

THE EXAMINER.

No. 99. SUNDAY, NOV. 19, 1809.

THE POLITICAL EXAMINER.

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

No. 97.

FRANCE AND ENGLAND.

THE present age, however it may affect our interests, is unquestionably a brilliant period in the history of the world. Great as it has been in arms, it promises, at the return of peace, equal greatness in arts; and to survive such an age—to be handed down in despite of its conquerors to posterity, when all the little great, the PERCEVALS and the weak princes, have been silently swept away, is a thought almost sufficient to inspire the soul of mediocrity itself. I mean not to pay homage to the renown of mere conquest or to the vices of conquerors; NAPOLEON in his gusts of passion, CAESAR in his brothel, and ALEXANDER in his drunkenness, are equally as contemptible, as in their indifference of bloodshed they are detestable: ambition so degraded and unfeeling is but the keeper of a huge charnel-house; and when the poet talked of it as

The glorious fault of angels and of gods,
he should have added, that it converted those angels and gods into devils. But ALEXANDER the friend of ARISTOTLE; CAESAR the cultivator of literature and the overcomer of difficulty, and NAPOLEON the patron of arts and annihilator of corrupt monarchies, are worthy of accompanying the poet and the philosopher to immortality; and it must be allowed, with all the weakness of mankind in admiring their destroyers, that posterity will not place a conqueror in the rank of great men, unless he exhibit some great quality of the mind, beyond a brutal inflexibility. TIMOUR and JEWENS are considered but as lucky and frightful barbarians: CHARLES the 12th, with all his contempt of danger and wonderful successes, has obtained no title but that of a splendid madman; and the overthrowers of Rome itself are remembered only as the lightning from heaven, which comes to flash, to execute, and to vanish.

The first great features, which will engage the attention of posterity in looking back to our time, are the empire of NAPOLEON and the facilities or obstructions he experienced in obtaining it. The former will naturally remind them of the Roman; the latter will awaken very different reflections, in which we have a peculiar interest. The Roman empire, during the ages of its genuine strength, was bounded by the Atlantic on the West, the river Euphrates on the East, the Rhine and Danube on the North, and the deserts of Barbary on the South. To the possession of this empire, besides all the facilities it will give to unbounded conquest from the state of the modern world, is BONAPARTE rapidly hastening. On the North indeed he is be-

yond it; on the West he will be complete master in three months; on the East he is already inclosing Turkey with Poland and his new Illyrian provinces; and the South, containing the states of Barbary, only waits for the settled master of the European Continent to yield at the first attack. Add to these, his influence in remoter Asia and over the whole civilized north of the Continent, and the Romans themselves might admire a conqueror who, in surpassing them in ambition, has reason also to surpass them in hope. Whether his successors will be able to keep his acquisitions, is another question: many natural causes, particularly the barbarism of the surrounding nations, operated both as a check and a protection to the empire inherited by AUGUSTUS: his successors quietly obtained or fought with each other for the whole dominion; and the strength of the empire was not dissipated by those independent divisions, which lost the conquests of ALEXANDER and of CHARLEMAGNE. The *causes* of French empire are the most interesting subject, for they involve every effect which a nation like ours has reason to fear. These are very different from the causes of Roman conquest, and should make Europe blush for her civilization: Barbarism, with its vices and its virtues, was the only formidable obstacle through which the Romans had to cut their way to dominion, and while their civilization and discipline rendered them irresistible to the vices of barbarism, they met with enough of its virtues to give dignity to their prowess. How direct has been the reverse with the enemies of France! Equal to her in civilization, originally superior in discipline, with their long reputation to sustain, and at last their very independence to preserve, they have nevertheless displayed all the weakness of barbarism without making a single use of experience. Some of the very countries which the Romans conquered with difficulty from their savage possessors, have fallen, in the height of their civilization, at the first attack. Such are the German countries west of the Danube; the most renowned provinces of Spain; and the wretched nation of Portugal, once celebrated by the title of the warlike Lusitania. Yet even these are not sunk lower than Rome herself, the mistress of them all. Perhaps the bitterest satire that can be cast on this once all-powerful city, is the feeling which hinders a writer from indulging in declamations on her fate:—pity itself has become common-place on the subject*.

* Yet one may well stop, in the midst of one's contempt, to admire the native artifices by which Italy managed so long to maintain the form of dominion when the reality had been lost for ages. First, it obtained empire by the perfection of the military art: when it lost this, it assumed and gained a dominion over the minds of mankind by superstition; the Pope, from becoming the Cæsar of the religious world and conquer-

Ask a Contractor the cause of these changes, and he will answer "The ambition of BONAPARTE;" ask a Courtier; he will say "The ambition of BONAPARTE;" ask a Minister, and he will still say "The ambition of BONAPARTE;" ask a King, and he will impatiently say "Nothing *but* the ambition of BONAPARTE;—but ask an impartial observer, and he will say "The corruption of Courts." The ambition of BONAPARTE sprang out of the facilities that presented themselves to such a man; but the corruption of Courts was at its height when he was a child, and is the sole, putrid and deadly fountain of all the bloodshed that has deluged the Continent. Had BONAPARTE left Spain to herself, she would soon have committed suicide from nervous exhaustion; her limbs could no longer have borne their own feelings; and where the King was an idiot, and his first Minister an ignorant favourite living upon that idioty, what was to be expected for a Court already worn out with debauchery—or from a people already ruined by that Court? God forbid I should defend his atrocious as well as contemptible arts against the Spanish monarchy; he should have left it to JOVELLANOS and its other enlightened men to see what they could do for its regeneration; but whenever BONAPARTE'S ambition is mentioned in terms of abhorrence, it is but an etiquette due to such monarchs as CHARLES of Spain, and FERDINAND of Naples, &c. &c. that court-corruption should have the precedence in our detestation. In fact, had this corruption not existed, or had it even existed but to half its extent, it would have required a miracle from heaven to account for the elevation and triumphs of this extraordinary man.

Posterity then will know where to look for the true causes of these wars; and it will most assuredly brand them with infamy. But shall our enemy, thus brightening his fame by contrast, be handed down to future ages at the expense of England herself? To England, posterity will look either as the consummator or eclipser of this man's glory; and shall we continue to add to his beams by assisting his course over countries where he dissipates in an instant every thin cloud of opposition, and bursts forth in the full heat of meridian triumph?—To England

ing all sorts of barbarians by the force of terror, became in time the arbiter of the temporal Cæsars; and it may be said that the very corpse of Roman power still sat on the throne of the Vatican, ruling almost as mightily, when it could do nothing, as when it enjoyed its glorious faculties. When this ghostly power began to be disputed, Italy still reigned the mistress of arts, as she had been of arms: no longer the forceful conqueror, she yet subdued the nations with her song; her laws of harmony won the implicit obedience of the artist as well as musician; and RAPHAEL and MICHAEL ANGELO are to this day the acknowledged princes of painting. Nay, when the sovereign arts have at last divided their residence among various countries, and nothing but the name of Rome survives, Fortune, as if she still lingered from very habit near her former residence, has selected from a little Italian island, directly opposite her beloved city, a new Favourite to work her imperial will, and subdue the nations.

posterity will look; and shall we, confessedly the most moral nation in Europe, with the example of a thousand illustrious forefathers to inspire us, consent to creep on in petty corruptions at home, and petty intrigues abroad, and petty compromises with our hopes and fears, till at last we grow sufficiently corrupt and timid to become the prey of our rival? The apathy of this nation, in suffering the present despicable Ministry to rule a moment longer without petitioning the KING for their removal, is the worst sign for its independence that has appeared for years. The business of Walcheren is the common theme of execration; yet we ourselves, we, the people, who suffer from these fooleries and fatalities, do nothing towards their prevention; we seem to think there is no such thing as the right of petitioning the Throne, that Ministers cannot be removed, and that if a pug-dog were to be Premier, it would be the sole business of our lives to wait on the snarling and craving puppy like the vilest of slaves. England wants a man of a great mind at its helm; it wants, not a man who will do nothing but cram his conscience with places, and then go to church to sleep off or to pray off the surfeit, but a man, truly highminded; a man above all place and above all politics, as they are called; a man with one avowed principle and object of action, *this* an inflexible integrity, and *that* a preservation of his country; a man, in short, as full of disdain as the great CHATHAM for those vermin and bloodsuckers the Jobbers, and as deaf as our *enemy* to the importunities of his friends for this *little* office and that *small* department; for how is he who cannot withstand the soft voice and cringing of his friends, or his uncle's friends, or his wife's brother's nephew's friends, to stem the progress of a great conqueror? Common sense laughs us to scorn, if we think so for an instant. "Well," say we, "but who is such a man? Where is he? How is he to be made Minister?" So saying, we sit down and have no more to say, except when the Income-tax-gatherer knocks at our door, and then we cry out, "Ah, this is a terrible evil;" or except when BONAPARTE'S invasion of us is mentioned, and then we exclaim, "Ah, perhaps he *may* come indeed:" But the time is past for these gaspings and groanings, so unworthy of Englishmen; and unless we get rid of our apathy, we shall soon get rid of more guineas and more fine armies. It was well observed the other day, that an individual has no right to plead his inability to do any thing as an individual: individuals compose bodies, and bodies do every thing: a body obtained for us our Magna Charta; a body settled the Bill of Rights; and a body, animating other bodies, may restore to us all our blessings by procuring Reform. If we trust to our insular situation or to our navy, we trust to a certain extent very justly; but as worms can eat through the hardest wood, so corruption can render the best arms of no avail. On such a land indeed, and with such a navy, pure political *honesty* would be to us a wall of adamant; and this, I firmly believe, is as little to be obtained with-

out REFORM, as Reform is without individual exertion. Whatever be our fate, to this age posterity will look as to the last rivalry of character between England and France. If we go on as at present, and value neither our character with our children's children nor *their* happiness, then France decidedly wins the palm in the greatest contest she ever fought with us;—but if we reform and rouse all our faculties, driving Corruption from the land as we would the most fatal of the enemy's spies, then shall our comparative glory shine upon posterity, like the sun compared with a comet, and history will still say, "France is a nation of brilliant eccentricity; but England is one illustrious family of freemen and philosophers."

FOREIGN INTELLIGENCE.

FRANCE.

PARIS, NOV. 4.—Marshal Ney, and his Excellency the Minister of Finance, left town yesterday for Fontainebleau. According to an article from Buda, of the 12th ult. her Imperial Highness Maria Anna, late Abbess of the Royal Nunnery at Prague, sister to the Emperor Francis, has paid the debt of nature. She was born on the 21st of April, 1770.

Letters of the 25th ult. from Lintz, state, that the corps of Marshal Macdonald was then in Stiria, but was soon to begin its march for Clagenfurth. This corps will penetrate into the Tyrol by the Pusterthal, should the inhabitants, which is very improbable, continue to resist the Bavarian troops.

SWITZERLAND, OCT. 24.—A traveller, arrived from Toulon at Lausanne, assures us that he saw the French fleet sail from that port. It consists of 17 sail of the line, of different rates, and many transports.

GERMANY.

VIENNA, OCT. 21.—The Archduke Maximilian, brother of the Empress, is seriously indisposed with a nervous fever. It is generally supposed that the Governor-General, Andreossi, is to remain here as French Ambassador. It is reported, that 60,000 men of the Grand French army are to take up a position, partly in Galicia, and partly in the Ukraine.

OCT. 23.—The report of the death of the Empress of Austria is false; her Majesty is, however, in a state which leaves but little hope.

NUREMBERG, OCT. 22.—According to advices from Munich, two French and two Bavarian Generals have proceeded with the Prince of Lichtenstein to the frontiers of the Tyrol, to inform the Tyrolese Committee, who have been invited to meet them there, that their country will never more come under the dominion of Austria, but will remain subject to the Crown of Bavaria, and to exhort them to be submissive and obedient to their lawful Sovereign.

MUNICH, OCT. 25.—The division of General Wrede arrived on the 22d inst. at Schwatz, whence he proceeded towards Hall, on his way to Inspruck. We are assured that General Wrede entered that city on the 23d.

DRESDEN, OCT. 26.—It is reported that his Majesty the King means to proceed to Paris in the course of next month.

STATEMENT OF THE TYROL DEPUTIES.

The county of Tyrol and the seven principalities of the Voralberg have, for centuries, constituted an hereditary portion of the Imperial House of Austria. The people distinguished themselves in every war by such undaunted valour, that the Emperors successively conferred upon them very considerable privileges. During the seventeenth and the last centuries, when the Swedes, French, and Bavarians made such rapid advances in the German Empire, these provinces always repulsed the enemy. In 1703, particularly, when the Bavarian army had penetrated into the Tyrol, it was so ill received, that scarcely a few remained to attend their Elector back. The attachment of the Tyroleans and Voralbergers to their Emperors was always firm; for they governed them with signal and paternal mildness, faithfully preserving their privileges. Thus, though not blessed either with a delicious climate, or a fertile soil, these pastoral nations, not aware of their poverty, led a very contented and happy life in their cottages, until the war of the French Revolution broke out. The vallies were inhabited by thousands of persons, who, before that period, had never seen a soldier; but thenceforward whole armies traversed their country. The poor inhabitants furnished them gratuitously with provisions and all sorts of necessaries, and thereby put themselves to great inconvenience. Still, they not only refrained from murmurs, but evinced their loyalty by the erection of a corps of Tyrol and Voralberg chasseurs, called "the Tyrol Field-vagers,"—all of them volunteers and natives, who, in addition to their pay, were allowed by their country nine creutzers each man daily. It is to be observed, that the male population in those mountains is, from its eighth year, trained to the use of the gun, by hunting, as well as firing at targets. Such superior marksmen, as this ancient practice makes of them, must, it may easily be supposed, prove a great addition to any army. In fact, they have ever uncommonly signalized themselves in all the Austrian wars. Yet they could not stem the current of disaster which overwhelmed the arms of their government, and in 1794 the enemy approached their frontiers.

The Emperor now summoned his brave and beloved Tyrol or Voralberg subjects, reminding them of their ancient fame for sharpshooting. But they had anticipated the summons, by organizing, of their own accord, a levy en masse. They hastened to the defence of the frontiers, and thus preserved their countries free from invasion.

In 1798, the enemy again attempted to make inroads from Italy, Switzerland, the Grisons, and Swabia. He only succeeded on the side of the Grisons, where the passes were but weakly guarded, as the main force had been dispatched towards Swabia and Italy, where the enemy was strongest. Still the invaders kept only four days possession of the Pflutschgau, when they were vigorously driven back upon the Grisons and the Engadine, though, in their retreat, they pillaged and burnt the towns of Mais and Glarens.

War having again broke out in 1799, their frontiers were also menaced. The inhabitants immediately repaired thither to guard them; and in 1800, when Marshal Massena had crossed the Rhine near Feldkirch, in the Voralberg, with a very superior force, he was there, as well as near the almost impregnable mountain-fortress of St. Luciensteig, so completely defeated as to lose several thousand in killed and prisoners, besides a quantity of field pieces and ammunition. They also dispossessed him of the Grisons, and pursued him, in company with other troops, as far as Zurich.

After a few years quiet, the flames of war rekindled more furiously than ever in 1801. The inhabitants of the Tyrol and Voralberg were at once attacked on every side, so as to be rendered dubious whither to carry relief first. Notwithstanding, the enemy was valorously checked at every point, and suffered, especially on the banks of the Scharnitz, a dreadful discomfiture. Unfortunately their individual bravery could not retrieve the general cause. By the terms of the armistice entered into after the disastrous battle of Hohenlinden, the Tyrol and Voralberg, countries that had constantly bid defiance to the victorious troops of France, were surrendered as

pledges! It was then that the real hardships of these poor mountaineers began. Their barren countries, even before drained of their little pittance, were now obliged to maintain a body of French troops, in addition to corps of Austrians. The savage foreigners were destitute of every thing, and all their wants were to be supplied. This dreadful calamity lasted three months, a calamity which the ever unsubdued Tyrolese and Vorarlbergers imagined to have little deserved by their firm attachment to their Emperors.

Bonaparte's insatiable ambition having stirred up war once more in 1805, he ordered the Tyrolese and Vorarlbergers to be attacked in every point. Marshal Ney, on the banks of the Scharnitz, repeated his attack thrice. He was driven back with immense slaughter. The same fate shared the Bavarian Generals Deroy and Sibbein, who made a vigorous assault upon Kufstein and the pass of Strub.

These efforts, however, were unable to counterpoise the disastrous surrender of Ulm by General Mack, and the calamitous issue of the engagement of Austerlitz; in consequence of which, Bonaparte, in the peace of Presburgh, made the cession of the Tyrol and Vorarlberg an express condition.

It is not in the power of language to describe the feelings of the honest Tyrolese and Vorarlbergers at the receipt of this melancholy intelligence. Ever since 1794, when the Revolutionary war began, their brilliant victories had not been sullied by any defeat. They were an heroic people in the literal sense of the word. Yet the reward of their loyalty was a fate which usually falls to the lot of the dastardly. To render their calamity more poignant, these indigent shepherds found themselves involved in the immense debt of twenty millions of florins.

The Emperor of Austria did what he could to alleviate this heavy misfortune; he stipulated, that the privileges of the Tyrolese and Vorarlbergers should remain entire. But is there any one so credulous, or so uninformed of the grand events of the day, as to suppose that Bonaparte could be bound by any engagements? Faithful only to his usual treachery, he no sooner had the invincible Tyrolese and Vorarlbergers in his grasp, than he imposed upon them contributions of every kind, without remitting a single creutzer; and having taken this barbarous revenge, he surrendered them to his recently-created King of Bavaria.

This prince, in his turn, made a point of impoverishing and oppressing his new acquisitions. Not satisfied with raising heavy contributions, he overthrew their ancient constitution, which they had observed for a series of ages; abolished the representative States, in order to obstruct the way to all popular remonstrances, and seized the provincial, pupillary, and credit-funds. He moreover confiscated all ecclesiastical property, abolished the prelaties and convents, and sold all public buildings to replenish his empty coffers. What proved more painful to the inhabitants than all these oppressions, was the disposal of the ancient and original castle of the Counts of the Tyrol.

Every successive month was marked with a list of new exactions that were levied with the utmost rigour. Coin had become unaccountably scarce, and the Bavarian Government enhanced the embarrassment, arising from this circumstance, by depreciating the Austrian bank-bills, which were still in circulation, to one-half of their nominal value. This operation caused to the countries in question a fresh loss, amounting to at least twenty millions of florins.

To crown all these oppressive measures, Bavaria had it in contemplation to change the very names of the provinces of Tyrol and Vorarlberg, by calling them after the principal rivers, and incorporating them with her own dominions.

These excessive hardships lasted three years. Petitions and complaints were not only rejected, but by an express law absolutely prohibited.

When, therefore, in the beginning of the current year, it appeared certain that a new contest between Austria and France was inevitable, the intelligence was greeted by the poor Tyrolese and Vorarlbergers, as the rising sun is hailed by the shepherd. Scarcely had they received the news of the actual

movements of the two hostile armies, before they rose in a mass. Their outset was brilliant beyond expectation. The troops of the enemy sent against them consisted of 27,000 men, whom they resolutely attacked at all points. Their victory was complete, those of the enemy who escaped with their lives being either wounded or taken prisoners. Among the latter were two Generals; the sharpshooters took, besides, a quantity of cannon, ammunition, arms, and several stand of colours. This memorable battle was fought on the 10th and 11th of April last. The merit of it belonged solely to the valorous inhabitants of the Tyrol and Vorarlberg; for the regular Austrian army, hastening to their relief, did not join them before the 13th of April; it was received by the conquerors with drums beating and colours flying, while shouts of joy and "long live our beloved Francis," rent the air.

Those who know the mildness of Bonaparte's temper will be able to conceive an idea of the impression which this news made upon him. He instantly directed Marshal Lefebvre, supported by the Bavarian Generals Wrede, Deroy, and Sibbein, at the head of 24,000 men, to march against the Tyrolese by the way of Saltzburgh. General Rusca, with 8000 men, was ordered to advance from Italy, while General Ferron approached from Carinthia, and Gen. Marmont from Bavaria and Suabia, with from 6 to 7000 troops more. This was certainly a formidable force, which would have conquered and even annihilated any other two nations of equal numbers. The conflict, indeed, was obstinate and terrible. But the enemies were defeated, all but Lefebvre, whose force was too large, and whose devastations and cruelties were such as to spread terror every where. He burnt towns and villages, and gave quarter to no one. The aged were suspended from trees, and then shot. The pregnant women were even ripped up and their breasts cut off, while their embryos were crammed down their throats to put an end to the shrieks and moanings of the wretched victims. If a Tyrolese or Vorarlberger, bearing arms, had the misfortune to fall into their hands, they immediately tore out his tongue. The children were cut down without mercy, and most frequently carried about, transfixed with bayonets. A number of these innocents happening to return from school, were met with and driven by these monsters into some barns, and burnt alive!

Lefebvre and his cannibals imagined to be able to intimidate the Tyrolese and Vorarlbergers by such cruelties; but they had the very opposite effect. The Tyrolese sharpshooters now resembled bloodthirsty lions; they rushed upon Lefebvre, and totally defeated him; thousands of the enemy were slain; and the General, accompanied only with a few remnants of his great force, sought safety in an ignominious flight, directed towards Vienna.

The result of this complete victory was, that the Tyrol and Vorarlberg, being now free from their invaders, served as an asylum to those Austrian prisoners who had been taken by the French at Ratisbon, Aspern, and Eslingen, and who found little difficulty in making their escape. About ten thousand profited by this opportunity: they were nearly naked, and the expense of clothing and arming them anew proved no small burden to their hospitable friends.

Another advantage of this victory displayed itself in the superior courage with which it inspired the conquerors. They now sallied forth beyond their frontiers to seek the enemy. In Bavaria they advanced as far as Munich, the capital city. In Suabia they took Kempten, pushing on beyond Memming and Ulm. In Italy they proceeded to within a few miles of Verona; and some corps overran Carinthia and Saltzburgh, then already in the power of the enemy, so as to become to a great degree masters of those countries.

Notwithstanding these successes, the conquerors were guilty of no cruelties or acts of oppression. Not a single house was pillaged by them, not a barn laid in ashes. No peasant was ever taken prisoner or insulted. The wounded enemies were particularly taken care of. It was the usual practice to carry them on shoulders into some house. The Tyrolese and Vorarlbergers acted throughout from an honourable ambition, to shame their cruel enemies, and convince them of the superior

humanity of poor German mountaineers. Neither France nor any of her allies can adduce a single instance of their prisoners having been ill-treated, either in the Tyrol or Vorarlberg, though the prisoners from either country were tortured, murdered, or ill-used by the French.

All these glorious achievements, however, could not arrest the progress of the enemy in other quarters. In fine, an armistice was again concluded. The corps of Austrian troops left in the Tyrol, and consisting for the most part of the above-mentioned refugees, was suddenly recalled, and carried away all the ordnance and ammunition which the Tyrolese had taken. Thus the latter found themselves compelled to abandon their conquests, and satisfy themselves with guarding their own frontiers.

Lefebvre, Rusca, Ferron, and other Generals, penetrated once more as far as Inspruck, the capital of the Tyrol, repeating their former devastations and cruelties. But the indignation excited by the re-appearance of those inhuman chiefs was such, that the very women, whose business had hitherto been confined to conveying the prisoners to places of safety, assembled in numbers, and put to death 640 of the enemy near Landeck; and though the whole force of the enemy amounted to about thirty thousand, they were attacked by the Tyrolese and Vorarlbergers, who had risen en masse, with such irresistible fury, that those who saved themselves by flight, were pursued to a great distance, so as to be unable, during the space of twenty-four hours, to allay their thirst with a draught of water.

It was in vain that Bonaparte, on hearing this new disaster of his arms, detached Marshals Macdonald and Bessieres with picked troops against the Tyrolese. They were routed and obliged to return.

From the concurring accounts in the Dutch, German, and French Papers, it is placed beyond all doubt, that the Tyrolese and Vorarlbergers persevere in their obstinate resistance to the French and their allies.

They are indeed now free, but at the expence of very uncommon sacrifices. Numbers of them mourn their fathers, brothers, and sons, not slain in battle, but for the most part murdered in an inhuman manner. Four towns and 26 flourishing villages are reduced to heaps of ashes—not to mention the destruction of a large number of detached cottages. These calamities are felt more sensibly in a climate which is very far from being mild. The mountains of the Tyrol and Vorarlberg have ever since the beginning of October been covered with snow and ice. The inhabitants, though accustomed to subsist upon the hardest fare, can, after so many devastations, pillages, conflagrations, and hardships of every kind, scarcely get wherewithal to satisfy the cravings of nature. Multitudes at this moment are happy in being allowed some little corner in a crowded barn, stable, or hut.

In spite of all these sufferings, they are fully determined never to listen to any accommodation with Bonaparte, or consent to be again governed by the iron sceptre of Bavaria. This determination, though it appears rash, can be satisfactorily accounted for, from the above stated cruelties, exactions, and oppressions. All, to a man, trained to the most skilful use of the rifle; inured to the inclemencies of the seasons; defended by huge mountains accessible to none but themselves; surrounded in every direction by and allied to mountaineers that are animated with the same love of independence; reared up and happy in poverty; religious; virtuous from habit; utter strangers to luxury; preferring their barren mountains to the most fruitful soils—and, above all, remembering the horrible outrages committed by the order of Bonaparte, to whom they have to oppose one hundred and fifty thousand sharpshooters, in a country where no regular armies can act, and where they and they alone know the paths to procure supplies, if they have but the means to purchase them. Such a hardy, stubborn, and athletic race of men, are very formidable enemies. Such they have certainly proved to France, and no peace which their beloved Prince may have been compelled to enter into, will induce them to become a party to it.

They are firmly resolved

London, Nov. 13, 1809.

SCHOENECKER & CO
MULLER, Major.

TUESDAY'S LONDON GAZETTE.

Whitehall, November 14, 1809.

The King has been pleased to constitute and appoint the Right Hon. Henry Baron Mulgrave; Sir Richard Bickerton, Bart. Vice-Admiral of the Red Squadron of his Majesty's fleet; Robert Ward, Esq. James Butler, Esq. William Domet, Esq. Vice-Admiral of the Blue Squadron of his Majesty's Fleet; Robert Moorsom, Esq. and Wm. Lowther, Esq. (commonly called Viscount Lowther) to be his Majesty's Commissioners for executing the Office of High Admiral of the United Kingdom of Great Britain and Ireland, and the dominions, islands, and territories therunto belonging.

The King has been pleased to nominate, constitute, and appoint Robert Doudas, Esq. Writer to the Signet, to be Con-junct Clerk to the Bills in the Office of his Majesty's Registers and Rolls in Scotland, vacant by the death of Robert Anstruther, Esq.

[Here follows a Letter from Capt. Brown, containing an account of the capture of the French lugger privateer Le Lezard, of St. Malo, manned with 57 men, and pierced for 14 guns, but not any found on board.—The Plover also recaptured the English ship Weymouth, from Gibraltar, just about to enter the port of Aber-wrath.]

BANKRUPTCIES SUPERSEDED.

J. Bound, of Salford, Lancaster, dealer.—D. Hardle, Russia-row, Honey-lane-market, warehouseman.

BANKRUPTS.

- J. S. Killick, Hackney-mills, miller. Attornies, Messrs. Dixon and Co. Paternoster-row.
- W. Ensor, Bath, grocer. Attorney, Mr. Sheppard, Bath.
- W. Smith, Portpool-lane, Gray's-inn, pump-maker. Attorney, Mr. Orrell, Winsley-street.
- J. Wilson, jun. and J. Williams, Long-acre, coach-makers. Attornies, Messrs. Naylor, Great Newport-street.
- J. Mitchell, Fleet-market, brick-maker. Attorney, Mr. Pearce, Kirby-street.
- J. Ludlam, Wood-street, hosier. Attornies, Messrs. Daun and Crosland, Broad-street.
- I. Worley, jun. Fish-street-hill, linen-draper. Attorney, Mr. Smith, Hatton-garden.
- W. Leathwood, Liverpool, cork-cutter. Attornies, Messrs. Massey and Cartwright, Liverpool.
- J. H. Hutchinson, Portland-street, victualler. Attorney, Mr. Mangnall, Warwick-square.
- J. Cull, jun. Barking, brewer. Attorney, Mr. Osbaldeston, Little Tower-street.
- D. Shurt, Fall-Head, York, tanner. Attorney, Mr. Jackson, Bankend.
- W. Allen, Old Jewry, tailor. Attorney, Mr. Lane, Lawrence-Poulteney-hill.
- E. Wakeling, Clare, Suffolk, brewer. Attorney, Mr. Harman, Wine Office-court.
- T. Burland, Hangerford, draper. Attorney, Mr. Crosse, New-inn.
- R. Smith, Little Bush-lane, Cannon-street, carpenter. Attorney, Mr. Bennett, Philpot-lane.
- J. Chapman, Moorfields, shoemaker. Attorney, Mr. Wild, Warwick-square.
- R. Freebairn and J. Wilson, Queen-street, Cheapside, warehousemen. Attornies, Messrs. Swain and Co. Old Jewry.

CERTIFICATES—Dec. 5.

- J. Tomlins, Bristol, grocer.—Wm. Rowell, Moulton Marsh, Lincolnshire, jobber.—T. Porcas, Leadenhall-market, poultry-terer.—T. Humphreys, Cheltenham-place, St. George's-fields, horse-dealer.—C. Henshaw, Tower-street, wine-merchant.—W. M'Leod, Upper Crown-street, army agent.—G. Gledstones, Salisbury-street, Strand, wine-merchant.—T. Cuming, Castle-court, Birchin-lane, merchant.

SATURDAY'S LONDON GAZETTE.

This Gazette contains accounts of the following captures:— The French privateer L'Etoile, of 14 guns and 38 men, by the Furvalus, Capt. Dundas; and the French national corvette Le Fanfaron, of 16 guns and 113 men; by the Emerald, Capt. Maitland.

BANKRUPTCY SUPERSEDED.

- F. Frankland, Bow-lane, Cheapside, warehouseman, Attorney, Mr. Hurd, King's-Bench-walk, Temple.
- D. Hardie, Russia-row, Milk-street, Cheapside, warehouseman. Attorney, Mr. Hurd, King's-Bench-walk, Temple.
- J. Feary, Kingsland-road, Middlesex, builder. Attorney, Mr. Taylor, Old-street-road.
- W. Cornforth, Bishop-Wearmouth, Durham, sailmaker. Attorney, Mr. Shafto, Bishop-Wearmouth, Durham.
- T. Holme, Liverpool, house-builder. Attornies, Messrs. Griffith and Co. Liverpool.
- T. Jones, Camomile-street, London, warehousemen. Attorney, Mr. Alliston, Freeman's court, Cornhill.
- W. Orme, Charles-street, Middlesex Hospital, bookseller. Attorney, Mr. Bellamy, Clifford's-Inn.
- W. P. Cowcher and T. Fenouhet, Clement's-lane, merchants. Attornies, Messrs. Willis and Co. Throgmorton-street.
- G. Morgan, Foster-lane, Bishopsgate-street, cheesemonger. Attorney, Mr. Hammon, Hatton-Garden.
- T. Dausen, Liverpool, merchant. Attorney, Mr. Bird, Liverpool.
- J. Tomling, Chad's-row, Gray's Inn-lane, builder. Attorney, Mr. Parton, Walbrook.
- M. Molloy, Bristol, grocer. Attorney, Mr. Frankis, Bristol.
- W. Field, sen, High Hoyland, Yorkshire, horse-farrier. Attornies, Messrs. Swale and Co. Great Ormond-street.
- J. Thorpe, Vine-street, Chandos-street, victualler. Attorney, Mr. Hamilton, Tavistock-row, Covent-Garden.
- T. Lister, King-street, Holborn, coach-plater. Attornies, Messrs. A'Beckett and Co. Broad-street, Golden-square.
- J. Turpia, Upper Tooting, corn-dealer. Attorney, Mr. Collingwood, St. Saviour's Church-yard, Southwark.
- R. Best, Aldersgate-street, watch-maker. Attorney, Mr. Pullen, Fore-street.
- J. Gibbs, Haverford-West, wine-merchant. Attorney, Mr. Thomas, Haverford-West.
- C. Greetham, Liverpool, merchant. Attorney, Mr. Eden, Leigh-street, London.
- J. Challicom, Bristol, cordwainer. Attornies, Messrs. Osbornes and Co. Bristol.
- J. Plaw, Southampton, builder. Attorney, Mr. Nichols, Southampton.
- J. Dowse, Great James-street, Bedford-row, scrivener. Attornies, Messrs. Ellison and Co. Lombard-street.
- S. Stenson, Axbridge, Somersetshire, baker. Attorney, Mr. Dean, Castle-Bailey, Bridgewater.
- J. Dodd, Upper Thames-street, grocer. Attorney, Mr. Towse, Upper Thames-street.
- R. Marchant and M. Barton, Bond-street, milliners. Attorney, Mr. Hunt, Surrey-street, Strand.

CERTIFICATES.—DEC. 5.

- S. Seddall, Hurst, Lancashire, cotton-manufacturer.—L. Able, Dean-street, Soho, publican.—F. Southerton, Tiverton, dealer.—J. Pippett, Chewstoke, Somersetshire, colourman.—F. King, East Sheen, Surrey, baker.—Sir Mathew Bloxham and Co. Gracechurch-street, bankers.—W. W. Hall, Hackney road, bookseller.

PRICE OF STOCKS ON SATURDAY.

3 per Consols 69 7/8 | Red. Ann. 69 1/2 | Omnium. 2 1/2 prem.

The Editor has been favoured, besides the Letter of a GRENADEIER, with the St. James's REGIMENTAL ORDERS of the 21st and 23d October, and is happy to correct an error, into which he had been led by a Daily Paper, a very poor authority certainly for statements of any kind.

The Plan of an ASYLUM FOR FRIENDLESS YOUNG LADIES, with REMARKS, and Mr. HOWARD'S LETTER TO THE DUKE OF NORFOLK, shall certainly appear next Sunday.— The article on the PRICE OF PROVISIONS shall also be inserted.

To those Readers of the Examiner who reside in the Country, the MONDAY EDITION is recommended in preference to the Sunday Paper. It contains the same original matter, with the addition of any News which may arrive on the Sunday and Monday morning; and as it is printed by daylight, the Impression is rather better.—The Newsmen or Agents will attend to all orders upon the subject.

THE EXAMINER.

LONDON, NOVEMBER 19.

A REPORT, corroborated by travellers from Holland and letters from France, has prevailed for these several days past, of an engagement having taken place between the Toulon squadron and Lord COLLINGWOOD, in which his Lordship took three or four vessels and drove the rest on shore. Nothing can be more likely; but no certain intelligence of it has arrived. Some such event is sadly wanted to cheer the country a little, under the present afflicting dispensation of Providence called the Ministry, which sends out the flower of the nation to rot in our enemy's ditches. If a victory has been gained, let us, for pity's and for decency's sake, never suffer it to do away the remembrance of that mockery of all measures, called the Expedition to Walcheren. The Ministerial Papers will tell us, that it is but fair to allow the successful, as well as unsuccessful, events of a reign to the existing Ministry; but this is a wretched piece of sophistry. Let the Ministers bear the merit and the blame of what they themselves contrive and assist to execute: but should Lord COLLINGWOOD, or SIR SAMUEL HOOD, or any other of our glorious Captains, gain us a victory, the Ministry have no more to do with it than any other posts about St. James's: it is entirely owing to the discipline of the men and the practical education and experience of the officers,—to those causes, in short, which render France as irresistible on land as we are on the water. England may still see victories achieved by her sons, but she will not see one victory caused by such men as the present Ministers. I wish that all the nation could at once crowd to the sea-shore and see their wretched countrymen, like the spectres of those they leave behind, return from the island of Walcheren, which at last it seems, after a stupid and unfeeling delay of two months, is to be evacuated. Of the 18,000 picked men that were sent there, only 2000 stand on their feet capable of doing duty, 6000 have been sent home to the hospitals, nearly the same number remain sick in the island itself, and 2,500 lie buried in that deadly swamp. In money, in men, in reputation, in happiness, what has not the country lost by this single hazard-throw of our political gamblers!—The Chronicle hopes that Parliament will proceed against the offenders, and so it undoubtedly ought; but who, and how many are the offenders; and

who are the *original offenders*, that betray the people's welfare into the hands of such men?

Paris Papers, containing nothing important, arrived in town yesterday noon; and the Ministerialists, who in the same breath informed us that BONAPARTE was to make a triumphal entry into Paris the 2d of next month, and yet argued that illness kept him at Fontainebleau, have *at last* discovered that he stays at Fontainebleau till this same Paris is ready for his triumphal entry. The same sagacious politicians have also *at last* discovered, that he aims at some higher title than that of Protector of the Rhine, and display much perking importance in the announcement of this intention. Poor fellows!—As to the French Emperor, he is a still stranger mortal than people thought him, for he goes hunting the stag when he can hardly stir. One day we are assured, from the *most respectable* authorities, that he has had a dreadful disorder, a disorder, in fact, which has afflicted him from his youth: of this disorder, the falling sickness, which, from the cases of MOHAMMED and CÆSAR, seems to be attached to Conquerors, he had, we are told, a most horrible attack at Vienna, so that he lay senseless for I do not know how many hours: after this however he got up, it seems, as if nothing had happened; and some such miracle must have been the case, for we find him, directly afterwards, travelling night and day to Fontainebleau. Well, he reaches Fontainebleau, and in a day or two rides out in an open chaise; but such a ghost! Quite pale and hollow-eyed. All this while too, he is mad, —most flagrantly mad! To be sure, he sees Ambassadors, &c. but what proof are the Ambassadors? He would be more mad if he did not see them, because then all the world would discover the cause.—At length, the Paris Papers come, and then it seems that this epileptic invalid and madman has been attending full mass and hunting the stag.

Two persons, who are called Deputies from the Tyrolese, have set their names to a Statement of the wrongs suffered by their countrymen from the French and Bavarians. That the Tyrolese have been most shamefully treated by BONAPARTE, and that his conduct in this as in many other cases has been most selfish and unfeeling; every body must allow; and after the atrocities committed during the Revolution, the French upon provocation may well be supposed capable of great barbarities; but the monstrosities detailed in this statement, as having been committed by the French soldiery, are of a nature to make a cannibal shudder; they exceed all belief, and must be considered as mere disgusting libels on human nature. The politicians of England have always outwitted themselves in this way. They affect to give implicit credit to all the horrid or ridiculous statements exaggerated by fear, by fancy, or by falsehood, but there is limit to belief as well as probability; and these stories at length injure the truth itself. For this reason, even were the whole a mat-

ter of fact, it should not all be told, for it baffles the end of the Statement, and only serves to awaken discredit and disgust. The Tyrolese have all the sympathy of the English people, and they would have had something more than sympathy had England enjoyed a proper set of rulers: but money will do them no good now, and like the poor Swiss, they must be content to wait for better times. In the mean while, let them be cautious how they listen to the suggestions of bigots and priests, who hate their persecutor more for his love of religious toleration than for his thirst of military power.

The letter of BENEDICT in our last EXAMINER, respecting a militia soldier, who received A HUNDRED LASHES for marrying without the consent of his Commanding Officer, has attracted attention in the country, and will, it is trusted, do something towards the explanation of that surprising affair. In answer to our Correspondent's query respecting the Commandant's right in so doing, it is quite clear, but that no officer has the least military right or pretence whatever to controul his men on such occasions. In every military point of view, the exertion of such authority is illegal, and the flogging truly monstrous. "Of all the actions of a man's life," says the learned SELDEN, "his marriage does least concern other people, yet of all actions of our life 'tis most meddled with by other people." Never perhaps till now, however, was there so tyrannical an instance of interference as in the case of this poor soldier.

We regret to find, by the Letters from America, that the yellow fever has again made its appearance; and although the cases have hitherto been neither numerous nor fatal, the apprehensions of the Public are already very powerfully excited.

BONAPARTE, it is stated, has convened a Conclave of Cardinals at Paris, for the purpose of placing Cardinal FESCHE at the head of the Romish Church.

MR. COWLAM still remains in a dangerous state at his friend's house, from which the Surgeon is of opinion that he cannot yet be removed with safety. The bruises with which the body of Mr. COWLAM is covered are more painful than they were at first; the stiffness of his limbs is also greater, and he cannot move without extreme pain and difficulty; the oppression on the lungs is considerable, and Mr. COWLAM has expectorated much blood.

As most of the Ladies who so kindly stuff the Dress-Boxes at Covent-Garden are obliged to trudge it in all weathers, a retiring room is recommended for the use of those who wish to appear decently, by changing their stockings.—The Managers ought to know, that *splashed legs* are by no means becoming in the *first circles*.

The Attorney-General was on Tuesday, it is said, consulted again upon the subject of the continued uproar and conflict between the Managers and the Public; and we are assured that his answer was expressive of an inability to advise the particular course which it would be expedient for Government to pursue. His answer is, however, not regarded as final. He has taken time to consider whether Government can, and in what manner, interpose upon the subject.

The Treaty of Peace between Sweden and Russia has been ratified and published. The substance of this document has already been given. The third article provides for the shutting of the Swedish ports against England. The ports are to be shut, but salt and colonial produce may be imported. His Swedish Majesty promises to accede to the Continental System (Maritime), with such modifications as shall be more particularly stipulated in the negociation about to be entered into between Sweden, France, and Denmark. The other Articles of the Treaty relate to cessions made by Sweden, and the regulations to be adopted by the two Courts.

The report of the loss of the Lark sloop of war, in the West Indies, is unfortunately confirmed by accounts from Admiral ROWLEY, which state, that she upset in a gale of wind, on the 3d of August, when Captain JAMES NICHOLSON, the officers, and nearly all the crew, perished.

The Ionian Academy, established at Corfu for the restoration of the Arts and Sciences, held it's second solemn sitting on the 15th of last August. It was then determined that, in imitation of ancient Greece, the Academy should every fifth year distribute Olympic prizes; and the 15th of August, which is the birth-day of NAPOLEON, was the very day, it seems, on which the Greeks would have repeated their Olympics for the 647th time. The next prizes will be distributed on the 15th August 1812, the first year of the 648th Olympiad. They consist of medals made of iron, which was the current coin of Lacedemon; and bear on one side the image of the Emperor, inscribed "NAPOLEON, BENEFACTOR AND PROTECTOR;" and on the other, a star with these words,—“To GENIUS, the Grateful Country.”

In the Court of King's Bench, on Thursday, Elizabeth Stonefield aged 66, was sentenced to be imprisoned three months, and to stand in the pillory, for endeavouring to prevail on a soldier to desert, and enter into the navy as a substitute for her son, who had been impressed. The poor creature's case excited much interest. She had five sons, four of whom were already in the King's service; she was very indigent, and this son, torn from her in her old age, she wished to remain and assist her in business.—All this, Sir VICARY said, was very true, but justice must be done!—On the same day, one Brack, who had obtained the freedom of his brother (who had also been impressed), by swearing that he was an apprentice, which was not true, was fined 50*l.* and ordered to be imprisoned for two years!—While the impress is thus continued and enforced, it would be quite as well to be silent about French conscriptions; though, to be sure, the impress takes only the lower class, while the conscription sweeps every rank.

Sir CHARLES FLOWER, of Lobb, Baronet and Bacon-seller, was on Friday thanked for his “hospitality,” during his Mayoralty, by a Court of Aldermen. Those who know Sir CHARLES FLOWER, of Lobb, best, say that the Aldermen were a satirical set of rogues.

Such is now the appearance of the Boxes at Covent-Garden, that when the curtain rises to the farce, it might have been supposed to be the commencement of the Play, and that the individuals in the Boxes were keeping seats for the audience.

The *Spectator* appeared in the *Morning Post*, provided for the Tombstone

stone

one here
every where.”



THEATRICAL EXAMINER.

No. 58.

COVENT GARDEN.

There has been nothing material for criticism during the past week; and I willingly turn to a subject which demands the attention of every friend of humanity and good morals. The impolitic and brutal conduct of the Managers of this Theatre has reached it's climax. It is impossible that the public should ever forget the time, when to go to the play was to endanger one's liberty and very life. To seizures and skirmishes has now succeeded an unmixed brutality on the part of the retainers. These men, consisting of the lowest ruffians collected from every pot-house about the place, enter the pit with avowed purposes of malice, some of them with their sticks furnished with spikes; the company are wounded in the face, have their hands run through, and are trodden down beneath the feet of the wretches; and finally, one gentleman of the name of COWLAN, who neither hissed nor wore a placard, but had brought an action against one of the Manager's friends, was assaulted on Wednesday last by a particular gang, and malignantly thrown down and trampled upon in such a manner, that he has been confined to an excruciating bed in danger of his life. When people hear of these proceedings, they know not what to think of the apparent apathy of the LORD CHAMBERLAIN. With regard to the prices of admission, there are certainly many persons, who upon their own calculations, and out of regard for the Theatre, are willing to allow the rise; but nobody who converses on the subject, whether for or against the Managers in this respect, looks upon the theatrical statement as any thing but a list of mere assertions, which, in stating only a vague expenditure, and not it's causes or items, have no pretence whatever to determine the question. With regard to the private boxes, I have heard but one opinion even from those who are disposed to allow the new prices; and with respect to the policy and brutality of the Managers, every body unites in laughing at the one and execrating the other. The private boxes are certainly the most obnoxious part of the whole managerial alterations: the lovers of the Theatre are not, generally speaking, of a temper to begrudge the advance of sixpence or a shilling, abstracted from any imposition; and even in the latter case, time, and good-nature, and indolence, and perhaps the proverbial credulity of Englishmen, might have given the matter up; but a whole circle of the Theatre taken from them to make privacies for the luxurious great, is a novelty so offensive to the national habits, both on account of its contemptuous exclusions, and the ideas of accommodation it so naturally excites, that the Managers, granting that they suffer a great loss, deserve to suffer still more for their mercenary and obsequious encouragement of pride and profligacy. In truth, there is not the shadow of a pretence for this foreign piece of indulgence. In Spain, people may want to smoke and drink coffee; and in Italy, they may have such places for a thousand purposes of abandonment; but in an English Theatre, the only object is, or ought to be, to see the play; and plays are seen much better in an open box, than behind the best wall in Europe. “Oh,” say the Managers, “but the Ladies and Gentlemen can refresh themselves between the acts.”—Can they indeed? But so they could, as well as the rest, in open boxes; and what kind of refreshment can people want, who dine at five or six, drink their coffee

directly, and then go to the Theatre to sit upon easy cushions? "Oh, but they may be ill."—Then let them stay at home.—"Oh, but they may be taken ill."—Then let them be taken home.—"Oh, but if a new play happen so be dull, they can retire a-while."—Really! They can retire a-while, if the play happen to be dull! Delicate and dignified souls! The rest of the boxes must sit still and wait patiently for their seven shillings worth of common-sense, and probably not hear it after all, while these nice-judging and nice-feeling personages are to draw in their horns and retire a-while! And to what purpose are they to retire? *At best*, to lounge, and trifle with a jelly, and draw a little with Mr. SE—E—A—F—F—I—N—G—T—ON, and talk nonsense instead of hearing it:—but these are not the innocent amusements of *all* the great persons who lounge at Theatres, and who come there to get rid of the fumes of wine, to idle about after idle acquaintances, and to *intrigue*! These persons will take advantage of every facility offered them; they themselves will enjoy the Private Boxes and introduce of course whom they please. Could there possibly be easier opportunities for the whole progress of seduction and sensuality—for vanquishing the weak, and rioting with the abandoned? OVID, in the depravity of his heart, takes great pains to teach the art of making love at Theatres; but had he addressed himself to Private Boxes, he would have needed but a word or two.—"Oh," cry the Managers, "but really the thing is mistaken: the Private Boxes are to accommodate,—they are certainly to accommodate,—but they are for none of the vile uses you mention!" Are they not? Then the answer is plain:—Do away with them entirely:—they have no use at all if they have no such uses; and if they have, they are a thousand times worse than useless.

THEATRICAL CORRESPONDENCE.

TO THE MAGISTRATES OF BOW-STREET.

GENTLEMEN,

Immediately after my last letter to you, finding that legal proceedings had actually commenced, in the shape of bills of indictment, against some of those denominated by you *rioters*,—it was not my intention, notwithstanding the Charge of the Chairman of the Westminster Sessions offered ample grounds for observation, to have again addressed you while the business was "*sub judice*;"—but learning, from the Charge of Mr. Justice GROSE to the Grand Jury,—and from the observations of Sir JAMES MANSFIELD in the case of CLIFFORD and BRANDON (both of which I take from the public Newspapers), what are the sentiments of "some learned men in the profession," and induced, moreover, by a letter, which appeared in the *Examiner* of last Sunday, signed "T. HARRISON," who may, for ought I know, be connected in *some shape or other* with your magisterial body, I again presume to address myself to you.

The object I professed to have in view was, if possible, to discover on which side lay *truth and justice*:—in this I was perfectly sincere,—and I am equally sincere in regretting that the discovery has not in any manner been forwarded by you,—nor has Mr. T. HARRISON thrown any additional light upon the subject. It is true, he pompously proceeds to figures; but upon what authority does he use them? Were his calculations stated to the Managers' Committee?—or were they not? If they were not, it is

wasting time to consider them, as they are entirely destitute of all authority. If they *were*, the conclusions which the Committee have drawn from all the calculations, including Mr. T. HARRISON'S, and *other documents* laid before them, being the result, no doubt, of the most complete and accurate information on the subject, is contained in their Report, and must be considered as unquestionable authority, at least *against* the Managers.

Upon this authority it is stated, that if the Managers open their house at the *old* prices, they will *lose* $\frac{1}{2}$ per cent.; and if they receive the *new* prices, they will *gain* only $3\frac{1}{2}$ per cent. making the *total difference* between the old and the new prices 4 per cent. I have nothing to do with T. HARRISON'S calculation. The *Managers* have stated to the public (and, by the bye, it is not unworthy of remark, that they did it in the very terms of the Report, long before that Report made its public appearance), that the *difference* between the *old* and the *new* prices is *only* 4 per cent.!

This 4 per cent. difference, then, is what I find so difficult to comprehend. When the *new* prices *advance* the receipt in one part of the house $16\frac{1}{2}$ per cent. and in another part of the house $14\frac{1}{2}$ per cent. making an average of $15\frac{1}{2}$ per cent. *advance*, the remainder of the house continuing the same under the old and the new prices, in no respect effects the calculation. I acknowledge I want intellect to discover any error in this,—and I call upon Mr. T. HARRISON, upon the Committee, and upon the Managers themselves, to explain to me, if they can, how this $15\frac{1}{2}$ per cent. clear indisputable advance upon the old prices, and as clearly an unjust and unreasonable advance, ought to be, or can be, reduced down to 4 per cent? If they do not think me worth convincing, I must remain in my present opinion, which is the opinion also, there is reason to believe, of a great majority of the inhabitants of this city.

Feeling strongly grounded, then, that the advance claimed by the Managers is *unjust* and *unreasonable*, and that the public have a *right* to express their opinion, either of approbation or censure, of this advance, I cannot, as an Englishman, contemplate, without strong emotions of indignation, the means that have been resorted to, to levy this additional tax upon the amusements of the people, and to stifle the expression of the popular opinion upon a public and a general subject.

In my apprehension, the business has assumed a very serious complexion, and is no longer confined to the petty considerations of whether the Managers shall gain moderately or immoderately. If the calculations and *other documents*, submitted to the Committee, would bear the light, why were they not published? Erroneous as the conclusion drawn by the Committee in their Report appears to be, the *readiness* of the Managers to afford the public complete satisfaction, would have been hailed as earnest of the sincerity of their own conviction, at least, of the justice of their cause, and would have met the indulgence, and probably the support, of an enlightened and generous public.

But this satisfaction appears to be *proudly denied*,—and an appeal is made to force; at least the multitude of constables, fire-men, Jews, and boxers, who nightly disturb the public peace, and excite the public indignation, seem to be sent into the house to *compel* a submission to the demands of the Managers,—and how are their *praiseworthy efforts* seconded by that branch of the Police of the

metropolis which is seated in Bow-street? If we may trust the reports of the Newspapers,—

One man has been dragged from a Coffee-house *without a warrant*, or any legal authority, and compelled to find excessive bail, for having at some previous time hissed an actor, or expressed his disapprobation of the play.

Another man, charged with *making a noise*, has had his pockets searched,—by what authority no one can tell.

Many have been charged, aye, and forced to find bail too, for *talking loudly* in the Theatre, as it should seem, against the peace and pleasure of *James Brandon, Esquire!*

Charges against O. P.'s are readily, nay eagerly, received, upon any *slender proof*, and the unfortunate persons compelled to find *unreasonable and excessive bail*, or *suffer imprisonment*;—while if a Managers' champion happens to have committed himself so far that the evidence is *clear* even to the misty optics of an unwilling sight, he is called upon only for the usual bail of 20l.

And lastly, men are stigmatized as *Jacobins* and *Revolutionists*, for doing acts certainly *anti-revolutionary*:—others are beaten with the most savage barbarity; and one Gentleman is even reported to have been *killed!* in an affray which could not have existed, if there had not been two contending parties; and if the Bow-street *Dictum* prevails, the *Managers* are *equally accessories* with Mr. *Wienholt*.

If these things have happened,—and the Newspapers assert that many more, and much worse, if possible, have happened,—we are all most profoundly interested in repressing, by every *legal and constitutional means*, the assumption of a *power* which may lead to most serious and fatal consequences. The *means* the most obvious are in the hands of the *Juries* of the Country, and to them, with full reliance, the business must for the present be left.

In the mean time, Gentlemen, recommending to your imitation the character described by *CLAUDIAN*,—

“*Dis proximus ille est—
Quem ratio, non ira movet, qui facta reponens
Consilio punire potest,*”—

I am, Gentlemen,

Your obedient servant,

G—I, 17th Nov. 1809.

W. C.

SIR,—As a friend to the O. P.'s, and a professional man too, I have been looking into my law-books under the title *Riot*, and find as follows:—

“*RIOT* signifies the *forcibly doing an unlawful thing* by three or more persons, assembled together for that purpose.”—(West. Symbol, part 2. tit. Indictments, sec. 65.)

“*HOLT*, Ch. J. in delivering the opinion of the Court, said, that the books are obscure in the definition of riots, and, that, he took it, that it is not necessary to say they assembled for that purpose, but there must be an *unlawful assembly*; and as to what act will make a riot a trespass, such an act as will make a trespass, will make a riot.”—(11 Mod. 116. pl. 2. Trin. 6. Ann B. R. the Queen v. Soley.)

Will any one pretend to advance, that the audience of a Theatre Royal can, in anywise, be construed to be an *unlawful assembly*? If, however, any individual so far separates himself from public protection and *customary right*, as to commit depredation on the private property of the proprietors, no doubt but he would be guilty of a trespass, and might even be prosecuted as a rioter.

I am well aware, I believe, of the doctrine intended to be set up by the magistrates, who have been so zealously active on the late occasion, and the authorities they mean

to urge in its support, namely, that *HAWKINS*, in his Pleas of the Crown, says,—

“A Riot seems to be a tumultuous disturbance of the peace, by three persons, or more, assembling together of their own authority, with an intent mutually to assist one another against any who shall oppose them in the execution of some enterprise of a private nature, and afterwards actually executing the same in a violent, turbulent manner, to the terror of the people, whether the act intended was of itself lawful or unlawful.”—(Hawk. P. C. 155. c. 65. Sec. 1.)

Now this, I believe, it will be allowed, is carrying the doctrine of riots to the greatest possible extent: and let us, therefore, analyze this section, and see how far it will justify the Police Magistrates in the parts they have filled: and that, perhaps, cannot be better accomplished than by following up the observations of the same writer in the same chapter, as follows: where he says,—

“For the better understanding whereof, I shall consider the following particulars:—

“1st, How far such an assembly may become rioters through the want of legal authority, expressed, or implied. 2dly, How far the intention, with which the parties assemble together, must be unlawful. 3dly, With what kind of violence or terror the intended enterprise must be executed. 4thly, How far the grievance intended to be redressed must be of a private nature. 5thly, Whether the unlawful execution of an act, in its own nature lawful, may not make an assembly riotous.—As to the first point, (he observes), it seems, that whenever more than three persons use force and violence in the execution of any design whatever, wherein the law does not allow the use of such force, all who are concerned therein are rioters,” &c.—(Sec. 2.)

Will any one pretend to say, that those persons who have confined themselves to hissing, hooting, groaning, and such like expressions of their disapprobation, can be in anywise construed to have used such force and violence as the law does not allow?

“As to the second point”—(and this I conceive to be the chief ground on which their magisterial interpretation rests). “It is said, that if persons, innocently assembled together, do afterwards, upon a dispute happening to arise among them, form themselves into parties, with promises of mutual assistance, and then make an affray, they are guilty of a riot, because upon their confederating together, with an intention to break the peace, they may as properly be said to be assembled together for that purpose from the time of such confederacy, as if their first coming together had been on such a design,” &c.—(Sec. 3.)

Here it is most materially to be noticed, that Mr. *HAWKINS* observes there must be the *malus animus*, the intent to break the peace, on the part of the rioters. Directly the reverse has been the case in the Theatre with the O. P.'s (as they are now designated.) There has not been one solitary instance in which any one of them have, in the Theatre, shewn the slightest intention to break the peace. The affrays and assaults have universally commenced with the prostituted pugilistic prowess of the hired partisans of the proprietors. That such associated ruffians may be and are indictable as rioters, the very spirit and letter of the law allows, and calls loudly for enforcement.

“As to the third point:—It has been holden, that it (the enterprise) ought to be accompanied with some offer of violence,” &c.—(Sec. 4.)

Offer of violence!—I repeat again, there has been none proceeding from the O. P.'s. On their part, every affray has been the effect of self-defence; and let us further observe what he says on this last point in sec. 5. where he continues:—

"However, it seems to be clearly agreed, that in every riot there must be some such circumstance, either of actual force or violence, or at least of an apparent tendency thereto, as are naturally apt to strike terror into the people; as the shew of armour, threatening speeches, or turbulent gestures; for every such offence must be said to be done *in terrorem populi*; and from hence it clearly follows, that assemblies, or wakes, or other festival times, or meetings for exercise of common sports or diversions, as bull-bating, wrestling, and such like, are not riotous."—(Sec. 5.)

Can any thing be possibly stronger in language to shew that both the spirit and letter of the law is clearly in favour of the O. P.'s? It is, indeed, so strong, in the words of HAWKINS, that I shall not add a further comment on this point; only asking, whether any one will venture to assert, if a Mountebank were to get up on his stage, and by indecent gestures and insulting language to outrage the feelings of his audience, that should all or any of the assemblage of persons join together to hoot and pelt him down, this act could be construed into a riot? And where is the difference between the two stage-players; the stroller, (as I have read the great John Kemble was once), and the motley actor under a Royal Patent?

"As to the fourth point, (he observes), it seems agreed, that the injury or grievance complained of, and intended to be revenged or remedied by such an assembly, must relate to some private quarrel only," &c.—(Sec. 6.)—"For had it relation to the redress of public wrongs, where the King is concerned, it would be treason against the King's Majesty."

Who can possibly say, that the grievance intended to be redressed by the O. P.'s is of a private nature? God knows, that every one but the great JOHN KEMBLE, who, mayhap, may even now affect "to ask what they want," can testify, that the present theatrical quarrel is public enough.

"And as to the 5th, and last point, (he says), it hath been generally holden, that it is no way material whether the act, intended to be done by such an assembly, be of itself lawful or unlawful, &c. However, the justice of the quarrel, in which such an assembly doth engage, is certainly a great mitigation of the offence."

Here we see that even in speaking of acts done on private grounds of quarrel, in a violent and tumultuous manner, the justice of the quarrel is a great mitigation of the offence. What then can be said of the acts done in consequence of a public quarrel, without violence, and certainly in a very harmonious manner, for the most prominent one is that of full chorus to "God save the King?"

I beg to apologize for the length of this letter and quotations, but I hope that the abler annotations, which it may possibly serve to provoke from some other professional man, may plead the excuse of,—Yours, with respect,

TRISHIAKES.

November 11, 1809.

SIR,—In the unparalleled contest between the Town and the Managers of Covent-Garden Theatre, the Box-keeper, BRANNOX, is particularly obnoxious to the O. P.'s. In all popular commotions, there is little time allowed for reflection or discrimination of character between the obnoxious; and when it is considered how much this BRANNOX has at stake, and how desperate the game he is playing, we must allow some qualification to the oaths he has taken, and make some allowance for his peeping through the pigeon holes.

It has already been stated how much the KEMBLEs are interested in bullying the people into their exorbitant de-

mands; but I much question whether the place of Professor BRANNOX is not infinitely more valuable, and far more snug, than even that of the theatrical monarch. Let us see the state of the Box-keeper's private funds in the time of CIBBER, BOOTH, and WILKES, first remembering that the value of the Box-book has kept a galloping pace with the increased prices of admission since those days. The following extract from "DAVIS'S Dramatic Miscellanies," will partly elucidate this point:—

"Box-keepers were formerly richer than their masters. A remarkable instance of it I heard many years since. COLLEY CIBBER had in a Prologue, or some part of a play, given such offence to a certain great man in power, that the play-house, by order of the LORD CHAMBERLAIN, was shut up for some time. CIBBER was arrested, and the damages laid at 10,000l. Of this misfortune, BOOTH and WILKES were talking very seriously, at the play-house, in the presence of Mr. KING, the Box-keeper; who asked if he could be of any service in bailing Mr. CIBBER?—"Why, you blockhead," says WILKES, "it is for 10,000l."—"I should be very sorry," replied the Box-keeper, "if I could not be answerable for twice that sum." The Managers stared at each other; and BOOTH said, with some emotion, to WILKES, "What have you and I been about, BOB, all this time? A Box-keeper can buy us both."

Were the ghosts of BOOTH and WILKES to become animate, and walk into the pit of Covent-garden Theatre, what must be their astonishment to see JEMMY the Box-keeper, with five times KING's hoardings in his pouch, at the head of a gang of ruffians, forcing the people to submit to a more rapid increase of gain, and styling himself, not a blockhead, but, forsooth, a Gentleman?

The public will now see the stake which this boxing Book-keeper holds, in the daring fight for new prices.

MODERATION.

Blackfriars-road, 16th Nov. 1809.

* Thus it appears that the Chamberlain, (and the Managers of Covent-garden Theatre hold the public at defiance under the same kind of patent) can shut up the theatre. His interposition was never more loudly called for.

FINE ARTS.

PAUL SANDBY, R. A.

MR. EXAMINER,

The *Morning Chronicle* of Saturday last says of PAUL SANDBY, that "he was the father of modern painting in water-colours, which he carried as far as that kind of painting could, or, with propriety, ought to be carried."

That the art of painting in water-colours can be carried farther than it was by this respectable and lately deceased professor, has I think been amply proved by the productions of TURNER, GIRTIN, CALLCOTT, GLOVER, HAYEL, VARLEY, and many others. HANDEL is not farther beyond HOOK, nor MILTON beyond the heroes of the *Dunciad*, than the first named of these gentlemen is beyond the subject of the *Chronicle's* eulogy. It necessarily follows then, that those artists have carried that "kind of painting farther than with propriety it ought to be carried."

Now, MR. EXAMINER, the object of my addressing you upon this subject, is to request that the gentleman who sent that paragraph for insertion in the *Morning Chronicle* will, if this should meet his eye, favour the public with the process of reasoning by which he arrived at this important conclusion. It would, I am persuaded, be very

interesting to artists, and highly beneficial to the public. I say it would be beneficial to the public, because it is not unknown to you, Mr. EXAMINER, that within these few years there has started up a Society of mushroom pretenders to art, who have dared to call themselves Painters in Water-colours, and who have had the audacity (would you believe it, Mr. EXAMINER) to receive as much money for their pictures as if they had been painted upon canvas, and whole gallons of oil, mygulp, or even India rubber, had been used in the execution of them.—Now nothing would tend so much to lower the pretensions of these people, and to give a timely check to a great and increasing evil, as the very luminous essay which Mr. SANDBY'S eulogist will be able to write upon this subject; and if this letter should be instrumental in calling it forth, it will add greatly to the ease and happiness of, Sir, your very humble servant,

A READER OF THE EXAMINER,
and a thorough-bred Painter in Oil,
Wax, India rubber, and all other
regular and legitimate Nostrums.

Marrowbone, November 15.

THE VOLUNTEERS.

MR. EXAMINER,

I feel a pleasure in addressing you, knowing, as I do, your regard for truth. I send this for the purpose of flatly contradicting a positive assertion made in your Paper of Sunday last, by a person signing himself "Corporal TRIM;" in doing this, it is by no means my intention to enter into the question, whether the system of volunteering is in a sickly state or not, as every one must know what a falling off there has been for some time past in that department of our force; but when a man unblushingly presumes to tell an absolute falsehood respecting the musters of a corps, which he himself allows to be the most respectable in London, it cannot but be wounding to the feelings of every Member of that Corps, and at the same time to those of every lover of truth.

I am a Member of the Bloomsbury Association, and have been so for upwards of ten years; I have made a reference to six field returns of the following dates:—5th November, 1807—3d May, 1808—7th May, 1808—9th July, 1808—5th November, 1808—and 29th April, 1809; all of which were Inspections, and the musters on each of those days were much larger than your Correspondent mentions, on some of them *more than double*. I have not stated the precise numbers, as I do not see the necessity of it; they are certainly not any of them large musters, but large enough to shew the falsehood of the Corporal's assertion; and as I have given the dates, it will be easy for any one who wishes it to ascertain those numbers.

With respect to Corporal TRIM'S other statement, I have nothing to say to it; I think it by no means unlikely; but I would advise him for the future, before he asserts so positively, to inform himself more exactly; and I would also advise him to chuse another signature, for were the amiable TRIM of STERNE in existence, I am sure he would blush for him.—I remain, Mr. EXAMINER, your constant reader and very humble servant,

Clement's Inn, Nov. 4.

J. M. LACEY.

MR. EXAMINER,—With as much zeal, but without the same degree of warmth, as your well-meaning Correspondent

from Finsbury-square, I cannot help being of opinion with him that the paragraph relating to the Volunteers, which appeared in your Paper of the 29th ult. contained much unjust severity. Were it even a fact that the Volunteers are less ardent in the discharge of their duty than formerly, still it must be admitted by all true friends of their country, that they have been of service "in their day;" sufficiently so, to entitle them to the *good word*, at least, of their compatriots: but I must declare, that in the St. James's regiment, of which I have been long a member, so far from their being any necessity either to "nurse" the weekly, or "coax" the attendance of the strong, I have observed no instance in which the members of that corps have been wanting in the readiest zeal, and most prompt subordination!

It has been said that "a partial statement of facts may convey all the venom of falsehood;" but without meaning to bring a charge of intentional misrepresentation against a gentleman in whose general sentiments I cordially concur, I must beg leave to set you right on the subject of the Regimental Orders of the St. James's corps, which you have certainly, and I doubt not unknowingly, misquoted. In the first place, the Order which you have alluded to did not, as you seem to have supposed, apply to the day of Jubilee (for on that day there needed no argument or temptation to induce a good muster, although "the knife and fork exercise" did not form part of the duty on that occasion); but to an inspection of the regiment on the 2d instant; and in the next place, the passage relating to the members appearing in great coats was, intended and received as an *indulgent permission*, not as an *invitation*, for the men to appear in that habit, as it is well understood that no member would venture to wear a great coat on such an occasion, however anxious he might be to appear at his post, without express permission to do so. The appearance at the inspection of those members who might take advantage of that permission was the most interesting to themselves; and they were grateful that such an opportunity was given them to attend the *last day* which had been appointed for the regiment to assemble during the present year.

I must, out of mere compassion, abstain from answering the *consistent* remarks of "A Soldier tired with War's Alarms."—(Poor soul!)—it would be cruel to disturb the *retreat* of such a worthy; besides, I have too often felt the *fatigues* of the field myself, to attack an *exhausted* comrade. Peace to his *departed spirit*! I am, Sir, your constant reader, and
A GRENADIER.
15th Nov. 1809.

OXFORD CHANCELLORSHIP.

THE GENUINE ANSWER OF A CLERGYMAN IN THE NORTH OF ENGLAND TO AN APPLICATION TO VOTE FOR LORD —.

"We have not an Oxonian here, or indeed in this County, at all interested in the contest between the great men your letter mentions. Indeed, the subject is of such little consequence to us *little men* here, that I do not believe any individual would move an inch to contribute to the advancement of *any* of the *great personages* you mention to any place but the *pillory*. We have seen and experienced so much political villany in nine-tenths of those we poor, humble, but suffering mortals, denominate *great men*—who, the moment they succeed and are lifted into

place and power, sell themselves and the people to the Court and the Devil, for their own vicious ends and interests, that this earthly Pandemonium more than alarms all honest men, and warns them to keep at an awful distance from it's possible influence and contamination.—Hitherto, we have supported those who are denominated *great men* and *leaders of party* on principle, believing that they would act on principle, and support the Throne, the Constitution, the Empire, and the true interests of the People, on principle, in the broadest and widest construction; but we have experienced nothing but their abandonment of all principle for the most corrupt, selfish, and interested motives and ends, and have laughed at all arraignment of perfidy and dishonour, as if perfidy and dishonour were as ordinarily the badges of office and power, as the guinea, the paper pound, the shilling, the six-penny piece, and the half-penny, are the common currency of money in the Empire. I ask you then again, my good friend, how can we possibly feel interested in the pursuits, the vanities, and corruptions of all denominations of great men, in these days of dereliction of all consistency, honour, principle, trust, and duty, which each successive set practice on a larger and more extensive scale than their predecessors?—You'll say, I am not in the best temper with these great men. I should deserve all the opprobrium they have called down on themselves, if, in these times, I disguised my sentiments. I believe in my conscience that, *now*, to throw off all disguise is the only way to preserve the throne, the altar, and the Empire; and since all our public trustees have abandoned their duty and betrayed their trust, for a vile system of court sycophancy and selfish miscreancy, there is no hope of salvation for any part of the Empire but in the loud, unqualified, and reiterated remonstrances of the People, to their Sovereign, as the infallible means of preserving their union, to the annihilation of intermediate faction, which operates to the severance of the beloved King from his attached people, and proves alike mischievous and fatal to both.—These are my sincere sentiments, maturely digested, and deliberately pronounced. I could say more, but it is inconvenient just now. I might have said less, but it would have been criminal, even to you, my long collegiate bosom-friend, my fellow companion and traveller, in scholastic pursuit, in youth, in old age, and in silent retirement. If I did not well know the state of your exalted mind, and the unbounded influence which personal connections has on the generosity of your lively feelings, I should be lost as to the motives which could prevail on your philanthropy to interfere in the selfish cabals of these little great men.—I conjure you to drop them as the refuse of all our Public Institutions, which ought to fall through the sieve as unworthy of public appropriation,—as devotees to their own private ends, no matter what the sacrifice. I thank God daily, that I have as little inclination to serve any of them as they have ever shewn, to perform their duties to the public. Their professions have often deceived me as well as the rest of my fellow subjects, and their forgetfulness in office of their professions when out of office, have already reduced my family to three *banyan* days in the week. These, surely, are justifiable grounds on which to conjure you, and every man of understanding in the empire, to let these little great men maintain their intrigues and contests as CASTLEREAGH and CANNING have done, by personal exposition. Now, my dear friend,

I know you well, or I have lived long to very little purpose. You have your own bread and cheese: so have I. In these days of corruption, openly avowed by the most favoured leaders of Opposition as they are called, on whom all our lost hopes were founded, I have resolved to make my bread and cheese suffice: let me conjure you to follow my example. You solicit me to serve these little great men. I conjure you to resign them to their own impure fate. Their conduct has made them unworthy of us all, and I am perfectly persuaded that to abandon these factions is the best way to secure the throne, the altar, and the empire, from annihilation. I do not—I will not believe that either you or I are formed of materials supple or pliant enough to be their slave, or a beast of burthen. Lord — and Lord —, aye, and the Duke too, *may be* such worthy private men as you are pleased to call them. But, my public opinion, especially of the two first, which, I mean *officially*, is all I have to do with them, is really so very, very, very poor, that was I a bishop, or a master of a college, I would carry my principle of throwing off all disguise into exemplary practice, and call forth from humble station some honest individual, uncontaminated by the wiles of a court, place, pension, sinecure, or official power, before I would engage my vote, or attempt to influence the vote of a friend. I am now too old and experienced not to speak out; even the goose did this when the state was in danger; and therefore you will excuse my being thus explicit, lest success in this boyish intrigue may once more gull the abused people of England to conclude that it is the result of popularity and public confidence, which not one of these candidates possesses, as you well know."

PETTICOAT INFLUENCE.

MR. EXAMINER,—The circumstance of *Hutton*, alias *Huffy White's* escape from the hulks, it is hoped will be strictly investigated. This fellow had been a notorious housebreaker for twenty years; he was taken in the act of committing a burglary, and when apprehended, *pistols* were found upon him. It was expected that on conviction he would have been executed, or at least transported for life; but notwithstanding the notoriety of his character, and the aggravated nature of his offence, interest was made for him so successfully, that his sentence was remitted, on condition of serving on board the hulks, where he remained a few weeks, and then decamped. It is confidently asserted, that this desperado has a sister, who is the favourite and confidential friend of a person possessing influence in *Bloomsbury*.
ONE IN THE SECRET.

LAW.

COURT OF COMMON PLEAS, WESTMINSTER.

Wednesday, Nov. 15.

CLIFFORD v. BRANDON.

The plaintiff, a barrister, brought this action, some days since, for an assault, battery and false imprisonment, against Mr. Brandon, box-keeper of Covent-garden Theatre, who had taken Mr. Clifford by force out of the pit, and carried him before the Bow-street Magistrates, who dismissed the charge.

Mr. Serjeant SHEPHERD moved the Court for leave to plead several matters in the plea of defence:—First, That the Theatre, where the cause of action occurred, is a licensed Royal Theatre, in which the Managers are entitled to perform tragedies and comedies. Secondly, That the plaintiff and three others interrupted the performance, and committed a trespass;

also that several persons instigated a riot, which was to prevent the farce then represented on the stage from going on; also that the plaintiff instigated others to promote the riot. Thirdly, That he was instigating the riot generally; in consequence of which he was taken out of the Theatre, to preserve the public peace and property of the Proprietors.

Sir JAMES MANSFIELD—"Take a rule to shew cause; but I am told that it is lawful.—[Here the Learned Judge smiled]. An opinion had gone abroad, grounded on the alleged authority of some eminent lawyers, that the public could not be guilty of a riot in a Theatre, as if it could be lawful for them to pull it to pieces and knock the players on the head! Sir James then inquired if the Managers of Covent-garden had yet prosecuted any of the persons whom they charged as rioters.

Mr. Serjeant SHEPHERD replied, that he was not aware that they had.

His Lordship then observed in return, that there was a difference between prosecuting actions against persons able to pay damages, and admitting others to bail merely.

POLICE.

BOW-STREET.

On Monday, in the second act of *Richard the Third*, at Covent Garden Theatre, a party of Police Officers rushed into the Pit, and pouncing on a man who was standing near the end of the sixth bench from the top, carried him off. This individual, whose name is *Robert Stephenson*, wore on his head a red worsted cap, such as is worn by labourers in the markets. In the front of this cap was pinned a piece of black silk, on which were the initials of O. P. in gilt letters. On arriving at the Public Office, *Professor Brandon* charged Stephenson with "pinning the O. P. on the cap which he wore, and with running up and down the benches, and creating a tumult."—The accused stated, that the person by whom he was frequently employed (*Mr. R. Turner, jun. of Stepney-green, son of Mr. Turner, a salesman of Lendenhall-street*), had offered to treat him to the play, which offer he had accepted. He admitted wearing the red cap, for which he assigned the very cogent reason, that he never wore any thing else. He denied the charge of running up and down the benches, or of exciting tumult in any way. He had walked quietly down the Pit once (there were not 150 persons in the Pit when he was seized), and afterwards quietly returned to the bench on which he was standing, and had not, from the time of his entering the house, either hissed, whistled, hooted, sung, cried O! O. P. or made any disturbance or noise whatever.—*Mr. READ* ordered him to find 100*l.* bail, and two sureties of 50*l.* each. *Mr. Turner, jun.* who was in the Pit and close to Stephenson, had followed him out and requested the officers, who had dragged him away with the most ferocious violence, not to use him ill—and that he should accompany them to the office for the purpose of bailing him, if necessary. On arriving, however, at the Office, *Mr. Turner* was, at first, forcibly restrained from entering, and had only just obtained admission when the examination was closed. He then offered himself as bail.—*Mr. Read* asked if he was the person who had paid for the admission of Stephenson? *Mr. Turner* admitted that he was; adding, that as an Englishman, he had a right to do what he pleased with his money. He well knew, and occasionally employed, Stephenson, who was a singular character, and never appeared with any covering on his head, but such a red cap as he then wore, which was well known to all who were in the habit of seeing the man. He had walked to the theatre, as he was accustomed to do every where, in his cap.—*Mr. READ* declined accepting his bail, on the ground of his having paid for Stephenson's admission.—Shortly after, two other persons offered themselves as bail, having come from the Pit for that purpose; *Mr. Dighton Mot*, of Tower-street, and *Mr. Morris*, of Bishopsgate-street. The bail of these Gentlemen was also rejected, on the ground of their having walked to the theatre and entered the house together with *Mr. Turner* and the accused, Stephenson. At length *Mr. Bone*, of 221, Strand, and *Mr. N. Jolly*, of Chating-

cross, struck with these very extraordinary circumstances, offered to become bail for his appearance, although total strangers to all the parties—their bail was accepted, and he was discharged.

A gentleman of the name of *Arnett*, residing in *Clement's Inn*, being on Tuesday afternoon in company with *Capt. Hewetson*, at his residence in *Leicester-square*, was requested by him to attend *Mrs. Hewetson* to the Theatre, with which he readily complied. *Mrs. Hewetson* and *Mr. Arnett* took their seats in the front row of the centre box of the second tier. Some friends of *Mr. Arnett* happening to be in an adjacent box, one of them addressed him, and in conversation said, "I have got several O. P.'s," which being overheard by *Mrs. Hewetson*, she instantly exclaimed, "Oh! if those are your friends, *Mr. Arnett*, I beg you will immediately leave me."—"They certainly are my friends, Ma'am," replied *Mr. Arnett*, "and I lament that their being so should prejudice me in your opinion."—"Leave me, Sir, instantly," was the Lady's reply. *Mr. Arnett*, then quitting his seat, took one behind the lady, who from that moment was loud in her reprobation of the gentlemen in the adjacent box. This was disregarded for some time; but at length one of the gentlemen to whom she had particularly addressed herself, turning round, snapped his fingers—the lady, with much display of science, instantly saluted him with a *facer*. The Captain, who had seen the bustle from a distant part of the Theatre, now entered the box, and upbraided *Mr. Arnett* with having neglected to protect *Mrs. Hewetson*. *Mr. Arnett* exculpated himself, by the dismissal he had received from the lady. The Captain then reprobated the conduct of the gentlemen, in language wherein the terms of "blackguard" and "scoundrel" were somewhat too frequently repeated for the feelings of *Mr. Arnett*, who remonstrated on the indelicacy of applying those epithets to gentlemen who were his friends. "If," replied the Captain, "they are your friends, you are also a blackguard and a scoundrel." *Mr. Arnett* knocked the "Captain" down.—*Young Lavender* and some other Officers instantly entering the box, secured *Mr. Arnett*, but not before the modern *Thalestris*, who seems as skilful at single-stick as at boxing, had inflicted a blow with the stick of the Captain on the left eye of *Mr. Arnett*. On being secured, *Mr. Arnett* requested permission to proceed without violence to the office, when the Captain seizing him by the collar abstracted about one-half of his coat. The charge was heard by *Mr. GRAHAM*, who expressed his regret at the conduct of the Captain, whose expressions were such as it was not probable any gentleman could patiently endure; for himself, he doubted whether in such a case, his indignation might not have silenced his prudence; but when it was considered that epithets so offensive had been used, to a friend of whom he had thought so highly as to commit his wife to his protection, it was difficult to conceive any motive but that of an intention to provoke *Mr. Arnett*. *Mr. Graham* added, that he must, however, hold *Mr. Arnett* to bail, greatly as he lamented the transaction—on which, marvellous as it may appear, the Captain himself offered to become bail for his friend, by whom he was knocked down! The bail of the Captain was declined by *Mr. Arnett*, and *Mr. Hookham* of *Bond-street* and another Gentleman, who had witnessed the whole transaction, immediately offered to become bail for *Mr. Arnett*, to whom they were total strangers.—Their bail was accepted, and *Mr. Arnett* liberated.

On Saturday the 11th instant, *Mr. Cowlam* applied at the Office for a warrant against *Captain Hewetson* and *Mr. White*, the latter of which gentlemen he charged with having assaulted him, and the former with having rescued *White*, whom *Mr. Cowlam* had seized, and was conducting to the Office. *Mr. BIRNIE*, who was the Sitting Magistrate, granted a warrant, but desired the officer to defer the execution of it till Monday. In the afternoon of that day *Mr. Cowlam* attended at the Office, where he found *Capt. Hewetson*, attended by his Lady, *Mr. White* having gone out of town, as it was said, "on horse-back," was not present; it was therefore proposed by *Mr. BIRNIE* to meet again, when *Mr. READ*, who was also present, asked *Mr. Cowlam*, "what he wanted?" *Mr. Cowlam*

then stated his case; on the conclusion of which, Mr. Read observed, that the Grand Jury was now sitting, and he might prefer indictments there. Mr. BIRNIE then said, that Mr. White was discharged; and after some conversation, the Captain was dismissed. When the doors of the Theatre were opened on Wednesday night, the Pit filled faster than usual. On the bottom rows were stationed about sixty hired ruffians, consisting of bruisers, workmen, and labourers. The ruffians were particularly artive, and, acting in concert, they attacked those individuals who wore O. P.'s, and who appeared unsupported by any of the opposition being near them. At the commencement of the *Blind Boy*, Mr. Cowlam entered the pit, where he was accosted by a gentleman, named Powell, who said, "Mr. Cowlam, there is a gang of ruffians in the pit, who are committing terrible outrages, and I advise you to keep out of their way." Mr. Cowlam said, "Where?—perhaps these may be the persons who behaved so ill before—I may recollect some of their faces"—when stepping down two benches to look at them, he was instantly surrounded, and a person exclaimed, "This is the man, now for it!" (It is necessary to state, that Mr. Cowlam had not an O. P. in his hat, nor did he wear a medal or any other badge of opposition. He had neither hissed, shouted, or opened his lips, but in conversation with Mr. Powell, and had not been in the pit quite five minutes.) On being surrounded, Mr. Cowlam was collared by one Nicholls, said to be a journeyman bell hanger, by Richard Wood, a smith, and by a man of the name of Cadwallader. At the same instant, a person of the name of Smith, raised a bludgeon, and Mr. Cowlam fell. The gang immediately jumped upon him, and he was kicked by every one who could reach him, till he was senseless, in which state he was carried into the passage, and left on the floor. At the apprehension of his death, the greater part of the ruffians instantly bolted out of the Pit, releasing six other gentlemen, who they had seized at the same moment. Perry, the fireman, going into the passage, saw the body of Mr. Cowlam, which he instantly took up, and carried him on his shoulders out of the Theatre, to the house of a surgeon, at the corner of Charles-street. The report of a man being murdered spreading through the House, produced violent agitation among the company for several minutes, and only subsided on intelligence being received that Mr. Cowlam was not dead. After the curtain dropped, a Gentleman in the Pit, addressing the audience, stated the particulars of the outrage. He called on such of the company present as had witnessed the transaction, immediately to adjourn to some coffee-house, for the purpose of drawing up a statement of the facts, as information had just been received of the Magistrates having refused to grant a warrant for the apprehension of *Smith*, the supposed murderer. Immediately on the Gentleman, who was heard with the profoundest attention, ceasing to speak, there was a general cry of "*He's dead!*" throughout the house, on which the agitation again became considerable. At length, "to the Temple Coffee-house," was vociferated, to which place a considerable number of gentlemen immediately adjourned. The following declarations were drawn up and signed by the gentlemen present:—

"ASSAULT AND OUTRAGE ON MR. COWLAM.

"We, the undersigned, were present at Covent-Garden Theatre this night, and witnessed an outrageous assault upon the person of Mr. Cowlam, whose conduct was perfectly peaceable, by a number of very mean-looking persons, who, evidently connected together, seized that Gentleman and struck him with great violence. Upon Mr. Cowlam's attempting to remonstrate, he was knocked down; and two persons, whose names we understand to be *Smith* and *Cadwallader*, stamped upon him. In consequence of this attack, Mr. Cowlam was unable to move, but was carried away to a surgeon's in Russell-street, where he lay, while under our observation, in the greatest agony. On examination, the surgeon declared his opinion, that Mr. Cowlam had received such an injury in the chest as was likely to bring on an inflammation in his lungs, and produce his death.

We think it our duty to testify—

HENRY COOP, Searle-street, Lincoln's Inn Fields; Wm.

WILLIAMS, Finsbury-place; RICHARD ASHTON, Minories; N. EDMONDS, Skinner-street, Bishopsgate-street; C. BURTON, ditto; W. H. BRADLEY, Threadneedle-street; J. CAZALY, Bishopsgate-street; FREDERICK CRESWICK, Noble-street; JAMES BROWN, Drury-lane; ROBERT HENNING, Leicester-square; J. NORMINGTON, St. Martin's-le-Grand; J. W. GOODFELLOW, Austin-friars; JOHN ROBSON, America-square; J. CUMMINS, Cheapside; J. L. WAUGH, America-square; FRANK COBB AUSTEN, Gray's Inn.

Temple Coffee-house, Nov. 15, 1809.

"I testify that I heard Mr. Cowlam at the surgeon's declare that, as he was entering the Theatre "he overheard some persons express their resolution to do for him to-night."

"J. CAZALY."

"I testify that I heard a person, whom I can identify, loudly exclaim—"D—n my eyes, I will kill some o' em;" at the same time flourishing a bludgeon.

"W. H. BRADLEY, Threadneedle-street."

During the examination of a *Mr. Wright*, who was charged with springing a rattle, Mr. Powell entered the Office, with evident marks of agitation, and addressing Mr. Graham, said that a friend of his had been knocked down and murdered. That he had seen the transaction, and knew the persons who had struck him, the name of one he understood was *Smith*, and intreated that a warrant might be instantly granted. Two gentlemen were ready to corroborate the statement.—Mr. Graham told him he should be extremely guarded in making such a charge, and asked him what proofs he had of the fact? Mr. Powell said, that he was a few seats from his friend, when he saw him knocked down and treated in a most barbarous manner by a man named *Smith*, who struck him, and afterwards trod on him.—Mr. Stafford, the chief clerk, said, if this statement was correct, the first step to be taken would be to send for the Coroner.—Mr. Graham then inquired of Lavender, the officer, the real state of the case, who said the man was not dead, but had been conveyed to an apothecary's shop in Charles-street. Thither Mr. Graham directed him to go and make inquiries as to the injury the man had sustained. On Lavender's return, he reported that he had seen Mr. Cowlam, who was apparently very dangerously hurt. He did not perceive any outward marks of violence, the injury was principally internal. Mr. C. expressed great anxiety to be carried home, and he was carried away in great agony. Mr. Graham observed, that many persons who went to the Theatre seemed more inclined to breed than to quell disturbance, although they wished to be thought the friends of peace. For the present, he should listen to no complaint respecting the case.—A Mr. Wright then came forward to charge a man named *Nichols*, with assaulting him, and was proceeding to relate the facts, when *Limbrick*, the officer, said, that *Nichols* was the person who first gave the charge. *Nichols* stated that he had been sitting in the pit all the evening in the most quiet and orderly manner, without taking part on either side of the question, when he was assailed by a person with O. P. in his hat, who, because he would not join in making a tumult, struck him and knocked him down, when he was beaten and kicked in the most violent manner, and received a stab of some sharp instrument in the hand. He was at length, however, rescued from his perilous situation, and succeeded in securing his assailant, and was conveying him from the House, when he was stopped by *Wright*, who rescued his prisoner, and struck him several blows. Mr. Wright, in reply to this, positively denied that he had been concerned in any quarrel or dispute during the evening, and that he never saw his accuser till he came up with him in the lobby of the pit, when the body of Mr. Cowlam was conveying out, and seized him by the collar; for which assault he was about to take him into custody, when *Limbrick* came up and received his false charge. This statement was corroborated by Mr. Malcolm, and another gentleman, who positively swore that Mr. Wright had not quitted their side, during the whole evening, and, during that time, had conducted himself in the most peaceable manner, without interfering in

any of the prevailing riots. Notwithstanding this clear refutation, Nichols persisted in his charge. Mr. Graham, however, said, he must be mistaken, and discharged the complaint. Mr. Powell again came forward, and said, the man Nichols, who had made his complaint, had hold of his friend Cowlam by the collar, at the moment he was knocked down by Smith, and expressed a hope that his complaint against him might be taken. This, however, Mr. Graham declined, but ordered that the address of Nichols should be taken, in order that he might be found to answer any charge which might hereafter be brought against him. Mr. Wienholt said, that he had just come from the Theatre; he saw a man named Smith, the person who robbed him of his hat in the pit of the Theatre, extremely zealous in promoting riot, and ill-treating, in the most scandalous manner, several persons. The same man, he heard, had murdered a gentleman only a few minutes before. Mr. Graham remarked, that it was highly improper for any person to cast an imputation, of having committed murder, on the character of any person. With respect to the other complaints, they did not come before him in a tangible shape; consequently he could not take cognizance of them; but with respect to Mr. Wienholt's own conduct, he begged him to be aware, that if a murder did take place, or death should ensue in any way in the Theatre during the existing riots, that gentleman, Mr. Wienholt, might stand in a more awkward situation than he was aware of, as he (Mr. GRAHAM) in such a case should feel himself warranted in apprehending him as an accessory to the fact. Here Mr. Wienholt's Solicitor begged Mr. GRAHAM to consider, that if Mr. Wienholt was seated quietly in the Boxes, he could scarcely be deemed an accessory to a murder committed in the furthest corner of the Pit. Mr. GRAHAM replied, from the reports which were made to him of Mr. Wienholt's riotous conduct in the Theatre, with the badge of riot and rebellion, he should feel himself perfectly justified in considering him as a *particeps criminis*.

John Basso was charged by Messrs. Brandon and Gibson with riotous and disorderly conduct in the Pit, and disturbing the performance, by eudgelling, springing a rattle, and other violent means.—He was ordered to find bail.

Another Gentleman of the name of Wright was charged by one of the special constables with having sprung a rattle in the Pit, and excited considerable disturbance by his riotous and disorderly conduct. Mr. Wright denied that he had commenced the use of rattles, but admitted that he took the rattle from a gentleman's hand who stood next him, and inadvertently sprung it. He also denied that he had made any resistance, or behaved in any manner unbecoming the character of a gentleman on being taken into custody. Mr. GRAHAM ordered him to find bail, which he did in a few minutes, and was discharged.

On Friday, C. Bows, Esq. of Kingston; W. Wynne, a Clerk to Sir J. Branscomb; H. Ayre, an apprentice; and G. Webb, Surgeon in the Royal Navy, were all compelled to find bail on charges of rioting at the theatre.—Mr. GRAHAM asked a man named Powell, who was a witness against them, by what means he and his shopmates had got admission to the theatre; but Powell refused to state them.

DIALOGUE AT THE FEATHERS PUBLIC-HOUSE, IN BARTHELEW STREET, WITHIN A FEW YARDS OF THE THEATRE.

Several persons, on Wednesday evening, entering the drinking-room greatly agitated, and almost breathless, a man of the name of Bateman, who has a wooden leg, and is well known in Covent Garden market, addressing them, said—

"Is there any thing doing?"

To this a short man, with a cut on his right lip, known by the name of Will, replied—
"Yes, here is one — killed; the — is done for; as soon as it was done we bolted. I came out of the front of the house."

A fighting man, called Norton, then entered, and called for a glass of gin. He confirmed the statement, as also did three others, who came in under great agitation. Shortly after came Perry the fireman.

"Is he dead?"

"He's alive enough—I tossed him off my shoulders on his backside, but he was sensible enough not to let his block go to the ground."

The Company then seated themselves, and began to smoke, relating minutely the particulars of what they had performed. They had overpowered the O. P.'s by numbers, but strict injunctions were laid on every one to come in stronger force to-morrow night. The only inconvenience was, that they had sometimes mistaken one another in the row.

GUILDHALL.

On Monday, Joanna Flynn was brought before the Magistrate, charged by Mr. Newman, the Keeper of Newgate, with having been aiding and abetting a capital convict, named Sullivan, to make his escape from the goal, on Sunday last.—The circumstances of the charge were as follow:—The prisoner Sullivan, and his accomplice, named Fitzgerald, were capitally convicted of a rape, and were under orders for execution.—The convicts were both Irishmen, and during the whole of Sunday, their friends and acquaintance crowded to visit these unfortunate men, in numbers, as Mr. Newman stated, scarcely credible; namely, from three to four hundred. Amongst a levee so very numerous, the disposition could not be wanting in some of the visitants to contrive the escape of one or both. On their trial, there was no want of hard swearing for that purpose; but failing in this, the forlorn hope of their friends rested on the success of the manoeuvre concerted for Sunday. In the evening, a number of men and women, who had been with the prisoners all day, came in a body to the interior door of the jail, as if taking their last farewell, and were allowed to pass through to the next door, the keeper of which thought it necessary to be somewhat more circumspect, and suffer none to pass without being first informed whether the prisoners were all safe. Upon enquiry, it was found that Sullivan was missing. Another turnkey then examined all the persons waiting, but could not at first discover the missing convict. On examining a second time, he laid his hand upon the arm of a person in a dark coat, who was agitated by strong trepidation; and passing his hand down, felt something concealed under the petticoats, bulky and hard, which was found to be the iron of Sullivan, whom he instantly recognised, and who, being stripped of his disguise, was conveyed back to his cell. Some endeavours were then made to discover the person who furnished the prisoner with the disguise; and strong suspicions fell upon Joanna Flynn, who was observed to come into the goal with a bonnet, which she then had not. She was then taken into custody, but denied the charge, and said the dress was furnished by another woman, whose name she did not know.—There being no proof to establish the charge against her, she was discharged.

MARRIAGES.

On Tuesday, at Greenwich, by the Rev. J. Dakins, Frank Smythes, Esq. of Colchester, to Caroline, daughter of John Dale, Esq. of Hatton Garden and Greenwich.

DEATHS.

On Tuesday night, the Marquis of Lansdowne. His Lordship is succeeded in his titles and estate by Lord Henry Petty, now Marquis of Lansdowne.

On Tuesday morning, at his house in Pall-Mall, Sir Frederick Morton Eden, Bart.

On Monday, at his house in Seymour-place, after a long illness, John George Lord Monson. This young nobleman had just entered his 24th year.

A few days ago, at Whitton, Mr. Hill, proprietor of several gunpowder mills in that neighbourhood; owing to the length of the war, and the consequent demand for gunpowder, he had accumulated the enormous fortune of 800,000l. which he has not left to his relations, but has bequeathed 720,000l. to two gentlemen with whom he was connected, and 40,000l. to a clerical friend.