

# THE EXAMINER.

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## THE POLITICAL EXAMINER.

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

No. 80.

### MR. WARDLE AND REFORM.

THE town is so occupied at present with the result of the action at law brought against Mr. WARDLE, that I thought I could not devote the Political Examiner of this week to a better subject; for though it may be trifling in itself and in its appearances, yet it involves so much of the strict character of the celebrated person concerned, and is so eagerly caught up by the enemies of reform as a point of offence, that it becomes every friend of reform to search out the truth of the matter, whether in favour or in condemnation of Mr. WARDLE, in order that the popular cause may be separated altogether from the malice of those who would confound it with the interests of any single individual, whether innocent or guilty.

Mr. WARDLE is said to have promised to furnish Mrs. CLARKE's house in return for her assistance in the late Inquiry: the house was accordingly furnished by a Mr. WRIGHT, who brings an action against Mr. WARDLE on the ground of non-payment, lays the amount at 1914*l.* and gains his cause, with the deduction of 500*l.* already paid, 200*l.* charged for goods hired previously to the action, and the expenses of carpenters, plaistering, &c. &c.

On the face of the evidence it certainly appears, that Mr. WARDLE gave Mrs. CLARKE an unlimited order on the upholsterer, and thus made a promise which he afterwards refused to perform. This however is flatly denied by Mr. WARDLE, who in a Letter addressed to the People of the United Kingdom accuses the witnesses, and pledges himself to prove them guilty, of perjury. Now, with those who have been accustomed to admire the parliamentary conduct of this Gentleman, such a pledge carries the greatest weight; but the Ministerialists, eager as they were to let the Duke be heard in his defence, see no reason to allow the same justice to Mr. WARDLE: what was a mark of innocence in that illustrious personage, is sheer impudence in his opponent: they hear with admiration the new tones of Mrs. CLARKE; the idea of recovering an atom of their lost character even by inuendo puts them beside themselves; they plunge into a thousand inconsistencies to grasp a hubbie that bursts as they touch it: in fine, they reason thus:—

1stly. If Mrs. CLARKE gives a true account, Mr. WARDLE's statement against the Duke is not to be believed.

2dly. If Mr. WARDLE gives a true account, Mrs. CLARKE's statement against the Duke is not to be believed:

3dly. Mr. WARDLE, in his conduct towards Mrs. CLARKE, has shewn himself a villain, therefore the Duke must be innocent.

4thly. Mr. WARDLE has shewn himself a great villain, therefore the cause of the People is proved to be a villainous one.

5thly and lastly. All these things being considered, the Duke of YORK is "the best Commander in Chief the British Army ever had or *can ever hope to have.*"

These are pithy conclusions, but what their logic is, baffles imagination. Mrs. CLARKE may or may not have given a true testimony in favour of WRIGHT: the result of Mr. WARDLE's recrimination must prove that matter; but in the mean time, what has WRIGHT's upholstery to do with the levy of Cbl. FRENCH, with the Captain MALING who never served in the army, or with the Duke's Mistresses and Mr. GREENWOOD? If any persons believed the Duke guilty upon Mrs. CLARKE's mere word, they possessed a credulity equal to his, when he believed that she loved him; but the public never did hold him guilty upon her mere word, any more than they held him innocent upon his own: the value they set upon it was altogether comparative; the question was, which of the two was more worthy of credit, her's or the Duke's; and I do not well see how they could have been severer. The 163 Representatives therefore, who composed the Minority against his Royal Highness, acted confessedly upon corroborating evidence; so did the whole nation; and so they will, no doubt, upon the event of the present business, whether for or against Mr. WARDLE. The Ministerialists think to reduce that gentleman's friends to a dreadful dilemma by this discovery of Mrs. CLARKE's want of credit; but when they themselves attach belief to her present statement, they do not perceive how they are strengthening her former one: the utmost they can achieve by such a persuasion, is to doubt or degrade Mr. WARDLE's motives; but their two propositions may be answered by two others.

1. If Mrs. CLARKE's veracity be undoubted on the present occasion, she ought to have credit for it in common justice, on the former one.

2. If her veracity be disputed on the former one, she ought to be reasonably suspected on the latter. The disadvantage therefore in the present state of the question, is not on the side of those who believed Mrs. CLARKE's word when corroborated, and who are now inclined to withhold their judgment till Mr. WARDLE's action for perjury, but on the side of those who have so often declared her to be utterly unworthy of the least credit. Even when corroborated, or even in case of being put upon her oath, and who till this minute have persisted calling every corroboration on her side conspiracy. Such are the difficulties into which men are inevitably driven who are attached



to particular interests and not to universal truth, and who in following one man or set of men without the power of choosing a path, like the people after the wizard in the Eastern story, must flounder through every ditch and quagmire, into which their leader's tricks shall compel them.

3. Why the Duke should be thought innocent because Mr. WARDLE is thought guilty, is a question quite as inexplicable. The proof of Mr. WARDLE's meanness on the present occasion, or of his bad motives on the former one, certainly argues against his character, but it argues nothing for the Duke's. Granting even, for a moment, that the charges against his Royal Highness were the effect of conspiracy; yet a conspiracy false in its professions, may be true in its proofs; and there was not a single fact produced in evidence, during the action against Mr. WARDLE, which had the slightest connection with the truth or falsehood of the facts produced against the Duke. Then as to general character, which went much further against the best of Commanders in Chief than his defenders are willing to mention, what has Mr. WARDLE's conduct to do with that? Mrs. CLARKE's concerns, disclosed as they have been to the public, have nothing to do with a number of other concerns that have been but partially disclosed; they have nothing to do with Mrs. CAREY's, or Mrs. COOKE's, or Mrs. CRESWELL's; Mr. WRIGHT's kitchen and parlour furniture, his Dutch ovens and French glasses, have nothing to do with Dutch invasions and French defeats; nothing was alleged during the Inquiry in the Honourable House concerning the drinking and gaming exploits achieved, time out of mind, by the best of Commanders in Chief: and then again, if Mr. WARDLE made his Royal Highness leave the Horse Guards, he did make him run away from the Helder, from Dunkirk, or from his wife. If Mr. WARDLE becomes mean, I cannot see how the Duke must necessarily become magnanimous. If a friend wishes to get a mud-stain out of your stockings, he does not do it by splashing himself. The *Morning Chronicle* and *Post* are usually at variance, and blacken each other like two chimney-tops in a contrary wind: but they do not effect a mutual purification by that method: if the *Chronicle* has specimens of bad writing, it does not do away the bad grammar of the *Post*: if the one is poor in point, the other is not the less deficient in principle:—the chimney tops still smoke each other, are still foul-mouthed, and still empty-headed.

4. But how Mr. WARDLE's conduct can affect the necessity of Constitutional Reform, is still more inexplicable. If he chuses not to perform his promises with Mrs. CLARKE, how does that affect my free voice in an election? If he chuses to see himself represented in fifty pier glasses without paying for them, I see no reason why that should prevent the People from seeing themselves represented in places for which they do pay. If he disgraces or hurts the cause, so be it; but he does not alter its truth. SALLUST and CROCHEREL, in the midst of their private vices, wrote in the cause of public virtue; they were inconsistent and guilty; but their writings nevertheless did them ho-

our, and the cause of truth was still immutable. The thing does not deserve an argument.

5. As to the assertion, that the Duke of YORK is "the best Commander in Chief that the British army ever had or can ever hope to have," I must do the Ministerialists the justice to say, that I have hitherto seen it in none of their productions but the *Morning Post*, a Paper that seems to be ambitious of an exclusive insanity. The same number that contained this inspired piece of foresight, quoted the opinion of Mr. WINDHAM respecting Mr. WARDLE's mode of obtaining the letters from Mrs. CLARKE, which was stigmatized by that Gentleman as much baser than any thing that had been attributed to the Duke; but it forgot to say whether to grant dispensations for per-secution or to conceal information on certain occasions is not as bad as to ravish a few love-letters: the paper takes no notice, I say, of these matters, but proceeds to call upon "that honourable man" for his opinion of Mr. WARDLE, and to tell us that he has a "chivalrous" mind! Mr. WINDHAM, the humourist and prize-fighter, a man of a chivalrous mind! A perfect ORLANDO FURIOSO, I suppose, laying about him upon the poor people and the village oxen, or instead of breaking a spear, "now breaking a jest and now breaking a limb!" Well, of all other knight-hoods, Heaven defend a statesman from being a Knight of the *Post*.—*Prophetic Post!* With what visions of future greatness hast thou been blest, that thou seest in all the coming ages of Great Britain not one General fit to be the chief of our armies!—The EXAMINER has been threatened with a prison for libelling one Commander, but what iron bars does he deserve who praises the Duke in order to libel all other Commanders, past, present, and to come!

Upon Mr. WARDLE's conduct in the present business it would be most unfair to decide till he has brought forward his counter-action. As far as one may judge from appearances, his motives for accusing the Duke deserve no diminution of our respect, but something of his dignity is gone, something of that noble singleness of feeling which distinguishes a great Patriot to be what we wish him to be— which places him on the pedestal before us, a glorious statue, supported by no little tricks of machinery— but fixed by its own weight, and admirable as well for simplicity of design as for truth of character. That Mrs. CLARKE must have been remunerated in some way for her assistance in the Investigation, every body who knew any thing of such a woman must have supposed; but what I allude to as a want of dignity in Mr. WARDLE, is the petty concern he took in the choice and disposal of her furniture, and the patience with which he could submit to the company of such a woman on a public excursion with his friends. If he did not give her an unlimited order on the upholsterer, the stipulation of the sum certainly left no necessity for his overseeing the purchases; and if he did give her one, which I do not believe, there was less reason for his interference. He has pledged himself, however, to prove the perjury of the witnesses, and I trust he will do away



the non-performance of any promise he may have made: the public know with what perfect surety he has hitherto redeemed his pledges; his character for strict honour, for precision, and for sound judgment, has induced them to take his bare word upon more than one occasion; and for my own part, I do not hesitate to say, I shall be bitterly deceived if I cannot take it still. If I can, I shall delight in the opportunity of redoubling my confidence and renewing my feeble praises;—if I cannot (and I speak with humility as an individual, but with dignity as a lover of truth) I shall renounce my admiration of him as easily as if what I admired in him had been a part of his dress only, and this part he had left off.

## FOREIGN INTELLIGENCE.

### TWENTIETH BULLETIN OF THE FRENCH GRAND ARMY:

Vienna, June 20.

When the news of the victory of the Raab arrived at Buda, the Empress immediately left it. The enemy's army was pursued during the 15th and 16th. It passed the Danube over the bridge of Comorn. The town of Raab has been invested—we hope to be masters of it in a few days. We have taken the entrenched camp of Raab, which will contain 10,000 men.

The enemy inundated the country with false reports; this is part of the system adopted for stirring up the lower classes. M. De Metternich left Vienna on the 18th. He will be exchanged for M. Dodon and the Officers of the French Legation.

Prince Gallitzen entered Galicia on the 3d, in three columns.

### TWENTYFIRST BULLETIN OF THE FRENCH GRAND ARMY.

Vienna, June 22.

An Aide-de-Camp of Prince Joseph Poniatowsky is arrived at the head-quarters of the Army of the Grand Duchy. On the 16th of this month Prince Serge Gallitzin was to be at Lublin, and has advanced to Sandomir.

The enemy pleases himself in spreading ephemeral Bulletins, in which he always boasts of victory. According to his account, he took 20,000 muskets, and 2000 cuirasses in the battle of Esling. He says, that on the 21st and 22d he was master of the field of battle; he has even caused to be printed and circulated an engraving of that battle, in which we see him striding over both shores, and his batteries traversing the islands and the field of battle in every direction. He also imagines a battle, which he calls the battle of Kitsee\*, in which a number of French have been killed or taken. These childish reports, hawked about by small columns, like that of Schill, are tactics employed to unquiet and raise the country.

General Marziani, who was made prisoner in the battle of Raab, has arrived at the Head-quarters. He says, that since the battle of the Piave, the Archduke John has lost two-thirds of his army; that he afterwards received recruits, which scarcely filled the vacancies, and who do not understand the use of arms. He reckons the loss of the Archdukes John and Palatine, in the battle of the Raab, at 12,000 men. According to the report of the Hungarian prisoners, the Archduke Palatine was on that day the first to take flight.

Some persons seem to wish to put in opposition the force of the Austrian army at Esling, estimated at 90,000 men, with the 8,000 men which have been made prisoners since the opening of the campaign. They have shewn very little reflection:—The Austrian army entered upon the campaign with nine corps of 40,000 men each, and they had in the interior corps of recruits and landwhers, so that Austria really had more than 400,000 men under arms.

\* Kitsee is situated on the right bank of the Danube, and a league in the interior.

From the battle of Abersberg to the taking of Vienna, they reckon that in Italy and Poland we have taken 100,000 prisoners from the enemy; and he has lost 100,000 men killed, deserted, and dispersed. There still remain therefore to him 200,000 men, distributed as follows: The Archduke John had in the battle of the Raab 50,000 men; the principal Austrian army was, previous to the battle of Esling, 90,000 men; these remained 25,000 men with the Archduke Ferdinand at Warsaw; and 25,000 men were dispersed in the Tyrol and Croatia, and spread in bands on the confines of Bohemia.

The Austrian army at Esling was composed of the first corps, commanded by General Bellegarde, the only one which had not been engaged, and which was still entire, and the wrecks of the 2d, 3d, 4th, 5th, and 6th corps, which had been crushed in the preceding battles. If these corps had suffered no loss, and had united, such as they were at the commencement of the campaign, they would have formed 240,000 men. The enemy had not more than 90,000 men; thus we see how enormous the losses are which they have suffered.

When the Archduke John entered on the campaign, his army was composed of the 8th and 9th corps, amounting to 80,000 men. At Raab he had only 50,000 men. But in these 50,000 men comprised 15,000 Hungarians of the insurrection. His loss was therefore really 45,000 men. The Archduke Ferdinand entered Warsaw with the 7th corps, consisting of 40,000 men; it is reduced to 25,000. His loss is, therefore, 15,000 men. We will see how these different calculations are made and verified.

The Viceroy has, with 30,000 French, beaten at Raab 50,000 men.

At Esling 90,000 men have been beaten, and restrained by 30,000 French, who would have completely routed and destroyed them, if the carrying away of the bridge had not caused a want of ammunition.

The great efforts of Austria have been the result of paper money, and the resolution of the Austrian Government to risk all. In the danger of bankruptcy, which would have brought about a revolution, she has preferred to add 500 millions to the mass of her paper money, and try a last effort to have it circulated through Germany, Italy, and Poland. It is very probable that this consideration has influenced, more than any other, her determinations.

Not a single regiment has been drawn from Spain, except the Imperial Guard.

Gen. Count Lauriston continues the siege of Raab with the greatest activity; the town has been on fire for 24 hours; and this army, which at Esling has gained so great a victory, that it took 20,000 muskets and 2000 cuirasses; that army which at Kitsee killed so many and made so many prisoners; that army which, according to its apocryphal Bulletins, has gained such great advantages at the battle of Raab, tranquilly sees its principal places besieged and burnt, and Hungary inundated by parties; and to save its Empress, and the precious effects of Government, have removed them to the frontiers of Turkey, and to the utmost extremity of Europe.

An Austrian Major had the temerity to cross the Danube at the mouth of the Maub, in two boats. Gen. Gilly Vieux met him with some companies; drove him into the water, and made 40 prisoners.

### BULLETIN OF THE IMPERIAL AND ROYAL AUSTRIAN ARMY:

Wolfsdorf, June 18.

On the 15th inst. the corps under his Imperial and Royal Highness the Archduke John, composed of about 20,000 troops of the line, and 16,000 of the Hungarian Insurrection, were, in the environs of Raab, vigorously attacked by the French army, estimated at 50,000 men.

The troops of the line fought the whole day with the greatest success, and the enemy suffered a loss of 2000 men in killed and wounded. But as the right wing, consisting for the most part of the Insurrection, that could not be expected to possess the courage of veteran troops, was no match for the enemy, his Imperial and Royal Highness thought it most proper for the attainment of his object to fall back to a position near Co-



morn, and thereby to secure and facilitate his junction with the main army.

But this has caused no material change in the positions of the Imperial and Royal army; and the Archduke John praises highly the excellent disposition and patriotic alacrity of the troops of the Hungarian Insurrection.

The Imperial and Royal troops suffered in this engagement a loss of 1300 men in killed, wounded, and some few prisoners. About 400 Frenchmen were made prisoners by the Austrians. The enemy, so far from pursuing the Austrian troops, had again retreated behind the Raab. Dalmatia is again in the possession of the Imperial and Royal troops. The enemy has been obliged to abandon Zeng and Fiume, as well as the islands along the Dalmatian coast. Gen. Marmont retreated in such haste, that the Austrians made a number of prisoners. In the hospitals, too, the enemy left a number of wounded, among whom are three French Generals, and one of them Launay. Trieste must by this time be delivered from enemies. The English on the one hand, and the Turks on the other, make common cause with the Austrian troops.

The enemy's corps under Gen. Marmont is reduced to 6000, and is posted at present between Laybach and Klagenfurth.—But Gen. Giulay is again master of the county of Cilley, and immediately communicates with Gen. Chastelar. The Austrian troops have extended themselves from the Southern Tyrol, as far as Verona and Bassano.

#### AUSTRIAN ACCOUNT OF THE BATTLE OF ESSLING.

Bohemia, June 14.

The Austrian account of the battles of the 21st and 22d of May has been published, and occupies 25 pages in quarto.—The strength of the Austrian army in this battle is given in this account at 75,000 men, with 288 pieces of artillery. The Archduke Charles took his position at the head of the second column. The relation then proceeds to detail the great strength of the villages of Aspern and Esslingen, and the obstinacy with which the contest was carried on to obtain possession of the former, which was of the greatest importance. The contest was carried on in every street, in every house, and in every barn. Waggons, ploughs, and harrows, were to be removed out of the way, under an incessant fire, in order to enable us to close with the enemy. It was necessary to dislodge the enemy from the church-steeple, the high trees, the ground-floors, and cellars, before we could call ourselves masters of the place, and then this was of short duration. Scarcely had we got possession of one street, or one house, when the enemy stormed another, and forced us to abandon the former. In this manner the murderous fight continued for several hours on the 21st; the German battalions were supported by the Hungarians, and by the Vienna volunteers. On the 22d of May more than 400 cannon were in play on both sides, and the oldest soldiers never recollected such a fire. Above all, the Austrian Generals were at the head of their troops. The Archduke Charles himself seized the colours of the battalion Von Zach, which began to give way. Most of those around him were wounded; his Adjutant-General, Count Colloredo, had his head grazed by a ball, which at first appeared dangerous; the pressure of the hand of his humane Commander restored him to feeling.—The Austrian army lament the death of 87 superior officers, and 4199 subalterns and privates. Field-Marshal the Prince de Rohan, Dedovich, Weber, and Prevel, with several Generals, 663 officers, and 15,851 privates, were wounded, of whom Field-Marshal Weber, 8 officers, and 829 privates were made prisoners by the enemy.

#### GERMANY.

VIENNA, JUNE 18.—We have just received the information that the Russians have entered Moravia. The Marshal Duke of Dantzic has crossed the Danube at Lintz, and we therefore expect great events will shortly take place.—The army is in superb order, and burns with ardour to resume offensive operations.

FRANKFURT, JUNE 17.—The Austrian troops which ad-

vanced by Bayreuth, have proceeded by Bamberg to the neighbourhood of Wurtzburgh.—The *Prague Gazette* of the 13th ult. says, that on the Austrians entering Dresden, the most enthusiastic shouts arose on all sides, of "Long live the Emperor Francis"—"Long live the Archduke Charles;" and the inhabitants vied with each other in long continued testimonies of joy.

JUNE 24.—Besides the King of Saxony and the Grand Duke of Wurtzburg, we have here the Duke of Anhalt, Kœthen, the Duke of Bavaria and his wife, and the Prince Lœwenstein-Wertheim. The Grand Duke of Hesse-Darmstadt and the Marshal Duke of Valmy have here paid a visit to these Princes, whom the events of the war have collected within our walls.

HAMBURG, JUNE 4.—The insurgents in the Tyrol are returned to their frontiers. The Emperor of the French has ordered an army of 30 or 35,000 men to act against the northern parts of the Tyrol. However, the Bavarian General, Wrede, has received orders to remain at Lintz; but we expect a division of the army of reserve, who are transported in waggons from the environs of Mentz to Augsburg. Another French corps is coming from Italy to enter the South Tyrol by the Brenner Mountains.

#### PORTUGAL.

LISBON, JUNE 9.—Our army is advancing rapidly from Oporto and Coimbra to Abrantes, which is at present the head-quarters; they are, of course, moving towards Victor's army, and in a direction to cut off their retreat from the French frontiers.

#### SPAIN.

SEVILLE, JUNE 2.—From the Extraordinary Gazette of the Government:—

The peasants of Monzon, unable any longer to bear the multiplied oppressions of their enemies, took the generous resolution to rise against them, without more fire arms than seven muskets, but their loyalty soon provided them others, with which they drove them from the village. The enemy, to revenge this disgrace, sent against them a detachment of 1500 men, but they were all either killed or taken prisoners. The enemy afterwards united all their troops in Arragon, and marched to attack Gen. Blake."

[Here follows Gen. Blake's dispatch, containing the particulars of the repulse of the enemy in several attacks upon Gen. Blake's position at Alcaniz.]

#### PROVINCIAL INTELLIGENCE.

The late riots at Liverpool, on Tuesday and Wednesday se'nnight, were of a more serious nature than the public are aware of. A party of the 19th light dragoons, which were to embark for Ireland, and a press-gang, quarrelled; the press-gang behaved very ill; the soldiers were joined by some Americans, Portuguese, Irishmen, and the town's-people, who repaired to the rendezvous-houses in search of the gang; but not finding them, they began to ill-treat the people they found in the houses, and broke the furniture and the windows. By this time a very alarming mob had collected, and Mr. Aspinall, a very active Magistrate, repaired to the spot, attended by a number of constables, and, after threatening to call out the military, they dispersed, not however, until several of the ringleaders were taken into custody. On the Wednesday evening, the rioters assembled again, and conducted themselves with increased violence, and entirely destroyed the inside of five rendezvous houses, ripped open the beds, and threw the feathers into the streets; in fact, they destroyed every thing that was valuable. Mr. Miller, the Superintendent of the Police, repaired to the spot, attended by the constables, and suc-



ceeded in taking four of the ringleaders into custody, but as they were on their way to Bridewell, two of them were rescued by the mob. In this scuffle, a Portuguese sailor aimed at the life of Mr. Miller; he was armed with a large knife, and attempted to stab him, but was prevented, Mr. Miller being knocked down by another of the rioters, at the moment the stab was made; his coat was cut in two places with the knife. While this outrageous assault was going on, a party of the Manchester Local Militia came to the Officers' assistance. The mob, at this time, were carrying their violence to such a pitch, that it was found necessary to read the Riot Act; ten of the most riotous were secured, and five of them have been committed to Lancaster Castle, to take their trials at the ensuing assizes. The soldiers patrolled the streets for several nights afterwards.

**ESSEX MEETING.**—Yesterday week a Meeting of Freeholders of the County was held at Chelmsford, to consider of resolutions of thanks to Col. Wardle, for his Parliamentary conduct. Sir H. St. John Mildmay, Bart. was called to the chair, when a series of resolutions were proposed, declaratory of the right to hold County Meetings, and reflecting upon those persons who had by a counter-requisition to the Sheriff prevented this Meeting being called with his sanction. Thanks were then voted to Col. Wardle and other Members of the Minority. Mr. Holt White proposed a resolution respecting Parliamentary Reform, which was agreed to. Among the Speakers were Col. Burgoyne and Mr. Wm. Smith, M. P. — Sir H. Mildmay said, among other things, "that Reform would not begin in the House of Commons, but must originate with the people."—The Meeting was numerously and respectably attended.

A most shocking and inhuman murder was committed on the body of a young woman, of the name of Harris, of Honeyborne, near Evesham, on Thursday se'night. She had gone to bed at her usual time, and was soon called up by some person, who immediately on her opening the door knocked her down with a dung fork, lacerated her head dreadfully, and forced out one of her eyes; her body was then dragged some distance and thrown into a horse pond, where it was found next morning. A suspicion fell on a young man by whom she was pregnant, but no proof of guilt appearing, the Coroner gave a verdict of wilful murder against some person unknown.

A Gentleman in Yorkshire, of very accurate observation, has for the last seven years got in his hay without a single drop of rain! His rule of conduct, so well worthy of being known at the present season, consists in always taking care to mow in the interval betwixt the 20th and 30th of June; during this period the sun may, in popular language, be said to be stationary, and dry weather is the general attendant; but when he begins to recede, rain usually ensues: and the month of July is frequently, in this climate, the wettest month in the year— from this cause, and not because Swithin, the July Saint, is more inclined to drown the world than his fellows, he has obtained the name of the *Watery Saint*.

Tuesday evening, as the Chelmsford coach was coming to London, the linch pin broke, and the coach was overturned; three women who had left the 11th regiment, previous to its embarkation, and were on their return to Ireland, were severely hurt. They were carried in a cart to the London Hospital; the coachman, who was also much bruised, was taken back in a chaise to Chelmsford.

**BRIGHTON, JULY 4.**—The following distressing accident occurred last night, about a mile from hence. Mr. M'Clary, of Bond-street, accompanied by a friend in a tandem, had reached Preston Hedges, when the wheel-horse unexpectedly fell. The shock was so forcible and sudden, that Mr. M'Clary was dashed with great violence from his seat to the earth, and had both his legs broken. His friend, who escaped with little injury, with other assistance, raised Mr. M'Clary into the vehicle, and soon conveyed him to the New Inn and Hotel, in North-street, when the best surgical assistance was procured, but it is feared that amputation of one of the fractured limbs must take place.

## TUESDAY'S LONDON GAZETTE.

Admiralty-Office, July 4.

Copies of two Letters from Capt. M'Kinley, of his Majesty's ship the *Lively*, to the Hon. William Wellesley Pole.

*Lively, Vigo, June 7, 1809.*

SIR,—Be pleased to inform my Lords Commissioners of the Admiralty, that, yesterday evening, an express arrived from a Spanish Officer at San Payo to Commodore Don Juan Carransas, that the Conde Norona was retiring with his division of the Gallician army from Pontevedra to that place, and desiring boats might be there to convey the troops across the river (the bridge having been broken down on the 7th of May). Commodore Don J. Carransas requesting assistance, Captain Wynter, with the *Cadmus* (who had been obliged to put back from stress of weather) immediately sailed up the river with the Portuguese schooner *Curiosa*, under my orders from the Hon. Vice-Admiral Berkeley, the *Tigre* Spanish schooner of war, and as many boats and vessels as could possibly be collected.

This retrograde movement caused me much anxiety, and I very early this morning went up in the barge to San Payo, where I found Brigadier General Carrera strongly posted on the South side of the bridge (the Conde de Norona being at Redondela); and in my interview with him, I learnt that the enemy, after the Brigadier-General had taken Santiago, united his forces from Lugo to those of Coruana, amounting to 8000 men, 2500 cavalry, with several field pieces, and some 12-pounders.

This force being very much superior to the Brigadier's, he retreated to Caldas and Pontevedra, where the Conde de Norona joined. From the excessive and continued heavy rains we have had of late, much of the ammunition was unavoidably damaged; and Pontevedra being too distant to receive any more when attacked, the falling back on such a strong position was well conceived and most ably executed. On a height above the bridge they had a battery of two 18-pounders; and this army was increased to between 6 and 7000 men armed, and 3000 fine young men without arms, 120 horse, 9 field-pieces, acting under the direction of the Brigadier-General.

At nine the enemy appeared on the other side in great force; and although the Gallician troops had undergone much fatigue, and suffered greatly from inclemency of weather, to which they had been constantly exposed, yet, on the approach of the enemy, nothing could exceed the animation of the soldiers; all was alacrity and confidence. I left the Brigadier-General, and was saluted by the enemy from their field-pieces, but without hurting us, although nearly within musket-shot; at half past nine they opened their fire on the Spaniards, which was most spiritedly returned, and their field-artillery was moved with great alacrity and well served.

On my return on board, I landed my marines and 25 seamen at the Castle (having taken them on board some days past) and Lieut.-Col. Carroll, in the most zealous and handsome manner, offered his services to assist Capt. Crawford in defence of the Castle. Sixty soldiers, whom he brought from Gijon with him (part of our army) at his earnest request, were landed, and I supplied them with arms; and every thing was put in the best possible defence by Commodore Don Juan Carransas, Don Bernardo Goncales, the Governor, and Captain Crawford, of his Majesty's ship *Venus*. I have the honor to be, &c.

GEO. M'KINLEY,

*Lively, Vigo, June 12, 1809.*

SIR,—I concluded my letter of the 7th inst. which I did myself the honour of writing to acquaint you, for the information of my Lords Commissioners of the Admiralty, that the enemy had begun an attack at half past nine that morning on the Spanish troops under the command of Brigadier-General Carrera, on the south side of the bridge of St. Payo.

I have to request that you will be pleased to make known to their Lordships, that the enemy, having taken post on the north side of the bridge, a pistol shot across, in houses, and in a wood a little below it, kept up his attack, supported with



field artillery, and three 12-pounders, with great vivacity during the whole of that day (the 7th) which was sustained by the Gallician army with great coolness and bravery.

During the night of the 7th, the enemy erected a battery. Commodore Don Juan Carransas sent up three gun-boats, one of which Capt. Wynter manned, under the charge of Lieut. Jefferson, his First Lieutenant. At day-light in the morning of the 8th, the enemy opened his fire, both on the Gallician troops and the boats; the latter of which, from the tide being up, got near and destroyed the enemy's batteries. At the fall of the tide the enemy made two desperate attempts to cross below the bridge with his cavalry and infantry, but the great courage and spirit displayed by our friends repulsed them with great slaughter. A body of them went higher up the river to the bridge of Sotomayor, and that active and brave officer, Don Pablo Murillo, was detached with a division to oppose them, and the enemy, after persevering for an hour and a half, were obliged to give way to the superior gallantry of the Spaniards, and retreated to San Payo, where another attack, during a thick fog, was again made by the enemy, who, as in the former ones, were driven back; and Marshal Ney, who commanded the French troops, consisting of 8000 men, 2500 cavalry, with field artillery and two 12-pounders, experienced a defeat from a now-raised army, consisting of 6000 armed men and 3000 without arms, and some small field artillery, with two 18-pounders, and in the night he retreated, leaving some of his wounded. The enemy burnt many of their dead, and in one pit has been discovered thirty buried; his loss must have been great. The loss on the side of the Spaniards has been trifling; only 110 killed and wounded. Captain Wynter, who was some time at the camp, and who had a narrow escape, a grape-shot having grazed his hat, described to me that such was the animation of the Spanish troops, that it was with difficulty they were restrained by their officers from pushing across.

Thus, Sir, the spirit and good conduct of this division of the Spanish Gallician army, who, though without almost every part of cloathing, and exposed to heavy rains without shelter, had shewn to their own nation, and to all Europe, that they are inspired with ardour for the delivery of their country from a cruel usurper, which alone a brave and loyal people can feel; and the merit of their commanders bears so conspicuous a part, as their Lordships must appreciate much better than I could take the liberty of expressing of Officers superior in rank to myself. And it is but justice to say, that the officers employed in the gun-boats executed well the instructions they received from Don Juan Carransas, whose unwearied attention to give every aid and assistance to the army with the most active promptitude excited admiration.

Lieut. Toledo, commanding the Tigre Spanish schooner of war, who was up the river to give succour, was most active; and Lieut. Alves, commanding the Portuguese schooner Curiza, was alert and zealous to support the cause; and you will also be pleased to express to their Lordships the happiness I feel in being enabled to inform them, that Capt. Wynter, and all the British officers and men, felt all that ardour to assist real friends, which is inherent in their character. I have the honour to be, &c.

Geo. M'KINLEY.

#### BANKRUPTCIES ENLARGED.

R. Townroe, Nottingham, malster, from July 11, to Aug. 2.  
J. Wilkie, Howard-street, Strand, navy-agent, from July 15 to Aug. 5.

#### BANKRUPTCY SUPERSEDED.

W. Stanley, Manchester, innkeeper.

#### BANKRUPTS.

James Baker, Attorney, Mr. Kelley, Plymouth.  
Cumber-dealer, Attornies, Messrs. Reading.  
Innkeeper, Attorney, Mr. Robinson,



#### CERTIFICATES—JULY 25.

R. Jefferson and W. Dickinson, Kingston-upon-Hull, woollen-drapers.—W. Pontey, Sledmore, York, corn-factor.—W. Tubb and J. H. A. Scott, King's-road, Pinlicko, nursery-men.—J. Lewis, Old Jewry, warehouseman.—J. Shee, Bloomsbury-square, brandy-merchant.—A. Young and J. Bacon, St. Mary-hill, merchants.—T. Coldwell, Wakefield, dealer.—J. Jackson, Farnham, surgeon.—R. Thompson, Southwark, dealer.—W. Rowell, Lombard-street, banker, J. L. Barnard, Shorter's-court, stock-broker.

#### SATURDAY'S LONDON GAZETTE.

Admiralty Office, July 8, 1806.

The following particulars relative to the evacuation of Corunna and Ferrol by the French, are contained in a series of letters from Capt. Hotham, of his Majesty's ship the *Defiance*, to Admiral Lord Gambier, dated from the 22d to the 30th of last month.

In consequence of the defeat sustained by the enemy's army under Marshal Ney in the action against the Spanish forces at the bridge of the Payo, that General fell back on Corunna on the 13th of June, and immediately began to take measures for relinquishing the possession of that place and Ferrol, removing his forces by divisions to an encampment three leagues in advance from Betanzos towards Lugo. The last divisions of the French left Ferrol on the 21st and Corunna on the 22d, after having in both places spiked the guns and destroyed the defences on the land side, together with the magazines and stores of every kind, and completely disarmed the places and their inhabitants.

The proximity of the enemy's position continuing to hold the authorities established by the French at Corunna in subjection through the fear of his return, no communication being suffered with the British ships but by flag of truce, and the state of defence in which the batteries and lines on the sea side were left, rendering it dangerous for the English to land or approach the coast in the event of the re-appearance of any of the enemy, Captain Hotham on the 24th ordered a detachment of seamen and marines to land and disable the guns on the different batteries bearing on the anchorage, offering at the same time to the Governor the services of the detachment in rendering any assistance that might be in its power to the cause of the Spanish Patriots. The cannons and mortars on the sea lines at Corunna, and in the forts commanding the Bay, were accordingly all dismounted on the same day, leaving untouched those on the lines towards the land which had been spiked by the enemy.

On the 26th Captain Hotham sent Captain Parker of his Majesty's ship *Amazon*, to Ferrol, where he was received by the people with the loudest acclamations of joy, and received from the higher order of the inhabitants the strongest possible marks of attachment to the English, and happiness at seeing once more among them an officer of that nation. The castle of San Felipe, however, was still under the command of a person appointed by Marshal Ney, and attached to the French interest, with a garrison composed of a detachment of a legion raised by the enemy during their possession of Ferrol and Corunna; and on the 27th Capt. Hotham received information that the above Commandant had given orders to fire on any English ships or boats that might attempt to pass the castle. In consequence, Captain Hotham repaired to Ferrol in the *Defiance*, and landed the marines of that ship and the *Amazon*, with a party of armed seamen, under the direction of Captain Parker, who entered the castle without opposition, preceded by a flag bearing the name of King Ferdinand the Seventh and the Spanish colours. The detachment then proceeded to the town of Ferrol, where it was received in the most affectionate manner by the inhabitants, and having arrested the Commandant of the castle in the name of King Ferdinand, sent him on board the *Defiance*. The Governor of Ferrol not having any means of garrisoning the castle, the guns in it were spiked, and the powder removed to the arsenal, and the place left under the



command of the former Governor, who had been superseded by the enemy.

On the 28th Capt. Hotham entered the port of Corunna, where he was informed by the Governor that he had received instructions from the Marquis de la Romana, dated at Orense on the 27th, to proclaim his Catholic Majesty Ferdinand the Seventh, with advice that he had dispatched a regiment from his army to attend the ceremony and garrison the place; the Governor at the same time gave Capt. Hotham assurances that the port was from that hour to be considered under the control and authority of the lawful King of Spain; and the Captain placed himself, and every assistance that the ships under his orders might be able to afford, at the Governor's disposal.

On the 29th, Major-General the Conde de Noroua, Captain-General of Galicia, arrived at Corunna from St. Jago, and was followed on the next day by Gen. Carrera with about 11,000 men, forming the Conde's division of the Marquis Romana's army.

The French army under Marshal Ney moved from its camp near Belanzos on the 22d, taking the road to Lugo and Astorga. It was reported that, previously to its breaking up the camp, it destroyed its baggage and heavy artillery.

On the 27th the Marquis de la Romana was stated to be at Orense with Gen. Mahi and 30,000 men. Marshal Soult's position on the 16th was said to have been at Montforte and Quiraga.

[A letter from Capt. M'Kinley transmits an account from the Spanish General Carrera, detailing the taking from the French the city of St. Jago Compostella: and accounts from Lieut. Banks, of the Blazer gun-brig, state the capture of several of the enemy's privateers and armed vessels in the rivers Jahde and Ems.]

## BANKRUPTCY ENLARGED.

W. F. Walker, Chatham, linen-draper, from July 11 to Aug. 5, at ten, at Guildhall, London.

## BANKRUPTS.

P. Holland, Leftwich, Chester, tanner. Attorney, Mr. Barker, Northwich.

J. Stephens, Yeovil, Somerset, gardener. Attorney, Mr. White, Yeovil.

J. Davis, Holborn, trunk-maker. Attorney, Mr. Syddall, Aldersgate-street.

J. Cook, Bristol, looking-glass-manufacturer. Attorney, Mr. Batsford, Jamaica-row, Bermondsey.

Wm. Johnson, Hertford, corn-merchant, Attornies, Messrs. Jones and Roche, Covent-garden Church-yard.

S. A. and H. Oddy, Oxford-street, booksellers. Attornies, Messrs. Wiltshire and Bolton, Old Broad-street.

P. Norris, Liverpool, iron-merchant. Attornies, Messrs. Cooper and Lowe, Chancery-lane, London.

## CERTIFICATES—JULY 29.

T. Coldwell, Wakefield, dealer.—J. Lee, Islington, timber-merchant.—G. Baillie and J. Jaffray, Finsbury-place, merchants.—T. Smith, Brandon, Suffolk, wine-merchant.—S. Malleys, Sculcoates, York, dealer and chapman.—T. Col-lison, Southampton-row, Bloomsbury, cabinet-maker.—W. Hodson, Manchester, cotton-manufacturer.—J. Blaze, Manchester, dealer.—J. Holland, Newman-street, Mary-le-bone, coal-merchant.—E. Rayner and J. Medley, Newport, Isle of Wight, corn-dealers.—H. Hemsley, Great Coram-street, baker.—T. Palmer, St. Pancras, tailor.—J. Gale, Fleet-street, pastry-cook.—J. Blundell, Pentonville, insurance-broker.—J. Bowman, Tower-street, brandy-merchant.—J. Johnson, Holborn-hill, linen-draper.—T. M. Slade, Old Broad-street, picture-dealer.—E. Chiffence, Sasum, Wiltshire, dealer.

## PRICE OF STOCKS ON SATURDAY.

Consols... 69½ | Red. Ann. 68½ | Omnium... ½ prem.

THE CRITICISM ON Mr. HOOK'S new Farce, and a LETTER IN DEFENCE of the Earl of CHATHAM, in our next.

## THE EXAMINER.

LONDON, JULY 9.

ONE cause of the progress of the French arms has been attributed to the obstinacy of their opponents in not accommodating themselves to the enemy's tactics: our allies, however, seem at last to be improving in this respect, and though they cannot equal BONAPARTE in his rapidity, yet when he becomes at all inactive, their slowness is truly exemplary. The enemy is still idly lying, in both senses of the phrase, on one side of the Danube, and our good friends are stretched quite as enjoyingly on the other: they remind us of the theory, if not the practice, of the dancers in GOLDSMITH, who

Simply sought renown,

By holding out, to tire each other down.

BONAPARTE, however, acknowledges at last, that he is waiting the arrival of the Russians, who are said to have entered Moravia. To form absolute conjunction with this force, before he attacks the Austrians, would be at once a compliment to the Archduke, and a great acknowledgment of weakness; probably he will use them as an army of reserve, so that they may at once be a real assistance, and yet have no practical share in the honours of victory.

In the mean time, Sir A. WELLESLEY appears to have acquired the new tactics with equal felicity in Portugal, for we hear nothing of him. The Gazette says that Marshall NEY, at the head of 10,000 men, has been defeated in Galicia by 9,000 Spaniards, 3000 of whom were without arms; but it is as easy to believe that 9000 Spaniards, 3000 without arms, have beaten 10,000 French, as that 3000 of the French ran away without legs. The French have abandoned Corunna and Ferrol for the supposed purpose of making a grand attack on the English and Spanish armies: but after all the talk about Spanish heroism, with its invincible ardour, and more invincible euckades, it is truly lamentable to see that when the French are in their present humiliated state, and send no supplies into Spain, the population of that country is insufficient to drive out its invaders. In fact, inaction seems to be the order of the day, not only at Vienna, but all over Europe. The Russians and Swedes do nothing, the French and Austrians do nothing, the French and Spaniards do nothing, the French and English do nothing, and as to the Portuguese, they never do any thing. In such a state of things, it need not be added that the Expedition does nothing: but then we are dividing it into three parts, in order that we may not imitate the French Emperor, who concentrates his forces; for it would be a shocking thing to copy him in a line of conduct which has helped to overthrow all the legitimate monarchies in Europe.

The Gazette of last night contains some interesting particulars respecting the evacuation of Corunna and Ferrol by the French.



The 21st French Bulletin, received yesterday, is filled with a laboured refutation of what it terms the "childish reports" of Austrian successes. It asserts that the Austrians have lost in the present campaign 200,000 men in killed, prisoners, and deserters.

A Gottenburgh Mail arrived on Friday, containing an article from Carlshams, dated the 22d ult. in which it is said that information had been received that a revolution had taken place at St. Petersburg, and that the Emperor was dethroned. It states that his mother had taken the reins of government *pro tempore*, and that WOROZOFF and his party had been massacred. It is very properly added "you must not place too much confidence in this information."

Dutch letters arrived on Friday, notice a commotion at Nuddlebury, which soon subsided. It was occasioned by a dispute between the French and Dutch soldiers, and is supposed to have arisen from some political contention, in which the latter treated the brother of their Sovereign with less ceremony than usual.

The accounts from Spain are very contradictory. A Bulletin of the French Army published at Paris, states that Gen. SOCHET obtained a complete victory over Gen. BLAKE, in Arragon, who, out of 6000 men, lost 3000 in killed, 400 in prisoners, and 20 pieces of cannon.—The French General BOYER also, in a letter to the Duke of TREVISO, states that he had entered St. Andero, where a bloody contest took place for two hours, which ended in the total defeat of Gen. BALLESTEROS, who fled into the mountains, leaving 3000 dead and 2000 prisoners.—On the other hand, the French have been compelled to evacuate both Ferrol and Corunna, in order to unite their forces; and it is even expected that King JOSEPH will again be compelled to retire from Madrid, and shelter himself behind the Ebro.—All this may certainly be attributed to the Austrian war, which cuts off all hope of supply.

A LIBEL!—An extract from a letter from Sicily, dated December 1807, appeared in the *Morning Chronicle* in February 1808, in which it was stated as the opinion of the writer—"that the native inhabitants of that island were so disaffected to the Neapolitan Court, that they would be ready to join the British Forces not only to defend the island against the French, but against the Neapolitan Court itself, to free themselves from the oppressions which they suffered." Of this publication complaint has been made, as tending to create disaffection amongst his Neapolitan Majesty's subjects; and an information has accordingly been filed by the ATTORNEY-GENERAL against the Editor of the *Morning Chronicle*.—But the Editor, having expressed his great sorrow and contrition that so offensive a paragraph ever found admission into his paper, it is imagined that our pastoral ATTORNEY-GENERAL will be softened to forgiveness at the extreme penitence of this trembling champion of whiggism.

In the Court of Chancery, yesterday week, Sir S. ROMILLY moved for an injunction to stop the sale of a Book on Chemistry, published by Sir RICHARD PHILLIPS, which book had been pirated from another recent work in so palpable a manner, that even the printer's errors were copied!—Sir RICHARD sold his book for 3s. while the genuine work cost 12s. Sir S. ROMILLY said, that there was no such author as the pretended writer of the pirated book. The Court granted the injunction.

Report states, that more than one expedition will start, and at once. Lord CHATHAM is to command one, and Sir JOHN HOPE another; and it is not improbable but that there may be a third.

It is reported that Mr. TIERNEY, that very staunch Whig, is about to join the present Administration. Lord GREY, too, is expected to fall in before the meeting of Parliament; so that the poor Whigs will lose some of their chief ornaments! Mr. WINDHAM has been the best friend Ministers have had in Parliament for a long time. This Gentleman looks a little into futurity; he does not know what may happen even to so pure a man as himself, and therefore prudently secures friends against an evil day. His good friend Mr. EMPEROR WOODFORD has fled the country; but has left a letter for the information of the auditors, which letter will no doubt explain all the mysteries of the Foreign Corps, of Mr. GARDINER'S accounts, of Mr. LUKIN'S "General Contingencies," and of Mr. WINDHAM'S dispensing authority, which neither the Auditors nor the Treasury could acknowledge.

A hoax was the other day practised upon the physicians and surgeons, similar to that with which the schoolmasters were treated some time ago. In consequence of a communication that there was to be a consultation upon a very extraordinary case, at the house of Mr. DICKSON, a surgeon in the Commercial-road, about fifty medical gentlemen attended at a stated hour, and many sent their servants with messages that they would attend in half an hour after the time fixed. Their chagrin may be easily conceived when they discovered the imposition.

Sunday as Mr. Green, of Guildford-street, Foundling, was going to his country residence at Laytonstone, in a gig, the horse took fright, and became quite unmanageable. Mr. G. in jumping from the vehicle, fell, and pitching upon his head upon a stone, his skull was fractured in so shocking a manner, as to cause his immediate death.

Tuesday evening, a boat with four persons in it, who had been up the river for a day's pleasure, was stopped between Vauxhall-stairs and the Horse-ferry, by two men in a skiff, who robbed them of upwards of 4l. The men were armed with pistols, and rowed off to the Lambeth shore.

A Coroner's Inquest sat on Tuesday at the Bunch of Grapt, between Chobham and Ascot Heath, on the body of Mrs. H. H. Harsom, of Nottingham-street, who met her death by being overturned in her carriage. The deceased, a lady of fortune, was on a visit in the neighbourhood of Staines, and on Friday se'night, whilst riding in a chariot near the public-house, one of the horses became restive and unmanageable in consequence of the report of a gun. The carriage struck against some railing which gave way, and was precipitated into a kind of ditch, ten feet from the level of the road. The consequence was that the deceased suffered so much in her head by a dreadful concussion, that she died on Monday.—Accidental Death.

The storm on Tuesday was particularly felt at Pimlico and Chelsea. The house of Mr. Fisher, in Belgrave-place, sustained considerable injury. The whole of the bell-hangings were destroyed, some window-curtains in a room on the second floor caught fire, and which communicated to a book-case.—There was only a female servant in the house, who being alarmed by the smell of fire, called in some neighbours, and they broke open the door, and by the timely supply of water, extinguished the flames.

A young Lady, the daughter of a respectable upholsterer, in Mary-le-bone, put a period to her existence on Sunday evening, in the Paddington Canal, in consequence of some altercation at home. She contrived to make her escape from home unobserved, after the family had gone to bed, and on Monday morning she was found drowned in the Canal.



## COLONEL WARDLE'S LETTER.

TO THE PEOPLE OF THE UNITED KINGDOM.

Honoured as my Parliamentary conduct has been by the approbation of so many of my countrymen, I feel myself called upon in consequence of an event that yesterday took place, immediately to address you, and that in vindication of my character, rendered open to attack from the verdict of the Jury upon the evidence of Mrs. Clarke and Mr. Wright, the brother of her upholsterer, in a cause in which I was defendant, in the Court of King's Bench. The detail of the evidence the public prints will afford. It is with me to state, that my Counsel, satisfied in their minds that the Jury would not, upon such testimony as had been given by the plaintiff's brother and Mrs. Clarke alone, find a verdict against me, did not comply with my earnest entreaty (repeated to them in writing during the trial in the strongest terms) that Major Dodd, Mr. Glenie, and other respectable witnesses subpoenaed by the plaintiff and myself might be examined, as I knew their testimony would be founded in truth, and be in direct contradiction to what had been sworn against me. Under such circumstances the verdict was obtained. There only remains for me now, before my God and my country, to declare, that it was obtained by perjury alone; and I do pledge myself to prove that fact the earliest moment the forms of the law will allow me to do so. Anxiously, therefore, do I look forward to that period; and I trust that till then the public will suspend their judgment upon the case.

With sentiments of the deepest gratitude and respect, I remain your ever faithfully devoted Servant,

James-street, July 4, 1809.

G. L. WARDLE.

The following letter is readily inserted at the request of Mr. GREEN:—

TO THE RIGHT HON. LORD ELLENBOROUGH.

MY LORD,

In the late trial, Loveden v. Barker, one of the witnesses deposed, that Mrs. Loveden was driven to my house in her carriage two or three times; and as the purpose for which she came was not made known to the court, it was afterwards commented on in a way that makes it indispensably necessary I should address your Lordship on the subject.

About three years ago a Lady applied to have her portrait painted; and afterwards a Gentleman did so, and they prove to be Mrs. Loveden and Mr. Barker. I neither knew Mrs. Loveden nor Mr. Barker; they appeared to me to be highly respectable, and I certainly had not the most distant suspicion of any illicit acquaintance subsisting between them.

I have been informed by several Gentlemen of the Bar, that in summing up, your Lordship alluded to this evidence, and it has been reported in the daily Prints, and unless set right the impression it will make on the public mind must be as ruinous to my reputation and professional pursuits, as it is abhorrent to my feelings. I therefore rely on your Lordship's well known justice and honour to excuse this appeal to them on the occasion, particularly as it is not merely the individual who suffers, but artists in general, as all are subject to such applications, and are consequently liable to similar misrepresentations.—I have the honour to be, my Lord, most respectfully, your Lordship's obedient Servant,

36, Rathbone-place, July 7th, 1809.

JAMES GREEN.

## BRITISH INSTITUTION.

The British Institution Gallery of Pictures closed yesterday after a season less profitable to the Exhibitors than any former one. Those in landscape were most successful.—Many of the younger Candidates partly occasioned and me-

rited this neglect for their unwarrantable prices. I hope that the mortification of it will operate as a sufficient corrective to their vanity. If it does, they will obtain what will be of more eventual value to them on every account than immediate profit,—they will obtain humility, a merit as essential as genius itself to advancement in the knowledge of art. But if the Patrons have administered wholesome neglect to the diseased youthful mind, they ought not to have confounded with it that of the senior artist. They would have given double efficacy to the deserved mortification of vanity, had they paid due deference to the claims of matured and modest merit.

The superior works produced this season by the young Candidates prove the utility of the establishment, but for this utility to be permanent, it must be continued on a liberal system, adequate to its designation; for if the senior artists are neglected, the professed intention of the Institution will in a great measure be frustrated. If the former perceive that patronage will cease or be very confined when he has matured his talent, his exertions will be paralyzed. "The British Institution for the Encouragement of the Fine Arts" is a lofty title, which a partial patronage, so inferior to its power, turns in some degree to irony. If the senior artists are neglected by the professed patrons, to whom are they to look for professional reward?

R H.

## A NEW TAX.

MR. EXAMINER,

It is certainly advantageous to the country that the taxes should be made as productive as possible, with the least possible pressure upon the community at large, or upon such individuals as it is the policy of every statesman to encourage and support. Whenever therefore we observe any thing which may tend to encourage luxury, vice, folly, idleness, &c. it is certainly a proper object of taxation. I am a plain simple mechanic, Mr. Editor, and the chief of my knowledge of politics I have gained by the perusal of your paper on a Sunday morning, after my wife is gone to a place of worship, which begins just one hour before church time. If, therefore, the subject which has struck me as a proper one for taxation should not meet your approbation, you have only to put this epistle amongst your waste paper. If you approve it, I shall be pleased to see it, (modified as you may judge proper) in a corner of your paper, where it may perhaps attract the notice of some of our statesmen. The subject I would propose is METHODIST PARSONS, AND THEIR SHOPS, or as they are more evangelically termed by their followers, *Gospel Preachers and their Chapels*. From their great and increasing number, and the zeal of their followers, if a good heavy tax was levied on them instead of the present small sum they pay for a licence, it would certainly be very productive. If it had the effect of deterring such as many of the present ignorant Ex-pounders and Preachers of the Gospel, most of whom had better be minding their trades, it would greatly benefit society.—I have been led to take this subject into my consideration, from the effects I have within these few years observed amongst my neighbours, and what I have unfortunately experienced in my own family. My wife used to be a very steady domestic woman, kept her family clean and neat, always took them to church twice every Sunday, and led, as I thought, a good moral virtuous life; and this, I presume, was as much religion as a reasonable man would



require; but, unfortunately for my peace, she somehow or other got acquainted with a neighbour who was one of the *S. S. Elect*—she persuaded her to go and hear a *fine man*, as they termed him, and the effect of his *oratory* (if I may use the term to such language as he used) convinced her she was in a state of damnation. In short, after a great many prayer-meetings, &c. she was at length relieved from her condemnation, and declared one of the *Elect*, and now nothing will satisfy her but that I and my children are in the dreadful state she imagines she was in before her *call*, as she terms it. My ears are continually dinned with terms she cannot explain and I cannot comprehend, such as Election, Grace, Predestination, New Birth, Being in Jesus, and many others too tedious to mention; added to which, she is so continually occupied in going to hear some fine man or other, that she can spare no time to the affairs of this world, even if she deigned to consider them worthy her notice. I have already trespassed too long on your valuable time; but should you think this worth your notice, you will perhaps hear from me again, when I will give you a short account of the Evangelical Labourers in this part of the vineyard, and some of the effects of their labours; and shall endeavour to shew from them, the benefit such a tax would be to society, whether in a religious, moral, or political view,

A CONSTANT READER,

Pentonville, Jan. 20.

#### BOARDING SCHOOL MUSICALS.

MR. EXAMINER,

Perhaps, like myself, it has been your destiny to be compelled to listen to performances in music not altogether according with your notions of harmony, it will therefore be almost unnecessary to describe the agonies to which I have lately been submitted on an occasion where my politeness and my patience were exercised to the utmost stretch; but as the season is again arrived when every boarding school sends back to their homes so many *prodigies* in the various accomplishments which are now deemed essential to human perfection, I shall take leave to offer my advice to the parents of many of those modern *St. Cecílias*, who so frequently exhibit their ignorance of the science by an ostentatious display of their *fingers* in strumming *Pleyel's Concertante* and the *Battle of Prague*. I mention those compositions, because they are generally adopted as the probationary appeals to our feeling, and because I regret that such exquisite productions are so often sacrificed to the miserable insipidity of children, in every respect disqualified to impress one with the genius of their authors.—In proof of my assertion, you must be informed that I was invited a few evenings ago with many others to the house of a friend, where three of his daughters successively sat down to give us specimens of their improvement. From the first (the elder of course) I had hoped to receive some pleasure, because her Governess had for the last seven years drawn a pretty handsome yearly payment for as much daily drilling as is generally used to qualify a drummer for the guards; but my astonishment was not a little excited when I found that instead of a “concord of sweet sounds,” my ears were doomed to be tortured for a whole hour by a confusion of flats, sharps, and naturals, which conveyed no other sensation than the noise produced by a cart loaded with iron rods. The young lady gave such strength to the *piano*, and such rapidity to the

*adagio* movements, as petrified with astonishment and delight her enraptured parents: she threw herself back with such overstrained grace in an *affettuoso*, that they more than once imagined her sensibility had betrayed her into a swoon; and at the conclusion of the performance, she dealt such unmerciful vengeance upon the keys, that every wire in the instrument must have been broken, if they had not been as strong as cables. I was slowly recovering from this outrageous attack on my nerves, when the second sister advanced (encouraged by the applause which had been bestowed on her predecessor by some *connoteurs* of the party) to exhibit her power to “steal away the anger of our hearts,” if any were there; and, after prelude, screwing up the music stool, shifting the books and the candlesticks, and making many other preparations which occupied a space of nearly twenty minutes, she gave us as brilliant a *chef d'œuvre* of dissonance and disagreeableness as ever was witnessed by human ears, finished in the same chaotic stile as that of her sister, and afforded many who were present an opportunity of testifying their satisfaction and their judgment by “*Bravo! bravo! excellent indeed!*”—The third sister, by desire of her mamma, after many apologies for having a cold, and the shortness of the time she had devoted to music, (*only* three years and a half,) accompanied herself in a song, which almost gave a death-blow to my already distracted senses. I was wound by this last effort to such a crisis of mortification as had nearly burst the bonds of common politeness. The screams, and yells, and whines, and cadences, which were resorted to on this occasion, to give effect to *Mary's Dream*, were quite sufficient to make me vow never again to involve my organs in such another dilemma. After all this, the Syrens were respectively complimented by the company for the exquisiteness of their talents; and the parents hurried round the apartment to receive their share of congratulation for possessing such sublime sources of harmonic excellence. Fearful, however, that a repetition of the performance might be the consequence of such ill-deserved encomium, I quitted the assembly with assuring my friend that his daughters had really *amazed me*; and with an injunction on his part, that I would come again whenever I had an *inclination to be charmed!*

The fact is, Mr. Editor, neither of the three young ladies has more taste or ear for music than a dray-horse, and I am shocked to think that so much time and money have been bestowed to make them ridiculous as well as disgusting. The advice which I would offer is simply this, that the capacity and the taste of every child should be ascertained as to what kind of accomplishment and instruction it is susceptible of; for it is quite as absurd to force those studies upon the mind which it is incapable of receiving of its own accord, as it would be to expect a gooseberry-bush to bear peaches, because it happens to be planted in the same soil. The person entrusted with the education of children should always be consulted on these points, as being more intimately acquainted with their intellectual properties, and when they are consulted, should have candour and honesty enough to give their sentiments on the subject; for however gratifying it may be to a parent to witness even the semblance of attainment in his offspring, he should reflect on the cruelty of inflicting burthens which they bear with pain, and which expose them to the ridicule of the scientific and the wise.

Rathbone Place.

QUAVER.



## MR. DAVISON.

TO THE EDITOR OF THE EXAMINER.

SIR—Whatever your opinions may be respecting Mr. A. DAVISON, I trust that on the fair principle of hearing both sides, an impartial *Examiner* will not refuse the insertion of the following statement in his defence.—In a paragraph of a recent *Examiner*, in which you state the flagrant inequality of punishment between Mr. DAVISON and Mr. VALENTINE JONES, you mention Mr. DAVISON's returning the 1323l. *illegally* obtained. Now, Sir, I am persuaded that though he did obtain the money *illegally*, it was in violation of the *letter*, but not the *spirit* of the law. In 1794 he agreed with Government to receive two and a half per cent. for the purchase and supply of various stores for the army. From the increased demand of Government in 1797, he found it difficult to supply the public wants unless he did it from his own as well as other stores. He therefore proposed to the Barrack-Master-General to adopt this facility of supply, which the Barrack-Master-General *eagerly* acceded to, *without objecting to the two and a half per cent.* on such supply. Though Mr. DAVISON made out the bills of parcels in the name of his clerks, because the letter of the agency law would not allow him to use his own, yet I contend that upon the face of the evidence in Court, he adhered to the main purport of the law; that the supply was not made clandestinely; and that the public was a gainer by it. That it was not made clandestinely is evident from the Barrack-Master-General's knowledge of it, who in a letter says, that the transaction was "publicly known, nor could I conceive any reason why there should be any concealment, as I am satisfied that had not this measure been resorted to, many barracks must have remained unoccupied, to the great injury of the troops, and detriment of the service." Mr. SHAKESPEARE also, Professor of Oriental Languages at the Royal Military College, has made oath that "when he was clerk to Mr. DAVISON, from the beginning of the year 1796 to the end of 1803, he made out the bills of parcels in the name of two of Mr. DAVISON's clerks, *openly and publicly* in the office, the other clerks having access to peruse and inspect the same, and that *no request of secrecy* was ever enjoined or *observed* concerning them."—This transaction was taking place during the inquiry by the Military Commission in Parliament. Now I ask every impartial and reflecting mind, whether at such a time any man in his senses would for so comparatively trifling a sum as 1323l. upon the profits of five years commission, a sum so trifling in comparison with the yearly income of Mr. DAVISON,—whether for so comparatively small a sum any man of common prudence would, at a time of Military inquiry into abuses, if he conceived he was acting unfairly, *openly* expose himself to the extreme hazard not only of public exposure as an unfair dealer, but also of losing so valuable a commission as that which, beside the profit of the regular sale of his own stores to Government, produced him the extensive sum of 18,883l. in a few years?—A man must indeed be not only insatiably avaricious, but stupidly imprudent to hazard so dangerous an exposure. Neither imprudence nor cupidity have ever been attached to Mr. DAVISON's character. No: He naturally concluded that the verbal stipulation of the contract would be dispensed with in consideration of the benefit derived to Government from thus supplying it in an exigency with stores obtained by his extra trouble, and

by laying in his materials in a gradual way, "to avert these enhancements in the market which a sudden demand is sure to create, so that the price to the public, instead of being advanced, was kept down to such a degree, that a reference to Mr. DAVISON's accounts will incontrovertibly prove a saving of from three to three and a half per cent. to the public by this mode of supply." Mr. DAVISON's very extensive establishment and superior activity as an agent enabled him to meet the sudden demands of Government on every occasion, which no other persons could have been competent to from their more limited means. This saving to the public, this superior accommodation to Government, without which the plans of the war department would have been embarrassed, and in a degree suspended, surely entitled the agent whose activity and resources produced it, to the additional remuneration of the common agency per centage. When we consider that the delays and inconveniences which our armaments have often so fatally experienced have in no small degree been produced by the known unskillfulness and comparative inertness of the various agents of supply, Mr. DAVISON's universally acknowledged activity and efficiency on all occasions where he has been employed for the public service, merit not only the additional agency money, but the thanks of his countrymen. To this Mr. Pitt, notwithstanding Mr. DAVISON's connections and friendship associated him exclusively with the Whigs, more than once bore testimony in the House of Commons.

But, Sir, though Mr. DAVISON was not legally entitled to the two and a half per cent., I cannot see how any one could convict him of *intentional* guilt, when on the affidavit of Mr. Bowring, his book-keeper, it is stated that immediately on his suggestion of its illegality, Mr. DAVISON ordered him *not* to charge such commission in future, and to credit the Barrack-Master-General with the sum of 1323l. the whole of the commission so charged, thus restoring what was illegally obtained. It was not attempted to be proved in Court that his supply of stores and receipt of per centage enhanced their charge to the Public, which were as cheaply supplied *as before or since*, and therefore Mr. DAVISON acted *conscientiously* though illegally; and the Jury were obliged to pronounce him guilty and the Judge to pass sentence, for indeed the union of the Agency Commissioner and seller of stores would be a mischievous precedent. I shall now sum up my remarks:—Mr. DAVISON was conscientious in his charge, because the price of stores was kept down by the immense advantage and check of always having them ready to supply the public wants. He therefore received the agency money for obtaining that benefit for the trouble of which Government expressly confers the two and a half per cent. on Agents of Stores, and which would have been received by other Agents, if the Stores had been received elsewhere. As it was however a violation of the established practice, he received it *openly*, but in the name of his clerks, for the sake of form, which it is evident he would not have done had he not conceived that the Government was tacitly allowing the fairness and utility of the procedure.

If, however, Sir, you even think Mr. DAVISON merited punishment, what proportion does his bear, who is imprisoned a year longer, though he keeps the money he robbed the public of to *one hundred* times the amount of that which Mr. DAVISON has restored together with all his fair profits for ten years services; money, too, partly obtained by means which he knew occasioned *certain* death



to our brave soldiers in the West Indies, namely, that of their drinking new rum. Is such a monster worthy of the most common privileges of existence? Is he at all worthy of existence?

Indeed the equal justice of our Ministers may be tolerably well appreciated when we recollect that instead of punishing the gross violation of the laws of God and man, they have promoted in office the notorious *Beauchamp Hill*, convicted of taking bribes to defraud the revenue. Yet the honourable Mr. PERCEVAL actually obtained his high situation by his anxiety for the safety of the Protestant religion, and has since pronounced him to be "the friend of his heart," who sanctioned all the horrors practised in Ireland.

A FRIEND TO MR. DAVISON.

#### ARMY MEDICAL BOARD.

A formidable expedition is about to sail for the Continent. It is to be hoped that more discretion will be used in the choice of Medical Officers than has hitherto been evinced in the selection. The Commissioners of Military Inquiry have abundant proofs before them of the negligence, if not incapacity, exhibited in the appointments to this Department; and Dr. MACLEAN has shewn, in his publication *On the enormous Abuses which prevail in the Medical Department* (from which some extracts shall shortly appear in the EXAMINER), that a total change of system has become absolutely necessary. In this opinion he is supported by Dr. HENDERSON, from whose *Suggestions for the Prevention of the Yellow Fever*, the following remarks are taken.—The Doctor is not one of those theoretic practitioners, whose knowledge has been derived from books only; he has been in active and arduous service for many years in various parts of the world; he may not indeed possess any court or parliamentary interest; he may never have facilitated a writership, nor influenced some dozens of voters in a rotten borough,—yet bringing forward, as he does, proofs of his successful practice in the prevention of that scourge to the British army, which, in the West Indies, has "swept away hundreds and thousands in one inglorious grave, until even destruction sickened," he has powerful claims on the Executive, and it is evidently the interest, as well as duty of Government, to give the subject every attention that its importance merits.

"The physicians to the forces, more particularly in the West Indies, should have served in a tropical climate, and should have been advanced by regular gradation in the service to that situation, a situation which should invariably be the reward of merit and long services. But, unfortunately, to the disappointment of deserving medical veterans, that situation has been for a series of years, and still is, held (with two or three exceptions) by young and inexperienced men, it being their first appointment in his Majesty's service. Of this description were the physicians nominated during the last war to take charge of the sick of the British army in the West Indies. Strangers to the service, destitute of local knowledge, inexperienced in the diseases incident to soldiers in a tropical climate, unaccustomed to the fatigues and hardships of a military life, and not inured to a hot climate, they were among the first who were disordered; and instead of being useful to the sick soldiers, required medical assistance themselves. In the course of a few weeks, most of the physicians either died, or were rendered totally useless; a circumstance well known to the medical inspectors or superintendants of hospitals.\*

\* Mr. Young, Mr. Weir, Dr. Jackson, Dr. Scot, Dr. Maclean, and others.

These have risen progressively to their rank in the army, and having been employed in different climates, and accustomed to the hardships of a military life, not one of them died, or as I am well informed, was rendered incapable of doing his duty for a day, during the whole time he remained in the West India Islands, not even in the pestilential St. Domingo. They are living witnesses of this important fact, which, I think, strongly demonstrates the necessity of selecting physicians to the forces from regimental surgeons, whose knowledge has been matured by the experience of many years; for where one case occurs that requires their surgical aid, fifty, I may say, occur that require their physical assistance; and if they are not qualified to be physicians to the forces, there may be some impropriety in allowing them to officiate in that capacity, in addition to their other regimental duties.

"In the Royal Navy there is a regulation, that no person shall be a physician to the fleets or hospitals, who has not been at least five years a navy surgeon. If the health and lives of our brave seamen are entrusted to the care of physicians promoted from that line in the navy, and as this usage is found to be attended with the most beneficial effects, I do not know any good reason why a similar regulation should not exist in the army.

"But that *post of honour and emolument* is, in the army, generally filled by men who are strangers to the service, and who have been placed over the heads of experienced army medical officers; an arrangement that must be grievously felt, and necessarily tend to damp their ardour for professional improvement, and weaken their exertions for the good of the service. Add to this, it generates jealousies, which cannot, in any department, tend to the advantage of the public. These physicians, it is true, become licentiates, or members of the London Royal College of Physicians, before they receive their appointment in the army, and they may possess profound medical erudition; but it has been fatally experienced, that no course of lectures, no reading, no private study, can qualify a man for medical service in a hot climate; practice, experience, and observation, joined to a well grounded professional education (I humbly conceive) can alone constitute a good physician. The circumstance of being a licentiate of the above mentioned college, is found to be a potent recommendation to the appointment of physician to the forces; and the president of that learned body, from his official situation as physician-general, presides likewise at the army medical board.

"But far be from me the most distant intention to convey the slightest suspicion that any self-interest, any party consideration, any sordid, or sinister motives, ever influenced, or ever will influence, his conduct in his recommendation to the appointment above mentioned. On the contrary, from his unprejudiced and enlightened mind, and his very high and exalted character, I am fully persuaded, he is actuated solely by a firm and conscientious belief that the licentiates of the London Royal College of Physicians, are best calculated to fill the important situation of physician to the forces.†

"I trust I shall give no offence by observing, that the well-grounded expectation of being recommended as physician to the forces operates as a strong incentive to a young graduate, to incur the expence of becoming a licentiate of the above famed college, which is supposed to possess the faculty of imparting such transcendent knowledge to its disciples. But notwithstanding this prevailing idea, and notwithstanding its high sounding title, the young academicus will find many obstacles to encounter in his road to private practice; for people are not much disposed to confide their health, their comfort, and their lives to young and inexperienced physicians, however decorated with academic honours. This is the conclusion of common sense and common reflection; and if it is so applicable to medical practice in civil life, a fortiori must it apply to military service, when considered in a political light, when the lives of such numbers of men, so valuable to the state, and so difficult to

† "It may be worthy of remark, that among the physicians to our fleets and Royal Navy Hospitals, there is not, I understand, a licentiate or member of the above named College."



be procured, are at stake. But no sooner is the above appointment gained; no sooner is the young *Galen* invested with the title of physician to the forces, than all the obstacles which present themselves in *civil* life, instantly disappear, and he is launched into full practice, the consequences of which require no comment. He instantly receives a very liberal subsistence, and perhaps in the course of a few years is permitted to enjoy *otium cum dignitate*, or in other words, to retire with a handsome annuity, beside having acquired a celebrity and sanction to his professional character, the consequence of the high and dignified situation of physician to the forces. While he is steering with a brisk and favourable gale towards fortune and fame, many of the army medical officers, who have been in fact wedded to the service; who have spent the prime of their days in the promotion of its interest; who have had equal professional education, combined with superior experience; and who have undergone all the toils, privations, hardships, and personal dangers of a military life; these have only been able to obtain a situation barely superior in point of emolument to the lowest medical rank in the army. The pay of the regimental surgeons (the line from which they were promoted many years ago) as also that of the surgeons to the forces, with whom they had hitherto been classed in the above respect, has been considerably increased by a regulation of May, 1804, but theirs has not been raised since the reign of Queen Anne, and is now reduced 10 per cent. by the income tax, which at this period, does not leave them adequate means of subsistence. And at the close of their services, or when put upon half-pay, they must retire into some obscure corner of the United Kingdom, with means ill calculated to alleviate the infirmities of advanced life, to support a mind depressed by unmerited misfortunes, a constitution shattered, and health irreparably injured, by long, laborious services, and the vicissitudes of climate. These evils (even if the good of his Majesty's service was not concerned) I am convinced, to be remedied, require only to be known.

"But to return (from what I hope will be considered as a pardonable digression) to the subject of this essay, I am happy to have it in my power to assert, and to prove, that by salutary regulations, steadily enforced, and discipline assisting medical exertions, the health and lives of men may be preserved, even in the ungenial tropical climes, perhaps to as great a degree (if not greater) as in the most salubrious country in Europe. In proof of which I beg leave to refer to the annexed paper relative to his Majesty's ship *Astræa*, for three years on the Jamaica station." \*

\* Certificate from the Navy Board, given by order of the Comptroller, Sir Andrew Hammond, Bart. :—

"These are to certify, that it appears, by the books of his Majesty's ship *Astræa*, in this Office, that Mr. Stewart Henderson was Surgeon of the said ship, from the 28th December 1786, to the 28th June 1790, comprehending a period of three years and a half, during which time not any seaman or marine died on board the said ship, but eight who were sent to Port Royal Hospital died there. "R. E. NELSON, Secretary.

"Navy Office, 9th March, 1799."

"Of the deaths in the hospital, three were from accidents, and one a marine, who was ill of a pulmonary complaint, six months before he left England; so that four can only be said to have died from diseases of the climate."

## LAW.

### COURT OF KING'S BENCH.

Monday, July 3.

WRIGHT v. GWILLIM LLOYD WARDLE, ESQ.

The ATTORNEY-GENERAL stated, that this action was brought to recover the sum of 1400 and odd pounds, for household furniture supplied by the plaintiff on the defendant, Col. Wardle's credit, to a lady of the name of *Mary Anne Clark*. Of this lady perhaps the Jury might have heard something, for not very long since she made some noise in the business of an inquiry brought forward in the House of Commons by the de-

fendant. The plaintiff was an upholsterer, and the claim he now made upon the defendant, and the manner in which it arose, he would state to the Jury. It seemed, some time about the autumn of last year, Col. Wardle became acquainted with Mrs. Clark:—shortly after their acquaintance, the Colonel, the Lady, a Major Dodd, and a Mr. Glenney, set out on a tour of Inquiry, of curiosity, and of business, for they visited the Martello Towers on the coast. About that time Mrs. Clark took a house on Westbourne-green, and Mr. Wardle, no doubt in well-founded generosity, determined to present her with furniture for it. At that time Mrs. Clark was indebted to the plaintiff in the sum of 5 or 600l. and he would not have given her credit for any sum, knowing her then embarrassments; but as Mr. Wardle was the paymaster, he felt no such hesitation. In short, he would prove that Col. Wardle most unequivocally undertook to be the paymaster. From the circumstances which he had to produce, he had no doubt but the Jury would justly infer that the Colonel must pay the debt for which he had made himself responsible; and no doubt when he heard that such was the opinion of the Jury, he would do it with great satisfaction.

Mrs. *Mary Anne Clark* was called. She appeared with her usual gaiety. She was rather elegantly dressed in white muslin, with a white silk hat, white ribbons, and a veil. A spotted muslin cloak, lined with pink silk, a white handkerchief tied loosely round her neck, and primrose or brimstone-coloured French habit-gloves.—She deposed as follows:—In the autumn of 1808, I took a house in Westbourne-place. I had shortly before become acquainted with Col. Wardle. At that time I was indebted to Wright in the sum of 5 or 600l. and I had no means of paying for the furniture myself, for then I had not a single guinea. But I told Wright "I had a friend in view, who would furnish the house for me." I certainly meant to allude to Col. Wardle. I was to give Col. Wardle every assistance and information in my power respecting the enquiry he was about to institute, and in return he was to furnish my house. Among other things I communicated to Col. Wardle the conversation I had with Wright about payment. He said he should consult a friend, and afterwards told me, he approved of what had been done. Col. Wardle knew that I then owed Wright money, for he advised Wright to bring an action against the person whom he supposed liable to pay it, and offered himself to pay the costs of the action; but Wright was afraid, as a tradesman, of doing it. Col. Wardle accompanied me to Wright's. Wright had met with an accident, and was in bed; but we saw Daniel Wright, his brother. I said this is the Gentleman who is to furnish; he was silent, and did not reply.

Q. Col. Wardle made no reply when you said he was to furnish the house?—A. No, why should he? he went on purpose to give his credit.

Mrs. Clark continued.—Mrs. Wright took me aside, and when I returned I found Daniel Wright and Col. Wardle talking about a sideboard, which Col. Wardle observed was a handsome one, and was to be sent in to me. There were also several other things which they had settled were to be sent in.—After this Col. Wardle accompanied me to Wright's several times in a hackney coach, and once or twice went in with me. Once, in particular, he and Major Dodd accompanied me.—They did not approve of the pattern of the carpet which had been sent in for the drawing-room. I chose a blue and white. Col. Wardle a scarlet and bronze. At last, as I could not bring him to my taste, I observed, in the presence of Wright—"Well, as you are to pay, I'll take what you please." Major Dodd was by, and observed the pattern was Turkish, and would therefore suit me; for that reason I said I did not like it.

Q. You do not like any thing Turkish?—A. Not in the pattern of a carpet. There were several things ordered on that occasion by me and Col. Wardle, in the presence of Major Dodd, and the house was furnished during the three months of December, January, and February. Col. Wardle was continually with me daily; he was ever coming without invitation; he ran over the house, from the kitchen to the garret. One day, in particular, I recollect a large mirror coming home; he was in a great passion, so much so, that the man had nearly



dropped it. The Colonel said, as there was a large lustre in the room, the mirror was unnecessary. Wright begged that he might leave the mirror, and perhaps the Colonel in a day or two might change his mind. Upon this occasion he observed, that Wright would not be so ready to send things in, if he did not know that he was to be the paymaster. The mirror was afterwards sent back, I thought it was unnecessary. Another day he objected to an elegant writing-desk; he found much fault with it, observed there were two or three already about the house; at last he said it was ill made—I said no, it was not ill made, and I would pay for it myself, rather than return it.

Q. Was it sent back?—A. No; he was afterwards ashamed of himself, and it remained. Some short time after this, Wright expressed a wish for some money. I mentioned it to Colonel Wardle; he said he had not any ready, but he would consult a friend. He told me afterwards he had sent a friend, a Colonel Glenn, to Wright, and they had settled for a bill. A Bill had been given—it was given through a Mr. Islingworth, a wine merchant in Pall Mall. He observed it would be improper at that time that his name should appear to any bill connected with my affairs; he explained his meaning as being relative to the charges he was about to bring against the Duke of York. The bill was given on the 2d of January, and the charges made in the House of Commons a week or two afterwards. The bill transaction was to prevent suspicion in the world. Islingworth took a bill of me, though I told him it was not worth a farthing.

Being cross-examined by Mr. Serjeant Best, she said she became acquainted with Col. Wardle the last Autumn. It was in consequence of a letter she received from the Exchequer Coffee-house, from one M<sup>r</sup>. Callum. Colonel Wardle introduced himself. She was rather fearful of doing what Colonel Wardle wished her to do, as he had been but a short time in Parliament. He came about one o'clock, and staid until her dinner hour (six); during the whole of which time Major Dodd was walking in the streets. Colonel Wardle afterwards introduced Major Dodd, whose name she knew before. It was about the end of November. She went out of town for three or four days with Col. Wardle, Major Dodd, and Mr. Glenn, whom she understood to be an Officer of Engineers. They visited the Martello Towers on the coast. She was at that time in distressed circumstances, and before she could set out she got 50l. of Col. Wardle to pay her butcher, and other trifling bills. At that time she had several friends about her, and Col. Wardle was afraid they would persuade her not to give the evidence he wanted, and therefore he took her out of the way. She had made many applications to him for money, and he always complained of wanting money himself; but he was obliged to find it for her, and let her have sums continually, which he called lending to her.

Q. Were they to be repaid?

A. No; I never understood or intended them to be repaid. She had lately called for a small sum of money; the Colonel said, as it was settled in their negotiation what she was to have, he would send her a small sum, and the same day he sent her a draft upon a banker, drawn by Mr. Scott, an army clothier, who had assisted in the inquiry. She explained, by their negotiation it was agreed what she should have, that in case it was asked her by the House of Commons, whether she did not give her evidence under the expectation of future reward, she might say no.

The Serjeant asked her, whether she had not quarrelled with Mr. Wardle? She said she had not; but Mr. Wardle had not visited her for months; why she did not know; but Mr. Corfield, Col. Wardle's Attorney, had come to her on Saturday with a subpoena; he told her, that wishing to treat her with respect, he had brought the subpoena himself, instead of sending a Clerk with it. That Col. Wardle was a man of honour, and he had brought him in for Oakhampton; that he wished to refer the case to arbitration; and if she appeared in Court, Serjeant Best would cut her up by a severe cross-examination, and Mr. Wardle would give it out she was bribed by the Ministers to give evidence against him.

Daniel Wright, brother of the plaintiff, stated, that no

goods were sent into Mrs. Clark's house until Col. Wardle came to their warehouse. When he came, his brother had met with an accident, and was confined to his bed. Mrs. Clark said, this is the Gentleman who is to furnish my house. She was then called away by Mrs. Wright to see his brother, and while she was absent, Col. Wardle bespoke several things, particularly a sideboard and a set of dining tables. He also confirmed Mrs. Clark as to the subsequent conversation in the presence of Major Dodd, respecting the carpet. After some time his brother, as he understood, expressed a wish for money, and a day or two afterwards Mr. Wardle called at the door in his gig. He said Mrs. Clark had repeated to him what his brother had said, and asked how much money was wanted. The witness told him his brother wished for 5 or 600l. Col. Wardle said, would not a bill do? The witness said, if it was at a short date it would do. Col. Wardle then said he could manage it for them. The bill was sent and paid. The list of the articles was then produced, which the witness and another said were fairly charged. Among the articles were two Grecian couches, 100 guineas; drawing-room curtains, 100l. and other articles equally costly.

Mr. Serjeant Best then addressed the Jury; and the topics he urged were, that no credit was due to Mrs. Clark, and none to the other witness, because it was clear that many articles were furnished before her acquaintance with Colonel Wardle, consequently could not be done on his credit.

Lord ELLENBOROUGH having summed up the evidence, said, that if, considering the evidence given by Mrs. Clark and Mr. Daniel Wright was wholly invalidated, they disregarded it entirely, the action must certainly be lost. But if they did not wholly throw out their evidence, if they believed that Mr. Wardle had given orders for furnishing Mrs. Clark's house, still it must appear, the articles charged in the bill were a most extravagant extension of those orders. Should they be of opinion that Mrs. Clark's house had been furnished by Mr. Wardle's orders, they must find a verdict for the Plaintiff to the amount of the upholstery, deducting from the Bill the charges for painting, plastering, insurance, coals, &c. But if, on the contrary, they wholly disbelieved the evidence of Mrs. Clark and Mr. D. Wright, they must find a verdict for the Defendant.

The Jury retired, and in about an hour returned a verdict for the Plaintiff, deducting of course the 500l. as paid to the account, 200l. for goods lent on hire, and the charges for painting, plastering, and every article independent of the upholstery.

LOVEDEN, ESQ. M. P. V. BARKER, ESQ.

This was an action brought to recover damages for criminal conversation with the plaintiff's wife.

Mr. GARNOW stated, that the present Mrs. Loveden was the third wife of the plaintiff, and they had ever lived together since their marriage in 1794, upon terms of mutual concord and affection. He trusted that the Jury, taking all the circumstances of evidence which would come before them, would by their verdict make reparation, if it were possible it could be made, for the severe injury his client had sustained.

The Rev. Dr. Chamberlyne and Mr. White deposed, that it seemed to them as if the parties lived on terms of the strictest conjugal affection.

A Groom, who was in the habit of attending his Lady while in London, deposed that she frequently met the defendant in the Park, and often rode with him to different nursery-gardens in the vicinity of the metropolis.

The Coachman stated, that in May 1808, he had driven out his Lady in a landau barouche; she had it closed up on that day, though she usually rode in an open one, particularly in such hot weather as it then was. They met Mr. R. Barker in Bond-street, and his mistress took him into the carriage, there being no person in it but themselves. The front blinds were down; they drove from Bond-street to Fleet-street, when his Lady got out, but soon returned, and ordered him to drive to Hyde Park Corner, where having set down Mr. Barker, they returned directly home. Mrs. Loveden had once or twice driven to Rathbone-place, where she stopped at a house with the name



of Green upon it. She always ordered the coach, on those occasions, to stand at a distance from the house, and come up by beckon of a boy's hand.

Warren Hastings, under butler to the plaintiff, stated, that in August 1808, he had reason to suspect that Mrs. Loveden had received the visits of the defendant, though she denied that he had been there, yet upon hearing a noise he ran out of the house with a pistol in his hand, and late at night caught the defendant attempting to leap over the palings to get through a plantation adjoining the house of the plaintiff, at Bruxton, in Berkshire, that he then expostulated with him upon the impropriety of his coming there, after being admonished against it by his father, and by Mr. Cox, son-in-law to the plaintiff. The defendant then took Hastings by the hand, and promised never to come there again, when Hastings also promised not to disclose the secret, provided he never trespassed upon his master's premises again. Hastings returned to the house, and kept the secret with respect to all but Mrs. Loveden, to whom he immediately communicated what had passed. On Friday, the 10th of March, 1809, the plaintiff was at Abingdon, at a meeting of the Local Militia, when it was suspected in the family that the defendant's visits would be renewed. Hastings, the faithful butler, had suspected that he had heard the library window open, and that the defendant was admitted by Mrs. Loveden.—About nine o'clock she ordered him to bring a glass of wine and water into the library. The defendant was not there then, but he suspected he was in the study, which was on the other side of the stairs. Mrs. Loveden went rather earlier to bed that night than usual. Hastings, suspecting that the defendant would go from the study to his mistress's bedchamber, watched till two o'clock, in a place where he could see her door, but observed no one enter. He then went to bed, and the next morning went to try the door of the library. He found it was locked, and asked Mrs. Loveden for the key. She said she had no key, and Mr. Loveden always kept the key with him. Hastings then said, there was a fire left burning, and he must examine it. He afterwards procured a carpenter to place a ladder against the window, and to open it; and Mr. Barker was found in the room with his boots on, and his great coat on his arm, endeavouring to hide himself behind the door. He was afterwards released by Mrs. Loveden, who found a key for the purpose. Hastings afterwards went into the room where Mrs. Loveden and the defendant were; when Mrs. L. said, they (meaning the servants) had ruined her. The defendant said, he made a great fuss about nothing; he had only come to expostulate with Mrs. L. and to prevent any further communication between them by letter. Hastings then reminded him of the promise made to him; and told him, if he had acted honourably, and kept his word, he should have kept the secret from all the world. The defendant never admitted that he had had any improper intercourse with the plaintiff's wife.

Ann Calcol stated, that she lived as housekeeper in the family of Mr. Loveden. She concurred in her testimony with the last witness, respecting the scene subsequent to the discovery of the defendant, and the communication which Hastings made to her the night of his alarm. She likewise stated that Mrs. Loveden's linen was so rumpled, and the bed so disordered, as to leave no doubt of two persons having slept in it.

Elizabeth Haynes, maid to Mrs. Loveden, remembered, on a visit which her mistress had paid to the father of the defendant, that Loveden slept alone, and she the witness, slept in an adjoining chamber. At night she was alarmed by the noise of a door opening, and had some suspicion. In the morning she communicated her alarm to her mistress, who said she wondered she could think any such thing. This witness also bore testimony to the disordered state of her mistress's night dress, and the bed, on the morning after the 10th of March.

The evidence for the plaintiff having here closed,

Mr. Serjeant BEST requested that the Jury would take into consideration the different ages of the parties. Mrs. Loveden was about 31, while her husband was turned of 60. He did not mean that this disproportion of age should cover the crime which was attributed to his client, but it should operate on the apportionment of the damages, if any should be given. The for-

tune of the defendant was not such as could make up damages to any amount. He was a Lay Fellow of Merton College, Oxford, and would, if conviction attached to him in such an offence as the present, be deprived by the University Statutes of that—the only property he possessed. But he would shew why they should not find a verdict against his client. The presumptive evidence was good, yet it was not so merely as resting on suspicion or conjecture. Nothing more was there in the present case. The consummation of the adultery was not specifically proved, and therefore his client ought not to be visited with a verdict which should only attend the completion of the offence. Even were such improbable and impossible cases as the circumstances of the carriage and the nursery grounds proved, even the consummation of the act should be manifestly demonstrated, which was by no means the case, still the conduct of the woman so prostituting herself could leave no reason to suppose that it was a misfortune for the plaintiff to lose the affections of such a woman.

The LEARNED JUDGE took a review of the entire evidence. The green-house and carriage adventures were, if any, he said, those which afforded the strongest grounds for suspicion. After some farther comments, his Lordship submitted for the consideration of the Jury, the question of actual commission or otherwise.

The Jury retired, and after some consultation, returned a verdict for the defendant.

#### LIBERTY OF THE SUBJECT.

#### SAPIN V. SIR CHRISTOPHER BAYNES AND OTHERS.

Mr. PARK opened this case. It was an action for the false imprisonment of the Plaintiff by Mr. De Burgh, Sir Christopher Baynes, and Mr. Perry, three Magistrates of the county of Middlesex, sitting at the Sessions of Uxbridge, in October last. The Plaintiff was the son of a horse-dealer at Hounslow; was driving with his horse and cart, he riding on the shaft, and they were overturned; and he ill-treated the horse, for which he was subject to a fine of ten shillings, by Act of Parliament; but, instead of taking the fine, these Magistrates had sent him on board the tender, whence he was conveyed to the Nore, and was kept for about five weeks, and until he was liberated by *Habeas Corpus*. Mr. Park said he was an advocate for submission to the authority of Magistrates, supreme and subordinate; but this was a wanton excess of authority, the like to which he had never witnessed for the thirty years he had attended the Bar; and for which he called for serious damages, for the protection of the liberty of the subject.

Mr. Atkinson, a farmer, and friend to the Plaintiff's father, was before these Magistrates at the Sessions; where Mr. De Burgh stated, that this young man, Sapin, was riding on the shaft of his cart; was drawn by one horse; and, through the lad's own mismanagement, the horse fell, and then he beat him with cruelty; by which, as he was riding on the shaft, he had incurred the penalty of ten shillings, and the young man was brought before them for this offence. The money was put down at one time, but they told him he might take it up, and he must be sent to the cage, and taken from thence to the Tender. On this, both the young man and his friend, the witness, said they hoped the Magistrates would be pleased to mitigate their sentence, and not send him to the cage; that they would pay the fine, whatever it was. The Magistrates ordered them both out, and ordered the Plaintiff to be taken to the cage, where he was kept secure. The witness was kept out about an hour and a half; he was then admitted, and all the Magistrates were still on the Bench; that is, Mr. De Burgh, Sir Christopher Baynes, and Mr. Perry. The witness said, that the young man was sorry for what he had done, and hoped they would mitigate their order; and that he was ready to pay any fine. "And I," said the witness, "would be bound for him, for any sum which they would require. Mr. De Burgh made answer, it was done by the whole Bench, and it could not be altered; and this was in the hearing of the whole Bench. Mr. Perry said, he should go on board the Tender, and go to sea. I told them, that he had good friends, and that it would be a great deal of trouble to get him back again. Mr. De Burgh said, I had been to a Mr. Walford, as



attorney, to acquire that knowledge, how to get him back; and that for my pains, it would cost me a pretty expence.— Says he, 'What a pretty expence the lawyer will bring you in for it, if you do!' And then said, that I might go home, for that he should go on board the Tender. On which I went home; but first went to the young man, and told him that he must go on board the Tender, and that I should go to his friends, knowing it was in my road."

*John Watts*, a constable, proved the taking this young man to the cage, and of his being kept there for about an hour and a half, and then hand-cuffed by order of the other constable, and then taken on board the Enterprize Tender.

*Captain Richbell*, who commands the Enterprize, proved that Sapin was brought to him on the evening of the 17th of October last; remained under his care until about the 22d, when he was sent to the Nore, to Admiral Wells, whither they are sent from the Tender as fast as possible. There are no beds for them on board the Tender.

*Lieutenant Antrim* received this young man at Deptford, in whose care he was a few days, and thence he was sent to the *Ceres* at the Nore, and where, it appeared, he was kept until the 12th of November, and then discharged by *Habeas Corpus*.

*Mr. Garrow* said he was very much concerned for these Magistrates, whom he could not defend against a verdict.— They had certainly mistaken the law: the truth was, that this young man was driving his cart in such a manner as to endanger his own life and the lives of others of his Majesty's subjects.— The horse had fallen, and he had ill-treated the animal for that which was the effect of his own fault; and was therefore a proper subject of animadversion, and might have been fined; but the Magistrates had gone beyond the limits of their power by law, in sending him on board the Tender; but as there was here the absence of all malice, and this was a mere error in judgment, he trusted the damages would be moderate.

*Lord ELLENBOROUGH*.—This certainly is a case deserving of very serious damages; for we shall all hold our liberties upon an extremely precarious tenure, if, upon such pretences as these, any of his Majesty's subjects are to be thus treated with impunity by any class of men whatever. This is a fit case for ample retribution. Here is a young man torn from his relatives and home—manacled like a felon, and cast into a prison-ship, where he has no bed! I do not mean to insinuate that he was there treated with any more than the ordinary, and, perhaps, necessary rigour of such a place; but this is a discipline to which this young man was not subject by law; and therefore he has a right to complain of it, and to ask compensation for his insulted feelings; for all his sufferings have been the consequence of the misconduct of the Magistrates. At the same time, Gentlemen, you will in no case be outrageous in your resentment of the misconduct of those who come before you; nothing will lead you to what may be called excess; but this young man has a right to ask of you to make him a fair, adequate, and ample reparation in damages.

Verdict for the Plaintiff—Damages 500l.

Thursday, July 6.

SEDUCTION.—MEESOM v. CHIVERS.

The ATTORNEY-GENERAL stated this to be an action brought for the seduction, by the defendant, of the plaintiff's daughter. The plaintiff's daughter had received a religious education, and had been brought up in the paths of virtue, and she had no evil example set to her. The short statement of the case was this:—the plaintiff was a respectable tradesman, who lived by the river side, at the bottom of the street that leads from Salisbury-court to the Thames. On the memorable occasion of the procession up the river of the remains of the late Lord Nelson, the plaintiff admitted a number of persons on his premises, which commanded a view of the river. Among the persons so admitted was the defendant, who is the First Mate of an East Indiaman. In the evening of that day many of those who were present had a dance, and the defendant chanced to dance with this young lady, who was the subject of this action, then about 17. An intimacy then arose between the defendant and the plaintiff's family, which he visited very frequently, but nothing occurred to excite the suspicion

of the plaintiff, or any part of his family. After this the Defendant went on a voyage to India, and returned in 1808, when he renewed his acquaintance with this family at the Plaintiff's house, which was then at Christchurch-street, Blackfriar's-bridge; soon after which, this young woman eloped from her parents, and it was not until the 24th of March that her parents discovered where she was, and that was at a lodging in which she was kept by the Defendant, in Tabernacle-row. Upon this discovery, the Plaintiff wrote to the Defendant a letter, reproaching him with his misconduct, and telling him that he could make no atonement for it but that of marrying the young woman, to which he paid no regard whatever; upon which the plaintiff, her father, and his wife, brought the young woman home, with the hope of reclaiming her, but she eloped again with the defendant the following day, and had lived with him ever since; and does so at present.— This was a serious case, and he put it to the Jury to consider what either of themselves, as probably most of them were parents, would expect in case this had happened to one of their own daughters. He had further to observe, that if this young woman, attending to the dictates of her conscience, and to the principles of that religion in which she was educated, should ever knock at her parents' door, ask forgiveness, and seek protection, the door should be opened unto her, and she should meet with what she should so seek; meanwhile the Jury would do the injured father's feelings justice.

Witnesses were called to prove the case, from whom it appeared that this young woman was perfectly modest in her manners before her elopement, and perfectly constant to the Defendant after it, and went by the name of Mrs. Chivers ever since; that she is now very ill, and had said to some of the witnesses she hoped the Court would dispense with her attendance as a witness this day.

Lord ELLENBOROUGH delivered to the Jury a very able charge.—Verdict for the Plaintiff. 70l.

#### CONSISTORY COURT, DOCTOR'S COMMONS.

Friday, July 7.

WELLESLEY v. WELLESLEY.

This was a cause of divorce or separation from bed, board, and mutual cohabitation, promoted on the part of the Hon. H. Wellesley against the Right Hon. Lady C. Wellesley, his wife, by reason of adultery, alledged to have been committed with the Right Hon. Lord Paget. The facts of this case having been so recently before the public, it will be unnecessary to repeat them again. The Court pronounced the husband to be entitled to the remedy he prayed.

DAVIES v. DAVIES.

This was a suit of divorce instituted on the part of Mary Davies against William Davies, her husband, by reason of cruelty and adultery. It appeared that the marriage in this case took place between the parties on the 4th of November, 1804, and that they continued to live and cohabit together, as man and wife, till 1806, when Mrs. Davies separated from her husband on account of his ill treatment and personal violence towards her, and his adulterous intercourse with women of the town, whereby her health became much injured. The Court was of opinion the wife was entitled to the relief she prayed, and accordingly pronounced for the same.

#### MARRIAGES.

On Tuesday, at Ryan, near Yeovil, Mr. Thomas Beale, of Curry-Rivel, aged 71 years, to Miss Elizabeth Gerard, of Ryan, aged 19.

On Thursday last, the Hon. Rear-Admiral Robert Stopford, second son of the Earl of Courtown, to Miss Mary Fanshawe, daughter of Commissioner Fanshawe, of his Majesty's dock-yard, Plymouth.

#### DEATHS.

On Monday, at Kew, Lady Bond, aged 59, wife of Sir J. Bond, Bart.

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