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THE
SPEECH
 DELIVERED BY
FRANCIS BURTON, ESQ.
 IN THE
HOUSE OF COMMONS,
 ON THE EIGHTH OF MARCH 1809,
 IN THE
 DEBATE ON THE ENQUIRY INTO THE CONDUCT
 OF HIS ROYAL HIGHNESS
THE DUKE OF YORK.

TAKEN IN SHORT-HAND
 BY AN EMINENT REPORTER.

LONDON:
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 J. BLACKLOCK, ROYAL EXCHANGE.

1809.

bellion in Ireland. I had also listened, perhaps too much, to the current reports concerning the object of this enquiry: I certainly, therefore, sat down to the consideration of it, without any bias upon my mind in favour of the accused; but divesting myself of every prejudice, I determined to pursue the strict line of duty, by considering the case of the Duke of York as calmly and temperately as I would that of one of the meanest subjects in the Court where I have the honour to hold a seat. Now, Sir, if I can possibly hope to be of any use in the present deliberation, it will be by stating the course I have taken towards forming an opinion, and to bring my mind to its final conclusion. In the first place, therefore, I attended the examinations at the bar so much as to acquire as good an idea as was in my power of the manner in which all the witnesses delivered their testimony. In the next place, I had read to me the whole of the evidence, from the first word to the last, and much of it more than twice, in order to compare, and re-consider, what was most material. In such a mass of evidence, so mixed, and so confounded, the next step was to clear away all extraneous matter, so as to leave the real subject of investigation open to the view; and in order to this, I had first to observe what was not submitted to our consideration, and to what it was limited. Now, Sir, one thing which forms no object of our consideration, in the way of crime, or punishment, is a circumstance, which none of us can contemplate without the deepest regret. I mean the breach of the marriage vow. I trust that it will not be suspected that I am an advocate for the sin of adultery, or that I have any desire to excuse or extenuate it; but this is no tribunal for the trial and punishment of that sin against the law of God; so that how much soever we may lament, we must be cautious not to confound it with

the proper subject of our deliberations—an offence against the law of the land. This is to be sought in the Report of the Committee, and we must recollect the limits of its enquiry. It was not directed to enquire into the general conduct of his Royal Highness with respect to recommendations not being under the influence of the Commander in Chief; but was confined to his official acts, respecting commissions, exchanges, and promotions in the army; consequently another thing to be laid out of the present consideration, is all that concerns mere recommendations to offices or emoluments not in the army, nor within the Duke's patronage, otherwise than as they may tend to throw any light on the question before us.

Having thus laid aside these extraneous matters, my next step was to separate, and throw aside, so much of the evidence as is mere hearsay, or of such other description as ought not to be received on any judicial proceeding. As there is much of this, if I should be asked why I neglected to object to it, when it was offered at the bar, my answer is this; the House, or the Committee, whenever it is sitting as the grand inquest of the nation, has to pursue two objects: one, to examine and record proper evidence produced before it; the other, to exert all due means of discovering and acquiring proper evidence; and this latter cannot be executed without asking questions of hearsay, and such others as may lead to the procurement of proper witnesses. It must therefore always remain a subsequent task to separate the chaff from the grain, and to strike out so much of the testimony as ought not to be received. I do not mean according to technical rules, but according to sound principles of justice.

The next endeavour was to disencumber the case from the testimony of such of the witnesses as, however competent or admissible they may be, are nevertheless entitled

to no belief: an investigation, this, of some labour, the persons examined at the bar being no fewer in number than seventy-eight.

Of all the witnesses it is required that they should speak the truth, the whole truth, and nothing but the truth; but of none is it more peculiarly expected than of such as appear in the light of accomplices; and it may not be useless that I should here state, what I take to be an undeniable rule respecting persons of that description. It is, that no man should ever be convicted of any of the higher crimes, upon the testimony of accomplices, unless they shew themselves worthy of credit by consistency with themselves, and unless they are confirmed by other evidence, not simply in their history of the offence, but particularly in that link of it (which connects the offence with the person accused; for without this indispensable ingredient, no man could be safe. Whenever an offence has been committed, the accomplice must necessarily know the whole transaction. If, therefore, he be desirous to accuse an innocent man, he would have nothing to do but to tell his tale according to the truth, except in the substitution of the innocent person for the guilty, and his end might be accomplished—*Mutato nomine de te fabula narratur*.—Suppose, for instance, a murder or burglary perpetrated by two or three, one of whom is admitted King's evidence, and either to screen a friend, or to revenge himself against an enemy, he accuses an innocent person in the stead of one of his guilty companions; he has only to relate the crime just as it was committed, and in all probability he will be confirmed in many of the circumstances. The time, the place, the number, the noises, the stolen goods, and so forth, are likely to be confirmed, because they correspond with the truth; but if it were to be inferred from hence, that he

spoke the truth also in naming the partner in his guilt, without evidence to corroborate that particular point of his testimony, many an innocent man must lose his life, unless he had the good fortune to prove an alibi. Once take away this cautionary rule, and the danger would be endless. I do not scruple, therefore, to assert, and I do it in the presence of many of my brethren, whom I challenge to contradict me, that every Judge would advise a jury to lay the evidence of an accomplice entirely out of the case, and acquit the prisoner, if that evidence, however confirmed in the general circumstances, be not also corroborated by some unimpeached evidence, to bring the offence home to the person of the prisoner.

But it is not the evidence of accomplices alone, without confirmation, which ought to be disregarded; other witnesses, who are falsified in material points to which their attention has been directed, are wholly undeserving of all credit, and their testimony ought equally to be set aside. The next endeavour, therefore, was to separate those of this description. I will not go through all their names: a few will be sufficient. Sandon and Donovan, the first of whom is suffering for his prevarication, need scarcely be called to the recollection of the House; nor can Mrs. Favery easily be forgotten, who not only contradicted herself in various particulars within her own knowledge, but was contradicted by other unimpeachable witnesses. Among other falsehoods, remember what she said as to Mr. Ellis, with whom she had lived upwards of two years—that he was a carpenter in the city, who had a lodging in one street, and a shop in another; that she did not know the name of either, nor could find her way to them; that the family were nearly all dead; that he was perpetually going about to screen himself from his creditors—one time to Brighton, at another to Ramsgate, and another to Margate.—All this

she afterwards acknowledged to be a fabrication of her own. You find him to be a respectable clergyman, one of the masters of Merchant Taylors' School, living in a settled abode, in circumstances unembarrassed, and never having once gone either to Margate or to Ramsgate, but only to Brighton, for the health of his children, as she well knew, and not for the purpose of screening himself from creditors. Be it also remembered, that in contradiction to her, as well as to Mrs. Clarke, it was proved by Mr. Ellis, that Mrs. Favery was visited by Mrs. Clarke, not once or twice only, but often, and that the manner in which they treated each other was that of persons living on terms of the most intimate familiarity. Every one must so well recollect the way in which Mrs. Favery contradicted herself, and was contradicted by others, and I think in no less than ten material circumstances, that I should be ashamed to enter into a further recital of them. Such is her evidence, that I will venture to say, any Judge would think he did a common prisoner an unpardonable injury if he stated it as worthy the consideration of a jury; so far, at least, as to affect him. Probably, indeed, he would strike his pen through it.

Among the foremost of false witnesses stands also Mrs. Clarke, the accomplice. In her testimony is to be found an absolute tissue of falsehood. I have reckoned up myself as many as twenty-eight positive assertions, in some of which she is contradicted by herself; in almost all, by other unimpeached witnesses. I will not pretend to enumerate all of them from memory, nor can it be necessary; but it will be remembered, that when she was asked whether she ever represented herself as a widow, her reply was, "Never, but in joke, except once to Mr. Sutton, at a court-martial." That assertion was clearly a direct falsehood. She gained credit with Mr. Few, by talking of her late husband. To Mr. Nicholls, she said her husband had

been dead about three years. She was asked whether she ever represented herself as Mrs. Dowler, to which she positively replied in the negative; but it is proved, that to some persons she was known in the character of Mrs. Dowler, and no other. She was so received into Mr. Reid's hotel: he knew her only by that name, and heard her called by it. By that name the waiter had introduced her: she had answered to that name, and was not affronted at being called by it. The porter had carried wine to her in Bedford-Place, directed to Mrs. Dowler, which she had received without objection; and there was another instance of wine being sent to her by that name, in Westbourne-Place; nor at either was it denied that Mrs. Dowler lived there.

But above all, it cannot be forgotten that she made Mr. Nicholls believe that she was married to Mr. Dowler, whilst she was lodging at his house at Hampstead, and where Mr. Dowler actually cohabited with her, but that it was to be kept a secret, as the Duke of York would send him abroad, if it came to his ears. I am desirous, however, to avoid tiring the House with repeating instances that must be fresh in their memory; I have only to assert, that I have in my pocket a list of twenty-eight, which any Gentleman is welcome to inspect; and the witnesses contradicting her are twenty in number. Thirteen of them are unimpeached characters. In several instances she is contradicted by two, and in some, by so many as four, if not more. Testimony such as this, like that of Mrs. Favery, I am bold to assert, would not be deemed credible against the meanest of his Majesty's subjects, in any court within the realm of England. Certain I am, that sitting judicially, I should have thought it my bounden duty to declare to a jury, that so far as concerned the person accused, this testimony ought to be laid entirely out of the case.

Having thus, then, disencumbered the case of extraneous matter, not within the proper limits of our enquiry—of irrelevant, of hearsay, and of false evidence—the next step was to apply the scanty remains (for most scanty and insufficient will they presently be found) to the several charges. In doing this, it will not be my endeavour to enter into a minute detail of the evidence; that I must leave to others of stronger memory, and who enjoy that blessing of which I am bereft; contenting myself with a few observations upon the more prominent features.

It is undeniable that abuses had existed. Mrs. Clarke and her accomplices have confessedly been guilty, up to the present time, of many foul practices; but how are any of them to be imputed to the Duke of York? that is the question.

The first charge was that of *Colonel Knight's exchange*. Now it cannot be forgotten that this appears to have taken place according to the regular course of official business. Upon Lieut. Col. Knight's original application, it was signified to him that permission would be granted, whenever a proper substitute could be found. Lieut. Col. Brooke being afterwards proposed, it appeared that this gentleman had been seven years upon half-pay. An enquiry into his fitness was consequently necessary, and this gave occasion to some delay: but no sooner had the result proved favourable, than the Commander in Chief recommended the exchange, and it was fully completed, with all practicable expedition, in the regular course. All this was proved by the Duke's secretary, Colonel Gordon, a gentleman of the highest honour and integrity; and his memory, his exactness, his method and regularity, and his readiness in the production of official papers, were certainly such as seem to excite general admiration. The charge, however, is, that 200l. had been given as a bribe to Mrs. Clarke, with the Duke's

knowledge, to accelerate the exchange. That the bribe was given; cannot be doubted, for it is proved by Mr. Knight, who gave it, the brother of the Colonel; but where is the evidence to fix the slightest knowledge or suspicion on the Commander in Chief, beyond the mere assertion of Mrs. Clarke? It was indeed asserted by her, that he procured the bank-note itself to be changed for her; on the night of his setting out for Weymouth, by one of his own servants. This attempt was made through the intervention of that famous witness, Mrs. Favery. Ludowick, the only servant of the Duke who ever attended at Mrs. Clarke's, never got change for that note, or any other; nor ever saw, at her house, any transaction of the kind, except once, a small note, he believes about ten pounds, delivered by Mrs. Favery to a servant girl, to get changed, and that was in a morning. This attempt proving abortive, the next experiment was through Pearson, her own butler: but he, when first called, had no recollection of any similar transaction, but merely of some note, the amount unknown, given by Favery to Ludowick to get changed, about eight o'clock in a morning, some days before the going to Weymouth—a mistake altogether; and if not so, entirely inapplicable to the note in question, and inconsistent with Mrs. Clarke's story. However, on his second examination, after an interview with Mr. Wardle, his recollection was refreshed. His former loss of memory was attributed to a convenient head-ache; and he then remembered, that not Ludowick, but he himself, was the person who changed the note; not with the wine-merchant, as had been said by Mrs. Clarke, but with the confectioner; and that he presently delivered the change to his mistress, who immediately put it into the hands of his Royal Highness: but whether it was 100l. or any other sum, he left in uncertainty; nor is there any thing to prove, Mrs. Clarke's word always ex-

cepted, that the note so changed was either the whole or any part of what had been received from Mr. Knight, much less that the Duke knew it to be so. Did she not receive numberless notes from the Duke of York, personally as well as under cover, by the hands of Ludowick? Why should it not be presumed to be one of these, when there is not a tittle of evidence against it? What is there to particularize this, as the note received from Mr. Knight? Was there even so much as a wink, or a nod, or a significant gesture, to indicate that it was so? No, no one whatever, except Mrs. Clarke, had fixed upon the Duke the slightest knowledge of any corrupt bargain. As to the exchange being in fact accelerated through the influence of Mrs. Clarke, the impossibility of it is proved out of her own mouth; for though it be true that that meddling physician, Dr. Thynne, cannot precisely fix the time of his first application to Mrs. Clarke, yet Mr. Wardle tells you that she, after considering it coolly in her chamber, positively ascertained it to be on the 25th of July. Now you have only to look at the official documents, and Colonel Gordon's evidence, by which you will see that it received the Duke's approbation on the 23d, went to Weymouth on the 24th, had the King's fiat on the 25th, and returning too late for Saturday's Gazette, was gazetted on the 30th; so that the very first application to her was on the same day with the King's assent, and two days after the Duke had finally agreed to it. In short, it is manifest that the end was accomplished two days prior to the very first application to her. Here then is a charge, not only repugnant to the truth, but even refuted out of the mouth of Mrs. Clarke herself. Here too I should not omit another striking instance of her false assertions. Mr. Knight assures you of her express desire to have the matter kept a secret, lest it should come to the Duke's ears. This she has denied again and again, but it is proved again and

again. She would have it believed, that her desire was to keep it a secret from the public, not from the Duke. The question, therefore, being more than once repeated to Mr. Knight, he as often emphatically affirms, that the public was never named, but that the Duke was; and that the reason she assigned was, that his knowledge of it would prove fatal to her interest. Similar requests of secrecy on her part are likewise proved at other times, by other witnesses.

I will not, therefore, occupy the attention of the House any longer with this subject, but come to another, that of *Captain Maling*, which failed so entirely, that it had very nearly escaped my recollection. In this case I can recognize no corruption whatever. The charge is, an undue appointment, with a view to favour a person with whom it is insinuated that the Duke was corruptly connected. It is, that during the time of Captain Maling's holding the several commissions of Ensign, Lieutenant, and Captain, he was nothing more than a clerk in Mr. Greenwood's office, where he might still be seen at his desk, possessed of no military merit, and without ever having joined his regiment. It will be enough to remind the House, that being selected, at first, as a promising young man, by the commander of his regiment, his merits were such as not barely to recommend him to his subsequent promotions, but also to the favour of a distinguished officer, General Frazer, who, more than once, solicited leave to take him as his aid-de-camp; and so far was he from continuing at the desk, that he has been constantly with his regiment, and generally abroad. It has been endeavoured, however, to supply this entire failure of proof, by an enquiry, whether, at the time of Captain Maling's promotion, there was not, in the army, a very considerable number of meritorious officers senior to him. But let me ask the Honourable Member, than whom I believe there is no man more anxious for the welfare of the army,

whether he means that the power of promotion should be vested in the House of Commons, instead of the Crown? At no one period, and by no description of persons, even by the most strenuous assertors of liberty, has this prerogative been denied. It is needless to state the partialities, and I must say the corruption, that might be expected to follow from trusting that power to the deliberations of this House; nor, in truth, would this fall materially short of taking at once from the Crown, the command of the army. Upon this topic I cannot easily forget a memorable expression of the great Lord Chatham:—"It would be (he said) to pluck the master feather from the eagle's wing." In truth, such an attack upon the prerogative would be ruinous, and introductive of the partiality and corruption intended to be suppressed.

The next case was *Colonel French's* levy; the charge being, that it was originally allowed, and afterwards continued, to the detriment of the service, entirely through the influence of Mrs. Clarke, purchased by a large bribe to her with the Duke's knowledge. In this case there is, perhaps, at the first view, something more of the semblance of proof, than in any other; but the history of the transaction is sufficient to shew that nothing reasonably could be objected to it in point either of propriety or regularity. It was not the first time that officer had been employed in a similar service; and from his former exertions, it was fairly presumable that they might be repeated with utility. His proposal was not accepted until it had been fully scrutinized and modified, considerably to his prejudice, in the usual course, by the proper officer, a gentleman by no means favourably inclined to that mode of recruiting; and the subsequent alterations respecting the bounty were merely the necessary consequence of increased bounties given to the line. But it is urged, that the Duke's knowledge of the presents made to Mrs. Clarke

is in this case proved by Miss Taylor. But who is Miss Taylor? How little credit is due to her testimony? and what are the few loose expressions which she professes to remember? Surely the evidence of Mrs. Clarke's constant companion ought to be received with great caution. The solitary instance which she recollects, upon any military subject, or upon any other, is to this effect:—that the Duke of York once complained that French worried him continually about the levy; and turning to Mrs. Clarke, she thinks he said, "How does he behave to you, Darling?" To which she answered, "Middling, not very well;" and the Duke replied, "Master French must mind what he is about, or I shall cut up him and his levy too." Now, Sir, is it not a rule of ordinary justice, that if words are equally capable of two constructions, that sense shall be put upon them which is consistent with innocence? Indeed the opposite appears to me an overstrained and unnatural construction. To my understanding, the question obviously means, "Does he worry you, as he does me?" and to that question the answer may be true; whereas in the imputed sense, it is obviously otherwise, for he had already behaved more handsomely than she had any right to expect.—So much for the interpretation of vague words, which the witness only *thinks* she remembers. But let the House reflect upon the connection, which is represented to have subsisted between Miss Taylor and the other parties. If she really was the bosom friend and frequent companion of Mrs. Clarke, and she was distinguished by the Duke's fondness and familiarity; and if it is equally true, as Mrs. Clarke declares, that her corrupt practices were all communicated to his Royal Highness, let me ask, whether it is to be credited, that this paltry evidence of Miss Taylor would be confined to a single ambiguous phrase? or whether she would not

have been able to satisfy the House, by confirming Mrs. Clarke in a thousand instances?

But it is further said, and with some plausibility, that though the grant of the levy might be regular, and blameless, yet that it was continued longer than it ought, after it had failed, and after complaints against it had been transmitted from Ireland. But between the time of those complaints and Colonel French's final discharge there elapsed only about two months—an inconsiderable time for further trial; and let me appeal to the recollection of the House, whether this was not a period that absolutely required every possible exertion to raise men for general service? The Army of Reserve and Additional Force Acts were in full operation, and these two bills had greatly enervated the powers of recruiting. I may likewise appeal to gentlemen conversant in East India affairs, whether there was not then wanting a large supply for the East Indies, which can only be made by recruits for unlimited service. So that every effort for that purpose, not absolutely hopeless, was worth the trial; yet, after the short experiment of two months, the Duke did discontinue the levy, though it was very injurious to Mrs. Clarke's expectations; because, according to the evidence of some, she had still to expect more than 600l., and according to others, who speak of a guinea a man, more than 3000l., whilst it might also be ruinous to Colonel French, and provoke him to bring the whole matter before the public. Let me, then, ask whether this is consistent with any idea that the Duke of York could be acquainted with the corrupt bargain?

The next case which presents itself is that of *Tonyn's Majority*, in which it is certain that 200l. was paid to Mrs. Clarke; but it remains to connect that transaction with the Commander in Chief: yet after all the endeavours to do so,

it seems to me impossible. It is most evident that the promotion was obtained through the early recommendation of General Tonyn, his father, an old and deserving officer. It is as usual, I believe, as it is just and proper, to attend to similar recommendations. Due attention was paid to it in the present instance, and Captain Tonyn was consequently noted for promotion; but it did not, in fact, take place, till an augmentation in the army gave occasion to a general and numerous advancement, when the Duke of York directed Colonel Gordon to make out a list of officers who had been previously noted for promotion. This list was accordingly prepared, without favour or partiality, to the number of about two hundred, all gazetted together, among whom were no fewer than fifty-three for majorities, including the name of Captain Tonyn. Nor was he to be found the last on that list, there being as many as thirteen below him, some of them his juniors by one year, some by two, and one even by three. He himself, indeed, so thoroughly believed that he was duped by Mrs. Clarke, and considered her interference so nugatory, that he desired to have his deposit returned to him. And this brings me to the mysterious note, which is liable, on many accounts, to so much doubt, that in a case of life, liberty, or character, no Judge would act so perilous a part as to advise condemnation upon such evidence. Supposing it conceded that the note is genuine, let me beg of Gentlemen to read it, and see how it can be made, with any certainty, to refer to any corrupt agreement. "I have just received your note, and Tonyn's business shall remain as it is. God bless you." Why, Sir, is it necessary, or probable, that this should refer to any corrupt agreement? Would the writer have been so absurd, as to commit to paper, that which would be evidence to his own condemnation? And could it be possible that Mrs. Clarke, with all her desire to impute guilt to his Royal Highness, would not have recollected it,

or her own note, to which it was an answer? On the contrary, she had no remembrance even of the note itself. This alone may be considered as powerful evidence that it bore no reference to the present question. It undoubtedly may, and probably does, refer to something else of a different nature, and perfectly innocent; and when I say it may, allow me again to remind the House, that in words capable of various constructions, justice and humanity both require that an innocent one should be preferred. But there is another circumstance that luckily attends this note, which comes out of the possession of Captain Sanden; it is accompanied by his account of it; and if the least credit can be due to any thing derived from this nest of false witnesses, this account of his is an irrefragable proof that the note could not relate to the business in question. It will not be forgotten, that the note was produced in an envelope, bearing the Dover post-mark. What says the witness? That he received it, so wrapped up, from the hands of Mrs. Clarke herself, for the purpose of satisfying Captain Tonym, that it was of the Duke's hand-writing. Now only compare the date of this envelope (for the note is without date) with the date of the Gazette, and you will find that the note could not have been delivered till five days after his actual appointment, and consequently far too late to answer its intended purpose; namely, to excite Captain Tonym's apprehensions that his appointment would be either frustrated or retarded. Thus, then, out of the mouth of one of these associates against the Commander in Chief have you a plain refutation of one of their own charges; nor is there any other evidence to support it.

The next object of enquiry relates to *Major Shaw*; and I believe gentlemen of the army will agree, that it was not necessary for him to apply to Mrs. Clarke. Refer to the correspondence between General Burrard and Colonel

Gordon. Scarcely a month passed without a letter from the General, asking some favour for his brother officer; and nothing can be clearer than that this was finally granted in compliance with the intercessions, I may say the importunities, of General Burrard. But it so happened, that instead of the appointment originally solicited, the office obtained was that of Deputy Barrack-Master-General at the Cape of Good Hope; and here it is that the accusation is changed. It is not now that this office was conferred from any corrupt motive, but that this gentleman, only because he had not paid to Mrs. Clarke as much as he had promised, was reduced to half-pay, when, in the regular line of his service, he was entitled to his full pay; yet you have only to refer to Colonel Gordon's evidence to see that this complaint is utterly groundless. It will there be found, that a very few officers, holding similar appointments on the staff, were continued on half-pay, and that was in cases in which their regiments were stationed in the same places, which allowed them the opportunity of executing their staff-appointments, without neglecting their regimental duty; but these were exceptions to the general rule, as appeared by a very considerable list of particular instances. It was, moreover, upon the express condition of being reduced to half-pay that Major Shaw accepted the office of Barrack Master; for it is stated, in General Burrard's letter, that he had explained the condition to the Major, and that upon these terms he was willing to accept it. From the whole of this transaction it is evident that Major Shaw was another dupe to the artifices of Mrs. Clarke. That Major Shaw's relation so believed, is clear from his testimony; and well he might, for if you read Major Shaw's letter of remonstrance to Mrs. Clarke, you will find him complaining that he was made a singular instance of reduction to half-pay, stating particular instances to the contrary, and that the custom of

the army was in his favour; to which he adds, "as you mentioned." From whence it may fairly be conjectured, that she, for the purpose of extorting money, had been persuading him that other persons in his situation had been put upon full pay; that it was his right; and that he might be restored to it. In all this was he manifestly deluded. This same letter also furnishes another observation. In it he promises, that in case he should succeed in what he solicits, he would remit to her, from the Cape, 300l. a-year. Now if it were true that the Duke of York was the partaker in any of these foul transactions, or that he connived at them, how easy would it have been for him to find some pretence for making an exception in Major Shaw's favour, or for complying with his other request, when it was to secure Mrs. Clarke so large an annuity. Consider also the extreme absurdity of a supposition, that the Commander in Chief should be weak enough to reduce Major Shaw to half-pay, contrary to the rule of the service, by way of punishment for not paying the whole of his promised bribe, when, by so doing, he could not fail to exasperate that gentleman, and hazard his resenting it, by exposing such baseness to the public eye. In my view of every part of this charge, whatever corrupt motives may have existed in others, no man alive was a greater stranger to them than the Commander in Chief.

The only remaining charge is that of *Samuel Carter*; and I confess it to have been my hope that the Honourable Member would have yielded, upon this point, to the entreaties even of Mrs. Clarke. If he had, he would not have been endeavouring to prop a falling case by adducing an instance highly honourable, in my mind, to the Duke of York; and one that I should think could not be pressed into the service by any person of sentiment or feeling. Was the condition of this unfortunate orphan that of a mere outcast of society? or, was he not the real or adopted son of a

meritorious officer, who had lost a limb in his Majesty's service? When and by whom was he first recommended?— Was it by Mrs. Clarke, or through any other corrupt influence? No, Sir, it was by the same gallant officer, Capt. Sutton, of the artillery; and in the year 1801, long before the connection between Mrs. Clarke and the Duke of York. The application was not only made, but he was actually then noted for consideration on a proper opportunity. It is urged, however, that the commission must have been given in consequence of Mrs. Clarke's subsequent recommendation. Why so? Why should a promise, once made, require to be followed up by another recommendation? Why is it not enough that the party himself, who certainly had the opportunity, might avail himself of it, to remind his Royal Highness of his original promise? But his servitude is objected. It is true, that being a boy, he went once or twice behind the carriage, when the footman was out of the way; but whether by night or by day is not ascertained. He also assisted the servants in some of the menial occupations. If this was permitted by Mrs. Clarke, I cannot commend her; but how does it appear that any thing of the sort was known to the Duke of York, who was not likely to see him except waiting at dinner, where no servant in livery made his appearance; and we know that pages, and others of superior rank, wait upon Princes of the blood, and I believe that some claim it even as a privilege. He wore no livery; he received no wages; and what was his principal occupation? It was going to school. It was proved, in truth, that prior to this, Captain Sutton himself bestowed much pains on his education; and let me appeal to his letters on the table, whether he appears to have been bred up as a servant, or whether they do not bear the genuine marks of a person educated to higher hopes and expectations? When the Duke saw the appearance of this youth, that he wanted neither education

nor merit, and was worthy his protection, why was not he to be placed in the army? And I am not afraid to ask Gentlemen of that honourable profession, whether many a one, of less apparent worth, has not been received into the service, and has not afterwards ranked among its greatest ornaments? God forbid that this House should so far forget its duty as to censure the appointment of such a person to a commission in the army, or that it should carry an address to the throne against the Duke of York, for an act proceeding from the purest motives—the dictates of humanity.

I beg pardon for being longer than I intended upon these charges; but to dismiss them, and to pass by cases which do not seem to lie within the proper limits of our enquiry, I resort now to a few observations arising out of the probabilities of the case in general.

Notwithstanding the want of a *scintilla* of evidence against the Duke of York, yet it is presumed that he was consant of the corrupt proceedings, because by such alone Mrs. Clarke could have been enabled to carry on her expensive establishment. But surely it must be well known to many, that persons of high birth, and not in the habits of comparing income with expenditure, find it most difficult to render the one conformable to the other, or indeed to form any judgment upon these matters. It happens, in fact, that I remember to have been told, near forty years ago, by one of the preceptors of the Duke of York and his royal brother, that though they were quick at learning, though it was easy to teach them Latin, or Greek, or arithmetic, they could not teach them the value of money. So impossible is it to inculcate this knowledge, without the daily and ordinary means of practical experience. Besides this, undoubtedly very large sums were supplied by the Duke of York; upwards of 5000l. in notes; and in payments to tradesmen for wine, furniture, and a variety of articles, to

the amount, in the whole, of between 16 and 17,000l., and all within the space of little more than two years. Consider, likewise, the extent of Mrs. Clarke's debts. If you once suppose the existence of the conspiracy, and that the Duke was a party to it, how is it probable that there should have been any distress for money, when there was a mill for making it continually at work? There were then in the army as many as ten or eleven thousand officers; numerous changes were going on every day in the year; and such is always the eagerness for promotion, that there never could exist a deficiency of persons ready to give ample premiums above the regulated price. Where then would have been the difficulty, through the management of such a woman as Mrs. Clarke, with her subordinate agents, to gratify liberality and extravagance to the utmost, and to relieve her from the pressure of her pecuniary embarrassments?

Another presumption in favour of the Duke fairly arises out of the manner in which he entered into the investigation of Mrs. Clarke's conduct. For this purpose he employed Mr. Lowten, a gentleman of well-known character for professional abilities; and though the result of his enquiry seems to have related only to credit which Mrs. Clarke had obtained from tradesmen, by an improper use of the Duke's name, yet can it be supposed, that if the Duke was really conscious of any foul practices which might naturally come to light in the course of this investigation, he would not have stifled the enquiry at the outset, rather than commit it to a person of so much acuteness and assiduity, and expose himself thereby to immediate detection? Above all, if so conscious, would he have ventured to discard Mrs. Clarke, to withdraw her annuity, to irritate her to the utmost, and to set all her threats at defiance?

It is another, and an obvious ground of presumption, that if the Commander in Chief had been any way disposed to

corrupt practices, he would himself have been surrounded by corrupt agents. But had he not, on the contrary, fenced himself round, as it were, against the acts of designing men, by such characters as General Brownrigg, Colonel Loraine, and the rest of his staff, too well known to need enumeration? Let Gentlemen reflect upon the high honour and integrity of Colonel Gordon, and the intimate confidence reposed in him by his Royal Highness, and let me entreat them to remark the particular time when this gentleman, the avowed enemy of army-brokers, was appointed his secretary, and chosen, I may say, to be his bosom friend, and the observer of all his actions. It was in the middle of the year 1804, shortly after the very period at which the Duke is charged with having commenced his nefarious traffic. Let me ask, then, whether this is reconcileable to any principle of human conduct? and whether, if the Duke's views had been dishonourable, or had required concealment, he would ever have selected such an adviser, or would, particularly at that moment, have placed this upright and watchful guard so near his person?

I fear that I have omitted several points, but my endeavour has been to investigate this case, without fear or affection, exactly as I would have done that of the meanest individual brought before me in my own Court. It may perhaps be imputed to me, that I have some wish to conciliate the favour of the Crown. Against such imputations I can only say, that if Gentlemen will consider my years, and my peculiar circumstances, I believe they will find very few who have so little to hope, and so little to fear, on this side of the grave. It is indeed beyond it that I have been looking—it is to that tribunal, before which we must all account for our actions here; and with that awful scene in contemplation, I am prepared to pronounce my sincere opinion, that there is no ground for any of the charges.

Allow me to add a few words upon the Address which has been just moved. It appears to me to be cruel and unjust, and inconsistent with the dignity of parliament. The Address states, (if I caught it correctly,) that many corrupt practices have been proved, but without ascribing to the Duke of York, positively and with certainty, any participation in these practices, or any knowledge of them: yet the deduction it seems to draw is, that he ought to be removed from his office; and still the House seems to decide nothing, but rather to leave it to the consideration of his Majesty. Now it appears to me to be cruel and unjust, forasmuch as it leaves the person accused in needless suspense; and beside being unsupported by evidence, it does not even profess to ascertain the nature or the degree of guilt imputable to him; nor, if a majority should agree to the Address, how many may do so for one reason, and how many for another, quite different, and nearly the reverse. In my mind it is also inconsistent with the dignity of parliament, because it throws upon his Majesty the hard task of deciding for himself what ought to be done, instead of pursuing the enquiry to its proper determination; and it thereby acknowledges that this House is either unable or unwilling to fulfil one of its most important duties. Disapproving, however, of this Address, as much as I do, I am by no means inclined to assert that the immoral connexion which has led to so many unhappy consequences ought to pass wholly unnoticed: on the contrary, the occasion seems to require some expression of regret that the Commander in Chief should have deviated so widely from those habits of domestic virtue, of which his Royal Parent has furnished, to the blessing of this country, so bright an example.

THE END.

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