arose in the morning, however, his pig was gone: on raising the hue and cry after him, the thief was discovered on a bridge which divides the town, but not in a condition to answer interrogatories—for it appeared that in making off with his booty, he had thrown the hind legs, with the stick which passed through them, over his head, and the carcass consequently rested on his back; but oppressed, as it is supposed, with his load, he stopped on the bridge, and lodged it on the balustrade, to take breath. The pig, from its weight, soon slipped down on the outside of the stone-work, and actually hanged the fellow on this side—when he was taken down he was as dead as the pig.

AGRICULTURAL REPORT FOR FEBRUARY.

In the sound and dry grounds, bean-planting is nearly finished, and some oats and pease got into the earth; in less favoured situations, and where tillage has been backward, this branch of husbandry will not be complete until nearly the middle of next month. The wheats in general have improved in their appearance, except upon wet and pouchy soils, where they still look yellow and unhealthy. Mr. Kemp’s practice of putting in spring corn, without the aid of the plough, has been tried by several experimental farmers with beans and oats, and report speaks well of the state of those lands. From the late rains, tillage has been difficult, and is backward in low and undrained soils, a difficulty which will be felt on such throughout the Spring.—The common turnips have suffered from wet upon unfavourable soils, but the ruta baga is a certain dependence, wherever cultivated, and its culture, as it ought, increases every year throughout the island. From the nature of last year’s crops, straw must become very scarce towards the latter end of the season; and from the dearth of hay, those stock farmers who have not provided themselves amply with green crops, will be reduced to great difficulty. Some losses of sheep by the rot, in the midland counties, were spoken of in the past months, but nothing on that head is repeated, nor much yet respecting the lambs. Little alteration in the country since last month in the cattle-markets, or the farm-yards. The corn-markets have had an ample supply, yet the general opinion is, that wheat must be dearer; it must, however, be noted, that never before was so great a breadth of wheat sown in England and Scotland, as during the last seed season, and much land is yet reserved for spring

wheat, the culture of which has been abundantly successful for many years, and increases in consequence.

In Smithfield market, beef fetches from 5s. to 6s. per. stone of 8lb.; mutton, from 5s. 4d. to 6s. 4d.; veal, 6s. to 8s. 4d.; Pork, 5s. 4d. to 8s.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

This House met on Monday, and after transacting some private business, adjourned till Thursday.

Thursday, Feb. 28.

BERKELEY PEERAGE.

The LORD CHANCELLOR thought it right to call the attention of the House to a point which he conceived to be of considerable importance, relating to the case of the Berkeley Peerage. In all questions of this nature, it was the practice of the House to give notice to the person who had the semblance of right to the Peerage claimed, in case the actual claimant did not make good his claim, in order that he might appoint some one to attend at the bar, to take care of his interests. In the present case, the person who would be entitled, if the now claimant to the Berkeley Peerage did not make good his claim, namely, the son of the second marriage, in fact was a minor, and could not, therefore, legally appoint any one to take care of his interests, and Lady Berkeley was appointed his guardian. Lady Berkeley was anxious that what was right should be done, and as it was highly desirable that her Ladyship should be relieved from the peculiarly difficult situation in which she would stand between the interests of her two sons, he suggested that the most satisfactory course would be to address his Royal Highness the Prince Regent to direct one of the Law Officers of the Crown to attend at the Bar, to take care of the interests of this younger son. His Lordship concluded by giving notice of his intention to move for a Committee to consider of what was right to be done in this case.

A MAN STARVED TO DEATH IN THE MARSHALSEA PRISON.

LORD HOLLAND called the attention of their Lordships to a circumstance which he considered of the greatest importance: he alluded to the verdict of a Coroner's Jury in January, on the body of a person deceased in the Marshalsea Prison, who died for want! The particulars of this case were peculiarly affecting. The unfortunate individual was immured in the Marshalsea Prison last November, for a debt of only seven pounds. It appeared he was in the greatest distress, and had no other means of subsistence than the charity of his unhappy fellow-sufferers in the same prison. He was reduced even to gnaw the bones which were thrown into the yard; he had neither bed nor cloathing—the miserable room which he inhabited had no window; and when the Jury viewed the body, was in a state which it was impossible to describe. The Coroner's Jury had actually returned a verdict of—"Starved to death,"—but upon reconsideration, they finally returned the mitigated verdict of—"We verily believe that the deceased's death was caused by want of food and cloathing, and of proper attention in his illness."—The facts could be proved in evidence at their Lordships' Bar. He thought it right to mention, that two shillings were found upon the deceased, but there was every reason to believe, that these two shillings, if not conveyed into the pocket of the deceased after his death, were at least given to him at a period when it was too late to be of any service to him. From the slow process of the law, five months must elapse before the prisoner for debt could obtain from his creditor who kept him in prison, the miserable pittance of six-pence per day, and this wretched individual had, in the mean time, been reduced to this dreadful state of distress. He thought it his duty to make a motion, in order that this case might be brought before the House, and more particularly at this time, when the law of Debtor and Creditor was under their Lordships' consideration, upon the Bills which had been by the Noble and Learned Lord (Redesdale) presented to their notice. If their Lordships

had any wish to stand well with the people, he was certain they could not adopt a course more likely to insure the good will and affections of the people than that of keeping a strict watch over the details of the administration of justice. His Lordship concluded by moving, "that the proper Officer do lay before the House, a Copy of the Proceedings before the Coroner, and of the Verdict of the Coroner's Jury on the body of Wm. Cullum, deceased, in the Prison of the Marshalsea, in January last."—Ordered.—Adjourned.

[On Friday the House adjourned till Monday.]

HOUSE OF COMMONS.

Monday, Feb. 25.

The Western Junction Canal Bill, on the motion for a second reading, was thrown out by a majority of 16.

CONDUCT OF MINISTERS DURING THE KING'S FORMER DERANGEMENT.

MR. WHITBREAD, after some prefatory remarks, said, that, in 1785, it was well known that his Majesty's mind was in a state of derangement, and that Parliament were about to provide for the suspension of the Royal Functions. Upon the declaration, however, of the then Lord Chancellor, that the King might shortly be expected to recover, all parties concurred in acting upon this intimation.—In 1801, his Majesty's illness returned; and though it was asserted that it did not prevent the exercise of the Royal Authority, yet it was understood that the disorder was mental. On the 24th February 1801, a Bulletin was issued, announcing the indisposition of the King. At this very period, Mr. Pitt had resigned, and Lord Sidmouth, after a considerable interval, succeeded him. On the 11th of March, the Bulletin ceased, and the public were told that the King was perfectly recovered. It was, however, now well known, that his Majesty had suffered a very serious relapse, though the Royal business went on without interruption, and many acts were performed, while the Monarch was not in a sound state of mind. On the 14th Feb. 1804, his Majesty was again ill. The next day, a single individual noticed it in Parliament; but such was the delicacy observed, that inquiry was deprecated, and Mr. Pitt gave a promise that Ministers would inform the public if his Majesty should be found incapable of performing the regal duties.—By the evidence of the Physicians, it appeared that in 1804 the King's indisposition lasted from the 14th of February to the 23d of April, on which day his Majesty appeared in Council, and was therefore supposed to be well. The Bulletins had been discontinued on the 22d of March, though it was not until the 23d of April that Dr. Heberden declared the King's recovery. The present Lord Chancellor had held the same situation in 1801, and he was now named as one of the Council of advice to the Queen: a Noble Lord under the gallery (Castlereagh) was then also in office. Whether any blame attached to him, he did not know; but he certainly could prove that blame did attach to Lords Eldon and Sidmouth, for the parts they had acted. Lord Eldon became Chancellor in 1801, when a great political change took place. In 1804, another great change occurred, for two great men, such as seldom adorn any age or country, having joined against the Addington Administration, and left him in a minority of fifty, (it not then being the fashion for Ministers to continue in office after being left in minorities), the Minister went out. At that time it was generally expected that a union would have taken place between Mr. Fox and Mr. Pitt. The latter person he knew was willing. Lord Eldon was then the only Minister who communicated with the King; but whether his Lordship advised the contrary or not, was not easily ascertained, as there was no witness to the conversations on that subject. The Noble Lord did not certainly take so decided a part as the Right Hon. Gentleman opposite (Mr. Perceval, then Attorney-General), who denounced the union, stating that they could not look each other in the face at the Council-board. The Right Hon. Gentleman, nevertheless, could join the administration of Mr. Pitt, who had been guilty of wishing for a union with Mr. Fox! Lord Sidmouth being very much pressed

in the House by Mr. Pitt, at last declared that no necessary act need be neglected on account of his Majesty's illness, and that there was no necessary suspension of the Royal Functions.—All this was understood as stated on the evidence of the Physicians.—In the House of Lords, Lord Eldon, on the 4th of March, obtained his Majesty's sanction to a grant of certain Crown lands; and on the 9th, he made known that the King had performed various other acts of authority. On that day, his Lordship being asked whether he had seen the King and could vouch for his situation? he answered, that he would take the responsibility upon himself.—He (Mr. W.) wished that the House would now put that responsibility to issue; as he would prove that the King was on that very day in unsound mind.—On the 24th of March, Lord Sidmouth brought down a Message from the King; on that day, too, he would prove that his Majesty's mind was under an eclipse. No one, he would assert, could dare maintain that a King of England was in a state to exercise his Royal Functions, if he was not in a state to manage his own private affairs,—if he was under personal restraint,—if he was shewn to the people in the morning and then taken home and put under restraint at night!—It was not bare assertion that could satisfy him, that under such circumstances the Kingly office could be executed.—Lord Eldon was the official guardian of all lunatics; he had said that he would not take the opinion even of physicians in such cases, for he knew that though they might conduct themselves upon particular occasions with great apparent reason, yet when certain points were touched, the whole fabric of morbid cunning was overthrown.—It had been said, that when business was to be performed, his Majesty's mind was always in a state to undertake it. He should like to ask the Physician who had said this, whether he did not know that there were persons in the house who had at such times a controul over his Majesty?—He should like to ask Lord Eldon himself, whether he did not keep the keys of his Majesty's private 'scrutoire? They must answer, "Yes;" and he would leave it to the understanding of every one to decide upon the justice of such opinion.—Dr. Heberden's evidence proved that the King was under personal restraint; and it was therefore quite proper to ascertain whether Lord Eldon did exercise that personal controul over the Monarch which he (Mr. W.) charged him with,—a controul, which, if he was correctly informed, was attended with circumstances of aggravation, and was altogether highly improper.—If these things were proved, it was clear that Lord Eldon was not a fit person to sit in the Queen's Council. Neither the Sovereign nor the Kingly Office had been fairly treated; the latter had been brought into disrepute.—In 1801 and 1804, his Majesty was in a worse state than at present. What, however, did Ministers do? They brought the King to town, drove him through the streets from east to west, to convince the people that he was recovered, and in the evening put him under restraint!—Was this either fair to the public or the Monarch? And who was the prime agent in this work? Why, my Lord Eldon, who in his official capacity as Lord Chancellor, had declared, on every case of lunacy, that he would not be content with evidence as to the fact, but would examine the party himself, to discover whether or not any speck of disease lingered in the mind. Frequently, said his Lordship, there was a particular chord, which when struck would shew the insanity of the party, though he might have given very rational answers on other topics.—The Noble Lord, therefore, was bound in duty to discover that speck in his Majesty's mind. If the certain chords were not touched on in the interviews with his Majesty, because they might affect him,—if the keys of the private 'scrutoire were withheld from the King,—if Mr. Addington could not resign because the Sovereign was not in a state to receive his resignation,—these were glaring derelictions of duty, and these, if he were not indeed most grossly misinformed, he should be able to prove, if the House would grant his motion. The Ministers he had named had shut their eyes to the state of his Majesty's health, and had therefore violated their duty to their country. He hoped the House would put him in a situation to prove his charges,—and if proved, it must follow that John Lord Eldon is not a proper

person to be of the Queen's Council.—Mr. Whitbread then moved, "That a Committee be appointed to inspect the Journals of the House of Lords, with relation to any proceedings of the present Session, touching the examination of the Physicians in attendance on his Majesty, during his indisposition in 1804, and to report their opinion on the same to the House."

Lord CASTLEREAGH put in his claim for a full share of the responsibility attached to the conduct of the Ministry at the time alluded to. Lord Eldon was not the only servant of the Crown who had access to his Majesty from the 12th February to the 29th April. The opinions of all the Ministers were taken, and they would have been criminal had they not acted as they did. If Ministers had neglected their duty in 1804, why had not the Hon. Gentleman brought forward his charges sooner? But he (Lord C.) did not wish to evade the question; he should blush and hide his head if any one could conceive that he would shrink from inquiry. He stood on very high ground, and should meet the charge in a manly manner.—In 1804, on the 22d and 27th of February, the Cabinet put the question to the Physicians, whether the state of his Majesty's health was such as to render him competent to do an act of the Executive, and whether one of his Majesty's servants might have access to him on public business? To these questions the Physicians answered—that his Majesty was not only competent to transact public business, but that he was in a state of considerable improvement; that if the act necessary to be done should lead to any protracted discussion, then it would be most desirable that it should be avoided. Down, however, to the 5th of March, his Majesty was not called upon to do any act. On that day, his Majesty's consent was obtained to a Bill which involved the property of the Crown. The Lord Chancellor had seen his Majesty on the 4th and 5th; he is sworn to give honest advice to the Sovereign; and could any Gentleman say that he was a person capable of declaring, in the face of Parliament, that his Majesty was competent to do an act of the Government, when in point of fact he was not?—The whole Cabinet had given their advice on this occasion. One of the acts to which his Majesty's assent was obtained, was the Mutiny Act. Could the Ministry have suffered such an act to have expired?—On the 19th of March Mr. Addington transacted business with the King. On the 22d the bulletins were discontinued. On that day it was the opinion of Dr. Heberden, that his Majesty was completely restored to health; that he was competent to transact all public business, not merely as the Hon. Gentleman had stated, up to the 10th of June, but up even to the 10th of October. On the 9th of April the Physicians were again examined, and their unanimous opinion was, that his Majesty was fully competent to carry on public business. His health was so perfectly re-established, that at the end of July, when the Session closed, his Majesty came down to the House, and pronounced a Speech on the occasion. The Noble Lord trusted that he had said enough to convince the House, that not only the Learned Lord, but the rest of his Majesty's servants, in 1804, were justified in the steps they had taken; that what they had done proceeded from public motives; that his Majesty's state of mind was competent to the transaction of public business at the period alluded to by the Hon. Gentleman; that with respect to the assertion that his Majesty was not in full health at the time, why, to be sure, that was a sort of charge which required scarce an answer; for could it be supposed that after an attack so violent, attended with fever, that his Majesty's vigour would, as it were, on the instant return? That his health of mind was perfectly restored, the House, he was convinced, would not have any doubt; and, therefore, under all these considerations, he felt confident that he should receive the sanction of the House for the conduct pursued by Ministers.

Mr. YORKE followed on the same side, but said it was not necessary to detain the House after the "convincing" speech of the Noble Lord.

Sir F. BURDETT thought otherwise. It was quite clear that the Ministers had usurped the Sovereign Power—the King had been under restraint at the time that he was acting as King—and this was the principle which, in the earlier periods of

history, had laid the foundation of many of their most penal statutes against favouritism, under which both the Gavestones and Despenchers had suffered. He protested against that principle of responsibility which made every man and no man responsible of the Ministers. The House could not punish a whole Cabinet; it therefore selected the officer in whose immediate department the offence complained of occurred; and it was no sort of justification to plead the acquiescence of a Cabinet—a something unknown to the Constitution. (*Hear!*) The Hon. Baronet then proceeded to comment, in terms of ridicule, on the volunteering generosity of the Noble Lord, to participate in the responsibility of other men. He really thought the Noble Lord had quite enough to answer upon his own score. (*A Laugh, and Hear!*) With respect to the charge preferred, it related to a fact. That fact was not controverted; and if the Kingly Office was not a mere puppet, made for the purpose of coming down in a gilt coach to meet the Parliament occasionally, this act of the Ministers amounted to a high crime and misdemeanour. If they could go on legally without the Kingly Office, they were innocent; but as he thought that while the Constitution existed they could not do so, he should vote most cordially for the motion.

Lord CASTLEREAGH rose to explain—The Hon. Baronet had made allusions to him as a person sufficiently oppressed with the weight of personal responsibility. He had only to ask of that Hon. Baronet to prefer against him any charge which he thought worthy the attention of the House. One thing he must take the liberty to add, and that was, that he trusted the Hon. Baronet would confine his attacks to those places where he (Lord Castlereagh) could answer them, and not where he could have no opportunity of defending himself.

Sir F. BURDETT replied, that at all times, and in all places, he should state his genuine opinions of the Noble Lord's public conduct, according to the dictates of his own discretion.

Mr. WHITBREAD replied. He observed, amongst other things, "you say that the King was as competent as any individual whose restoration to health had been legally recognised; I challenge you to the proof of that. I affirm, without fear of contradiction, that had the King at that period been tried as a private subject, that the Lord High Chancellor, whom I now accuse, would have pronounced him incompetent for business.—(*Hear!*)—[Here Mr. Perceval signified his dissent.]—The Right Hon. Gentleman may toss his head—but this is all he can do—if he could have done more, we should have heard him speak.—(*A laugh.*)—It had been figuratively said, that the blind, the halt, and the lame, had been enlisted in his service; but it appeared, that his choice took in the dumb also."—Mr. Whitbread next proceeded to comment on the facts asserted by him, and which had not been attempted to be contradicted. He asked if there was a man in England who believed, who suspected, that at the time the King signed a Commission, he was under the coercive care of Dr. Simmons and keepers?—(*Hear, hear!*)—He then recited the facts stated by him in his opening speech, contending, as he went along, that not one of them had been denied, much less refuted; and concluded with putting it to the House, that if the King should shortly recover, and again unfortunately relapse, where were the provisions for the integrity of the Executive Power, if the conduct of Ministers in 1804 were to be sanctioned?—But if that conduct was thought unworthy of that sanction—if it was not to be excused—he called upon the House to say how they could, consistently with their duty to their country, negative his proposition.

The Gallery was then cleared for a division, when the numbers were—For the motion, 81—Against it, 198—Majority, 117.—Adjourned.

Tuesday, Feb. 26.

CASE OF CORPORAL CURTIS.

Mr. WARDLE brought forward this case.—He said, that in 1808 Robert Curtis entered as a substitute into the Oxford Militia. In 1810 he was made Corporal and Paymaster's Clerk. A stoppage for shoes and other cloathing had been made, and

Curtis made application to his Colonel against his Paymaster, when he was told that he should be tried for mutiny. Curtis was shortly afterwards confined on a charge of *being dressed* in a brown coat, and for being found a mile distant from his quarters. For this he was tried and sentenced to be degraded to the ranks. He was again tried by a General Court Martial, on charges relative to the stoppages he complained of. Two witnesses who appeared for him were told by the Colonel that they themselves should be tried. They were tried, and sentenced to receive 500 lashes each, which was commuted into banishment to a regiment abroad. The Quarter-Master openly intimidated the witnesses for Curtis, while rewards were offered for giving evidence as to any disrespectful words which might have dropped from him against his Colonel. The Charges against Curtis were, that he had endeavoured to excite discontent amongst the men, and that he spoke disrespectfully of his Colonel and other Officers. He had used some improper expressions in the moment of irritation, such as, that he had in his pocket what would cashier many of them,—that if the Colonel did not attend, he would pull the coat off his back,—and that he did not care a damn for any of them. For these hasty words, he was sentenced to receive *One Thousand Lashes*. About this same time, some German soldiers were seized in the very act of desertion. Had these men been flogged? No; they were not; but Curtis,—after receiving two hundred lashes, during which he fainted away several times, and nature being exhausted,—he begged to go on foreign service in that "charnel-house" of Europeans,—the West Indies. He was thus taken, more dead than alive, from the iriangles. Although he had only received one-fifth of his punishment, that one-fifth confined him from the 5th of August till the 14th of November. In a letter he wrote twelve days after his torture, he said that his back was one sheet of corrupt matter, perpetually discharging; so that his strength was wasting away through his back. In this state the man was shortly after dragged to prison in the Isle of Wight. To prove these facts, Mr. Wardle moved, "That a Committee be appointed to inquire into the facts stated to have occurred on two Courts Martial held upon Robert Curtis, late a corporal in the Oxford Militia."

Col. GORE LANGTON (the Colonel of the Oxford Militia) avowed his earnest desire for investigation. He gave it as his solemn conviction, that if the conduct of Curtis had been passed over, it would have led to the most heinous insubordination: A motion of this kind, he said, went to sap the future discipline of the army! Gracious God! (he exclaimed) was this a time to encourage dissaffection on the part of the men to their Officers?"—Colonel LANGTON then proceeded to show that Curtis's complaints, respecting the clothing, were wholly unfounded.

Mr. MANNERS SUTTON entered into various details to show that Curtis was altogether wrong in regard to the complaints he made about clothing. The Court Martial had only done its duty, and had exercised a sound discretion in awarding the punishment. The Hon. Member might think such a punishment ought not to have been inflicted; but it was altogether wrong, for the purpose of popularity; to come down to that House with a string of unfounded statements, which must go forth to the public.

Sir F. BURDETT observed, that the Hon. Gentlemen had stated that the charges were not founded in fact. Here, then, the parties were at issue; but how could the truth be ascertained, unless the motion for inquiry was carried? It did appear to his mind that this man had not been fairly dealt by: there was something like trickery in the management of the trials.—As to the insinuations about its being improper at that time to agitate the question of military punishments, he deemed them altogether preposterous. By what human or divine law was it justifiable to inflict a punishment which human nature could not support? Curtis was unable to bear even a fifth of his sentence, such was its severity. Inquiries into such subjects were not injurious: to investigate oppressive, unjust, and cruel acts, was at all times highly beneficial. Discontent! If the assertions of his Hon. Friend were disproved, what discontent would be occasioned? And ought not the common soldier to

know that there was a place to which he might look up for redress when wronged?

Lord C. SOMERSET maintained that there was no ground whatever for the complaints made by Curtis; and that the conduct of the Courts-Martial had been strictly regular and proper.

Mr. PERCEVAL would not suppose that the Hon. Gentleman took advantage of his situation as a Member of Parliament to propagate inflammatory and mischievous harangues. (*Hear, hear!*) He rather imagined he came down to redress some supposed grievance, for every one must be aware how very much the bringing forward military charges in that House ought to be avoided. (Here Mr. PERCEVAL read the Correspondence which passed between Mr. Wardle and Sir David Dundas, from which it appeared that the Commander in Chief was willing to have acceded to Mr. Wardle's wishes, if Mr. W. would have stated the *motive* of his applications, which he refused to do.) Mr. PERCEVAL commented on the gross impropriety of this line of conduct. He asked, by what authority he (Mr. W.) arrogated to himself the right of becoming a walking Committee of the House of Commons?—(*Hear, hear!*) Nothing could be more vile or unfounded than to insinuate that the soldiery had not fair play under a regimental Court Martial. The House, he was sure, would regret, and the Hon. Gentleman should also regret, that he had taken such an injudicious course.

Mr. WARDLE briefly replied, and the House divided—

For Colonel Wardle's Motion, 1—Against it, 91.

Adjourned.—[The Member who voted for the Motion was Colonel Langton; but the friends to the Motion, it is said, did not vote, as a division was not expected by them.]

Wednesday, Feb. 27.

There was nothing of importance before the House this day.

Thursday, Feb. 28.

AMERICA.

Mr. WHITBREAD rose to put a question to the Right Hon. Gentleman, respecting our relations with the United States. They had been given to understand in the Regent's Speech, that the negotiations so long pending, were likely to have an amicable termination; there were, however, rumours then afloat, of a very opposite tendency; if he had been rightly informed, the American Minister had his audience of leave, this day, of the Prince Regent, preparatory to his quitting this country, and was thus putting a final, and not an amicable termination to his mission.

Mr. PERCEVAL replied, that it was certainly true that the American Minister had had this day his audience of leave of the Prince Regent, on his quitting this country; but that that audience was in consequence of the inimicable result of the negotiation, he was now for the first time to learn from the Hon. Gentleman. He believed the American Ambassador was now to leave this country finally; but so far from this circumstance terminating the negotiation between the two Governments, he understood that that Gentleman was to leave behind him in this country a *Change des Affaires*, for the purpose of prosecuting the negotiation to, he trusted, an amicable issue.

Mr. WHITBREAD was glad to hear an answer so contradictory of what he had understood to be the case, but confessed, at the same time, that it was not sufficiently satisfactory to his mind, and that he must, therefore, reserve to himself the right of giving notice on some early day, of a Motion for the necessary papers on this subject.

The Marine Insurance Company Bill was read a second time, after which Counsel were heard, and on a motion for its being committed, it was lost by a majority of one, there being 25 for it and 26 against it.—Adjourned.

Friday, March 1.

CONFINEMENT OF COLVILLE.

Mr. DUNDAS brought up the Report of the Secret Committee appointed to inquire into the confinement and detention of Colville, which was read.

The Report stated, that there appeared to the Committee to be sufficient cause for the apprehension and detention of that

person; it was also their opinion that he had suffered no inconveniences or privations, but such as were inseparable from confinement in such places, and that the prison of the Cold Bath Fields was not calculated for persons of his description, as it afforded facilities for external intercourse, in which it was not proper that they should be indulged. It refrained from stating further particulars, with a view to the effect it might produce upon the public service.

Lord FOLESTONE said, he thought it his duty to declare, that the Report was unanimously agreed to by the Committee. It was then ordered to be printed.

COMMITTEE ON COMMERCIAL CREDIT.

Mr. PERCEVAL rose to move for the appointment of a Committee to inquire into the state of Commercial Credit. Various representations had reached him from manufacturing and mercantile people, of the disadvantages under which trade suffered, and which they attributed to the state of credit and the condition of the markets with which they were formerly in the habit of communicating. At first he did not believe that the evil prevailed to such an extent as had been stated, but so various were the representations, that he now thought it his duty to submit the present motion to the House, that they might ascertain its existence, and provide a remedy as soon as possible. He deprecated all discussion upon this occasion as premature, and recommended that they should wait to have the advantage of the Report. It was his intention, that all the surviving Members of the Committee which was appointed upon a similar subject in the year 1792, should be upon the present, and that the number of the whole should be 21. He concluded with moving, That a Committee should be appointed to inquire into the State of Commercial Credit, and to report it to the House, together with its opinions and observations thereupon.

The Members proposed were:—The Chancellor of the Exchequer, Mr. Manning, Sir J. Sinclair, Mr. Brogden, Sir J. Shaw, Mr. Staniforth, Mr. Irving, Mr. H. Thornton, Mr. R. Shaw (of Dublin), Mr. Dundas, the Lord Advocate of Scotland, Mr. Rose, Sir T. Baring, Mr. A. Baring, Mr. Sharpe, Mr. Long, Mr. Alderman Combe, Mr. Marryat, Sir J. Newport, Mr. Foster, and Mr. C. Ellis.

Mr. TIERNEY said, he hoped that the Committee would be permitted to go at large into the subject, in order to trace the cause of the evil.

Mr. PERCEVAL said, the Committee for which he moved, was for the purpose of inquiring into the state of commercial credit, not of public credit; beyond that it was not his idea that it should go.

Mr. CURWEN hailed the present measure as a step towards the exposure of the bad system upon which the Government had acted. He alluded to new relations with America, and disapproved of the policy of encouraging manufactures to the injury of the agriculture of the country.

Mr. HORNER allowed that the list of names was a most respectable one, but thought it would have been better if so many mercantile gentlemen were not included. He proposed that the name of Mr. Huskisson should be inserted.

Mr. HUSKISSON declined the honour intended him by the Hon. Member, and made some observations on the state of public credit, which, he said, though in a great measure similar to that of 1792, was in many circumstances completely dissimilar.

Mr. TIERNEY moved as an Amendment, That after the word 'credit,' the words 'and trade of the United Kingdom,' should be inserted.

Mr. BARING thought upon the whole, that it would be better to defer the consideration of the more extended subject, until the narrower was decided, and the Report of the Committee brought up.

Mr. H. THORNTON preferred the original words. He did not wish that the great political question should be submitted to the Committee.

The Amendment was negatived without a division.

Mr. TIERNEY then moved another Amendment, that the

word 'thereupon,' should be left out, for the purpose of introducing the words 'the causes that produced the same.'

The Amendment was negatived as before.

Mr. WHITBREAD was surprised that out of 21 Members there should be 13 commercial men, and the rest connected with the Right Hon. Gent. (Mr. P.). Commercial men must, even from feeling, be willing to give assistance to those in the same rank and occupation. The Committee, he feared, as it was now appointed, was not likely to make the best Report to the House.

Mr. PERCEVAL said, he thought commercial men the best judges on the subject, and that it was with that view he had collected their names from both sides of the House.

After a few other observations the Committee was appointed, and ordered to meet in the Speaker's Chamber.

IRELAND.

Mr. WARD, seeing an Hon. Gentleman in his place (Mr. W. Pole), begged leave to ask, whether it was the intention of Ministers to lay any additional communications before the House, upon the subject of the late proceedings in Ireland?

Mr. PERCEVAL said, it did not appear to him that the state of that question required any further information.

Mr. HUTCHINSON postponed his motion for the repeal of the Convention Law in Ireland, to Monday, the 11th of March. Adjourned till Monday.

TUESDAY'S LONDON GAZETTE.

Downing Street, Feb. 26, 1811.

A Dispatch, of which the following is an Extract, has been this morning received at the Earl of Liverpool's Office, addressed to his Lordship, by Lieut.-Gen. Viscount Wellington, dated Cartaxo, Feb. 19.

The enemy have continued in the neighbourhood of Badajoz, and have broke ground before the place on the left of the Guadiana, and have thrown some shells into the town. The bad weather, however, has obliged them to draw in the greatest part of their cavalry from the ground between Badajoz and Elvas; and the communication has been re-established.

General Mendizabel sent orders to General Venies to advance, which measure I had before recommended to him; and General Mendizabel himself met the troops at Elvas on the morning of the 6th inst.; they marched on and passed the Caya; and the infantry entered Badajoz and the Fort of Christoval, on the right of the Guadiana, on the afternoon of the 6th. The French cavalry retired, and passed the Evora, and were pursued some distance by the Spanish cavalry, and a brigade of Portuguese cavalry, under Brigadier-General Madden, who took some cattle, baggage, &c.; but the attack, if any was intended to be made, upon the French troops on the left of the Guadiana, was deferred till the following day.

I have received from General Ballesteros a letter dated the 27th January, from which it appears that his action of the 25th was very well contested; that the loss of the enemy, who were much superior in numbers, was 2000 men killed and wounded; and that the retreat of the Spanish detachment was made in good order.

By the last accounts from the frontiers of Beira, it appears that a part of Claparede's division of the 9th corps was still upon Guarda on the 4th inst. with an advanced guard upon Belmonte. This was the position he was ordered to take on the 5th of Jan. by Gen. Drouet, referred to in my dispatch of the 12th ult.

General Foix arrived at Salamanca from Paris, with letters for Massena, on the 13th of January, and I imagine that he yesterday reached the head-quarters of the army. He had with him an escort of between two and three thousand men.

Colonel Grant, who commands the ordenanza in Lower Beira, had followed to the neighbourhood of Sobugal the detachment which escorted the couriers which marched from the Zezere on the 22d of January, and had taken much baggage from them and 200 prisoners. On his return, he attacked General [unclear], with a fresh detachment of ordenanza, at the entrance of the Estrada Nova; and I enclose

his report of the 2d inst. on this affair, and an extract of his report of the 4th inst. to Marshal Sir William Beresford, and the Marshal's letter to me.—I hear from the enemy's headquarters that they state they lost five hundred men in this affair. There has been no movement of any importance in the enemy's army since I addressed your Lordship.

Chamusca, February 7, 1811.

MY LORD—I have the honour to transmit to your Lordship the Report of Lieutenant-Colonel Grant, whom some time since I sent to superintend and command the ordenanza on the frontier of Lower Beira, and towards Guarda. The force of the enemy, differently stated, appears to have been between two and three thousand, and was under the orders of General Foix, and apparently to serve as his escort to enable him to join Marshal Massena. Lieutenant-Colonel Grant took post at Enxabarda, near the commencement of Estrada Nova, coming from towards Fundao, and under which the enemy was obliged to pass. The success of Lieutenant-Colonel Grant, and the loss of the enemy, have been much greater than either the number of men that the Lieutenant-Colonel had with him, or than circumstances could have reason to look for, and will give great animation and encouragement to this nature of warfare in all that part of the country. The people engaged have got very considerable booty, as there is no French soldier that has not much of what he has pillaged about him; and he is always a good prize for his captor. I have, &c.

(Signed) C. W. BERESFORD, Marshal.

Enxabarda Entrance of the Estrada Nova, Feb. 2, 1811.

SIR—Be pleased to state to his Excellency the Commander in Chief, that yesterday the 1st, a column of the enemy, under the command of General Le Foix, consisting of 3,000 cavalry and infantry from Ciudad Rodrigo, passed for the Estrada Nova to join Massena. They slept on the 31st at Alcaria, near Fundao.

On the 1st, with 80 of the Ordenanza from Alpedrinho, I took possession of a height near this village, by which they must pass; a well directed fire was kept up for two hours, and only terminated by the night; the result was 18 killed on the road, a very considerable number wounded, and ten prisoners; several of the wounded were found dead this morning, from the extreme inclemency of the weather; several cars with grain, and a considerable number of bullocks were also taken; and, having sent parties to annoy their front and rear, I have reason to think they must suffer considerably ere they quit the Estrada Nova; we lost only one man, with a few horses wounded, amongst them my own. I have the honour to be &c.

(Signed) J. GRANT, Lieut.-Colonel.

Colonel D'Urban, &c. &c. &c.

Extract of a Letter from Lieut.-Colonel Grant to Colonel D'Urban, dated Fundao, Feb. 4, 1811.

Have the goodness to state to his Excellency the Marshal, that the result of the affair of the 1st inst. near Enxabarda, has been more complete than I at first stated, two hundred and seven of the enemy having been found dead on the 2d, in the space of 4 leagues, a number of whom died in consequence of their wounds, and the inclemency of the weather. Eighteen prisoners are also in my power, and four Englishmen who had entered the French service, in the Irish Legion, to effect their escape, having been five years prisoners; one of them is of the 39th regiment, the others had been sailors. I have also to state that the Colonel of the 70th Regiment (French), also the Quarter-Master, were found among the dead. The enemy lost the greatest part of their baggage and cattle. I transmit some of their papers and letters.

[This Gazette also contains a Letter from Captain Anderley, of the Echo, stating the capture of the Constance French schooner privateer, of 16 guns and 62 men, after a chase of eight hours.]

BANKRUPTS.

W. Alcock, Heywood, Lancashire, victualler.
J. Airken, Burnley, Lancashire, manufacturer.

- J. Baker, Frome Selwood, Somersetshire, sadler.
 R. Bradfield, Attleburgh, Norfolk, miller.
 A. Cleland, Charles-street, St. Mary-le-bone, upholsterer.
 S. Crossland, Liverpool, ship-chandler.
 W. Duckett, Ramsgate, Kent, grocer.
 F. Eveleigh, Launceston, Cornwall, brazier.
 W. Forbes and G. Lewis, Liverpool, merchants.
 G. Gregory, jun. Liverpool, druggist.
 W. Harris, Chalstry, Herefordshire, miller.
 W. Harry, Weston, Herefordshire, cattle dealer.
 C. Hopper, Tynemouth, Northumberland, innkeeper.
 R. Horsefall and S. Stanton, Coventry, ribbon manufacturers.
 T. Kellaway, West Cowes, Hants, baker.
 W. Langdale, jun. Kingston-upon-Hull, victualler.
 J. Maddock, Liverpool, soap-boiler.
 J. Nailor, Jefferies-square, St. Mary Axe, merchant.
 W. Phillips, Liverpool, broker.
 S. Potter, Tillingham, Essex, shopkeeper.
 A. Stewart, Broad-street, Radcliff, hoop-bender.
 J. Thornton, Golden-square, feather-merchant.

SATURDAY'S LONDON GAZETTE.

BANKRUPTCIES ENLARGED.

- W. Phillips, Brighthelmstone, builder, from January 29 to March 19.
 S. Walker, Bull Wharf-lane, Queenhithe, hoop-bender, from Feb. 23 to April 13.
 J. Jarat, Mile-end, dealer, from Feb. 2, to March 23.
 J. Ingleby and Co. Lyganywern, Flintshire, lead-merchants, from March 12 to April 17.
 T. K. Kent, Cannon-street-road, St. George East, timber-merchant, from March 5 to March 16.
 J. Walker, Little Britain, lace-dealer, from March 5 to 12.

BANKRUPTCIES SUPERSEDED.

- J. Rogers and Co. Strand, jewellers.
 J. Neave, Longham, Dorset, mealman.

BANKRUPTS.

- J. Cooper, Chester, woollen-draper.
 A. Sheriff, St. Mary Axe, London, merchant.
 S. Savage and J. Slack, Macclesfield, silk-manufacturers.
 R. Taylor, Leicester-square, hosier.
 J. Goddard, Upper Thames-street, factor.
 J. Stanton, Bromsgrove, Worcester, miller.
 J. Byfield, Duval's-lane, Islington, dealer and chapman.
 P. Stanford, Chester, tallow-chandler.
 W. and J. Whitely, Leeds, dyers.
 R. Wells, Fareham, Hampshire, upholsterer.
 J. Andras, Bath, haberdasher.
 G. E. Boulton, Worcester, china-manufacturer.
 H. Smith, and Co. Great Winchester-street, merchants.
 J. Lee and Co. Bread-street, factors.
 J. and J. B. Smithson, Bishop-Wearmouth, coalfitters.
 W. Anderson, Kingston-upon-Hull, shoe-maker.
 D. Sherrington and Co. Preston, Lancashire, cotton-spinners.
 J. Blow, Hertford, currier.
 J. Greenhalgh, Bury, Lancashire, cotton-spinner.
 J. Tyndall, Birmingham, button-maker.
 D. Shand, Liverpool.
 J. Aitken, Burnley, Lancashire, manufacturer.
 J. and E. Dixon, Liverpool, merchants.
 J. Hipwell, Hardman's-fold, Prestwich, calico-printer.
 D. Ferris, Out-lane, London, blackwell-hall-factor.
 J. North, Chorlton-row, Manchester, merchant.
 J. Romer, Rosamond-street, Clerkenwell, watch-maker.
 W. Bloore, Half-moon-alley, Bishopsgate-street, timber-merchant.

PRICE OF STOCKS ON SATURDAY.

3 per Cent. Consols.....65 3/4

Mr. FLOWER'S REPLY, and A POLITICAL JANUS, shall appear next week.

AN ENEMY TO MUSICAL IMPOSTURE, and other Communications, will be inserted as soon as possible.

THE EXAMINER.

LONDON, MARCH 3.

Much important intelligence, it is said, is to be expected from the next Portuguese dispatches. A letter which arrived in town yesterday from Plymouth tells us that MASSENA has retreated from Santarem to a further position at the distance of fifty miles, leaving 4000 sick behind him, and followed by the Allies, so that there was daily expectation of a battle. The Ministerial Papers, to complete the picture, represent our army to be in its customary health and spirits; and anticipate, with their usual improvidence against the future, the glory and success of the allied forces. But the reader need no longer be warned against extravagant expectations of any kind; these accounts have come too often to raise enthusiasm in any but simpletons and stock-jobbers; and there seems no reason for altering the opinion so often expressed by this paper, that happen what may partially, the ultimate loss of the Peninsula is as certain as ever it was, and that we are only delaying the catastrophe by needless proofs of a valour, which our enemies most probably admire much more than our Allies. The fact seems to be, that MASSENA has at last finished his long and laborious preparations, and has retired to collect his full strength in order to break upon us, à-la-BONAPARTE, and bring the matter to a conclusion. In the mean time, Spain does nothing, except calumniate and kill her exiled Patriots; and reasonable people have long ceased to look to any place but South America for the resuscitation of Spanish Independence.

“PLYMOUTH, FEB. 28.—Arrived last evening the Bush and Dragon transport, Samuel Hogg, Master, from Lisbon, after a passage of eleven days, having left the Tagus with a fleet, consisting of 37 sail of light transports, for England, under convoy of his Majesty's ship Poictiers, of 74 guns, but parted on the 23d in lat. 45. 50. long. 9. in a gale of wind, being only then about twenty sail in company.—This vessel brings an account that Massena has retreated from Santarem, leaving behind nearly four thousand sick, and taken up another position in the rear about fifty miles from Santarem, having been followed by the Allies, and a battle was daily expected.—The Master of the transport also states, that Junot was at Lisbon, having obtained permission from Lord Wellington to come into the city for medical assistance, &c. on account of the wound received in his face. The forces of the enemy are stated to suffer much through sickness. The opinions in Lisbon, on the movements of Massena, are various. By some persons it is thought that he will yet endeavour to cross the Tagus; but the general opinion seems to be, that he is retiring to unite with the different detachments in his rear, and on the approach of the British, will then make one desperate and decisive effort, to break through the line of positions which Lord Wellington may take up.”

“LIVERPOOL, FEB. 28.—The Pacific arrived from New

York this morning; she sailed on the 3d inst. The Captain reports, what his owners informed him just before he left, that all goods shipped in this country, on or previously to the 2d of February, would be admitted into the United States. It would, therefore, appear that the Bill reported by Mr. EPPES from the Committee of Foreign Relations, has undergone some alterations."

MR. FINNERTY'S ARRIVAL AT LINCOLN.—On Sunday arrived in this city, Mr. Finnerty. He was accompanied, in a chaise and four, by the marshal of one of the London prisons, and the tip-staff of the Judges. He left London on Saturday morning, and slept on the road. His arrival being looked for, many were in waiting, and when he had been recognized by a gentleman who was present at his trial, it ran from mouth to mouth, that Finnerty was come, and although the chaise moved on at a Jehu-like rate, a large crowd was collected on the Castle-hill, and about the White Hart, before it got up the hill; and the devotion, which but a few minutes before, had filled the breasts of the people, fled, to be succeeded by an enthusiastic ardor to see the man who had so boldly and so ably pleaded his own cause—and who, by the power of truth, would have borne down all opposition, had it not been thought irrelevant to suffer the justification of the truth to appear. Mr. Finnerty was conveyed late in the evening to the castle, and shown into the chamber appointed for his reception, into which Mr. Merryweather had directed a featherbed, &c. to be carried.—It is a room on the ground floor, on the criminal side of the jail, sufficiently large, with a glazed window and fire-place, and opening into a small square yard, which has no communication with any other ward. But standing, as it does, in the middle of the building, it never can receive the benefit of the sun; and being not usually in occupation, is necessarily extremely damp. Of this Mr. Finnerty became sensible before he had been long in his cell, and the next day being visited by an active country Magistrate, he asked whether it was by order of the Magistrate that he had been put into a confinement so much more severe than that of any State Prisoner in any part of the island? He was informed that no instructions had been given by any Magistrate, but that the affair rested altogether with Mr. Merryweather.—As we have had many occasions of approving of the lenity of the Governor of our Castle, we hope he will not long suffer Mr. Finnerty to remain in so dismal a confinement, especially as he has many commodious apartments unoccupied in the Castle, and it was not a part of Mr. Finnerty's sentence that he should suffer either solitary or severe imprisonment.—We are happy to say that Mr. Finnerty has met with good friends here: some of the most wealthy and most respectable gentry have intimated to him that he may command every alleviation of his troubles they can furnish, and that they will see him supplied with food and furniture, and such other things as they think may be useful to him. Mr. Finnerty is extremely pained, and has had occasion to call in a Physician:—his complaint is bilious, which his Physician declares likely to be increased by the situation in which he is confined."—*Stamford News.*

The boats of the *Fortunée* frigate, Capt. VANSITTART, in a recent attempt to capture a French privateer, off the coast of Ireland, were repulsed with the severe loss of 46 killed and wounded. The 1st and 3d Lieutenants were wounded, and two Midshipmen and 21 seamen were killed. Owing to a calm, the frigate could not aid the boats, and the enemy escaped.

Extract of a letter from St. Thomas, dated January 27.—"By a vessel this day arrived from Porto Cavallo, we learn, that the disturbances in that country increase. A Proclamation, issued by the persons in power at the

Caracas, under the influence of Gen. MIRANDA, threatens the safety of the European Spaniards there. Porto Rico and the Havannah expeditions are going to the assistance of Coro and Maracabo, and to suppress the insurgents."

The object of General JUNOT's last movement to Rio Mayor, with so large a force, was to procure salt for their army, in which the French effectually succeeded, and then retired. Gen. JUNOT was shot by a German Hussar; the ball was nearly spent before it reached him, for it entered on one side of his nose, and lodged on the other side of his cheek, just below his whisker, from which it was safely and immediately extracted. His falling from his horse, from the effect of the shot, made his attendants believe him to have been mortally wounded.

Mr. PINCKNEY is preparing to return to America in the Essex frigate; the discussions alluded to in the Speech of the Lords Commissioners to Parliament being at an end; and Ministers having determined to persevere in their Orders of Council. NAPOLEON, on the contrary, appears to be adopting a system of conciliation towards the United States. A Decree has arrived in town from France, under which American produce of every kind and description is to be admitted into the ports of France, with the single exception of the article of tobacco.

On Tuesday Dr. HIGGINS was introduced to the PRINCE REGENT, at his levee, by the Lord in waiting, when he presented a petition in behalf of his chartered rights as a Doctor of Laws, which was graciously received by the PRINCE.—This introduction is more particularly worthy of notice, as it shews that the means of access to the Throne are again open; and that both individuals and public bodies can now present their petitions in person, without the doubtful intervention of a Secretary of State.

EDUCATION OF THE POOR.—Several most respectable inhabitants of St. Margaret's, Westminster, have recently carried into effect a Plan for the Education of the Poor Children of their Parish. A Sunday School, which is conducted upon pure Church of England principles, has been established, where 250 children of both sexes now constantly attend. All of them are taught to read, and some are instructed in writing and arithmetic. As rewards to the diligent and worthy, books and articles of wearing apparel are bestowed.—The Committee, Visitors, Teachers, and Superintendent, to their infinite honour, devote their best attentions to the School gratuitously. The Rev. ISAAC SAUNDERS, A. M. is the President,—a situation which he fills to the great advantage of the Undertaking.—As every enlightened person is convinced that much of the misery of the lower classes is occasioned by their extreme ignorance, it is to be hoped that this excellent example will be generally followed. The good that is effected is neither transitory nor doubtful. A great number of children, who before were seen wandering through the streets, brawling and blaspheming, are thus snatched from almost inevitable destruction. Industrious and decorous habits are given to them; they are taught the value of virtue; and thus are trained up to become useful and honourable members of the community. All parties and persuasions should unite to forward such objects; and though empty and dissipated persons may smile at the assertion, yet it is nevertheless true, that in contributing to these laudable ends, a secret satisfaction is created, equally serene, pure, and permanent.

The funeral of the late Duke D'Albuquerque took place yesterday, in Westminster Abbey. A splendid procession formed part of the ceremonial, and the discharge of minute guns announced to the people the rank of the deceased and the respect which his memory was held in by the Government.

It is well known that RICHARD TERROR, a private in the Tower Hamlets Militia, lately brought certain charges against Capt. Mason, and that the Captain was sentenced to be reprimanded.—The consequences arising from this Trial have been of considerable importance in various ways, and several hundred pounds have already been saved to Government. The result to TERROR, however, has been most prejudicial. Instead of obtaining the same indulgences as his comrades, he is refused even the smallest favour. Although between 50 and 60 of the men are weekly allowed leave of absence, to visit their friends, the Colonel has peremptorily refused to grant TERROR this permission, assigning as his reason, that he had that within his breast which prevented his allowing him any liberty whatever. Many of TERROR's witnesses are treated in a similar manner, and the man declares that his life is a burden to him, owing to the threats held over his head.

IMPRISONMENT FOR DEBT.

TO THE RIGHT HON. EARL MOIRA.

MY LORD,—I cannot but congratulate your Lordship on the prospect that your meritorious and long-continued exertions on behalf of the unfortunate debtor will at length be crowned with success, by the adoption of the legislative measures proposed by Lord Redesdale, to whose labours and intentions in this cause I am disposed to pay every just tribute of admiration and respect; but I cannot conceive it to be derogatory to his Lordship's merit, to assign to you the chief "meed of honourable fame." It has been by your Lordship's exertions for many years in this cause, that the public mind has been enlightened to see the enormity of the greatest practical evil existing in this country, and that a consequent compassion and anxiety for its removal have been excited. The ever memorable Report of the Committee, of which your Lordship was Chairman, to the House of Lords, is a monument of constitutional wisdom, learning, and patriotism.—I am therefore justified in saying that your Lordship laid the cornerstone of the immortal fabric, for which you will receive the benedictions of thousands of your countrymen, and the gratitude of posterity. I can never reflect upon this most important subject without assimilating it to that of the Slave Trade, which ultimately though tardily obtained the condemnation and reprobation of the legislature; and to no other subject that can obtain the attention of Parliament can I consider it inferior. Well acquainted as I am with both subjects, I will beg leave to pourtray the similarity of their features, which has often induced me to denominate the present practice of Imprisonment for Debt, the *English Slave Trade*. It resembles it in this, that whereas the enormities of both evils were supposed to be authorized by the law of the land, it appears that neither were, but abuses grown up by custom; and that when those enormities were first presented to the public mind, they were considered as incredible, and controverted as such. The miseries attendant on Imprisonment for Debt have never been so fully developed as those of the Slave Trade, and being not only corporeal but mental, can never be justly pourtrayed but by such as have experienced

them. To proceed with the comparison:—The African was torn from his family and home; so is the Debtor, but with aggravated circumstances of distress, inasmuch as his business is frequently ruined, his credit and reputation injured, and his family deprived of its only stay and support.—Let us follow him to the jail. Here the comparison is greatly against the English Debtor.—The African Negro is set to work, is allowed food, clothes, and lodging; but the English Debtor cannot work, is allowed no food, no clothes, no bedding. He becomes a burden on his distressed wife and family; though formerly industrious, he is now obliged to be idle; he finds himself in a grave, yet alive; an outcast of society,—his feelings outraged,—his friends either unable or indisposed to help him,—in fact, a prey to despair! Is it to be wondered at, that so circumstanced he becomes more vicious, or that he should see any thing in such a life, that he should wish to prolong it? Hence it is that some *destroy* themselves, more instances of which occur in jails, than the public are aware of. Such facts are generally concealed as much as possible, but I am credibly informed that in one prison in the Metropolis, *five* premature deaths of this description took place in the course of two years. One Debtor threw himself from a two-pair of stairs window, which dashed his brains out. Two others cut their throats, and two died for want of sustenance. I have known debtors who would have perished, but for the scanty humanity of fellow prisoners. Others who have solemnly declared, they have been several days without any food, have slept in a small room, where there were nine persons, the effluvia of which was sufficient to injure a person in health. I have known a sick prisoner that could not stand on his legs, who might have died on the bare boards but for the humanity of a fellow prisoner: and it is a well known fact, that some of the poorest prisoners sleep on the boards, without any covering, in the coldest nights in winter. This is but an epitome of the miseries of a prison, which the limits of a Letter will not permit me to extend, as I might do at great length, but it is sufficient to illustrate the abominations of an English jail. It has been most probably for want of information that evils such as these have existed so long uncorrected; else surely that humanity, which on other occasions is so alive to cases of great distress, would have hastened to such scenes of woe. But this is not the case; at a large prison, where I am most conversant, very rare is such a visitant to be seen; it would be thought something very extraordinary. When I consider that liberty and public happiness are the boast of England in her free Constitution, and when I find that this practical oppression and degradation exists in her realm, to a far greater extent than in any nation of the globe, I am confounded with astonishment and shame. I am ready to exclaim—O ye friends of humanity and sons of affluence, where now are your virtues? You have displayed them for those who never solicited your aid, and will you neglect your oppressed brethren and fellow subjects? If you want *real* objects for your charity, go to a prison, and there you will certainly find them.

My Lord, I shall conclude my Letter with one remark, that did I not know you were actuated by that principle which needs little animation, I should say,—Proceed in this your career to true glory; a little more exertion, and the end will be obtained.—*Magna est veritas et prevalebit*, I am, with great respect, your's, &c. VERAX.

Extract of a Letter from Falmouth, dated Feb. 22 :—
 " Arrived his Majesty's ship *Franchise*; 36 guns, Captain ALLEN, with upwards of 100 sail of transports and merchant vessels; put in by contrary winds; sailed from Torbay on Saturday last. Two most melancholy accidents happened in this unfortunate fleet about three o'clock on Thursday morning: his Majesty's ship *Franchise* ran on board the transport ship *John and Jane*; which sunk immediately, and of 272 officers and men of the 11th regiment of foot, and many women, which were on board; only about 40 could be saved, the remainder went to the bottom in the transport. About the same time the American ship *Intercourse* ran on board the transport brig *Wellington*, laden with ordnance stores. The *Wellington* sunk immediately; and the Captain, with five of the crew; were drowned, and five men saved."

The case of Mr. DOGHERTY, a tolerably full Report of which will be found in another part of the paper, offers a striking lesson as to the caution with which evil reports of private individuals should be received. Mrs. DOGHERTY; stimulated by others as well as her own bad passions; on quitting her husband and her infant child; in order to hide her own guilt, exhibited articles of the peace against Mr. DOGHERTY, charging him with cruelty and adultery. For years did this injured Gentleman, in poverty and in prison, struggle with these unprincipled accusations. His asseverations of innocence were received with suspicion; and no wonder; for who could suppose that a young female, under the very eye of her parents; and those parents moving in an elevated sphere of life, could have so set at defiance every virtuous principle, as to fabricate charges at once so foul and so false?—Hard to believe, however, as this may seem, the trial has amply proved the fact, that not only were such accusations wholly unfounded, but that Mr. DOGHERTY, from the day of his marriage to the moment of her flight, had treated his wife with a fond attention almost verging on the romantic.—Yet this was the man whom friends, parents, and wife, united to overwhelm!—Mr. WYATT and his wretched associate will have time enough to repent at leisure; but what should be the bitterness of self-reproach of those whose pernicious precepts and examples have been the prime cause of all this misery and infamy?

THE KING'S ILLNESS.

- " Windsor Castle, Feb. 24.
 " His Majesty continues to go on well."
 " Windsor Castle, Feb. 25.
 " The King continues to advance regularly in recovery."
 " Windsor Castle, Feb. 26.
 " His Majesty is going on most favourably."
 " Windsor Castle, Feb. 27.
 " His Majesty's indisposition is in every respect declining."
 " Windsor Castle, Feb. 28.
 " His Majesty continues to go on favourably."
 " Windsor Castle, March 1.
 " His Majesty remains in the same state in which he was yesterday."
 " Windsor Castle, March 2.
 " His Majesty goes so well."

His Majesty, it is said, has expressed daily his wishes to remove, as soon as it is possible, to Weymouth; but the season not being yet sufficiently advanced, the Papers say that he will be removed to Buckingham-house in the course of the week.

KING'S ILLNESS IN 1765.—The following passage, which appeared in the first edition only of STOLETT'S Continuation of HUME'S History of England, has given rise to a belief that the disorder under which his Majesty now labours appeared at a very early period of his reign :—

" Towards the spring of the year (1765), his Majesty was attacked with an illness, which, though not dangerous, filled the public with prodigious apprehensions, which perhaps were increased by the very means made use of to save appearances; as nothing of certainty could be gathered from the public papers, but that the state of his health was precarious."—Vol. XVI. p. 144. 1st. ed.

THEATRICAL EXAMINER.

No. 88.

COVENT-GARDEN

OF the numerous revivals of late, which do so much credit to Mr. KEMBLE, the principal have been SHAKESPEARE'S *Twelfth Night*, JONSON'S *Every Man in his Humour*, MASSINGER'S *New Way to Pay Old Debts*, and ADDISON'S *Cato*. These, and other future revivals that present any thing new for criticism, either in play or performance, will no longer miss their regular notice from the *Examiner*, in the absence of what is called greater novelty. Why this notice has been interrupted, it is needless to explain, as the cause has been altogether temporary and of a nature foreign to the public and the subject. Such of my readers, however; as have done me the honour of expressing their regret on the occasion, will have the goodness to recollect at the same time, that the term *revival* is often a catch-word applied by the Managers to pieces that have lain dormant but one or two seasons; and that to criticise every thing that re-appears, would be sometimes a spiritless or useless repetition.

Twelfth Night, though it has passages of exquisite delicacy, and two scenes of irresistible humour, is perhaps the last in rank of SHAKESPEARE'S more popular dramas. It is inferior to the *Falstaff* pieces in invention, to *Much Ado About Nothing* in wit and interest, and to the *Taming of the Shrew* in effect and completeness of design. Dr. JOHNSON very justly observes that the character of *Ague-cheek* though "drawn with great propriety" is "in a great measure that of natural fatuity; and therefore not the proper prey of a satirist." Such fatuity however seems to have been a favourite object of ridicule with all the dramatists of that age, owing probably to the abundance of gentlemen with small fortunes, who not receiving the education common in succeeding times, were uninitiated in the art of concealing ignorance by a well-bred common-place. *Malvolio*, who may have been intended for a contrast to *Ague-cheek*, as opposing a grave and reasoning folly to the grinning idiocy of the other, is the origin of the sober coxcombs that have since abounded on the English stage. His anticipation of future dignity, and of the majestic insults which he intends to deal round him, is evidently to be traced to that excellent apologue, which from the *Glass-merchant* of the Arabian tale to the *Milk-maid* of our story-books, has been the delight and instruction of all ages. The most novel, though by no means the most prepossessing character in the play seems to be that of *Sir Toby Belch*, who is a mere knavish sot; and is only preserved from our contempt by contrast with his tool *Ague-cheek*, whose excessive stupidity gives the other an air of sense and even of a taste for irony. The scene of midnight riot, where *Sir Toby*, *Sir Andrew*, and the *Clown*, are in vain interrupted by

the entrance and admonitions of *Malvolio*, whose gravity is at once shocked by their incontinence and mortified by their contempt of him, is one of the completest pictures ever drawn of the recklessness of a stupid debauchery; and is sure to convulse the spectators with laughter. The contrast, presented to these scenes and characters of low vice by the delicate mind and elegant language of *Viola*, is very lively and refreshing. It is only a pity that the elegant part of this drama is inferior to the coarse in point of probability. *Viola's* patient devotion for the Duke is interesting, particularly as he is not aware of it; and there is something extremely touching and gratifying, not only in viewing the disinterestedness with which she pleads his cause to *Olivia*, but still more so in anticipating the amends she is to make him for the latter's disdain. But the disguise of women in male attire, though it continues, and is likely to continue welcome to the spectators from causes unconnected with dramatic decorum, always strikes one as a gross violation of probability, especially if represented as accompanied with delicacy of mind. In SHAKESPEARE'S time, when there were no female performers, the personal absurdity was avoided; and this circumstance probably gave rise, in other nations as well as ours, to the fondness for representing women as boys and pages. It may also have encouraged, and in some measure lessened, the still greater absurdity of bringing together two persons perfectly resembling each other, as in the play before us, and in the *Comedy of Errors*;—a trick however, which it is impossible to render complete without resorting to the masks of the ancient stage. In our own times, it could hardly be rendered bearable, even by selecting counterparts of equal size and general appearance; but when the managers of Covent Garden present us with Mr. BRUNTON as the fac-simile of a delicate little lady, shorter at least by the head and shoulders, they bring the absurdity to its climax:—Mr. BRUNTON, in spite of his effeminate air and voice, becomes by the contrast a rough and sturdy gallant; and nothing can be more ridiculous than to see the persons on the stage affecting an *unaffected* astonishment at the double likeness, and exclaiming,

An apple, cleft in two, is not more twin
Than these two creatures!

With the exception of the distaste caused by these aggravated inconsistencies, the *Comedy* goes off with some spirit, though certainly not well performed upon the whole. Miss BOORN'S representation of *Viola* is touchingly correct,—feminine, feeling, intelligent. The modesty of her dress is suitable to the delicacy of the character; and the breathless timidity she exhibits in her forced duel with *Ague-cheek* is nicely discriminated, on the one hand, from a powerful expression, unsuitable to a delicate female; and on the other, from a comic extravagance, unnatural to such a person actually suffering. Mr. BLANCHARD'S *Ague-cheek* is deservedly applauded for the impotence of its gaiety and the utter weakness of its pretence, in every respect. Perhaps the best touches in his performance are the extravagant and at the same time feeble bursts of laughter with which he acknowledges the clown's bon mots. But the part of a simpleton, having little thought to express and scarcely any variety to put in action, is no great trial of comic power. It is well known that there is scarcely an actor, serious or comic, of any powers of expression, who cannot imitate an idiot. Mrs. C. KENNEL in *Olivia*, and Mr. EXERT in *Sir Toby*, must, I am afraid,

be content on this occasion with the old newspaper praise of being respectable. The clown of FAWCETT is not unentertaining, but it wants quaintness, and a greater affectation of humility in the midst of its insolence. *Duke Orsino* is represented by Mr. BARRYMORE, formerly of Drury-lane Theatre, who after some years absence from a company in which he is wanted, has returned to the metropolis and been engaged in one that has no need of him. His parts were already sustained, with at least equal merit, by Mr. EGERTON, who, if he has not so tragic an air, can hardly be denied more judgment. Mr. BARRYMORE has a good and powerful voice, an imposing step, and a face, which though not handsome or dignified, is by no means deficient in intelligence; but his enunciation is snappish in the very midst of its pompousness; his manner at all times theatrical; and in short, he has little or no variety, either in tone, look, or gesture. His delivery of the exquisite lines that open the play,

If music be the food of love, play on, &c. &c.

was like that of a mouthing schoolmaster hastening to finish the passage that he might proceed to lecture upon it,—that is to say, upon what he neither feels nor understands. The orchestra were in excellent accompaniment; and when the Duke called for "that strain again," because "it had a dying fall,"—gave it with as much indifference, and with as little of the *dying* in it, as if they thought his Highness was joking.

†

FINE ARTS.

BRITISH INSTITUTION EXHIBITION.

They whose natural feelings have been properly improved by culture, nor have yet become callous by attrition with the world, know from experience, how the heart is mollified, the manners polished, and the temper sweetened by a well directed study of the Arts of Imitation.—KNOX.

The Return of Priam with the Body of Hector. G. JOSEPH.—The spirited painting of *Sampson and Dallah*, exhibited last year by this Artist, raised expectations which this piece amply justifies. It contains considerable force and purity of character and drawing, with elegant and correct costume. The subject is judiciously wound up to its pathetic climax through the intermediate gradations of grief. The sympathy of the domestic attendants, the stern regret of the soldiers, the softer sorrow of Paris and Helen, and the parental anxiety of Hecuba, are all characteristically subordinate to the consummation of the mournful scene in the connubial agony of Andromache. There is a breadth and decision of style in the drapery, which has none of that flimsiness so objectionable in Mr. HILTON'S. Neither is the hiding of two faces injurious to the due delineation of pathos, as in Mr. HILTON'S *Entombing of Christ*; for they are subordinate agents in the story, and where there are a number of figures all impressed with a similar emotion, as in this piece, such a concealment presents an agreeable variety of attitude. Mr. HILTON'S figure is, on the contrary, the only female, and a principal actor in the piece. The forms, faces, and attitudes of Paris and Helen are characteristically beautiful. The pathetic energy and various graces of the picture are somewhat deteriorated by a want of clearness in most parts of the flesh, and of that solemnity in the clare obscure so essential to an elevated and pathetic subject. The latter, I conceive, in a great measure, to arise from a want of

greater breadth in the deep as well as secondary shadows, and in the middle tints being in general too light.—It will require a nice discernment to discover in which scale the balance of merit preponderates, whether in this piece or *The Entombing of Christ*. Mr. JOSEPH's picture is purchased by Sir T. Baring, M. P. for 130 guineas.

36. *The Tribute Money*. J. S. AGAR.—In the wide range of History, there is no object more difficult of appropriate delineation than the Saviour, requiring no less than the expression of consummate dignity and goodness. As the highest powers of the pencil must be here called into action, it is no wonder that in the great mass of even good pictures, we have so many "false Christs." Mr. AGAR has here added to the list. His Christ is the tamest figure in the picture. It is unworthy of representing the meanest disciple of that high personage. There is not the least indication of dignity; and in endeavouring to pourtray his benignity, instead of "the milk of human nature," which the Saviour so entirely possessed, he has made a mere "milk and water" representation of character. His up-lifted arm is a little too short. The colouring, consisting chiefly of the primeval hues, red, blue, and yellow, is brilliant, but crude. The picture is therefore deficient in mellowness of tone. It however has no small portion of genuine Art, and is drawn with more precision than Mr. AGAR's last year's performance. The heads of the two men who have put the insidious question respecting the Tribute Money, are marked with appropriate malignity of countenance, and with disappointment and surprise at the well-guarded answer of the sacred Reformer. Admiration at the wisdom of the Saviour's reply is well delineated in the countenance and action of various figures. The drapery is of a dignified character, broad, simple, and gracefully cast. Mr. AGAR appears only to want time and practice to clear his talent from its excrescencies of error.

ROYAL ACADEMY.

Mr. FLAHERTY commenced his second Lecture last week with reflections on ancient Jewish Art, of which, he said, scarcely a vestige remains. The Bible contains the oldest records of Art and Literature. Babylonian and Tyrian Statuary are wholly lost. Specimens of Egyptian Sculpture are handed down from their rudest to their most polished periods, almost the whole of which was sacred. Their Statues as well as Architecture were of immense magnitude, some of their figures being 65 feet high. Their attitudes were simple and rectilinear, their countenances had but little expression, and they had no grace of motion, or anatomical detail in parts; but they were excellent in first principles, containing simplicity of idea, and breadth of parts. The performance of most of their great works began from the time of Sesostris, from about the period of the Trojan war, or 1000 years before the Christian era. After the accession of the Ptolemies, their Statuary imitated the Greek. The Professor next remarked on the Sculpture of Persopolis and India, and concluded with general observations on the Greek. It engaged in its execution the sciences of Optics, Anatomy, and Geometry, without which, and Perspective, Art cannot be represented with full effect; but the Greeks did not confer accuracy on the attitudes and motions of their figures till, in the time of Phidias, Euclid promulgated his Problems. They however owed more of their knowledge to a close attention to Nature than to scientific attainment.

FASHIONS FOR MARCH.

For the promenade, scarlet mantles have been so general during the mourning, that for mere variety they must now be laid aside; we think they are more frequently succeeded by the short pelisse of purple velvet, trimmed with broad black lace, or small cottage mantle, lined with white sarsnet, ornamented with white chenille or gold. Purple sarsnet pelisses, or black velvet, lined with colours, are equally approved.—Cottage bonnets, cloth turbans, or small velvet caps, and one drooping ostrich feather, or two small ones, are most prevailing; under the cottage bonnets, which are formed to set off from the face, small lace caps, rosettes of lace or riband, or small flowers, are much worn, with a deep black French veil thrown over. Purple, black, or scarlet boots, are universal for walking.—For morning dress, short pelisses of cambric corded muslin, over a slip of the same, trimmed with edging, or made in poplin, bombazee, or lustrés, with ruffs and cuffs of fine clear muslin, with bands of the same, and clasps of lope de pèrle.—Dinner dresses are most by worn in lustrés, sarsnets, opera nets, or cloth, made up to the throat with lace cuffs, collars, and small French aproffs of lace, or fine embroidered muslin; and lace or quilted satin tippets, trimmed with swansdown, or white chenille.—The full dress, black or white lace, over coloured or white satin slips, ornamented with gold, still continue the most admired, with pearl necklaces, combs, and other ornaments blended with emeralds.—Small tippets in antique lace or satin trimmed with swansdown, are considered indispensable, and small aprons of rich antique embroidered muslin, with full pockets drawn and ornamented with white satin ribband, have an exceedingly elegant and novel effect, and are much to be preferred to the ridicule so long in vogue.—Hair knots are just introduced, in embroidered lace, with gold or silver thread, forming a light rosette, to be disposed among the hair according to fancy.—The prevailing colours are lavender, faded violet, silver grey, purple, plum, and crimson.—*La Belle Assemblée*.

LAW.

COURT OF KING'S BENCH.

Saturday, Feb. 23.

DOHERTY v. WYATT.

Mr. GARROW stated, that this was an action for criminal conversation with the plaintiff's wife, and was brought by Mr. Hugh Dogherty, an officer in the army, whose misfortunes had before brought him into that Court, against Mr. P. W. Wyatt, the youngest son of Mr. Wyatt, the architect. Mr. GARROW, in his prefatory remarks, observed, that he had a good cause to advocate, and there could be no doubt of his obtaining for the plaintiff ample justice, were it in his power to equal the Learned Gentleman, (Mr. BROUGHAM) who yesterday so eloquently addressed the Court.—Mr. Dogherty, previously to his marriage, was an officer in the Twenty-fifth Light Dragoons, and was introduced into the family of Mr. Holmes, now Mr. Hunter, a gentleman of large property. Here the plaintiff became acquainted with Mr. Hunter's daughter, then Miss Holmes, an extraordinarily gifted young lady, then in the 15th year of her age. If the plaintiff attached himself to Miss Holmes, she absolutely adored him: love, all powerful love, as she said, had completely possessed her; and upon the disapprobation of her passion by her parents, and the plaintiff's dismissal from Mr. Hunter's house, her enthusiasm became so violent that she was confined in a mad-house at Hoxton, attended by two females. Here she had recourse to a stratagem for escape, which the Learned Counsel wished could be practised by some of our countrymen, so unjustly confined in France: she soon contrived to insinuate herself into the good graces of one of her attendants, and persuaded her to procure two sleeping-potions, one to act for twelve hours and the other for ten; the former destined for the attendant who was not in her confidence, and the latter for the confidante. They were taken together, so as to give the confidante two hours to assist the escape of her mistress; and then it was contrived that the two servants should

wake together, and find the bird flown. Miss Holmes sought shelter in the arms of the plaintiff, and was married to him on the 25th of May, 1802. From this period till the year 1806, nothing happened to disturb the harmony of their union; Mr. Hunter was reconciled to the match; a grandson was born to him, upon whom he doated, and he was found negotiating for the payment of the plaintiff's debts, and advancing him money to enable him to live in a style equal to the character of his son-in-law. The plaintiff took a house called Laurel Lodge, near Barnet, which was one stage on the road to Mr. Hunter's seat; and the two families lived upon terms of the most affectionate intimacy. In an evil hour, through the introduction of a Mr. Burke, the plaintiff became acquainted with the defendant at Laurel Lodge, where he was afterwards in the habit of visiting. The result of these visits was his criminal passion for his host's wife, to obtain whom he assisted in procuring the exhibition of articles of the peace against the plaintiff by his wife, upon the ground of cruel treatment. He persuaded her father to invite her to visit him in town for a few days. On the 25th of May, 1806, she left Laurel Lodge for the purpose of making this visit, the defendant and Mr. Burke accompanying her to town in a post-chaise; and from that time to this she had never returned to the plaintiff. To shew the character of the defendant, the Learned Counsel read several letters from him to the plaintiff, pretending the most sincere friendship for him and attachment to his interests, yet dated since the exhibition of the articles of the peace, to the procurement of which he was a party; and one letter, addressed by the defendant to a friend of the plaintiff as lately as the 12th of February, 1808, stating, that he had always seen the plaintiff shew the most affectionate warmth towards his wife, and was sorry he had been led, from the strong representations which had been made to him, to think ill of the plaintiff against his own experience. With this defendant the plaintiff's wife had been living since the year 1809, in open and undisguised adultery, so that there would be no difficulty in proving the facts of the case; and upon the subject of damages, which were, by a flourish of the Special Pleader's pen, laid at 23,000*l.*, the Learned Counsel should say but little. No sum of money could compensate the plaintiff for the wrongs he had sustained, and to the misery to which he was reduced. Upon the exhibition of the articles of the peace, he was arrested by Mr. Hunter for sums, the re-payment of which he thought would never have been called for; and the Learned Counsel was not the only person at the bar who had sympathised with the sufferings of *him* and his infant child, who, instead of being the heir to Mr. Hunter's wealth, was his father's companion in a prison, and as such came with his parent to answer the processes of the Court. It was obvious to all that he was an affectionate father; and the presumption from that circumstance was, that he was a tender husband. He rejoiced that the day was at last come, when he could lay the story of his grievances, to effect which it would be proved the defendant was a principal agent behind the curtain, before a British Jury. The marriage was first proved.

John Dogherty, Esq. of the Irish Bar, the plaintiff's brother, said, that the plaintiff and his wife paid his family a visit in the county of Wicklow, in Ireland, immediately after his marriage; since which time the witness had had frequent opportunities of visiting his brother at Laurel Lodge, during the time he was a student in London. The plaintiff and his wife were the happiest couple he had ever seen; the conduct of the husband more resembled the assiduity of a lover. This happiness continued unclouded, till about six weeks before Mrs. Dogherty left her husband; but even then she appeared only comparatively unhappy, and that deduction of unhappiness seemed to arise from a defection of her own love for her husband. The witness had frequently met Mr. Burke and the defendant at the plaintiff's house; the professions of friendship towards his brother by the defendant were falsome, and unwarranted by the shortness of their acquaintance. The witness was not alarmed for his sister-in-law's honour by the attentions of the defendant; he did not think his brother had to fear such a man, who was, in the witness's opinion, not exactly framed to make woman false. The witness thought Mrs. Dogherty an

accomplished, but by no means a well-educated woman. On religious topics she was frightfully deficient; her natural abilities were good. The plaintiff's age was thirty-five or thirty-six.—[Mr. Dogherty gave his evidence in the most appropriate and impressive manner, displaying at once a sound judgment and no mean powers of oratory.]

Eaton Stannard Barrett, Esq. Student of the Middle Temple, lodged in the same house with the last witness, by whom he was introduced to Laurel Lodge. He bore the highest testimony to the plaintiff's tenderness as a husband, and to the happiness of both him and his wife. Once, indeed, he recollected, that, as Mr. Burke, the plaintiff, his wife, and he, were playing at cards, Mr. Burke complained of the wind at his back, upon which Mrs. Dogherty herself put the sofa-pillows behind him in his chair. The plaintiff looked grave at this; and indeed his wife was *firting* with Mr. Burke during the whole game; they were sitting next each other, and looking into each other's hands. The plaintiff told Mr. Burke to mind his game; when his wife said, "never mind him, he's drunk." The plaintiff replied, "he wished he was;" meaning, as the witness understood, that he then should not have seen his wife's conduct. He soon afterwards threw up his cards in silence. This witness and the last (who was present also) endeavoured to start some other topic of conversation, and the next morning the plaintiff and his wife appeared completely reconciled.

Both these witnesses deposed, that, as they were at breakfast, two mornings after the articles of the peace had been exhibited by Mrs. Dogherty against her husband, Mr. Burke and the defendant called, and joined the meal.—Mr. John Dogherty questioned them both, whether they had seen any conduct in the plaintiff which could justify Mrs. Dogherty's measures. They replied, that they should not have been more surprised, when they heard of it, if a thunderbolt had fallen from heaven. The defendant said, that he had never been present at the least difference between the plaintiff and his wife, excepting that once he said, he wished he never had seen her. Mr. Burke said, he had never met with so fond a couple, except his own father and mother, and they were a miracle. As these witnesses were dining at Laurel Lodge, on one occasion, when the plaintiff was in danger of being arrested, the defendant said to him, "We have seen you in your prosperity, and we will see you through your adversity: if you go to prison we'll go with you."

The plaintiff's Counsel then called all the servants, and others, who had lived with the plaintiff and his wife from their marriage till the latter quitted Laurel Lodge; and they all bore testimony to the extraordinary happiness and harmony which, till that time, subsisted between the couple.

Mr. Yatman, Solicitor, a first cousin of the defendant, deposed that the defendant now lived at his father's house, in Foley-place. He formerly had furnished houses at No. 3, Devonshire-place, Paddington, and in Nottingham-street, Marybone, where he lived with a lady and domestics. They passed under the names of Mr. and Mrs. Daniel. They had not lived together since last September. Mrs. Daniel, whom the witness took to be Mrs. Dogherty, now lived alone in Upper Norton-street, where she was visited by her friends. She also used her mother's carriage there; and had received vegetables from Mr. Wyatt, senior's, country house. The witness dined at Mrs. Dogherty's about a fortnight ago, in company with that gentleman and the defendant; she then passed under the name of St. Ann: She headed the table, and the defendant sat at the bottom; but he appeared as much a visitor as every body else. The witness knew from the defendant, that the first act he performed after his elopement with Mrs. Dogherty, in the spring of the year 1809, was to carry her to Scotland, and enter into a marriage contract with her, as a preparatory step to marrying her, according to the Scottish law, convinced as he was that her first marriage might be set aside.

The affidavit of the defendant, dated May 23, 1808, sworn as one of the grounds for filing a criminal information against the plaintiff for a libel on Mr. Hunter, for which he stood judgment to go against him by default, was then read. It stated that the plaintiff's usage of his wife was so cruel that affairs

