

THE EXAMINER.

No. 114. SUNDAY, MARCH 4, 1810.

THE POLITICAL EXAMINER.

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

No. 112.

TRIAL FOR LIBEL.

Whatever may be the truth of these statements, it is generally supposed that the mutilated Administration, in spite of its tenacity of life, cannot exist much longer, and the Foxites of course are beginning to rally round their leaders, in order to give it the *coup-de-grace*. A more respectable set of men they certainly are, with more general information, more attention to the encouragement of intellect, and altogether a more enlightened policy; and if his Majesty would be persuaded to enter into their conciliatory views with regard to Ireland, a most important and a most necessary benefit would be obtained for this country. The subject of Ireland, next to the difficulty of coalition, is no doubt the great trouble in the election of his Majesty's servants, and it is this most probably which has given rise to the talk of a Regency, a measure to which the Court would never resort while it felt a possibility of acting upon its old principles.—What a crowd of blessings rush upon one's mind that might be bestowed upon the Country in the event of such a change!—Of all Monarchs indeed since the Revolution, the Successor of GEORGE the Third will have the finest opportunity of becoming nobly popular.—*Examiner, Oct. 1, 1809.*

These were the words, against which the Ministry directed the hatchet of their vengeance in the shape of the ATTORNEY-GENERAL; and Mr. PERRY having extracted the two concluding sentences and published them in his *Morning Chronicle*, with the alteration of "such a change" into "total change of system," was to feel the sharpness of its edge and the weight of its descent as well as ourselves. The public are already acquainted with the issue: the mighty weapon has descended, but not upon its objects: it missed its aim, and to the great confusion of the assailants and equal satisfaction of the beholders, went sticking with all its fury into the ground, where I trust it will remain till rust consume it, an example of the imbecility of power without skill, and a lesson on the folly of violence without foresight. Why the Proprietors of the *Morning Chronicle*, who only gave part of the words at second-hand, were first in order of trial, the ATTORNEY-GENERAL can best explain. It may be conjectured, that as the *Chronicle* had extracted the part which was reckoned most libellous, the previous condemnation of that paper would have served to throw a greater odium on the party most immediately obnoxious to Ministers;—or it may be conjectured, that the previous condemnation of the *Chronicle* on the part respecting the King, would have facilitated and in fact settled at once the condemnation of the *Examiner* libel, which contained a direct attack on the Ministers also, who would thus come in, by a side wind, for their full share of the triumph;—or lastly, it may be conjectured, and it is in-

deed the general opinion, that Sir VICARY reckoned upon seeing Mr. PERRY cut a very ridiculous figure, which should at once damn that gentleman's cause and our own, for this anticipation was so strong upon people's minds, that Mr. PERRY himself tells us he had "suffered no ordinary degree of ridicule, even in the streets, from strangers as well as from friends, since his determination had spread abroad." My brother and myself, who knew nothing of Mr. PERRY's intellect, and were not even aware that he wrote a paragraph in his own paper, were certainly, among others, led to expect much mortification from his mode of pleading his own cause; but from what we have since heard, and from what we have read in his account of the defence, we are happy to have seen Sir VICARY's confidence and our own suspicion so well disappointed, and we readily give Mr. PERRY credit for a degree of talent, not amounting perhaps to the "eloquence" and "consummate skill" of which the ATTORNEY-GENERAL speaks, but decidedly superior to the usual ability of Newspaper-Editors, and very mortifying, we should think, to Sir VICARY and all his friends. If his defence had not much philosophy of tone or climax of argument, there was sound sense in much of it, and a good colloquial flow of words in all of it; and as the ATTORNEY-GENERAL truly though cunningly observed, he lost no advantage whatever in pleading his own cause. The Report of this defence will be found in our paper, not indeed as long as Mr. PERRY has given it in the *Chronicle*, but we trust with no injustice done either to his style or his reasoning. Of Lord ELLENBOROUGH's Charge to the Jury, which we have abridged with the same attention to its substance, it is to be regretted that the expected detail has not been given in the newspapers, but Mr. PERRY has announced his intention of publishing it with the whole proceedings in a pamphlet. As to Sir VICARY's oratory, we despaired of giving the proper picturesque idea of it, enlivened as that gentleman's style is with so much of the *grata pretervitas* or pleasing petulance, and interspersed with so many refreshing hums and haws, expressive no doubt of amiable reluctance.

But while we pay our due compliment to Mr. PERRY's defence, and have no reason to be dissatisfied with the charge or the design that brought the Whigs to their trial before us, we think it our duty to state that the general character of our defence, had we been tried first, would have differed in many points with that Gentleman's. The event probably might have differed also; but persons, not in the habit of courting success or of complimenting the bestowers of it, must make up their minds for events; and as we place all our public merit in the use of a frank sincerity, so we unaffectedly place our chief happiness in the consciousness of it. We should certainly have agreed with Mr. PERRY in disavowing all traitorous and wicked

intentions, in treating the Court with all proper respect, and in lamenting the present system of politics;—but certainly we should neither have paid such high and indiscriminate compliments to the King's Bench Lawyers, nor should we have indulged in such reiterated praises, or any praise at all, of his MAJESTY'S "wisdom;" common sincerity would have led us to avoid the one, and common consistency the other. Indiscriminate compliment, in confounding the unworthy with the worthy, is almost as bad as indiscriminate censure; and how could MR. PERRY think of making high-flown comparisons between the patriotic and equal devotedness of Lord NELSON'S Captains, and the same zealous impartial feeling in the Lawyers at the Bar? It is notorious that a person, whose cause relates to this or that matter in politics, may wander from Counsel to Counsel, before he can procure one of these men of exquisite devotedness to advocate it:—it is notorious, that there has existed in some of the Courts, I do not say that there exists at this moment, a system of servile truckling—not a system of manly and decent submission—but a system of smirking and fawning submission to the petulancies, or jealousies, or partialities of the Judge, which has not only disgusted the clients, but even scandalized many of the Lawyers themselves: and I have understood that Lord ELLENBOROUGH, when he first came to the bench, distinctly lamented the peevish obstructions continually thrown in the way of junior Barristers, and expressed his determination to have no such doings. How he has kept his promise I cannot say; but you have only to look round the Bar, and as you will find there, no doubt, some men of the most upright characters and of the highest orders of minds in every respect, who will be ready to do your cause every possible justice, so you will most assuredly find others whose connections will teach them to avoid you, if you in any way interfere with certain politics, and whose general character and habits will certainly teach you to avoid them. So much for MR. PERRY'S "equal devotedness." As to his praises of the King's "wisdom," we must recollect what wisdom is:—it is the highest part of knowledge, it is practical knowledge—sapience—philosophy in it's perfection:—for wisdom we praise SOCRATES, and KING ALFRED, and the Chancellor L'HOPITAL, and CHARRON, and BACON, and LOCKE, and then comes MR. PERRY and praises GEORGE the Third. Now it is no disparagement to a King to say he does not possess wisdom, for wise Kings appear much seldomer than comets: but it is very great disparagement to MR. PERRY to praise a King for wisdom, whose Ministers and views of policy he has been holding up, for three and thirty years past, as erroneous and unfortunate, and whose wisdom, in fact, he is calling in question at the very minute he extols it. These are inconsistencies—or little irregular beauty-spots perhaps—in MR. PERRY'S style, which may suit very well the face of a Whig, but would have been very unbecoming in plain Reformists, who are countenanced by nothing but truth. After witnessing these delicate and safe little touches of policy, which help to do away ill-will and to shew one's natural courtliness to advantage, we could not help smiling when we came to MR. PERRY'S concluding boast, in which he said to the Jury—*"The Morning Chronicle stands now, as it did in 1793, in the front of the battle, not only for itself, but for the Liberty of the Press of England."* The *Morning Chronicle* certainly stood in the front of the battle the other day,

but even then, how came it there? The libel with which he was charged in 1793 was, the publication of an address written by the town of Derby, and the libel with which he is charged in 1810 is the publication of a paragraph written in another paper. It is praiseworthy in MR. PERRY to have ventured on what he thought honest and constitutional publications; and nobody can deny, that formerly, when MR. PITT was pursuing his violent measures, the *Morning Chronicle* made a bold and a noble stand against them; but with the decay of the Whig spirit decayed the spirit of the *Chronicle*; and it is now a lamentable jest to hear the modern Whig paper, which has lately been engaged in nothing but very safe squabbles against a party, boasting of sustaining the brunt of battle for the liberty of the press! MR. PERRY picks up a bullet or two, fires them again, and flatters himself he is a great warrior still: he is caught by chance in the front of the battle, and wonders at his own heroism. But is this the staunch defender of liberty against the continual assaults it has sustained? No, no: the scorched and hard earned laurels of Freedom are not to be gained by accident, or a momentary impetus forward: they belong to those only who are always in front of the battle, who fight with systematic and continual ardour for the Liberty of the Press, and who oppose Corruption in every shape and in all it's hostility.—Such, we trust, may be our honours if we live long enough and act consistently enough to deserve them; but we do not think that their attainment would have been at all accelerated by making such a defence as MR. PERRY'S. The event of a different defence might, we repeat, have been different also, had the original libel been tried first, though it was always and is still our opinion, that no speech for or against, on such a question, could have influenced the Jury in making them think otherwise of the passage than their own natural interpretation would have taught them, whether favourable or not. MR. PERRY has reasoned for himself and the event of his trial has set aside ours; but his reasoning does not suit our ideas of the question, and lest any body might be led to suppose that we make this objection because we can make it at a safe time, we have thought necessary to do what was not required on the Ducal Information against us, that is, to publish the few Instructions, as they are called, which we gave to our Counsel, and which were written not so much for his information, as for his satisfaction with regard to our feelings on the occasion and to the tone which we thought it our duty to hold.

INSTRUCTIONS TO COUNSEL.

The meaning of the passages, marked out by the ATTORNEY-GENERAL for the surgical sport of his knife, must be so manifest to men of liberal politics, that there appears no necessity to enter into any particular instructions to the Learned Counsel. It will be sufficient therefore to give a hasty sketch of our feelings on the principal points of accusation—such as the wretched state of the Ministry, the mention of his MAJESTY, the state of Ireland, and the rumour of a Regency in this country.

1. With regard to the Ministry, the term "*mutilated*" refers to the then unfinished state of the Cabinet, occasioned by the well-known duel; and upon this subject it may perhaps be as well for the Learned Counsel to dwell a little, as it was the final cause, in concert with the Walcheren Expedition, that destroyed all respect for and confidence in the Ministry, and rendered it prudent and proper for them

to retire. The Ministry take up this as a matter of personal grievance, and accuse us of endeavouring to bring them into contempt;—and what then? Are the Ministers—are the Servants of the King, (however the King may be) above all stricture—all satire—all objection? Has it not been the custom of public writers, ever since the press was free, to object, in as forcible a manner as they could, to the conduct of an existing Ministry? Have not the best and most constitutional writers done so? Are they not esteemed by posterity for their skill and spirit in such strictures, and even quoted in Parliament, when it suits the purpose of the orator? Nay, did any liberal Minister, feeling the truth of this, and regarding as he ought the Liberty of the Press, attempt to bring down the law upon writers for speaking boldly on such occasions? Did CHATHAM do so? Did Mr. PITT* or Mr. FOX? No; the thing is as unprecedented as it is unjust, and affords a sad prospect for the country, if ever worse measures could be pursued by future Ministers, for in proportion as the measures and the men are worse, the irritation excited by opposition will be more passionate and the revenge more implacable. A Minister pursuing good measures, would be as much above noticing, as he would be above fearing, the satire of public writers; and the satire would disgrace the writer and not the Minister; but when the present information talks of a weekly paper bringing the King's servants into contempt, there must be either gross exaggeration of probability against the accused, or most gross confession of weakness on the part of the accusers.

2. But, says the Attorney-General, it is not the administration only these men condemn; they also introduce the name of his MAJESTY "to the great scandal of our said Lord the King." But how have we introduced it? Not in a manner hostile to the royal person, but only as connected with the measures pursued by his servants—only as connected with certain principles of policy, which those servants have studiously advised his MAJESTY to pursue to the manifest deterioration of this country's prospects. The name of the Monarch on the Throne has ever been used, and allowed to be used, in the same way, by the most reputable and constitutional writers. You see Queen ANNE's name in every page of the politics of her time, and the names of GEORGE I. and II. in the politics of theirs; and in the reign of the present King the same license has been allowed to all parties: all the political writers or speakers of the day, the most respected for their character and connexions, have introduced his MAJESTY's name in their speculative hopes and wishes, but particularly the Ministers themselves, who on this and all other occasions, unofficial as well as official, in attack and in defence, have used it as their sword and buckler—"to the great scandal" if they please, "of our said Lord the King."

3. The "conciliatory measures" towards Ireland have been recommended over and over again by the first Statesmen living and departed. Mr. PITT recommended them, Mr. FOX urged them, nay, some of the persons connected with the present Ministry have thought with those Statesmen on the subject, which, like that of the Abolition of the Slave Trade, seems to have engaged the good wishes of every enlightened and enlarged mind. With regard to

* We have since recollected, and indeed wonder how we could forget, the bitter proceeding of Mr. Pitt against Mr. Wakefield. But if this Minister is a precedent for any thing, it is for every thing that is to be avoided.

it's bearing on the present occasion, it has notoriously been the cause of certain changes and dispositions in matters of administration—it has been canvassed in the warmest manner between the various parties—and if the mere mention of it is among the causes calculated to bring his Majesty's Ministers into contempt, whose fault is that?

4. As to the Regency, it was the rumour of the week, and as such, formed a part of the weekly news. In speculating therefore on such a rumour, the first objects that naturally presented themselves to the mind were the dissolution of the Ministry and the subversion of their system of policy and conduct. The King, we know, may chuse whom he pleases to serve him, and it is true that the law does not hold him accountable in any way whatever; but if the present measures are bad, and if such bad measures might in probability or possibility be changed, then it is natural and just to say that those who may be inclined to change them will have an opportunity of doing good and gaining popularity. It may have been superfluous to contemplate a Regency, even though it was a rumour, or to contemplate the blessings of a change of system, and to mention the King's name, but it will remain for the Jury to say, whether upon a consideration of all the circumstances and all the precedents of the case, the broad principle of the strictures was allowable or not—libelious or not—truly English or not. The letter of the law is often set aside by those who can best translate it; motives are always to be judged, if possible, before words; one or two features, even admitting that they contradict the strict line and form of law, are not to condemn the face of a thing, if it's aspect, taken altogether, is honest and has a good spirit looking out of it. In short, let it be recollected, that it is with law as with literature—with the arts—with poetry—with theology,—"*The letter killeth, but the spirit giveth life.*"

In these brief remarks we have not thought it necessary to deprecate any personal hostility against the King:—the Learned Counsel will do that however in the strongest manner, if he thinks necessary. To the limited monarchy of this kingdom we are as ardent friends as any of our countrymen; and the introduction of his MAJESTY in the present action against us, we consider, with every impartial person, as a mere veil to the malignity of the accusers. The Learned Counsel is particularly requested not to suffer his fears for any consequences or inconveniences which may arise to us, to prevent his urging, most fully and forcibly, the arguments submitted for his consideration. It only remains to state, that as we have no political connexions whatever, high or low, and no motive in writing as we do but a love of what we consider to be truth, so we have no wish to see our writings defended but upon the same ground; that this mode of defence must not be construed into any disrespect to the laws, but simply into a proper respect for ourselves; that we deprecate every idea of political interest or common newspaper cant, from both of which we appeal, if allowable, to the general character of the Examiner, and, if necessary, to that of our private lives; and, in fine, that whatever be the event of the trial, our minds are made up to every thing but a compromise with our consciences.

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(To be concluded in our next.)

The Hon. Mr. Esdaile intends to oppose Mr. Spence Young in his re-election for Cambridgehire.

FOREIGN INTELLIGENCE.

FRANCE.
EXTRACT FROM THE RECORDS OF THE CONSERVATIVE SENATE OF FEB. 11.

The Conservative Senate decrees as follows:—

TITLE FIRST.—Of the Union of the Roman States to the Empire.

ART. 1. The State of Rome is united to the French Empire, and forms an integral part thereof.

2. It shall be divided into two Departments—the Department of Rome and the Department of Trasimene.

3. The Department of Rome shall send seven Deputies to the Legislative Body. The Department of Trasimene shall send four.

4. The Department of Rome shall be classed in the first series—the Department of Trasimene in the second.

5. A Senatorial shall be established in the Departments of Rome and Trasimene.

6. The City of Rome is the second City of the Empire.—The Mayor of Rome is to be present when the Emperor takes the oaths on his accession. He is to rank, as are also all Deputations from the City of Rome on all occasions, immediately after the Mayors or Deputations of the City of Paris.

7. The Prince Imperial is to assume the title and receive the honours of King of Rome.

8. A Prince of the Blood, or a Grand Dignitary of the Empire, shall reside at Rome, who shall hold the Emperor's Court.

9. The property which composes the endowments of the Imperial Crown shall be regulated by a Special Senatus Consultum.

10. After having been crowned in the church of Notre Dame, at Paris, the Emperors shall, previous to the 10th year of their reign, be crowned in the church of St. Peter.

11. The city of Rome shall enjoy particular privileges and immunities, which shall be determined by the Emperor Napoleon.

TITLE II.—Of the Independence of the Imperial Throne of all Authority on Earth.

12. Every foreign Sovereign is incompatible with the exercise of any Spiritual Authority within the territory of the Empire.

13. The Popes shall, at their elevation, take an oath never to act contrary to the four propositions of the Gallician Church, adopted in an Assembly of the Clergy in 1682.

14. The four Propositions of the Catholic Church are declared common to all the Catholic Churches of the Empire.

TITLE III.—Of the Temporal Existence of the Popes.

15. Palaces shall be prepared for the Pope in the different parts of the empire in which he may wish to reside. He shall necessarily have one at Paris and another at Rome.

16. Two millions in rural property, free of all impositions and lying at different parts of the empire, shall be assigned to the Pope.

17. The expences of the sacred College, and of the Propaganda, shall be declared Imperial.

18. The present Organic Senatus Consultum shall be transmitted by a Message to his Majesty the Emperor and King.

(Signed) CAMBACERES, Prince Arch-Chancellor of the Empire.

FRANCOIS JANCOURT, CORNET, Secretaries.
Seen & Sealed, Count LAPLACE, Chancellor of the Senate.

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, Feb. 26.

The Reversion Prevention Bill, on its second reading, was supported by Lords GROSVENOR, SIDMOUTH, BORINGDON, and the Earl of HARDWICKE and DARLEY, and opposed by the LORD CHANCELLOR, LORD ARDEN, ROSS, and

REDESDALE.—On a division, it was again thrown out by a majority of 32,—there being only 67 for it, and 106 against it. Adjourned.

Tuesday, Feb. 27.

LORD SIDMOUTH wished the Returns of the number of Licensed Preachers and Places of Worship to be rendered more complete than those before the House. He moved accordingly. Whatever steps were taken on this subject, he begged it to be understood, that he was by no means an enemy to liberty of conscience, or a wise, liberal, and enlightened toleration. So important was the object he had in view, that should no one more qualified to accomplish it take it up soon, he should in the course of the Session bring the subject before the House.—Motion agreed to.—Adjourned to Thursday.

Thursday, Feb. 29.

Nothing of importance occurred in the House this day.

Friday, March 2.

ANSWER TO THE CITY OF LONDON.

The Marquis of LANSDOWNE expressed his surprise at not seeing a Noble Earl (Chatham) in his place, upon such a question as the present. When his Majesty was addressed on the Cintra Convention, his Majesty declared his readiness at all times to direct inquiry; but in the Reply to the City Address respecting the Walcheren Expedition, the citizens of London were told that there was no ground for inquiry, although both these Expeditions had disappointed the hopes and expectations of the people. He would say, that the only persons in the whole country who were not disappointed were eight or ten men, and these men were his Majesty's Ministers, who were in complete ignorance for months of what had transpired abroad, while their dissensions at home and their contempt for each other were equally notorious. During this period the public service was neglected, for two of the head Ministers would not even officially correspond with each other. He should therefore at once move that an humble Address be presented to his Majesty, praying that he would be graciously pleased to inform the House as to the person who had advised his Majesty's Answer to the Address of the City of London on the failure of the late Expedition to Holland.

LORD LIVERPOOL said, that with the exception of Lord Chatham, all his Majesty's Ministers were responsible for the Answer to the Address, and they would not shrink from that responsibility. Were the Expedition again to take place, he should feel bound to act as he had done. The Expedition was wisely planned, and its failure was attributable only because, contrary to design, the attack on Walcheren was not followed up immediately by an attack on Antwerp. No man could help this. Unusual and unforeseen circumstances, winds and storms, and not the want of heart or will, were the causes why the ulterior object of the Expedition failed. It was on this ground that his Majesty's Answer was advised.—(A laugh, and hear! hear!)—Had Ministers authorised Inquiry, when not a mutmur was breathed against the Commander by those employed under him, it would have been said that they wished to elude responsibility by throwing the blame upon the Commander. In fact, no military inquiry could be made on a combined service, as some seemed to think; Parliamentary investigation could alone be resorted to; and the House might yet discuss the causes of the failure.

LORD ROSSETT (one of the Commanders in the Expedition) asked, whether Ministers, who had charged the elements with the failure of the Expedition, could suppose that every casual circumstance of that nature was to operate in their favour? It was notorious that Ministers had proceeded without due information: they also knew at an early period the want of concord between Lord Chatham and Sir Richard Strachan, and it was their duty to have interfered on this head.—His Lordship supported the motion.

LORD HOLLAND supported the motion, and said, that he had often been reviled for asserting that secret influence prevailed and was poisoning the royal ear. What was now the fact? a secret adviser, and he too a Cabinet Minister, without the concurrence of his colleagues, procured for his own ends the

royal influence to defeat the loud and universal call of the country for Inquiry into the failure of an Expedition of unexampled magnitude, expense, and expectation. Ministers should either justify their colleague's conduct, or refuse to act any longer with him.

Lords WESTMORELAND and MULGRAVE defended Ministers (that is, themselves); and Earl GREY, Lords DARNLEY, and GREENVILLE, supported the motion, which, on a division, was carried in favour of Ministers by a majority of 46.—Adjourned to Monday.

HOUSE OF COMMONS.

Monday, Feb. 26.

CITY PETITION.

The Sheriffs of the City of London presented at the Bar the following Petition:—

To the Honourable the Commons of the United Kingdom, in Parliament assembled:—The humble Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled.

"SHEWETH,—That we have observed, with grief and concern, that a Bill has been ordered to be brought into your Hon. House, for granting a pension of 2000*l.* per annum, for three lives, to the Right Hon. Lord Viscount Wellington.—We beg to represent to your Hon. House, that a measure so extraordinary in the present situation of the country, and under all the afflicting circumstances attending our armies in Spain and Portugal under the command of that Officer, cannot but prove highly injurious in its consequences, and no less grievous than irritating to the nation at large.—That in making these representations to your Hon. House, we are urged not more from motives of economy and vigilance in the present period of difficulty and distress, than from an anxious desire that, when such marks of national gratitude are bestowed on any of the gallant defenders of their country, they shall be given in concurrence with the general sentiments of the nation, and in strict conformity to the claims of the individual.—That entertaining these sentiments, it is our painful duty to state to your Hon. House, that, admitting to the utmost extent the valour of Lord Wellington, we do not recognize in his military conduct any claims to this national remuneration.—That in the short period of his services in Europe, *not amounting to two years*, we have seen his gallant efforts in Portugal lead only to the disgraceful and scandalous Convention of Cintra, signed by his own hand—a transaction, the sound of which must be ever hateful to British ears, and which has fixed an indelible stain on the character and honour of the Country.—In Spain, we have seen the valour he displayed in repulsing the French at Talavera with immense loss of lives, produce no other consequences than his almost immediate and rapid retreat, under the mortifying and disastrous circumstance of being compelled to leave his sick and wounded to the care of the enemy.—That as yet we have witnessed no inquiry into either of these campaigns, and we conceive it to be due to the nation, before its resources shall be thus applied, that the most rigid Inquiry should be made, why the valour of its armies has been thus so uselessly and unfortunately displayed.—That in addition to the reasons we have stated against this lavish grant of the public money to Lord Wellington, we beg leave to remind your Hon. House, that this Officer was employed in India for several years, in a variety of services, by far the most profitable that can fall to the lot of a British Officer, and that himself and family possessed, for a long period of time, in that quarter of the world, the most ample means of securing to themselves the most abundant fortunes.—That since their return to Europe, this family has been in constant possession of the most lucrative offices and emoluments of the State, and we have seen Lord Wellington himself enjoy the singular advantage of holding one of the greatest civil offices of the Government, whilst he was in the exercise of his military command in Portugal.—That we beg to state to your Honourable House, that the Lord Mayor, Aldermen, and Livery of London, did agree to Petition the King for a rigid, impartial, and general in-

quiry into plans upon which the Expeditions to Spain and Portugal were undertaken, as well as that to Holland, and into the conduct of the Commanders to whom they were entrusted.—That in direct violation of their established rights, the Lord Mayor and Sheriffs, when they attended to deliver the said Petition, were not only prevented from delivering the same to the King at the Levee, but also denied a personal audience of his Majesty; that they beg to impress it on your Hon. House, that such right was never before questioned or denied, and they were thereby prevented from laying their just complaints and grievances before their Sovereign.—That they conceive it to be a high aggravation of the misconduct of his Majesty's incapable and unprincipled advisers, that they have not only placed a barrier between the King and the People; but in the very face of these complaints, and in contempt and defiance of public opinion, advised his Majesty to recommend to Parliament the said grant to Lord Wellington.—That when we take all these circumstances into our consideration—when we reflect too, that the unanimous and grateful feelings of this country have never been appealed to for any similar remuneration to the family of the ever-to-be-lamented Sir John Moore, who, after a long career of military glory, in the constant performance of his military duties, and receiving only his ordinary pay, after having shed his blood in almost every battle in which he was engaged, at length, to the irreparable loss of his afflicted country, sacrificed his life in its defence. Considering all these circumstances, we submit to your Honourable House, that there can be neither reason nor justice in making the proposed grant to Lord Wellington.—We therefore humbly pray your Honourable House, that the Bill for effecting that purpose may not be permitted to pass into a law."

It was ordered to lie on the table.

ANSWER OF HIS MAJESTY.

The CHANCELLOR of the EXCHEQUER read the answer of his Majesty to the Address of the House, voted on Friday last, for copies of all the narratives, memoranda, &c. delivered into his Majesty's hands by the Earl of Chatham, relative to the Expedition to the Scheldt, which was as follows:—

"His Majesty has been waited upon with the Address of this House, of Friday last, the 23d of this month, to which he has been graciously pleased to direct the following answer to be given:—The Earl of Chatham having requested his Majesty to permit him to present a Report to his Majesty, and having also requested that his Majesty would not communicate it for the present, his Majesty received it on the 15th of Jan. last, and kept it till the 10th of this month, when, in consequence of a wish having been expressed by the Earl of Chatham, on the 7th of this month, to make some alterations in it, his Majesty returned it to the Earl of Chatham. The Report, as altered, was again tendered to his Majesty by the Earl of Chatham on the 14th of this month, when his Majesty directed it to be delivered to his Secretary of State, and his Majesty has not kept any copy or minute of this Report, as delivered, at either of these times, nor has he had, at any time, any other report, memorandum, narrative, or paper, submitted to him by the Earl of Chatham relating to the late Expedition to the Scheldt."

Mr WHITBREAD would first guard himself by assuring the House, that no man could feel a higher veneration for the Crown, and for the personal feeling of his Majesty, than he (Mr. W.) did; but he must beg to know, who of his Majesty's Privy Counsellors, a Member of that House took that answer from the King?

No answer being immediately returned,

Mr WHITBREAD continued—"Am I to understand that the Right Hon. Gentleman will not, as a Member of this House, give an answer to the question I have put?"

The CHANCELLOR of the EXCHEQUER said, he was ready at all times to give an answer to any question put to him, according to the common practice and courtesy used by the House; but when a question was put to him in a manner which carried with it the appearance of a threat, he did not conceive he could with propriety answer it.

Mr. WHITBREAD assured the Right Hon. Gentleman, that nothing could be further from his intention than to convey in what he had said the smallest idea of a threat. He begged, therefore, in the coolest manner, and wishing, at the same time, in conform to the courtesy practised by the House, to repeat his question, which he did, and to desire the answer of the Right Hon. Gentleman.

The CHANCELLOR of the EXCHEQUER answered, that he was the Privy Counsellor who took that answer from the King.

The answer was ordered to lie on the table.

LORD WELLINGTON'S ANNUITY.

The CHANCELLOR of the EXCHEQUER moved the second reading of Lord Wellington's Annuity Bill.

Mr. WHITBREAD said, since he last spoke on it, a Petition from the City had been presented against it; and he should be glad to hear whether, after a Petition from such a body as the City of London, Ministers would think of pressing such a Bill to a second reading?—No answer being returned,

Mr. WHITBREAD said, notwithstanding all that had been said, he still remained unshaken in his opinion as to the thanks of the House on this subject? Any man might however concur in the thanks, who would start at encouraging so lavish an expenditure of the public money as the granting of this annuity would be. He adverted to the statement made by Mr. Wesley Pole on a former night; but though he admired the candour of it, he could by no means think it would justify him in voting to large an annual sum out of the pockets of the people. This Bill purports to give to Lord Wellington 2000*l.* a year for three lives; and in a few days the House would be called on to vote one million of money to Portugal, at a time when the Spanish Junta was driven into Cadiz, and a French army said to be marching against Portugal. At such a time, and under such circumstances, when the City of London had given in such a petition, he must protest in the strongest manner against the Bill being read a second time.

Sir J. NEWPORT said, the melancholy fate of his Hon. Friend (the Hon. Mr. Eden), being now ascertained, Ministers had an opportunity of rewarding Lord Wellington with that place which the House had been just informed was given to another person. The Right Hon. Gentleman who had obtained it (Mr. Yorke) had, indeed, performed no services in the field of battle, but he had performed services at home, which had been deemed worthy this high reward, while the people were to be saddled with this annuity.

Mr. HUSKISSON spoke shortly in favour of the splendid talents of Lord Wellington, who, he thought, was highly deserving this annuity.

Mr. H. MARTIN said, the Right Hon. Baronet had not received an answer to one point, viz. that Ministers had, since the Bill was brought in, an opportunity afforded them of giving Lord Wellington the office of Teller of the Exchequer. Why was the House called on to add to the sums the people were bound to pay, such an annuity as this, when he might have been so well rewarded without adding to their burdens, if Ministers had not thought fit to give this valuable office to a Right Honourable Gentleman whose services no one had ever heard of?

A division then took place, for the Second Reading 106—Against it 36.

ARMY ESTIMATES.

The House having resolved itself into a Committee of Supply,

Lord PALMERSTON rose to submit to the consideration of the Committee the Army Estimates of the present year. These Estimates, he trusted, would be found to have been framed with every attention to economy. He then went through the detail of the 21 heads under which the estimates are usually classed, and pointed out the alterations which had taken place in each of them during the present year. His Lordship stated, upon the whole, that the increase of men employed was 1427, and the general saving of expense was 756,902*l.* He therefore thought the Estimates would bear him out in what he had stated in the commencement, that there had been no increase

which was not necessary, and that every reduction had been made which was compatible with the strength and efficiency of our armies. He said, that at no time had our armies been more numerous and more efficient, and that the country was never in a more proud and glorious situation. (*Loud cries of heart! heart! from the Opposition benches.*) We had, including our navy, near 800,000 men in arms, and our whole nation was hardened into an impenetrable mass, which would resist the attack of any enemy. He concluded by moving one of the resolutions.

General GASCOYNE could not forbear taking the present opportunity of stating that the wants and oppressions of the army were increasing every day. Although the pay to the common soldier is now liberal in the extreme, and the pay of Ensigns and Lieutenants have been increased, the pay to Captains, Majors, and Lieutenant-Colonels, was absolutely less now than it was in 1695. To prove this, he read the copy of a manuscript in the Harleian Museum, which stated the pay of a Lieutenant-Colonel to be 17*s.* a day, when now a Lieutenant-Colonel receives but 15*s.* 3*d.* and the difference was nearly the same with Majors and Captains. He also complained of the Officers of the Line being obliged often to wait a year and a half for their pay, when the Militia never waited above six months.

The CHANCELLOR of the EXCHEQUER observed, that his Majesty's Ministers had taken advantage of many of the Hon. General's suggestions respecting the interests of the officers of the army.

Mr. HUSKISSON felt it a painful duty to express how much he was disappointed in the Estimates. He thought it indispensable that a considerable diminution should take place in the public expenditure. The extraordinary expenses of last year amounted to forty-seven millions and a half; the means of meeting this expenditure arising from the ordinary revenue did not exceed seven millions, so that a sum of forty millions was left to be provided for by extraordinary means. The war-taxes amounted to nineteen millions, and thus a sum of twenty-one millions was to be provided for by loans. At the commencement of the war, the annual expense was estimated at twenty millions; in 1806 it was taken at thirty-two millions, and the amount of permanent taxes in consequence added was not less than 1,200,000*l.* In order to shew the progress of the public expenditure he had to submit this statement to the Committee. In 1782 the net receipts of the Revenue were ten millions; in 1793 they amounted to sixteen millions, and in 1809 to sixty millions!! Gentlemen must be aware that some limit must exist as to the extent to which taxation could be carried. Taxes upon consumption could scarcely be carried further; direct taxes had been extended nearly as far as could be done: it remained therefore only to diminish the scale of the public expenditure, in order to avert that difficulty, which, amidst all the dangers which surrounded us, was most likely to overwhelm the country, THE FAILURE OF ITS FINANCES.

Mr. ROSE observed, that when he came into office the revenue did not exceed ten millions, and the income of the sinking fund alone now equalled that amount. He was aware, that in one point of view, this fact displayed the increased extent of our resources; but he was satisfied that it was now more important than ever to husband them with every degree of care consistent with the establishments necessary for the national safety.

Mr. PETER MOORE congratulated Mr. Huskisson upon the change that had taken place in his sentiments relative to economy since the last Session.

Lord TEMPLE wished to know what security there was that those who had been appointed successors to the late Medical Board would not, when an occasion arose for their services, exhibit the same ignorance and neglect of duty with their predecessors? He wished also to know, whether it was true that men, who, by their dissensions, or their ignorance of camps and contagious diseases, had occasioned the loss of so many of our brave soldiers, had retired from their situations with the enjoyment of full pay for life?

The CHANCELLOR of the EXCHEQUER did not know, he said, what further security could be taken than that of appointing men of reputation both in the theory and practice of their profession, and who engaged to devote their attention exclusively to these public duties for an adequate remuneration. It was certainly true that the Members of the late Board retired with full pay; but that was in consequence of an arrangement made before the late Expedition was thought of.

Colonel WARDLE could not refrain from expressing his utter astonishment at finding, after the extraordinary coolness with which the suggestions he had the honour of making to the House last Session, on the subject of retrenchment, had been received, that the very points on which he had then touched had now been taken up by the Gentlemen opposite to him. For this he thanked them most kindly, as he was sure the country would also do. And he confidently trusted that the Committee had now shewn that sort of mind and decided spirit which would justify the country in the hope and expectation that something in the way of retrenchment would be done—Nothing could give him greater pleasure than to see his Majesty's Ministers beginning to do that which was absolutely essential to the salvation—to the very existence of the country. He, however, condemned the introduction of foreign troops, which he termed a most unconstitutional measure. It was also highly necessary that some reform should be made in the article of army clothing. He pledged himself to prove that an economy of no less than 250,000*l.* a year could be obtained in this branch of our expenditure, if the clothing and cavalry equipments were brought to open contract. In consequence of a motion he made last Session, great coats were now purchased by open contract, and those which were previously sold for 16*s.* 6*d.* now cost only 9*s.* There was indeed an additional 2*s.* 6*d.* paid for making them water-proof, an improvement which could be effected for 6*d.* each. He next complained of the excess of the Secretary at War's department, which was not less than 10,872*l.* above that of last year. There were 113 clerks in this establishment, and yet not above one-fifth of the regimental accounts had been gone through. The next item, to which he begged leave to draw the attention of the Committee, respected foreign corps. He was sorry to see the number of these increase. No less than 30,000*l.* was proposed for recruiting these corps. Would the Committee grant such a sum for such a purpose?—but we could not now go into Spain and recruit from Dupont's army.—(Hear, hear, hear!)—No fewer than 800 of Dupont's army, who had been made prisoners, were taken out of Spanish jails, and incorporated into foreign corps in our service.—He wished to know whether the Duke of Brunswick's corps received bounty money. If it did, he thought it a most extraordinary measure, and to which a stop should be immediately put.—There was also an item of 135,000*l.* for building barracks in Ireland, although Mr. Rose himself had at last discovered that this barrack system was a most expensive one, respecting which he had been deceived! He trusted the Committee, without sufficient proof of the absolute necessity of such an arrangement, would not throw away the public money in so extravagant a manner.

Mr. HARRISON said, that he still retained all the sentiments he expressed last session, with regard to the proposition of the Hon. Gentleman (Mr. Wardle), with which sentiments he had not this night uttered a word in any degree inconsistent.

Lord MAHON contended, that no practical grievance accrued from the employment of foreign troops.

Lord PALMERSTON stated, that the foreign troops under the Duke of Brunswick received a bounty of four guineas, 3*l.* 17*s.* to be expended in necessaries.

The different Resolutions were agreed to.—Adjourned.

Tuesday, Feb. 27.

CATHOLICS.

Mr. GRATTAN presented a Petition from divers Irish Roman Catholics, praying for constitutional privileges. He observed that when he before addressed the House on the subject, he had then stated that the Catholics were willing to concede to his

Majesty the right of *Veto* on the nomination of their Bishops. He was sorry to say, that he could not now affirm that such were the sentiments of the Irish Catholics. For his own part, he thought that the investiture of a Foreign Power with the arbitrary right of nomination to any portion of our Magistracy, was an objection which had circumscribed the liberality of many, and shaken the confidence of more. This objection might perhaps be removed, it certainly ought to be modified.—Upon some future day he would call the solemn deliberation of the House to sit in judgment on the great question of giving all the Defenders of the Empire the same dear interests in its security,—of consolidating our means as a people, and cementing our strength by a more universal diffusion of the privileges that made us strong: this he should do by resting his arguments on two great points.—First, No religious disabilities:—Second, No foreign nomination.

After some conversation the Petition was ordered to lie on the table, as were likewise two other Petitions on the same subject, from the County of Cork and the Queen's County.

SCHELDT EXPEDITION.

On the House going into a Committee on the Galgotha Expedition, Lord LOUVAIN, in the absence of Mr. YORKE (who has most disinterestedly accepted a valuable sinecure for his most invaluable services to Ministers) moved that the Gallery be cleared, which was accordingly done.—[While the House was in the Committee the following extraordinary scene is said to have taken place:—Mr. FULLER, whose libations to the Jolly God are presumed to have been so copious as to obliterate from his recollection the decorum and dignity of the place, repeatedly interrupted the examination, by addressing questions to the witness, which were deemed so irrelevant or so frivolous, as to be alike disregarded by the Noble Earl under examination, and the House.—Irritated by this neglect, the Honourable and Jolly Member at length exclaimed, that he had as much right to have his questions attended to as those of the Chancellor of the Exchequer; adding an Address to the Speaker to the following effect:—"God damn me, Sir, I say I have as much right to be heard as any man who is paid for filling the place he holds." The House had, by this time, resumed, and the Chancellor of the Exchequer moved that the words of the Hon. Member be taken down, which being accordingly done, the Speaker stated, that an Hon. Member had made use of unparliamentary language; and, greatly as he regretted the circumstance, he felt it his duty to say, that that Hon. Member was Mr. Fuller. Here Mr. Fuller exclaimed,—"*You need not be diffident, it's I, Jack Fuller.*"—On which the Speaker stated that it was necessary the Hon. Member should withdraw, which he resolutely declined doing, until several of his friends interfered, to whose remonstrances he at length yielded. The Chancellor of the Exchequer immediately moved that the Hon. Member be taken into the custody of the Serjeant at arms, which immediately passed *unanimously*. Meanwhile Mr. Fuller was whiting pretty patiently in the lobby, in the expectation of being shortly permitted to resume his seat; but, on the Resolution of the House being notified to him by the Serjeant at Arms, he rushed into the House, and, at one movement of his right foot, shifted the chair, which had been placed for the accommodation of the witness, from the outside of the Bar into the body of the House.—Lord Chatham, who was in the House, waiting until the Committee should be again formed, most fortunately was not in the Chair!!! His Lordship, however, immediately withdrew, and a scene of confusion, perhaps unprecedented in that House, ensued. Mr. Fuller proceeded to arraign, in loud terms of invective, the jurisdiction of that House, asserting most vehemently that the Speaker, whom he designated as "the little insignificant fellow in the wig," was the servant of the House, and had no authority over any of its Members, who had thus converted him into their master. The Speaker directed the Serjeant at Arms to obtain sufficient force to subdue the resistance of the Hon. Gentleman, who, after an obstinate struggle with four of the Messengers of the House, was, like Charles the Twelfth at Bender, carried off the field by the mere dint of numbers, and safely deposited in the Serjeant's room. As soon

as the bustle had subsided, the House again formed itself into a Secret Committee on the Scheldt Expedition, and the examination of Sir Byre Coote closed the proceedings of this eventful night.]

Thursday, March 1.

Mr. SHERIDAN postponed his Motion respecting the Lincoln's Inn Order till Tuesday.

MR. FULLER.

A conversation of some length took place relative to the conduct of Mr. Fuller.—Mr. PERCEVAL read a short apology which he was authorized by Mr. Fuller to offer to the House, and moved his discharge.—This was opposed by Mr. WHITEHEAD, Lord TEMPLE, and Mr. C. WYNNE, on the ground that the punishment he had already suffered was by no means adequate to the offence, or sufficient to satisfy the insulted dignity of the House.—Mr. RYDER at length proposed as an Amendment, that Mr. Fuller be called to the Bar and reprimanded by the Speaker; which was carried with only one dissenting voice (Mr. Perceval).—The Serjeant at Arms having then brought Mr. Fuller to the bar of the House, the SPEAKER addressed him as follows:—

“Mr. Fuller—You stand at the bar, in the presence of the Commons of the United Kingdom in Parliament assembled, to receive the declaration of their high displeasure. During the progress of the business of a Committee of the whole House, engaged in a most important and solemn inquiry, your offensive language and disorderly conduct required an immediate appeal to the House. When called upon by the House to apologize for your error, you aggravated your offence by insulting its dignity; you disregarded the custody to which you was bound, by every consideration of propriety and duty, to have submitted, and broke into the body of the House with clamour and outrage unparalleled. This is the head and front of your offending. As for myself I feel no sentiment towards you, except that of regret, that any Member of this House should stand where you now stand, under such circumstances. But we hope, from the apology you have made, from the early contrition you evinced, on the very night in which the outrage was committed, that you have a proper sense of your error. The moderation with which the House has acted in your case deserves your best acknowledgement. But let not that moderation mislead you, as to the motives by which it has been actuated; for if in future you should fall into the same or any similar offence, there will remain for the House only one measure to rescue its authority from disgrace—one which must render it impossible for you ever to renew so presumptuous a contest.—I am directed by the House to order you to be now discharged—and you are discharged accordingly, paying your fees.”

Mr. Fuller was then taken from the Bar, and discharged.

The reprimand of the Speaker was, as usual, ordered to be entered on the Journals.

ARMY ESTIMATES.

The Army Estimates Report being brought up.

Mr. M. FITZGERALD observed upon the necessity of reducing our expenditure, particularly in military matters. Even the two Honourable Gentlemen (Huskisson and Rose) were become converts to the doctrines of an Hon. Gentleman behind him (Mr. Wardle), as in their opinions we had arrived at the maximum of taxation. Not less than 20,000 men were wanted to fill up the vacancies occasioned by the deaths of last year in Portugal, Spain, and Walcheren. The Militia, it seems, was to be reduced; but he trusted, for the sake of the country and its constitution, that it was not intended to supply the place of that reduction by foreign troops, of whom 23,000 were already in our pay, and more were talked of. It was impossible that the population and finances could sustain a force of 800,000 men in arms.

Mr. WHITEHEAD made a few observations on the various subjects of the Report, and then adverted to a speech of an Hon. Member (Mr. Huskisson). He had heard it once said, that it was surprising how differently men spoke in and out of office. It was exemplified in the case of the Hon. Gentleman, whose speech on a former night might be said to be a coun-
part to that spoken last year by his Hon. Friend (Mr. Wardle); to which speech that Hon. Gentleman had replied in a style calculated to refute what he had so lately been labouring to establish. What would the *Moniteur*, what would Bonaparte say, when they had from such authority as that of the Hon. Gentleman (Mr. Huskisson) of whom it might be truly said, that he was the greatest loss the present Minister had sustained,—when they had it from his authority, that if we went on as we were going, our resources must in a few years be exhausted? The Honourable Gentleman then alluded to the question of peace, on which subject he repeated his usual sentiments.

Mr. HUSKISSON vindicated his speech of a former night from any imputation of inconsistency with any other he had delivered. He denied that it was the counterpart of an Honourable Member's (Mr. Wardle), but wholly different from it, both in principle and application.—After some further observations the several Resolutions were agreed to.

The House went *pro forma* into a Committee on the Scheldt Expedition, for the purpose of receiving the memorial of Lord Castlereagh, which his Lordship delivered in. The House then resumed, the other Orders of the Day were disposed of, and the House adjourned.

Friday, March 2.

Sir T. TURTON obtained leave to bring in a Bill to licence certain theatrical performances at the Royal Circus.

EARL OF CHATHAM.

Mr. WHITEHEAD called the attention of the House to the un-constitutional conduct of the Earl of Chatham, who had approached his Majesty as a minion and a favourite; alike derogatory to his own conduct and to the safety of the country.

His Majesty he (Mr. W.) highly respected; but he must be told that the Constitution knows of no servants except those it authorizes. The father of that man whom he was now accusing had asserted “that there was an influence behind the Throne greater than the Throne itself;” that great man knew the truth of what he stated, for he was turned out by that very secret influence, which had overwhelmed every subsequent Administration. No one could now deny the existence of such secret influence, though he believed there was an individual now in prison for repeating this assertion of the great Chatham. The Earl of Chatham had not simply offended against the Constitution; he had tended to sow dissension between the Navy and Army, by taking upon himself to give opinions to his Majesty on the naval part of the Expedition, without consulting his colleagues.—Mr. Whitehead concluded an excellent Speech, which our confined limits will not allow us to follow, by moving the following Resolutions:

1. That John Earl of Chatham, having requested permission of his Majesty to present him a Narrative of his Proceedings, did on the 15th of Jan. privately submit to the King a Paper, bearing date Oct. 15, purporting to be a Narrative of the proceedings of his Majesty's land forces under his command, of which he withheld all knowledge from his Majesty's Ministers and the Admiral commanding the naval part of the Expedition, whose conduct he had implicated in no fewer than twelve parts of his Narrative; and that on the 16th February it had been returned to him, in consequence of a request from him to that effect, and that the same was again tendered on the 14th Feb. to his Majesty, having been altered by the omission of a paragraph, containing an opinion, the substance of which, from the examination of Lord Chatham, they had not been able to ascertain.

2. That it is the opinion of this House, that John Earl of Chatham, having thus acted, had been guilty of an unconstitutional abuse of the privilege he enjoyed of having access to the Throne, which could not but tend to be highly injurious to the public service.

Mr. PERCEVAL hoped the House would not be precipitate, and vote the Resolutions without due consideration. Time should be allowed to consider the evidence, when the character of an individual was at stake. No harm could arise from a short delay. He was not the advocate of the Noble Lord (Chatham); under all the circumstances, he thought his con-

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duct in presenting the Narrative such as no man could thoroughly approve. For the situation in which the Noble Lord stood, he felt himself in some degree responsible, and unless his mind changed very much, he would never place an officer in a similar situation, uniting in himself the Cabinet-Minister with the General Officer. But though the Noble Lord might not have acted correctly, there was no reason for imputing misconduct to him, nor did he merit the accusations so strongly thrown out against him. If the debate was adjourned to Monday, he should then move the previous question on the Resolutions.

After some further conversation, Mr. Whitbread consented to postpone the debate till Monday. Sir F. Burdett's motion respecting Mr. Gale Jones was put off till Thursday, and the House adjourned till Monday.

INQUIRY INTO THE SCHELDT EXPEDITION.

ABSTRACT OF THE MINUTES OF EVIDENCE taken before the Committee of the whole House, appointed to consider of the Policy of the late Expedition to the Scheldt.

TENTH DAY—FEB. 22, 1810.

Lieut.-Gen. the Earl of Chatham, examined.—In the beginning of June Lord Castlereagh proposed to him to take the command of the army destined for the Scheldt.—At that time there was no particular plan stated to him;—the Instructions given him generally described the nature of the intended operations.—He had several verbal explanations on the subject with Ministers.—He conceived that the destruction of the fleet and arsenal at Antwerp was to have been accomplished “by landing such part of the army as was not engaged in the reduction of Flushing and Walcheren, as soon as possible at Santvliet, and to proceed against Antwerp according to circumstances, which could not be distinctly known until our arrival there, but must depend upon intelligence as circumstances arose.”—As part of the original plan, it was not thought necessary that both the citadel and town of Antwerp should be taken in order to destroy the fleet; but afterwards, at a late period, he found “it was perfectly impossible, without the possession of both, to do any thing.”—Q. Is the Committee to understand that your Lordship was sent to attack the arsenal and ships at Antwerp, without being apprized of their situation?—A. I do not exactly know, nor do I apprehend it was very material to the purpose of the expedition in what part of the town they were, unless they were under the guns of the citadel.—At no time had he any very correct intelligence on the subject. No plan was ever concerted for the attack on Antwerp; it must have depended entirely on circumstances. He had a general knowledge of the strength of Antwerp; but he had no particular plan put into his hands; neither had he any particular knowledge of the strength of forts Lillo and Liefkenshoek. Without the possession of these forts the object of the Expedition could not be obtained. Before sailing, it was understood that the works of Antwerp were “in a very bad state;” but afterwards he found that they had been repaired, and “were in a good state of defence.” He believed the Government thought they were in a very bad state; and had their information been correct, and other circumstances favourable, it is possible that Antwerp might have been taken without a siege. By favourable circumstances, he meant the arrival of the fleet at Santvliet within 48 hours after making the coast of Walcheren, the taking possession of Cadsand without difficulty, the wind perfectly fair, and the weather favourable. From the time of sailing from Deal, he thought the army might have been landed at Santvliet in four days; but this must have depended on naval occurrences.—He conversed with Sir David Dundas on the difficulties of the enterprise, but did not learn that Sir David had altered his opinion on the subject.—His Lordship entertained doubts of a general nature as to the practicability of the undertaking, as it related to naval proceedings, but these doubts were removed by the opinion given by the Lords of the Admiralty.—The enterprise was a difficult one, yet he did not think that either the naval or the military means of the country were put to imminent hazard by it.—The possession of Flushing was necessary to the success of the Expedition.—He could not state the number of

fortified towns within 60 miles of Antwerp, or even within 30. He remembered the following passage in Sir David Dundas's opinion,—“In whatever way Antwerp is to be approached or taken, the service is one of very great risk, in which the safe return of the army so employed may be very precarious;”—but he had no particular conversation with Sir David on his opinion.—Col. Gordon and Gen. Calvert had given similar opinions, but he did not call upon those officers for any explanation of them.—The Narrative he presented to his Majesty was dated the 15th of August; he had reasons for not delivering it till the 14th February. His Lordship being asked, several times, whether he had delivered any other Narrative, Memorial, or Paper, to his Majesty?—he as often declined answering the question:—“I must beg to decline giving any answer to the question put to me.”—The Narrative was submitted to the Cabinet after it had been presented to the King. Ministers, on his return, never required any Official Communications from him on the subject of the Expedition, nor was he consulted officially respecting the propriety of retaining Walcheren. His reasons for giving in a Narrative to his Majesty were, that as he had not been examined on the subject of the Expedition, and the Admiral had, his account of the proceedings in the Scheldt might come before the public. He had reason to believe that Sir R. Strachan would be called upon for some Narrative of his proceedings, and he was therefore anxious that both accounts should come up at the same moment. This was also a reason why he did not present his Narrative sooner.—Q. Did your Lordship expect when you sailed to find Antwerp in a bad state of defence, both as to its fortifications and its garrison?—A. A great deal of the intelligence certainly went to that effect.—At a subsequent period, however, his Lordship found that the works of Antwerp had been repaired. He could not speak correctly, but he should fancy that they had been repaired before his arrival in the Scheldt.—The army had a sufficiency of ordnance in any case for a bombardment; but in the event of a siege, the heavy artillery for the Expedition against Antwerp was to be furnished by the Navy.

TWELFTH DAY, FEB. 27.

Lord Chatham again examined.—He thought at one period that Antwerp could be taken by assault. He waited at Walcheren for Sir R. Strachan, to whom he urged the necessity of the expedition. When asked to state the substance of the opinion he had expunged from the first memorial he presented to the King, his Lordship said, he really did not think he could recollect it, especially after the long examination he had gone through: it related only to matter of opinion, and was only one passage, which he thought would not accord in any respect with the rest of the Narrative, which was merely a statement of facts.

Sir Eyre Coote examined.—He stated, among other things, that Medical Officers were much wanted, as well as medicines, and great inconvenience was sustained by the want of hospital ships.

TUESDAY'S LONDON GAZETTE.

This Gazette contains accounts of the capture of *Le Modeste* French privateer, of 4 guns and 43 men, by the *Raleigh* sloop, Capt. Sayer; and the *Prince Eugene* French privateer, of 14 guns and 55 men, by the *Royalist* sloop, Capt. Maxwell.

BANKRUPTCY ENLARGED.

R. Swallow, Selby, Yorkshire, money-scrivener, from Feb. 27 to April 17, at ten, at Guildhall, London.

BANKRUPTS.

J. Coe, Shiere, Surrey, tanner. Attorney, Mr. Booth, Feather-church-buildings, London.
M. Curtis, East Coker, Somersetshire, twine-spinner. Attornies, Messrs. Watts, Yeovil.
W. Jackson, Clayton-West, Yorkshire, money-scrivener. Attorney, Mr. Scholesfield, Horbury.
H. Wood, Green Dragon-yard, Holborn, coachsmith. Attorney, Mr. Shearman, Hart-street, Bloomsbury.

J. Birch and L. Larnoo, Hoxton Town, colour-manufacturers. Attornies, Messrs. Busch and Son, Aldersgate-street.
 M. Tucker, Tiverton, Devonshire, milliner. Attorney, Mr. Rendell, Tiverton.
 J. Abbey, Budge-row, Cannon-street, chocolate-maker. Attorney, Mr. Hamilton, Tavistock-row, Covent-garden.
 J. B. Hudson, Hackney-Grove, merchant. Attorney, Mr. Kearsey, Bishopsgate-Within.
 R. G. Trier, Fulham, baker. Attorney, Mr. Nelson, King's-road, Chelsea.
 T. Powles, Ilorwithy, Herefordshire, flax-dresser. Attorney, Mr. Okey, Gloucester.
 J. Lamb, Shepton-Mallet, Somersetshire, dyer. Attorney, Mr. Miller, Shepton-Mallet.
 G. Wardle, Newcastle-upon-Tyne, grocer. Attornies, Messrs. Mitton and Co, Doctor's Commons.

SATURDAY'S LONDON GAZETTE.

BANKRUPTS.

W. Phillips, Brighthelmston, carpenter. Attornies, Messrs. Brooker and Colbatch, Brighthelmston.
 W. Clipson, Lawrence-lane, wine-merchant. Attorney, Mr. Allingham, St. John's-square.
 J. Turner, Manchester, victualler. Attorney, Mr. Cardwell, Manchester.
 J. Moustford, Worcester, woollen-draper. Attorney, Mr. Godson, Tenbury, Worcestershire.
 J. Hinde, C. P. Wyatt, and T. Keyse, Horslydown, lead-manufacturers. Attorney, Mr. Nind, Throgmorton-street.
 R. Walsh, King's-road, Chelsea, India-rubber-manufacturer. Attorney, Mr. Jupp, Carpenters'-hall, London-wall.
 H. Herve, Cheapside, jeweller. Attornies, Messrs. Kibblewhite and Co, Gray's-inn-place.
 J. and J. Plimpton, Wood-street, warehousemen. Attorney, Mr. Parton, Walbrook.
 R. Foster, St. Anne's-lane, silkman. Attorney, Mr. Gregory, Maiden-lane, Cheapside.
 W. Wilson, Richmond, Surrey, bricklayer and plasterer. Attorney, Mr. Edwards, Castle-street, Holborn.
 S. Ramsay and P. Aldrick, Bishops Stortford, Hertfordshire, upholsterers. Attorney, Mr. Adams, Old-Jewry.
 T. Brown, Shoreditch, mercer. Attornies, Messrs. Kibblewhite and Co, Gray's-Inn-place.
 J. Allen, Great-Sutton-street, Clerkenwell, surveyor. Attorney, Mr. Godmund, New Bridge-street, Blackfriars.

The case of Mr. T. R. will be inserted again next Sunday, and the names of his benefactors will be published at the close of the subscription.

Leo and M. will be inserted as soon as possible. An Advocate for Merit, T. M. and a Subscriber, have been received.

A Sketch of Mr. FOSBLY's excellent Lecture next week.

THE EXAMINER.

LONDON, MARCH 4.

I have little room this week to comment on the passing news; and indeed there has been very little news for comment. From the confused accounts respecting the south of Spain nothing is gathered but fresh confirmation of the long-foreseen and inevitable certainty of its subjection; and in the mean time BOYARANTE occupies himself, as if he had no enemies whatever, with his domestic and foreign policy; interests the Parisians about his marriage; and carries into effect the most awful changes, every one of which would be an era in times less momentous. On

the 17th of February he gave the last formal finish to the destruction of the Papal Sovereignty by declaring the Roman States an integral part of France. Rome is to have the honour of being the second city in the Empire; and is to give a royal title to the Emperor's son and heir, who is yet somewhat less than *in pello*. The Pope, that is to say, the first Bishop of the Empire, is to have a number of palaces, scattered every where, but not the palace; a French Prince will hold a representative court at Rome for the Emperor; the Papal offices are put under temporal administration; and the Imperial Government is declared free from all authority on earth. All this is as it should be. Scarcely a spark lingers in the ashes of superstition; and Heaven's authority is no longer usurped, however earth's may be.

At home we are presented with some new features in the aspect of things, or rather in the aspect of politicians. I do not allude to the parliamentary outrage committed by Mr. FULLER, who is noise and nonsense personified, and a just punishment to those who will endure him; nor do I allude to the well-earned sinecure, the Tellership, which has just been given to Mr. YORKE:—actors of his stamp perform on a profitable stage, and never do any thing, not even shut a door, but to some tune. Mr. HUSKISSON, who was reckoned the only good financier the Ministers possessed, has come forward with a declaration of his fears respecting our state of finance, and Mr. ROSE seems inclined to shake his head on the occasion too. These Gentlemen, probably, think that their common sense will be called in question if they do not say something at last about an inevitable truth, which has been manifest to the few reflecting persons in this "thinking nation" for years past. An excellent pamphlet, on the subject, from the pen of Sir PHILIP FRANCIS, made its appearance yesterday,* and I can say little more upon it at present, than to beg the reader's earnest attention to every word it utters. It is written with much vivacity of allusion and philosophic spirit. Sir PHILIP, though he tells us he is grown old, and is no longer "animated by passion," writes with the united strength of genius and disdain: he would be a Reformer, it seems, did he not think that Reform would be too feeble and too late; and he would write in a more serious tone, did not such a system and such rulers as the present turn indignation into scorn. Speaking of the fatal indifference of people in general to Government affairs, he says—"I do not mean to deny that individuals in great numbers thrive by the prodigality of Government, and fatten on the public spoil. The fact is sufficiently known, though little felt; because a very symptomatic insensibility to this and every other national concern, prevails more or less over the whole Empire. The evil of the day is sufficient to occupy a degraded population, who, thinking of nothing but how to exist on any terms, how to pay taxes, or how to evade them, gradually sink into indifference about every thing but the enjoyment or distress

of the moment. *Panem et Circenses.* As if we had converted our whole inheritance into an annuity, and had nothing but a life-interest in the salvation of the country. Even that base calculation may fail under the selfish being who trusts to it. No man, who is not superannuated already, can be sure that the thing he calls England, and by which he means nothing but the stocks, will survive even himself. Such apathy, wherever it prevails, is a true forerunner of national baseness first, and then of ruin." These words ought to be written with a brand of iron on the backs of those money-getting slaves who have brought the State to what it is.

Dutch Papers to the 25th ult. were received yesterday:

Paris, Feb. 18.

His Imperial Majesty's journey to Spain seems to be postponed for an indefinite time; nor does the favourable state of affairs in that Kingdom any further require his Majesty's presence. In the course of this month a considerable army is to enter Portugal, under the orders of the Duke of Abrantes, to put a period to the war in the Peninsula, by driving the English out of that country. On the 10th inst. another division, of 10,000 men, marched through Pont de Marsau.

No later news has been received from Cadiz than the 14th ult. but a variety of particulars relative to the state of Cadiz have come to our knowledge.—The amount of troops in Cadiz is said to be about 18,000, and the whole population about 130,000. In the port and magazines there were 35 days provisions for the inhabitants, and more than three months supply for the garrison. Not only the English and Portuguese regiments from Lisbon had arrived, but also the 1200 men which had been sent from Gibraltar for the purpose of occupying Ceuta; the Governor of Ceuta having refused to admit our troops, and for a reason we can scarcely credit, that his pension as Governor has not been discharged!

The report of the Russian troops being on their march into Poland, and of a serious misunderstanding having taken place between Russia and France is kept up.—It is mentioned with confidence in letters from the North of Germany of the 6th.

The British Institution opens to the public to-morrow with some excellent historical paintings by the young Candidates for the Prizes, which they will richly merit. They surpass those in the Gallery by the Academicians. Mr. SHARPE has a highly finished and pleasing comic piece, called *The Pinch of Snuff*, and there are a few good models. Among some good landscapes by esteemed hands, Mr. J. J. CHALON has one called *The Ferry Boat*, which almost equals the best of the justly admired CALLCOTT. The private and professional merit of the latter Gentleman render him well worthy of the honour lately conferred on him of Royal Academician. The Keeper has arranged the pictures with impartiality and judgment, and they are all distinctly seen.

A few nights ago, Mr. WHITBREAD jokingly alluded to the manner in which his Hon. Friend (Mr. WERDLE) had introduced his system of economy, during the conviviality of a public dinner. Ten millions, said he, were to be saved at one stroke; but had his Hon. Friend taken another glass, that ten would doubtless have been twenty! He thought it however dangerous to hold out prospects of retrenchment which could not possibly be realized.

The House of Peers amount (including Bishops) to 365. At the celebration of the Fast last Wednesday at the Abbey, six Spiritual and three Temporal Peers attended!!

THEATRICAL EXAMINER.

No. 67.

LYCEUM.

A new farce, called *Hit or Miss*, from the pen of Mr. POCOCK the artist, was produced here on Monday. It relates the adventures of a young newspaper proprietor or editor, (DE CAMP) who gives us cross-readings, and passes his leisure hours in trying to obtain the hand of a fair mistress in spite of her father. For this purpose he intrigues in the old way, by letters, by assignations, by disguises, and by Irish servants; he gets into the house in the various dresses of a poor soldier, a rustic, and a gentleman-jockey; takes his part in the trio or quartet usual on those occasions: and after being abused while undetected, succeeds the moment he is found out; that is to say, the old father, like all other old fathers, changes his mind at the end of the entertainment, and in spite of himself gives up the lady, with a "Well, well—here—take her." It is in vain you have seen all this a hundred and twenty times: a few months hence, you shall see it again for the hundred and twenty-first, in another new farce. However, there really was something new in Mr. POCOCK'S farce.

Reader. (Jumping up and oversetting his tea.) Bless us, Sir, what was it?

Exam. Why, Sir, a coat and buttons. Mr. MATHEWS appeared as a member of the Whip Club, a personage not at all differing from the gentlemen-jockies already exhibited on the stage, except in wearing an enormous box-coat with buttons as large as crown-pieces, the livery of the Whip or Driving Club. Of this coat there is a petty imitation at present going about the streets on the various walking blocks called beaux: it is known by its descending almost to the heels and by divers cloth straps in front, "never meant to draw," which serve for no purpose that I can see but as handles for bailiffs. The whole humour of this character consisted of the aforesaid coat and a set of cant terms, such as *Spooney*, *Johnny Raw*, *that's primo*, and two or three more in use among gentlemen of the whip. It is certainly a character as fit as folly can be for stage ridicule: but there is a wide difference between a well-wrought, witty satire, and a ridicule consisting of a mere mechanical display of its object. Mr. POCOCK is a young man, and not to be supposed destitute of talent; but he ought to be told, that if he has any real and legitimate ambition, he is getting into a very bad way to satisfy it. A little picture now and then, and a little farce now and then, both of them handled in a common place way, and so handled perhaps, because they interfere with each other's objects, will never make him a painter or a dramatist. Let him chuse one path, at least for a time, till he knows in how many pursuits he may safely engage—till he knows what he may do for reputation and what for relaxation: but as one orator said to another, Action! Action! Action! so a critic should say to every young man, Study! Study! Study! that is to say, read, look about you, analyse, compare, take pains, and always have a sound reputation before you. Without this, nothing can be done:—with it, every thing.

Sir Warren Lewis is not dead, as had been reported.

A letter from Gibraltar says, "The English are in full march from Portugal, joined with the native army, to meet the French. The allied army now in motion is said to consist of 50,000 men."

The Old Bailey Sessions closed on Thursday.—None of the trials were interesting, except to the parties. Sixteen unhappy offenders were sentenced to die, three of whom were females; 28 were sentenced for transportation; 32 for imprisonment; 17 to be whipped; 3 fined, and 14 discharged by proclamation.

AGRICULTURAL REPORT FOR FEBRUARY.

The severe frosty weather of this month and the latter end of last, has made great havoc in the vegetable tribe. So much destruction, in so short a space of time, has not occurred for many years, particularly in the brassica, where the hardy kale, a native of a northern clime, has been nearly all destroyed. The turnips have suffered much where they appear a good deal above the surface, and where the crops were sown broad cast. Those that were drilled, and the mould drawn over the bulbs with the hoe, are nearly all saved. That great foliage-bearing plant, the thousand-headed cabbage, is totally destroyed; but neither of the species of the Swedish turnip is injured; they will be found of great service for the Spring. The young wheats are at a complete stand, owing to the severity of the season. All the different employments that an enlightened and improving farmer finds so indispensably necessary in frosty weather, have been carried on with great spirit and facility, particularly draining, manuring, and inclosing.

FASHIONS FOR MARCH.

Perines and mantles have undergone no variation since our last communications. A mantle of very pale fawn-coloured Merino cloth, with large hood, lined with pink silk, worn with a Highland cap of the same material, ornamented with two small flat ostrich feathers of the same colour, is a most becoming dress to a fair complexion. We have observed several in very dark green, lined with pink or orange, with straw cottage bonnets trimmed with velvet flowers or shaded ostrich feathers.—Belines are made to fit tight to the shape without a band, with a broad trimming of sable or of the Novika Sound otter. They are mostly made in velvet of the colour of rubies, garnet, royal purple, or puce; some are ornamented round the bottom with a very broad embossed figured ribband.

NEOTRINE DRESSES—are still made in plain cambric, with edging spots or sprigs of lace let in on the bosom and sleeves. Small lace caps, tied down with coloured silk or gauze handkerchiefs, ornamented in front with demi-tiara of fancy flowers, or a knot of pluks or sanuculus. Gloves and shoes of corresponding colours.

FRANK, or HOME DRESSES—are mostly composed of stuff, cloth, or velvet, embroidered or trimmed with gold, with long sleeves and moderate trains, either high in the neck, with a falling collar of worked muslin, or full twill of lace, or just above the rise of the bosom, with a white crape habit shirt, or standing frill of lace, plain round the neck. Velvet Turkish caps, gold bands, and spangled nets, are much worn on the head. Bands in every species of jewels are now the prevailing ornaments for the head; they are worn low over the face, with a diamond or other open work, clasp or loop in the centre of the forehead. The hair curled on each side in ringlets, the hind hair brought forward, and disposed so as to fall over the left side of the face. No variety has taken place in shoes; they are still embroidered in gold or silver, in the device of a star. In respect to the Jewellery, the greatest novelty is the band for the head; they are formed by two rows of coloured stones or pearls fastened to an ornament in the centre. Girdles in coloured goss distinguish the women of fashion. Ear-rings are made in the top and drop fashion. Bouches in the form of sprigs of flowers, with gems of appropriate hues. The pre-

vailing colours for the season are ruby, garnet, puce, purple, orange, grass-green, and coquelicot.

LAW.

COURT OF KING'S BENCH.

Saturday, Feb. 24.

BEFORE LORD ELLENBOROUGH AND A SPECIAL JURY.

LIBEL.

THE KING v. LAMBERT AND ANOTHER.

The following were the names of the Jury sworn.—

William Lewis, Esq.	John Irwin, Esq.
Charles Jones, Esq.	Henry Woodgate, Esq.
James Heath, Esq.	Mr. John Horsman,
Thomas Jeffries, Esq.	Mr. John Brown,
Thomas Wright, Esq.	Mr. Thomas Swift,
George Parkinson, Esq.	Mr. Isaac Ayres,

} Talesmen.

Mr. RICHARDSON opened the pleadings in this case, which was an information against Mr. LAMBERT, Printer and Publisher, and Mr. PERRY, Proprietor, of the *Morning Chronicle*, for the Paragraph stated in our first article.

The ATTORNEY GENERAL, in commencing his accusation, deprecated any attempt to construe his proceedings in this case into a violation of the Liberty of the Press. He recognized the right of a free, full, and open discussion of the conduct of Government, and of every measure connected with public affairs; and appealed to those who knew him best whether he ever took advantage of a case of the present nature, where it could be supposed to have originated in mere indiscretion or inadvertency. But, on the one hand, there should be a full and free discussion of every public measure, if conducted with decency, and confined within proper bounds; so, on the other, it was necessary that decorum should not be entirely violated, that due regard for the relations between the Sovereign and his People should be observed; and, above all things, it was essential that it should not be in the power of any man to tell the public that there were blessings which they might enjoy, but which were withheld from them by the Sovereign, and to the possession of which they could not look forward till the accession of the Successor of him who now held the throne. Yet this, he maintained, was the manifest and sole tendency of the latter part of the passage in question. With the former part, consisting of the words "what a crowd of blessings rush on one's mind that might be bestowed upon the Country in the event of a total change of System," he was not disposed to quarrel, as a libel, however he might differ with it, as an opinion; but the latter part, "Of all Monarchs, indeed, since the Revolution, the Successor of George the Third will have the finest opportunity of becoming nobly popular," had but one plain, direct, and libellous meaning, viz. that no prospect of the attainment of these blessings which thus rush on one's mind, opens to us during the reign of our present Sovereign; they can only be looked for on the accession of his Successor to the Throne; his present Majesty and his life are the barriers which stand between his people and the attainment of the blessings alluded to; thus fixing the era for the enjoyment of those blessings to be the death of his present Majesty. In short, he had consumed more words than were necessary on the occasion. It was impossible to read the publication, and not declare it to be a libel.

Mr. GANNON, the third Counsel for the Prosecution, then rose to prove the printing and publishing; but the defendants admitted them; and after the libellous passage had again been read, Mr. PERRY made his own defence, in substance as follows:—

My Lord, and Gentlemen of the Jury.—In presenting myself personally to you this day, I am moved by various considerations, some of them peculiar to the cause itself, and others of a more general nature, but extremely oppressive to my feelings. By the very nature of this cause, and the accusation grounded upon it, I felt a degree of delicacy and embarrassment in requesting the assistance of the Honorable and Learned Gentleman who holds a retainer for me, (Mr. JEKYLL, Solicitor General to the Prince of Wales) though I am confident

that in the just and manly spirit of the British Bar, the Learned Gentleman would have had no feelings but those of his professional duty, and would have been able to defend my political consistency with a perfect and unadulterated regard to his own.

(Mr. Perry here passed an eulogium, and quoted another from Lord Erskine, upon the Gentlemen of the Bar. He then told, by way of further illustrating his feelings towards them, an anecdote of his friend Lord Nelson, who when he received his last commission to destroy the enemy's fleets, and was requested to select his own officers for that occasion, returned the list with an immediate answer, that though such men might differ in natural endowments, yet they were all equal in point of zeal and self-devotion, and deserved to be equally entrusted with his own honour, his Sovereign's glory, and the security of the State.)

But, Gentlemen, I should not have ventured to come before you, had the cause been of any complicated nature, or had it required any thing like eloquence. I have no impertinent design of making a speech, or of attempting to seduce your understandings by a shew of oratory, which in such a speaker would be affected, and in such a cause unseasonable. After all indeed, man is like a mere plant, which will shrink and sicken when transplanted into a soil foreign to its habits; until the mildness of the climate and the cheering influence of the sun shall revive and freshen whatever native vigour it may possess.—And, Gentlemen, even with all the simplicity of the cause, and with the simplicity which it is my resolution to observe in treating it, I should not have come here had it been of any kind or quality but what it is. Had a personal libel crept by accident into our paper, we should have suffered judgment to go by default, for we shall be ever as ready to acknowledge a fault, as we are careful to avoid one;—had it been a mere attack on the King's Ministers, we should with confidence have left its justification to the Learned Gentlemen present;—but when we are charged on the record with having “unlawfully, wickedly and maliciously devised and intended to bring his Majesty's sacred person into great and public hatred and contempt,” we feel that nothing can deliver us from the horror of such a charge but an open and honest exposition of ourselves before you, in the face of our country, that you may examine and try us with all your intelligence, acuteness, and authority. And oh that you had the power of God, as you have the power of your country, to dart your eyes at once into the recesses of our hearts, and see whether there lurks in any part of them the dark, malignant, traitorous feeling, that would dispose us to use the powerful instrument in our hands for the purpose of bringing even into disrepute the sacred name of our Sovereign, under whose beneficent reign I have enjoyed existence. This divine power belongs not to man; but it is something on our parts to expose ourselves, nakedly and alone, without guile, without assistance, to the critical scrutiny of twelve discerning men, whose interest as well as duty it would be to detect whatever may have been committed against the welfare of the State. Gentlemen, your business will be, under the direction of the Noble and Learned Judge on the bench, not to dissect mere words, but by the whole tenor of our lives, the whole tenor of our Paper, and particularly the general character of the Number in which this solitary paragraph appeared, to judge of the mind and intention with which we published it.

We are accused, Gentlemen, of being maliciously disaffected to the Sovereign and to his Administration of the Government—and of intending to bring the Sovereign and the Ministers employed by him into contempt and hatred; and the words set forth in the record are the means we used—all the means—and nothing but the means, to accomplish these tremendous purposes. His Majesty's Attorney-General, in explaining what he conceives to be the Liberty of the Press, defines it as the right of free and fair, but temperate discussion, in writing and in print, upon men and measures connected with public affairs. Gentlemen, I subscribe to this definition—I accept it as all that I desire, not only in my own name, but in that of all the Journalists of England. His definition embraces a scope sufficient for every good and legitimate purpose of freedom—sufficient for a vigilant and unequivocal censure of mal-admini-

stration—sufficient for the exposure of incapable, indolent, misguided, and corrupt Ministers—sufficient, in short, for the pure and free spirit of enquiry on every subject, scientific, moral, and political, that can interest and perpetuate a free nation. Oh! that the same freedom of the press were extended to every portion of the inhabited globe! We should then hear no more of a people being supine while their Government is attacked—of ancient monarchies overthrown, or of new tyrannies triumphant!

The Learned Gentleman handsomely and properly follows up this definition by an acknowledgment which saves me trouble and you time, for though he differs with my political opinions on the subject, he at once admits that the first part of the accused extract is within the proper bounds of the liberty which he thinks legitimate. The concession is worthy of an honourable and constitutional lawyer; but how, with such a concession in his mind, the Learned Gentleman could yet put this first branch of the sentence on the record, unless indeed he thought it necessary to introduce the second, it is impossible for me to divine. But, Gentlemen, I thank him for exempting me from the necessity of shewing you what I meant by a change of system. It would have become me to have shewn you, who are loyal subjects of your Sovereign, that by a change of system I did not mean a change in the frame of our Constitution or of our Government—God forbid—even the most suspected part of the sentence would protect me from that charge, because it speaks of the regular descent of the Monarchy to a legitimate successor. I do indeed differ with the Learned Gentleman as to the character of the Administration—I have always differed with such men and such measures.—I have done it always and said it daily—and three hundred and thirteen times a year—for three and thirty years of my life—have I proclaimed, that a total change of system, a total change of men and measures, would bestow a crowd of blessings on the country. It is the other sentence of the paragraph in question, which according to the Learned Gentleman contains the gross and terrible libel: he allows me to say that a crowd of blessings would follow a change of system, but insists that in mentioning the Successor of George III. as a Prince who will have the fairest opportunity of bestowing these blessings, I mean to insinuate that no hope of them can be entertained during the life of his present Majesty. Having conjured up this phantom of an insinuation, he very properly dresses it in the garb of terror to frighten your loyalty, and calls round it a thousand attendant horrors, the stupendous progeny of this single little sentence. But where does he find all this? Not in the words themselves, which contain no such innuendo even; and certainly not in the context, as I shall have the honour to shew you presently. Mr. Lambert and myself may therefore be allowed to complain, that the Learned Gentleman should acquit us of what he finds on his own record, and then accuse us with what nobody can find there.

Gentlemen, you must all recollect the political follies and miseries that marked the time in which this paragraph appeared. It was immediately after the failure of our most notable and most calamitous Expedition to Walcheren, which filled almost every family with tears, and certainly every English bosom with shame. Full on the heels of this disgrace broke forth all those cabals and distractions of the Cabinet, which ended in the scandal of public duelling and the disorganization of his Majesty's government. The Ministers, stricken with a just though temporary sense of their own incapacity, applied to two great and illustrious statesmen to support the tottering fabric of their folly; and this paragraph made its appearance on the day which produced the first account of those conscious and concerted overtures. Having written my sentiments upon the subject, among which you will find a number of paragraphs that fully evince their loyalty and ought therefore to be taken together with what we now stand charged, I delivered them to Mr. Lambert for insertion in the *Morning Chronicle*, when meeting with this paragraph in a respectable and well-written Sunday Paper, and finding it to harmonize with my opinions, I took it as a *post-script* and corollary to what I had written, and directed it to be copied accordingly. I do not come here,

therefore, to pry about negligence, or oversight, or creeping in by accident—No, I took it with my eyes open, in the morning, with my senses fresh, and with the entire approbation of my judgment as to its innocence. It was intended to follow the principal article immediately, but by mistake was printed where you will see—at the distance of two columns. We are not striving to shelter ourselves from our direct responsibility for every part of the paper by this statement, but to account for a distinction which you may observe in the manner in which this paragraph and the other passages are presented to the public eye. It is no more than a distinction which belongs to the mechanic part of newspaper-composition. That which is our own, or that which is new or important, we display in space, or in a different character from that which is borrowed, and that which may be in every other paper as well as our own. With this distinction, Gentlemen, you will view the whole paper—and you will see whether the passages, to which I shall point your attention, and which precede this in point of place, are not *bona fide* connected with it in sense, though disjointed in situation.

(Here Mr. Perry read various extracts from his paper of the 2d October, in which he stated that the object of Lords Grey and Grenville was to “heal, not to foment the divisions of the empire,” as they must have done by so monstrous a coalition;—that if the Noble Lords upon their own views, or in other words, if the Whig party had been brought into power, there would have been an immediate prospect of a change of system;—that a total change of measures, upon those views, would have brought a crowd of blessings in its train “immediately and of course,” whether the King was or was not living; and finally, that the Prince of Wales thought in the same way, but preserved a course of neutrality on the occasion, “from his reverence of the virtues and from his confidence in the wisdom and solicitude of his Royal Father for the happiness of his people.”)

I pause here, Gentlemen, and fairly put it to you, whether, without further defence, I might not leave in your hands my whole case, and that of my faithful friend, with this declaration of my feelings and opinions? Is there any thing here that talks of postponing the blessings to another reign? No; directly the reverse. There is present consolation held out to the people in the assurance of his Majesty's wisdom and paternal solicitude, and there is the cheering prospect of their perpetuation in the virtues of the Heir Apparent. Will any fair man say that I inculcate disaffection and disloyalty by inculcating these affectionate and loyal sentiments, and by dwelling upon the royal virtues, the wisdom, and the paternal solicitude of his Majesty, not merely as my own opinions, but as those of his illustrious son and heir? Gentlemen, this paragraph, so expressing his Royal Highness's sense of his Majesty's paternal wisdom and solicitude, I declare this day, in the presence of God and my country, I wrote, and that it expresses my own sentiments as one of his Majesty's most humble subjects.

I feel that I am brought here improperly, and that, instead of being charged with this as an offence, I should have received the thanks of every good friend of the monarchy for the sentiment I promulgated. In fact, I must confess my astonishment at being brought here upon such a charge, and have in vain endeavoured to find a reasonable justification of the Law Officers of the Crown in this proceeding. I can hardly bring myself to regard it as the result of their own deliberate views of the publication; I can hardly think so; and though I am unwilling, yet I am almost compelled to believe that the comment of a rival Journal upon the paragraph produced an impression in some quarter from which this prosecution originates; the Journal is well-known as the most scurrilous, vile, and contemptible of all Journals; I do not know whether I should be right in naming it—perhaps I should be wrong—if so I regret it—the *Morning Post*.

(Here Mr. Perry was stopped by the Attorney General, who appealed to the Court whether he had interrupted the defendant too soon in his personal allusions. Lord Ellenborough observed that the Court was not to be fastidious when a Gentleman came into Court to plead his own cause, but that certainly

Mr. Perry must abstain from such allusions. Mr. Perry respectfully excused himself, and proceeded:—)

Gentlemen, take the paragraph by itself, isolated and unconnected, and it is not possible to torture it into the alleged meaning. It does not say, that the present King's Successor is to be more popular, but simply, that he will have the finest opportunity of becoming nobly popular. Can these words be construed into a tittle of disrespect? May they not rather be construed into a most courteous and loyal compliment? Have I not a right to say that the duration of his Majesty's happy reign, the Fiftieth Anniversary of which we are now celebrating as a jubilee, has given the finest opportunity (of which the paragraph speaks) for the Heir Apparent to learn the means by which he may make himself nobly popular? Had ever Prince such opportunities in prospect as the Prince of Wales? Did ever Prince study in such a school of probation, of example, and of fearful events? He will have had long experience, he will have become intimately acquainted with the character, the feelings, and the interests of his people, and he will be of mature age to choose Councillors of experience, talent, and popularity. In short, Gentlemen, it is not only a common piece of colloquial compliment to wish the son to be like his father, or even better than his father, but had I not determined to abstain from every thing in the shape of an appeal to the passions, I could adduce some of the most beautiful passages in prose and poetry to shew, that it has ever been considered the most endearing sentiment to a parent's heart, that his virtues and glory were to survive, and even to be transcendent in his son.

(Mr. Perry was then proceeding to quote the answer of another Journal to his remarks in the Paper of October 2d, in order to shew that they were understood by his opponents in the very sense he described, but was interrupted by Lord Ellenborough, who said that no quotation from a Paper published subsequently to the one in question could be of avail to the defendants. Mr. Perry thanked his Lordship, and entered into some remarks on the character of his own political life, and of newspaper men in general. He said that if his hearers considered the “anomaly” belonging to his avocation, which subjected it's followers to a judgment of the severest criterion; if they considered that such persons were made answerable for the criminal acts of other people; that the profession, if in his conscious liberality he might be allowed so to call it, required incessant toil, not only by day, but at an unseasonable hour at night, after fatigues and exhaustion, and the occasional indulgences of society, a profession subject to the ensnaring arts practised upon our heedless moments, to partialities too powerful for human judgment, and to temptations too dangerous to human frailty, it will be allowed that that honesty, vigilance, and respect for morals, must have been exemplary, which for upwards of 33 years had so effectually secured the Proprietors of the *Chronicle* from the imputation of guilt. Mr. Perry then alluded to an unsuccessful charge of libel formerly conducted against his Paper by Lord Eldon, at that time Attorney General, and he was about to quote the favourable testimony borne to his general character both by Lord Erskine who defended, and Lord Eldon who prosecuted him, when he was again interrupted for a short time by Lord Ellenborough, who explained to the Jury, that the quotation which Mr. Perry might make, could not be taken as evidence, though it might be allowed by way of general allusion. The Defendant returned thanks, and proceeded to state, that Lord Eldon on that occasion had entirely acquitted Mr. Lambert and himself of wilful malice against individuals, and of prostitution to slander or indecency; and that Lord Erskine had spoken of them in terms never to be forgotten by grateful men. His political opinions, Mr. Perry said, he had first caught when a youth, from hearing that “great Orator of Reason,” Mr. Fox; and these opinions he had ever since maintained as he ought, without treachery in profession or indolence in practice. True to the principles which placed the House of Brunswick on the throne, he had never felt any other interest in propagating them than the wish to perpetuate the country's blessings. Neither Mr. Lambert nor himself had ever been tempted wilfully

to insert an article in the *Chronicle* that ought to have been omitted, or to omit one that ought to have been inserted: in short, Mr. Perry declared himself a Whig, acting in that middle path which the Whigs have ever pursued, and thereby subjecting himself to the equal assaults and vilifications of the extremes on both sides.)

Gentlemen of the Jury, I have done. I have only to thank the Noble Lord on the Bench and yourselves for the kind indulgence which you have shewn to me in a situation to which I am so new and so unequal. Much obloquy has lately been cast on the humble but not useless profession of a journalist, and this obloquy was one principal reason of my appearing before you, that I might bear testimony, if it can be of any weight, to the injustice of the censure. Its influence, I am sure, will not penetrate these walls to-day. It is unworthy of enlightened men—unjust because it is indiscriminate, and unseasonable because it increases dissension.

Gentlemen, the cause of the Liberty of the Press in England, under the direction of the Noble and Learned Judge, is in your hands this day. The *Morning Chronicle* stands now, as it did in 1793, in the front of the battle, not only for itself, but for the Liberty of the Press of England. The point at issue is—whether or not it shall continue to assert those principles by which the Whigs placed his Majesty's family on the throne; and whether or not those principles shall continue to give security, upon the only proper basis, to a Constitution, which it has ever been my happiness to venerate, and my pride to panegyricize.—May it be perpetual!

The ATTORNEY-GENERAL, in reply, said, that the Gentleman who had just addressed the Jury had quoted the favourable mention that was formerly made of him by a Noble Lord. The Defendant should not find him less disposed to do justice on such an occasion; and notwithstanding all the regret that had been expressed at the absence of a Learned Lord, who had been called into a higher station, he must confess that the defendant had no reason for any such regret, as he had done himself ample justice, and proved himself fully equal to the task he had assumed. A person pleading his own cause was, no doubt, subject to inconveniences; but there were also advantages he might take, and irregularities into which he might enter, which it would not be worthy in the opposing Counsel to baffle or correct. The defendant had admitted that as much of the Liberty of the Press as could be reasonably desired, had been conceded to him, and the defendants certainly were to be allowed the full and free discussion of public measures; but he thought that when the defendant had indulged in such liberal abuse of all those who filled high situations in the state, he had exceeded the bounds which would have been allowed to a Counsel.

Lord ELLENBOROUGH interrupted the Learned Gentleman by differing with him upon this point. Had the Attorney-General, said his Lordship, called the attention of the Court to any irrelevant matter in the defendant's speech, a check would have been put to it; but in such cases as the present, and in the heat of argument, a Counsel himself might have been warmed into topics not strictly applicable in point of fact, but certainly excusable in point of feeling. Harsh interruptions tended to beat down the proper confidence, and derange the proper ideas, of the speaker, particularly of a speaker unaccustomed to address a Jury.

The ATTORNEY-GENERAL resumed by saying, that if his Lordship had only heard him two sentences farther, he would not have interrupted him. He never meant that it was his Lordship's duty to have interrupted the defendant; all that he meant to say was, that the defendant had possessed peculiar advantages, that the defendant had used those advantages, and that he (the Attorney-General), though he knew how much abuse he should bear, had not thought proper to interpose, because such interposition would have been hard upon the defendant, and a contest unworthy of himself. But when he saw the defendant feeling his way, as it were, to ascertain how far he might go, and doubting whether he was not wrong at the very moment he did wrong, he (the Attorney-General) thought that no advocate would have been permitted to go so

far as to name the paper alluded to, of which paper, however, he himself (the Attorney-General) knew nothing. The defendant however had gained his point in the most adroit and skillful manner; he had shewn greater skill in managing it than any man he had ever met with. The defendant, by a well-affected simplicity, a want of legal knowledge, an alleged inability to do justice to his defence, and some colourable reasons for not placing it in the hands of others, had introduced himself to the jury in a manner the most calculated to interest their feelings, and the talents which he had brought to his aid, such as did not fall to the common lot of man, well followed up this interest. Such were his advantages, and such his consummate address; and certainly he must be allowed every advantage arising both from the context of his paper and the character formerly given him in that Court:—but all would not avail him. What the Jury were here to try was, whether a paragraph, stating that certain blessings were to be attained by the people of this country, but that the period of their attainment was not within the life of the reigning Sovereign, but on the accession of his Successor, and consequently that the period of the reign of the present Sovereign must be interposed before they could be attained, was or was not a libel? If such was the meaning of the paragraph, was there any man so besotted as to deny that the tendency of it could only be to alienate the affections of the people from the reigning Sovereign, and to teach them to look forward to the era of his dissolution as the period at which those blessings were to be enjoyed! Then, how was this paragraph to be explained away by any other parts of the same paper? What was it which the defendant relied on to shew, not only that he had not, but that he could not have any such sentiments in his contemplation? Not the sentiments of the Editor himself, but what he related of another as being his sentiments. He praises Lord Grenville, he praises the Prince of Wales; and it was impossible to hold his Royal Highness in higher respect than he (the Attorney-General) did; but what signify these praises? Lord Grenville's loyalty, and the Prince of Wales's filial veneration, did not take away the libellous meaning of the defendant's. The paragraph is still what it was, still amounts to the same libel:—"Nothing but change of system can produce the blessings alluded to, and his Majesty's Successor—that Prince I have before commended, will have an opportunity of becoming nobly popular, by acting directly contrary to that system his father is now pursuing." Could any man give a different interpretation to the whole, supposing the paragraphs to stand together? The defendant said this was like a postscript or corollary to the article in the former part of the paper. He (the Attorney-General) said, if they were connected his argument would gain additional strength from the circumstance. But, if connected, how happened it that they were so disjointed? The defendant said, the article charged as a libel was to be taken as a part of the former long article. What part? The article immediately preceding it, began "Three rail of the homeward-bound Jamaica fleet," &c. If the paragraph was purposely meant to be connected with any other, the coolness of the intention only made the matter worse; but he must do the defendant the justice to say, that the plea was unworthy a man of his acuteness, and that he did not believe the defendant intended such connection. The effect of the paragraph no man, who read it, could doubt. He had no doubt his Lordship would tell them that the paragraph could have no meaning but that which he had assigned to it; of course, it would be their duty to convict the defendants.

Lord ELLENBOROUGH then addressed the Jury in substance as follows:—Gentlemen of the Jury, the defendants are charged by the present information with publishing a libel of an unlawful, wicked, and malicious nature, concerning the King, and the administration of affairs, and applying personally to his Majesty. The paragraph is short, and its shortness will the better enable you to attend to the words of it, which are these:—"What a crowd of blessings rush upon one's mind, that might be bestowed upon the country, in the event of a total change of system! Of all Monarchs, indeed, since the Revolution, the Successor of George the Third will have the

first opportunity of becoming nobly popular."—The defendant, in giving his innocent interpretation of the paragraph, has referred to the context of the paper of the same day, from which it would appear, that he meant neither to disparage the motives, nor to arraign the wisdom, of his Majesty's conduct. This paragraph you are to consider in all its bearings; first, with regard to its connexion with other previous matter and to the qualification it may or may not receive from that matter; and secondly and chiefly, with regard to its own unconnected, manifest, and rational import. If we are to allow that it has a real connexion with what had been printed in another part of the paper, it must be confessed that the previous article exhibits no wish on the part of the writer to disparage the King. Its spirit is loyal throughout, and acknowledges what we all know—the virtues of his Majesty. But we must observe, that the paragraph, forming the subject of the present prosecution, and attempted to be connected with this article as a corollary, is at the distance of two columns from it. Had the two stood together, one might have been fairly taken to illustrate the other; but as it is, I am really not much convinced that they can be regarded as having any mutuality of the kind. The other and principal question therefore is, whether the fair meaning, standing by itself, and judged by its own words, is in itself libellous; whether it was intended as a disaffected and dangerous calumny against his Majesty's person and conduct, or simply as a well-meant and honest imputation of error upon a system of national councils which the defendants deemed to be wrong. It stated that blessings might result from "a total change of system;"—by "change," they might fairly mean a change of political system, and by "total," it was obvious they did not mean a subversion—a demolition of the Government, for in the very next line the paragraph talks of our Monarchs, and contemplates a succession of them. It stated further, not that the Successor of his present Majesty would positively be nobly popular, but that he would have an opportunity of becoming so. Now, I am by no means prepared to say that there is any malice or libel in hoping for such a change of system, or contemplating such an opportunity; I am by no means prepared to say that there is any malice or libel in imputing error to his Majesty. A change of system may become necessary in consequence of error, and Monarchs of every kind have had erroneous views of policy. Oliver Cromwell, who usurped the government of this kingdom, is reckoned to this day a sound politician, yet from a policy thought wise at that time, he contributed to throw the balance of power into the hands of France against Spain, an error which was the spring of all the evils we have since experienced. Thus change of system might become necessary in consequence of error, and as no King could have a prerogative not to err, no subject could be wrong in imputing error to him. The contrary opinion would render all history a libel; and inasmuch as political writing is, or ought to be, an anticipation of history, it is the undoubted right of every subject to give a critical, and as it were, historical opinion on the political system and administration of every government. The liberty of opinion and of the press is interwoven in the very frame of the British Constitution, not to be found perhaps in any written statute, but deducible by necessary analogy from the whole body of the law; and by this liberty, every man has an undoubted right to impute actual errors—errors without depravity of motive—to every other man, however high his rank; for such imputations can in no way be personal injuries, every created being necessarily partakes of the fallibility of our common nature; and in fine, there is no being whatever to whom error is not imputable, save Ours.—Gentlemen of the Jury, you will apply your understandings fairly to the consideration of the paragraph on which this prosecution is founded, and according to your interpretation of its fair import, pronounce your verdict.

The Jury, after consulting for about two minutes, pronounced the verdict—NOT GUILTY.

THE KING v. HURST.

A similar information, which had been filed against the Proprietors of the Examiner for a paragraph containing the

original paragraph copied by the *Morning Chronicle*, was then announced in its course for trial; but the Attorney General immediately rose and said, "My Lord, I withdraw that."

ACCIDENTS, OFFENCES, &c.

An inquisition was taken on Monday at the Brown Bear, Westminster, on the body of the Hon. Wm. Frederick Eden, son of Lord Auckland, and a Lieutenant-Colonel in the Westminster Volunteers, who was found drowned in the Thames on Sunday.—The body of the unfortunate young gentleman was in a putrid state, it having changed materially since taken out of the water.—Richard Western, a bargeman, stated, that on Sunday noon he was going on shore from a barge off Lambeth Palace, when he perceived something drifting on the water. On approaching the object, and touching it with a boat-hook, witness discovered it to be a body, and it immediately turned with the face upwards. The body was conveyed to the shore, when a man, of the name of Swan, said it was Mr. Eden, for whom a great reward was offered. Witness immediately went to Lord Auckland's, and a servant maid and a foot-boy recognized the body. It was conveyed to the Brown Bear, and on searching the pockets a receipt was found for 600*l.*—13*l.* in notes, some silver, a silver watch, with gold chain and seals, besides other articles. According to the appearance of the body, witness supposed it might have been a fortnight in the water; but it might have been six weeks at this season of the year, if buried in sand. A scratch was visible in the forehead, which might have been occasioned by the gravel.—Mr. Holt, Surgeon, in Abingdon-street, stated, that he saw the deceased on the 19th of January, the day he was missing. He was with Mr. Stables, the Adjutant of the Westminster Corps, who lives in Mr. Holt's house. It was on Friday evening witness saw the deceased in Mr. Stables's apartments; and some time after, whilst writing in the parlour, he heard him in the passage trying to get out, and witness went with a light. The deceased had thrown down a long broom, which prevented him from opening the door, and witness jocularly observed, "You are shouldering your musket, Colonel." He seemed not to regard what witness said, and went out without making any reply, which witness thought was rather strange. Witness never conceived the deceased to be in the least deranged.—Mr. Stables stated, that the deceased called on him at nine o'clock in the morning of Friday, and witness called on the Colonel at eleven, and paid him 600*l.* on account of the corps. The deceased called on witness again, and staid an hour and a half. They were settling some military matters, and deceased started from his chair on a sudden, and went down stairs, before witness could even ring for a servant, without saying a word. He had previously desired Mr. Stables to call on him on Monday morning, at eleven o'clock, and bring the papers with him. Witness knew the deceased well, and never considered him deranged. He had been informed that the deceased went home to Lord Auckland's after he left him, made his own tea, and appeared perfectly sane.—Major Jones knew the Colonel well, and he never conceived that he was deranged; and this was corroborated by Mr. Figg, Lord Auckland's steward.—Mr. Holt was of opinion that at this season of the year a body might be a month or five weeks in the water without being putrid, and until in that state it never floated.—There was no person from Lord Auckland's, excepting Mr. Figg, and the Jury returned a special verdict of—*Found drowned in the River; but in what manner the body came there, there was no evidence before the Jury.* The body had been missing more than five weeks.

DEATHS.

On Wednesday night last, at Kensington in the 37th year of his age, Madam Franklin, Esq. late Resident Commissary at Barbice.

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