

THE EXAMINER.

No. 77 SUNDAY, JUNE 18, 1809

THE POLITICAL EXAMINER.

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

SWIFT.

No. 77.

THE SENSE OF THE PEOPLE.

SWIFT tells us, that when he agreed in any remark with an author, he said, "That is excellently observed;" and when he differed with it, "There he is mistaken." The Ministers have just the same way of estimating the public opinion: if the voice is with them, then it is the *sense* of the People; if against, then it is the *nonsense*. Unfortunately, there have been one or two little events lately, so rare in domestic politics, and so perfectly cognizable to common reason, that those who persisted for a long time in calling the public voice a popular *clamour* found at last that they were making the word *clamour* respectable, and as they did not know "how far this might go," they determined, it seems, the other day, to change their tone, and insist that the public voice was with instead of against them, so that the *clamour*, if there was any, was not a popular but an unpopular *clamour*. It was for the avowed purpose of proving this assertion that the Dinner of the Pitt Club was swelled into a ministerial feast; and when Sir FRANCIS BURDETT, on Thursday night, said that the People of England had a general desire of Parliamentary Reform, he was asked by Mr. PERCEVAL, how he could think of misrepresenting the Public so enormously. It appears therefore, that the People are really with PERCEVAL, and Lord CASTLEREAGH, and Sir VICARY GIBBS, instead of Sir FRANCIS, and WHITBREAD, and ROMILLY; that they look upon the taxes as mere song-burdens, made to be repeated: that they approve of the Duke of YORK's acquittal, of Lord CASTLEREAGH's acquittal, of the disasters in Spain, and of the avowed corruptions of the State: in short, that all the People sat down to dinner the other day at the London Tavern, and that when Mr. Alderman SHAW declared Mr. PITT to be a greater man than ALFRED or SOCRATES, he spoke the common sense of the English nation.

Now of that good old Common Sense (*Sensus Communis*) which with the ancient Romans signified all the reasonable feelings of the heart as well as the rational perceptions of the head, the English, of all nations, has been reckoned to possess the soundest share. Let the Government for once appeal to this sense, which was the author of Magna Charta and of the Bill of Rights, and which, as we are repeatedly told, placed the present Family on the Throne: Sir FRANCIS BURDETT professes to speak the dictates of this sense, and therefore nothing would tend to overthrow his notions on the subject so much as an appeal to the People: let the Government grant us a free election of our Repre-

sentatives, according to his plan, that is, on the same day throughout the kingdom; or let them open books throughout all the free Towns and Corporations, to collect the common sense by a method, in which the *mob* can have no share whatever; and in these books let there be some plain serious question put to them upon the interests of the Constitution, such as "Do the People of England think a Reform in their Representation necessary?"—Never mind the word *express* or any other term of *lawyership*, they will perfectly comprehend the sentence *without* it; and then Mr. PERCEVAL may see, not only who speaks the common sense, but who talks the most uncommon nonsense that was ever heard from a Minister.

How he can collect the public opinion in any other way with regard to these matters, I do not understand. He says that Sir FRANCIS deceives himself in boasting that the opinion is on his side, and that he mistakes the voices of his friends for those of the people at large: but is not Mr. PERCEVAL quite as liable to fall into this error himself? Sir FRANCIS reckons among his friends,—Lord FOLKESTONE, who has received the public thanks of the most independent boroughs in the kingdom,—Mr. WARDLE, who has received all these thanks and many public honours besides,—and Lord COCHRANE, who carries the public heart and voice with him wherever he goes:—Mr. PERCEVAL, in opposition to this sample, has the Public Accuser, Sir VICARY GIBBS; who of course is perfectly hand and glove with the people,—Mr. WINDHAM, who says the people ought not to be listened to,—and above all, my Lord CASTLEREAGH, who tortured the Irish, and would have made a merchandize of the public conscience in England. Well: among his humbler friends, Sir FRANCIS reckons the majority certainly of the inhabitants of the very City in which the public councils are carried on,—men, who crowd about him for their interests no doubt, but who have no interest in places, and titles, and wars, and who for that reason may be allowed to speak the public voice, as far as disinterestedness can go:—Mr. PERCEVAL, on the other hand, mingles with no such persons: he has no opportunity of hearing the people express their sentiments: surrounded by Contractors and Place-hunters, who are always gaping for lucre, he has caught the sympathetic yawn, and after swallowing five places and a conscience, like Falstaff's six bottles of sack and a pennyworth of bread, spends his whole time in exhibiting an enbrimity of maw, like a Mandarin on the King's mantle-piece. What can such a man know of the sense of the people? Does he find it in the voice of his brother Lord ARDEN, who possesses sinecures of upwards of 40,000 pounds value? Did he find it in the votes of the House of Commons, when they declared a *conspiracy* against the purity of the Constitution to be no offence, because a mere *conspiracy did*

nothing? Did he find it in the whinnings of the Duke of YORK, who cried one day, and went gormandizing with every body the next, and who cried too, not like ALEXANDER, because he had no more worlds to conquer, but because he had no more reputation to lose?

Common prostitution, in any shape, is not the common sense of the English people. They have been complimented by a great writer as "the only nation in Europe who think profoundly:" whether this be true or not, it is certain they think justly, and they have this sound proof of their *common sense*, in the best purport of the phrase, that their judgment and their feeling go hand in hand: mere brilliance cannot catch them as it does the French: they are not in love with good fortune, but with good fame; when foreigners, who write of national character, say such an action is truly French, they mean that it is more brilliant than solid, more vivacious than feeling, more imposing than powerfully interesting; when they say it is truly English, they mean the direct contrary. By this standard, however little they may talk of it, is the nature both of public and private conduct estimated by *sound Englishmen*:—Such a man as Lord COCHRANE, who shews he can gain honours in the noblest way, and despise them as nobly, is dear to all their national feelings; while I am convinced, that let the WELLESLEYS make as much parade, and gain as many honours, aye, and even victories as they please, that there is an oriental something, very fine and very forbidding, in that family, which will for ever hinder it from being popular in England. I have seen a list of persons, who in various ages and in some particular actions of their lives have *made mean or great figures* in the world: this little list, from its pith and its particularity, gives one a better idea of the men at one glance, than might be gathered from a hundred eloquent writers, whose very talents lead them into misrepresentation. I have therefore subjoined a few hints towards the formation of a list of men, who in our own day have made *English or Non-English figures* in some particular action of their lives,—a list, in which the reader may form his opinions as surely from instantaneous feeling as from a chain of reasoning.

NON-ENGLISH FIGURES.

Mr. FOX, when for party-purposes he made the famous Coalition with Lord NORTH, who, he had said, ought to have been brought to the block.

The same Statesman, when after inveighing against the corruptions of power for a series of years, he brought in a Bill to make Lord GREVILLE the Auditor of his own Accounts.

Mr. PITT, when he went out of Parliament because he could not keep his promise with the Catholics, and then returned, because he had no intention to keep it.

The Duke of YORK, when General BRUNE wrote to him with great politeness, that if ever an Englishman should pay another visit to French Flanders, he hoped it would be his Royal Highness.

The same Prince, when he protested before all England that he was a man of honour, and nobody believed him.

Mr. JUSTICE BURTON, when after a silence of years he was led, old and blind, into the House of Commons, to speak in favour of the Duke's honour, and every body pitied him.

Mr. PERCEVAL, "the greatest reversionist in the kingdom," when he thought to obtain the reversion of the Duchy of Lancaster, which the vote of the House of Commons prevented.

The HOUSE OF COMMONS, when they laughed heartily at the jokes of the Duke's Strumpet, and then talked of their dignity.

Lord CASTLEREAGH in every act of his public life.
&c. &c. &c.

ENGLISH FIGURES.

Mr. SPEAKER ABBOTT, when he gave the casting vote against Lord MELVILLE, the Court favourite.

Sir SAMUEL ROMILLY, when he pronounced his decided opinion against all the Crown Lawyers in the Duke's case, and thus sacrificed in an instant all hopes of worldly preferment.

Mr. WARDLE, when after his triumph in the House of Commons, he got up at the dinner of the London Livery and contradicted a calumny respecting him, which he disdained to do in that venal Assembly.

Sir FRANCIS BURDETT, when he offered to pay out of his own pocket yearly the sum of 100*l.* to save a part of the grounds belonging to Chelsea Hospital from the grasp of a Court favourite.

Lord COCHRANE, when in the battle of Basque Roads he went in an open boat with a poor French Captain to help him in saving some of his effects, and the Captain was shot before his face.

The same Nobleman, when in the same victorious battle, after having blown up ships and struck a panic into the enemy, he brought away a little dog in his arms from one of the burning vessels.

The same Nobleman, when after having been elected a Knight of the Bath, he went into the House of Commons and voted against the Court.

&c. &c. &c.

FOREIGN INTELLIGENCE.

THIRTEENTH BULLETIN OF THE FRENCH GRAND ARMY.
Ebersdorf, May 28.

During the night of the 26th and 27th our bridges on the Danube were carried away by the waters and the mills which have been set free. The Emperor spent yesterday on the left bank surveying the fortifications which are raising on the Island of Inder Lobau, and in order to inspect some regiments of the Duke de Rivoli's corps, stationed at this sort of *tele-de-pont*.

On the 27th, at night, Capt. Baillie, Aid-de-Camp of the Viceroy, brought the agreeable tidings of the arrival of the Army of Italy at Bruck. General Lauriston had been sent in advance, and the junction took place on the Simringberg.—During twelve days the two armies had received no intelligence of each other. The Viceroy has displayed, during the whole

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campaign, a calmness and an extent of observation which are the presages of a great General. In the relation of facts which have graced the Army of Italy during these last twenty-days, his Majesty has marked with pleasure the destruction of the corps of Jellachich. It was this General whose insolent proclamation enkindled the fury and sharpened the daggers of the Tyrolese.

The Archduke John, who, so short a time since, in the excess of his presumption, degraded himself by his letter to the Duke of Ragusa, evacuated Gratz the 27th, taking with him hardly 25,000 or 30,000 men, of the fine army with which he entered Italy. Arrogance, insults, excitements to revolt, all his actions which bear the stamp of rage, have turned to his shame. The people of Italy have conducted themselves as the people of Alsace, Normandy, or Dauphine would have done. The Proclamations and the discourses of the Archduke John inspired only contempt and scorn; and it would be difficult to describe the joy of the people of the Piave, the Tagliamento, and of the Frioul, when they saw the army of the enemy flying in disorder, and the army of the Sovereign and the country returning in triumph. The people of Italy are marching with rapid strides to the last period of a happy change. That beautiful part of the Continent, to which are attached so many great and illustrious recollections, which the Court of Rome, that swarm of Monks, and its own divisions, had ruined, is appearing with honour again on the theatre of Europe.

All the details which reach us of the Austrian army shew, that on the 21st and 22d its loss was enormous. The choice troops of the army have perished. The good folks of Vienna say, that the manœuvres of General Danube saved the Austrian army. The Tyrol and Voralberg are completely subjected. Carniola, Styria, Carinthia, the territory of Saltzburgh, Upper and Lower Austria, are pacified and disarmed. Trieste, that city where the French and Italians suffered so many insults, has been occupied. One circumstance in the capture of Trieste has been most agreeable to the Emperor—the delivery of the Russian squadron. It had received orders to fit out for Ancona, but, detained by contrary winds, it remained in the power of the Austrians.

The junction of the army of Dalmatia will soon take place. The Duke of Ragusa began his march as soon as he heard that the army of Italy was on the Isonzo. It is hoped that it will arrive at Laybach before the 5th of June.

The robber Schill, who assumed, and with reason, the title of General in the service of England, after having prostituted the name of the King of Prussia, as the satellites of England prostitute that of Ferdinand at Seville, has been pursued and chased into an island of the Elbe.

The King of Westphalia, independently of 15,000 men of his own troops, had a Dutch division and a French division; and the Duke of Valmy has already united at Hanau two divisions of the Corps of Observation.

The pacification of Swabia sets free the Corps of Observation of General Beaumont, which is collected at Augsburg, and where are more than 3000 dragoons.

The rage of the Princes of the House of Lorraine against Vienna may be painted with one stroke. The capital is fed by 40 mills, raised on the left bank of the river. They have removed and destroyed them.

FOURTEENTH BULLETIN OF THE FRENCH GRAND ARMY.

Ebersdorf, June 1.

The bridges upon the Danube are completely re-established: to these have been added a flying bridge; and all the necessary materials are preparing for another bridge of floats. Seven machines are employed to drive in the piles, but the Danube being in many places 24 and 26 feet in depth, much time is spent in order to fix the anchors, when the machines are displaced. However, our works are advancing, and will be finished in a short time. The General of Engineers, Lazowski, is employed on the left bank upon a *tete-de-pont* of 1600 toises in extent, and which will be surrounded by a trench full of running water. The 44th crew of the flotilla of Boulogne is arrived. A great number of boats, cruising in the river about

the islands, protect the bridge and render great service. The battalion of marine workmen labour in the construction of little armed vessels, which will serve completely to command the river.

After the defeat of the corps of Gen. Jellachich, M. Matthieu, Captain-Adjutant of the Staff of the Army of Italy, was sent with an orderly dragoon upon the road to Saltzburgh, who having successively met with a column of 650 troops of the line, and a column of 2000 militia, both of whom were cut off, and had lost their way; they, on being summoned to surrender, laid down their arms.

Gen. Lauriston is arrived at Oldenburgh, the first country town of Hungary, with a strong advanced guard. There appears to be some ferment in Hungary, where men's minds are divided, the greater part not seeming favourable to Austria.—Gen. Lasalle has his head quarters opposite to Besbourg, and pushes his posts to Altenbourg and Rhaab.—Three divisions of the army of Italy are arrived at Neustadt. The Viceroy has been for the last two days at the head-quarters of the Emperor. Gen. Macdonald has entered Gratz. There have been found in this capital of Styria immense magazines of provisions and equipments.—The Duke of Dantzic is at Lintz; the Prince of Ponte Corvo is marching to Vienna; Gen. Vandamme, with the Wirtemburghers, is arrived at St. Polten, Mautern, and Crems.

Tranquillity reigns in the Tyrol. Vienna is tranquil; bread and wine are in abundance, but meat begins to be scarce. Contrary to all reasons of policy and motives of humanity, the enemy do all in their power to starve their fellow-citizens and this city, although it contains their wives and children. How different is this from the conduct of our Henry IV. who supplied a city then hostile to and besieged by him with provisions!

The Duke of Montebello died yesterday, at five in the morning. Shortly before, the Emperor passed an hour with him. His Majesty sent for Dr. Franc, one of the most celebrated Physicians in Europe. His wounds were in good condition, but a dangerous fever had made in the course of a few hours the most fatal progress. All the assistance of art was useless. His Majesty has ordered that the body of the Duke should be embalmed and conveyed to France, there to receive the honours that are due to his elevated rank and eminent services. Thus died one of the most distinguished soldiers that France ever produced. In the many battles in which he was engaged, he had received 13 wounds. The Emperor was deeply afflicted by this loss, which will be felt by all France.

PROCLAMATION.

"SOLDIERS OF THE ARMY OF ITALY,—You have gloriously attained the end which I pointed out to you—the Sovereign has been witness to your junction with the grand army.

"You are welcome!—I am satisfied with you!

"Surprised by a perfidious enemy before your columns had joined, you were obliged to retrograde to the Adige, but when you received orders to march forward, you were in the memorable Field of Arcola, and there you swore by the manes of our heroes to triumph. You kept your word at the battle of the Piave, at the battles of St. Daniel, of Tarvis, of Gorloe. You took by assault the forts of Malberghetto and Predol, and forced the division of the enemy, entrenched at Prevauld and Laybach, to capitulate. You had not yet passed the Drave, and already 25,000 prisoners, 60 pieces of cannon, and 10 standards had signalized your valour. Afterwards the Drave, the Save, the Muer could not impede your march. The Austrian column of Jellachich, which first entered Munich, which gave the signal for the massacres in the Tyrol, surrounded at St. Michel, fell beneath your bayonets. You have executed speedy justice on these shattered remains which had escaped the rage of the grand army.

"Soldiers, this Austrian Army of Italy, which for a moment had polluted my provinces by its presence, which pretended to break my Iron Crown, beaten, dispersed, annihilated, thanks to you, shall be an example of the truth of the

matto, ' *Dis la ne diede, quat a chi la tocca.*'—God has given it to me, woe to him who touches it.

" Ebersdorf, May 27, 1809.

" NAPOLEON."

GERMANY.

LITZIC, MAY 30.—The Russian army, under Prince Gallitz, is marching by Chalm to Lemberg. Another column of Russian troops was destined to march against Warsaw to dislodge the Austrians; but in consequence of their having evacuated the Duchy, this column has taken another direction.

PASSAU, MAY 24.—According to letters from Lintz, Marshal Bernadotte has crossed the Danube with a numerous army, composed of French, Saxon, and Wirtemberg troops, &c. in order to attack the Austrians in the rear, while the Emperor Napoleon, with his whole force, attacks the Archduke Charles in front.

STRALSUND, JUNE 3.—On the 25th ult. Schill entered this place; making an altogether unexpected attack; and on the 31st, the united Dutch and Danish troops advanced to deliver the city. Schill resolved to defend himself stoutly, and convert Stralsund into a second Saragossa. The town was defended by 27 pieces of cannon. But the Danes and Dutch entered the place by assault, and the battle was fought in the streets. Schill in despair sent to the Town-hall, and demanded sulphur and pitch to set the place on fire. This was refused him. A musket ball killed him in the Fahrstrasse, and his body was carried to the Town-hall. Those of his troops which were able, made their escape. Many prisoners were taken, 500 were killed. Yesterday evening the body of Schill was buried privately. A monument is to be erected before Stralsund, in memory of this event.

BOHEMIA.

GENERAL ORDERS OF MAY 24.

The days of the 21st and 22d of May will be eternally memorable in the history of the world. The army has given proofs of patriotism, heroism, and contempt of danger, which posterity will admire and our descendants hold up as specimens of rare and great actions. It furnished the enemy, who had lately boasted of its annihilation, with bloody proofs of its existence. It has surpassed my great expectations, and I feel proud to be its leader. You are in the field of battle the first soldiers of the world; be so also in the spirit of discipline, in the love of order, and in respect to the property of the citizen; then would you be not only the first, but the *only* army, and your grateful country will bless your deeds. Our beloved Monarch has confidence in you, and thanks you with paternal emotions for the security of his throne and the welfare of your families.

I expect immediately from the Commanders of the different corps the most circumstantial relation of what took place with their respective divisions. The country and the Sovereign wish to be acquainted with the supporters of their independence, glory, and greatness; their names shall shine in the annals of Austria; till then I can only name and reward those whose distinguished merit is either recognized by the whole army, or whom accident brought nearer to my personal observation.

Prince John of Lichtenstein, General of Cavalry, has immortalized his name. This feeling and my ardent attachment to his person are pledges of the gratitude of our Monarch. I can reward him only by the public expression of my esteem.

In the name of his Majesty, I nominate as Commanders of the Order of Theresa, Baron Wimpfen, Col. Smolla, &c.

The Archduke CHARLES, Generalissimo.

LETTER FROM HIS MAJESTY THE EMPEROR AND KING TO THE ARCHDUKE CHARLES.

Prague, May 29.

DEAR BROTHER CHARLES,—I did, it is true, yesterday express to you in person my warmest thanks for the glorious

victory you have gained, but this is not sufficient for my heart. I say it now, and I shall repeat it on every occasion, because I, whom Divine Providence made the Sovereign of a great Monarchy, am utterly unable to reward you, my dear Brother, your companions in arms and my brave army, according to your deserts. It was reserved for you, the brother of my heart, the prime support of my throne, to interrupt for the first time these fifteen years the good-fortune of the adversary. You are the Saviour of the Country, which, as well as the Monarch, will eternally thank and bless you.

With deep sensibility I yesterday observed the elevated courage and enthusiasm of the troops, and their manly resolution to assure by victory the independence of the monarchy.—It was the sweetest moment of my life—a rare and heart-enlivening spectacle, and one which can never be eradicated from my mind. I beg you, dear brother, to declare this to my brave army, and to do every thing to preserve this rare spirit among them.

PRUSSIA.

DANTZIC, MAY 24.—Official intelligence was this day received that the Austrians, in the night between the 20th and 21st inst., retreated from Thorn to Inowroclen.

SWEDEN.

STOCKHOLM, MAY 29.—The following is the Act of Abdication of the late King Gustavus Adolphus IV. which was read in the Sitting of the Diet of the 10th inst.

IN THE NAME OF GOD.—We, Gustavus Adolphus, by the Grace of God, King of Sweden, of the Goths, Wends, &c. Duke of Schlewick, Holstein, &c. make known, That having been proclaimed King this day seven years back, and ascended with a bleeding heart a throne stained with the blood of a beloved and revered father, we regret not being able to promote the true welfare and honour of this ancient realm, inseparable from the happiness of a free and independent people. Now, whereas we are convinced that we cannot any longer continue our Royal functions, and preserve tranquillity and order in this kingdom, therefore, we consider it as our sacred duty to abdicate our Royal dignity and Crown, which we do hereby *freely and uncompelled*, to pass our remaining days in the fear and worship of God, wishing that all our subjects, and their descendants, may enjoy more happiness and prosperity in future, through the mercy and blessing of God. In testimony and confirmation whereof, we have personally written and signed this present, and corroborated it with our Royal seal.

" GUSTAVUS ADOLPHUS."

" Grisholm Castle, March 19, 1800."

PROVINCIAL INTELLIGENCE.

Last week an extraordinary event occurred at Thanington farm, near Canterbury.—A plough servant being at work with a team, one of the horses not doing exactly as his cruel taskmaster wished, he struck him several times with the most brutal violence across the head, &c. which at length enraged the valuable and otherwise docile animal to such a degree, that he turned on his merciless oppressor, seized him in his mouth, and carried him in the greatest agony and suspense a considerable distance, where he threw him down with great force; he then renewed the attack, by butting him several times with his head, and would undoubtedly have killed him, had not one of his mates, who observed the precarious situation he was in, ran to his assistance, and rescued him from the fate which he seemed so justly to merit from his want of humanity.

On Monday last, Francis Webster, a boatman, in the service of the Customs at Bridlington, was discovered by Mr. Brown, his Surveyor, reclining with his head over a copper, in a butcher's shop: supposing him to be ill, he went up to him, when he found he had, with a knife, which he then held in his hand, cut his throat in so shocking a manner that he died the following day.—He had of late discovered signs of mental derangement.

Monday morning, about sun-rise, a very singular and lamentable accident occurred on board the *Aigle* frigate, lying in Hamoaze:—As two marines (both of the same name) were playing on the gangway, the younger one gave the other a push, which caused him to fall overboard; when the unintentional author of the catastrophe, who was centinel on deck, being alarmed, threw down his musquet, pulled off his coat, and plunged in after him: they struggled with the waves—the boat was lowered down—but before those in her could render any assistance, they went to the bottom!

IMPERIAL PARLIAMENT.

HOUSE OF LORDS.

Monday, June 12.

The Irish Life Annuities Bill, and Irish Spirits Bill, were read a third time and passed.

On the question for the third reading of the Bill for better Managing the Concerns of the Poor of Bermondsey, and enlarging the Church-yard thereof,

Lord STANHOPE stated, that those who were bound to keep the church-yard wall in repair, had neglected to do so, and provided that this neglect should be supplied by a tax on the parishioners at large. In the provisions respecting the compensation to be made for the ground taken to enlarge the church-yard, it withdrew any points of law that might arise from the cognizance of the Jury, and the terms in which this was done, implied that the Lord Chief Justice of the King's Bench, sitting at *Nisi Prius*, had of himself a legal right to reserve such points for the consideration of the Court,—a supposition which was contrary to the letter, spirit and practice of the Constitution. It also authorized the Parson of the Parish, in conjunction with certain others, to settle what dues should be paid to him for the new burial ground. If such measures were to pass, the result would be to raise a flame which might singe the lawn sleeves and scorch the mitres of the Bishops. He saw no occasion for the attendance of Lay Lords in that House, if the Clergy were to have the power of settling what dues should be paid to them; and if their Lordships submitted to such a regulation, there were only two other houses in the kingdom where he thought they ought to hold their sittings—St. Luke's and Bedlam. He concluded with moving that the Bill be rejected.

Lord WALSINGHAM and the LORD CHANCELLOR briefly contended, that the Bill had nothing in it but what was strictly legal, and conformable to the usual enactments in Bills of a similar description.

The motion for the rejection of the Bill was negatived by 25 to 1, and the Bill was read a third time and passed.—Adjourned.

Tuesday, June 13.

The Woollen Manufacturers Bill was passed; as was the Manchester Water Works Bill.

On the question for the third reading of the Sale of Offices Prevention Bill,

Lord GROSVENOR objected to the exception as to the Commissions in the Army, and Offices in the Courts of Justice.

The LORD CHANCELLOR explained the reasons of the provisions with regard to the Courts of Law; and Lords ROSLYN and REDSDALE justified the Sale of Military Commissions under the existing regulations.

The Bill was then read a third time and passed; as were also the Blackfriars Sunday Toll Bill, the Seamen's Wages Bill, and Irish Auction Duty Bill.—Adjourned.

Wednesday, June 14.

The Ship-owners, Prize Regulation, Bankrupt Laws Amendment, and Friendly Societies Bills, were read a third time and passed.—Adjourned.

Thursday, June 15.

The Royal Assent was given by Commission to the Woollen Manufacturers Bill, Sale of Office Prevention Bill, Bankrupt Laws Amendment Bill, Ship Owners Bill, and 27 other Public and Private Bills.

The African Coffee Bill, Irish Militia Regulation Bill, and Irish Revenue Consolidation Bill, passed.

SALE OF SEATS IN PARLIAMENT.

Lord LIVERPOOL moved the Order of the Day for going into a Committee on the Seats in Parliament Bill. One recommendation of this measure consisted, in his opinion, in what the Bill was *not*. It was not what was called a measure of Parliamentary Reform. His sentiments had been uniformly hostile to proposals of that description, as being destructive of private rights, and tending to the utter subversion of the Constitution; what the effect of such a system would be, might be easily conceived from the circumstances which attended an election for Westminster or Middlesex. But he did not wish to abridge that popular species of suffrage which produced so many evils. On the contrary, he thought that, tempered and balanced as it was in our Constitution, by various other modes of the elective franchise, it was, on the whole, accompanied with advantages which compensated for those evils. He considered the Representation in the other House as principally founded upon property, and that fair and legitimate influence which arose from local connexions, rank, character, and situation. What the Bill did was to prevent the abuse of that species of influence. When the abuse commenced it was difficult to ascertain; but when it was generally understood to be a growing evil, and now that, for the first time, its existence had been openly avowed, Parliament could not, with any regard to its own character and the public interests, refuse to apply a remedy. Doubts were entertained whether the purchase of seats in the way alluded to was an offence at Common Law. It was now, however, incumbent upon Parliament to determine whether the practise was legal, or fit to be made legal; or whether it was *illegal*, or fit to be made illegal. His Lordship then touched on the provisions of the Bill, which he approved of, as calculated to attain the object in view.

Lord GROSVENOR differed from the Noble Secretary of State, inasmuch as he considered the Bill to be a part of a system of Parliamentary Reform which had begun, and which, he trusted, would go forward. The Bill to suspend the granting of places in reversion was the commencement. It was finally carried, much against the intentions of Ministers; but, though now only temporary, he, for one, would continue, while he had the power of attending in his place, to use every effort to convert it into a permanent statute. The next measure which he looked to, as indicating that a grand Reform in the Administration of our Government was in progress, was the Act recently passed for preventing the Sale of Offices; though that measure too was clogged with exceptions, which argued that Ministers were not hearty in the cause of Reform. The last great step which the notoriety of existing abuses had compelled them to adopt, though not until it was forced upon them, was the present measure. It was, however, so changed from what it was when introduced elsewhere, that it retained nothing but its splendid and pompous title and preamble; and, highly as he approved of these, he must object to the Bill, as being calculated to promote, instead of diminishing, the corrupt influence of Ministers. They no doubt thought that they had outwitted and tripped up the heels of the Hon. and Independent Member of the other House who first proposed it; but they could not outwit the Public, who were perfectly aware of the purposes for which difficulties were thrown in the way of proving agreements for returns by the grants of offices. The Noble Lord, after some further observations on this topic, stated his sentiments on the subject of Parliamentary Reform; professing himself hostile to universal suffrage, but a zealous advocate for the specific plan repeatedly urged by Mr. Pitt.

Lord SIDMOUTH agreed with the last Speaker, in thinking the clauses of the Bill very ill adapted to the title and preamble, but these he thought of so much value that he must support the Bill. After they were once put on the Statute Book, he was sure Parliament would, by subsequent enactments, take care to make them operative to the complete removal of an abuse which had now become a public scandal.

Lord CARYSFORT objected to the Bill, as a gross impost

tion upon the Public. The only effect of it in its present state would be to leave the market of corruption entirely to Ministers. As to Parliamentary Reform, when a specific plan should be proposed, he would vote upon it according to his opinion at the time of its good or its bad effects. He would not lightly innovate on public or private rights; but the work of legislation, properly considered, was a course of perpetual Reform, and the first and greatest of all interests and rights, was to provide for the security and permanence of their common liberty. The Noble Lord also alluded to Mr. Pitt's propositions of reform, and his conduct with regard to the Borough Proprietors of Ireland, as setting an example which ought to be followed, in compensating for such rights in individuals as might be abrogated for the public advantage.

Lord BOWLINGDON defended the principle and provisions of the Bill.

Lord SELKIRK was hostile to the Bill, considering it, in its present state, as a vile delusion and cheat upon the public.

Lord MULGRAVE defended the Bill.

The House then resolved itself into a Committee.

Lord GROSVENOR moved to leave out the word "express," in the second clause, for the purpose of submitting to the cognizance of a Jury any agreement, direct or indirect, for the procuring of returns to Parliament by the disposal of offices.

Lord SIDMOUTH supported the motion, and Lord LIVERPOOL opposed it; and it was negatived, on a division, by 28 to 9.

The House being then resumed, the Bill was reported.—Adjourned.

Friday, Jun. 15.

The Seats in Parliament Bill, Strand Bridge Bill, and the Insolvent Debtors' Bill, were read a third time and passed.—The further proceedings in the Roxburgh cause were postponed to Monday.—The Irish Catholic Freeholders' Bill was ordered to be read a third time this day three months.—Adjourned.

HOUSE OF COMMONS.

Monday, June 12.
INCOME TAX.

Sir T. TURTON gave notice that early next Session (if nothing was previously done by the Chancellor of the Exchequer on the subject) he would submit to the House a motion relative to the scale of the Property Tax, as it affects the middle and lower orders, and Foreigners.

PRIZE MONEY.

Lord COCHRAN gave notice, he would next Session call the attention of the House to the conduct of the Court of Admiralty, in the distribution of Prize Money.

SEATS IN PARLIAMENT.

Mr. CUBWEN having moved the third reading of his Bill, Sir T. TURTON said, that he had expressed himself at all times favourable to Reform in the Representation of the People; but not, perhaps, in the way that many persons wished it to come about. The principles of universal suffrage, it had been once the custom very much to extol; but he had always been used to look on "universal suffrage" in the light of universal nonsense. What were the People of the country to think of their representation in that House, when it had even been owned that an open shop is kept at the Treasury for the Sale of Seats; a shop where the People are bought at a cheap rate, that they may be sold at a more dear one. Whatever Gentlemen might think of this Bill, however little good they might be inclined to expect from it, he looked upon it as the harbinger of future good, if not the source of any immediate advantage to the country, and on this account he was induced to give his assent; however, he owned that he was a good deal disappointed in his expectations with regard to the Bill, as it was very materially changed since it had come out of the hands of the Hon. Member.

Mr. G. JONESTONE maintained, that at the present time the House of Commons is more worthy of the thanks and ap-

probation of the country than any former House had been. He thought that while this country was enjoying every comfort that is possible (comforts totally unknown to the wretched nations on the Continent), we should be cautious how we apply what we call a remedy to the Representation, as we do not know how far it may operate. He must oppose the Bill, as he could only consider it as the beginning of a system of innovations about to be forced on that House.

Mr. ABERCROMBIE differed with the last Speaker, in his ideas that the House is so eminently pure at the present day. The great difference between the purity of the House now and formerly was, that formerly the influence of the Crown over that House was shamefully direct, while now it is more hidden and secret, but for that reason by no means the less dangerous or fatal.

Mr. H. THORNTON never thought much of this Bill, yet as he believed some good might arise from it, he would support it. As a Declaratory Bill, he thought it a good one, although some of the clauses were inadequate. If an evil affecting the Constitution was proved to exist, the Parliament was bound to apply a remedy to it. Could there be a greater evil than this, that a situation, which was a place of high trust, should become a subject of bargain and sale? And would any man say that such an evil, once proved to exist, should not be put a stop to! For these reasons he would support the Bill.

The SECRETARY at WAR said, he was an enemy to all plans of reform which could have the effect of making any alteration in the existing practice of the Constitution. The country was going on very well, and required no change.—The danger of every change was, that the People might be too powerful in the House of Commons. In consequence, however, of the alterations which this Bill had undergone, he would support it.

Mr. ADAM said, in consequence of the alteration made in the Bill by the introduction of the word "express," he would oppose it. Three great Lawyers in that House had declared, that the word "express" never found its way before into an Act of Parliament. The Bill was now fundamentally defective; but he hoped it would be brought forward next Session; and he was himself ready to give his Hon. Friend every assistance during the recess which was in his power to give.

The SOLICITOR-GENERAL considered this Bill as infringing on the functions of that excellent Tribunal established by the Grenville Act. It would be laying every Member of the House open to prosecution by common informers, and make every man insecure in his seat. He defended the word "express," as a necessary guard and precaution to protect men against vague and uncertain prosecutions, and quoted Acts of Parliament in which the word was used.

Lord A. HAMILTON observed, that it was the bounden duty of the House to put a stop to the ruinous practices that were disclosed, and proved to exist. The effect of the present Bill, as it now stood, would be to throw all the traffic of seats into the Treasury; and therefore he would oppose it.

Mr. D. GIDDY repeated the opinion he formerly gave, that property and influence ought to go hand in hand with each other; and he thought the Crown ought to possess a considerable degree of influence over the House of Commons. In allusion to those plans called for by certain reformers, they were only calculated to produce confusion, and one week's confusion would do more damage than all the abuses and corruptions that existed in this country since the Revolution. With respect to the present Bill, he was inclined to think it would do more good than harm, and for that reason he would support it.

Sir F. BURDETT thought this Bill ought to be called "a Bill of Indemnity to Ministers for the Corruptions that were past, and of security against future Corruptions." If, as the Hon. Member who last spoke thought, political honour ought to be connected with property, he claimed that Gentleman's support in favour of Reform, because reform led to that object. There were only three lines and three quarters of this Bill remaining from what it originally was; and that was in its preamble. The Bill had something in it when first introduced; but when it got into the Chancellor of the Exchequer's hands,

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it was melted away and changed quite into another substance. The measure, as originally proposed, was futile and mischievous, because it went only to cover over the sores of corruption. It took fair traders out of the market, and made it be to carried on secretly at the Treasury. That House was not the Representative of the Nation; and no Bill of this kind could make it such representation.

Mr. CURWEN said, though this measure was changed and altered from what it had originally been, yet he would give it his support. If the Bill was now unfortunately lost, the opinion which fell from a great authority in that House (the Speaker) would be impressed on the public mind, namely, "that a shop would be opened for the sale and purchase of seats." If this Bill were now to pass, other measures should certainly follow next Session. One regulation would be absolutely necessary, namely, to enable Freeholders to vote in their own parishes, to save the expence of travelling to a great distance, which it would not be fit to impose upon them. It was necessary for the Parliament to set the public mind at ease, and this would go a great way towards it. Before the People were entrusted with a larger share of elective franchise, they ought to be made to exercise the franchise they possessed with purity.

Mr. WINDHAM said, he had opposed the Bill at first, and he saw no reason now to alter his opinion. As in former times the Government had been carried on by prerogative and authority, so now it was necessary that influence should be made use of to that end, as was the opinion of Hume, Burke, and Paley.

The CHANCELLOR of the EXCHEQUER defended the Bill at considerable length; the declaratory part of the Bill, he said, would settle a point of law concerning elections.

Mr. TIERNEY said, when the Bill was first brought forward it met with his warmest support, but it is now so mutilated, he could not afford it his support any longer.

Mr. WILBERFORCE said, he would oppose the Bill, as he thought it would stand in the way of a better one.

The House divided on the passing of the Bill, Ayes, 97—Noes, 85.—Adjourned.

Tuesday, June 13.

On bringing up the Report of the Scotch Judicature Bill,—

Mr. HORNER complained of the enormous expences attending the legal proceedings in Scotland. He knew of one cause where the sum at issue was only 700l., and the expence of the proceedings came to 1500l. Another enormous abuse existed with regard to Appeals.—On such occasions it was necessary to copy vast volumes, which conveyed no information on the subject; and which produced great expence.

Mr. DUNDAS said, that at the present stage of the Bill, it was impossible to make any alteration in it.

COURTS MARTIAL.

Mr. LITTLETON presented a Petition from Nathaniel Jekyl, late a Captain in a regiment of foot, stating, that he had brought his Colonel to a Court Martial; and that, on that occasion, a censure had been passed on him, and he was dismissed the service. The Petitioner, therefore, prayed, that the House might grant him such redress as it should deem fit.

Mr. RYDER said, this was a case which came under the Prerogative of the Crown; and as the House was not in possession of the circumstances of the case, it ought to be cautious how it called the Prerogative of the Crown in question.

The SPEAKER said, there must be some gross abuse on the part of a Court to warrant any person in presenting a Petition to the House complaining of the proceedings of such Court.

Mr. ABERCROMBIE said, he had been Counsel for Colonel Stuart, on his trial, at the time he was prosecuted by Captain Jekyl; and that he then thought that the conduct of Colonel Stuart was extremely correct. Capt. Jekyl had brought his Colonel to a Court Martial without the slightest cause. The Court passed a sentence on him, and he was dismissed. Every justice had been done to Capt. Jekyl. There could not be a more respectable Court Martial, and the late Sir J. Moore was the President.

Sir S. BONILLY supported the Petition, because it com-

plained of that which the Petitioner conceived to be a wrong done to him.

The motion for bringing up the Petition was negatived.

PROPERTY OF FOREIGNERS IN THE FUNDS.

Mr. HOWARTH rose to make his promised motion on the subject of the exemption granted to Foreigners from paying the Income Duty on their property in the funds. This was a tax upon the People of England to an enormous extent. The dividends to Foreigners were paid in specie, and were spent in foreign countries. He concluded with moving, "That the House should, early next Session, take into consideration the expediency of discontinuing, after next April, so much of the Act for laying a duty on property, as related to the exemptions granted to Foreigners holding property in the funds, and not residing in the kingdom.

Mr. FULLER said, let Foreigners warble on in this country, and make 6000l. a year each by their singing. But still he saw no reason why they should not pay a tax for the protection afforded to their property.

Mr. PERCEVAL thought it would be inconvenient and inexpedient to adopt the resolution of the Hon. Gentleman; and therefore he would give it his negative; at the same time he very much doubted the justice of that principle, by which subjects of this country were obliged to pay a tax for their property in the funds, and Foreigners be exempted from it.

Mr. TIERNEY saw no reason why the principle should be altered now. It would be a great injustice to take from foreigners the advantages they expected to derive from the security they had in lodging their capitals in this country during the present distracted state of the Continent.

Mr. HOWARTH, in reply, contended, that as all duties, and particularly Duty on Property, were raised for the protection of the whole, Foreigners were bound to pay for the protection they received here for their property. However, as the temper of the House seemed to be that the business ought not to come forward at this late period of the Session, he would withdraw the motion. The motion was accordingly withdrawn.

DISPUTE WITH AMERICA.

Lord H. PETTY rose to move for certain Papers relating to America, without which it would be impossible for the House to form a judgment on the present dispute with that country. The first Paper was a Copy of the Instructions to Mr. Erskine, relative to the attack on the Chesapeake. The other was the Dispatch of Mr. Erskine, which should shew the motive of Mr. Erskine's conduct in acting contrary to the Instructions he received. The Noble Lord moved for the Papers accordingly.

Mr. CANNING could not accede to the motion. He said there were three points which Mr. Erskine had been instructed to procure from the American Government, for a repeal of our Orders in Council; but not one of these had been obtained. The most material, the *sine qua non*, at least, had not been obtained; namely, that America should not continue her trade with France, or any of the Powers under her authority; nor had the second point been obtained, namely, the interdiction of trade with the enemy's colonies. At least whatever concessions we have procured from America, it is certain that the most material of all has been neglected by Mr. Erskine; that is,—not only the recal of the Non-intercourse Act as far as relates to this country, but binding the continuance of it against France, and the Powers under her command. He hoped the Noble Lord (Petty) would not see it necessary to press for these Papers, as it may be too premature to produce them now, and may be the means of shutting the door against future reconciliation.—Mr. Erskine's instructions could not be more plain: they went to interdict the trade between America, France, and Holland. As to the alleged injustice of including Holland in the interdiction, if Holland is a power dependent on France, it is proper she should share the same fate; and if independent of her, the use she has made of her independence, and the measures she has taken against us, should make her punishment at least equal to that of France.

Lord H. PETTY spoke in reply. He said, that as the Right Hon. Secretary had given him to understand that another nego-

clation was to be entered into with America, if the production of those papers would at all impede that (as seemed to be the opinion of the Right Hon. Secretary) he (Lord H. P.) would beg leave to withdraw his motion, which was granted.

CRUELTY TO ANIMALS.

On the motion that the SPEAKER should leave the Chair, and go into a Committee on the Bill,

Mr. WINDHAM did not consider the subject of this Bill as one of sufficient importance to call for an act of the Legislature. The Bill began in the most pompous language, with a most magnificent "Whereas, that for divers weighty and provident purposes, God had placed various animals under the protection of man," &c. Now the object of the Bill was to promote morality. What was moral virtue? Why, a desire to promote the happiness and to sympathize in the pain of others. It was not his wish to confine this feeling to man; but still, if a man was to feel as much for the pains of others as for his own, why then, by the consequent accumulation of evil, the ends of Providence would be defeated. At most, however, kindness to animals was only a moral obligation; and how was it possible to enforce moral obligations by law? Thus, for instance, who could devise a mode of enforcing charity, gratitude, &c.?—If a rich man was to let a poor one die in the street next door to him, every one would call him odious and uncharitable; but then the law would not take cognizance of him. The Noble Mover of this Bill, however, called its introduction a commencement of a new era of legislation. Perhaps he was ambitious of the name of a legislator; of being ranked with Lycurgus, &c.; but the reason of its novelty would be the very cause of caution in its admission. The great danger was, however, that this Bill could not be applied because it appealed to humanity. The standard of humanity was very variable: its impulse was different in different men; and a man might be called for a breach of this Act before a judge, who would perhaps think very differently from others as to the offence. Thus this Bill would give rise to an extensive source of most arbitrary vexation. It had been stated, that this Bill would give no premium to informers; but he was afraid many men would be tempted to give information, in order that they might display their own humanity, and their great talents in the art of tormenting others (*a laugh.*) This brought to his recollection a very able treatise, which had been ascribed to the sister of the author of "Tom Jones," though it was afterwards known to be the production of a lady of the name of Collier. This treatise contained directions for ingeniously tormenting others. He was afraid that this disposition to torment others was more general than was supposed. But the directions contained in the treatise of Mrs. Collier were much more simple than the means, which, by the Bill then under consideration, would be put into the hands of persons who would affect to torment others for the public good.—If this Bill should pass, any man who owed another a grudge, would have nothing to do but to bring a charge against him for cruelty to any animals he might have in his possession, and subject him to all the oppression that would result. The measure subjected to a penalty all those who should maliciously and wantonly be guilty of cutting, maiming, or otherwise inflicting cruelty upon certain animals. Such conduct every body must desire to have punished; but the Bill was worded in such general terms, that every man would be at liberty to make the charge upon what he might think proper to consider cruelty. The preliminary difficulty therefore was, that coming under so plausible a title, it would have the effect of preventing persons from coming forward to oppose it, as he did, lest they should expose themselves to the imputation of being destitute of humanity. He had no doubt that many persons had declined interfering with its progress hitherto, from considerations of this description. There was something, too, in the mode of putting the Bill, which excited in his mind a prejudice against it, as if the supporters of it were exclusive friends to humanity, and those who differed from them were to be looked upon as disposed to countenance the mischief it was designed to prevent.—Dean Swift said, that he never knew a man who could not bear the misfortunes of others like a Christian. But if any

person, observing the violence which might, in a gust of passion, or a moment of fatigue, be inflicted by a carman upon the animals he had charge of, should think of prosecuting him, could they be certain that that person would always attend to the circumstances which might have provoked, and might perhaps justify such sudden violence? It was not always that such a person would bear in mind, that in his ride, perhaps the day before, to procure an appetite for his dinner, he had on some sudden provocation spurred his horse with a violence equal to any that might have been inflicted in the case which his humanity might excite him to punish.—This distinction was founded upon a principle of injustice. But as every man can bear the misfortunes of others like a Christian, so many men would be found disposed to shew their virtues at the expence of others. If they should pass the Bill, they would fall in with the views of those persons who were impatient to display their power of tormenting others by displaying their own humanity. In fact, he would maintain that this was not a case in which they ought to call in the aid of the law. Those acts of violence which it was intended to remedy were not of such an amount as to justify Parliament in incurring the mischiefs that would result from this measure. A great part of the violence that was to be repressed was charged as being committed by coachmen. Did it require any law to correct such an evil? What had their masters to do but to discharge the offending coachman, and then the evil would be remedied? If, however, on the contrary, so far from expressing any disapprobation of such conduct, their masters were found to countenance them in it, was it to be expected that the provisions of an Act of Parliament would put an end to the practice? It was rather extraordinary that so much sensibility should be felt in the case of others, and that the cruelty should be altogether overlooked when their own servants were the offenders. In such a case, why do you not discharge your coachman for his cruelty to your horses? The answer would be—"Aye, it is very shocking; but then John is so clever in a crowd; and my Lady Such-a-one, and the Misses So-and-so, were kept perishing whilst they waited for their horses, ours were ready when called for, and we got away amongst the first."—(*A laugh.*) This was the language that one might hear ever day, and under such circumstances it would be the height of injustice to make a parade of humanity in the prosecution of others, whilst they overlooked no less glaring instances in their own cases. People were calling for that which they had it in their own power to effect. It was a fundamental principle of all law, that you should not do that by legislation which was alone the province of manners to accomplish. At all events, they should take care that the measure, if they were determined to have one, should be effectual to its object; and that the penalties should fall upon the proper heads. A great deal of the cruelty which it was proposed to prevent, was said to be inflicted upon post-horses. In almost all such cases, the fault was in the traveller. The traveller proceeding upon a journey of little or no importance arrives at an inn and calls for fresh horses; the horses are produced, but appear in bad condition, and from the number of execrations, incapable of proceeding with the celerity the traveller desires; the traveller then complains; the innkeeper assures the traveller that the horses are better than appearance indicates, and that they will perform the journey well. Thus the traveller's doubts are removed, and the work of cruelty begins. In this case, it is not the innkeeper nor the post-boy that is to blame, but the traveller. The post-boy must perform his task, and perhaps under a menace, that he shall have nothing unless he should be able to reach the next stage within a certain time; the innkeeper cannot afford to pay the price to his humanity of turning a customer from his door; and it is the traveller alone, who will not suspend his journey for a single night, that is the sole author of all the sufferings the wretched animals endure.—(*Hear! hear! hear!*) With such cases before their eyes, what were they to think of the cry that had been raised for some legislative measure upon this subject? It arose from a false and spurious sort of humanity; and to give way to such a cry, would be to consult the dictates of a fallacious

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gious and hypocritical spirit of humanity at the expense of every good feeling of the heart. How was it to be reconciled with justice that the post-boy should be liable to the penalty, whilst the traveller, who, sitting at his ease in the carriage, tells the post-boy that unless he should arrive to his dinner by a certain hour, the post-boy should have nothing for his pains, is not to be considered as implicated in the offence? Was it not obvious that in such a case the penalties would fall upon an improper object; and why should they attempt to legislate under circumstances of such manifest injustice? Duties such as those proposed to be enforced by this Bill, were the proper province of morals. Let them be inculcated from the pulpit. Let them be recommended through the press, and encouraged through the example of general morals. All this was already done, and nothing more seemed to him to be necessary. But there was a still greater objection to the measure, in the extreme inequality with which it would operate. The Bill was to be confined to the drivers of horses and other animals, or those concerned in their management. There were many cases for which they were called upon to legislate where the effects of their measures would not reach the Members of that House. Indeed though all men were subject to the law, most of the Acts passed were of such a description that it would be impossible for Members of that House to be exposed to the penalties of them, because it was not likely that they would be guilty of the offences these acts were intended to correct. But if they were once to act upon the principle of making laws against the lower classes which they would not apply to themselves, what would be the situation of that House? Had they not a code of game laws, which, at the price of much inconvenience, preserved for the higher classes the exclusive right of killing certain animals? He was aware it might be said that these animals were *feræ naturæ*, and not within the purview; but he must contend, that as living creatures, they came within its principle.—(Hear! hear!)—It might be contended too, that men had not only a right but a necessity to kill such animals, as otherwise they might overrun the earth. Admitted; but there was another description of living creatures—fishes, which were also killed by the higher classes, and were in no danger of overrunning the earth.—(A laugh.)—But it was argued, that unless these animals were killed in the manner to which he alluded, they would die or be killed by a worse death. The argument for killing them because they would otherwise die, would go a little too far, because it would be an equally good argument for our killing ourselves.—(A laugh.)—And as to the other part of the argument, they were now hunted to death, and he could not easily suppose any worse species of death. But in either case, those who killed them must be considered as undertaking from humanity to be vermin-killers to the rest of the community. It was not to be forgotten too, that these vermin were carefully preserved, in order that they might be killed afterwards.—(A laugh.)—It was rather an extraordinary feeling that could induce persons to slaughter these animals from a regard to humanity. What would the House think of a Gentleman, who in such a spirit of humanity, should apply to his butcher, and say, that from an impulse of humanity, he wished to be allowed literally to kill his own mutton?—(A laugh.)—But in resorting to this species of argument *ad hominem*, nothing could be farther from his thoughts than to throw out any insinuation against the humanity of the country Gentlemen. On the contrary, he was happy to bear testimony to the little influence produced upon their benevolence and humanity, by their indulgence in sports decidedly tinged with cruelty. If any thing could justify the cries that had been raised for reform, it would be the circumstance of making such an invidious distinction between the rich and the poor. It would, indeed, be extraordinary, if in the nineteenth century they were to adopt a principle of law which no human legislature had ever acted upon. Much as he respected the integrity and abilities of the Magistracy, he would not consent that they should be intrusted with the unlimited powers of oppression which a jurisdiction by summary process under this Bill would give them. He must deprecate any attempt to legislate upon this subject, at least for the present; besides, the

wording of the Act seemed to him unintelligible. The penalty was to apply to those who should maliciously or wantonly inflict cruelty on animals intrusted to their care. As to the term maliciously, it might be intelligible. But what construction was to be put on wantonly, or what was to be considered as wanton cruelty, farther than as it might appear to each particular individual, he was at a loss to know. Why, if each individual who may see any such transaction, was to put his own construction upon it, any Gentleman who might happen to over-ride his horse hunting, would be liable to a charge under the Bill. What a fruitful source of prosecution would be furnished by such cases, occurring too in a chase undertaken for the purpose of killing an animal, might be judged of from a perusal of any of the accounts of the sporting occurrences. The accounts usually began, "Lord such-a-one's hounds threw off at such a place upon such a day; above fifty horsemen were present at the commencement of the chase, only three were in at the death—at the death observe. Several horses were killed in the chase, and the account generally concluded with a statement that the day's sport was the finest ever remembered."—(Hear! hear!)—He did not mean to attack the amusements of his Hon. Friends, in which, any more than in horse-racing, he did not contemplate that degree of cruelty which others were disposed to discover in both. It did not always follow that the whip was necessary in a race, though, when it was spared, he would admit that it was not in consequence of the humanity of the owner, but a conviction that it would not be of any use in the race.—(Hear! hear!)—They would all have in their recollection an instance that had occurred lately at the Epsom races, where, contrary to all expectation, a race had been won by the use of the whip, in the application of which, for that purpose, more suffering must have been endured than in any ordinary case of cruelty to horses or other animals. Upon the whole, he thought the Bill would be a disgrace to that House, and an act of monstrous injustice to the lower classes, and should propose to negative the motion for the Speaker leaving the Chair, with a view afterwards to move that the Bill be committed this day three months.

Mr. STYVEN was ready to do justice to the ingenuity of the Right Hon. Gentleman, but begged, when he talked of the humanity claimed by others, to ask whether that Right Hon. Gentleman did not affect to be above vulgar prejudices? He denied that this was a new era in legislation, because humanity had ever been a characteristic of British jurisprudence. It was the duty of that House to protect useful animals from wanton cruelties; and he contended that if any of the cases alluded to by the Right Hon. Gentleman should come within that description, the persons concerned would be within the operation of the Act. The Bill was intended to prevent practices specifically mentioned, and all the objections of the Right Hon. Gentleman went only to the enactments of the Bill, and might be removed in the Committee. The argument of the Right Hon. Gentleman, that the Bill did not go far enough, would equally apply to prevent all crimes, if it were to be admitted. No law could reach dishonesty generally; but though they could not prevent the moral existence of dishonesty by any positive law, that would be no reason why house-breakers, felons, and others should not be punished by law. The Bill should have his most cordial support.

Mr. D. GIDDY was an enemy to the Bill, on the grounds stated by the Right Hon. Gentleman.

Mr. WILBERFORCE observed, that if a stranger were to hear the arguments urged against the Bill, he might suppose them to be the efforts of some young Member, wishing to display his ingenuity, or struggling for fame. It appeared to be opposed upon the same principle that all others, which proposed the ameliorating the condition of any class of suffering existence, usually were;—on the one hand, if the remedy proposed was general, they went too far; on the other, if the remedy was individual, they did not go far enough. The answer to all this was, they should take the cases as they arose, and proceed gradually, that they might thereby be enabled to work surely. But now, when they were called on to do any thing which had humanity for its object, it appeared as bad as

if they were called on to effect a Parliamentary Reform. The good to be done by this Bill would be the touching the lower orders; there was a duty due by them to the animal world, and by consequence to each other; and he was sure, if the opposers of it could witness the cruelties that have occurred, they would be the first to support it. It being too indefinite in its terms, seemed to him the argument of most weight against the Bill, but that could be remedied in the Committee, as no humane person could doubt but that wanton and malicious cruelty required to be repressed. Another objection was, that these were duties of an imperfect obligation; but it would be recollected, this was not intended as a law to make men humane, but to prevent gross and wanton cruelty. The fact was, we must take things as they are, and content ourselves with applying the remedy when called for. The House should not be laughed out of the measure, but consider how careful they are to watch over any thing that concerns their own property, or even the brute creation, when their amusement was concerned; witness their attendance when the alteration of the partridge season, from the 1st to the 15th of September, was proposed; they should not, therefore, neglect the claim of humanity towards them, nor say, *de minimis non curat lex*, upon this occasion. He therefore entreated them not to send away the Bill, but rather suffer it to go into the Committee, in order to its amendment where necessary, and render it applicable to cases of extreme cruelty.

Mr. FRANKLAND thought that a Bill so novel in its nature required more time for its due consideration.

Mr. JEKYLL professed himself a warm friend to the Bill. There was one case which was peculiarly brought before their notice, when in the time of scarcity, a number of horses that had been sent to a slaughter-house were kept famishing, till really, like Duncan's horses, they had near "eat each other up." The dreadful noise which they made in their agony, gave the greatest pain to those who were within hearing, and yet there was no law to punish this cruelty, and the Magistrates could not interfere. Here was an act of atrocious cruelty to animals, which he could prove at the bar of the House.

Mr. PERCEVAL thought that it was a subject which required great consideration. If such cases as that stated by his Hon. and Learned Friend were intended to be included under the general words of wantonly and maliciously abusing those animals, he could not readily bring his mind to assent to it; for who was to judge exactly of the quantity of food which ought to be given, or the quantity of punishment or of spurring which was necessary to oblige a horse to make the exertion that was necessary? Who was to judge of the exertion necessary? Suppose a man was riding to get a physician for a sick wife, was he to be made liable to be stopped in his journey, and taken before a Magistrate, if any person thought he beat or spurred his horse too severely? He thought that it would be much safer not to adopt a measure of this nature at the very close of the Session.

Sir S. ROMILLY could not allow that there was any thing in this Bill so indefinite as had been stated by the Right Hon. Gentleman. The words of the Bill were "wantonly and maliciously abusing." These were not words of vague and indefinite signification, but such as Magistrates and Juries on other occasions conceived sufficient for their direction. As to the quantity of punishment or severity, the crime was entirely in the degree of it. Thus, where a man has dominion over his fellow-creatures, such as a master over his apprentice, or a father over his child, they can never be accountable for that ordinary severity which may be necessary with respect to those whom it is their duty to govern. There was no one, however, would say that there were not degrees of cruelty in the exercise of this power, which our laws very properly punish, and which Juries and Magistrates do not find it difficult to determine. But in this Bill, the words "wantonly and maliciously" being introduced, it would be still harder for the Juries to mistake the proper line. He did not see how there could be any doubt; and he thought it would be a strange thing indeed, if the Legislature were to forbear from making laws merely on the statement that Magistrates and Juries would not

understand them. This was also supposing Magistrates and Juries to be void of common sense, and incapable of finding out what should be conceived wanton cruelty to an animal, although they are allowed to be perfectly capable of judging of what is unreasonable cruelty to a child or an apprentice! He differed very much with the Chancellor of the Exchequer. Could any body doubt, but that if a man were to bring a number of horses and keep them in a confined place, famishing to such a degree as to prey upon each other, that this was a wanton and malicious abuse of his dominion over those animals?—(Hear, hear, from many Members!)—An Honourable Gentleman had expressed some doubts of the existence of this cruelty; he should therefore cite a case from Leach's Crown Law, which was a pretty recent one, in confirmation of the fact. A man of the name of John Shaw was indicted on the Black Act, in 1798, for the following offence: His master had refused to lend him a particular horse, and he was seen shortly after beating that horse on the head with the butt-end of a whip which he held in one hand, while with the other he had hold of the horse's tongue. The horse was the same day found dead near the spot, with the tongue almost torn from his head. The man was acquitted, because hitherto no degree of cruelty to animals could be punished, unless it was proved to proceed from express malice to the master. There was no doubt at all but that the act which he had mentioned had been done, but hitherto the laws with respect to cruelty to animals, only referred to the injury of the property of the owners of them. There was another point of view in which this Bill might be of great political importance. It was a great public interest that the people of this country should not be depraved, and it was well known that cruelty to animals generally led the way to cruelty to our fellow-creatures. This was well described by our inimitable artist Hogarth, who traced the cruel murderer from the early tormentor of animals. He really believed this Bill might be considered in a great degree as a Bill for the prevention of cruel murders.

Mr. MORRIS spoke in favour of the Bill, as did also Lord Porchester.

The SOLICITOR-GENERAL argued against it.

Mr. W. SMITH spoke in favour of the Bill, after which a division took place.

For going into the Committee, 40.—Against it, 27.

The House then went into the Committee.

A conversation of considerable length took place on the point whether the offence should or should not be deemed a misdemeanour, triable before a Jury.

Mr. LOCKHART observed, that as much diversity of opinion prevailed, he thought it right to move that the Committee be counted.—The House was accordingly counted, and there not being more than 18 Members present, the House adjourned.

Wednesday, June 14.

At four o'clock the SPEAKER counted the House, when there being only 28 Members present, an adjournment took place.

Thursday, June 15.

The CHANCELLOR of the EXCHEQUER moved addresses to his Majesty, that he would be pleased to order some dignity in the Church to be conferred on the Rev. C. Progar, Chaplain of the House; 1200*l.* to R. Wharton, Esq. Chairman of the Committees; and other sums to the Clerks, &c. about the House.

The Judges Increased Salaries Bill was passed.

Lord COCHRANE gave notice that, as it was his opinion that a small fleet would be of infinite service to hover about the coast of Catalonia, and that part of France nearest to that province, he would (if nothing was done in the interim), early next Session, call the attention of the House to the conduct of Ministers in neglecting that important concern.

REFORM IN PARLIAMENT.

Sir F. BURDETT rose to make his promised motion on Parliamentary Reform; and in doing that, he would avow his conceptions on that subject, to do away the many misrepresentations of his opinions with regard to Reform. It was a duty

he owed to himself and the public, not to allow his conduct to remain any longer in a state of misconception. His principal motive, however, for addressing the House, was to propose, that early next Session it should take into consideration the state of representation. The subject of Parliamentary Reform had early engaged his attention; yet he had not viewed it rashly or inconsiderately, nor did he wish to keep the public mind in agitation, without having any definite notions of his own on the subject; for nothing, in his mind, was so infamous as to spread dissatisfaction. In introducing this subject, he would abstain from mentioning any of the evils that he conceived to be the consequence of a want of Reform in Parliament; nor was it his wish to introduce a contention in the House, but a fair and amicable discussion: he would abstain from reflection on any set of Gentlemen, and would avoid every angry feeling.—He would shew the House, if necessary, that the remedy he meant to propose was safe, simple, and agreeable to the principles of the Constitution; nay, that it was the very Constitution itself. In speaking of the Constitution, he did not mean that chimerical thing it has of late been described to be; he would leave that to such geniuses as could raise themselves above the clouds to reach it, and content himself with such a view of it as is suited to the capacity of an ordinary mind. If he was happy enough to show to the House that corruption in representation does exist, he will have done his duty. They had heard in that House, of late, corruption called a necessary evil, and that the influence of the Crown is so necessary, that without it Government cannot be carried on. To his mind this proved, that instead of having a King, Lords, and Commons, we had a House of Commons which governs the country, not elected by the people, but by the influence of the Treasury. Three years ago corruption had begun in that House called only cheese-parings and candle-ends, and that it was so small as to be unworthy of notice; and there is an old proverb which says, that “all the King’s cheese goes in parings.” For all this corruption, he did not, like many others, think the country lost. To the fair and direct prerogative of the Crown he was ever friendly; nor was he one of those that entertained an apprehension of its encroaching on the liberties of the subject, unless under a House of Commons so ill regulated as the present; for the prerogative was granted that it might operate as a protection to the people. All political writers, who have handled the subject, have declared that of all tyrannies that under the semblance, or raised on the ruins, of a free government was the worst; as a proof of that, he instanced the situation of Rome under Tiberius, as related by Tacitus, who said, “the state of the country was most deplorable and hopeless, because, while despotism existed, its tyranny was carried on under the forms of freedom.” Of innovations in Government many are fearful, but Lord Bacon says, that of all innovators Time is the greatest; now the rotten Borough System is the work of Time, conspiring with a system of Ministerial encroachment on the prerogative of the Crown, to form such a House of Commons as we now have. From the time of William the Conqueror to that of William the Third, there was no such Parliament as the present; and had not the foolishness of the people allowed the prerogative of the Crown to be encroached on at the Revolution, this Borough-monging System would never have existed. It is duping the people to tell them that the prerogative of the Crown is the only danger to the Constitution that we have to fear; it is the shield of the people; nor did he wish to put into their hands a sword for the destruction of others, but a shield to defend themselves with. James I. made a Proclamation, that no writs should be issued for rotten boroughs; and since him others have been made at various periods to prevent Members from sitting for such places. There are men who represent the King’s prerogative as encroaching on the rights of the people, and that the people are disaffected to the King; both of which are equally untrue, and it was his wish to restore mutual confidence. But this creature (the Borough-monging System) had arisen from the encroachments made on the privileges of the Crown. The whole of his proposed Reforms were founded on this principle, that the three estates,

in the nation have distinct privileges, which they ought to enjoy. If a recurrence to the real principles of the Constitution would remedy the corruption complained of, he trusted the House would adopt a remedy so safe and so easy to be procured. What he was about to propose would be of considerable advantage to Ireland; but to speak of the grievances of that country, he was afraid would be to break through the line of conduct he laid down to himself at the beginning of his speech. Ireland had been treated with a narrow minded intolerance; nor is it to be endured that four millions of Irishmen should be as aliens in their native country. By this reform the sceptre would be restored to the King, which is now held by 157 Borough-mongers; indeed his Majesty resembled a rope-dancer more than a King, obliged as he was to be incessantly balancing to keep his slippery elevation. In this case he (Sir Francis) had no choice, but either to come forward openly to state his opinions on the subject, or to suffer such misrepresentations to be continued as he has for a long time been the butt of. The evils he complained of had been introduced at the Revolution, and have been increasing by time; nor can the existence of those evils be doubted, when we consider, that since the Revolution the national debt has increased to 7 or 800 millions; and the taxes have also increased in proportion—all in consequence of that Borough system. To bear him out in his opinions on this subject, he wanted no authority, save that of Magna Charta. After the American war, a proposal of Reform was made by Mr. Pitt, and afterwards by Mr. Fox; but it was a problem not to be solved, that those great men should exert their powers of mind and eloquence, and fail to convince others on that subject. His proposition for a Reform was:—

That Freeholders, Copyholders, Householders, and others paying direct taxes to Church and State, should have right of voting for Members of Parliament.

That the different counties should be subdivided, and that each subdivision should send a Member to Parliament.

That elections should be carried on in the different parishes, and finished in one day; and that the duration of Parliament should be limited to the old period.

From this reform he thought the advantages would be very considerable; we should get rid of 112 old statutes; of all mobbings and riotings, all odious and vile distinctions of persons, of qualifications, and disqualifications, and the intricacies of election laws; for he proposed not to exclude the Ex-cisemen and others from a right of voting, who hold their places under Government; nor would there be any mask then under which the mock patriot could skulk. There would be no attorneys running about the Hustings, promoting dissention among families and friends, and no one would offer another a bribe when the object was done away. No one, that he was aware of, would have any reason to complain of this Reform save the Lawyers and the King’s Printer. He had heard much praise bestowed on the Grenville Act, but he considered it as so great a luxury, that a man must be rich indeed before he can enjoy it. Were this Reform to take place, the popular sense would then be collected in that House. He then concluded by moving, “That the House should early next Session take into its consideration the state of Representation in Parliament.”

Mr. Alderman COMBE seconded the motion.

The CHANCELLOR of the EXCHEQUER thought it not very likely that the House would entertain a motion of this kind, merely from the anticipation of the promised debate on it. The Hon. Baronet had said, that he had been publicly called upon to declare his sentiments on Parliamentary Reform: now he (Mr. Perceval) would be glad to know who had called on the Hon. Baronet? Reform was not the wish of the country in general; but he had reason to know, in common with others, that the Hon. Baronet is surrounded by a set of people who wish it, and who, on all occasions, echo his sentiments. The Hon. Baronet wished to bring about Parliamentary Reform by statute law, and then to destroy all statute law ever instituted, with regard to the Constitution; and all this is to do away bribery and corruption, and to do no injury, except to

the lawyers. But in his (Mr. P.'s) opinion, while there are elections, there will be canvassing; and where there is canvassing, there will be bribery. Then the country is to be divided into new divisions; and all who pay taxes to the Poor or State, are to be allowed to vote; and a person, by this, is to be so sure of his right of voting, that even a lawyer cannot raise a quibble about it—an odd mode of simplifying elections this! If the Hon. Baronet is unable to alter the very frame and natural viciousness of the human heart, he will never be able to accomplish what he proposes. To waste the time of the House farther with such a subject, would be to give it a degree of importance it did not deserve.—(Hear! Hear! from the Ministerial Benches.)—He would therefore content himself with now opposing it.

Mr. MADDOCKS said, from the reign of Edward I. to that of Charles II. there has been in every reign an alteration in the state of the boroughs; and every plan of reform that has been proposed has invariably recommended the disqualifying the rotten boroughs from sending Members to that House. It is because the present representation is not that of property, that he, for one, would vote in favour of the motion. But he did not see any use in legislating on this subject when the resolutions of the House are neglected which advert to it. He alluded to the letter which had been read in the House from Mr. Quintin Dick in vindication of Lord Castlereagh; and said, that only the hinting to Mr. Dick the necessity of vacating his seat was denied.—(Hear! hear! from the Ministerial benches!) If Gentlemen will cry *hear! hear!* I beg they will allow me to prove the other points which are not denied in that letter at the bar of this House or elsewhere. He gave the motion his hearty concurrence.

Sir JAMES HALL opposed the motion.

Colonel HUTCHINSON was convinced that Reform in the Commons House has become absolutely necessary; if he did not say so, he would consider himself unworthy of a seat in that House. After an open avowal that Seats in Parliament are procured by money, can any one doubt the necessity of an immediate Reform?

Mr. BARHAM defended the conduct, motives, and speech, of Sir Francis Burdett, with regard to reform; but conceived the people would be very great losers, were we to have the Representation restored to any thing like what it was at any former period; nor did he believe that Reform was the wish of the people in general.

Sir T. TURTON saw powerful objections to the Honourable Baronet's plan; but hoped, for all that, that the House would take into consideration the state of the Representation of the People in that House.

On a division, the motion was negatived by a majority of 59, there being 15 for it, and 74 against it.

CRUELTY TO ANIMALS.

On a motion for the House to go into a Committee on this Bill, Mr. WINDHAM opposed it, and it was negatived by a majority of 10, there being 27 for it, and 37 against it. The Bill is therefore lost.—Adjourned to Monday.

TUESDAY'S LONDON GAZETTE.

This Gazette contains an account of the capture of the Danish privateer brig *Christiansborg*, of 6 guns, 3 of which she have overboard during the chase, with 37 men, by the Cruiser sloop, Capt. Toker.

BANKRUPTCY ENLARGED.

Sarah R. Brothers, and J. P. Brothers, Birmingham, and Aldermanbury, jewellers, from June 17, to July 17, at ten, at Guildhall.

BANKRUPTS.

J. Weedon, Albion-place, Blackfriar's-road, hosier. Attorney, Mr. Rogers, Copthall-chambers, Throgmorton-street.
H. Newman, Skinner-street, currier. Attorney, Mr. Lee, Chancery-lane.
J. Boshier, Ray-street, Clerkenwell, victualler. Attorney, Mr. Cross, King-street, Southwark.

E. T. Davies, Great Warner-street, Clerkenwell, linen-draper. Attorney, Mr. Sweet, Temple.

H. G. Plasket, Huggin-lane, victualler. Attorney, Mr. Templer, Bur-street.

W. Abbot, Prescott, Lancashire, watch-movement-maker. Attorney, Mr. Houghton, Prescott.

J. Abbot, Prescott, grocer. Attorney, Mr. Avison, Liverpool.

J. Mansell, Manchester, broker. Attorney, Mr. Simcock, Chester.

CERTIFICATES—JULY 4.

J. R. Upcot, Bedminster, grocer.—A. M'Bride, Liverpool, perfumer.—S. Norris, Sheffield, razor-smith.—J. Dawson, Aldgate, linen-draper.—C. Regnart, Cleveland-street, stuary.—T. Chippendall, St. Martin's-lane, upholsterer.

SATURDAY'S LONDON GAZETTE.

This Gazette contains an account of the capture of a Danish privateer, of 4 guns and 24 men. She was chased on shore by the *Tartar*, Capt. Baker, and taken by the boats of that ship. "Before the Danes abandoned her they placed a lighted candle in a twelve-pounder cartridge of gunpowder, in the magazine, where there was some hundred weight beside, which was happily discovered by one of the boat's crew, who immediately grasped it in his hand, and extinguished it, when it had burned down within half an inch of the powder; another minute would in all probability have been the destruction of every man on board and alongside the vessel;—a dishonourable mode of warfare, necessary to be known, to be properly guarded against."—Also an account of the capture of the Danish cutter privateer *Snap*, of three guns and nine men, by the gun-vessel *Patriot*, Lieut. Mansel.

BANKRUPTCY SUPERSEDED.

B. Tanner, Dartmouth, Devonshire, ship-builder.

BANKRUPTS.

J. Bolton, John-street, Adelphi, wine merchant. Attorney, Mr. Hannam, Great Piazza, Covent-garden.

E. T. Davies, Great Warner-street, Clerkenwell, linen-draper. Attorney, Mr. Sweet, King's Bench-walks, Temple.

W. Beaton, Taunton, Somersetshire, currier. Attornies, Messrs. Beadon and Leigh, Taunton.

G. Carr, Ripon, Yorkshire, ironfounder. Attornies, Messrs. Atkinson and Bolland, Leeds.

J. Johnson, Bolton, Lancashire, shopkeeper. Attorney, Mr. Boardman, Bolton.

C. White, Oxford-street, dealer and chapman. Attorney, Mr. Bousfield, Bouverie-street, Fleet-street.

M. Bryan, George-street, Hanover-square, picture-dealer. Attornies, Messrs. Holmes and Lowden, Clement's-lion.

J. Nordish, Meopham, Kent, butcher. Attorney, Mr. Townsend, Romford, Essex.

G. Churchett, Plymouth, baker. Attorney, Mr. J. Elworthy, Plymouth-dock.

R. Cowpar, Cateaton-street, warehouseman. Attorney, Mr. Wilde, Warwick-square, Newgate-street.

G. J. Dewhurst, Halifax, Yorkshire, grocer. Attorney, Mr. Stead, Halifax.

J. Adams, Walsall, Staffordshire, factor. Attorney, Mr. Heeley, Walsall.

J. Kimson, Old Bethlem, paper-hanger. Attorney, Mr. Smith, Furnival's Inn.

T. Hodgson, Blackman-street, Borough, upholder. Attornies, Messrs. Maddock and Stevenson, Lincoln's-Inn.

CERTIFICATES—JULY 8.

R. Cooke, Duckenfield, Chester, cotton spinner.—T. Norris, Gosport, corn-morchant.—J. Harris, Redman's-row, Mile-end, cooper.—J. Belcher, Oxford, shoe-maker.—J. Lewis, Upper East Smithfield, needle-maker.

There is no news either from Spain or Portugal.

PRICE OF STOCKS ON SATURDAY.
 Consols... 69½ | Red. Ann. 68½ | Omnium... 2 prem.

THE EXAMINER.

LONDON, JUNE 18.

THE crisis of continental delivery from France, or its final subjugation by that power, is fast approaching. The contending parties are collecting all their strength before either ventures to attack its enemy. The 13th and 14th Bulletins detail particulars of the approaching concentration of the French armies from all quarters at Ebersdorff, BONAPARTE'S head-quarters; and Dutch papers, which arrived yesterday, state the advance of Prince FERDINAND from Poland, to the assistance of Prince CHARLES, after leaving 10,000 men to keep the Poles in check; a very inadequate number against a brave soldiery and people, naturally indignant against a nation who, unprovoked, basely united with two perfidious powers to subjugate their country. They may dislike the French, but they hate the Austrians. The gathering storm, it is to be feared from these accounts, will burst with sanguinary ruin on the brave Austrians; for even allowing that Prince CHARLES will be assisted by officers as skilful as those under NAPOLEON, it appears that the Austrians will be outnumbered. The army of Italy alone will add a force of 60,000 men, while that of Prince FERDINAND is far below that number. The fine Italian army under the Archduke JOHN is said to have only 25 or 30,000 men left after evacuating Gratz; and the army under Gen. JELLACWICH is stated to have been destroyed. But if the Archduke JOHN has not been totally defeated, and he can accomplish so difficult a junction as that with his brother on the north of the Danube, which appears almost impossible, his force will be outnumbered by various other French armies that are marching to Ebersdorff, besides that of Italy. There is the Duke of RAGUSA'S (MARMONT) corps, that of General BEAUMONT, with 3000 dragoons, and those of the Prince of PONTE CORVO (BERNADOTTE), and the Duke of DANTZIC (LEFEBVRE). A column of Russians also, under Prince GALLITZIN, is stated to be in motion on the grand road leading to Hungary, while another column destined against Warsaw has altered its direction in consequence of the evacuation of that Duchy by the Austrians. To look for much assistance from the people of Austria and Hungary is almost forlorn, for beside that no accounts favour our wishes in this respect, what assistance can be expected by a Government that does not possess the affections of its people? It is of little consequence to the people of the Continent who are their masters, when abject submission is their doom under all. The people did not interfere when NAPOLEON twice before conquered them, and why should they now? Their ill-judging Monarch has not had the common prudence, when his very crown was at stake, to endeavour to rouse them by rendering it their interest to espouse his cause; and the fact as was expected is, that neither do we

now hear of any rising of the people. The exultation expressed in the Bulletin of "agreeable tidings of the arrival of the army of Italy," and of the celebration of that arrival by the firing of cannon at Lintz, demonstrate not only the success obtained by Prince CHARLES in the late battles, but also the anxiety of NAPOLEON for assistance. The raising the immense fortress, the *tete du pont*, marks the precaution of a wise General. It will secure a safe retreat to his army, in case of a reverse. A prudent Commander always provides for contingencies.

A report prevails, that the King of PRUSSIA has shewn a determination to join against France. Had he a greater hope of success than the aspect of affairs promise, such resolution is not to be expected from so notoriously irresolute and weak a Prince. A will-o'-the-wisp never fixes to a point.

The luminous speech of Sir F. BURDETT, in which he explained what species of Reform he desired, was enough to satisfy every sober thinking Englishman of the constitutional purity of his intentions. None but selfish courtiers will now venture to call him Jacobin. As a proof of that purity, he boldly appealed to the Bible of our political faith, Magna Charta and the Bill of Rights. Mr. PERCEVAL, however, would not admit of the purity of his intentions, but hinted that he meant something more than met the ear. That *religious* gentleman also gravely asserted in his love for *truth*, that the people do not wish for Reform. From the fate of this motion, it is now evident that England will obtain no Reform from those who are ironically termed the Representatives of the People.

To sympathise with and soften the distresses of the brute creation is one of the best tests of fellow feeling for our own species. It is no wonder, therefore, that Mr. WINDHAM, a cold-hearted calculator of profit and loss, should join with the Sportsmen interest, and be instrumental in rejecting the Bill against Cruelty to Animals. The public will be convinced hereafter, if they do not already know, that Mr. WINDHAM is in many respects a better calculator of *interest for man* than beast.

THE LORD CHANCELLOR was occupied the whole of Wednesday morning in hearing the Petition in the case of the Duke of SUSSEX and Lady AUGUSTA MURRAY, relative to the care of their children. As the Petition on this subject was heard as usual in his Lordship's *private chamber*, it is not in our power to lay before the *profane eyes* of the *public* the proceeding that took place.

According to the most correct list of the French Navy, it consists of six ships of 120 guns; two of 80; fifty-nine of 74; and forty-five frigates; exclusive of the *Elbe*, the *Hortense*, and the *Pallas*, said to be on shore in Basque Roads.

An elderly Lady, of the name of Salton, put a period to her existence yesterday morning, in a fit of insanity, at her residence in Dean-street. She had been some time deranged, and she committed the act of suicide with a razor, when left about five minutes. She had two daughters who resided in the house.

Prince WILLIAM of ORANGE, the grandson of the late STADTHOLDER, whose arrival in this country was announced a few days ago, is understood to have been entered as a Student of Christ Church, Oxford, by the express desire of his MAJESTY. It has long been rumoured in the political circles, that this young Prince is destined to receive the hand of an illustrious Princess, who, in the course of nature, is likely to ascend the Throne of these realms. The degree of consanguinity between the Royal Progeny of England and Prince WILLIAM of ORANGE is not remote, he being descended in a direct line from his late Majesty GEORGE the SECOND.—The Prince is in his 17th year.

THE OPERA.

MR. EDITOR,

None of the heroes of antiquity are fortunate enough to escape the libellous pens of the Italian dramatic writers, who are so totally regardless of propriety, that they do not scruple to put songs in the mouths of the sternest and most ferocious of human beings; even *Pyrrhus*, the son of *Achilles*, has at length suffered the fate of other heroes, and become the object of ridicule on the Opera stage, where he is now to be seen quivering in all the refinement of Italian music, and seeming to enjoy more pleasure in running up and down the diatonic scale, than he formerly experienced in mounting the walls of Eryx. The argument of the new Opera called *Pirro* is founded on his love for *Polixena*, the daughter of *Priam*, an amour that Signor BUONAIUTI candidly confesses is not to be found in any ancient author, but has its origin in the brains of the French poets, who appear to have introduced it for no other reason than because it was no where to be found.—Poor *Pyrrhus* is not the only person suffering under the calumniating pen of our poet; *Ulysses* himself displays his wisdom in recitative, and sings as good a song as if he had been brought up to the musical profession. Surely Signor BUONAIUTI, out of his store of classical knowledge, could have selected some subject better adapted to music, and spared our reasonable feelings, that must be shocked when assailed by such gross and unnecessary violations of propriety. Fortunately for DENNIS he does not live in these days, or he certainly would have fallen into fits at the absurdities of this Opera, as he did formerly at the representation of one in which the same hero was concerned: upon persons of less instability of nerve than that celebrated critic, the new Opera will have an opposite effect, and instead of throwing them into convulsions, will quietly consign them to sleep; for it has not a single attraction but the music of PAISTELLO, which, although it may be ranked among the best of his productions, is so indifferently performed, that its effect is entirely lost. COLLINI possesses not the slightest talent as a serious performer, but like most imitators copies defects as well as beauties, and in her abundant admiration of Madame CATALANI, endeavours to laugh as immoderately as she did:—CATALANI's acting was overlooked on account of her singing; COLLINI's acting is her only recommendation. Signor SIBONI strives with all his might to please with his performance of *Pirro*, but as usual mistakes the source of pleasure, which does not proceed from a vulgar and unmeaning turbulence, a succession of worn-out flourishes, or an unintelligible rapidity of pronunciation, that makes it dubious whether he is speaking a known language, or a confused mass of harsh sounds of his own formation. The very nature of *Pyrrhus* is changed

by this Gentleman, who succeeds as well in giving the spleen as the hero did in curing it. The other performers seem to have a species of inverse ambition, and try who shall sing or act the worst, from ROVEDINO, that ancient fixture of the Opera House, down to DE GIOVANNI, the contemptible pretender to talent, who has in a course of years brought himself to that indifference towards public opinion, which makes him receive hisses with the same gratitude that others express at applause.

Mr. D'EGVILLE has once more displayed his extensive genius in the production of a new ballet called by the English name of *Mora's Love, or the Enchanted Harp*, and has certainly succeeded somewhat better than usual, the subject being more diversified and less fertile in absurdity than most of his pieces. To be sure, we have an extensive navigable aqueduct in the wilds of Scotland, and a Scottish chief killed by a harp being repeatedly thrust in his face; but a few absurdities are requisite to convince us that Mr. D'EGVILLE had a share in the invention. The six consumptive spectres, the TWAMLEYS, TOOZES, and HORRIBOWS, with persons as pleasing as their names, are as irresistibly amorous and as indefatigably annoying as usual to our eyes and our patience. The dancing throughout, always excepting the TWAMLEYS, TOOZES, and HORRIBOWS, is very pleasing, and well adapted to the performers talents; Mademoiselle MONROY, the new dancer from Lisbon, though without youth or beauty, contrives to please by her easy and finished style, and will be useful if Madame DESRAYES retires, as it is to be feared she will, at the end of the present season. The music of the ballet is by BISHOP, whose former productions give him title to rank with the best English composers now living, although in the present instance his success has not been very great. It is true, there are some beautiful specimens of his scientific talents, but, on the whole, too great attention is paid to melody at the expense of harmony, and many airs are repeated so frequently as to become tiresome. The overture is totally unworthy of his genius and of the opera-house, where we expect something above the common trash of SANDERSON, to whose compositions it bears strong affinity, and abounds with little airs for the oboe and flute, that would enrapture a one shilling gallery, and be an admirable accompaniment to the horsemanship at Astley's.

H. R.

FINE ARTS.

ROYAL ACADEMY EXHIBITION.

How difficult is it in the Arts, as in morals, to subdue old habits. They cling with almost as glutinous a tenacity as a vicious Ministry does to a corrupt system of politics, or as Mr. PERCEVAL does to "the friend of his heart," the gentle Lord CASTLEREAGH, with whom that religious Minister is walking hand in hand to Heaven:—Amiable companions!—Mr. CALCOTT still retains a fondness for cold hues. No. 103, *Windsor, from Eton*, has too much green, though a very pleasing piece in other respects. I am however glad that so estimable a painter has in 6, *the Watering Place*, promised to unchain his affections from so cold an object. It is certainly his best performance, because with more than his former genius, it is enlivened by a due portion of warm colour. Let him continue in this cheerful path. It will shed around him a golden lustre of profit and of fame. Independently of critical feeling, his

heart must be insensible indeed which is not soothed with gentle pleasure at sight of this rural representation. A cluster of snug cottages, embosomed in trees, is gilded in parts with summer sun-shine, darting through the boughs from a sky richly intermixed with azure, amber, and white, with light floating clouds. A contented herd stands in the cool and glassy pool, which reflects the lofty sky. A wooden bridge over a brook, and a stile, the entrance into a copse, heighten the rural interest of the scene. The light, shade, and colouring of the whole is varied, forcible, and clear.

Mr. JOSEPH'S talent has made a stride this year. His portrait of the *Earl of Harrington* has considerable merit; as has also 55, the *Favourite*, in which a girl is feeding a milk-white cat sitting on her shoulder.

104. *The Distressed Family*. H. THOMSON, R. A.—Here is much neatness of execution and delicate tint, and a very pretty girl, whose affluence has not blunted the sympathies of nature, for she suffers a poor old man to lean on her arm while she goes with him among her neighbours to collect money for him and his son, and in the ardour of her charity forgets appearances. The ingenious Artist has well depicted the young lady's happy condition by plump, round, and rosy flesh, fed by ease of mind as well as good living; also by new clothes cut to the elegant fashion of a short Grecian waist; and short Grecian sleeves display a snowy-neck and arms, which the wind, that "licenced libertine," and the scorching sun, have not marked with their rude embraces. The complacent smile aids the excellent portraiture her whole appearance presents of a *happy young lady making a charitable collection*. A friend at my elbow whispers me that I have overlooked a motto affixed to the title in the Catalogue. It is this—

"To want, and woe, and wretchedness reduced,
Poor MARY, and her aged sire, depend
On strangers bounty for their daily bread," &c.

Bless me, what a mistake I had nearly led my readers into! This pretty, plump, smiling, fair, and rosy girl is *poor Mary*, to want, and woe, and wretchedness reduced. What praises are not due, to the genius of a painter who has extended the former narrow bounds of expression by representing "want, woe, and wretchedness," (happy tautology) by the very natural, but never before conceived attributes of health, beauty, and comfort!—Mr. THOMSON'S genius has in 140, the *Dead Robin*, and in 177, *Boys Fishing*, condescended to a more familiar character, and which the humblest capacity must recognize as nature.—They remind me of Sir Joshua, the first for its warm depth of colour, the second for the untutored grace and amiable simplicity of infancy.

Mr. CRAMMER, jun. in 557, *Landscape with Cattle and Figures*, shews that he improves in the colouring, composition, and marking.

Mr. WARD'S various animal pieces are admirably drawn, delicately pencilled, and glow with rich colour and forceful effect. They are without his former hard, liny marking, which is no where seen in nature. His knowledge of animals, of the clare obscure and colour, rivets your attention on a straw-yard, and throws a charm even over a hog-stye and its filthy tenant. For vivid effect and rich colour his 46, *Pigs*, yields only to the exquisite harmony of TOWNER'S *Tabley*. His *Asses waiting the return of Fishing-Bouts* has a cold solemnity of tone, which is enlivened by a pleasing and partial effusion of sun-shine breaking on some travellers and trees. It has however some remains of his linear hard-

ness. This piece will ornament Sir J. LEICESTER'S charming Gallery of British Art.

531. *A Composition*, J. AMES—is a pleasing little landscape, marked with peculiar delicacy and spirit.

155. *Paulo and Francesca*. A. J. OLIVER, A.—This piece has a forcible effect, and the lovers are of those graceful forms which plant "sweet love in gentle hearts." They have just fatally finished reading a luxuriant account how "Launcelot was thrall'd in love." The incident is taken from the 5th Canto of Dante's *Inferno*, shewing the dreadful effect of licentious books.—"Perish the volumes and the writers both!—Insidious Panders!"

187. *Portrait of Mrs. Thompson*. H. HOWARD, R. A.—The greater portion of this and the rest of Mr. HOWARD'S portraits have more cold than warm and neutral colours. The unpleasant, chilling effect of this principle is forcibly felt in contrasting this piece with *Mrs. Whitmore*, by PHILLIPS, which has judiciously more warm than cold hues. Mr. HOWARD'S portraits are better drawn than coloured, being marked with accuracy and vigour.

Mr. LINNELL has a delicately finished subject, 15, *Landscape, morning*, in which a partial sunshine on a hay-stack, and some distant objects are most naturally expressed, and very minute; it should therefore have not been placed so low that it cannot be seen but on the knees, on which the hangers ought to fall for this carelessness.

359. *The interior part of a Sea-port*.—From Pausanias. J. GANDY, A.—An architectural picture of rich colour and grand conception. Antique vessels, a noble bridge of red granite, magnificent flights of steps, statues, bass relieves, aqueducts, fortresses, temples, and triumphal gates, most judiciously composed and tastefully designed, form a congregated mass of ancient sublimity, and command respect and admiration of the genius of the artist. The great number of Pseudo Architects in the Model Academy, would do well to bear in mind the chaste style of these structures, especially in that unbroken length of line which contributes so much to grandeur in Architecture. St. Paul's Cathedral loses more than half its grandeur in its zig-zag outline.

R. H.

The following melancholy case is now in circulation.—In order to extend its publicity, at a period when many distinguished Patrons of the Arts have left town for the season, it is given a place in the *Examiner*:—

"To appeal to the benevolence of those who patronize or profess the Liberal Arts, is to appeal to one of the noblest proofs of their superior refinement. Mr. TAGG, a valuable and industrious Artist, has been attacked, at the age of 54, with epileptic fits so violent, that for some time they deprived him of the use of his faculties, mental as well as bodily; and though the fits have decreased in power, and he has regained the use of his reason, yet his left side has been stricken with the palsy, and his state of body is altogether so helpless and exhausted, that his recovery, if not hopeless, is difficult and distant. In this condition, the industry that has hitherto fed, and the hopes that have hitherto flattered him, can do nothing but augment the sense of his misfortune. He had commenced, under Lord SOMERVILLE'S direction, a work for Messrs. BOYDELL, and indeed had executed six of the Plates, but this work, which might have been of the greatest service to him, is but an additional source of anxiety. With talents perfectly adequate to the finishing, but hitherto chiefly confined to the elementary province of engraving, his labours have in every respect been more useful to others than to himself; his reputation with the Artists was quite sufficient to enable him to live upon his works, but his works have not been sufficiently known to the world to

enable him to live upon his reputation: as he has no assistance to borrow, so he has no name to lend; and the same affliction that dashes the graver from his hand snatches the daily bread from his mouth. For proofs of his ability his friends refer to the specimen left with this letter; for his industrious and virtuous habits they will answer themselves; for his future existence he depends upon the truth of this melancholy statement, and upon the hearts of those who read it.—Dr. THORNTON, who attends Mr. TAGG, will give any information as to his state of health; and Messrs. BOYDELL and Co. Cheapside; Messrs. CLAY and SCRIVEN, Ludgate-hill; Mr. CARPENTER, Bond-street; and the Printer of the EXAMINER, No. 15, Beaufort-buildings, Strand, will receive Subscriptions for his relief."

LAW.

CONSISTORY COURT, DOCTORS COMMONS.

GUARD v GUARD.

This was a cause of divorce, brought by Lieut. Col. Guard against Margaret Letitia Guard, his wife, by reason of adultery with Charles Hodge, jun. of Ottery, Devonshire. The parties were married in 1802, and have three children. In 1806, the Colonel received orders to join his regiment at the Cape of Good Hope, and to go from thence to the river La Plata, which orders restricted any Officer's Ladies accompanying their husbands, although Mrs. G. had expressed her desire so to do. In consequence of which Mrs. G. went to Ottery, where, shortly after, she was delivered of a male child, being pregnant at the departure of her husband; upon which occasion she was attended by Mr. Hodge, sen. in his character of accoucheur. It further appeared, that Mr. Hodge, jun. from attending occasionally at Mrs. G.'s house, became intimately acquainted with her, and from whence arose the criminal connexion, the consequence of which was the birth of a female child, before the return of Col. Guard. The facts of adultery being fully established, and that of a verdict of 3000*l.* damages in the Court of King's Bench, Sir W. Scott felt no hesitation in pronouncing for the divorce.

COURT OF CHANCERY.

HORROCKS v JUPP AND OTHER.

A minor of the name of Peter Horrocks had fixed his affections upon Miss Clara Jupp, of Goring, in Sussex, and neither the young lady nor her father seemed to be at all inclined to discourage his suit. But the harmony that prevailed between these parties was disturbed by a suit of a very different nature, instituted by Mr. Samuel Horrocks, the plaintiff, and guardian of the minor, who was represented to be 18 years of age. This disagreeable intruder having what appeared to him good reason for disapproving of this connection, applied to the Lord Chancellor for an order to restrain Miss Jupp from receiving the visits of the said Peter Horrocks; and also to restrain her father, relations, and friends, from encouraging the continuation of the correspondence between the lovers. This order being obtained, and made known to the parties, the said Miss Clara Jupp, instead of swooning or acting any of those beautiful and tender extravagancies usual on such occasions, magnanimously set his Lordship and his order at defiance, declaring, "that she did not care for the Lord Chancellor;" and being remonstrated with upon the imprudence and impropriety of this speech, she further affirmed, "that she did not care for a hundred Lord Chancellors."

Sir SAMUEL ROMILLY now again applied to his Lordship to enforce his order, upon affidavits, stating that the correspondence between the lovers was continued. It was alleged, that subsequent to the order, Miss Jupp had come to London upon a visit to a Mr. Esdaille, of Baker-street, where she saw the minor, who came from Oxford to meet her, and that there was reason to believe, that this had been done in consequence of a scheme concerted between Mr. Esdaille and Mr. William Jupp, the father. It was further stated, that the lovers had met on other occasions, and had danced together. Under these circumstances, Sir S. Romilly said, that perhaps he ought to

move that the parties be committed, though there might be some doubt whether Mr. Esdaille could be included under the word "friends" in the Order.

LORD CHANCELLOR.—Give me your affidavit, and if, after a careful perusal, I find them sufficiently positive, I shall commit both the father and the daughter.

Sir S. ROMILLY.—I doubt whether I can state them to be sufficiently positive, since your Lordship will observe, that they proceed in a great measure upon information given by other persons who have not been sworn. Perhaps the best course would be, to call the father and daughter before your Lordship.

LORD CHANCELLOR.—That probably will be the best course. Let them be brought up, and in the mean time let the Order be extended to Mr. Esdaille. It is an awkward way of teaching a young lady to care for the Chancellor; but unless she possesses a *due regard* for him, she must stand committed.

COURT OF KING'S BENCH.

Tuesday, June 13.

Mr. BETHUNES moved for leave to file a criminal information against a person of the name of Thomas Well, for insulting the Commissioners of the Income Tax. This person, against whom he moved, had been surcharged by the Assessor of the Income Tax, and had appealed to the Commissioners, who confirmed the surcharge, but mitigated it to 50*l.* This he refused to pay, and when summoned to say why he would not pay, he declared he never would pay more than the duty, and that he would not have his pockets picked by a pack of scoundrels. The Learned Counsel said, those gentlemen ought to be protected in the execution of a very unthankful office.

The Court said, the expressions were words of anger, and not worthy the present mode of prosecution; they had their remedy open by indictment.—Rule refused.

ACCIDENTS, OFFENCES, &c.

A young lady, 17 years of age, the daughter of Mr. Flennew, in Cooper's-square, Pentonville-road, was burnt in so shocking a manner on Friday se'night, that she expired, after enduring excruciating torment, on Tuesday evening. She was sitting up alone waiting the return of her uncle, and having fallen asleep, the candle caught her garments, which were completely burnt off her back.

On Thursday, as a daughter of Mr. Eley, of Northumberland-street, Strand, was passing the house of Mr. Thomson, in New-street, Spring-gardens, a brick fell therefrom, which alighted on Miss Eley's head, and fractured her skull.

Lord Sefton had on Thursday a fall from his barouche. Mr. W. Churchill was sitting with him on the box, when, near the top of St. James's-street, it broke down. Lord S. was unhurt, but Mr. C. received a severe contusion on the head.

An inquisition was taken on Thursday at the Hope Public-house, on the Ealing road, on the body of a Mr. Purdy, who hung himself on Sunday last. He was formerly an officer in the army, in which service he received several wounds, one of which at intervals rendered him incapable of managing himself. He went out for a walk after breakfast on Monday, but did not return at the usual time, and in the course of the day was found suspended from a beam in an out-house, quite dead.—Verdict, insanity.

DEATHS.

Lately, Mrs. Burn, of Hinley, Stafford, aged 42; she was walking in her garden in as good health as usual, when she was suddenly attacked, and in half an hour breathed her last.

On the 13th ult. at Wolverhampton, Mrs. Pitt, widow; and on the 16th ult. Mrs. Pharsey, her daughter, who was taken ill suddenly after she had been performing the last acts of filial duty to her mother.

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