

THE EXAMINER.

No. 98. SUNDAY, NOV. 12, 1809.

THE POLITICAL EXAMINER.

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

No. 96.

CHANCELLORSHIP OF THE UNIVERSITY OF OXFORD.

THE reader may be startled at seeing this subject under the head of politics; but it is, nevertheless, in its proper place. One of the effects of the miserable system, so long pursued by the English Ministers, has been the *political* neglect of learning. Little indeed as any thinking person may be disposed to join in the common toothless cant about the degeneracy of ages, he must certainly be convinced, when he looks back to the state of Ministerial taste a hundred years ago, that there is at present a very sensible deterioration in that respect. The Pittites, following their master's plan, occupied with a ruinous war and caring for nothing but their continuation in office, patronize none but the monied and the mean; Contractors take place of Wits, and Flatterers of Literary Friends; and nothing is left, either to grace the leisure of the Courtier, or to maintain what the greatest Princes have regarded as one of the first ornaments of the Court. Formerly, the best writers could appeal to Statesmen on questions of taste and literature, and the Statesmen themselves practised as a personal ornament what they protected as a national one; formerly the Critic could address his philosophic plans to one Statesman, and the Poet his court-satire to another; but, good Lord! were a Poet to do such things now-a-days, people would swear, the man was as mad as the Minister; nay, if a Critic were to address a proposal, as SWIFT did, "*For correcting, improving, and ascertaining the English tongue,*" to the *Prime Minister*, I question whether it would not be thought a libel.—The consequence of all this is, that every man of knowledge and public spirit has a thorough contempt for a set of Governors, who show so little regard for the opinion of posterity, and who possess not a single grace to plead for their political vices with the living. And this reflection is the more mortifying, when we see our ambitious enemy patronizing every species of polite art with an Augustan munificence, and thus concentrating round his throne every ray that can at once dazzle posterity and light him on his path to dominion.

The Foxite Administration could certainly boast of members and friends, every way superior in liberal knowledge to its opponents, and may, as I have understood, have commenced its work of encouragement. Lord HOLLAND is an accomplished linguist, and possesses great taste for philosophic criticism; Lord GRENVILLE has the reputation of being one of the best classical scholars in the kingdom; and Mr. Fox himself was all over belles-lettres. These

were the very men to encourage taste, and to free us from the humiliating comparison with France in this respect; but unfortunately, the Foxite Administration lived long enough to shew little but its frailties. An opportunity has occurred, however, which may render some public benefit to the cause of learning, and at any rate may serve to shew the spirit of a learned body in doing themselves and their patrons justice. The Chancellorship of the University of Oxford has become vacant by the death of the Duke of PORTLAND; and three candidates have started for that high office,—the Duke of BEAUFORT, Lord ELDON, and Lord Grenville. The first, however, after once giving up the canvass, has again renewed it "for a very obvious purpose," and the contest may be considered as confined to Lords ELDON and GRENVILLE. Of these two noblemen, the claims may be equally powerful in point of influence, but they are most decidedly not so in point of qualification. Rank in the state, though a certain portion of it is necessary, I need not consider here; literary qualities constitute the highest rank in the Republic of Letters; though if rank is to have any weight on such an occasion, the benefit is due to Lord GRENVILLE, who is equal in hereditary title and of a much better family. As to the Lord Chancellorship, it is a precarious office, and perhaps may not be enjoyed by the present holder *a great many weeks longer*. There seem to be two points on which the present sort of contest ought to rest. The Chancellor of an University should, in the first place, be an accomplished scholar in order to judge, as he ought, of the proceedings under him; and, if at all advanced in life, he should be *known*—he should have a *public reputation*, as the possessor and promoter of this accomplishment, in order to inspire emulation and confidence in those under his eye:—secondly, he should possess a general liberality of thinking, alike removed from political or religious bigotry, which confines the spirit of enquiry, and from laxity of principle, which unsettles and dissipates it. Upon these grounds,—and I am confident that on such a subject I speak the language of all the unprejudiced, no-party admirers of learning in this "*first of Universities,*" London;—upon these grounds, there is not a shadow of doubt with respect to the distinct, decided, and *sole* claims of Lord GRENVILLE.

And first, with regard to Scholarship:—Lord GRENVILLE is reputed by the whole literary world, who are not accustomed to bestow their praise in this respect wantonly, to possess a considerable knowledge of the classics; and he is *known* to possess a considerable regard for that knowledge, by the public encouragement he has given to the diffusion of the works of HOMER. Now my Lord ELDON is neither known nor reputed to have any such knowledge or regard for it. No doubt, he reads VIRGIL and HOMER

like any other well-educated gentleman, but were he as attached to the knowledge and the reputation of the ancient classics as his antagonist, would it not have been known? *Ought* it not to have been known? Where is the patronage,—where is the public encouragement, that he has given to classical learning? It is in vain for him or his friends to plead, if they really do plead, that he is as good a scholar as Lord GRENVILLE:—nobody can know that: at least, the majority who are to give their votes, cannot know it; his Lordship is not to go before the Masters, like a student, and publicly construe his passage from TERENCE or EURIPIDES; and what other mode is there to give the voters a conviction of his acquirements? Certainly not the bows, or the smirking, or the assurances, or even the promises of his canvassers. If conscience then has any thing to do with the point,—if conviction of learning, as far as the conviction can go, has any thing to do with it,—then must Lord GRENVILLE inevitably obtain the palm.

Secondly, with respect to liberality of thinking:—This is, in truth, a very melancholy point to discuss between an *In* and an *Out*. Lord GRENVILLE, the cultivator and promoter of learning, obtains the willing voice of every body attached to books; but Lord GRENVILLE, the colleague of PITT during the Irish insurrections, and the despiser of constitutional reform, can gain little credit for liberality of thinking on one or two most important points, from a Reformer, so convinced, so attached to equality of rights, and so fond of plain facts as myself. But the question before us is not of a choice among many, but of a choice between two; and in no light, however unfavourable to himself, can Lord GRENVILLE be viewed, but he must absolutely shine by the side of Lord ELDON. His approval, of Catholic Emancipation, which his opponents produce against him on the present occasion as a proof of unwisdom, is in my opinion one of the very best recommendations he could have to an *enlightened* University;—observe, I do not say to a Calvinist University, or an University for the reading and writing of Gospel Preachers,—but an *enlightened*, national University. Some people, in their anxiety to compliment our institutions, seem to think that no measure of religious policy can meet with encouragement from a learned body, whereas it is precisely from such bodies that such measures ought to arise. The alarm at Catholic Emancipation, now that the Pope has become a shadow, and the powers of Catholic Bishops the shades of a shadow, is a perfect jest to all thinking persons, who well know what the *Sect* is that is most to be feared by the *mild establishment of our Church*. Let the Oxonian inquire, not whether Lord GRENVILLE would allow an Irish Catholic to have the proper encouragements due to a good subject, but whether it is true that Lord ELDON bestows his promises and his livings on men calling themselves Evangelical Preachers,—men who are at this minute undermining the Established Church, who are encouraging the dregs of the people to hold convocations all over the kingdom, in

order to establish a Church of their own in a Church, and who are the only Sect to be feared by rational Christians, because they at once *profess dogmatism and possess a wide-spreading power*. The man to be opposed in these times is not the Papist, but the Puritan, who inherits the intolerance of the other with ten times his gloom and a thousand times his influence. A dogmatizing faith may appear to some persons as the best counterpoise to the increasing infidelity of Europe; but infidelity increases because of dogmatism, not because of gentleness and liberality; it feeds upon the ridiculous, not upon the rational; and I am persuaded that the very existence of Christianity would be endangered, were an intolerant establishment to be set up by any existing people of Europe. Let the Oxonians therefore judge between Lord ELDON, who encourages the very Sect that affects to despise human reasoning, and who proves his acquaintance with books by being three centuries behind the literati of Europe in liberality,—and Lord GRENVILLE, who with the reality of learning possesses its liberality, and proves his love of knowledge by his wish to encourage all its professors in opposition to those who revile it because they fear it. Nay, let them ask on what single occasion Lord ELDON has betrayed the least liberality, whether religious, political, or literary. Lord GRENVILLE, it is true, agreed with Mr. PITT in many violent and unjustifiable measures, but he never debased his common sense so wretchedly as to blow the trumpet of No Popery with a Puritanical Nose; he never debased his respectability so vilely as to get up at a public dinner and in a maudlin rhapsody vow eternal idolatry to Mr. PITT's memory; he never had the task, the servile and the stupid task, of denouncing as a turbulent miscreant the calm, the learned, the philosophic WAKEFIELD, who was denied in his prison the solace of teaching his own daughter, and whose very name ought to fill an English University with disdain for his persecutors.

And indeed Oxford owes much to her former fame, both of recollection and of repair. It's reputation has suffered in the general corruption of place and preferment, and England has had most awkward reason to blush for what her combined scholars are said to have produced*. Now then is the season to convince us that the Oxonians would

* The late Oxford edition of STRABO, of which such chilling notice has been sent forth in a bitter blast from the North, is indeed of an appalling description. The most famous of its passages quoted by the last *Edinburgh Review*, "*sed harum tantum octo memoravit, scilicet, Tarquini, Cara, Volaterra,*" &c. &c. which a school-boy from very sympathy would shudder to read, is about as correct as if we were to say in English, "among other persons present I saw he and she." The old graduates, who betray this second childhood in their editions, evidently want some person of taste above them to quicken their memories and their ardour. A young Oxonian of common classical spirit would never have been guilty of the errors of this Strabo Editor, who is nevertheless said to be "a distinguished graduate" selected for the purpose "from the whole body!"

willingly recover their fame, though a few of them may care nothing for it. Now at least, we shall see whether the chief men prefer their reputation to their arm-chairs, and a judicious Governor to a tasteless and an indolent one, or whether they still choose to sit smoking their pipes, like an American savage, indifferent to the taunts and the wounds that assail them from all quarters. The present contest is no vast political trial to the *prudence* of the University, for the continuation of the present Ministers in office is at best doubtful, and the Learned and Reverend Gentlemen must be lost indeed to spirit as well as STRABO, if they elect for their head a common-place Puritanic Lawyer upon the strength of his short-lived church patronage, or his favour with the present finished Ministry. I do not know the set phrases of their installation of Chancellor, though I suppose it is full of the customary illustrious and learned titles, the *præclarissimus* and *doctissimus*; but in the name of every thing that is fitting and respectable,—in the name of Oxford's classic towers and shades,—in the name of all its statesmen and philosophers,—of SOMERS, and ADDISON, and RALEIGH, and HAMPDEN, and LOCKE, and the Great ALFRED himself, who laid at once the foundations of liberty and learning, let them disdain to do honour to a personage, who, in whatever light he is viewed, whether here or on the *Continent*, can do no possible honour to them.

FOREIGN INTELLIGENCE.

FRANCE.

PARIS, OCT. 26.—His Majesty, on the 22d, at five o'clock in the morning, set out from Munich. At noon, his Majesty arrived at Augsburgh, and alighted at the residence of the late Elector of Treves. As it was Sunday, he attended mass. He supped at Ulm with the Bavarian Commissary, Van Gravensout. His Majesty travelled all night, and in the morning of the 23d, at seven o'clock, arrived at the palace of Stutgardt, where he passed the whole day. After being present at the representation of an opera by Paesello, which the King of Wurtzburgh caused to be performed,—he set out at ten in the evening, and again travelling all night, arrived at ten in the morning at Strasburgh, after having visited by the way, at Radstadt, the family of the Grand Duke of Baden, who was then there. His Majesty left Strasburgh at noon, and alighted at Bar. At seven in the evening he passed through Epernay, where he supped, and at nine in the morning of the 26th arrived at Fontainebleau. On the 26th of October the return of his Majesty was announced by the discharge of 100 pieces of cannon, while the Imperial flag waved on the palace of the Thuilleries. Her Majesty the Empress came the same morning from Malmaison to Fontainebleau. His Excellency the Prince Arch-Chancellor repaired thither likewise. More than 60 chests, containing objects of art taken in the last war, have arrived. Among the most valuable are some original paintings of the Dutch School, which will be deposited in the collection of the Museum; and a number of rare printed books and manuscripts.

The *Moniteurs* contain some articles extracted from the English Newspapers from the 2d to 7th inst. one of which is as follows:—

“ It appears that Napoleon has been seriously indisposed in the palace of Schoenbrunn, and that a Courier has been sent to Paris with orders for the first Physician of the Court to repair immediately to Schoenbrunn.”

The *Moniteur* makes the following observations on that passage:—

“ The Emperor has not been ill; nay, he has not experienced the slightest indisposition; the first Physician, M. Conisant, it is true, proceeded to Schoenbrunn, but the Emperor did not stand in need of his professional attendance. Some symptoms of flux having shewn themselves among the troops, it was deemed necessary to have the advice of that experienced Physician on those symptoms; but they fortunately soon disappeared. While the above false report of the Emperor's illness was circulated, he was travelling at the rate of 50 leagues a day.”

PARIS, OCT. 29.—On Friday his Majesty held a Cabinet Council with his Ministers, which lasted until eight in the evening; and yesterday his Majesty took the diversion of stag-hunting in the forest of Fontainebleau.

TREATY OF PEACE.

NAPOLÉON, by the Grace of God and the Constitution of the Empire, Emperor of the French, King of Italy, Protector of the League of the Rhine, &c. having seen and considered the Treaty concluded, determined, and signed at Vienna, on the 14th of this month, by the Sieur Nompere de Champagny, our Minister for Foreign Affairs, in virtue of the full powers to that end given him by us, and the Prince John of Lichtenstein, Marshal of the Armies of his Majesty the Emperor of Austria, equally provided with full powers,—which Treaty is of the following tenor:

His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, Mediator of the League of Switzerland; and his Majesty the Emperor of Austria, King of Hungary and Bohemia, being equally animated with the desire of putting an end to the war which has arisen between them, have resolved to negotiate forthwith a Definitive Treaty of Peace, and for that purpose have appointed as their Plenipotentiaries, namely:—His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, the Sieur Jean Baptiste Nompere, Count de Champagny, Duke of Cadore, Grand Eagle Bearer of the Legion of Honour, Commander of the Order of the Iron Crown, Knight of the Order of St. Andrew of Russia, Grand Dignitary of that of the two Sicilies, Grand Cross of the Orders of the Black and Red Eagles of Prussia, of the Order of St. Joseph of Wurtzburgh, of the Order of Fidelity of Baden, of the Order of Hesse Darmstadt, his said Majesty's Minister for Foreign Affairs; and his Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Prince John of Lichtenstein, Knight of the Order of the Golden Fleece, Grand Cross of the Order of Maria Theresa, Chamberlain, Marshal of the Armies of his said Majesty the Emperor of Austria, and Proprietary Commander of a regiment of Horse in his service—who, having previously exchanged their full powers, have agreed upon the following articles:—

Art. I. There shall, from the day of the exchange of the ratifications of the present Treaty, be peace and friendship between his Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, and his Majesty the Emperor of Austria, King of Hungary and Bohemia, their Heirs and Successors, their States and Subjects respectively for ever.

II. The present peace is also declared to be common to his Majesty the King of Spain, his Majesty the King of Holland, his Majesty the King of Naples, his Majesty the King of Bavaria, his Majesty the King of Wurttemberg, his Majesty the King of Saxony, and his Majesty the King of Westphalia, his most Eminent Highness the Prince Primate, their Royal Highnesses the Grand Duke of Baden, the Grand Duke of Berg, the Grand Duke of Hesse Darmstadt, the Grand Duke of Wurtzburgh, and all the Members and Princes of the League of the Rhine, the Allies, in the present war, of his Majesty

the Emperor of the French, King of Italy, Protector of the League of the Rhine.

III. His Majesty the Emperor of Austria, King of Hungary and Bohemia, cedes, as well for himself, his heirs and successors, as for the Princes of his House, their heirs and respective successors, the principalities, lordships, domains, and territories, herein-after mentioned, and also all titles which may accrue from the possession of the same; and all properties, whether manorial or held by them under an especial title, lying within the said territories:—1. He cedes and transfers to his Majesty the Emperor of the French, to form a part of the League of the Rhine, and to be placed at his disposition, for the interest of the Sovereign of the League,—the territories of Saltzburgh and Berchtoldsgaden; that part of Upper Austria, situate on the farther side of a line running from the Danube, at the village of Straas, therein comprehending Weissenkirch, Wedersdorff, Michelbach, Griest, Muckenhofen, Helst, and Jedina; thence in the direction of Schwandstadt, the town of Schwandstadt on the Aller, and thence ascending along the bank of that river, and the lake of the same name, to the point where the lake touches upon the territory of Saltzburgh. His Majesty the Emperor of Austria shall only retain in property the Woods belonging to the Saltz-Gammer-Gut, and farming part of the manor of Mondsee, with liberty to cut and carry thence the brushwood, but without enjoying any right of sovereignty upon that territory.—2. He also cedes to his Majesty the Emperor of the French, King of Italy, the county of Gorizia, the Manor of Montefalcone, the Government and City of Trieste, Carniola, with its dependencies on the Gulf of Trieste, the Circle of Willach in Carinthia, and all the territories lying on the right bank of the Save, from the point where that river leaves Carniola, along its course to where it touches the frontiers of Bosnia: namely, a part of Provincial Croatia, six districts of Military Croatia, Fiume, and the Hungarian Littorale, Austrian Istria, or the district of Castua, the islands depending on the ceded territories, and all other territories, howsoever named, upon the right bank of the Save—the middle stream of the said river serving as the boundary between the two States—Lastly, the Lordship of Radzuns, lying in the Graubunderland.—3. He cedes and makes over to his Majesty the King of Saxony, the territory of Bohemia, depending upon and included in the territory of the Kingdom of Saxony; namely, the parishes and villages of Guntersdorff, Taubaneranke, Oerlochshelm, Lenkersdorff, Schirgiswald, Winkel, &c.—4. He cedes and makes over to the King of Saxony, to be united to the Duchy of Warsaw, the whole of Western or New Galicia, a district round Cracow, on the right bank of the Vistula, to be hereafter ascertained, and the Circle of Zamose, in Eastern Galicia.—The district round Cracow, upon the right bank of the Vistula, shall, in the direction of Podgorze, have for its circumference the distance from Podgorze to Wieliczka: the line of demarkation shall pass through Wieliczka, and to the westward touch upon Seawina, and to the eastward upon the Beck, which falls into the Vistula at Bezdegy.—Wieliczka and the whole of the territory of the Saltpits shall belong in common to the Emperor of Austria and the King of Saxony. Justice shall be administered therein in the name of the Municipal Power; there shall be quartered there only the troops necessary for the support of the Police, and they shall consist of equal numbers of those of both nations. The Austrian salt from Wieliczka, in its conveyance over the Vistula, and through the Duchy of Warsaw, shall not be subject to any toll-duties. Corn of all kinds, raised in Austrian Galicia, may also be freely exported across the Vistula. His Majesty the Emperor of Austria, and his Majesty the King of Saxony, may form such an arrangement with regard to these boundaries as that the San, from the point where it touches upon the circle of Zamose, to its confluence with the Vistula, shall serve as the line of demarcation between both States.—5. He cedes and makes over to his Majesty the Emperor of Russia, in the easternmost part of Galicia, a tract of territory containing a population of 400,000 souls, the city of Brodi being, nevertheless, not therein included. This territory shall be amicably ascertained by Commissioners on the part of both Empires.

IV. The Teutonic Order having been abolished in the States of the League of the Rhine, his Majesty the Emperor of Austria, in the name of his Imperial Highness the Archduke Anthony, abdicates the Grand Mastership of that Order in his States, and recognizes the dispositions taken with regard to the property of the Order, locally situated out of the Austrian territory. Pensions shall be assigned to those who have been on the civil establishment of the Order.

V. The debts funded upon the territory of the ceded provinces, and allowed by the States of the said provinces, or accruing from expences incurred for their Administration, shall alone follow the fate of those provinces.

VI. The provinces which are to be restored to his Majesty the Emperor of Austria shall be administered for his behoof by the Austrian constituted Authorities, from the day of exchanging the ratification of the present treaty; and the Imperial domains, wheresoever situated, from the 1st of November next. It is nevertheless understood, that the French army in this country shall take for their use whatever articles cannot be supplied by their magazines for the subsistence of the troops and the wants of the hospitals; and also whatever shall be necessary for the conveyance of their sick, and the evacuation of the magazines. An arrangement shall be made between the high contracting parties respecting all war contributions, of whatever denomination, previously imposed on the Austrian provinces occupied by the French and allied troops; in consequence of which arrangement the levying of the said contributions shall cease from the day of the exchange of the Ratifications.

VII. His Majesty the Emperor of the French, King of Italy, engages to give no obstruction to the importation or exportation of merchandize into and from Austria, by way of the port of Fiume; this, nevertheless, not being construed to include English goods or manufactures. The transit duties on the goods thus imported or exported, shall be lower than upon those of all other nations, the Kingdom of Italy excepted. An inquiry shall be instituted to ascertain whether any advantages can be allowed to the Austrian trade, in the other ports ceded by this Treaty.

VIII. The titles of domains, archives, plans and maps of the countries, towns, and fortresses ceded, shall be given up within two months after the period of the Ratification.

IX. His Majesty the Emperor of Austria, King of Hungary and Bohemia, engages to discharge the yearly interest, arrears, and capitals, invested in securities of the Government, States, Bank, Lottery, or other public establishments, by subjects, companies, or corporate bodies in France, the Kingdom of Italy, and the Grand Duchy of Berg. Measures shall also be taken to completely liquidate the sum due to Mont St. Theresa, now Mont Napoleon, at Milan.

X. His Majesty the Emperor of the French engages to procure a full and complete pardon for the inhabitants of the Tyrol and Voralberg, who have taken a part in the insurrection; so that they shall not be prosecuted either in person or property. His Majesty the Emperor of Austria equally engages to grant a full and complete pardon to those inhabitants of the territories of Galicia, of which he returns into possession, whether civil or military, public officers, or private individuals, who have taken part in the levying of troops, or the formation of judicial or municipal administrations; or in any other proceeding whatsoever during the war, which inhabitants shall not be prosecuted in their persons or property.—They shall have permission, during a period of six years, to dispose of their properties, of whatever description they may be; to sell their estates, even those that have been considered inalienable, such as *sidei commissu* and *majoratus*; to leave the country, and to carry with them the produce of these sales, in specie, or effects of any other description, without paying any duty for the same, or experiencing any difficulty or obstruction. The same permission, and for the same period, shall be reciprocally allowed to the inhabitants and landholders in the territories ceded by the present treaty. The inhabitants of the Duchy of Warsaw possessing landed estates in Austrian Galicia, whether public officers or private individuals,

shall enjoy the revenues thereof, without paying any duty thereon, or experiencing any obstruction.

XI. Within six weeks from the exchange of the present Treaty, posts shall be erected, to mark the boundaries of Cracow, upon the right bank of the Vistula. For this purpose there shall be nominated Austrian, French, and Saxon Commissioners. The same measures shall be adopted within the same period upon the frontiers of Upper Austria, Saltzburgh, Willach, and Carniola, as far as the Saave. The thalweg (stream) of the Saave shall determine what islands of that river shall belong to each power. For this purpose French and Austrian Commissaries shall be nominated.

XII. A military convention shall be forthwith entered into, to regulate the respective periods within which the various provinces restored to his Majesty the Emperor of Austria shall be evacuated. The said convention shall be adjusted on the basis, that Moravia shall be evacuated in fourteen days; that part of Galicia which remains in possession of Austria, the city and district of Vienna, in one month; Lower Austria in two months; and the remaining districts and territories not ceded by this Treaty shall be evacuated by the French troops, and those of their Allies, in two months and a half, or earlier, if possible, from the exchange of the ratifications. This Convention shall regulate all that relates to the evacuation of the hospitals and magazines of the French army, and the entrance of the Austrian troops into the territories evacuated by the French or their Allies; and also the evacuation of that part of Croatia ceded by the present Treaty to his Majesty the Emperor of the French.

XIII. The prisoners of war taken by France and her Allies from Austria, and by Austria from France and her Allies, that have not yet been released, shall be given up within fourteen days after the exchange of the ratifications of the present Treaty.

XIV. His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, guarantees the inviolability of the possessions of his Majesty the Emperor of Austria, King of Hungary and Bohemia, in the state in which they shall be in consequence of the present treaty.

XV. His Majesty the Emperor of Austria recognizes all the alterations which have taken place, or may subsequently take place, in Spain, Portugal, and Italy.

XVI. His Majesty the Emperor of Austria, desirous to co-operate in the restoration of a maritime peace, accedes to the prohibitory system with respect to England, adopted by France and Russia, during the present maritime war. His Imperial Majesty shall break off all intercourse with Great Britain, and with respect to the English Government, place himself in the situation he stood in previous to the present war.

XVII. His Majesty the Emperor of the French, King of Italy, and his Majesty the Emperor of Austria, King of Hungary and Bohemia, shall observe, with respect to each other, the same ceremonial in regard to rank and other points of etiquette, as before the present war.

XVIII. The Ratifications of the present Treaty shall be exchanged within six days, or sooner, if possible.

Done and signed at Vienna, October 14, 1809.

(Signed) J. B. NONPERE DE CHAMPAGNY,
JOHN Prince of LICHTENSTEIN.

We have ratified, and hereby ratify the above Treaty, in all and every of the articles therein contained; declare the same to be adopted, confirmed, and established; and engage that the same shall be maintained inviolable. In confirmation whereof we have hereto affixed our signature, with our own hand, being countersigned and sealed with our Imperial seal.

Given at our Imperial Camp at Schoenbrunn, October 15, 1809.

(Signed) NAPOLEON.

GERMANY.

VIENNA, Oct. 17.—The destruction of the works of this city, by gunpowder, which was fixed for the 15th, between the hours of two and three, was not carried into effect until the same hour yesterday, when it was accomplished without any injury to the city or inhabitants.

RUSSIA.

St. PETERSBURGH, Oct. 11.—Our Court Gazette contains the following important intelligence from the army in Moldavia:—"The Commander in Chief of the Russian imperial army being against the Turks, Gen. Prince Bagrathion, has transmitted advice, that immediately after the conquest of the fortresses Tultscha, Soatchi, Matchi, and Gersawu, the Russian troops attacked, with their accustomed bravery, and entirely defeated a Turkish corps, amounting to about 20,000 men, which had been assembled near Rassewata, under the command of the Seraskier Grew Pasha. According to accounts received from the scene of action, 5000 Turks were left dead on the field, a great number taken prisoners, 15 cannons, and 20 standards, among which were the banners of the Seraskier, fell into the hands of the victors.—The Turks who escaped the slaughter fled in the utmost terror and confusion into Kersgun and Silistria, and were pursued 85 wersts. After this signal victory, the following forts were taken, viz. on the right banks of the Danube, Kersgun, and on the coast of the Black Sea, Kistendschi and Magolia. The conquest of these were the forerunner of a still more important military occurrence.—On the 14th of September the celebrated and strong fortress of Ismael surrendered; the conquest of which, in all former wars of the Ottoman Porte, had been purchased by a considerable loss of men, but was now delivered up to the victorious arms of his Imperial Majesty without bloodshed."

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

- S. Wright, sen. Grange-road, Bermondsey, bricklayer. Attorney, Mr. Robinson, Bermondsey.
 J. Clarkson, City-road, coal-merchant. Attorney, Mr. Taylor, Old-street-road.
 G. and A. Geddes, and T. Milliken, Finsbury-place, merchants. Attornies, Messrs. Swain, and Co. Old Jewry.
 F. Lane, Bromyard, Hertfordshire, malster. Attornies, Messrs. Stephenson and Gower, Gray's-Inn-square.
 H. Docker, Aston, Warwickshire, woollen-draper. Attorney, Mr. Frowd, Serle-street, Lincoln's-inn.
 S. Hart, Radford, Nottinghamshire, dealer. Attornies, Messrs. Kinderley and Co. Gray's-Inn-square.
 Wm. Alton, Alfreton, Derbyshire, innkeeper. Attornies, Messrs. Ross and Co. New Boswell-court.
 T. Weston, Camberwell, postmaster. Attorney, Mr. Cross, King-street, Southwark.
 J. Turdoff, Leeds, wool-stapler. Attorney, Mr. Battye, Chancery-lane.
 A. Feuton, Liverpool, merchant. Attorney, Mr. Windle, John street, Bedford-row, London.
 J. Withington, Runcorn, Cheshire, stone-mason. Attorney, Messrs. Foulkes and Longdill, Gray's-Inn.
 M. Harker, Oakham, Rutlandshire, metcer. Attorney, Mr. Beuridge, Inner Temple.
 W. Habgood and R. Bernard, North Audley-street, carvers. Attornies, Messrs. Price and Williams, Lincoln's-Inn.
 Albert de la Cour, Pall-Mall, jeweller. Attorney, Mr. Henrich, Cecil-street, Strand.
 Wm. Hancorue, Swansea, Glamorganshire, shopkeeper. Attornies, Messrs. Pearson and Eon, Pump-court, Temple.

CERTIFICATES—Nov. 28.

- T. Danster, Somerset, Somersetshire, plumber.—J. Dalton Brastead, Kent, mealman.—T. Farrar, Halifax, cotton-spinner.—J. Lee, Lewes, Sussex, linen-draper.—C. Harvey, Monmouth, ironmonger.—J. Steel, Lancaster, linen-draper.—J. Gregory, Eccles, Lancaster, Manganese dealer.—P. Ridings, Manchester, fustian dealer.—J. G. Bradley, War.

rington, grocer.—Wm. Brain, Sutton-street, Westminster, plain-maker.—C. Glover, Albemarle-street, upholster.

SATURDAY'S LONDON GAZETTE.

At the Court at the Queen's Palace, the 8th Nov. 1809, present the King's most excellent Majesty in Council.

This day the Right Honourable Manners Sutton was, by his Majesty's command, sworn of his Majesty's most Honourable Privy Council, and took his place at the Board accordingly.

Foreign Office, November 11, 1809.

A Letter, of which the following is an Extract, was this day received by Earl Bathurst, his Majesty's principal Secretary of State for Foreign Affairs, from Lieut-Colonel Carrol, dated Army of the Left, Camp on the Heights of Tamames, October 19, 1809.

I have the honour to acquaint you, that the army of Marshal Ney, now commanded by General Marchand, advanced on the morning of yesterday, in force ten thousand infantry and one thousand two hundred cavalry, with fourteen pieces of artillery, to attack this army, which was most judiciously posted on these heights.

The enemy divided his force into three columns, which advanced against the right, centre, and left of our line; it soon became evident that the principal object of his attack was to force and turn our left, it being the point in which our position was weakest.

The enemy, at the commencement, gained some advantage of position on our left, in consequence of the retreat of a small party of our cavalry, destined to cover the left of our line. This success, however, was momentary, as the vanguard, led on by Generals Mendizabal and Carrera, charged with the greatest spirit and gallantry, routed the enemy, and retook, at the point of the bayonet, six guns, of which the enemy possessed himself during the retreat of the division of our cavalry. The vanguard in this charge committed great slaughter amongst the enemy, taking from them one 8-pound gun, with a quantity of ammunition. After a long and obstinate contest, the enemy being unable to gain a foot of ground, began to give way in all points. About three o'clock in the afternoon the enemy betook himself to a precipitate and disorderly flight.

The loss of the enemy, as far as we have been yet able to ascertain, exceeds one thousand in killed and prisoners. The numbers of the wounded must be very considerable.

Our loss has been comparatively very trifling, not exceeding three hundred; one Imperial Eagle, one eight pounder brass gun, three ammunition waggons, twelve drums, with four or five thousand stand of arms, an immense quantity of ball cartridge, carts of provisions and knapsacks loaded with plunder, fell into our hands.

No language can do sufficient justice to the gallant and intrepid conduct of the troops on this memorable day; it would be impossible to make any distinction in the zeal and ardour of the different corps, for all equally panted for the contest. The vanguard and first division, however, had the good fortune to occupy those points against which the enemy directed his principal efforts, and to add fresh laurels to the wreaths they had acquired in Lugo, St. Jago, and San Payo.

The steady intrepidity displayed by the 2d division, through whose ranks the party of retreating cavalry passed, and the spirit and promptness with which it pushed forward against the enemy, who had at that moment turned our left, is deserving of the highest approbation.

The entire of the cavalry, with the exception of the party attached to the vanguard, about 300, who, from being overpowered, were obliged to retreat, evinced the greatest steadiness and resolution in maintaining the post allotted them, and keeping the enemy's cavalry in check.

It is however to be lamented that our cavalry did not find themselves in a situation to enable them to take advantage of the enemy's disorderly flight across the plain between these heights and the village of Carrascalejo, a league in extent; for

had five or six hundred horse charged the fugitives, the victory would have been most decisive.

The vanguard of Gen. Ballesteros's division is in sight; we only wait his arrival to pursue and annihilate the discomfited enemy.

From prisoners we learn that General Marchand proclaimed at Salamanca his intention of annihilating, by two o'clock on the 18th, 30,000 peasant insurgents: his orders to his army were, on pain of death, to possess itself of the heights by twelve o'clock, as he proposed proceeding to destroy Ballesteros's division, after having dispersed and annihilated this army. The French General certainly appears to have held this army very cheap; judging from his plan of attack, which was far from judicious, but executed, to a certain point, with the greatest bravery, and with that intrepidity which the confidence of success inspires.

Our light troops pursued, and hung on the enemy's rear; several parties of which, amongst whom were 200 of the regiment of Ballastro, have not returned as yet, having expressed a determination of hanging on the enemies flanks as long as the cover of the woods afforded a facility of so doing.

The number of the enemy's dead already found and buried amounts to upwards of 1100. Several, no doubt, will be found in the woods.

[This Gazette contains an account of the capture of the French privateer Rodeur, of 16 guns and 121 men, by the Seine, Capt. Atkins; and the French corvette Le Milan, of 18 guns and 115 men, by the Surveillante, Capt. Sir G. Collier.]

BANKRUPTCY ENLARGED.

G. Pearson, Friday-street, Cheapside, warehousemen, from Oct. 31, to Dec. 1, at ten, Guildhall.

BANKRUPTCY SUPERSEDED.

S. Foster, Graffham, Huntingdonshire, timber-merchant.

BANKRUPTS.

J. Beattie, Longtown, Cumberland, draper. Attorney, Mr. Mounsey, Carlisle.

W. M'Cready, Manchester, dealer. Attorney, Mr. Meredith, Birmingham.

W. Crouch, Charlotte-street, Rathbone-place, linen-draper. Attornies, Messrs. Cruchley and Co. John-street, Bedford-row.

W. Harcourt, Norwich, linen-draper. Attorney, Mr. Wells, Norwich.

W. Dallas, Cushion-court, Old Broad-street, merchant. Attornies, Messrs. Willis and Co. Throgmorton-street.

J. Packett, Weymouth, merchant. Attorney, Mr. Bousfield, Bouverie-street, Fleet-street.

C. Coleman, Goswell-street-road, scavenger. Attorney, Mr. Edwards, Symond's-Inn, Chancery-lane.

E. Young, Spalding, Lincolnshire, liquor-merchant. Attorney, Mr. Cope, Boston.

W. Randall and J. Marchant, Stockbridge, Hants, innkeepers. Attorney, Mr. Nichols, Southampton.

T. Lambert and S. Lambert, Leeds, woolstaplers. Attornies, Messrs. Lee and Co. Leeds.

R. B. Poussett, East-lane, Bermondsey, coal-merchant. Attorney, Mr. Clutton, St. Thomas's-street, Southwark.

J. M. Howell, Sidmouth, Devonshire, haberdasher. Attorney, Mr. Turner, Exeter.

J. N. Billinge, Swithin's-lane, victualler. Attorney, Mr. Marson, Church-row, Newington-Butts.

J. Holmes, Kirkburton, Yorkshire, merchant. Attorney, Mr. Stephenson, Holmfirth, Yorkshire.

T. Downes, jun. Hereford, money-scrivener. Attorney, Mr. Wright, Hyde-street, Bloomsbury.

J. Cender, Moorfields, paper-hanger. Attorney, Mr. Wilde, jun. Castle-street, Falcon-square.

R. Freebairn and J. Wilson, Queen-street, Cheapside, warehousemen. Attornies, Mr. Swain and Co. Old Jewry.

J. Rawstone, Shorters-court, Throgmorton-street, merchant. Attorney, Mr. Hackett, Chancery-lane.

CERTIFICATES.—Dec. 2.

J. Ellis, Rathbone-place, Oxford-road, butcher.—J. Tomlinson

linson, Barlaston, Staffordshire, boat-builder.—W. Good-enough, Hampstead-road, coach-maker.—W. G. Hunter, Islington, underwriter.—J. Serace, Widcombe, Bath, mason.—E. Roll, Red Lion-street, Spitalfields, baker.—T. and J. Waddilove, Bath-place, New-road, statuary.—S. D. Pearson, Beverley, Yorkshire, flax-dresser.—J. Hall, Stafford, mercer.—W. R. Parker, Hebden, Yorkshire, cotton-twist-spinner.—G. Sanders, Ayr-street, Piccadilly, victualler.—J. Flack, London-road, coach smith.—G. Clarkson, Bristol, cabinet-maker.—R. Meredith, Oxford-street, linen-draper.—W. Bird, Stone, Staffordshire, and E. H. Broadfield, Stourport, Worcestershire, boat-builders.—J. Thomas, St. James's-place, Westminster, tailor.—D. Dean, sen. D. Dean, jun. and J. Dean, St. John-street, West Smithfield, cheesemongers.—J. Finney, Aldermanbury, merchant.

PRICE OF STOCKS ON SATURDAY.

3 per Consols 70 $\frac{1}{4}$ | Red. Ann. 69 $\frac{1}{4}$ | Omnium.. 2 $\frac{3}{4}$ 3 prem.

TO CORRESPONDENTS.

Several Articles intended for this day's *Examiner*, are delayed by the press of temporary matter.

THE EXAMINER.

LONDON, NOVEMBER 12.

THE Definitive Treaty of Peace between France and Austria has been made public. It clips the wings of the Austrian Eagle to the quick, and she must now be content to sit

“Perching on the sceptered hand”

of the Conqueror, as an example to weaker birds. To Bavaria is ceded the Principality of Saltzburgh and a portion of Austria, extending on the Danube from Passau to the vicinity of Linz; to Saxony a portion of Bohemia, part of Eastern Galicia, and the whole of Western Galicia; to Russia, a truly slavish grant, consisting of so much territory in the Eastern extremity of Galicia, as contains four hundred thousand souls; and to the French Emperor, the Adriatic sea coast in possession of Austria, and the whole of the neighbourhood now called by its ancient name of Illyria. Austria is thus left powerful enough to serve as a check upon the Rhenish League, which in return will act as a complete check upon Austria; and unless she is mad enough to expose another limb to certain amputation for the pleasure of the English speculators, she is to all intents and purposes reduced to the condition of a pacific power. The Dutch papers, that arrived yesterday morning, state that BONAPARTE is to make his triumphal entry into Paris the 2d of next month, whither he has been preceded by 60 chests laden with plunder of the Fine Arts,—Dutch paintings, rare manuscripts, &c. The Parisians are delighted at all this: they are enchanted with the pictures, and ravished with the procession, and forget every thing in the increasing glories of the Grand Monarque. For what a length of time did this strange people bear with that sanguinary and sensual bigot Louis XIV. because he was a man of taste, and could walk majestically up to his throne! To be sure, he squandered their finances; but then how munificent he was in his patronage! He sent

them out by thousands to be killed;—but then how he danced! He knew no bounds to his selfishness and ambition;—but then what a leg!—BONAPARTE well knows how to take advantage of this spirit, and at the same time to refine his advantages, and render them more brilliant in the eyes of posterity. And even with cool judging posterity these things have their effect:—we still respect ALEXANDER for his love of knowledge, and CÆSAR for his display of it, however we may detest their vices. Such conquerors are like comets:—when they are near us, we are occupied with nothing but fears for our existence; when time has removed them to a distance, we forget our terrors, and have leisure to admire their lustre and wonderful career.

After his triumph at Paris, a few balls, and one or two adorations in the dust from his Senate, the EMPEROR will set out for Spain, where he will find his brother JOSEPH making laws at Madrid and the Junta quarrelling among themselves and despised by every body else. In the mean time however, an account of a victory over his troops has reached this country. It appeared in last night's Gazette as the *Extract* of a Letter from Lieut.-Col. CARROL, who was present. The Lieut.-Col. informs us, that a battle was fought, on the 18th Oct. last, on the heights of Tamames, near Salamanca, between the Spaniards under the Duke del PARQUE and the French under Gen. MARCHAND, an officer commanding part of Marshal NEY's division. The Colonel does not say what was the amount of the Spanish force, but he tells us that this battle was fought a whole morning against 10,000 French infantry and 1200 cavalry, supported by 14 pieces of artillery; that the enemy, after losing 1000 men betook themselves to a “precipitate and disorderly flight”—that the Spaniards took a considerable booty and lost only 300 men—but that nevertheless the cavalry “did not find themselves in a situation to take advantage” of the flight, notwithstanding the victory would have been most complete could five or six hundred horse have chased the fugitives!—Now I have not the smallest doubt of Lieutenant Colonel CARROL's honourable love of truth; but from the above accounts it certainly does appear that his means of information or his eyesight must have been very imperfect; and enthusiasm is a great blinder of British as well as Spanish eyes. In every view of the matter, a person who has at all attended to these things cannot but pronounce the whole account extremely improbable; and there can be little doubt, that the whole affair will turn out to be a *check* given to the French in their attempt to force a mountainous pass.—People may be sorry to see these doubts perpetually thrown on the hopes of Spanish independence; but they must be infinitely more sorry to find them *always well-founded*.

The sickness and mortality among our troops in Spain and Portugal continue. By the returns for the month of September, the dead amounted to upwards of 1000, and in the week from the 8th to the 15th October, to near 350. The hospitals were crowded with sick.

Notwithstanding the opinion of General Dax, our Commander at Walcheren, that the Island is little longer tenable, and the mortality which still prevails among our troops there, Government is determined to attempt its retention.

We hear that among the naval heroes lately advanced by Ministers to higher stations, are two, to whose promotion there is certainly no other impediment than that they are both DEAD, and *were* DEAD at the time they were promoted, and HAD BEEN DEAD some time before!! Would to Heaven that certain other officers, whom we could mention, had been in an equal state of efficiency, when the same happy discrimination called forth their talents for the service of their country! CHARLES COBB, Esq. late Rear-Admiral of the Blue, has just been promoted to be Rear-Admiral of the White, he having been dead some months before such his promotion; and farther, JONATHAN DOVE, Lieutenant, has, two years after his decease, been on his part most unconsciously advanced to the rank of Master and Commander!!

CHelsea HOSPITAL.—A meeting was on Friday held at this place, at which were present, Sir D. DUNDAS, Col. GORDON, the two sworn Surveyors of the Crown, Dr. MOSELEY, Physician, and Mr. KEATE, Surgeon to the Hospital, when the original scandalous agreement with Col. GORDON was confirmed!

It appears, that of the fifteen Monarchs of Europe, who were tranquilly seated on their Thrones in the year 1788, George the Third, of England, alone possesses the kingly power. The sum of this melancholy record of royalty stands thus:—

One, murdered.	One, assassinated.
Five, deposed.	One abdicated.
One, expatriated.	One, died a lunatic.
Two, poisoned.	One, natural death.
One, sudden death.	One, still reigning.

Among the literary *manufacturers* of the day, the author of Marmion stands pre-eminent. The following form part of his present labours—Lord Somers' Tracts, 10 vols. 4to. Anne Seward's Letters, 5 vols. 8vo. Swift's Works, 18 vols. 8vo. The Works of Daniel de Foe, 8 vols. 8vo. Beaumont and Fletcher's Plays, 10 vols. 8vo. *cum multis aliis!*—It has been whispered that the firm of JOHN BALLANTINE and Co. includes Mr. SCOTT. If so, he is no sleeping partner.

A few evenings since, Mrs. JORDAN conferred a very generous favour, which ought to be publicly stated, because it forms a bright contrast to the money-taking system of a certain great actress. Mrs. J. had engaged to perform at the Richmond Theatre, for 20l. a night. Contrary to the expectation of the Manager, the receipts were not very profitable. On the last night of her performance there was but little more than 20l. in the house, Mrs. J. of course, received the sum which she had played for; but the next morning sent a letter to Mrs. B. the Manager's wife, inclosing 20l. and requested, in the most polite terms, Mrs. B.'s acceptance of the inclosed. We do not recollect to have had the pleasure of recording any similar act of generosity by Mrs. SIDDONS.—*Statesman.*

A Cabinet Minister is said to have written a letter to his Lady, containing the following extraordinary expression:—"I am unable to continue in office till the Meeting of the House, when we may all expect to be killed."

We are requested to say that it was not James but William BURNLEY, whose name should have appeared in the list given last week, against which the Bill was returned "Not found," at the Westminster Sessions.

THEATRICAL EXAMINER.

No. 57.

LYCEUM.

The various and delightful comedy of *Much ado about Nothing*, on Monday night introduced Mrs. EDWIN to us as *Beatrice*. I have already criticised at large this play and the comparative merits of LEWIS and ELLISTON in *Benedick* (No. I. p. II.) There is but one fresh remark that suggests itself to me now. Dr. JOHNSON objects to the similarity of contrivances practised on the two wits of the piece; and Mr. STEEVENS, too, wishes "that some other method had been found to entrap *Beatrice*, than that very one which before had been successfully practised on *Benedick*." The uniformity of the case however appears to me to be a great beauty. The same tempers are naturally caught in the same way, and two lovers must be gratified to find that the same sort of appeal was thought requisite to both their feelings. There is an equalization in the artifice, that seems to regard them as persons made for each other. The part of *Beatrice* may fairly be reckoned the touchstone of a performer like Mrs. EDWIN. This lady is certainly an actress of considerable talent, and would be a valuable acquisition to Covent Garden theatre; her figure, though too small, is ladylike and elegant; her voice powerful and melodious; her countenance, animated when laughing and lovely when serious; and she has a strong conception of the broader species of dry humour. Her duel of wit with *Benedick* she managed with great spirit, though the attacks, generally speaking, had more of force than ease. The most pleasing part of her performance was in the concluding scene, where she plays off her last facetious coquetry with her lover; the exclamation of "No," when *Benedick* asks whether she loves him, was full of natural wonderment and simplicity, and produced as electrical an effect as the finest touches of Mrs. JORDAN. At the Lyceum however, a comparison is immediately provoked between Mrs. EDWIN and Miss DUNCAN, and such a comparison I do not think favourable to the former. Miss DUNCAN indeed has not so melodious a voice or so winning a countenance as Mrs. EDWIN, and beautiful tones and faces do a great deal for a new actress with the audience, nay with the critics too; but Miss DUNCAN has more solidity of judgment and more variety and nicety of apprehension; she employs herself better in the intervals of the dialogue with those attentive actions, and looks, and mute meanings, which are so many natural comments upon the speaker, and form half the real beauty of a performance. In short, Mrs. EDWIN has not that continuity, that fine flow of style, which like a smooth river flows calmly to the end of its purpose, filling up every gap as it spreads onward, and visiting every little flower whether above or underneath its surface.

Mr. WRENCH undertook the part of *Benedick* only to make us sigh at the retirement of LEWIS and the vagrant tricks of ELLISTON. His manner is too serious and monotonous for comedy: he seems to have a proper idea of the respectability of true comedy, but to become altogether too unimpassioned on the occasion; he attempts



nothing new, and practises even little diversity that is old. He is a stiff chair outline of ELLISTON; and yet the feeling one has towards him is not contempt for his talent, but an impatient wish that we could rouse his faculties, and make him attempt a little more variety.

On Wednesday Mrs. EDWIN made her appearance as *Lady Teazle*, and confirmed the opinions advanced in the foregoing criticism. She was more lady-like in the character than Mrs. JORDAN, and more winning in her trick-someness with *Sir Peter* than Miss DUNCAN, but she wanted a few of the rustic touches of the former, and the afore-said continuity of the latter. *Lady Teazle* is undergoing a town education, but she has by no means finished it, as Mrs. EDWIN would lead us to suppose. The very idea of a platonic attachment to a young man, and of visiting him privately in his house, shews a simplicity far from metropolitan, and is, in truth, somewhat contradictory to the town experience, which the author himself has given her.

Mr. MELVIN, like Mr. WRENCH, makes nothing, as the phrase is, of Mr. ELLISTON's characters, and has appeared as *Ranger* in the *Suspicious Husband* and *Charles* in the play before us. His performance of both characters was precisely the same. He has improved certainly, since he appeared last in town, but much more in ease than in elegance. He can sit in a good attitude for conversation, command his ears, shift his knees, and make fair play with his hat, but the moment he gets into action for himself, it is all over with him; his ease becomes confidence, and his confidence unmixed vulgarity. He is the very Harlequin of comedy, and speaks more with his limbs than his face or his tongue; first his arms fly up, then his right foot is jerked behind the other on tip-toe, his head all the while bustling knowingly from side to side, like a rampant apprentice preparing to box. All this life too is contradicted by an air of heaviness in his limbs and a dullness in the lower tones of his voice, which drop in, like a dead weight, at the close of his sentences. His style altogether has an air of intoxication, rather than any rational vivacity. I recollect a very good serious performance of Mr. MELVIN as *Michael* in the *Adopted Child*, and perhaps he did better in *George Barnwell* on Thursday, when I was unfortunately prevented from attending the Theatre. I shall take however the earliest opportunity of seeing him in a serious character, and perhaps when his heart is in motion, his head will keep still a little, unless he is the most nervous of men.

The opposition to the new prices and private boxes is continued with a renewed vigour, at Covent-garden Theatre. Rattles and bells are again introduced, and the discord is truly hideous. During the past week several speeches have been made against the Managers, who are still weak enough to think they can silence the opposition by the employment of constables, bruisers, firemen, &c. &c. whose presence only adds to the indignation of the people. The LORD CHAMBERLAIN has not interfered, as it was said he would, and there are many who think that Ministers are not at all displeased at the prolongation of the dispute.

At the conclusion of the farce on Tuesday, the audience were addressed by three successive speakers, Mr. SPARROW, a wine-merchant—a Mr. OLIVER, and a third Gentleman, whose name did not transpire. They all deprecated the conduct of the Managers, and called upon “a great and

free people” to assert their undoubted rights with moderation mixed with firmness. The last speaker alluded to “the daily effusions of the despicable *Post*,” as too contemptible for notice by the house; and advised the leaving that print to itself, “for it was sure to disgrace whatever cause it espoused.”—(Loud and continued plaudits.)—The *Statesman* and *Chronicle*, he said, merited and received their thanks. He concluded by advising the O. P.'s quietly to disperse, immediately on leaving the Theatre. On Wednesday, also, after the performances closed, three cheers were given for the two latter papers and the *Examiner*.

The O. P.'s have offered the following

TERMS OF PEACE:

Old Prices—No Private Boxes—

And Professor BRANDON discharged.

It is an undoubted fact, that *Isaac Wood*, the notorious *Waterman and Bruiser*, is in the nightly employ of the Covent-Garden Managers, and is at the head of a gang of 20 or 30 ruffians, who are sent into the Pit, for the purpose of compelling submission to the new prices. This *Wood* is a tall healthy-looking man, and frequently appears in different parts of the theatre in the dress of a gentleman. It is pretended that he is in the service of the House as an engineer; but this is only a pretence, for FIVER and PERRY are the persons engaged in that capacity, at a salary of nearly eighty pounds per annum each, who attend the house every night in a dress provided by their employers.—This *Wood* is not the only person sent into the Theatre by the Managers for the same object; there are others also, who are dressed up for the occasion, and receive a regular salary. Several decent young men have refused 3s. 6d. a-night, to go in and support the House, that is,—to knock down every O. P.

On Saturday the 4th inst. a number of persons, taking advantage of the darkness of the night, went to Mr. KEMBLE's house in Great Russel-street, where they knocked at the door, which not being opened, they began groaning and hissing; and at length a quantity of mud and halfpence was thrown against the windows, which broke five panes of glass in the parlour, and one pane in the drawing-room. If this outrage was really committed by the advocates for the old prices, (for some say that it was a scheme of the Managers to throw odium on their opponents), they should recollect, that such violent and unjust proceedings can only bring them and the cause into disgrace.

The report of Mr. KEMBLE's intention to relinquish his share in Covent Garden Theatre is repeated, with the addition, that Messrs. MORTON, REVNOLDS, and FAWCETT, had become the purchasers.

THEATRICAL CORRESPONDENCE.

MR. EXAMINER,

In your Papers of Oct. 22, and 29, were two Letters, signed W. C. the writer of which with much confidence asserts, that at the increased prices at Covent-garden Theatre, the profits to the Proprietors would be “exactly 15 1-half per cent.” instead of 3 3-4ths, as stated by the Kemble Committee. Now I consider that statement founded on error, as the following calculation, I think, will shew; and as I know you will contradict errors, even in your own Paper, I should be glad if you would insert this.

The purchase of a Theatre cost 100,000*l.* which for

200 nights holds on an average 500 persons at 6s. each, and 500 at 3s. 6d. each; the receipts, therefore, are 237l. 10s. per night, which multiplied by 200 nights, make a total receipt per annum of 47,500l. The expence is 41,500l. leaving a balance of 6000l. being a profit of 6l. per cent. for the above capital of 100,000l. but in course of time, on account of the increased expence of every article for dramatic representation, the expence increased to 48,250l. being 750l. more than the receipts; they therefore lose 3-4th per cent. and very naturally think of raising the prices, the boxes to 7s. and the pit to 4s. making an addition to those receipts of 37l. 10s. per night, or 7500l. per season. The receipts and expenditure are then as follow:—

Original Receipt	-	-	-	£47,500
Additional ditto	-	-	-	7,500
			Total	55,000
Expense as before	-	-	-	48,250
			Balance	6,750

Profit not 15½, as asserted by W. C. but 6¾ per cent. and that without any additional expence rendered necessary by the house being burnt down, and which, in my opinion, would reduce the profits to 3¾ per cent. as stated by the KEMBLE Committee, at least for some few years to come.—I remain your political admirer and constant reader,
November 6, 1809. T. HARRISON.

N. B.—I should not have delayed writing so long, had I not thought to have seen an answer to W. C. in your paper from some abler hand than mine.

FINE ARTS.

ROYAL ACADEMY.

Last week the leading Members of the Royal Academy, which, from its commencement, has been distinguished for its frivolous, angry, and degrading broils, and which at different times has quarrelled with and ill-treated its three ablest Members, Sir J. REYNOLDS, Mr. BARRY, and Mr. WEST, attested the consistency of their character for intrigue and injustice, in the election of Mr. DAWE as an Associate. Mr. DAWE is a young man of much promise; his genius, though slow in its production, is correct and tasteful; but though justice assents to his merit, it frowns at the neglect of superior claims. Among others, Mr. DEVIS, the painter of the *Death of Nelson in the Cock-pit*, has the priority of time as well as talent to the painter of *Imogen at the Cave*. Mr. DEVIS is the oldest on the list of the Academy Students. In this proceeding of the Academy, Mr. DEVIS, however, is not without his share of blame. He is to blame for so unjust an estimate of true honour, as to desire a title which will not add to his deserved praise of pictorial talent. What man of taste would have valued less highly the sublime picture of *Death on the Pale Horse*, though the painter of it had never sat in the Academic chair? Would the sculptural excellence of SHARPE or SCHIAVONETTI derive any increase of fame, were those noble Engravers to be dubbed Associates of the Academy? Is Mr. WILKIE's vigorous genius more highly appreciated, now he is elected an Associate with Mr. DAWE, or will it when he becomes an R. A.? No: talent and not title, in these enlightened times, will alone confer dignity on names, whether among Academicians, Baronets, or Princes, as long as merit is confounded with worthlessness in possessing

them. When DRUMMOND is preferred to DEVIS, and CARLISLE to BELL, the honours of the Academy may indeed be subjects for ridicule, but not objects for respect or admiration.

R. H.

MATRIMONY, A PUNISHABLE OFFENCE!!

MR. EXAMINER,

Your readers will scarcely credit, what I could not, until I had made such enquiries as convinced me of the fact, that a Soldier of the North Hampshire Militia has been tried in Devonshire, by a Court Martial, for "*marrying without the consent of his Commanding Officer, and contrary to his orders*:"—but not only was he tried for this heinous offence, but was found guilty, and sentenced to receive *three hundred lashes, one hundred of which he did actually receive*. Now, Sir, as I am an ignorant man, and never before heard of the illegality of persons of competent age marrying, perhaps some of your learned readers may be inclined to inform the public by what law, divine, civil, statute, ecclesiastical, or military, this man has been punished.—Your obedient servant,
BENEDICT.

November 10, 1809.

THE VOLUNTEERS.

MR. EXAMINER,

If your *Volunteer* Correspondent, who complains so pathetically of a paragraph which appeared in your Paper, will take the trouble to examine the Muster-Rolls of the different Volunteer Corps in the Metropolis and its neighbourhood, he will find that, for these last *eighteen months*, not one-tenth part of their reputed number have attended to their duty. The number of the City Regiments have been, if possible, much worse than those at the West End of the Town: in fact, some of them, it is well known, never assemble at all. It must, however, be admitted, that on the Jubilee Day many of the Corps made a very respectable appearance; but from most of them no duty was required, being merely a *procession to Church and back again*. Great numbers likewise made a point of attending on that occasion, *wisely observing*, that such a day would not come again very soon.

Bloomsbury. A SOLDIER TIRED OF WAR'S ALARMS.

P. S. The 11th Regiment would not perhaps have been quite so numerous on the 25th, had it not been that the *knife and fork exercise* was to succeed the exercise of the *musket*.

MR. EXAMINER,

As you have been severely reprehended by one of your readers, for presuming to hint at the *sickly state* of the Volunteers, I beg leave to state two circumstances in support of your remark: fifty instances of the kind might be adduced were it necessary. The Bloomsbury Corps, universally admitted to be the most *numerous* and respectable association in London, have not for these two years past mustered *one hundred and twenty*; and within these few weeks Colonel ADDENBROOK has been called upon to inspect a corps, nominally 640 strong, the number on which occasion, exclusive of drums, fifes, and Officers, amounted only to *eighteen!!!*—Yours respectfully,

Horse Guards.

CORPORAL TRIM.

MR. EXAMINER,

The order issued by Colonel DRUMMOND for the day of Jubilee, not only insisted on the attendance of the sick, but politely invited those who had resigned, provided their regimentals were in decent condition. When the commandant of a corps so truly respectable as the P. W. L. V. is under the necessity of having recourse to such measures, who can assert with justice that the ardour of our Volunteers remains undiminished?

AN OBSERVER.

Pall-mall.

COURT AND FASHIONABLES.

The Princess AMELIA, whose health has of late been so rapidly on the decline, arrived at Windsor on Tuesday afternoon from Weymouth, in the PRINCE'S travelling coach. Her Royal Highness was so extremely feeble, that her attendants were obliged to carry her into the house wrapped up in blankets. Her MAJESTY and the Princess ELIZABETH, who had been at Frogmore that morning to regulate some birth-day festivities for the Princess AUGUSTA, were waiting to receive the unfortunate Princess; and when they left her Royal Highness, his MAJESTY paid her visit, and remained with her two hours. The Princess was not taken to the Castle, but remains at the house in St. Alban's-street, Windsor, which belongs to the Princess of WALES. Dr. POPE is in hourly attendance upon her.

CITY.

LORD MAYOR'S DAY.—On Thursday the new Lord Mayor entered on his office with the usual ceremonies.—On the return of the Procession to Guildhall, the carriage of the Attorney-General, Sir VICARY GIBBS, once the Defender of the Rights of the People, was covered with mud by the populace; whilst the new LORD MAYOR and Sir SIDNEY SMITH were drawn in triumph by the People, who, in a mistake, took the horses from the carriage of Mr. WATERS, thinking it was Mr. WARDLE'S, and it was with difficulty they were convinced of their error. The old Mayor was literally hissed out of office. One young man who hissed was taken into custody by his orders. His carriage was surrounded by a triple guard, or gang, of Constables, Firemen, and Jews, which produced an exclamation from the populace of—"Kemble's Mob—Kemble's hired Mob!"—"No Court Pimp for the City!"—"No Bacon-selling Baronet!"—In the evening a splendid dinner was given by his Lordship. The tables were laid out in the first style of elegance, and the most luxuriant plenty. The Hall was decorated with a profusion of variegated lamps. A large balloon and boat, consisting of nearly 2000 lamps, were suspended from the ceiling; every nich and every pillar was crowded with lights; and the elegant stained windows of this immense Hall received additional beauty from the brilliancy and arrangement of the surrounding lights.—Among the visitors there were the following persons:—

Duke of Norfolk; Earls Radnor, Bathurst, Liverpool, and St. Vincent; Lords Holland, Carrington, Erskine, and Folkestone; Count Zensubio; Spanish and Hanoverian Ministers; Tyrolean Deputies; Prime Minister, Mr. Perceval; Right Hon. D. Ryder; Right Hon. W. Windham; Master of the Rolls; Baron Wood; Mr. Justice Bailey; Mr. Attorney General; Mr. Solicitor General; Seven Serjeants at Law; Sir Sidney Smith and Lady; Sir T. Thompson; Col. Wardle; &c. &c.

The healths of Sir SIDNEY SMITH, Mr. WARDLE, Mr. MADOCKS, Mr. WAITHMAN, and Major CARTWRIGHT, were drunk with three times three!

The Lady Mayoress (Miss Smith) daughter of the Lord Mayor, was accompanied the whole day by the late Lady Mayoress (Miss Flower). After the usual toasts from the Chair, the Ladies withdrew to the Council Chamber; and

about nine o'clock the Ball was opened by the Lady Mayoress and Col. Kennedy. Dancing became general, and the company did not separate till a late hour.—The Lady Mayoress wore a splendid dress of white satin, richly embroidered with silver, drapery of lace net, embroidered in silver, and festooned with cords and tassels suspended from silver doves, which had a novel effect.—Head-dress, feathers and diamonds.

TRIAL BY JURY.

The Anniversary of the acquittal of Messrs. Hardy, Tooke, and others in 1791, was on Monday celebrated by nearly 200 Gentlemen, at the Crown-and-Anchor Tavern.—Mr. JONES BURDETT was in the Chair.—After the removal of the cloth, "The King, and the Principles which seated the Family on the Throne," was given. To which succeeded, "The Trial by Jury," which was drank with enthusiasm.

The CHAIRMAN then observed, that the commemoration of the event which had produced that Meeting, was of the highest importance, as tending on each succeeding Anniversary to call to recollection the conduct of that independent Jury which had so nobly defended the lives and liberties of their countrymen. The Trial by Jury was an institution coeval with the state of civilized society in this kingdom; the value of such an institution it was impossible correctly to appreciate; and he trusted that the people of England, whatever might be their sufferings, their privations, or their oppressions, would never become insensible to this important, and fundamental position, that to maintain unsullied the Trial by Jury, that palladium of the British Constitution, is an imperious duty on every individual. On the state of the country he could not avoid saying a very few words. It was in truth most alarming; and nothing but Reform could rescue us from the imminent dangers with which we were surrounded. Of this, he believed a great majority of the country was now convinced—and the opinion of the "universal English Nation" could not, he thought, be long resisted, by even the most strenuous advocates for the corrupt borough-mongering system, which was a disgrace to the kingdom. Mr. J. Burdett concluded a very forcible speech, by proposing the healths of

"Messrs. Hardy, Tooke, and the other Patriots, whom, in the year 1794, Mr. Pitt immortalized."

Mr. HARDY returned thanks for the honour done him, and then gave a succinct statement of the Associations for obtaining Parliamentary Reform, in which the Duke of Richmond, Mr. Fox, and Mr. Pitt, each bore a very conspicuous part; as also did the Rev. Mr. Wyvill, in the Yorkshire Association. For himself, Mr. Hardy had become a Member of the Society for Constitutional Information, and subsequently of another which he knew not whether it were now safe to mention—the Corresponding Society. The sole object of his political life had been the pursuit of those principles which had been originally proposed and strenuously supported by Mr. Pitt himself—and for the avowal of those very principles, the lives of himself and others had been sought—from which perilous situation they had been happily rescued by the exercise of that inestimable institution, the Trial by Jury. Mr. Pitt, when out of place, had talked of reform for no other purpose but to teize and perplex those who were in—when he got in himself, his principles of reform went out. In short, every thing he had seen and heard for the last 20 years, convinced him of the indispensable necessity of a Reform in Parliament.

The Rev. Mr. J. JOYCE, having been one of the victims of that system under which the Pitt Administration acted, begged to say a few words, and particularly of the cause of his imprisonment. He was a Member of the Society for Constitutional Information—a Committee of which having been appointed to investigate the contents of the "Red Book," a meeting to receive their report was appointed to be held at the house of a Gentleman in Spital-square. Of this meeting he had given notice to Mr. Horne Tooke, in a short note, stating, "that we should be ready on Thursday." Mr. T.

was taken up on Monday, and happening to have the note in his pocket, he (Mr. J.) was taken up on the Wednesday, for what he knew not; but when brought before Mr. Dundas and Lord Loughborough, the first thing he saw, was that very note in the hand of his Lordship. On that note, and that note only, had he been imprisoned six months, at the expiration of which he was discharged, without the slightest reason being assigned for his imprisonment. The fact was, that his known attachment to Constitutional Reform, was the foundation and true origin of his offence. He had never been brought before a Jury. The noble decision of the Jury in the cases of the Gentlemen whose healths had been drunk, deterred Ministers from any further attempt on the lives of the people. The Trial by Jury, and that alone, had set bounds to the unwarrantable attempts of the Minister of the day.

Mr. HARRIS then sang a song composed for the occasion.

“The Honourable Thomas Erskine and Sir Vicary Gibbs, the defenders of Messrs. Hardy, Tooke, &c.”

“A full and fair Representation of the People in the House of Commons—”

“The Liberty of the Press—which is like the air we breathe—if we have it not, we die,—”

were drunk—the two latter with the most fervid enthusiasm.

Mr. CLIFFORD, in rising to propose the health of Sir F. Burdett, on whose well-known virtues it were superfluous to expatiate, felt it his duty, however he might risk incurring the displeasure of that excellent man, to state a fact, respecting which only a part had been incidentally mentioned in a late discussion in the Court of Common Council by a very respectable Gentleman, who he then had the pleasure of seeing (Mr. Miller). It was unknown to the world, and, he believed, to many of even the friends of Sir Francis Burdett, that, in addition to the 1000*l.* presented by him to the Westminster Infirmary, he had also made a donation of 1000*l.* for the Society for the Relief of Persons imprisoned for Small Debts. These gifts were made privately, without ostentation; whilst some others were made apparently only to be talked about. Mr. Clifford having expatiated with much force on the subject of the Meeting, concluded by proposing—

“The health of Sir Francis Burdett, the best Friend of the King and his Family.”

The applause which followed this toast continued for several minutes.

“The healths of Mr. Alderman Goodbehere, Mr. Waithman, Mr. Miller, and the other patriotic Members of the Corporation of the City of London,” being drunk—

Those Gentlemen severally addressed the assembly in very appropriate speeches: Mr. Roscoe's health was drunk; and at ten the company separated.

LAW.

COURT OF CHANCERY.

Monday, Nov. 6.

Mr. RICHARDS stated this to be an application in behalf of the guardians of Miss Augusta Nicholson, a ward in Chancery, for the committal of Mr. Giles, with whom the young Lady had eloped from Tunbridge Wells. The young Lady had been restored to her guardians by the diligence of Mr. Cardale, who acted as their Solicitor. The Learned Counsel said he held in his hand an affidavit of a Mrs. Stegle, of No. 37, Westmoreland-place, City-road, which stated, that the parties took lodgings at her house on the 25th of October last, where they were when discovered; that Miss Nicholson did not go out of the house above once while she was there; that she understood from the young Lady that the banns had been published in Marybone Church, also in another, the name of which she had not heard. The Learned Counsel also moved for an order of commitment against a Mr. Smith, who had aided and abetted Giles in effecting this elopement. There was another question for his Lordship to determine, namely, with whom the young Lady should reside for the present, being thus restored

to her guardians. He understood there was no reason to suppose that any improper intimacy had yet taken place between the parties; but Mrs. Nicholson, who was only the stepmother of the young Lady, and had a daughter of her own by a former husband, for natural and obvious reasons, declined taking Miss Nicholson into her house at present. He had, therefore, to propose that she should reside under the care of her aunt.

The LORD CHANCELLOR signified his assent to this proposition.

Mr. BLIGH appeared in behalf of Mr. Giles, and said that his Client was very penitent for the offence he had committed against the authority of the Court, and was ready to answer any questions which his Lordship might put to him.

The LORD CHANCELLOR did not think it proper to put any questions to him, but he was ready to hear any thing he had to produce by way of affidavit. According to the uniform practice of the Court in such cases, it was his duty to order this person to stand committed. But as the Solicitor for the Guardians did not probably think this necessary at present, let him appear again in Court on Thursday, when he might produce any affidavits in his own behalf he saw fit. Let the Clergymen also of the different parishes where the banns were published, be also present at the same time, for there were some questions which it would be proper to put to them. If he recollected right, the Marriage Act gave seven days to the Clergyman to make enquiries with regard to the residence and situation in life of the persons who applied for publication of banns. He wished therefore to put some questions to them.

Thursday, November 9.

Mr. RICHARDS, on behalf of the guardians, took the liberty of stating the necessity of placing Miss Nicholson under immediate and sufficient protection, as that young Lady had, in no equivocal manner, avowed her intention of taking the first opportunity of giving her guardians the slip and running off to Mr. Giles.

Mr. BLYTHE, on the part of Mr. Giles, and his coadjutor Mr. Smith, stated to the Court that he had important circumstances to communicate to the Court, which he had no doubt would, in the judgment of his Lordship, operate considerably in extenuation of their offence against the authority of that Court. Those circumstances, however, he would, in the present stage of the proceedings, forbear to make public, and in this forbearance, he was actuated solely by a wish to avoid making any matters public which might have a tendency to wound the feelings of the friends of Miss Nicholson. But he could assure his Lordship, that neither Mr. Giles nor Mr. Smith were at all aware that Miss Nicholson was a ward in Chancery; and he held in his hand an affidavit made to this effect by Mr. Smith. He was instructed to say that Mr. Giles and Mr. Smith were ready to appear, and willing to answer all such questions as might be put to them relative to this case, and that Mr. Smith, for any involuntary offence of which he may have been guilty against the Court, was anxious to make every reparation in his power. Mr. Blythe then read a long affidavit from Mr. Smith to the above effect, and concluded by stating, that such were the very confined means of Mr. Giles, that long imprisonment must be productive of ruin, as he had nothing to depend on but his professional exertions as an Actor.

Lord ELDON said, that it was his intention to dispose of the case to-morrow. That as to the circumstances, it might be advisable for the parties to petition the Court.—His Lordship said, that he did not mean to impute any improper conduct to the Clergyman who published the banns.—He had felt it his duty, in this case, to put certain questions to that Gentleman; and from the answers he learned, that it had been the custom to hand up the banns to the Clergyman, who was in the habit of publishing them forthwith; and that accordingly persons were often proclaimed, neither of whom were resident in the parish. He was borne out by the authority of his predecessors, in saying, that the Clergyman thus acting, subjected himself to ecclesiastical and other censures.—In fact, the Act of Parliament was not acted up to: for the act provided that

seven days notice should be given to the Clergyman before the publishing of the banns, setting forth the Christian and Surnames of the parties, the houses in which they respectively resided, and the length of time each had resided. The object in giving this notice evidently was, that the Clergymen might in the interim ascertain the truth or falsehood of the statement contained in the notice; which certainly it was his bounden duty, according to the Act, to do. If, however, it was not the custom, it rendered the deviation from the legal practice more excusable, but could not, on any account, justify that deviation. He thought it his duty to state the law thus far. He recollected one case where the excuse given for not conforming to the letter of the Act was near giving rise to a serious prosecution:—the neglect was obvious, and the Clergyman pleaded his having imposed strict observance on his Curate; the Curate transferred it to the Clerk; and the Clerk transferred it to his wife: but the negligence of all could not justify the negligence of any one of the parties.

Petitions were presented in the course of the day from Messrs. Giles and Smith, in obedience to the suggestion of the Court.

Friday, November 10.

This day the Court was principally occupied by motions of course.

On the petition of Mr. Smith, who was in custody for having aided Giles in carrying off Miss Nicholson, the Court was pleased to discharge him.

[The young Lady who is the subject of the above case, has a fortune of 14,000*l.* Mr. Giles is a Provincial Actor on the Tunbridge Theatre.—It is said that the correspondence between the parties commenced at one of the Circulating Libraries of that fashionable Watering-place, by Mr. Giles offering to carry home some books for the young Lady. The evening after, when at the Theatre, in company with her mother-in-law, she contrived to drop a note, unobserved, from the stage-box, which Mr. Giles of course contrived to pick up, and which contained professions of the strongest attachment, and an offer to marry him. Their correspondence was, however, soon discovered, and Miss was confined to the house; but "Love laughs at Locksmiths," and accordingly they found means to convey their letters through the key-hole; and the young Lady, who had a bed-room to herself, used to get up every morning before five o'clock, and converse with her lover. An elopement being concerted, Giles, who was destitute of one most necessary article, money, had recourse to a Mr. Smith, a brother of the sock, who lent him 30*l.*; and they two having, to avoid suspicion, procured a post-chaise near Seven Oaks, returned with it to Tunbridge, and found means to carry off the young lady. Miss Nicholson's flight was no sooner discovered, than her mother-in-law wrote to Messrs. Cardale and Sons, who were trustees to the young Lady's property, who employed two of the Bow-street Officers to trace out the fugitive, which they were at last enabled to do on Saturday, when they got private information that they were lodging with Mrs. Steele, Westmoreland-place, City-road. Adkins, the Police Officer, went with Mr. Cardale to the house of Mrs. Steele; Adkins knocked at the door; a female servant answered it, and Adkins asked if Mr. Giles was within? She answered in the affirmative, and that he was at dinner; Adkins followed her in, and saw Mr. Giles. Adkins addressed him by his name, and he answered to it; but when Adkins told him his business, he said he must be mistaken, and that he never was at Tunbridge Wells in his life; Adkins, however, persisted that he was the man, from the description of him that he had received, and that the young Lady who was with him was Miss Nicholson: the dispute about the identity of their persons was soon settled by Mr. Cardale, the Solicitor, and Miss Nicholson's trustee, entering the room. A very lover-like scene then took place; Miss Nicholson finding any attempt to conceal herself longer a folly, both lovers rushed to each other's arms, and swore attachment. Miss Nicholson agreed to go with them quietly, after much persuasion, but said she must go up stairs first. Adkins told her he must accompany her, to which she agreed; and one of the principal objects to take

care of was her purse, which was not for the amount of cash it contained, as it only held a dollar and a few shillings at one end, but the other contained the wedding-ring, which was to unite her to her beloved at Mary-le-bone Church, they having been asked in that church two Sundays, and the third was to have taken place on Sunday last.]

COURT OF KING'S BENCH.

Thursday, Nov. 9,

WRIGHT v. WARDLE, ESQ.

Mr. Serjeant BEST moved the Court for a Rule to shew cause why the verdict in this case should not be set aside, and a new trial granted. The cause was tried last term, and was brought by the plaintiff, to recover from the defendant 2000*l.*, and upwards, for furniture sent by the plaintiff into a house in Westbourne-place, occupied by Mrs. Mary Anne Clarke.—The Jury found for the plaintiff, and the Learned Serjeant now moved to have the verdict set aside, on long affidavits detailing circumstances which went to shew the falsehood of the evidence adduced for the plaintiff on the trial, and which the defendant was not in a condition to prove at the time. The evidence on which the plaintiff's case entirely rested was, that of Mrs. Clarke herself, and of Daniel Wright, the plaintiff's brother. Mrs. Clarke swore that she came to London in 1808, and took the house in Westbourne-place; that she was at that time indebted to the plaintiff, who would not give her any farther credit, but that he put in furniture to the extent of 2000*l.*, not by way of sale, but as a loan. She then proceeded to swear that the furniture was sent in on the credit of the defendant, Mr. Wardle, and that it was not at all on her credit; that she did not esteem herself liable, Colonel Wardle having given all the directions concerning the articles furnished; that when the plaintiff wanted a payment on account, she mentioned the circumstance to Colonel Wardle, who said that he could not give the money, but that he would procure him a bill for 500*l.*, not granted by himself, but by another person, that he might not be seen in the transaction. A bill for 500*l.* was accordingly given, and paid when due. The Learned Serjeant in cross-examining Mrs. Clarke, was desirous to fix her to a day when this was alleged to have taken place, but she would not allow herself to be tied down to any particular day, knowing how much more easily the falsehood of every word she had been saying might, in that event, be detected. Daniel Wright, the other witness, swore that Colonel Wardle came to his brother's shop along with Mrs. Clarke, unaccompanied by any other person; that he was introduced by Mrs. Clarke, as the person who was to pay for her furniture, a statement which he did not contradict. The defendant then looked at a side-board, which he ordered to be sent to Mrs. Clarke's, as being handsomer than one which she already had. This witness also swore as to the 500*l.* bill; and that no credit would have been given by his brother to Mrs. Clarke. It was impossible, the Learned Serjeant observed, for the defendant's Counsel, ignorant as he must necessarily be of the nature of the evidence to be adduced, to be prepared, at the time of the trial, to shew that this was all an invention, and that there was not a word of truth in it.

Mr. Justice BAILEY.—"Is it all an invention?"

Lord ELLENBOROUGH.—"Mrs. Clarke, in her evidence, stated, that Major Dodd was present along with her when Colonel Wardle became bound for the furnishing in question, and, if I recollect well, the Attorney General stated that Major Dodd was then in Court."

Mr. Serjeant BEST admitted that he was, but it would have been imprudent to have called him, if it had not been from the other circumstances which had since been discovered. It would have been imprudent to have committed one Gentleman against the evidence of two such witnesses. The falsehood of their testimony, however, had now been ascertained beyond a question, namely, by evidence under the hand of the Plaintiff himself. The two witnesses for the Plaintiff had sworn, that the Plaintiff did not give credit to Mrs. Clarke; but that the furniture was sent in on the credit of Mr. Wardle.—Colonel Wardle, however, had since filed a Bill in Chancery against the

plaintiff, and from his answer it appeared, that in the plaintiff's own books the furniture was debited, not to Colonel Wardle, not even to Mrs. Clarke, but to her, under the false name of Farquhar. The plaintiff did indeed allege in his answer, that this was done at the desire of Colonel Wardle, but the learned Serjeant denied the most ingenious person alive to point out any reasonable cause for secrecy in the plaintiff's own books.

Mr. Justice BAILEY.—“Oh yes. It was possible that reference might have been made to the books.”

Mr. Serjeant BEST contended, that no person could have access to the plaintiff's books without his consent.

Lord ELLENBOROUGH.—“There might be some motive, though it did not immediately appear, for this difference in the name.”

Mr. Serjeant BEST said, they had other strong proofs, amounting even to demonstration, of the falsehood of the evidence on the part of the plaintiff. He held in his hand a long affidavit by Mr. Wardle himself, and by Major Dodd, denying every one word that had been sworn by Mrs. Clarke and by Daniel Wright.

Lord ELLENBOROUGH.—“Colonel Wardle being the defendant in the action cannot be a witness.”

Mr. Serjeant BEST.—“I recommended to Colonel Wardle to file an affidavit, merely from an impression that the Court might wish to see if he could give a negative to the demand made against him.”

Lord ELLENBOROUGH.—“You surely acted prudently; if he had not made the affidavit, it might be alleged that he felt himself bound in conscience.”

Mr. Serjeant BEST proceeded—Colonel Wardle's affidavit bore, that having never contracted any debt to the plaintiff, he was completely taken by surprise on the trial; that Major Dodd, Mr. Glennie, and Mr. Illingworth, had been subpoenaed for the Plaintiff, but were not examined, and that it was his wish to have them adduced, but that he had then no opportunity of advising with his Counsel. Major Dodd's affidavit farther bore, that on the occasion sworn to by Mrs. Clarke and Mr. Daniel Wright, Mrs. Clarke alone ordered the goods. The cause of the defendant and Major Dodd's accompanying her to the plaintiff's shop was this: they had agreed to go together to some place in Clifford's Inn, for the purpose of searching out evidence relative to the Duke of York, and Mrs. Clarke requested that they would go with her to her upholsterer's. They did so, but nothing, Major Dodd swore, did there occur of the nature described in the evidence of Mrs. Clarke or Mr. Daniel Wright. It might seem surprising to the Court, but it was nevertheless a fact, that the Defendant was not aware that the plaintiff made any demand upon him till the very day before the present action was brought. By the assertions of Mr. Ellis, who was not then the defendant's Attorney, it had been clearly discovered that the claim was founded on conspiracy, and supported by perjury. The plaintiff's case, the Learned Serjeant again repeated, stood entirely on this, that the plaintiff would give no credit to Mrs. Clarke. The Court, however, would be surprised to find, that in the month of July of the same year (this transaction occurring in November) this very plaintiff took part of a house from a person of the name of Bull for Mrs. Clarke, by the name of Mrs. Farquhar, representing her as a most respectable woman, whom Mr. Bull might with great safety admit into his family. He at the same time stated, that she would not remain long there, as she was about to take a house, which he (Mr. Wright) was to furnish for her. This the Learned Serjeant proved, by an affidavit of Mr. Bull, his wife, and servant. In about a month, however, it was discovered who this Lady really was, and Mr. Bull would not allow her to remain in his house. She then removed to a house belonging to the plaintiff himself, in Bedford-row. After some time she applied to a Mr. Curt, wishing to take the house in question, in Wesbourne-place. To whom did the Court suppose she referred for a character? This was the month of October, just before the time in which both the plaintiff's witnesses year

he would give her no credit. Yet to whom did she refer for a character? Why, she referred to this very plaintiff. His answer to Mr. Curt's inquiry was deserving of notice, for here again Mrs. Clarke appeared under the name of Farquhar. He said she was a most respectable woman; he had got thousands of her money; and, if he had fifty houses to let, she should have her choice of them all. The Learned Counsel asked, was this language to be employed by a person who would give her no credit? Was it not rather such language as might be used by one who had laid a plan, in conjunction with her, to defraud all the world? When the lease of the house, however, came to be executed, another person appeared as Mrs. Farquhar, and to this lease the plaintiff was the attesting witness. This was not all; there were fixtures in the house which fell to be paid for, to the amount of 108l. and this sum was paid by the check of the plaintiff, and that too on the 9th of November, ten days before he had seen Colonel Wardle, and of course at no greater distance from the time when it had been sworn by his two witnesses that he would not give any credit whatever to this very Lady!! When the first quarter's rent became due, the landlord having by this time learned who was his tenant, distrained for the rent. And who, the Learned Serjeant asked, paid it?

Lord ELLENBOROUGH said, he had noticed this circumstance on the trial, and left it with the Jury to consider how far it weakened the plaintiff's case. This was only evidence of the same kind.

The ATTORNEY-GENERAL said, on these different heads, insurance, &c. the Jury had made a deduction of 500l. from the plaintiff's claim.

Mr. Serjeant BEST continued—Wright himself pays this rent for Mrs. Clarke, and that too at a period after that in which she and his brother swear he would not give her any credit. Not only so, but when the landlord again distrains for the second quarter's rent, the plaintiff again comes forward, and pays it.—All these circumstances went to prove the falsehood of the plaintiff's witnesses, and when added to the affidavits of Major Dodd, &c. which positively proved the orders for the furniture to have been given by Mrs. Clarke, and the furnishings to have been made on her credit, went entirely to overturn the evidence for the plaintiff. The Learned Serjeant also held in his hand an affidavit by Sir Richard Phillips, in which he states, that in consequence of an application made to him, he had some communications with Mrs. Clarke, and that she expressed her great anxiety to have 2000l. to pay for furniture sent into her house by Francis Wright, the plaintiff; these communications took place in the month of March last, it being then her intention to publish her Memoirs, &c. At the request of a Noble Lord, he afterwards commenced a negotiation with Mrs. Clarke for the suppression of this publication. She then again expressed her immediate want of the 2000l. to pay for the furniture she had received from the plaintiff; and afterwards said she must have money to pay all her debts, mentioning, among others, this debt to Wright.

Mr. Justice BAILEY asked, if Mr. Wardle's affidavit bore that at the time of the trial he was ignorant of all these circumstances?

Mr. Serjeant BEST answered in the affirmative. Mr. Glennie's affidavit completely denies the statement of Mrs. Clarke, and of Daniel Wright, as to the 500l. bill. He swears, that Mrs. Clarke came to him, and, with tears in her eyes, after stating the way in which she was importuned by Wright for money, begged of him to apply to Mr. Wardle, either himself to become bound, or to procure some other person to become bound, to Wright for 500l. on her account, which she would engage to pay in three months. To this Mr. Glennie answered, that he could not ask Mr. Wardle to become bound for her for 500l. as he knew it to be his determination never to saddle himself with the payment of her debts; but if she could shew how she could repay the 500l. at the distance of three months, he would apply to Colonel Wardle to serve her that far. She then stated to Mr. Glennie, that in less than three months she would have a book to publish, which would enable her to pay the sum to the extent of which she now wished to be accom-

modulated. In consequence of this conversation, Mr. Glennie afterwards went to the plaintiff, who neither then, nor at any other time, said to him (Mr. Glennie) that Colonel Wardle had become bound for Mrs. Clarke's furniture; on the contrary, he said that he had given her credit for it, with the expectation that he might get payment of a former debt which she owed him. Mr. Glennie, in his affidavit, also swore to an observation of Mrs. Clarke's, on himself, Colonel Wardle, and others, having remarked, that they wished Mrs. Clarke would live in a smaller house, and one less extravagantly furnished: "What is it to Colonel Wardle what house or furniture I have—he is not to pay for them" The affidavit also bore, that Mr. Glennie was present at the trial, but that he was not examined; that the defendant was anxious to have him examined, and sent into Court for that purpose, but could not procure access to his Counsel.—The Learned Counsel begged it to be observed, that he and those who acted with him on this occasion could not have instructions to meet a case which no person could have contemplated.

Lord ELLENBOROUGH.—"You heard what the witnesses said."

Mr. Serjeant BEST.—"I could not have supposed that any person would have believed them, after what I did hear."

Mr. Justice LE BLANC.—"You took your chance of that."

Mr. Serjeant BEST then referred to another affidavit, by Mr. Illingworth, who stated, that on the application of Major Dodd, he accepted of a bill for 500l. payable in three months from the 27th December. At the time of giving the note he knew nothing of any dealings between the plaintiff and defendant, nor of the inquiry before the House of Commons. He also read an affidavit by Joseph Bennett, cabinet-maker, Tottenham-court-road, relative to a conversation between him and Daniel Wright since the verdict had been given in this cause, in which Daniel Wright had confessed that several articles, particularly of furniture for the servants' rooms, supplied while Mrs. Clarke lived with the Duke of York, had afterwards been transferred to the new account, and charged against Colonel Wardle, as they knew that he was likely to be a better paymaster.

Lord ELLENBOROUGH said, there was nothing of this at the trial.

Mr. Serjeant BEST contended that either one or other of the plaintiff's witnesses had sworn that Illingworth knew the whole of the business. He held in his hand another affidavit, by Mr. A'Beckett, the attorney, stating, that he had been employed to sue Mrs. Clarke, and that he had brought an action against her on the 25th June, 1808, in which Francis Wright and Daniel Wright, although the Gentleman had on the trial denied that he had any connection with the business, were put in as special bail. She afterwards proved her coverture, and the plaintiff was nonsuited. Mr. Ellis, the attorney for the defendant, had examined and found that there were a great many actions against Mrs. Clarke, upwards of thirty in all, in every one of which she had been bailed by the plaintiff, had pleaded her coverture, and had thus imposed on her creditors.

Mr. Justice BAILEY.—"From the very circumstances you have mentioned, the plaintiff knew Mrs. Clarke to be in distress, and therefore it was not likely he should give her credit."

Mr. Serjeant BEST contended that it was quite as unlikely that he should trust her with the loan of furniture which was subject to be distrained on for the rent.

Lord ELLENBOROUGH.—"You see he prevented that by paying the rent."

Mr. Serjeant BEST proceeded. Their Lordships now saw, that, at the time the plaintiff's two witnesses swore the plaintiff would give Mrs. Clarke no credit, he was paying various sums of money for her out of his own pocket. He was also giving her a character, recommending her as a person of good credit and reputation; and was even introducing her, under false characters and false names, to every person whom she referred to him for a reference as to her respectability and credit. Could the Court, then, allow such a verdict to stand, without giving the Defendant an opportunity of bringing every fact necessary to a fair judgment on the merits of the case fully un-

der the consideration of the Jury?—Better that the statue of frauds should at once be repealed, than that it should continue, subject to the artifices of such a woman as Mrs. Clarke. As he had now also shewn so great an intimacy, and such improper conduct on the part of the plaintiff in his transaction with Mrs. Clarke, he was sure the Court would not refuse him the opportunity of going once more before a Jury; particularly when it was seen from the plaintiff's answer in Chancery, that the furniture was charged, in the plaintiff's own books, not to Colonel Wardle, not to Mrs. Clarke, but to Mrs. Farquhar. The insurance of the furniture too, furnished a very strong feature in this case. It was extremely unnatural that Mr. Wright, if he had sold the furniture, and had sold it too on the credit of Mr. Wardle, should have thought of insuring it at all. But what must the Court think, what must the Jury have thought, when informed that the insurance had been made in the name of Mrs. Farquhar? Of this there was no evidence on the former trial, nor could the defendant ever have dreamt of the circumstance at the time.—In all his own transactions with Mrs. Clarke, the plaintiff, that he might have his bills of sale, and every thing secure, took care that she should be Mrs. Farquhar. It was with others that he supported her as Mrs. Clarke, the married woman, who was to pay her debts by pleading her coverture. The present question was of some importance, even in point of value; but, from other considerations, a more important cause, probably, had never taken place.

Lord ELLENBOROUGH, after consulting with the other Judges, said, the Court were much afraid that they might seem to violate the rules which they had laid down for their own governance in such cases, were they to send a case to the consideration of the Jury a second time, where the party had originally a full opportunity of proving his case, and chose to forego it.—In this respect the Court felt a great difficulty; but at the same time, as the plaintiff, from the evidence now laid before the Court, seemed more mixed with Mrs. Clarke than he appeared to be at the time of the former trial; and as his conduct in some of those transactions seemed to wear a very bad complexion, it would be as well that the Learned Serjeant took a Rule to shew cause, when there would be an opportunity of considering the matter more at length.—Rule granted.

LOYEDEN V. BARKER.

Mr. GARROW moved to have the verdict for the defendant, in this case, which was an action for *Crim. Con.* set aside, and a new trial granted, on the ground that the verdict was contrary to the whole of the evidence adduced.

The COURT was of opinion, that though there were strong circumstances of suspicion, yet, there being no direct proof, it was not impossible but the criminality might have stopped short of actual completion. This it was the province of the Jury to determine, and the Court did not feel themselves called on to say, that they had determined wrong.—Rule refused.

COURT OF COMMON PLEAS, WESTMINSTER.

Thursday, Nov. 9.

LORD LEICESTER V. THE PROPRIETORS OF THE MORNING-HERALD.

Mr. Serjeant MANLY moved the Court for a Rule to shew Cause, why a new trial should not be had in the action brought by the Earl of Leicester against the Proprietors of that Paper.—Rule granted.

POLICE.

ROW-STREET.

On Saturday, a Gentleman of the name of Wienholt, residing at Thames Ditton, while in the pit of Covent-Garden Theatre, thought proper to express his disapprobation by hissing—"Silence," and "turn him out," were vociferated by the myrmidons—but this admonition being disregarded, Perry, the fireman, and a Mr. White, of Park-street, Westminster, son of a gentleman of that name (who we understand is con-

cerned in the Proprietorship), accompanied by the usual gang, rushed to the place from whence this symptom of mutinous "insubordination" seemed to issue. Mr. White addressing Mr. Wienholt, commanded him to desist from hissing. Mr. Wienholt again hissed. "If you hiss again," said Mr. White, "I will turn you out." Mr. Wienholt again hissed, on which Mr. White collared him, and, with the assistance of Perry and the gang, Mr. Wienholt was dragged to the edge of the pit, which he instantly quitted. Mr. Wienholt then applied at this office. Mr. GRAHAM having heard the complaint, observed, that those who "hissed must expect to be roughly handled;" to which Mr. W. replied, that conceiving himself, as an Englishman, entitled to hiss or applaud, he should, after such an intimation from a Magistrate, in future "arm" himself, that he might be enabled to repel force by force. Mr. White, making his appearance, was held to bail—*himself* in twenty pounds—and two sureties in ten pounds each!!!—[Mark the conduct of the Magistrates as to bail. Mr. Stalard was compelled to find bail to the amount of one thousand pounds: Mr. White, the friend of the Managers, is let off for forty!—Here is a fine specimen of impartiality!]

On Monday, Mr. Wienholt, according to his promise, again ventured into the pit, where he again expressed his disapprobation, and was again assaulted, knocked down, and violently beaten by several ruffians, who attacked a Gentleman near Mr. Wienholt, whom they repeatedly struck down, and when down, kicked him on the head, face, and various parts of the body, with the most savage brutality. At length he raised himself against the wainscot of the orchestra, and while pressed on by several persons, and with his head and neck resting on the spikes, he received at least thirty blows from the assailants, on the face, which bled so copiously that the orchestra in that place was covered with blood. Thus beaten and maimed, the Gentleman was dragged out of the pit, as also was Mr. Wienholt, whose hat one of the miscreants seized and kept. Mr. Wienholt immediately applied at this Office. Mr. READ heard his complaint, but stated his inability to grant a warrant, unless the name of the party could be ascertained. This Mr. Wienholt was unable to do, but solicited a warrant for the felony committed by the man who had stolen his hat.—This Mr. READ was also unable to grant. Mr. Wienholt persevering in his solicitations, Mr. READ dismissed him with "You have had my answer." Mr. Wienholt then returned to the pit, where he in vain required the assistance of an officer to secure the man who had stolen his hat, and who he pointed out. In the mean time the riot and confusion in the house had reached its climax. The company, after enduring the assaults of these ruffians for some time, at length concentrated for their personal protection, and a battle royal took place, in which much serious injury was sustained. The ruffians were, however, finally routed; numbers of them fled at an early period, and those who remained at last called out for quarter, and were permitted to retire. Amongst the persons injured by this most scandalous outrage, are—the Gentleman mentioned above; Mr. CASLEY, head very much cut; Mr. HENING, two wounds in the thigh, from the spikes of the Orchestra. This Gentleman was kicked, when on the ground, repeatedly, and jumped upon, by one villain, who on his calling out "Murder!" immediately rushed out of the Pit.—Mr. R. BARKER, a spike through the hand:—Mr. COWLAM, a dangerous wound in the arm with a sharp instrument.

On Tuesday, Mr. Pattison, an Attorney, at Louth, in Lincolnshire, was brought up on a charge of having that evening addressed the audience of Covent Garden Theatre from the Boxes, advising them to resist the new prices, and telling them that he and his friends would repeat their visits till the Private Boxes were pulled down and the prices reduced.—The Magistrate ordered him to find bail in two hundred pounds by himself and two sureties.—The Magistrate quitting the office before Mr. Pattison's friends could attend, he was kept in custody all night.

On Wednesday, Mr. Wienholt again appeared at the office, and charged one Smith, a journeyman ironmonger, with being the person who robbed him of his hat at the theatre, by forcibly

taking it off his head.—The Magistrate said, that it was one thing merely to take a man's hat off his head, but quite another to do so with a felonious intent. If he could prove such intent, he would listen to the charge. Mr. Wienholt could not give any proof as to the intent, and Smith was therefore discharged.

ACCIDENTS, OFFENCES, &c.

Early on Monday morning as a person in the employ of Mr. Grange, a carpenter in Portland-street, was going through the Park, he discovered a genteel dressed man lying under a tree, with his head blown to pieces. An alarm was given, and the body was removed. A ferrier dog was sitting by the deceased, whose abode was discovered by a collar round the dog's neck. He turned out to be a person of the name of Slibly, who had occupied lodgings for some time at Paddington, and who had been a schoolmaster in Wiltshire.

An inquest was held, on Monday last, at the Swan, Piccadilly, on the body of Thomas Soaper, who died on Saturday, at St. George's Hospital, by the bite of a rattle-snake. Mr. Maynard, one of the surgeons, stated, the deceased was brought to the Hospital on Tuesday, Oct. 17; he examined the wound, which, he was told, proceeded from the bite or sting of a rattle-snake: it appeared like the prick of a pin between the fingers of the right hand. The wrist and hand were very much swollen, and in less than two hours the swelling had extended above the elbow. The man complained of the most excruciating pain, and his strength failed him. He continued in that state, without hopes of recovery, until the following Saturday, when there appeared a favourable change, and strong hopes were entertained that he would recover, until last Thursday, when a mortification took place, and he died at a quarter before four on Saturday afternoon, with his arm greatly swollen up to the axilla.—Mrs. Womberwell said, on the 17th of October last the deceased came to her house rather intoxicated; he went away, saying, he would bring his wife to tea. Witness came down stairs, soon afterwards, during which time the deceased returned, saying, he had forgotten his umbrella, and accordingly went up stairs for it. Some time after, he came down, shaking his hand carelessly, and saying, that the snake had darted at him, and his hand was bleeding. Witness ordered a coach, and took him to St. George's Hospital. Witness told witness that he broke part of his rule in teasing the snake, and had opened the door of the cage, to take it out. At that time his wrist was swollen very much, and he was in great agony. The deceased was well acquainted with the nature of the snake, and knew the danger; and, had he not been intoxicated, he could have got his rule out by means of the double door. The Jury were of opinion that no blame could be attached to the proprietor of the snake, it being well secured; and returned a verdict that the man died by the bite of a Rattle-snake, and a *deadend* of one shilling on the snake.

[One of those half-witted or malignant persons, whose only refuge from enqui and their own thoughts is in the invention of billy tales and pieces of news, sent us an account last week of the marriage of a Mr. Powell to Miss Calcott, which said marriage, we understand, is a mere forgery.—"Gentle dalliance ever loves a joke."]

DEATHS.

At Warham, Norfolk, in his 73d year, Captain Isaac Eyles Warren. He was a volunteer in the siege of Quebec, and it was his solemn task to support on the rock, and witness the last moments of the immortal Wolfe.

Last week, at his apartments in Windsor Castle, aged near 99, Sir John Dinely, Bart. of Charlton, in the county of Worcester, and many years one of the Poor Knights attached to the Order of the Garter.

On Wednesday morning, at his house in Paddington, Paul Sandby, Esq. R. A. aged 84.

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