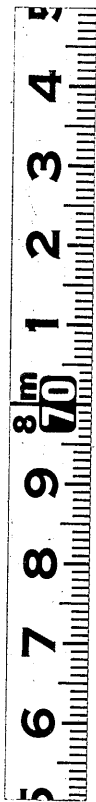


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TRIAL.

THE KING, ON THE PROSECUTION OF
GWYLLYM LLOYD WARDLE, ESQ. M.P.

AGAINST

FRANCIS WRIGHT, DANIEL WRIGHT,

AND

MARY ANNE CLARKE,

FOR

A Conspiracy, &c.

BEFORE

THE RIGHT HON.

EDWARD LORD ELLENBOROUGH,

LORD CHIEF JUSTICE

OF THE

COURT OF KING'S BENCH,

AND

A SPECIAL JURY,

At WESTMINSTER-HALL, on Monday, December 10, 1809.

FROM ACCURATE NOTES, TAKEN IN SHORT HAND;
WITH A FULL AND CORRECT COPY OF THE PLEADINGS, &c.

LONDON:

Printed by W. Flint, Old Bailey,

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1809.

TRIAL.

The KING, on the PROSECUTION of
GWYLLYM LLOYD WARDLE, ESQ. M. P.
AGAINST
FRANCIS WRIGHT, DANIEL WRIGHT,
AND
MARY ANN CLARKE.

Tried before LORD CHIEF JUSTICE ELLENBOROUGH, and a
SPECIAL JURY, on Monday, the 10th day of December, 1809.

Upon the following Indictment for a

CONSPIRACY.

County of Middlesex } That on the perform, and bestow by himself and
to wit. } twenty first his servants for the said Mary Ann
day of June in the year of our Lord certain work and labour; and did
1809, at Westminster, in the County of also at the like special instance and
Middlesex aforesaid, Francis Wright, request of the said Mary Ann, find and
of the county aforesaid, at the request provide by himself and his servants
of the defendant Mary Ann, the wife for the said Mary Ann divers mate-
of Joseph Clarke, did sell and deliver rials and necessary things, and at the
to the said Mary Ann Clarke, divers like special instance and request of
goods of him the said Francis Wright, the said Mary Ann, did use and apply
to wit, a large quantity of household the said materials and necessary things
furniture of great value, to wit, of in and about the necessary work and
the value of two thousand pounds, for labour; and did also, at the like spe-
the purpose of furnishing a certain cial instance of the said Mary Ann,
house of the said Mary Ann, situate lend and advance, lay out and expend
at Westbourne Place, in the parish of divers large sums of money, to wit,
Saint George's, Hanover-Square, in the the sum of two thousand pounds for
county of Middlesex aforesaid; and the said Mary Ann and at her like
did also at the like special instance special instance and request.
and request of the said Mary Ann do, That the said defendant Francis

Wright, late of the parish of St. George's, Hanover Square, aforesaid, in the said county of Middlesex. Upholder the defendant, Daniel Wright late of the same place, labourer, and the said defendant Mary Ann, the wife of Joseph Clarke, late of the parish of Saint George's, Hanover Square, in the said county of Middlesex, mason, devising, contriving, and intending to injure and aggrieve Gwyllym Lloyd Wardle, esq. unlawfully did conspire, combine, confederate, and agree together to falsely allege and pretend that the aforesaid goods, wares, and merchandizes were delivered by the said Francis Wright to the said Mary Ann, by the order and at the special instance and request of the said Gwyllym Wardle, and that the aforesaid work and labour was done, performed and bestowed for the said Mary Ann; and that the aforesaid materials were found and provided for the said Mary Ann, and were used and applied in and about the said work and labour, by the order and at the special instance and request of the said Gwyllym Lloyd Wardle, and that the said money so lent, advanced, laid out, and expended, to and for the use of the said Mary Ann, by the order and at the special instance and request of the said Gwyllym Lloyd Wardle, and to falsely charge and allege, that the said Gwyllym Lloyd Wardle was indebted to the said Francis Wright for and on account of the premises aforesaid in a large sum of money, to wit, the sum of 2000l. and to compel and oblige the said Gwyllym Lloyd Wardle, to pay to him the said Francis Wright, the said sum of money.

That the said Francis Wright in pursuance of the conspiracy, combination, confederacy and agreement between him and the said Daniel Wright, and the said Mary Ann so as last aforesaid before had afterwards, to wit, on the second day of June, in the 49th year of his majesty King George the third, and in the year of

our Lord, 1809, did commence and prosecute an action at law in the court of our Lord the king, before the king himself, the said court then and still being holden at Westminster aforesaid, against the said Gwyllym Lloyd Wardle, for the recovery of the aforesaid sum of 2000l. and did prosecute the said action in the said court, and that a certain issue duly joined between the said defendant Francis Wright, and the said Gwyllym Lloyd Wardle, in the same action came on to be tried, and was tried at the sittings of Nisi Prius holden at Westminster aforesaid, to wit, at Westminster hall, in the said county of Middlesex, on the 3d day of July, in the 49th year aforesaid, before the right honourable Edward Lord Ellenborough, the chief justice of our lord the king, assigned to hold pleas before the king himself;

That the said Mary Ann and Daniel Wright in further pursuance of the conspiracy, combination, confederacy and agreement between them and the said Francis Wright so as aforesaid had on the said 3d day of July in the 49th year aforesaid, did personally appear at the said trial before the chief justice aforesaid, as witnesses for and on behalf of the said Francis Wright, and were then and there in due manner sworn;

That the said Mary Ann did then and there upon the said trial in pursuance of the conspiracy, combination, confederacy and agreement, falsely depose and swear amongst other things of and concerning the matter in question in the said action, to the substance and effect following, (that is to say);

That the said Gwyllym Lloyd Wardle was to furnish the aforesaid house of her the said Mary Ann as a part of the requital to her for giving him the said Gwyllym Lloyd Wardle information and assistance in the investigation of a certain enquiry in the House of Commons, and that she communicated to the said Gwyllym Lloyd

Wardle that she had told the said Francis Wright that she had a friend in view, who she believed would furnish her house, and that the said Gwyllym Lloyd Wardle approved of what she had done;

That the said Gwyllym Lloyd Wardle accompanied her to said Francis Wright's house for the purpose of purchasing the aforesaid goods, and that the said Gwyllym Lloyd Wardle came to the said Francis Wright's house, to say, that he was the person who was to be responsible for the said goods. And that she introduced the said Gwyllym Lloyd Wardle to the said Daniel Wright: and said to the said Daniel Wright, in the hearing of the said Gwyllym Lloyd Wardle, that he was the gentleman who was to furnish her house; and that, she the said Mary Ann left the said Gwyllym Lloyd Wardle and the said Daniel Wright, and was near half an hour above stairs, when the said Gwyllym Lloyd Wardle was with the said Daniel Wright choosing some of the things which he the said Gwyllym Lloyd Wardle had seen ready made there; and that she had seen patterns of a carpet which had been sent into her house in Westbourn Place aforesaid for her to look at, and which she had approved of, and that the said Gwyllym Lloyd Wardle found a great deal of fault with it, and as he did not approve of her taste, he went with her to the said Francis Wright to make a better selection, and that she was there shewn some other carpets by the said Daniel Wright and one of the porters; and that the said Gwyllym Lloyd Wardle at last selected one which he preferred to the one which she the said Mary Ann had chosen, and that the said Gwyllym Lloyd Wardle then shewed it to Major Dodd, for that the said Major Dodd was with him, and that they the said Gwyllym Lloyd Wardle and Major Dodd wished her to have scarlet and bronze, to which she objected, and that at length the said Mary Ann got over her objection and yielded to the taste of the said

Gwyllym Lloyd Wardle and Major Dodd, and said she did not care much about it, and as it was a good carpet, and the said Gwyllym Lloyd Wardle was to pay for it they should have their choice. And that that settled the dispute, and that neither the said Gwyllym Lloyd Wardle, nor the said Major Dodd expressed the least surprise at the observation, and that she then proceeded to the selection of several other things, and that several things were ordered in the presence of the said Major Dodd by her the said Mary Ann, and the said Gwyllym Lloyd Wardle indifferently, and that the things were finally sent to her house, and that things were entirely furnished on the said Gwyllym Lloyd Wardle's credit, and that the said Gwyllym Lloyd Wardle gave the said Francis Wright orders to let her the said Mary Ann be indulged in every thing.

That the said Daniel Wright did then and there upon the said trial, to wit, on the said 3d day of July, in the 49th year aforesaid, in pursuance of the aforesaid conspiracy, combination, confederacy, and agreement, falsely depose and swear amongst other things, of and concerning the matters in question in this action, to the substance and effect following, that is to say,

That he the said Daniel Wright remembered the said Mary Ann and Gwyllym Lloyd Wardle, calling at the said Francis Wright's house, and that when the said Mary Ann introduced the said Gwyllym Lloyd Wardle to him the said Daniel Wright she said, that was the gentleman who was come to look out the furniture to furnish the house for her; that the said Daniel Wright was positive the said Mary Ann represented to him that the said Gwyllym Lloyd Wardle was the person to furnish the house, and that she did so in the presence of the said Gwyllym Lloyd Wardle, and that he the said Daniel Wright was pretty sure that he the said Gwyllym Lloyd Wardle must have heard it. And that he the said

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Gwyllym Lloyd Wardle assented to it, and walked into the ware room immediately, and that when he the said Gwyllym Lloyd Wardle walked into the ware room he conducted himself as a person who was purchasing goods, and that he the said Gwyllym Lloyd Wardle pointed out the various things that he thought proper. And that one particular thing he the said Gwyllym Lloyd Wardle spoke of, was a handsome sideboard, and that he the said Gwyllym Lloyd Wardle said the one he had seen was much better than the one at Westbourne place, and desired that it might be sent. And that the said Gwyllym Lloyd Wardle gave orders about dining tables, and that they were to be exchanged for the set of tables at Westbourne place. And that the said Gwyllym Lloyd Wardle said the set of tables at Westbourne place were common, and desired those in the ware room might be sent in their stead.

That the said Mary Ann went up stairs, and left the said Gwyllym Lloyd Wardle in the ware-room with him the said Daniel Wright, and that many of the orders were given by the said Gwyllym Lloyd Wardle to him the said Daniel Wright, whilst the said Mary Ann was with the said Francis Wright, and that different descriptions of furniture were fixed upon, and chairs for the drawing room, and various articles that were necessary for a fashionable house. And that when the said Mary Ann returned, the said Gwyllym Lloyd Wardle remarked that he did not approve of the carpet patterns that were sent to Westbourne place, and desired that the said Daniel Wright would have some ready the next day when they the said Mary Ann and Gwyllym Lloyd Wardle would fix upon some they would like. And that they the said Mary Ann and Gwyllym Lloyd Wardle came accordingly the next day and that the said Daniel Wright had a considerable variety of patterns selected, the particular merits of which were fully discussed; and that there

was one pattern in particular that the said Mary Ann approved of, which was composed of blue with a good deal of white, and that at that time the said Major Dodd did not agree with the said Mary Ann in taste, and chose a more fashionable colour of scarlet and bronze. And that the said Mary Ann gave up and yielded to said Gwyllym Lloyd Wardle and Major Dodd, and that she made reply at the time, that as the said Gwyllym Lloyd Wardle was to pay for it, she the said Mary Ann would take his choice, and that scarlet and bronze was accordingly put down in Westbourne place, by means of which said premises the said Francis Wright did then and there, at and upon the said trial obtain a verdict against the said Gwyllym Lloyd Wardle for a large sum of money (to wit) the sum of 2000*l*. That in truth, and in fact the said Gwyllym Lloyd Wardle was not to furnish the house of the said Mary Ann as a part of the requital to her for giving him the said Gwyllym Lloyd Wardle's information and assistance in the investigation of a certain enquiry in the House of Commons.

That in truth and in fact the said Mary Ann did not communicate to the said Gwyllym Lloyd Wardle that she had told the said defendant that she had a friend in view who she believed would furnish her house.

That in truth and in fact the said Gwyllym Lloyd Wardle did not approve of any communication which she the said Mary Ann had made to the said Francis Wright, that she had a friend in view who she believed would furnish her house.

That in truth and in fact the said Gwyllym Lloyd Wardle did not accompany the said Mary Ann to the said Francis Wright's house for the purpose of purchasing the aforesaid goods.

That in truth and in fact the said Gwyllym Lloyd Wardle did not come to the said Francis Wright's house to say that he was the person who

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was to be responsible for the said goods.

That in truth and in fact the said Mary Ann did not introduce the said Gwyllym Lloyd Wardle to the said Daniel Wright, and say to the said Daniel Wright in the hearing of the said Gwyllym Lloyd Wardle that he the said Gwyllym Lloyd Wardle was the gentleman who was to furnish the house of the said Mary Ann.

That in truth and in fact the said Gwyllym Lloyd Wardle did not find a great deal of fault with patterns of a carpet, which have been sent into a house of the said Mary Ann in Westbourne Place, for her to look at, and which she had approved of.

That in truth and in fact the said Gwyllym Lloyd Wardle did not go with her the said Mary Ann to the said Francis Wright's house, to make a better selection of a carpet.

That in truth and in fact the said Gwyllym Lloyd Wardle did not select a carpet which she preferred to the one which she the said Mary Ann had chosen.

That in truth and in fact the said Gwyllym Lloyd Wardle did not shew to the said Major Dodd, a carpet which he the said Gwyllym Lloyd Wardle had selected and preferred to a carpet which she the said Mary Ann had chosen.

That in truth and in fact the said Gwyllym Lloyd Wardle and Major Dodd, did not wish the said Mary Ann to have scarlet and Bronze carpet.

That in truth and in fact the said Mary Ann did not yield to the taste of the said Gwyllym Lloyd Wardle and Major Dodd, and say she did not care much about it, and

as it was a good carpet, and the said Gwyllym Lloyd Wardle was to pay for it, they the said Gwyllym Lloyd Wardle and Major Dodd should have their choice.

That in truth and in fact several things were not ordered in the presence of the said Major Dodd, by her the said Mary Ann and the said Gwyllym Lloyd Wardle indifferently.

That in truth and in fact the things were not furnished on the said Gwyllym Lloyd Wardle's credit.

That in truth and in fact the said Gwyllym Lloyd Wardle did not give the said Francis Wright orders, to let her the said Mary Ann be indulged in every thing.

That in truth and in fact the said Mary Ann did not introduce the said Gwyllym Lloyd Wardle to the said Daniel Wright, and say that was the gentleman who was come to look over the furniture to furnish the house for her.

That in truth and in fact the said Mary Ann did not represent to the said Daniel Wright in the presence, nor in the hearing of the said Gwyllym Lloyd Wardle, that he the said Gwyllym Lloyd Wardle was the person to furnish the house.

That in truth and in fact the said Gwyllym Lloyd Wardle, did not assent to any representation made by the said Mary Ann to the said Daniel Wright, that he the said Gwyllym Lloyd Wardle was the person to furnish the house.

That in truth and in fact he the said Gwyllym Lloyd Wardle, did not when he walked into the ware-room of the said Francis Wright, conduct himself as a person who was purchasing goods, and point out the goods that he the said Gwyllym Lloyd Wardle thought proper.

That in truth and in fact the said Gwyllym Lloyd Wardle did not speak of and say that a sideboard at the ware-room of the said Francis Wright's, was much better than the sideboard at Westbourne Place, and desire that it might be sent.

That in truth and in fact the said

Gwyllym Lloyd Wardle did not give orders about dining tables at the ware-room of the said Francis Wright, and that they were to be exchanged for the set of tables at Westbourne Place.

That in truth and in fact the said Gwyllym Lloyd Wardle did not say that the set of tables at Westbourne Place were common, and desire that those in the warehouse might be sent in their stead.

That in truth and in fact the said Gwyllym Lloyd Wardle, did not give any orders to the said Daniel Wright whilst the said Mary Ann was with the said Daniel Wright.

That in truth and in fact different descriptions were not fixed upon, and chairs for the drawing room and various articles that were necessary for a drawing-room, whilst the said Mary Ann was with the said Francis Wright.

That in truth and in fact, the said Gwyllym Lloyd Wardle, did not remark that he the said Gwyllym Lloyd Wardle did not approve of the carpet patterns, that were sent to Westbourne Place, and desire that the said Daniel Wright would have some ready the next day, when they the said Mary Ann and Gwyllym Lloyd Wardle, would fix upon some they would like.

That in truth and in fact, the said Mary Ann and Gwyllym Lloyd Wardle, did not on the next day discuss the particular merits of a considerable variety of patterns which had been selected, nor did the said Mary Ann approve of any pattern in particular, which was composed of blue with a good deal of white.

That in truth and in fact, the said Major Dodd did not disagree with the said Mary Ann in taste.

That in truth and in fact, the said Gwyllym Lloyd Wardle did not chuse a more fashionable colour of scarlet and bronze.

That in truth and in fact, the said Mary Ann did not give up or yield to the said Gwyllym Lloyd Wardle and Major Dodd, and make reply at the time that as the said Gwyllym Lloyd

Wardle was to pay for it, she the said Mary Ann would take his choice.

That in truth and in fact, scarlet and bronze was not put down in Westbourne Place, to the great injury and damage of the said Gwyllym Lloyd Wardle, to the evil example of all other persons in the like case offending, and against the law, &c.

That on the 1st day of June, in the 49th year of the king as aforesaid, the said Francis Wright, at the like special instance and request of the said Mary Ann, the wife of Joseph Clarke did sell and deliver to the said Mary Ann, divers other goods, wares and merchandizes, to wit a great quantity of other household furniture of great value, to wit, the value of 2000l.

That the said Francis Wright, Daniel Wright, and said Mary Ann, the wife of Joseph Clarke, devising, contriving, and intending to injure, and aggrieve the said Gwyllym Lloyd Wardle, afterwards, to wit, on the 1st day of June, in the 49th year aforesaid, unlawfully did conspire, combine, confederate and agree together, to falsely allege and pretend, that the aforesaid goods, wares, and merchandizes last mentioned, were sold and delivered by the said Francis Wright, to the said Gwyllym Lloyd Wardle, at the like special instance and request of the said Gwyllym Lloyd Wardle, and to falsely charge and allege that the said Gwyllym Lloyd Wardle, was therefore indebted to the said Francis Wright, in a large sum of money, to wit, the sum of 2000l. and to compel and oblige the said Gwyllym Lloyd Wardle, to pay to him the said Francis Wright, the said last mentioned sum of money.

That the said Francis Wright, in pursuance of the conspiracy, combination, confederacy and agreement between him and the said Daniel Wright and Mary Ann so as last aforesaid, before had, afterwards, to wit, on the said 2nd day of June, in the 49th year aforesaid, did commence and prosecute an action at law in the

court of our lord the king, before the king himself, the said court being then and still being holden at Westminster aforesaid, against the said Gwyllym Lloyd Wardle, for the recovery of the said last mentioned sum of 2000l. and that a certain issue duly joined between the said Francis Wright and the said Gwyllym Lloyd Wardle, in the said last mentioned action came on to be tried at the sittings of nisi prius, holden at Westminster aforesaid, to wit, at Westminster Hall, in the County of Middlesex, on the said 3d day of July, in the 49th year aforesaid, before the Right Honorable Edward Lord Ellenborough, the Chief Justice aforesaid.

That the said Mary Ann and Daniel Wright, in further pursuance of the conspiracy, combination, confederacy and agreement, between them and the said Francis Wright, so as last aforesaid, before had, on said 3d day of July, in the 49th year aforesaid, did personally appear at the said trial before the Chief Justice aforesaid, as witnesses for and on the behalf of the said Francis Wright, and were then in due manner sworn.

That the said Mary Ann and Daniel Wright did then and there upon the said trial in pursuance of the conspiracy, combination, confederacy and agreement last aforesaid, falsely depose and swear amongst other things to the substance and effect following, that is to say. That said last mentioned goods, wares, and merchandizes were sold and delivered by the said Francis Wright to the said Gwyllym Lloyd Wardle at his special instance and request, and that he the said Gwyllym Lloyd Wardle in consideration thereof promises to pay him the said Francis Wright for the same. By means of which said last mentioned premises the said Francis Wright did then and there obtain a verdict against him the said Gwyllym Lloyd Wardle for a large sum of money to wit, the said sum of 2000l.

That in truth and in fact the said last mentioned goods, wares, and

merchandizes were not sold and delivered by the said Francis Wright to the said Gwyllym Lloyd Wardle at his special instance and request, nor did the said Gwyllym Lloyd Wardle promise to pay the said Francis Wright for the said last mentioned goods, wares, and merchandizes.

That on the said 1st day of June in the 49th year aforesaid the said Francis Wright did deliver by the order and for and on the account of the said Mary Ann, divers goods and household furniture of him the said Francis Wright to the said Mary Ann, at a certain house where the the said Mary Ann then resided, situate and being in Westbourne place aforesaid in the parish of St. George's, Hanover Square, and in the county aforesaid.

That the aforesaid Francis Wright, Mary Ann, and Daniel Wright contriving and intending to injure and aggrieve the said Gwyllym Lloyd Wardle, afterwards, to wit, on the same day and year last aforesaid, with force and arms at the parish last aforesaid, in the county aforesaid unlawfully did conspire, combine, confederate, and agree together, to wrongly and falsely pretend and allege that the said last mentioned goods and household furniture were delivered by the said Francis Wright to the said Mary Ann, at the said house where she the said Mary Ann then resided, situate as aforesaid, by the order and on the credit of the said Gwyllym Lloyd Wardle and not by the order and on the credit of the said Mary Ann, and to wrongfully and falsely charge the said Gwyllym Lloyd Wardle with being indebted to him the said Francis Wright in a large sum of money to wit, the sum of 2000l. for the said last mentioned goods and household furniture.

That the said Francis Wright should demand payment of the said last mentioned money, of and from him the said Gwyllym Lloyd Wardle, and on non-payment thereof by him the said Gwyllym Lloyd Wardle that he the said Francis Wright, should commence and prosecute to trial an action at law

against him the said Gwyllym Lloyd Wardle for the recovery thereof.

That the said Mary Ann, and Daniel Wright should and would appear as witnesses for the said Francis Wright at the trial of the said action, and prove that the said last mentioned goods and household furniture were delivered by the said Francis Wright to the said Mary Ann, at the said house where she then resided as aforesaid, by the order and on the credit of the said Gwyllym Lloyd Wardle, and thereby enable him the said Francis Wright to recover against him the said Gwyllym Lloyd Wardle the amount in value of the said last mentioned goods and household furniture, to wit, the said sum of 2000l. to the great injury and damage of the said Gwyllym Lloyd Wardle.

That the said Francis Wright, Mary Ann and Daniel Wright contriving and intending to injure and aggrieve the said Gwyllym Lloyd Wardle afterwards to wit, on the 1st day of June in the 49th year aforesaid unlawfully did conspire, combine, confederate and agree together, to wrongfully and falsely charge the said Gwyllym Lloyd Wardle with being indebted to him the said Francis Wright in a large sum of money, to wit, the sum of 2000l.

That the said Francis Wright should commence and prosecute a trial at law against the said Gwyllym Lloyd Wardle for the recovery thereof, and that they the said Mary Ann and Daniel Wright should and would appear as witnesses for the said Francis Wright on the trial of such action, and falsely prove that the said Gwyllym Lloyd Wardle was so indebted to him, and thereby enable him the said Francis Wright to wrongfully compel and obtain payment of the said last mentioned sum of money, of and from him the said Gwyllym Lloyd Wardle.

That in truth and in fact, the said Gwyllym Lloyd Wardle was not indebted to the said Francis Wright in any sum of money whatsoever, to the great injury and damage of the said Gwyllym Lloyd Wardle, &c.

That the said Francis Wright, Mary Ann and Daniel Wright, contriving and intending to injure and aggrieve the said Gwyllym Lloyd Wardle, afterwards, to wit, on the said 1st day of June, in the 49th year aforesaid, unlawfully did conspire, combine, confederate, and agree together, to wrongfully and falsely charge the said Gwyllym Lloyd Wardle with being indebted to him the said Francis Wright, in a large sum of money, to wit, the sum of 2000l. and by divers subtle ways and means to wrongfully and unjustly oblige and compel the said Gwyllym Lloyd Wardle to pay him the said Francis Wright the said last mentioned sum of 2000l. to the great injury and damage of the said Gwyllym Lloyd Wardle, &c.

To the above indictment, the said defendants, Francis Wright, Mary Ann, the wife of Joseph Clarke, and Daniel Wright, have severally pleaded NOT GUILTY—whereupon issue is joined.

Counsel for the Prosecution.

MR. ALLEY, MR. BOLLAND,
MR. GLEADE, MR. ARABIN.

Counsel for the Defendants.

THE ATTORNEY-GENERAL, MR. ESPINASSE,
MR. GURNEY, and
MR. GARROW, MR. BEST.

Soon after nine o'clock the court being assembled, the names of the special jury were called over by the clerk at *Nisi Prius*, and the following gentlemen sworn:

Charles Rich, Esq. *Foreman.*
Matthew Moody, Esq.
Harry Charrington, Esq.
John Marshall, Esq.
Thomas Longbottom, Esq.
Ralph Penton, Esq.
William Palmer, Esq.
John Jackson, Esq.
William Horton, Esq.
George Randall, Esq.
James Poole, Esq.
Robert Dover, Esq.

Mr. Arabin, as junior counsel for

the prosecution, then opened the case by briefly stating the substance of the foregoing pleadings.

Case for the Prosecution.

Mr. Alley, as leading counsel for the prosecutor, then proceeded to state his case, nearly as follows:

“ May it please your lordship, gentlemen of the jury.

“ It becomes my duty to day, on the part of colonel Wardle, the prosecutor, to state the circumstances of one of the most important cases that ever came before an enlightened and independent jury. It was with infinite regret, (and he stated it without affectation) that the weight of conducting this prosecution had fell into hands so unequal to the task of supporting it with propriety, but it is to be attributed wholly to accident. Mr. Serjeant Best, who was so well qualified to conduct a cause of such importance, would have appeared as my leader, had it been in his power, for he was retained to conduct this case, and I should have then only to act a secondary part; but, gentlemen, owing to some insinuations which were thrown out upon a former occasion, it became necessary that he should be a witness. By this accident, he was deprived of the able assistance of Serjeant Best, who had conducted the cause upon a former occasion, out of which the present prosecution arose; and it being thought inconsistent with the honor and proud dignity of the bar, that any one of its members should stand as a witness in that box, and afterwards comment upon the testimony he had just given, and finding it essential to the interests of justice in this case, that Serjeant Best should be examined as a witness this day, I am thus deprived of the assistance of his acute mind and excellent understanding. But, gentlemen, humble as I am, and little known to the world and to you, I trust I shall be able to do my client the justice of at least clearly establishing his case; but I shall have need of your utmost kindness to solace me as I proceed.

From the noble lord on the bench, I ask nothing: I know his urbanity; and, if I may judge of the future from the past, I shall have nothing to fear from that quarter. I know that it makes no difference to the noble judge, whether the advocate stands within or without the bar. Holding an equal balance of justice between the parties, he does not care who conducts it. It is from the facts of a cause, and not from him who manages it, that his lordship's enlightened mind forms an opinion; and, whatever I might have apprehended from being opposed, with my learned friends who assist me upon this occasion, to the mighty strength of His Majesty's Attorney-General and Mr. Garrow, and their able assistants behind the bar, yet I am confident in my cause, and I have no difficulty in embarking on the perilous voyage which I have commenced. I have nothing to fear from the arts and wiles either of Scylla or Charýbdis: and I trust I shall steer my little bark clear of those Garrowian quicksands, upon which other navigators have run.

It is necessary, gentlemen, that I should put you in possession of the mode by which my conduct shall be regulated this day. It may have been expected by many that I meant to enter into political discussions in the progress of this cause, but they will find themselves mistaken. I shall not avail myself of that liberty of speech which is permitted to gentlemen of the bar; I shall not travel one fittle out of the record now before the noble and learned judge, nor utter one single syllable which may inflict pain in the bosoms of those noble and illustrious persons whom I see on the bench before me, and to whom it is my duty to look up, with reverence and respect.

The parties in the present indictment; are, first, the prosecutor, Colonel Wardle, a gentleman, who has served his country in the senate and the field. At a time when anarchy

and rebellion broke out in the sister kingdom; at a time when many of his countrymen volunteered their services, in defence of their king and constitution, he lent his generous aid also, and volunteered with his regiment; he left his home and the bosom of his family to put down rebellion, what he boldly attempted, he as boldly achieved. Having reaped his laurels there he returns home, and was soon afterwards returned to parliament, and, gentlemen, I have to tell you that he who claims justice at your hands this day, is the same Colonel Wardle around whose brows his grateful country has entwined another wreath, commemorative of the great and important services he has done in parliament. The defendant, Francis Wright, is an upholsterer, in Rathbone-place; and the defendant Daniel Wright, his brother, who now found it convenient to style himself not his partner, but his servant at a trifling salary. As to Mrs. Clarke, the other defendant, I scarce know how to introduce her to the jury; I cannot speak well of her, and I do not wish to speak ill. I had perhaps better adopt her own language, and say she had lived "under the protection" of English, of Irish, and of Scotchmen, of navy agents, of army agents, of persons in and out of parliament, of lords and commons; nay, that by her arts and machinations, she had wormed herself into the bosom of a royal duke, where, like the viper in the fable, she had forgotten all his indulgences, and all his fostering care, and had treacherously and ungratefully stung her preserver. These are the parties in the present indictment; and before I state the facts of this case, I shall say a word or two upon the law of the subject. The nature of the indictment had been distinctly stated to you by my learned friend Mr. Arabin, who opened the pleadings, I shall only observe therefore, that Francis Wright, having undertaken to furnish a house for Mrs. Clarke, found it convenient, several

months afterwards, to change the responsibility for that furniture from Mrs. Clarke to my proud and independent client colonel Wardle; and I shall demonstrate, beyond the possibility of a doubt, that a false and wicked conspiracy had been entered into to bring the upholsterer's own brother as a witness, and to force colonel Wardle to pay for the furniture. He had the impudence to bring an action into this court, and by the evidence of his brother Daniel Wright, and Mrs. Clarke, obtained a verdict against colonel Wardle for 1900l.

I shall now proceed, gentlemen, to explain to you the true nature of a conspiracy, I shall put you in possession of the law upon that subject that you may judge of the nature of this case with the greater facility. I shall read to you Lord Coke's definition of this crime, and I do so now, not because I am afraid it may escape the notice of the noble and learned judge, but because it will not be until the defendant's case has been unfolded that his lordship will have an opportunity of doing so. "A conspiracy," says that great oracle of the law, "is an agreement among divers persons to do some unlawful act, the very conspiracy is the crime, which the law punishes, although nothing upon the conspiracy is done, and thus the common law does out of mercy, for it then both punishes the conspirators, and prevents the mischief to others being effected. It is not so much the act as the manner of obtaining the object of those engaged in it which constitutes the essence of a conspiracy, for there might be a conspiracy to do a lawful thing by unlawful means, and when the combination is proved to have been formed, the act of one conspirator may be given in evidence against another, although they may be an hundred miles asunder at the time of doing the act, and the parties may be convicted, although they have not accomplished their object, for the crime is complete in the combination, and the attempt

to carry the object into effect.' And a great deal of good sense there is in the rule by which this doctrine is laid down, because the object of the law is to prevent the mischief, and also to punish the individuals who attempted to produce it at one and the same time. Such, gentlemen, is the law, and this is common sense as well as common law, for common law after all, is nothing more than the perfection of common sense. Thus you see, gentlemen, a conspiracy consists in an agreement among divers persons to do an unlawful act; and the evidence to maintain such an indictment, I shall now proceed to state. I shall not travel into all the ancient authorities upon this subject but merely quote what my Lord Mansfield has collected upon the subject, as his name will be the most familiar to your minds. "The fact of conspiring," he says, "need not be proved, for by the common law, the jury may draw that inference from the evidence under all the circumstances, and the good sense of the thing is this, that although it may not be possible to ascertain whether a conspiracy actually existed, and although the parties concurring in the act might have been previously unacquainted with each other, and if the jury saw that from the evidence it was impossible to draw any other reference, that although there was no actual conclave of persons, yet there then was such a union of circumstances, such a *dove-tailing* of facts, (if I may so express myself) as was impossible to have arisen except from an antecedent union of mind, you must draw the conclusion that there was a conspiracy. In short, gentlemen, I think the law so plain upon this subject every man must understand it. It has been said that an indictment for conspiracy has been resorted to for the purpose of including persons who otherwise might become witnesses, I mean that parties are sometimes included in an indictment for a conspiracy, lest their fellows should

have the benefit of their testimony and they should tell the truth, and it has been hinted that parties are included in this indictment, to prevent others having the benefit of their testimony; for myself and for my learned friends who are with me this day, I will say we should disgrace the situation we now hold, we should discredit the liberal education we have each of us received, we should degrade ourselves as professional men, if for one moment we had lent ourselves or consented to smother justice in such a way. It has been said that an indictment for perjury would have been the more correct mode to have resorted to, because, forsooth, colonel Wardle had pledged himself to the public to prosecute for perjury. I know what the Attorney-general has said upon this subject, and all he has said amounts to nothing, for give me leave to set you right, gentlemen, upon this head. Colonel Wardle, I say, has given no such pledge, it is a misreading of his letter. Colonel Wardle tells the public "there only remains for me now, before God and my Country, to declare it (the verdict) 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." This is what colonel Wardle's letter stated, that he would *prove* perjury, not that he would *indict* for perjury. "It is a cause," he says, "which I have lost by perjury, and I will bring them to justice the moment the forms of the law will allow me to do so." This was his declaration, this was the pledge he made, and has he not kept his word? Yes, gentlemen, he has. If he had resorted to an indictment for perjury, instead of this for a conspiracy by perjury, he would have stultified himself, for he could not then have prosecuted Francis Wright, who is included in the present indictment and whom I believe in my heart to have been the worst offender of the whole; for you see gentlemen, he was the plaintiff in that cause, he does

not swear himself, but he sends his emissaries into court, by whose perjury he obtains a verdict. Who puts the money into his pocket? why Francis Wright. Who receives the amount of the verdict? not that miserable woman, who has perjured herself to enable him to do so; she has had the furniture it is true, but every farthing of the money goes into the pocket of Francis Wright, and he is at the bottom of all the machinations by the help of which he placed it there. Then I ask you, is he not the most profligate of the two? But it is said we should have indicted for perjury; had we indicted for perjury too, it would have been said, "here is oppression on oppression! What? two indictments for perjury against Daniel Wright and Mrs. Clarke, and one against Francis Wright for a conspiracy, what would have been said of my learned friends and myself? "You have put three indictments upon the records of the court;" and here I do not hesitate to avow that we should have received that rebuke so well merited. Gentlemen, my learned friends and myself do not meanly skulk back, and suffer a gentleman, whom we know to be an honourable man, (Mr. Ellis, the prosecutor's attorney) to bear the brunt that we ought to face. We directed that the present indictment should be for conspiracy, and not perjury; and if we have erred, upon our own heads be the sin. It cannot be said that the channels of justice are dammed up, and that all parties accused would be implicated; for it is well known, that if any individual is not inculpated, it is not less the duty of the Noble and Learned Judge, than his practice every day to dismiss those individuals from the indictment, and put them immediately in the witness-box. If Francis Wright were not by the present case proved guilty, he might be dismissed from the indictment. Where then, gentlemen, is the oppression? I shall shew to day, what were the intentions and

what the objects of those parties. I will give all these defendants the benefit of their own evidence, of which they could not avail themselves without my permission; and request you will believe it till it is overturned, I will give that miserable reptile, Mrs. Clarke, full credit for what she has sworn till now, to get rid of all former impressions of her perfidy, and to believe her till I prove her perjured. I shall also give the defendants the benefit of what they could not also have gotten without my consent—the defendant Francis Wright's answer to a bill which colonel Wardle had filed against him in the court of chancery. This is the defendant's own story—not given in the confusion and flurry of a parole evidence in a witness-box—but his cool, collected narrative; taken down in his closet by Mr. Stokes, his attorney: and then you will have the oath of the defendant himself in his own exculpation. Are we then to be considered as blinding justice?

Having stated thus much to you, gentlemen, it is my duty now to call your attention to the facts upon which I shall prove these parties guilty, and if I am not most grossly misinstructed, and I believe I am not, I shall make this clear to your minds to demonstration. I shall prove beyond all question, that after the investigation in the House of Commons, Mrs. Clarke retired, in the summer of the last year, into the country; and as the winter season approached, having no house, she applied to Francis Wright, with whom she had been many years acquainted, to look out for one for her. Being totally distressed, and, according to her own evidence, without a single guinea in the world, she applied to the man who had taken many thousands of her money, and to whom she then owed 500l. She could not apply to me, or to any of you, gentlemen of the jury; but she could to Francis Wright, whose interest it was to serve her, since he thereby served himself. He accordingly went to Mr.

Bull, to take a house of him in Holles-street, Cavendish-square, which he stated he wanted for a lady of respectability from the country, of character and reputation. He said, "I want it only for a short time, for I am on the look out for a house which I am to furnish for her as soon as I can get it." Under this false representation, Mrs. Clarke, under the name of Farquhar, got into Mr. Bull's house. He discovered, however, who she was, and with the feeling of an honest man, said to Francis Wright, "how dared you deceive me, and send this strumpet into my house?" This, I think, dignifies Mr. Bull's conduct, and will materially validate his testimony to day. Driven hence, Mrs. Clarke again took shelter under the wing of Francis Wright. He had a house in Bedford-place, Russel-square, and allowed her to reside there till in October he saw an advertisement in a newspaper, offering a house to let in Westbourne-place, for which he applied; as he was directed, to Mr. Curt. He told Mr. Curt he thought it would suit the lady for whom he wanted it, and would mention its terms to the lady. Mrs. Clarke accordingly called to look at the house, liked it, did not object to the terms, and, in short, took the house in the name of Farquhar. "But," said Mr. Curt, "you must give me some reference as to your respectability. You tell me you are a lady of character, and by your appearance I should judge so; nevertheless, there are so many impostures now a days, I should wish a reference." Oh," says Mrs. Clarke, "there will be no difficulty on that head;" and she accordingly referred him to Francis Wright, who was, on all occasions, her common voucher; and who, she said, had known her many years. Mr. Curt hastened to Francis Wright's, thinking he had got a good tenant, and asked what Wright knew of Mrs. Farquhar, for I shall prove to you gentlemen throughout all these transactions, that Mrs. Farquhar and Mrs. Clarke

were one person; Mrs. Clarke always passing in her mother's name, because she was a married woman; and this name served her more turns than one. I have heard of the many-folding shield of Ajax; but I had never before heard of the many-folding shield of an upholsterer. This name served to Francis Wright as a shield for himself, and to Mrs. Clarke as a shield against her creditors. Wright knew that Mrs. Clarke was a married woman, and therefore pretended to trust Mrs. Clarke's mother, Mrs. Farquhar, with the goods which were in reality supplied to Mrs. Clarke. This mother, I have no scruple of calling a miserable reptile, who was on all occasions Mrs. Clarke's go-between. This name acted as a shield to Mrs. Clarke in this way: when the butcher or the baker proceeded against her at law for their debts, with a view of seizing some of her fine furniture, in stepped Mrs. Farquhar—"Its my furniture: touch it if you dare." This answer I shall prove to have been received by many an honest tradesman. Wright, you see, was protected by this contrivance, against both Mrs. Clarke's creditors and herself; and said to her, "If you don't pay me, when you have ensnared some old or young fool (for there are fools of all ages), I will arrest the body and bones of your mother; and the necessity, not the charity, of a daughter, who cannot do without her, must relieve her." It was thus in the name of Farquhar that Mrs. Clarke applied to Mr. Curt, and was referred to Francis Wright, who told Mr. Curt, that he had known Mrs. Clarke ever since the year 1802, and knew her to be a respectable woman. Mr. Curt said, "I request you to deal openly and frankly with me, as between tradesman and tradesman; tell me the truth, and let me not be deceived." "Oh, certainly," said Wright; "I have known her many, many years, and have taken many, many thousands of her money (this was true); and if I

had fifty houses, she should have her choice of them all—(this too was true): she is a woman of character." This was false; he knew that only three weeks or a month before, she had been turned out of Mr. Bull's house, and that her general character was that of a strumpet. Mr. Curt asked, "is she married?" "She has been," replied Wright; "but whether her husband be dead or living, I cannot tell." If this is true, you may acquit the defendant to-day; but if it is false, it is a damning proof against him. This happened in October; in the June before, this very defendant had justified bail with her attorney, Mr. Stokes, in an action to which she pleaded her coverture, and in which an honest tradesman was defrauded of a just debt. It may be said to me, "Why do you proceed? Have you not said enough to convince us of the strength of your case?" And yet, gentlemen, I have hitherto disclosed but little of what I shall have the honour of laying before you. Mr. Curt then visited Mrs. Clarke—told her he had heard a good character of her, and that she should be his tenant. He found the house where she was neatly furnished, and told her the furniture was very well adapted in size for his house. She replied, that it was quite impossible she could move that; it was much too old fashioned, and that she should take nothing but beds and chests of drawers; for Francis Wright had agreed to furnish the house in Westbourne-place. And this is consistent with Wright's former story to Mr. Bull. You see this took place in the latter end of October, and it was agreed that the lease should be executed on the 9th November. About a week or ten days before Mrs. Clarke went to Westbourne-place, Curt met Francis Wright going there, as he told Mr. Curt, to take measure for the carpets and furniture; such anxiety had Wright to serve the person, by whom ultimately he was to benefit, Mr. Curt was very well pleased, for he found

his house white-washed, painted, &c.; found too, that coals for Mrs. Clarke had been sent in by Wright. Two days before the lease was executed this miserable mother of a wretched daughter, (and this sufficiently develops a conspiracy, and shews that, as to the names of Farquhar and Clarke, each served for the other, *mutato nomine, de te fabula narratur*), Mrs. Farquhar calls on Mr. Curt, and tells him that she is the mother, and that the house was taken for her, Mr. Curt did not care to which it was; and to her he executed the lease, at the house of Mr. Stokes the attorney, and was not there told as he should have been, that Mrs. Clarke was not Mrs. Farquhar. This was done to protect Mrs. Clarke from her creditors, and Wright from Mrs. Clarke. Now you observe, gentlemen, we have got Mrs. Clarke going thus far; when Mrs. Clarke was in the witness box, she swore that at this time she had not one guinea in the world, and that Francis Wright would not give her any credit. How does this tally with the facts? In a subsequent conversation with Mrs. Clarke, Mr. Curt informed her, that there were fixtures in the house to be taken at 106l. 14s. 6d. which he himself had paid for them: Mrs. Clarke requested credit for this payment, and held out as a lure to Mr. Curt, that if he would wait twelve months, she would buy the house of him, and pay for the fixtures too; he declined this, and what was Mrs. Clarke to do? why apply where her interest directed. She could not apply to an usurer for the money; for though we saw advertisements of money to lend every day, yet the advertiser never lent to any but persons of responsibility: she applied to Wright; and I shall produce Wright's cheque for this 106l. 14s. 6d. payable and paid at his Banker's, to Mr. Curt. And thus it was that the lease was executed to Mrs. Farquhar. On the 10th and 11th of November, the very days after the

lease was executed, Wright sent into the house in Westbourne-place, load upon load of furniture, to the amount of 2000l. to enable Mrs. Clarke to carry on her business, and hoped that the splendid curtains which were hung across her windows, would act as cobwebs to catch the passing butterflies; well knowing, at least, that the sooner her shop was opened, the sooner might he expect back the money for her stock in trade. Thus was Mrs. Clarke prepared for her winter campaign; and after this was the character of a proud and honourable man reviled by base conspiracy! It may be again asked, why I proceed further in this case. It had been said that it was not natural for Francis Wright to give credit to Mrs. Clarke, because she was already indebted to him 500l. or 600l. This deduction might do very well to tell boys; but it would not hold with men of the world, sitting as jurors in that box. When a tradesman, in those days of speculation, became embarrassed, what was to do? Suppose he went to a next door neighbour, a friend and associate of his, one who had "grown with his growth, and strengthened with his strength," and told him that to-morrow he had a bill of 500l. to pay, what would be most probably his answer? He would say, "an 'twas true, 'tis pity, and pity 'tis 'tis true," "I wish to do every thing in the world to serve you; but I have only yesterday over-drawn my own banker, and have not a guinea in the world." The best way then for him, would be to apply to those in whose books he was already; they had lent him money for his original speculation, and were interested with him for its success. "We see you are an honest man; and to enable you to pay us what you already owe, will lend you 500l. more." In the same way, Francis Wright says, "Here's this miserable woman owes me 500l. and unless I put her in a way to get more than that, she'll never pay me even that. I'll not trust to the casual

pittance which she may pick-up as a street-walker, her only resource; I'll once more put her into a well-furnished house." Mrs. Clarke therefore you see, gentlemen, is certainly a trader, not according to the custom of the city of London, but according to the custom of Mary-le-bone. She keeps a ready money shop, Mr. Francis Wright finds it his interest to support her, yes, the ingenious Mr. Francis Wright, thus argues with himself; interest pays interest, and he knew it was his duty, and his interest to himself, and to support Mrs. Clarke; and this, gentlemen, is the answer which I give to those who raise this puerile objection; I do not mean to impeach the reasoning of their manly minds who this day offer it, and who are driven to this resource, and adopt it because they have no better. You will recollect, gentlemen, I have gone no further than the month of November, in the last year, at the time when Colonel Wardle was not known to those parties. I shall now introduce you to the period when Colonel Wardle became acquainted with Mrs. Clarke. On the 18th of November, he was introduced to her, in consequence of an enquiry he was furthering in the House of Commons; and upon which I shall abstain from saying a single word. Col. Wardle took Mrs. Clarke to different places, in order to prosecute this enquiry; and, among the rest, he and Major Dodd agreed, on the 1st of December, to call and take her to one of these places in a coach. While they were out, she said she wanted to call at her upholsterer's in Rathbone-place; a courtesy which man to man would have granted, much more man to woman. They did call; and Mrs. Clarke begged the gentlemen to alight, and see some specimens of furniture, which she pointed out to their notice. In particular, she shewed them some curtains, which she had had in a former house, which Wright furnished for her, and which were going to her new house; and

some chairs, the bottoms of which she had painted with her own hands. The gentlemen, of course, felt themselves bound to admire their beauty, and the parties left the shop, without either Colonel Wardle or Major Dodd, directly or indirectly, giving their credit for Mrs. Clarke's furniture to Wright. On the 2d of December, Colonel Wardle only, went with Mrs. Clarke in a coach to Mr. Donovan's, of whom some information was wanted; and was again requested to stop the carriage at Wright's shop. When they alighted, Francis Wright had received some accident, and was in bed; and Mrs. Clarke, begged of Col. Wardle to wait in the shop, while she went up stairs to speak to him.

In the interim, the defendant, Daniel Wright, entered into conversation with the prosecutor, talking about his brother's accident, and different other things, and shewing him some articles of furniture to amuse Colonel Wardle, and to shew off his goods. Amongst other things, Colonel Wardle was particularly struck with the beauty of a sideboard, the price of which, as a matter of curiosity, he asked; but neither directly nor indirectly did he order it to be sent to Mrs. Clarke's. These were the only two visits which the prosecutor ever made to Wright's shop. If this were not a true account of these visits, let the defendants call their shopmen. I challenge them to do it. Colonel Wardle and Major Dodd will tell the jury, before God, that neither of them either did or said any thing, directly or indirectly, which the defendant, Francis Wright, could construe into a responsibility for the payment for Mrs. Clarke's furniture. From the 2d to the 16th of December, this was what happened: Mrs. Clarke applied to Mr. Glennie, and told him the great distress in which she was, for that the Wrights were pressing her very hard for 500l. a sum of which she begged Mr. Glennie to request the advance from Colonel Wardle, as she would be enabled to

repay it in three months from the profits of a book she was about to sell for publication. Mr. Glennie replied, "No; I know Colonel Wardle will not make himself responsible for your debts in any way whatever." She pressed her petition again and again, with tears in her eyes, till at last Mr. Glennie said, that if she were sure she could repay it in three months, he would try what he could do for her. He did; and Colonel Wardle would give his answer to Mr. Glennie this day on his oath: he said positively, "No; he would not advance her a single guinea, nor accept a bill of any sort for her." Mrs. Clarke, however, knowing her value to Colonel Wardle in his public enquiries, went to him herself, and received the same answer. She was not to be easily put off, however, and here was acted as wicked a scheme as ever came into the head of man or woman to devise. While Mrs. Clarke was begging and imploring Colonel Wardle to assist her, and threatening herself with a prison if he did not, in came Daniel Wright and joined in her request; his house was in great distress, and 500l. they must have. "No," said Colonel Wardle, "I will not do any thing, directly or indirectly, to authorise you to say I made myself responsible for Mrs. Clarke's debt." So when a youth, raw from school, had been entrapped by the wily blandishments of a first mistress, after parting with every guinea he had or could raise for her, just in the nick of time in comes a tradesman, who threatens her with a pretended arrest; she falls on her knees to her paramours weeps, and he becomes her security. Even thus did Mrs. Clarke contrive the very moment for Daniel Wright's appearance. Colonel Wardle was softened, and Major Dodd begged that for God's sake Colonel Wardle would do something. It was, therefore, wisely contrived that Mrs. Clarke should be assisted without the appearance of Colonel Wardle's name. Major Dodd knew Mr. Illing-

worth, and proposed to give his acceptance for 500l. and to take Mrs. Clarke's note for that sum payable four days before Mr. Illingworth's acceptance became due, so that she might first take up her bill out of the funds she was to receive from the sale of her book. It was further contrived to get Mrs. Clarke, as she was but a slippery woman, to give a bill of sale of her goods, as a collateral security. Mr. Illingworth consented to this arrangement from his knowledge of Major Dodd and his friend Colonel Wardle; but Colonel W. said to Mr. Illingworth, "you shall run no risque; here is our security besides, and if she fails, we will pay you out of our own pockets." When the time came, as might been expected, Mrs. Clarke did not pay the bill, and Colonel Wardle and Major Dodd did.

Thus you find, it was so contrived as to assist Mrs. Clarke, without her knowing that the gift came from Colonel Wardle; and this, gentlemen, was wisely done—Colonel Wardle previous to that time, was unknown to Mr. Illingworth, but Major Dodd was his intimate acquaintance, and they will both prove this fact. Major Dodd, gentlemen, is an honourable man, he lately held an appointment under government of 3000l. per annum, which, I lament to say, he now holds no longer. It had been hinted to him that if he gave the same testimony to day, he had given before the Grand Jury, his situation was no longer his. But, gentlemen, to his honour be it spoken, he preferred the truth to his own interest, he went before the Grand Jury, he gave his testimony, he preserved his honor, but he lost his place—for—"Oh, shame! where is thy blush?" the very next day he was cashiered. This reminds me of a story in the Roman history, which I think may be well applied to Major Dodd—I mean the speech of Fabricius to the Carthaginian general; he said he was content, like Cincinnatus before him, to

live in humility and purity, he could put down his equipage and accommodate himself to those circumstances, which had before been accommodated to him.—Major Dodd has sacrificed 3000l. per annum to support the honour and credit of his friend Colonel Wardle, and, gentlemen, he comes before you this day clothed in the robes of truth and purity, to tell "a plain unvarnished tale."

I now come, gentlemen, to the third period of these transactions. From the 16th of December, till last June, no application to Colonel Wardle has been made for payment of Mrs. Clarke's goods. Then, however, comes Francis Wright's bill with a note to Colonel Wardle, begging its speedy discharge, "as it was a ready money account." A ready money account, and yet no demand of payment is made before, notwithstanding the avowed distress of the house, and the refusal from Colonel Wardle to Daniel Wright to make himself responsible for Mrs. Clarke's debts, by advancing her 500l. on her note. Would this distressed man have waited six months without demanding payment of a ready money account? He proceeded against Colonel Wardle for the bill then, and with the assistance of Mr. Stokes, his attorney, in five short weeks obtained a verdict against the prosecutor by foul conspiracy. Who, after this, shall talk of "the law's delay?" The letter to Colonel Wardle which accompanied Francis Wright's bill, would alone convince any impartial person that he had never trusted Colonel Wardle. Gentlemen, I court Mr. Attorney General this day to put the chief juggler of this transaction into the box, he who is behind the curtain of all this machinery—he who is aspiring to a situation to which neither birth nor education entitle him—and then I shall "a tale unfold."

It would have confounded the strength of ninety-nine Hercules's, in ninety-nine days, to have met a con-

spiracy like this; and it has been thought by certain individuals, that if that fair fame, which no other means but conspiracy could destroy, could be blasted at this expence, it would be a cheap purchase. But you are surprised that this action was not brought six months sooner. I ask why it was brought on the 1st of June? I answer this. Colonel Wardle has served his country and his king in quelling a furious rebellion, he has taken an uncommon and glorious share in exposing the corruption that was gnawing the state to its very vitals. He was a soldier of intrepid courage, and a senator, proud, erect, and independant, bent upon the herculean task of cleansing the Augean stable; he had done much in that most useful and arduous service, which, while it excited the attachment and admiration of the people, (of which his having had voted to him the freedom of so many of the corporate bodies of the kingdom, were great and honourable proofs) he drew upon him the hatred of the friends of corruption. Colonel Wardle had advanced high into the estimation of the people, he had brought a hornet's nest about his ears, and it was thought well by certain individuals to endeavour to destroy that fair fame by the means of perjury and conspiracy. This action was therefore commenced in the month of June, for no other purpose but to tear the well-earned laurels from his brow. You will see all these facts exemplified beyond all question, to the honor of my client, and your verdict of this day will only bind his laurels the firmer.

“— quod obtanti divam promittere nemo
“Auderet, volvenda dies en attulit ultro!”

Mrs. Clarke, in her evidence, said that she introduced colonel Wardle to Francis Wright, saying, “this is the gentleman who is to furnish my house,” to this Wright makes no reply, but that he believed he heard her, and Daniel Wright swore he believed so too. But if this had been the case, would not Francis Wright have said he was

thankful, and have asked colonel Wardle whether he did undertake this or no? Was it likely that any tradesman, without a word from colonel Wardle, would have given credit for one guinea, much less for 2000l. She also swore that this, that, and the other article was pointed out, and that a carpet was produced, when it was sworn distinctly by both witnesses, that Mrs. Clarke wished for a pattern that major Dodd did not like, and that his taste was scarlet and bronze. “I yielded it to his taste,” said Mrs. Clarke, and said, “as you are to pay for the carpet, I’ll even take your choice.” And was a lady then, whom the prosecutor indulged in every thing she liked, not to be indulged in the choice of a carpet? And because her’s was less expensive, forsooth, ‘niggardly’ colonel Wardle, (as she afterwards called him,) persuaded her to take a carpet of more value, against her own will. Colonel Wardle, too, had told her, that while she was upstairs, he had ordered a more expensive side-board to be sent in to her, and her present one to be returned. This was the act likewise of the ‘niggardly’ colonel Wardle! This surely was not the natural act of a niggardly person; and it was questionable if any person, however generously disposed to his mistress, would have done so.

And now, gentlemen, I come to the contradiction in the evidence of Daniel Wright and Mrs. Clarke, as to the goods sent in to Westbourne-Place before her acquaintance commenced with colonel Wardle.

Mrs. Clarke says these were returned, and Daniel Wright says they were assigned to the credit of colonel Wardle. Both these accounts were false; but each contradicted the other, Daniel Wright is not quite so clever as Mrs. Clarke—she knew enough of law to be aware that if furniture, the credit of which had once been given to her, were assigned to that of colonel Wardle, a very wholesome statute of Charles II. had required that the undertaking of the as-

signee should be in writing; she had her lesson given to her before-hand. But Daniel Wright, not seeing the point of law, said at once, that the credit was assigned to colonel Wardle, I shall prove that the credits were ever and anon entered in Francis Wright’s books to Mrs. Farquhar, and not to colonel Wardle. This will appear upon the face of the books, which have been verified upon oath in the court of chancery; and the name of Mrs. Farquhar is neither more nor less than a substitute for that of Mrs. Clarke; Daniel Wright has therefore contradicted her, and has sworn falsely on his own shewing: she has contradicted him, and sworn falsely on my shewing.

That these goods were on hire, and not sold, was another falsehood I hold in my hand, the counter-part of a policy of insurance by the Westminster Fire-Office, for the furniture of the house in Westbourne Place, and this insurance was made in the name of Farquhar, at the same time that the policy expressed, on the very face of it, that if any insured property was possessed by the assured only on trust, it must be so expressed in the policy, or else it was void. Francis Wright must have known of this; and therefore the policy is void, if what his brother said was true.—The goods must therefore have been sold, and not hired, and both the witnesses are perjured. Mrs. C. has sworn further, that she became first acquainted with Colonel Wardle in the autumn of 1808, and when pressed by the learned Serjeant (Best) to say what she considered as autumn, said, from September to November, in order that it might raise a presumption that colonel Wardle knew of the goods which had been sent in on hire on the 11th of November. I shall also, gentlemen, by other facts, contradict both the witnesses, from beginning to end, and prove by a crowd of witnesses, 11 or 12 of whom I shall call, that their whole fabrication was false. There had been a pretended story about a

mirror, upon which, colonel Wardle flew into such a passion, that the man had nearly let it fall. Where is the man; why is he not produced? Had he appeared in the witness-box, then, I should not have appeared before you this day, but I think we shall see something of reflection in this mirror. colonel Wardle, Mrs. Clarke tells you, is quite ashamed of himself; this mirror-carrier is not produced, however, and if he had, I am afraid he would only have reflected upon the credit of their story, if, in fact, such mirror-carrier ever had existed. But, what is the answer they have to all this? Why, that colonel Wardle being involved in an investigation in the House of Commons, in order to keep his name from the public in such a transaction, Mrs. Farquhar’s name is made use of, and yet colonel Wardle is incautious enough to go about the town in a carriage with a prostitute, and then to her upholsterers. If colonel Wardle had desired to give her a house full of furniture in secrecy, would he not have gone elsewhere to have provided it? It is absurd, to tell me that colonel Wardle desired this secrecy. If he wanted this secrecy, might he not have dealt for ready money? Might he not have gone to some upholsterer whom he knew? whose integrity he could rely upon, and not have adopted the wishes of a strumpet with a strumpet’s upholsterer? and this, gentlemen, is a further proof of their profligacy and wickedness.

Having recapitulated the heads of the foregoing observations, the learned counsel proceeded.

“And now, gentlemen, having, I think, proved the falsehood of this conspiracy, I shall proceed to state to you who are the witnesses I shall call, and what they are to prove; and first I shall call to you colonel Wardle, who will appear, that proud and honourable character which he has ever supported. He will tell you that the whole fabrication of this story is false, that he never said he would pay for this furniture, that he never contracted to

pay for it, nor never made himself responsible in any way whatever. It may be asked, what prospects were held out to her? He had indeed proposed a public subscription for her, (by which one of her friends had already largely benefited) and mentioned the name of a respectable banking-house to receive the subscriptions. It may be asked, what motive she could have, for entering into this investigation? I answer, revenge against that illustrious duke, who had been her supporter and protector. She had revenge before her eyes, a desperate weapon in a woman's grasp. Colonel Wardle will state to you most positively, that in either of his visits to Wrights, he did nothing more than admire when his opinion was asked. The next witness I shall present to you, gentlemen, will be major Dodd, who I have told you will appear before you, in a high, proud, and manly state, he is an honourable and manly man, and after the late instance of his noble mindedness and disinterestedness, he well deserves to have his name placed upon some pillar, on which should be inscribed, "To the memory of an honest man." But in case of any impeachment of the testimony of major Dodd, I am instructed to call a high and noble personage, his royal highness the duke of Kent, he shall clear him from any imputation, he will support his character, and I am desired by that illustrious personage, to make this appeal to him. Mrs. Clarke has ventured to say, he had sown the seeds of dissention in the royal family, that he had rebelled against his father, and sinned against his brother; an opportunity will now offer itself, to clear his royal highness from that foul imputation of fomenting that family discord, which had been supposed to exist between these illustrious brothers, whom we now see in friendship, and who will live respected in the memory of after ages. His royal highness does not know colonel Wardle, nor has he ever seen him, and yet his name has

been used for the most foul and base purposes. Major Dodd, gentlemen, is here to day, what I am sure he ought to be—An honourable man—I court the enquiry—I challenge the investigation of his character.

I have pledged myself to you, gentlemen, that I will not this day travel into the field of politics, I will keep my word with you, but I must follow wherever I am led. I love my king, and I love my client. I shall not touch upon politics, but if I am led to the subject by others, I will do my duty to my client, I pledge my character to it, and that duty will be my excuse.

"Quo me cunque rapit tempestas, deferor hospes."

The next witness I shall call to you, is Major Glennie, who like Major Dodd has been deprived of a military appointment of 17s. or 18s. per day, because he preferred speaking the truth, and doing his duty to God and man. He will tell you that he went to Mrs. Clarke, and he will state to you the facts with respect to her application to him, to interfere with colonel Wardle, to procure her a loan of 500l.

I shall then call to you, Mr. Bull of Holles Street, Cavendish Square, who let the house to Mrs. Clarke, and turned her out when he discovered what description of woman she was. I shall also call the woman who was witness to the agreement between these parties. I shall then call Mr. Curt, whose house in Westbourne Place, had been hired from him by the same conspiracy, and who will prove what I omitted mentioning before, that Francis Wright had paid him two quarters rent, subsequent to the acquaintance between Mrs. Clarke and colonel Wardle. I shall afterwards call some of the people employed to repair the house in Westbourne Place, and who will tell you that they were employed by Francis Wright.—And lastly I shall call a most important witness,—Sir Richard Phillips, a most respectable

person, a man of upright character, who has lately served the office of sheriff of London and Middlesex. He is a bookseller, and was applied to by Mrs. Clarke to purchase her memoirs, which I am sure contained nothing but falsehoods, libels, and wicked malice, and for which however he offered 5,000l. but she stated that as she had to pay Francis Wright 2,000l. for furniture, she must have 7,000l. This he refused to give and the negotiation was broken off. But I shall go further, and lest any discredit or doubt shall be attempted against Sir Richard's testimony, I shall call Mr. Sullivan who was acquainted with the whole transaction. I shall also prove to you, if it be necessary, that 10,000l. was afterwards paid to her by my lord Chichester, post-master-general, for this infamous book, a proof only of her ingratitude towards that illustrious prince under whose fostering care she had been cherished, but, like the viper in the fable, stung the hand which had saved it from perishing. 10,000l. for this profligate production, when Milton's Paradise Lost sold for 15l. This scandalous production of abuse, scurrility, and contemptible nonsense, has fetched 10,000l. whilst the works of the brightest genius are forgotten and neglected. What is to be expected when such scenes are exhibited? Vice and folly living in splendour... Virtue and talent starving in a garret. This even surpassed the inventive genius of the immortal Shakespeare, for he thought where a man defamed another, he did not enrich himself; For he says:

"Who steals my purse, steals trash—'Twas mine, 'tis his, And has been slave to thousands; But he that filches from me my good name, Robs me of that which not enriches him, But makes me poor indeed."

But the immortal bard himself was mistaken, for here it was evident one person could get rich by filching

another's good name, for Mrs. Clarke has become rich and affluent, by filching the good name of her generous benefactor. These are matters, gentlemen, highly discreditible to the present day. But this is not merely a question of money, for if that were the case, my client would have made the paltry sacrifice long since,—it is his honour which is called in question. The defendant Francis Wright has gained 2000l. and probably promotion along with it. I wish him still higher promotion,—the pillory,—You, gentlemen, are this day, to determine between corruption and public virtue,—whether the latter is to be upheld, or whether he who saved his country from the former, is to be hurried into an abyss of ruin, Montesquieu says, that as Rome, Sparta, and Athens lost their freedom by corruption, so in time would England; but the prettiest, (if I may use that lady-like expression) writer on the English constitution, Delolme, replies to this, that Rome, Sparta, and Athens, were ignorant of the trial by jury, and while this palladium was inviolate, England must be preserved. But, gentlemen, I do contend for it that it is owing to the general inclination to give way to corrupt practices, that all the mischiefs which have happened to Europe arose, by which an obscure individual, born in a mere obscure island in the Mediterranean has risen up and become the terror of legitimate monarchs, has dethroned or created them at will.

Chief Justice, Pray, Mr. Alley, do you think this bears upon the question under consideration?

Mr. Alley, My Lord, I really think it does, if it does not I most humbly apologise to your lordship and the jury, for introducing the subject; but with great deference, I am endeavouring to shew that this case originated in corruption.

Lord Ellenborough, Why, Mr. Alley, if you really think that going over the history of Buonaparte and

and the present state of Europe has any bearing upon this issue, I shall hear you, but to my mind the connection seems somewhat remote.

Mr. Alley. My lord, with great deference, I do think it has a bearing in this way, to shew the effect of corruption in human society. This cause arose out of corruption, and Colonel Wardle has been marked out as a person to be borne down, if possible by the favourers of corruption, to whom he has shewn himself an enemy. This trial is a proof of that assertion.

Gentlemen of the jury, I was going to observe to you, the manner in which this man found his way to the throne of France, he advances into notice and finds himself in the assembly of the people, and step by step he advances to his present elevation. I state this to you because I think he has now laid prostrate Europe at his feet, and we may form somewhat of an opinion, if we look at the present state of Europe with attention, and then we shall find that Buonaparte, with all his boasting of the glory of his arms, owes his success more to corruption than to valour. In a word, gentlemen, nations fall for the want of the love of public virtue; neither ancient Greece or Rome would have fallen had they had such a palladium to uphold them as a jury. Gentlemen, I have made these observations because I thought them important to this cause, I am desiring your opinion to day upon a fact, and I do hope and trust when you return to your homes, to the bosom of your families, you can say you have done your duty, and as your little ones raise their eyes to heaven they may bless the God that gave them such a father. The safety of the British empire is now entrusted to the twelve gentlemen now in that box, I have no doubt you will remember, feel, and act upon the dying words of our immortal hero—

“England expects every man will do his duty.”

Mr. Attorney-General. Before this

case is gone into, I should wish my learned friend Mr. Alley to inform me, who is meant by the arch-juggler who aspires to a situation to which neither his birth nor education entitle him?

Mr. Alley. I do not feel myself at liberty at present to state who I mean, if I have been mistaken, I shall most willingly acknowledge it, but I cannot at present betray the secrets of my client.

Lord Ellenborough. I do not think I can, in this stage of the proceedings, call upon the learned counsel for an explanation.

Evidence for the Prosecution.

Mr. John Ellis produced the examined copy of the record in the original action of Wright v. Wardle, by which it appeared, that Wright had recovered by a verdict 1095l. 8s. 6d. And for costs 1194l. That judgment was signed on the 26th of November, 1809.

It was then proposed to examine Mr. Smith, the Cryer of *Nisi Prius*, to prove that Mr. Daniel Wright and Mary Anne Clarke, were sworn and examined in the trial of Wright against Wardle, but the Attorney-General admitted the fact.

Mr. James Dowling was then examined by Mr. Gleade. This witness proved, that he had taken in shorthand the substance of the whole of the trial of Wright and Wardle. He read the evidence of Mrs. Clarke and Mr. Daniel Wright, from an examined transcript of his short hand-notes.

Cross Examined by Mr. Garrow.

Q. Mr. Dowling you have been reading from your short-hand notes taken upon the trial? A. I have.

Q. Did you take the whole of the trial as well as the evidence?

A. I did.

Q. Do you recollect that Mr. Serjeant Best was not in court at the time my learned friend the Attorney-General was making the first part of his address to the jury?

A. He was not.

Q. Previous to the arrival of Ser-

jeant Best had the Attorney-General repeatedly challenged the learned gentlemen on the other side to call major Dodd?

A. He had.

Q. Do you recollect Serjeant Best arrived during the Attorney-General's speech to the jury, when my learned friend the Attorney-General made use of these words or something similar, “I am afraid it would exhaust your patience for me to repeat what I have already stated, for the information of the learned serjeant?”

A. I do.

Q. Did he not repeatedly challenge Serjeant Best, to call Major Dodd, and did he not state that either way major Dodd would prove his case?

Mr. Alley. “My Lord, I object to this mode of examination. The allegation of the Attorney-general, can have no reference to my client's case, I cannot see how the attorney-general's observations on that case, can be any evidence in this.”

Chief Justice. “It is not given as evidence, but merely to shew that such a challenge was thrown out. Col. Wardle complains, that he was taken by surprise. This goes to shew that he was called upon to produce that evidence, and with this view I think it may be adopted.”

Mr. Garrow. “My Lord, I introduce this to shew the mode of the challenge, given by my learned friend.”

Q. Don't you recollect that after and repeatedly before the arrival of Serjeant Best, the Attorney General made this challenge, and said “I repeat this challenge, because if they do call Major Dodd, I shall make him, confirm my witnesses, and if he does not come, it will make my case still stronger.” A. I do.

Gwyllym Lloyd Wardle, Esq. called and examined by Mr. Gleade.

Q. I understand, sir, that you live in James-street, Buckingham-gate?

A. I do.

Q. You formerly had the honour of holding a commission in his majesty's army.

A. I had, that of lieutenant-colonel in the regiment commanded by Sir Watkin Williams Wynne.

Q. When did you first become acquainted with Mrs. Clarke?

A. The first time I saw Mrs. Clarke was on the 18th of Nov. 1808.

Q. Where did she then live?

A. She then lived at No. 14, Bedford-place, Bloomsbury.

Q. Without entering into a detail, I would ask you, whether your object in becoming acquainted with Mrs. Clarke, was to obtain information respecting the conduct of the then commander in chief. I will not go further than to ask that question.

A. I had no other object.

Lord Ellenborough. Q. Your object in forming the acquaintance was to obtain that information?

A. It was to obtain that information.

Mr. Gleade. Q. Pray, Sir, how soon did Mrs. Clarke remove from Bedford-place to Westbourne-place?

A. I think, in about nine days or a fortnight, to the best of my recollection, I cannot speak positively to the fact.

Q. Did you continue to visit her when she removed to Westbourne-place?

A. I did continue to visit her when she removed.

Q. Now, between the period of your first becoming acquainted with her on the 18th of November, and the first of December, did you make any promises to her respecting the furniture of her house in Westbourne-place?

A. None whatever.

Q. I want to know distinctly, whether between the period of the 18th of November, which was the first day of your seeing her, to the 1st day of December, you never made any promise to her respecting the furniture in Westbourne-place?

A. None whatever.

Q. Had you any conversation with her?

A. I had. She told me she was

furnishing her house in Westbourne-place, but she did not tell me, at that time, who was furnishing that house for her, nor did I know; I mean, that I do not know who the upholsterer was, that is, who the tradesman was.

Q. On the 1st of December did you, in company with Major Dodd, attend upon a gentleman of the name of Grant to Barnard's Inn? A. I did.

Q. Did Mrs. Clarke accompany you? A. She did.

Q. On your going to or returning from Barnard's-inn, was any thing proposed to you by Mrs. Clarke?

A. Certainly. Either in going to or returning from Barnard's-inn, she proposed that we should call on her upholsterer, in Rathbone-place, who she said was then furnishing her house.

Lord Ellenborough.—Q. Did she tell you what he was then doing for her?

A. Only that he was furnishing the house that she then lived in, in Westbourne-place.

Mr. Gleade.—Q. In consequence of such request being made to you, did you and Major Dodd go with Mrs. Clarke to the upholsterer's, in Rathbone-place? A. We did.

Q. Her upholsterer was Mr. Francis Wright? A. Yes.

Q. When you got there, did you, Major Dodd, and Mrs. Clarke go into the house? A. We did.

Q. Who did you find there? A. I saw the brother, I believe, of Mr. Francis Wright, Mr. Daniel Wright.

Q. Mr. Francis Wright was not there? A. He was not.

Q. Do you recollect whether any other person was present?

A. None, except Daniel Wright, I do not believe there was any other person present. I remember a person coming in with some carpets, but he remained but a short time, I think I can speak most positively to that fact.

Q. Will you charge your memory whether any thing was said by Mr. Wright?

A. Mrs. Clarke shewed us furniture which I understood to be prepared for her house, I remember.

Q. Were you introduced by Mrs. Clarke to Daniel Wright, as the person who was to pay for such furniture? A. I was not.

Lord Ellenborough.—Q. Or to furnish the house for her—were you introduced to Daniel Wright as the person who was to furnish the house for her?

A. No, my lord, certainly not.

Q. Was any thing said or done by Mrs. Clarke at that time to induce such a belief in the mind of Daniel Wright? A. Nothing.

Q. I shall now thank you, Mr. Wardle, to explain to us in what way Mrs. Clarke conducted herself.

A. Mrs. Clarke shewed us furniture that she stated to be for her house, I remember well.

Q. Do you recollect, any particular furniture pointed out by her?

A. I remember curtains hanging up, which she stated were curtains which she had in her house in Gloucester-place.

Q. Where were these curtains hung up?

A. They were in the outer room on the left hand side of the door as we entered, she stated that they were removed from the house in Gloucester-place. They were then hanging up in room where we were.

Q. Was any other furniture of any other description pointed out?

A. She shewed me some chairs that were newly painted, and I understood that they were for her.

Q. Was there any thing further pointed out by her that you recollect?

A. She shewed me some paintings of her's, I think upon velvet, and she stated that Mr. Wright was to get it matched for sofas.

Q. Do you recollect any thing being stated, and what, on the subject of carpets?

A. A person brought a carpet into the room, and asked, I believe, our

opinions about it, I mean Major Dodd's and mine.

Q. What passed?

A. I do not know that I made any remark in favour of one more than the other, if I did, it was that one was prettier than the other; a general remark, but nothing further.

Q. Do you recollect any thing being said by Major Dodd on that subject?

A. Nothing more than that.

Q. On the production of the carpet, was any particular patterns noticed by you? A. None.

Q. I will ask you, Mr. Wardle, whether upon that occasion Mrs. Clarke said, that she was indifferent about patterns, as Colonel Wardle was to pay for them?

A. Certainly not.

Q. Did any thing of that kind pass? A. Nothing.

Q. During your continuance in the shop, did you yourself select any article of furniture? A. I did not.

Q. Did you conduct yourself as a person who was afterwards to pay for them? I did not.

Q. How long might your visit be on the first of December with Major Dodd and Mrs. Clarke, that is, how long did you continue that day in Wright's warehouse?

A. Perhaps half an hour or more.

Q. Then at the end of that time, you and Major Dodd and Mrs. Clarke, left the shop as you came?

A. We did.

Q. On the next day, which was the 2d of December, I believe you went to visit a gentleman of the name of Donovan. A. I did.

Q. Did Mrs. Clarke, Sir, accompany you? A. She did.

Q. Was any thing, and what proposed on that day?

A. She proposed to call again at Mr. Wright's.

Q. Did you go there again, Mr. Wardle? A. I did.

Q. What time in the day was it?

A. I should imagine about the middle of the day.

Q. When you got there, whom did you find at home?

A. I found Mr. Daniel Wright.

Q. Did any thing pass on that occasion from Mrs. Clarke to Daniel Wright, as pointing you out as a person who was to pay for the furniture? A. Nothing whatever.

Q. What became of Mrs. Clarke afterwards?

A. After we had been there a short time, she was called out of the room.

Q. Do you recollect in what way and what manner, and who by?

A. By a female.

Q. Then on her being called out, you and Mr. Daniel Wright were left together in the ware-room?

A. We were.

Q. You and Daniel Wright were the only persons then present?

A. We were.

Q. During Mrs. Clarke's absence you were surrounded with furniture, were you not, in that warehouse where a quantity of furniture was deposited? A. We were.

Q. During the absence of Mrs. Clarke give me leave to ask you, what passed?

A. Soon after Mrs. Clarke was called and went away, Mr. Daniel Wright was called out of the room.

Q. And during that interval you were left alone? A. I was.

Q. How soon did Mr. Daniel Wright return?

A. Probably in a quarter of an hour.

Q. On his return what passed between you and him?

A. We talked about various things.

Q. Pray do you recollect Mr. Wardle, a side-board being in the warehouse when Daniel Wright returned? A. Perfectly well.

Q. What might have passed between you and Daniel Wright on the subject of that side-board?

A. I remember admiring the side-board; I believe I said it was a handsome piece of furniture, and asked him the price of it.

Q. Mr. Wardle, was that side-board selected by you as a thing to make a part of the furniture in Mrs. Clarke's house in Westbourne place?

A. Certainly not.

Q. I would ask you, Sir, whether you selected any dining tables or any chairs for her house?

A. Certainly I did not.

Q. Did you select any articles of furniture whatever? A. None.

Q. I would ask you whether on that occasion you said any thing whatever to Daniel Wright, to induce him to believe that you would be responsible for such furniture?

A. I did not.

Q. Pray, did any conversation pass between you and Daniel Wright on the subject of carpet patterns.

A. None at all that I recollect; on that day none.

Q. Now I would ask you, Colonel Wardle, whether you ever at any time, made a promise to Mrs. Clarke to furnish her house as part requita for the information that she was to afford you?

A. Never.

Q. Pray, do you recollect being at Mrs. Clarke's house when a mirror was brought there?

A. I do not.

Q. Then no objection was made by you respecting any mirror?

A. None.

Q. Do you recollect any thing being stated or said respecting a writing-desk?

A. I recollect Mrs. Clarke once was writing at a new desk she had in Westbourne place, and I remember observing to her, that I never saw so ill finished a piece of furniture as the back of that desk was.

Q. Do you remember, either at that time or any other, making any objection to the desk on account of the expense of it? A. Never.

Q. Pray, Mr. Wardle, when was the first time that application was made to you for the payment of furniture so furnished for this house: when was the bill delivered to you?

A. I have the bill and the note in my pocket.

Q. Perhaps they will enable you to tell the date.

A. The first of June, 1809.

Q. Can you tell me about what time it was that some application was made to you by a gentleman of the name of Glennie?

A. I believe last December, or about the middle of December.

Q. I must not ask you what passed between you and Mr. Glennie on that occasion; but had you afterwards a conversation with Mrs. Clarke on that subject?

A. I had afterwards an application from Mrs. Clarke on that subject.

Q. What passed between you and Mrs. Clarke?

A. Mrs. Clarke pressed me extremely either to lend her 500l. or procure the loan of it.

Q. Did she state for what purpose the 500l. was?

A. She stated that Mr. Wright, her upholsterer, was pressing her very hard for money; she stated this strongly, on account of much money being due; she stated to me that she owed 5 or 600l. for a long time.

Q. Then, supposing that you had advanced her the money requested, to what purpose was this money to be applied?

A. Certainly as I understood to do away that demand which had been a long time due.

Q. During your conversation with Mrs. Clarke upon that subject, do you recollect any person coming in?

A. I remember Daniel Wright being with us, either on that or some other day; I would rather say, he came to Mrs. Clarke on that day, and pressed her very hard.

Q. I omitted, Mr. Wardle, to ask you in order of time, on the application being made to you by Mrs. Clarke for a loan of 500l. what your answer was?

A. My answer was that I could not do it.

Q. Which of the Wrights was it who came?

A. I believe Daniel Wright.

Q. Will you give me leave to ask you distinctly what passed on that occasion?

A. He asked in Mrs. Clarke's hearing, that I should assist her with money, for that they, the Wrights, were in great distress, that she was distressed, and that they were extremely distressed themselves.

Q. Well, Sir, what then?

A. I said the thing was impossible, and that for the time put an end to it.

Q. Was any thing farther stated?

A. Either on that day or the day following (for I had one or two applications pressed upon me). I said she could raise the money herself by application to a bookseller, who I dared say, would advance to her, on the book that she was about to publish.

Q. Then, you did not comply with the request so made?

A. I did not.

Q. Had you a subsequent application of the same kind, made by Mrs. Clarke to you?

A. She pressed me very frequently on the same point.

Q. In consequence of these frequent applications, what was done?

A. I at last spoke to Mr. Glennie, and asked him if he could assist her; I was aware he knew Sir Richard Phillips, and whether he could procure a loan of 500l. for Mrs. Clarke upon her work.

Q. What was afterwards done, for her accommodation; she made frequent applications to you for money, what was ultimately done respecting it?

A. Ultimately, I consulted Major Dodd and Mr. Glennie.

Q. We must not hear what passed between you and Major Dodd and Mr. Glennie; but in consequence of it, was any arrangement made?

A. There was.

Q. What was the arrangement?

A. The arrangement was made

through Mr. Illingworth, a wine-merchant, in Pall-Mall.

Q. What was the sum, Sir?

A. 500l.

Q. Pray, was any counter-security given by you to Mr. Illingworth?

A. There was.

Q. Did that security become due before or after the bill?

Mr. ATTORNEY GENERAL — We must have nothing of bills nor of counter-securities without producing them—produce them.

Q. Was any security given by you which is not now in existence?

A. Yes.

Q. What is become of it?

A. I destroyed it, I suppose soon after it was paid.

Q. Then you can tell me what was the nature of it?

A. It was an acceptance of 250l.

Lord ELLENBOROUGH—By whom was the acceptance given?

A. It was drawn by Mr. Illingworth, and accepted by me.

Q. Pray, Mr. Wardle, had you, at any time, an opportunity of seeing Mr. Francis Wright?

A. I saw Mr. Francis Wright once or twice, I believe, at Westbourne-place.

Q. Upon your seeing Francis Wright, did you make any promise to him respecting payment for furniture for Mrs. Clarke's house in Westbourne-place?

A. None whatever.

Q. Did you, Sir, upon that occasion, state that you would take the payment of it upon yourself, or any thing like it?

A. I never did.

Q. Did you remember upon that, or on any other occasion when you had an opportunity of seeing Mr. Francis Wright, state your responsibility, or any thing like it? A. Never.

Q. Pray, do you recollect receiving a letter from Mrs. Clarke?

A. I do.

Q. Have you ever conversed with her upon that subject, or do you know it to be her hand writing?

A. I believe it is.
 Q. Is that the letter which you received from her?
 A. I believe it is.
 The letter was then read as follows:

May 14th, 1809.

DEAR SIR,
 When I sent for you the other day, and you were accompanied by Major Dodd, to enquire what were your intentions with respect to putting your promises into execution, you seemed unwilling to admit that they were made but conditionally, *this I deny*. The only construction I can put upon it, is this, that you felt yourself under a heavy responsibility to me, and of which both yourself and Major Dodd thought to get rid of by future promises as futile and evasive; neither of which ought or can succeed. I will here put you once more in mind of those promises, and of my expectations, which if you value yourselves as men of honour, you cannot but accede to, nor can you think I require any thing but what I am fully entitled to; nothing less than five hundred a year, and as my children have been equal sufferers with myself in the public opinion, as being the daughters of so incorrect a mother, they demand from me every thing I can or ought to command; and therefore, as five hundred a year for my life, which may be short, would be nothing to them, I think that by letting you off for ten thousand pounds, is not half your promises to me. Yet as I feel aware of what you mentioned the other day of not having it in immediate power to accomplish. I expect that you and Major Dodd, enter into a joint-bond, as you did into joint-promises, for ten thousand pounds to be paid me within two years, and till that be accomplished, to pay me the five hundred a year, commencing from March last, and to pay Wright the remainder of his bill.

This is all, and surely it is not of half the value of the promises made me, which were those. As my son was then under the protection of the Duke of York, of course he would lose that protection as soon as I began upon the Duke's ruin. He was to have equal protection from the Duke of Kent. I withdrew my son, and I have him now on my hands. The next was a situation for Captain Thompson in some way enough to keep him, or in the event of the Duke of Kent coming in as *Commander in Chief* to get him re-instated in the army. He remains as he was!!! The next, the payment of the arrears, of annuity, as promised me by the Duke of York, and the annuity to be continued to me during my life of four hundred per annum. My debts to be paid, those contracted while I lived with the Duke of York, and those since.
 The debt of twelve hundred pounds, which

is owing to Mr. Comrie, for which he stops my jewels and furniture.
 My present house and furniture to be paid for, of which a part only is paid by you and Dodd.

Now let me ask you if the ten thousand pounds is equal to half these promises, and for the fulfilment of each you pledged yourself in the most solemn manner to see performed, and to which I paid the most implicit confidence and belief, or why did I resist and expose during the investigation, the overtures made me by Williams of whatever sum that I might ask for being ready for my acceptance, to make me affluent for life; think upon this. I shall add but little more, but even were this sum to come out of your own pocket, the character you have acquired *through my means*, would not be more than I am fully entitled to.

I remain, Dear Sir,
 Yours, &c. &c.
 M. A. CLARKE.

Q. I wish to know whether in any of your conversations with Mrs. Clarke, the name of the Duke of Kent was ever mentioned, either by yourself or Major Dodd?

A. The name of the Duke of Kent was never mentioned in the presence of Mrs. Clarke, by Major Dodd or myself as attached to any promises whatever.

Q. Were any of the promises enumerated in that letter, ever made by you to Mrs. Clarke?

A. None, whatever.

Cross-examined by the ATTORNEY GENERAL.

Q. Am I then to understand from you, Colonel Wardle, that the name of the Duke of Kent was never attached to any promise.

A. No, never.

Q. His name was never brought forward as a party to any promise whatever?

A. No, never.

Q. The name of the Duke of Kent then, you say, was never used, as attached to any promise whatever: or as a party to any promise: or as interested in any promise?

A. Never.

Q. Colonel Wardle, you have had a verdict against you in this case, for upwards of 1000/.

A. I believe I have.
 Q. Why have you any doubt of it colonel Wardle?

A. No—by your asking the question I have no doubt.

Q. I take it for granted, colonel Wardle, before you came to charge these people with a conspiracy you paid that money?

A. I believe the money is not paid.

Q. Are you not sure whether it is paid or not?

A. Not to my knowledge.

Q. Then you do something more than believe it is not paid.—You know it is not paid?

A. I presume it is not: I have not paid it.

Q. Where do you live now, colonel Wardle?

A. In St. James's-street, Buckingham-gate.

Q. In your own house?

A. Yes, I have a lease of it.

Q. And your own furniture?

A. Yes, my own furniture.

Q. Has any execution been put into your house lately?

A. There was an execution for two pounds, for process in court.

Q. Was there no execution for any debt?

A. No.

Q. Are you not surprised at that?

A. No.

Q. What prevents you being not surprised at that, and this verdict hanging over your head?

A. There are proceedings, upon my part, in the hands of my professional man, on that subject.

Q. What are those proceedings, colonel Wardle?

A. That I am not able to explain to you:—They are in chancery; in equity I believe.

Q. Oh!—not in equity, colonel Wardle—You have taken no proceedings to delay the payment of this money I take it for granted?

A. There are proceedings to stop the payment of it.

Q. To set aside the payment?

A. To stop the payment.

Q. Then you are not without hopes of getting rid of this verdict?

A. I hope to do so through the medium of equity.

Q. Then you do hope to get rid of it through the medium of equity?

A. My solicitor can explain the proceeding, I cannot.

Q. If you succeed in this proceeding at law, you hope to maintain that in the court of equity?

A. I leave that to my law advisers, they are men of honour and integrity, and I confide in them.

Q. You expected this prosecution was to have assisted the suit in equity.

Mr. Alley here objected to the question as irrelevant.

Chief Justice. If it is very irrelevant I shall stop him from proceeding, at present I see nothing illegal in the mode of examination.

Q. Am I to understand that you are not without hope that you may convict these persons, and thereby relieve yourself from the payment of this money?

A. I do not understand the law sufficiently to know whether it will or not.

Q. What? you don't know whether by convicting these persons you will not get rid of the debt to Francis Wright?

A. I never have talked over the subject with my legal advisers, I cannot say how far it may have that effect.

Chief Justice. I presume the witness means he does not understand the legal effect of the proceedings on the verdict: you are asked whether you expect it will aid you in getting rid of that verdict?

Attorney General. My lord, I am perfectly indifferent in what manner colonel Wardle answers the question: I ask you whether you have not, in your own mind, an expectation, that if you convict these persons of conspiracy, that you will get rid of the former verdict.

A. I have been told not, so far as the decision of the jury went.

Q. Then you have no expectation of getting rid of this verdict by succeeding in your prosecution against those persons?

A. I understand that the verdict must stand, unless a court of equity reversed it.

The *Attorney General*. I don't ask what you think about the legal effect of the proceedings, but whether you think they would aid you in obtaining relief against the verdict?

A. I don't know, but I should be glad if it did.

Q. Don't you expect, if you obtain a conviction, that it will have that effect?

A. I certainly do not know it would. I do not entertain any opinion that it will.

Q. Don't you hope so?

A. I certainly do now hope it, because your putting the question to me so often, gives me hope that I may entertain it.

Q. Then till you were asked it by me, you never hoped it?

A. I certainly did not.

Q. You were in the army, I believe. A. I was.

Q. You have quitted the army?

A. I have.

Q. Why?

A. I quitted it when the regiment was reduced at the peace of Amiens.

Q. You never saw Mrs. Clarke till November last? A. Never.

Q. You stated to her what you were seeking?

A. Yes, I wanted information on the subject of the Duke of York's inquiry.

Q. You had a long conversation with her the first time?

A. I was with her for some time.

Q. Did you talk of any other subject, than the information respecting the Duke of York?

A. Yes, we might have talked on other subjects.

Q. When you went on that subject did you converse on other topics?

A. That was the chief subject of our conversation.

Q. You stated your object was to gain information to carry on your prosecution against the Duke of York?

A. I stated what I was seeking—information upon that subject.

Q. What! for the prosecution of his royal highness the commander in chief?

A. No. I stated that I wanted information, which led to that investigation.

Q. I understand you to state that the Duke of Kent's name was never mentioned? A. Never.

Q. On your first visit to Mrs. Clarke, did you not tell her the Duke of Kent was acquainted with the proceedings against the Duke of York?

A. I never did.

Q. Perhaps you did on your second visit?

A. I did not.

Q. Then do you mean to swear that the name of his royal highness the Duke of Kent, was unconnected with your proceedings against his royal highness the Duke of York?

A. I swear positively, it wholly unconnected.

Q. Can you inform me whether Major Dodd held any situation under the Duke of Kent?

A. I believe he did. I understand so.

Q. What situation was that?

A. I believe he was private secretary to his royal highness.

Q. Was that a very confidential situation think you?

A. Most certainly it was.

Q. You never saw Mrs. Clarke till the 18th of November?

A. No, I did not.

Q. And on the 1st of December, you went with Major Dodd to Barnard's Inn?

A. Yes, I went there to consult Mr. Grant, colonel French's agent, respecting the enquiry.

Q. Would not Mrs. Clarke come forward without Major Dodd being present?

A. Mrs. Clarke never made any

stipulation respecting Major Dodd's presence.

Q. Then you, Major Dodd, and Mrs. Clarke went to Barnard's Inn together? A. We did.

Q. To make some inquiries respecting the investigation? A. Yes.

Q. Then Major Dodd was with you at Mr. Wright's warehouse?

A. He was.

Q. Would not Mrs. Clarke engage in this affair unless Major Dodd was in it?

A. If I am pressed upon that subject I shall certainly speak out, but I had rather not, in delicacy to certain persons whose names must be mentioned, and I do not think it at all relevant to the present proceeding.

Chief Justice. "Any thing which is not relevant to the matter in issue had better not be gone into."

Q. Did Mrs. Clarke even express any desire that Major Dodd should be made acquainted with your proceedings?

A. Mrs. Clarke never made any stipulation about it.

Q. Did Mrs. Clarke never express a desire to see Major Dodd upon it?

A. I am not desirous of answering the question. I do it out of respect for those whose names I do not wish to bring forward.

Q. The question I asked was, whether you could or could not prevail on Mrs. Clarke to go on in the business, unless you brought Major Dodd?

A. I have already told you Mrs. Clarke never made any stipulation upon the subject.

Q. How came you and Major Dodd to go to Mrs. Clarke?

A. The first time I became acquainted with Major Dodd was upon my going to visit the Martello Towers with Major Glennie; and becoming acquainted with Mrs. Clarke about the same time I proposed taking her to be examined.

Q. Your object being to examine the Martello Towers? A. Yes.

Q. What made you say then that

Mrs. Clarke was not desirous that Major Dodd should know any thing your of proceedings?

A. My reason was this, the first time Major Dodd's name was mentioned by Mrs. Clarke to me, was in a way and under circumstances which I do not now wish to state, from motives of delicacy and which if you knew my reasons, you yourself would give me credit for keeping back.

Chief Justice. "What is the question?"

Mr. Attorney-General. "My lord, I want to know whether Mrs. Clarke required to know from colonel Wardle, whether or not Major Dodd was acquainted with the proceedings against the duke of York?"

A. No she did not.

Q. Did you never say at any time that she did?

A. No, never.

Q. Are you quite sure of that, you will excuse me. I mean to give you no offence by the question, but are you quite sure Mrs. Clarke never on any occasion, intimated a wish to see major Dodd?

A. No none. That was led to by a very different circumstance.

Q. What was led to by a very different circumstance?

A. I say Mr. Clarke's having any knowledge of major Dodd, arose from very different circumstances.

Q. Perhaps you told Mrs. Clarke major Dodd wished to see her?

A. No, I did not.

Q. Was it not in consequence of a request from Mrs. Clarke that Major Dodd was brought in?

A. Never. It was in consequence of what Mrs. Clarke said of him and others that he was introduced. I took

means to prove that her assertions respecting major Dodd were false, and I communicated those means to her.

Q. When you saw Mrs. Clarke about the same time I proposed taking her to be examined.

A. Two or three days after I knew her; about the 21st of November. She had stated that major Dodd had given opinions on the subject; that

he had said, it would bring destruction

on herself, if she gave information on the subject of the enquiry.

Q. Major Dodd is a friend of your's, colonel Wardle?—A. I hope he is.

Q. You are a friend of his then?

A. I have been an unfortunate friend of his, as things have turned out.

Q. Then you took no means of telling Mrs. Clarke that Major Dodd knew of your proceedings?

A. I took means to prove, that her assertions of Major Dodd were false, and I communicated those means to her.

Q. When was that?

A. Soon after I first became acquainted with her. I think it was two or three days after.

Q. Then she had calumniated your friend Major Dodd to you?

A. She had stated that Major Dodd had given an opinion respecting the business I was then about, and she held up this as a reason for withholding the information I wanted.

Q. What opinion did she tell you Major Dodd had given?

A. That Major Dodd had said, that it would bring destruction upon herself, if she gave me the information that I asked at her hands. She had previously asked me whether I was acquainted with Major Dodd.—She then entered into a detail which I before stated, and which I hope and trust you will not ask me to repeat. If you do, I must do my duty and proceed.

Q. If it bears upon this case, I desire you may proceed to state it, whatever it may be?

A. It bears upon the case no more than as Major Dodd expresses an opinion upon the information reported to me, and which was communicated to me by Mrs. Clarke.

Q. I know not what it relates to, but I desire you will state it?

A. Out of respect to the royal family, I would not wish to state it.

Q. Sir you cannot possibly do more mischief to the royal family than you

have already done, and I again desire you will state it?

Chief Justice. "If it is matter which has no relation to the question before us, it is a duty incumbent upon me not to suffer matter of irrelevancy to be gone into, and I cannot hear this sort of examination go on any further."

Colonel Wardle. "My lord, the attorney-general has said, what I had said was mischievous, it should be recollected these were merely the assertions of Mr. Clarke. I meant no mischief."

Mr. Attorney-general. Q. You state that Mrs. Clarke never named to you the Duke of Kent.

A. She frequently mentioned the names of the whole of the royal family.

Q. Did she never mention the duke of Kent as a person, who wished this enquiry to go on?

A. Mrs. Clarke never mentioned the duke of Kent to me, as knowing of the inquiry; for I often declared to her that I had not the honour of knowing the duke of Kent. I so far quieted Mrs. Clarke's mind as to convince her, Major Dodd had never said what she had told me, that she would be ruined if she gave evidence.

Q. Did you do this by letter or word of mouth?

A. I shewed her a letter of Major Dodd's upon the subject.

Q. Chief Justice. "Is that letter in existence?"

A. I have it not.

Q. (By the Attorney-general) what became of that letter?

A. I believe Mrs. Clarke got it.

Q. Did you find this assertion of her's to be false?

A. I trust all her assertions were false, as to Major Dodd, he held no such language as she attributed to him.

Q. You took Mrs. Clarke with you on the visit to the Martello towers?—A. I did.

Q. Your object then was prosecut-

ing your enquiry against the duke of York? A. It was.

Q. You had no other object in getting acquainted with Mr. Clarke?

A. None.

Q. You had no other view in taking Mrs. Clarke this tour, than to procure information upon that subject, were no other topics mentioned;

A. A great variety of matter not at all relating to the subject, fell out in the course of conversation.

Q. But your chief object was to collect from her information respecting the conduct of the Duke of York as commander in chief?

A. Certainly.

Q. She gave you very considerable assistance in that way?—A. She did.

Q. Was it you or Mr. Glennie that took notes of what Mrs. Clarke said, while you were on that expedition?

A. I took my own notes; I don't know what Mr. Glennie did.

Q. Was Major Dodd with you at Mrs. Clarke's on the 1st of December, and not on the 2nd?—A. He was.

Q. You were there a considerable time?

A. I was about three quarters of an hour.

Q. You were there again on the 2nd.—A. I was.

Q. Do you mean to state that Major Dodd was not with you on the 2nd? A. Positively.

Q. Was he not in the coach with you on that day?

A. On our return from Mr. Donovan's and Wright's in the morning, I think Major Dodd got into the coach in St. James's Square.

Q. Respecting the counter security to Mr. Illingworth, the contrivance I think was this, Illingworth was to give Wright an acceptance for 500l. ; Mrs. Clarke was to give Illingworth her acceptance for 500l. ; and you and Major Dodd, were to give your acceptances for 250l. each?

A. That was not the case.

Q. In what part of my statement am I incorrect?

A. Major Dodd asked Mr. Illing-

worth to accommodate Mrs. Clarke with a loan of 500l. on her note, in order to enable her to meet the demands of her upholsterer, and major Dodd said that he and myself would guarantee him, so that he should not be a loser.

Q. Did Illingworth give his acceptance to Wright for 500l.?

A. I understand that he did.

Q. Did Mrs. Clarke give Illingworth her acceptance for 500l.?

A. I presume she did.

Q. Did you give Illingworth your acceptance for 250l.?

A. In order to accommodate him, I sent him my note for 250l. It was not our intention to guarantee him by our notes of hand, I gave it only because I thought it would be an advantage to him. When I called on him I asked if he had got the securities ready, (conceiving that the guarantee was to be given in another way) he had not, and in a few days after he sent me a draft for 250l. which I accepted.

Q. You paid that acceptance?

A. I did.

Q. Did major Dodd pay his?

A. I suppose so.

Q. Did you ever advise Wright to bring an action against the duke of York for the old debt?

A. I never did; but when Wright was pressing for the money that was so long due, I said, "If it is the duke of York's debt, why not make him pay it?" but I never advised him to bring an action.

Q. Were you in the hall during part of the time of the last trial?

A. I was part of the time, and some part in the hotel opposite.

Q. During that time, had you any written communication with your counsel?

A. No, but I had with my attorney.

Q. Is that your publication which appeared the next morning after the trial?—(Shewing the witness a newspaper containing his Address to the People of the United Kingdom, on the subject of the trial.)

A. It is.
 Q. Were Mr. Glennie and major Dodd here during the trial?
 A. I saw them both several times in the hall, and was with them afterwards.
 Q. You had them both here.
 A. I had not. I believe neither of them were subpoenaed for me.
 Q. They were, however, with you?
 A. They were: I sent them into court to be examined.
 Q. You have no doubt that they were here during the whole of the trial?
 A. I have no reason to doubt it.
 Q. You know they were?
 A. I saw them frequently during the trial; I was with them afterwards.
 Q. You had communication with them during the trial, on what was passing in court?
 A. I dare say I had.
 Q. Have you subpoenaed Mr. Serjeant Best as a witness to-day?
 A. I believe he is subpoenaed?
 Q. Were you advised by your counsel on the trial, that the jury could not find a verdict against you on such evidence as that of Mrs. Clarke and Daniel Wright?
 A. I understood by a note from Mr. Corfield, that my counsel were of opinion that the jury were with us; that the insurance business had settled the question, and they wished to know whether I would leave the examination of further evidence to their discretion. I had also other information. I received a note from Mr. Corfield, that Mrs. Clarke had sworn I had agreed to pay Wright for the furniture, before major Dodd. On reading this note, I immediately exclaimed, the verdict must be for us, and instantly ran off to the King's Arms, and wrote a note to Mr. Corfield, desiring that major Dodd might be called and examined, and that they would press him home, because I was sure the infamous reports respecting the duke of Kent, would, by his evidence, prove to be false.

Q. Did you not leave it to the discretion of your counsel at the trial, to call witnesses or not?
 A. Till I received the note from Corfield, I did, but then I pressed his being called.
 Q. How did you convey that letter to Corfield?
 A. I sent it by some one who was present; I think it was by Mr. M^cCallum.
 Q. Let me ask you whether on the trial, you did not leave it to the discretion of your counsel, to call witnesses or not, as in their judgment they thought right?
 A. I never saw my counsel before the trial, but once.
 Mr. Attorney-General. "That is no answer to my question."
 A. Until I received that note from Mr. Corfield, I did.
 Q. And did you not at last leave it to their discretion to call witnesses or not?—A. I did not.
 Q. Then your direction was to call witnesses?
 A. I wrote to my solicitor in the strongest terms possible, to call major Dodd and Mr. Glennie. The reason these witnesses were not called, was, because my counsel thought they could do without them.
 Q. Now I want to know how, after stating that you were apprized of what had been proved, and that you had witnesses present to contradict those of the plaintiff in that cause, how you came afterwards to swear that the evidence in that cause took you by surprise, and you had not an opportunity of consulting personally with your counsel?
 A. I was taken by surprise, certainly, because I was not aware of what had been sworn, until I received the note out of court, and therefore I hold that I was taken by surprise.
 Mr. Attorney-General. "I hold a contrary opinion."
 Q. Had you any doubt whatever, that Mrs. Clarke was to be a witness against you?
 A. I certainly was in doubt whe-

ther you would venture to call her or not.
 Q. Was major Dodd subpoenaed for the purpose of contradicting Mrs. Clarke?
 A. He was subpoenaed to detect any thing that was sworn false.
 Q. Then I am to understand, he was subpoenaed not to any particular fact, but generally to contradict?
 A. I subpoenaed him from his being present at Wright's warehouse.
 Q. Did you ever give Mrs. Clarke any money?
 A. When she said she would give me some papers, I did give her some money before she went out of town, to pay the butcher, baker, &c. I gave her 100l.
 Q. When did you go on your tour?
 A. On the 27th of November.
 Q. How much money did you give her after you came back?
 A. I gave her 20l. to the best of my recollection, never any more.
 Q. I think you told me you had subpoenaed Serjeant Best upon this occasion?
 A. I believe so.
 Q. Why, don't you know you have?
 A. Certainly; I believe he is subpoenaed.
 Re-examined by Mr. Gleade.
 Q. Though you are not lawyer enough, colonel Wardle, to understand all that has been put to you respecting the proceedings in equity, I believe you are fully adequate to answer my question. Has the evidence you have given here to-day, been with a view of getting rid of the verdict?
 A. No; certainly not.
 Q. How long were you in Sir William Wynne's regiment?
 A. About five years, till it was disbanded.
 Q. You served in Ireland?
 A. I did.
 Q. How long have you known major Dodd?
 A. I think about the end of last summer, I first knew him.

Q. Was it your intention to visit the Martello towers, previous to your becoming acquainted with Mrs. Clarke?
 A. It was.
 Q. What situation did major Dodd hold when you first knew him?
 A. He was private secretary to his royal highness the duke of Kent.
 Q. As Mrs. Clarke was one of your party on your tour, in what way was the money advanced to her?
 A. She said she wanted money to pay her butcher, baker, &c. without which she could not go with us on our party. I asked her what sum would do. She told me; and I replied, if she would bring her papers, I would give her the money, which I did to the amount of 100l.
 Q. You have been asked respecting a letter of major Dodd's, which you shewed to Mrs. Clarke to quiet her mind. Who is in possession of that letter?
 A. I presume Mrs. Clarke is.
 Q. You have been asked a great deal respecting the negotiation with Illingworth. Was it for the purpose of keeping it a secret from the public that you engaged in that negotiation?
 A. Nothing whatever of that sort. (By Lord Ellenborough.) Q. You say the contrivance about Illingworth was not with a view to secrecy. Why then did you not give a direct note to Wright?
 A. I thought if I had done so, I should not have the same claim upon Mrs. Clarke.
 Q. What was the meaning then of these triplicate notes?
 A. Because I did not wish to make myself responsible for the debt in any way whatever.
 Q. Did you conceive that your claim on her was worth one farthing, Did you not know she was a married woman? And could not the note have been given directly to Wright, without going the circuitous route, from Illingworth to Wright, from Clarke to Illingworth, and from you and major Dodd to Illingworth?

A. I did not take it for granted, that I was to give that sort of guarantee.

Q. You have stated that you gave her 100l. did you give her any promises besides?

A. None; but that if she would be a steady friend to the public, I would be a steady friend to her; and there would be no doubt, that for any services she might render the public, the public would reward her.

Q. Can you mean gravely to say, that no other promises were held out to her but public acknowledgments as a great and public benefactress?

A. I made her none other whatever.

Q. Did not Mrs. Clarke know that you and major Dodd had given those counter-securities to Illingworth?

A. She never did, until after the investigation in the House of Commons.

Major Dodd called and examined by Mr. Bolland.

Q. You are a major in the army, and a captain of artillery?

A. I am.

Q. At what period of last year did you first become acquainted with Mrs. Clarke?

A. The first day I ever saw her, was on the 26th of November.

Q. Was that the time when you, major Glennie, and colonel Wardle, were going to Hythe?

A. The day before.

Q. Did you accompany them in their return to town, and when did you again see Mrs. Clarke?

A. I did. I again saw Mrs. Clarke on the 1st of December.

[Here a great shout was heard in the hall, supposed to be on colonel Wardle's appearance, and lord Ellenborough ordered that the proceedings should stop till an end could be put to such shameful clamour. He would not have the public justice disturbed by such tumultuous behaviour, and desired the under sheriff might be sent for. After a pause of near half an hour, the under sheriff appeared, and

lord Ellenborough told him, that he must summon a sufficient power, either by raising the *posse comitatus*, or any other adequate force, to clear the hall, and keep it free from such scandalous interruption and clamours as had been lately witnessed. He would not suffer the public justice to be interrupted, and he would look upon him or his superior as answerable for any thing of the kind in future. He also ordered, that in case he perceived any person shouting or making a noise in the hall, he should immediately bring him before the court, and he would fine him very heavily, and commit him to Newgate till the fine was paid. The under sheriff answered, that he had already nearly cleared the hall, and should take care there was no further interruption.]

The examination was then resumed.
Q. Upon what occasion did you then see her?

A. I was in a coach with her on that day, she was accompanied by colonel Wardle, and we went to some part of Holborn.

Q. Was any proposition made by her to call any where?

A. She proposed calling at her upholsterer's, where we according went.

Q. When you got there, who did you see?

A. We saw Daniel Wright, the brother of Francis Wright.

Q. Were any other persons present besides your party and Daniel Wright?

A. No, except a man who occasionally came in with carpets.

Q. Do you recollect any thing particular passing on that occasion?

A. I recollect nothing particular passing, except Mrs. Clarke's pointing out some curtains which she said had been given to her by the duke of York, when she lived in Gloucester-Place.

Q. Do you remember any thing else?

A. There were some chairs which she pointed out as her's, and also some chair-covers, which she said were painted by herself, and which Wright,

she said, was making up into furniture for her.

Q. Were you close to Mrs. Clarke the whole of the time you were there?

A. I think I was.

Q. Did she or did she not introduce colonel Wardle as the person who was to pay for her furniture?

A. I did not hear her introduce him as such.

Q. Did she introduce him as the person who was to furnish her house?

A. I do not recollect her introducing colonel Wardle at all.

Q. Did any thing pass which could induce you to think that colonel Wardle had made himself directly or indirectly responsible to Wright for the furniture sent in to Mrs. Clarke?

A. Certainly not.

Q. How long did you remain there?

A. But a few minutes, not exceeding a quarter of an hour.

Q. Did you ever accompany her there afterwards, and on what day?

A. I accompanied her there once afterwards, but I do not recollect on what day.

Q. Was any person present but Daniel Wright upon that day?

A. Nobody but me and Mrs. Clarke.

Q. What was the object of that second visit to the upholsterer?

A. The object was to expedite the furnishing her house.

Q. Were you ever applied to by Mrs. Clarke, to request colonel Wardle to advance a loan of money for her?

A. Never: I know that Mr. Illingworth gave Wright a bill for 500l. and that I and colonel Wardle gave Illingworth our acceptances for 250l. each.

Q. Did you ever hear colonel Wardle say that he was to furnish Mrs. Clarke's house in Westbourne-Place?

A. Never.

Q. Did you ever see Colonel Wardle do any act whatever which could shew such an intention?

A. Never.

Q. I believe you held a high situa-

tion under his royal highness the duke of Kent?

A. I was his royal highness's private secretary.

Q. Did you hold any other situation? A. I did.

Q. Do you hold these situations now, Major Dodd?

A. No I do not.

Q. About what time were you deprived of them?

A. I cannot say on what day I relinquished my situation as secretary to his royal highness, I feel it incompatible to do so. As to my other situation, that may be the subject of investigation in this place hereafter.

Chief Justice. Surely this gentleman's situation can have no relation to the present question.

Major Dodd. My lord, the subject was not introduced with my concurrence.

Q. (by Mr. Bolland,) Now respecting a carpet, do you recollect any thing passing upon that subject?

A. I remember Mrs. Clarke's looking at some carpets and asking our opinion of them.

Q. Did she say that she yielded up her opinion to Colonel Wardle, because he was to pay for them?

A. No I never heard any such thing said in my presence.

Cross-examined by Mr. Garrow.

Q. I take it for granted, Major Dodd, that you and Colonel Wardle are a long time acquainted?

A. You take for granted what is not the fact.

Q. Pray how long may you have been acquainted, may I ask?

A. Since the summer of last year.

Q. Pray how long had you known colonel Wardle before you were introduced to Mrs. Clarke?

A. I never saw Mrs. Clarke until I was introduced to her in the November of last year.

Q. Then you had not known colonel Wardle very long, it should seem?

A. Not very long, only, I may say, a few months.

Q. Pray, before you were introduced to Mrs. Clarke, did you know of colonel Wardle's intention of bringing forward the enquiry in the house of commons?

A. I shall decline answering that question—I won't answer it.

Chief Justice, You must answer the question, sir, there is nothing improper in it.

Q. Now, sir, I again ask you whether, previous to your introduction to Mrs. Clarke, you knew from colonel Wardle, that he had it in contemplation to bring forward the investigation upon the duke of York's conduct as commander in chief, before the house of commons? A. I did.

Q. Had he not frequently talked to you on the subject?

A. He has frequently conversed with me on the subject.

Q. On the subject of the meditated investigation? A. Yes.

Q. Were not your communications very frequent upon that subject?

A. Not very frequent.

Q. When did you first know of colonel Wardle's plan of taking Mrs. Clarke along with him on the expedition to the Martello towers?

A. I did not know she was to be of the party until two or three days before we set out.

Q. Did not colonel Wardle take her upon that expedition for the express purpose of picking out of her all the information he could relative to his royal highness the duke of York?

A. He expected to get from her that information which might be useful in the meditated enquiry.

Q. Did Mrs. Clarke then know that you had the honour to be the private and confidential secretary of the duke of Kent?

A. I do not know that she did.

Q. Don't you know she did?

A. I cannot say whether she did or not.

Q. How long were you absent upon your tour to the Martello Towers?

A. A few days only.

Q. I ask you, and do you mean to put your credit upon it; do you mean to say that she did not know that you were private secretary to the duke of Kent?

A. I do not know whether she did or she did not, she may or she may not.

Q. So you were several days in her company—you were spending whole days together, and now do you mean to say she did not know it?

A. She knew it in the course of the journey.

Q. Had you any conversation about the intended enquiry?

A. Our conversation chiefly related to the disturbances at Gibraltar?

Q. Did you never charge colonel Wardle with any message to Mrs. Clarke?

A. I don't recollect that I did.

Q. You took no interest in the enquiry that was going on?

A. No more than any other indifferent person.

Q. Did you lend colonel Wardle any assistance in the course of that enquiry?

A. I have given colonel Wardle my opinion on military subjects.

Q. Did you or did you not give colonel Wardle assistance and information upon that enquiry, and did he not receive it as such?

A. I saw him frequently upon it.

Q. Will you venture to swear, that after the enquiry was instituted, there was a day passed on which you did not see him, and confer with him upon that subject?

A. I will not swear that I saw him every day—I saw him frequently.

Q. Did you not see him frequently in company with Mrs. Clarke, and was not the matter of her evidence the subject of conversation?

A. It was.

Q. Did you not always think Mrs. Clarke's evidence a matter of great importance to colonel Wardle in the prosecution of his enquiry?

A. I always thought the evidence of Mrs. Clarke of consequence to colonel Wardle.

Q. Did you ever make any notes of any of your conversations with Mrs. Clarke?

A. No, I never made any notes.

Q. Did you not attend the enquiry while it was going on?

A. No, I did not.

Q. Did you not attend it every night during the investigation?

A. I never was in the House of Commons but upon the night that colonel Wardle made his motion.

Q. Did you not conjecture that Mrs. Clarke was in bad circumstances about that period?

A. I considered Mrs. Clarke's circumstances as being neither high nor low.

Q. Did you not know that she could not have gone on the tour until her pecuniary embarrassments were relieved by colonel Wardle by an advance of 100l.?

A. I knew of nothing that impeded our journey on that score.

Q. Did colonel Wardle never tell you that Mrs. Clarke was in embarrassed circumstances?

A. I recollect colonel Wardle's telling me that Mrs. Clarke wanted money.

Q. What, to pay her way with the butcher and baker?

A. I know nothing of that.

Q. I think she borrowed a little of your money too: pray how long had you known her before she borrowed the money of you?

A. Not long.

Q. She spared you longer than she did colonel Wardle: pray how much did she hit you for?

A. I lent her 5l.

Q. Did you know that 100l. was lent her by colonel Wardle to pay her butcher and baker, just before she went on the journey with you?

A. No, I can't say that I did.

Q. Colonel Wardle, you know, is a family man, you could not think

he gave it to her for any improper purposes. What did you understand he gave her the money for?

A. I understood it was to pay her butcher and baker, otherwise she could not accompany us.

Q. Was it a gift or a loan?

A. I should comprehend it was a gift.

Q. And this is the woman you consider neither high nor low. Pray, good sir, how soon after your return did you visit Westbourne-place?

A. The same day we went to Wright's.

Q. Did you not pump her upon the journey?

A. I did not pump her.

Q. It is an awkward expression we have here. Pray who examined her?

A. I did not take interest enough in the matter to examine her. Colonel Wardle seemed to take more trouble in examining her.

Q. Did the answers she gave impress your mind that she would be a most important witness for colonel Wardle in this investigation?

A. I certainly did think her evidence material.

Q. You could not miss to think so. Pray, good sir, when you went to Wright's did you see any furniture which resembled that you had afterwards seen at Westbourne-place?

A. I can't say that I did.

Q. Was the style of furnishing such as impressed you with an idea of its being expensive?

A. I can't say whether it did or did not.

Q. How much do you suppose might be the amount?

A. I am sure I can't tell. When it was in Wright's shop I could not tell what was going to Mrs. Clarke's house.

Q. But you thought it expensive?

A. Yes, I certainly conceived the furniture was expensive.

Q. Was it going in from day to day during your visits at Westbourne-place?

A. I do not remember any furni-

ture coming to the house while I was there, except some chairs.

Q. Were you there and at colonel Wardle's frequently during the enquiry?

A. I was.

Q. During the enquiry, was colonel Wardle satisfied with Mrs. Clarke's evidence.

A. I believe he was.

Q. You considered her a most important witness to obtain colonel Wardle's object. A. Yes.

Q. Then she had given him ample satisfaction.

A. I don't think she did.

Q. But you, major Dodd, were a mere looker on in this affair, an indifferent person? Pray did or did not colonel Wardle express his satisfaction or dissatisfaction on the subject of her evidence?

A. He might, I cannot say whether he did or not.

Q. How soon did Wardle tell you Wright wanted money.

A. I think about the middle of December.

Q. Was that before you lent Mrs. Clarke the 5l.?

A. I believe so.

Q. Did you assist in raising any money for Wright?

A. I so far assisted that I went with colonel Wardle to Mr. Illingworth, an acquaintance of mine and with whom I dealt for wine. About that time colonel Wardle stated to me that Mrs. Clarke had mentioned to him that her upholsterer was distressing her extremely hard; and with tears in her eyes, she besought him to assist her. That he had refused, but asked me if I could think of any way in which Wright could be accommodated. I told him it was a common thing for one tradesman to accommodate another with his bill, I stated the circumstances to Mr. Illingworth, who was then little known to colonel Wardle, and asked him would he accommodate the matter.

Q. You could have paid the money if you had a mind?

A. It would not have been very inconvenient to me if I had been applied to for that purpose; when I spoke to Mr. Illingworth, it was solely with a view of obliging colonel Wardle. Illingworth gave his acceptance for 500l. to Wright. After that he sent or brought me a bill for 250l. for me to accept, giving me to understand that colonel Wardle had accepted a similar one, and when it became due I paid it.

Q. You, who would so easily have paid this bill, why did you not at once lend the 250l.?

A. I thought Illingworth would have taken some counter security, but I did not expect he would have drawn on me for it.

Q. The enquiry was not begun at that time?—A. No.

Q. Were there not enquiries made and repeatedly made both to you and to your friend colonel Wardle to know what inducements were held out to Mrs. Clarke to come forward with her evidence?

A. I don't understand the question.

Q. I want to know whether any promise or any inducement was held out to Mrs. Clarke to give her evidence upon that investigation, and whether any enquiries were made upon that subject?

A. A great many enquiries of that sort were made of colonel Wardle.

Q. After Illingworth had given the bill for Wright, did Mrs. Clarke become a customer of his?

A. I cannot say further than that he told me, she had sent for some wine.

Q. Why did you not let Wright draw at once upon you for the 500l. or why make Illingworth the go-between you?

A. I had no conversation with Wright upon the subject.

Q. What reason can you assign for keeping the transaction secret, or for not letting Wright draw at once upon you and colonel Wardle?

A. I had no wish for any secrecy

on my part. I said I thought it better that colonel Wardle's name should not appear.

Mr. Garrow, You see by this course it did not appear, and if Wright had been asked whether colonel Wardle or major Dodd had given him any security he would have answered no.

Q. Then if colonel Wardle had asked you for the loan of money you would have given it to him?

A. I certainly would.

Q. Then it was only done that in case colonel Wardle should be asked, he should be able to say he had not advanced any money?

A. I suppose so.

Q. You know you had no authority from your royal master to pursue any thing of this business. You knew the contrary to be the fact. Did you not know it before you took the trip to the Martello Towers?

A. No I did not.

Q. Was it not the impression upon your mind at the time that nothing could be more repugnant to the feeling of the duke of Kent than that such charges should be made against his royal brother, and do you not know that such have been the uniform sentiments and expressions of his royal highness?

A. I do.

Q. Had you at that time constant access to his royal highness, and were you not backwards and forwards from Westbourne-place to the presence of his royal highness and from his royal highness to Westbourne-place at that time?

A. Yes, I was frequently at Westbourne-place and with his royal highness.

Q. Are you not sure that you went from his royal highness to Westbourne-place and immediately from the company of Mrs. Clarke and colonel Wardle to the presence of your royal master?

A. Not immediately; sometimes.

Mr. Garrow. Oh, no, not immediately, there were midnight hours.

Q. Did you ever inform his royal

highness that you were engaged in this business?

A. No I did not.

Q. Did he know that you were daily consulted upon it?—A. No.

Q. Had his royal mind the least reason to suspect that his private and confidential secretary was engaged in such a business, and did you still continue in his service. Was it consistent with honor and delicacy towards your royal master?

A. I thought it would have been indelicate to have mentioned the subject to his royal highness.

Q. Whose hand-writing are those papers (producing two letters to the witness,)

A. I believe they are both my hand-writing.

Q. Are you not sure they are your hand-writing?

A. I would not swear they are not my hand writing.

Q. Have you the least doubt they are your hand writing?

A. I have no doubt at present. I believe them to be my hand writing, but I will not swear positively.

Q. When were they written?

A. During the investigation in the House of Commons.

Q. With what view were they written?

A. For the assistance of colonel Wardle.

Q. Were they written in town or the country?

A. In town.

Q. For what purpose were they written?

A. The letters speak for themselves.

Q. Were they written with a view to put questions to the witnesses?

A. They were written with a view to serve colonel Wardle.

Q. Were they not questions suggested by you to be asked Mrs. Clarke upon her examination? Probably they were meant as hints to Mrs. Clarke during the enquiry.

A. I rather conceive it would have been for points of information.

Q. In whose hand writing in this letter? (shewing the superscription of a letter.)

A. That is my hand writing.

Mr. Garrow, "If it is thought necessary to go into an enquiry why this gentleman was dismissed from his situation we are ready to go into it."

Chief Justice, "That is a thing which I cannot permit. It cannot by possibility have any bearing upon this case."

Re-examined by Mr. Bolland.

Q. Do you remember some chairs being brought in one day you were sitting with Mrs. Clarke?

A. I do remember the servant came in, and told her that Wright had sent in some more chairs.

Q. What did she say upon that?

A. She said he does not care what furniture he sends me, or what expense he puts me to.

Question by Mr. Garrow, "Do you know whether Wright gave any receipt to Mr. Illingworth for the 500l.?"

A. Wright gave a receipt which Mr. Illingworth gave to me and I handed over to colonel Wardle.

(Here the receipt was produced and read as follows.)

Received, Jan. 2d, 1809, of M. R. S. Illingworth, a Bill of Acceptance of this same date, at three Months, value £ 500, which when paid, will be on account of household furniture delivered to Mrs. M. A. Clarke, at No. 2, Westbourne Place. (Signed)
£ 500 F. WRIGHT.

James Glennie, Esq. called and examined by Mr. Arabin.

Q. What rank do you hold in the army?

A. No rank, I was once in the royal artillery.

Q. Do you know Mrs. Mary Ann Clarke?

A. I do.

Q. Did she ever apply to you, and when respecting the loan of 500l.

A. She applied to me I think it was about the 16th of December last

respecting some money. She urged me to ask colonel Wardle to become answerable for a debt of 500l. which she said she owed to Wright for upwards of two years, or to get some one of his friends to become security for that sum for three months. I told her I could not think of making any such application to colonel Wardle, knowing as I did his fixed determination never to come into any engagement for payment of her debts to the Wrights or to any other persons: but I told her if she could point out any mode of repayment in three months, I would speak to colonel Wardle to see if any his friends would accommodate her with that sum for such a time. In answer to this observation she said something about the lease of a house in Bedford-place the value of which would greatly exceed that sum. She also told me she would be able to pay it from the publication of her narrative and letters from the duke of York to herself. Soon after this conversation, colonel Wardle called on me and I communicated what she had requested me to say to him.

Q. Did you go to Wright's in consequence of that conversation?

A. Colonel Wardle declined granting the accommodation himself, I went to Wright's, I shewed him the note, and I stated to him in express terms, that Colonel Wardle could do nothing for him, I told him if even he had a mind he could not do it without defeating the beneficial objects he had in view for the public. Wright said it was a debt of two years standing, and he had been promised payment of it in another quarter, and after applying in that quarter repeatedly, he was obliged to look to Mrs. Clarke for it. I expressed my surprise at his granting her fresh credit, to which he replied it was his only means of being paid what she already owed him. I also told him that less expensive furniture might have answered. His answer was that she was a very gay

woman, fond of living well, and in style.

Q. Did he mention to you upon whose credit he sent in those goods to Mrs. Clarke's house in Westbourne-place?

A. He never expressed to me that he looked to Colonel Wardle for payment of it.

Q. Had you any conversation with Mrs. Clarke on the subject of this furniture?

A. I do recollect taking the liberty of speaking to Mrs. Clarke that, that I thought a less expensive house would do for her as well, and answer Colonel Wardle's purposes much better. She seemed fired at the observation, and replied, what does it signify to Colonel Wardle? sure he is not to pay for it.

Cross-examined by the Attorney-General.

Q. You came accidentally into this business?

A. I will tell you how the fact was, I meant to go down to Romney marsh to look at the works carrying on there, I mentioned it to Colonel Wardle who said he wished of all things to go down with me. He said he had lately become acquainted with Mrs. Clarke, and that he could get a great deal of information from her, and he should rather have it before two other gentlemen than by himself alone.

Q. Then I take the fact to be this, Colonel Wardle having found Mrs. Clarke to be a person who could give him a great deal of information thought the most convenient time to obtain it, would be to carry her with him upon this expedition?

A. I rather think he wished to receive it in our presence, I understood that he wished to put a stop to corrupt practices in the army.

Q. Then you wished to see corruption put down also—did you go down to criticise the Martello towers?

A. I went down to satisfy myself of their utility, not to criticise.

Q. Then you went to satisfy your own mind of their utility?

A. I did. I formerly published a

work on the fortifications of the Dock-yards, and I was interested in the matter.

Q. You don't wish me to read your book?

A. I don't ask any one to read it.

Q. Then I ask you, Mr. Glennie, whether you carried down with you upon that tour a preconceived opinion that these Martello towers were a very bad sort of defence?

A. No, I did not.

Q. Have you seen Mrs. Clarke lately?

A. I have not seen her very recently.

Q. But you have seen her frequently?

A. Yes, I saw her several times after that.

Q. As I suppose you were as indifferent on the subject of enquiry as another witness we have had here today you did not take any notes either?

A. Yes but I did.

Q. What! on the construction of the Martello towers?

A. No, on a very different subject.

Q. On what subject did you take those notes?

A. I tell you in very plain terms, I took down a number of memorandums of what Mrs. Clarke told me of things the Duke of York told her about his own family.

Q. Then, in order that you might not forget them you wrote them down? A. I did.

Q. You did not draw any thing from her, but what she told you spontaneously? A. No. I did not.

Q. You did not omit to register a single incident furnished by her, which you thought would be offensive to those who were concerned?

A. They were all about making baronets, and peers, and different incidents which happened in the Royal Family.

Chief Justice. Common decency and feeling should have induced this man to avoid such enquiries, rather than to seek an exposition so scandalous and defamatory.

Mr. Illingworth called and examined by Mr. Alley.

Witness is a wine-merchant resident in Pall Mall. He had known Major Dodd for ten or eleven years, but he had never seen Mr. Wardle more than once before the time he waited upon him. Major Dodd and Mr. Wardle called upon him together, to get him to lend his bill for 500l. to Mrs. Clarke. There were no particular mode of security stated; but it was understood that Major Dodd and Mr. Wardle would guarantee the payment. There was no secrecy imposed on him in this transaction. He called upon Mrs. Clarke one day, and told her that he came by the desire of Major Dodd to get from her a note of 500l. for the bill with which he was ready to accommodate her. Mrs. Clarke told him that she did not know the form of drawing up a note, and he therefore took up a serap of paper, and drew the form of a note. He brought a stamp in his pocket, and she drew the note at three months date. His conversation with her did not last above five minutes. He had, however, got sufficient security from Mr. Dodd and Mr. Wardle.

Upon his cross-examination by the Attorney-general, he said he gave his acceptance to Wright, who gave him a receipt for Mrs. Clarke, witness made an affidavit on a former occasion some of the passages of which he had struck out, but which afterwards appeared in the newspapers with these passages inserted.

Q. (By a Jurymen.) What became of the note of Mrs. Clarke?

A. I delivered the note to Major Dodd.

Simeon Bull called and examined by Mr. Gleade.

He was a house-agent, and had a house to let in Holles-street, Cavendish-square. Mr. Wright called upon him, and said he wished to take his house, for a Mrs. Farquhar, for a month or so. The reason that he gave for not taking it for a longer time, was, that he was going to take

and furnish a house for her. He (the witness) did not at that time ask many questions. It was not customary so to do, when a gentleman and a professional man came forward on such an enquiry. This Mrs. Farquhar, however, turned out to be Mrs. Clarke, and at the end of the month, Mr. Wright paid the rent. Mr. Wright came in company with Capt. Thompson, the brother of Mrs. Clarke. At the end of the month, he was very glad to get his money and to get rid of his lodger. She was taken from his house by a Sheriff's officer.

Sarah Mumford called and examined by Mr. Bolland.

Witness lived with Mr. and Mrs. Bull, at the time that Mrs. Clarke called on them under the name of Farquhar. She went over the house with Mrs. Clarke, who talked about furnishing a house, but did not say who was to furnish it for her. Mr. Francis Wright was present all the time.

Joseph Curt called and examined by Mr. Arabin.

He is a coffeehouse-keeper in Coventry-street. Having advertised a house to let, a person applied to him, who afterwards turned out to be Mrs. Clarke. He agreed to let her his house if she could give good references as to character. She immediately gave a reference to Mr. Wright. He called upon Mr. Wright in about half an hour after that interview, and saw him in his counting-house. He then requested him to be candid with him, as one tradesman should be with another, on such an occasion. Mr. Wright said in answer, that Mrs. Farquhar was a very respectable woman, that he had received many thousands of her money, and that if he had fifty houses to dispose of, she should have her choice of them all. The witness then enquired whether she was a married woman or not? Mr. Wright's answer was, that she had been married, but that he did not know whether her husband was then living or not. He afterwards called

on her at her house in Bedford-place, Russell-square, for the purpose of completing the agreement. That house appeared to him to be very elegantly furnished, and he observed to her, that he considered that a great part of that furniture would do for the house in Westbourne-place. She replied, "Oh, no! it is quite too old fashioned for me; I shall only take the drawers and the beds." This conversation took place about ten days or a fortnight before the 9th of November, on which day the lease was executed. He met Mr. Wright a short time after this in the King's road, and asked him where he was going? He answered that he was going to the house in Westbourne-place to take measure for carpets and fenders. Before the loan was executed, Mrs. Clarke declared herself to be short of money, and wished a year's credit for the fixtures. This was, however, a thing which he could not agree to: the fixtures had cost him 106l. and he insisted on being paid for them before he signed the lease. Mr. Wright at length consented to pay for those fixtures by a check on his banker, which was accordingly paid.

William Hardy and some other witnesses were next called, to prove that they had been employed by Wright, to work in the house at Westbourne-place, and were all paid by him.

The Attorney General said, he would shorten the time, and admit that they had been so employed.

Mr. Gillebrand (Clerk to Mr. Ellis, the Solicitor to the prosecutor,) proved, that in an action entitled, Allen v. Clarke, and in which the Wrights were bail, Mrs. Clarke proved her coverture with the knowledge of Wright; and that on other occasions the Wrights had bailed her.

A notice was then read, to produce the policy of insurance on the furniture.

The counsel for the defendants allowed, that these policies had been

effected, in the name of Farquhar for furniture.

Lord Ellenborough thought that as the policy would be void from the very words of it, inasmuch as no property could be proved in Mrs. Farquhar, it would be a very foolish policy, and ought not to have much influence upon the present case.

Sir Richard Phillips, Knight, called and examined by Mr. Gleade.

Q. You are a bookseller, residing in Bridges street, Blackfriars?

A. I am.

Q. Had you any conversation with Mrs. Mary Ann Clarke, about a book she had to publish?

A. I had.

Q. In the course of your conversation, was any thing said upon the subject of her debts?

A. In the course of the conversation, she mentioned particularly her obligation to pay Wright for furniture, amounting to 2000l. and was therefore anxious to sell her memoirs at the highest price. Some of these conversations were at his own house, some of them at Westbourne-place.

Cross-examined by the Attorney-General.

Q. Did you make any memorandum of this conversation, Sir Richard?

A. No I did not.

Q. You know your memory is bad, because you know I have examined you as a witness before.

Sir Richard Phillips, "If my memory is to be impeached, I must beg leave to call witnesses, to corroborate my testimony."

Attorney-general. Oh, not at all, I do not mean to impeach your memory, Sir Richard, but pray do you recollect the precise words Mrs. Clarke made use of?

A. She said she must have the money to pay Wright, and looking about her, added, "How can I pay for all this furniture, unless I have the money?"

Mr. Alley next called Lord Folkestone, but did not proceed in the examination of his lordship, and here the case for the prosecution closed.

DEFENCE.

The *Attorney General* then rose, and on the part of the defendants, addressed the court and jury, in substance nearly as follows.

"May it please your lordship, gentlemen of the jury. The complexion and colour of the prosecution, in this case may be collected not only from the tumult out of doors, but also by the manner in which it has been opened. It is not an unusual thing for men in distress to take the independent line, and inveigh against corruption. In the manner, however, in which this business was opened, most serious charges were made. It raised my utmost indignation when I heard it said that men were deprived of valuable employments under government, as a chastisement for having discharged their duty to their country. Major Dodd, however, could not himself hear his statement without expressing some indignation; and the fact is, that I had given my opinion with respect to the propriety of his removal, many months before Major Dodd had come before the grand jury. As to the conduct of Colonel Wardle, it is in evidence on the former trial, that he did perfectly well know that Mrs. Clarke was to be produced as an evidence against him, and did, in consequence send her a threatening letter the night before, and directed his attorney to tell her, that if she came forward on the trial, serjeant Best would cut her up in cross-examination; and he (Mr. Wardle) would spread a report that it was all a trick of the ministry. If Mrs. Clarke had spoken falsely in this respect, Mr. Corfield the attorney, might have been called to contradict the statement. You must observe, gentlemen, that in this case, the defendants were deprived of their evidence by the manœuvring of the prosecutors. The oldest or the most learned man in the profession of the law, has never met, either from his experience, or in his reading, such a case as the present. It is a most un-

usual and unheard of course, and it is in vain to say that there is no other remedy but an indictment of conspiracy. If the two witnesses on the late trial, Mr. Daniel Wright and Mrs. Clarke had been guilty of perjury, and that it was supposed that Mr. Francis Wright had suborned them to commit that perjury, the natural mode of proceeding would be to indict the witnesses for the perjury, and to indict Mr. Francis Wright for subornation of perjury. My learned friend, (Mr. Alley) was then mistaken, when he said the course of justice would have been impeded, if any other course had been taken besides that of indicting her for conspiracy. The prosecutor now came forward with every advantage. He shut the mouths of the defendants, by the manner in which he brought the business forward, and at the same time he opened his own mouth. I really think that if I please I might now ask his lordship whether there is any evidence at all of a conspiracy? Unequal, however, as I may appear in the contest for want of evidence, I did not decline it; and if gentlemen, you do but favour me with your attention I have no doubt but that I will not only prove to your satisfaction, that there was no conspiracy, but I will go further and prove to your satisfaction that the verdict was right. In the year 1808, Mrs. Clarke appeared by no means poor. Upon an old account it appeared, that she owed Mr. Wright 2600*l.* of which she had paid him 2000*l.* Her situation, however, had much changed of late; she had no longer the means for continuing the great expences to which she had been accustomed, and was absolutely hopeless. At the time she was met by Colonel Wardle, she was absolutely penniless. Wright was an upholsterer, who was under obligations to her for former employment and recommendations, and would have been happy to have served her; but at the same time, it would be ridiculous to suppose that he would trust her with 2000*l.* when she already owed him

above 600*l.* which he had very little prospect of ever getting. At the same time, however, that it was improbable that Mr. Wright would have trusted her, it was not at all improbable that Mr. Wardle should have given her credit. Colonel Wardle was a man, who at that time certainly expected great renown from the course he was pursuing, if he had no farther personal objects. His whole mind was then fixed on one single object, which was the chart by which he steered his course. At that time it was not known by those who took a part in the investigation, that Mr. Wardle had given 100*l.* within the first three days that he ever saw Mrs. Clarke; and if the circumstance had been then known, it would have excited the utmost degree of astonishment. When it is considered that Mrs. Clarke had excluded herself, from the moment that she joined with Colonel Wardle, from the advantages she once enjoyed, and might still hope to enjoy, it could not be supposed that she would make so great a sacrifice, without sufficient promises and inducements. Whether the promises were defined or not, still it must be supposed that she expected him to do something for her. As to Colonel Wardle, I consider him implicated *up to the chin*, as far as any man can be by influence and interest, without becoming an incompetent witness. As to Major Dodd, he knew that nothing could be more distressing to his illustrious master, than that this investigation should be proceeded in against the Duke of York. Knowing this, as Major Dodd must have known it, what could have been more indecent than Mr. Dodd going from his royal master to Mrs. Clarke and Colonel Wardle, without ever apprizing the illustrious prince of these visits? Can it be supposed that Mr. Dodd, as well as Mr. Wardle, was not actuated by some considerations of great personal advantage to themselves? Mr. Glennie is the next witness, and he appears to be as much interested as any of the rest, and he has said

that it was by mere accident that he happened to make the party to go down to look at the Martello towers; and yet it appears that he took notes not only of military affairs, but even of those things which it would be supposed no man would wish to register, the secrets which Mrs. Clarke chose to divulge respecting the royal family. As to Colonel Wardle, there was no improbability at all in his pledging himself for the money. Mrs. Clarke was so material a witness to him, in the cause which he had so much at heart, that he could have done nothing without her. He could not even have opened his case without her. What should have brought Mr. Wardle into the shop of Mr. Wright, unless for the purpose stated? He had every reason to keep away, and yet he was found spending half an hour, or three quarters of an hour, in the shop at one time. Nothing could be more probable than the account given of this by the Defendant, Francis Wright, who said that he would not have trusted goods out of his shop, unless the person on whom he could rely for payment had been introduced. This was a good reason for Mr. Wardle's being seen in the shop of Mr. Wright, and it was the only good reason. As to the note of Mr. Illingworth, it appeared altogether a juggle. There was no reason for the circuitous round-about course which was taken, but that it was absolutely necessary to conceal the names of Major Dodd and Mr. Wardle. If they had given their notes directly to Mr. Wright, it would have been impossible to conceal the degree in which they were connected with Mrs. Clarke. The receipt which has been produced, appears to be in itself conclusive of the cause. It runs as follows:—"Received from Mr. Illingworth, an acceptance of 500*l.* which, when paid, will be on account of goods delivered to Mrs. Mary Ann Clarke, at her house in Westbourne-place." How did that receipt, which is in their possession, agree with the

story which they have told, that the 500l. which Mrs. Clarke wanted was on account of the 600l. of old debt, for which she had been pressed by Mr. Wright? My learned friend (Mr. Alley) has taken great credit to himself for his magnanimity in allowing the answer of Francis Wright to be read. The fact is, that instead of magnanimity this is contrivance; for if the answer had not been read, Mr. Francis Wright might immediately have been acquitted for want of any sort of evidence against him, and then he might have gone into the box as a witness. It was the reading his answer that so far implicated him as to prevent his being a witness. I shall say but little of colonel Wardle personally, but I shall say of his situation, that he is a man against whom a verdict for above 1000l. had been lately given, and who had a hope or expectation that a court of equity would protect him from the payment of it. It was impossible to conceive any person more interested than colonel Wardle. He was not interested merely by the pecuniary consideration, but by his character, which was deeply involved in the transaction. Major Dodd was also deeply interested; who, from his attachment to his new friend, had sacrificed all his hopes from his old friend and benefactor. The story itself is in the highest degree improbable, that a tradesman would lend property to the amount of two thousand pounds to a person who already owed him 500l. and from whom he had no other chance of payment but lending her money. It is certain that the Wrights were bail for Mrs. Clarke, but then they ran no risk, as they knew she could plead her coverture. By his going bail, Mr. Wright shewed a disposition to befriend her, but by no means to give her credit. It is curious, however, to see how the testimony on the part of the plaintiff in the late action was endeavoured to be shaken. It is strange to see Mr. Wardle impeaching the evidence of

Mrs. Clarke. When she was his witness, she was a very saint, she was all sincerity, simplicity, and truth; but as soon as she gave evidence which touched the pocket of Mr. Wardle, then she was every thing that was foul and abominable. When by the assistance of Mrs. Clarke, he had contrived to ruin the character of another, it would be too hard that he should be allowed to redeem his own by impeaching her testimony. Throughout the whole of the investigation he did not find any period to doubt her veracity; but now when her evidence goes to prove him liable to a debt which he legally contracted, then she is every thing that is false and foul. There is another witness against whom there is nothing like impeachment. Mr. Daniel Wright was a most unimpeachable witness, and if he could be impeached, it must be allowed that sufficient industry was exhibited in the course of this trial to find out something against him. This industry was exhibited in subpoenaing no less than three of the royal family, and a number of the peers of the realm, some of whom I now see before me, many more are out of court. These witnesses, although subpoenaed and attending, are not examined, and I confidently say, that the only reason of subpoenaing them was, that there should be the appearance of something extraordinary in the present case, and that the public should believe that there was something secret and mysterious in it. When my learned friend talked of "the principal juggler," and said that I knew who he meant, I must declare that my learned friend was entirely mistaken. I did not know or conceive who was meant, and if I had known, I should have taken care immediately to bring that man forward if he was within the reach of a messenger. If you were now to pause and consider how the two different cases presented themselves, I say that all the probabilities of the case are on the side of my clients; for it is the

most improbable thing in the world that Wright should have advanced a further sum of 2000l. when he had little chance of recovering the 600l. which had been so long due. There is also hardly a possibility of constructing the receipt in any other way but as an acknowledgement on the part of those who took it, that this 500l. was given not in consideration of any old debt, but on account of the goods sent into the house at Westbourne-place. The probabilities of the case being entirely with my clients, I believe that the facts will appear so also, if the evidence is considered, which has been given by the present defendants at the former trial. It is an extraordinary thing that the prosecutor does not venture to examine Serjeant Best on the present occasion, although he has been subpoenaed, and is now in court. If he had been examined he must have contradicted that assertion which colonel Wardle made in his address to the people of the united kingdom. Much has been said about the enquiry before the House of Commons, every man saw how colonel Wardle conducted himself upon that occasion, but, gentlemen, I never knew until this day, that he had given any money to the witness at that time. I should not have dared to ask him such a question. Had any one asked me such a question, were I placed in colonel Wardle's situation, I should have felt it the greatest insult that could be offered to me. Had colonel Wardle thought proper to call Mr. Stokes to the bar of the House of Commons, I am sure he would have spoke the truth. It would then have appeared that Mrs. Clarke had previously informed Mr. Stokes that colonel Wardle wished to employ him as his solicitor, Mr. Stokes you will find, declined that honor, but has no objection to see colonel Wardle, who invites him to come to him the next morning. Mr. Stokes went to him, and addressing colonel Wardle says, "You have summoned me as a wit-

ness upon this investigation, can it be prudent to call me? I should think it will not, because you know I am attorney for the Wrights, and for Mrs. Clarke, you know it has been represented that Mrs. Clarke neither received nor expects benefit from this enquiry, but I know what benefit she has received, and if I am called I must tell all I know about the matter." Colonel Wardle says, "I believe you are right, so I won't call you," and, gentlemen, he did not call Mr. Stokes. While Mr. Stokes was with colonel Wardle, Wright's name is announced, "why," says Mr. Stokes, "you don't surely mean to call Wright, he is the most dangerous witness you could call, I may claim my privilege, but he has no privilege, he will be called and examined against you—he knows of your furnishing the house in Westbourne-place, he will prove Mrs. Clarke does receive these benefits." In all which observations colonel Wardle acquiesced and did not call him. Mr. Stokes will prove to you that all this passed. But, gentlemen, I state this to you under great disadvantages. Mr. Stokes has been long known to my learned friend who conducts this case for the prosecution. I believe he is most intimately acquainted with him, and he knows whether Mr. Stokes is a man to be believed upon his oath. Every opportunity will be given him, of impeaching the credit of Mr. Stokes, but I am sure I shall hear nothing of that sort this day, and if so, then I ask, what becomes of this case? The plaintiff with his witnesses are all thrown into an indictment for a conspiracy; they are deprived of giving you any evidence upon the matter, but when you add to this the facts I have just stated to you, I think you cannot hesitate to find a verdict for the defendants, and I am sure you will rejoice in liberating them from the coils of a net which has so entangled them.

Mr. Stokes called and examined Mr. Garrow.

Q. You are an attorney of the court?
A. I am.

Q. Were you attorney for Francis Wright in the action between him and colonel Wardle? A. I was.

Q. Do you recollect the enquiry in the house of commons, and did you receive a summons to attend the house? and were you summoned?

A. I do. I have the summons here.—(Here the summons was produced and read.)

Q. Did you afterwards before you obeyed that summons and by desire of colonel Wardle, wait on him?

A. Yes, I went to him in consequence of a letter I had received from him, and which I now produce, (Here the letter was read as follows.)

Sir,
I am so harassed and fatigued that I have particularly to request you to favour me with your company here instead of my calling upon you; if you can dedicate the day to business with me I shall feel much obliged. I have sent my carriage with this and hope you will let it bring you to James's Street.

I am Sir,
Your obedient Humble Servant
17, James St. Buckingham Gate.
G.M.L. WARDLE.

Directed to—Stokes, Esq.
7th February, 1809.

Q. State distinctly what passed between you, upon that occasion.

A. When I went into colonel Wardle's house, I found him with several other persons at breakfast in his front drawing-room; a fire was ordered to be lighted in the back drawing-room, whither I and colonel Wardle retired alone. I said to colonel Wardle, "what could induce you to call me as a witness?" he said it was to speak upon the subject of *Few's* action. I said perhaps you are not aware of the danger of calling me, as I shall be liable to a cross-examination, and will be obliged to tell all I know of the subject. I have been repeatedly told by Mrs. Clarke that she is to derive considerable advantages for coming forward upon this investigation, and you may rely upon it, I shall not conceal any circumstance that I know. I do not wish to be called to do Mrs. Clarke a prejudice, but

if you call me I must tell the whole, and you are not safe from my evidence, as it was communicated to me as Mrs. Clarke's attorney, but if I am summoned on the part of his royal highness I cannot be examined, and you may make the objection that the communications were made to me in confidence as Mrs. Clarke's attorney." He said, if that was the case he would not call me at all. I was with him, for some time when I recollect Wright's name being announced. Colonel Wardle said, this is Wright the upholsterer, he is come to be examined by me. I said, "you surely don't mean to call Wright, for he will, if possible, do you more mischief than myself, as in that case your furnishing Mrs. Clarke's house and sending him to me to bring an action against the duke of York will certainly come out." He said, "then you think I ought not to call him." I said, "you are really in much danger from him, he can be summoned on the part of the duke and has no privilege, they'll certainly get the truth out of him, for if he should consent to conceal it, which I don't think will be the case, it will certainly be got from him, as he has not enough head to evade the question." Colonel Wardle then said, "what shall I do with him?" I said, "I think it is dangerous for you to see him." He asked me to speak to Wright and send him away, and I did so. After this I received a second summons to attend the house of commons, here is the summons, (producing the second summons) upon which I wrote to colonel Wardle, a letter of which I have given them notice to produce.

(Here the notice for the production of the letter was proved, Mr. Stokes then read a copy of it as follows.)

Mr. Stokes presents his compliments to colonel Wardle he last night received another summons to attend the house to day. S. understood it was intended to call him, and it will be inconvenient for him to attend before half past seven. If it is not intended to call S. he would be glad to know it, as it will save his time, or if his attendance can be dispensed with till the hour he mentions it will be a great convenience, however, if necessary he must attend when required and all other engage-

ments must be superseded by the order of the house.

Golden Square, Thursday morning,
Directed to colonel Wardle, 17, James Street,
Buckingham Gate.

Sir,
It is not intention to call upon you *at all*, therefore unless you are summoned by the other party, of which I know nothing, you need not attend at all.

In the utmost haste,
Yours, very much,
G.M.L. WARDLE.

Directed to—Stokes, Esq.
9th February, 1809.

Mr. Stokes continued, "To this letter I received an answer as above from colonel Wardle saying that it was not his intention to call me and if his summons did not come from the other side never to mind attending. I acted upon this letter as a dispensation from the summons and did not attend, and was not ever afterwards summoned or required to attend, in any way whatsoever.

Q. Do you know whether Wright was summoned?

A. No he was not.

Q. Wright never was called or examined?

A. No he was not.

Q. Have you any doubt of the terms in which you spoke of colonel Wardle's furnishing the house for Mrs. Clarke, being as you have stated?

A. I have not the least doubt.

Q. And for that reason spoke of the danger of calling you, and much more of calling Wright? A. Yes.

Q. Did colonel Wardle assign any other reason but what you have mentioned for not calling Wright?

A. No, we did not.

Cross examined by Mr. Alley.

Q. Mr. Stokes, you are attorney for the defendants in this cause?

A. I am.

Q. And were attorney for Francis Wright in the former action against colonel Wardle? A. I was.

Q. This conversation you have been speaking of, took place, when you were alone with colonel Wardle?

A. It did.

Q. Did you make any note or memorandum of it?

A. No I did not, but I shall recollect it to the last day of my life.

Q. What was it you told colonel Wardle upon that occasion about furnishing the house?

A. I told him I had learned from Francis Wright and Mrs. Clarke that he was to furnish her house.

Q. How happened it that when Francis Wright called at colonel Wardle's you did not let him see him, and what was your objection to his being introduced?

A. I was afraid colonel Wardle would commit himself still more than he had done.

Q. Was that your only objections?

A. My objection was this, that if Wright was to be called colonel Wardle would find he would not answer his purpose.

Q. Did you communicate this information to the duke of York?

A. No I did not.

Q. Why did not you communicate it to his royal highness?

A. I was Mrs. Clarke's attorney and should have committed her by it.

Q. Was there any communication of this made to his royal highness, for his information?

A. None to my knowledge.

Q. Then am I to understand that you have had no communication with any body connected with his Royal Highness?

A. No, I have not.

Q. Then you had no communication with the Duke of York, or Mr. Lenton, or Mr. Wilkinson?

A. I mentioned it to Mr. Wilkinson very lately; I believe on the first day of last Michaelmas term. I never communicated any thing of it to him before; it was quite accidental, my meeting with him.

Q. Have you never received any letter on the subject? A. No.

Q. Did you not go to Oatlands upon some occasion?

A. I only got an order for some

common friends of mine and the learned council, to see the Grotto at Outlands. I did not go myself, nor do I know that the order ever was made use of.

Q. Do you know Mr. Comry?

A. I never spoke to him in my life.

Q. Then you never communicated any thing of this fact to him?

A. Never.

Re-examined by Mr. GARROW.

Q. Had you any particular object in view, by asking for this order?

A. None whatever, my desire to see the Grotto, was mere curiosity.

Mr. ALLEY. "My Lord, I beg to submit to your Lordship, that as the evidence just given by Mr. Stokes, was totally unexpected, not only by myself, but I believe by the whole court, and seemed to be decided upon only a very few minutes before Mr. Attorney General had closed his address to the jury, I may intreat of your Lordship's indulgence for five minutes, until I send for Colonel Wardle to consult him upon it. I feel myself placed in that situation by it, that I will not venture to act merely from my own judgment.

CHIEF JUSTICE. "Certainly, Sir, I shall wait the five minutes. I don't wish your client should again say he had not an opportunity of consulting his council."

ATTORNEY GENERAL. "My Lord, I have no objection whatever to wait for Colonel Wardle. I have invited the re-examination of Colonel Wardle."

COLONEL WARDLE having arrived was again called, and examined by Mr. ALLEY.

Q. Do you recollect Mr. Stokes coming to your house?

A. I do perfectly well.

Q. Was any thing said respecting your summoning him?

A. I remember perfectly well what led to his being summoned, it was with regard to Few's transactions with Mrs. Clarke, I think the objection made by Mr. Stokes was, that there was something in that business,

and it might be as well to let it alone. Mrs. Clarke having pleaded her coverture to that action.

Q. That is the only reason that you can call to your recollection?

A. That is the only reason.

Q. Did you assign as a reason for declining to call Mr. Stokes, that he being acquainted with the transactions between you and Mr. Wright, might, by his examination, do you mischief?

A. Never. To the best of my recollection, the summons was sent on the ground of her having stated to me that she had paid the debt, after having successfully pleaded her coverture. That fact I recollect we did prove, I believe by Mr. Few; other evidence was unnecessary.

Q. Did Mr. Stokes ever state to you, that Wright's evidence would be dangerous to you, in consequence of your furnishing Mrs. Clarke's house?

A. Certainly not.

Q. Do you recollect Francis Wright's coming to your house about that time?

A. No, I do not.

Q. Was it your intention to examine Wright?

A. I don't recollect that it was.

Q. Do you recollect what it was that Mr. Stokes said upon that occasion?

A. To the best of my recollection, I think he said, that the transaction with Few, would be dishonourable to Mrs. Clarke.

Q. But he never stated to you, that Wright's testimony would be dangerous? A. Never.

CHIEF JUSTICE, "His own testimony sufficiently proves the fact."

Mr. ATTORNEY GENERAL. "No, my Lord, with your Lordship's permission, I would say only one word to the jury upon this part of the cause, but I should first wish Colonel Wardle to leave the court."

Mr. ALLEY. "My Lord, when I find so unprecedented an attack made upon the credibility of my client, I trust your Lordship will permit me to

call witnesses to the general character and reputation of Colonel Wardle. I have numbers of the most respectable and honourable persons to speak to that fact.

CHIEF JUSTICE. "It never has been done in any case. The admission of evidence to support the credibility of any witness who has been contradicted, would lead to endless enquiry."

Mr. ATTORNEY-GENERAL. "I am sure if my learned friend could consult his own good understanding he would not press this point."

Chief Justice. "There would be no end to compurgators if this was to be permitted."

The ATTORNEY-GENERAL then addressed the court and jury shortly in reply as follows:

May it please your lordship, gentlemen of the jury; they have now called Colonel Wardle to contradict Mr. Stokes. Compare the manner in which these two witnesses have given their testimony; carry in your recollection, the clear and reflecting manner in which Mr. Stokes has given his evidence respecting his memory, by referring to the documents which he has produced, and which certainly tended to confirm his evidence. That Colonel Wardle should have contradicted Mr. Stokes is perfectly natural. If he had not been ready to contradict him, he had better have gone into Yorkshire. With respect to the degree of credit to which Colonel Wardle on this occasion is entitled to, I shall only observe, that Colonel Wardle, after having made a gift to Mrs. Clarke of 100l. before she gave her evidence, has suppressed the knowledge of that gift all this day; that is an imputation, and there is no such imputation on the character of Mr. Stokes, whose respectability cannot be impeached. The personal acquaintance between Mr. Stokes and my learned friend (Mr. Alley), is indeed such that it is *prima facie* evidence of his respectability. I wished Colonel War-

dle to go out of court, because when I look at the accuracy with which Mr. Stokes had given his evidence, I cannot help expressing my confidence that you will give credit to that evidence. Mr. Stokes, gentlemen, you will consider has no interest in this question, he can have no interest in it. Colonel Wardle, on the other hand, has the deepest interest in the event of this trial. You have heard the evidence of Mr. Stokes, and after hearing that, I think it impossible that you should hesitate in believing either his evidence or that of Mr. Wright, and you will also carry in your recollection, that this occurred long before any dispute arose between Francis Wright and Colonel Wardle.

Mr. ALLEY then rose and spoke in reply nearly as follows:

"My Lord and Gentlemen of the jury." Although I have now had the honour of practising in the profession for upwards of 15 years, I have never been called upon to perform a more painful duty than that now thrown upon me, for I have the conflicting obligations of friendship and duty to contend with. It is true that I have long known Mr. Stokes, nor am I ashamed of having known him, but it is unfair of the Attorney-general to make out his case by adverting to the intimacy between us. I must speak freely of the individual with whom I have been in habits of intimacy; and your verdict, gentlemen, this day will decide upon the future intercourse between us. If you shall find the defendants guilty, Mr. Stokes and myself from this moment shall know each other no more. Why, forsooth, was Mr. Stokes to be believed? On the principle of having no interest in the success of the cause? So far from that being the case, he has the greatest possible interest in it, while as I have already shown, and again shall show, Mr. Wardle had not even the possibility of interest in it. Mr. Stokes has an interest in the success

of his clients, and in his own fame and reputation, but the result of this trial cannot influence the question of the late verdict. No record of conviction can be given in evidence, unless the parties are the same who have before litigated. The parties in this cause are not the same, and therefore the former trial cannot be given in evidence. Colonel Wardle cannot, therefore, by the event of this trial, be what it may, protect himself from the damages that has been given against him. In equity also, it is an invariable rule, that although there may have been plunder and perjury, the court will not sustain a conviction; it would be violating the very first principles of equity. In short, the result of this trial cannot affect Colonel Wardle with respect to the damages in the other cause, any more than his being in Yorkshire, to which Mr. Attorney-general has alluded, could have affected it. But how does the evidence of Mr. Stokes look in this cause? He confines the secret of this conversation at Colonel Wardle's house in his own breast till this day, notwithstanding that it would have been so important to have brought it forward on the former trial, when it might have so powerfully corroborated the testimony of Daniel Wright and Mrs. Clarke. But it seems so far from that, although he knew it in February last, he swears that he never communicated it to any body, not even to Francis Wright himself. If he knew of a conspiracy to subvert the honour and reputation of the Duke of York, he was guilty of a species of misprision of treason, by concealing it during all that interval. Why was not Mr. Stokes called upon at the last trial, to give that damning proof? Why did he not then say, here is Colonel Wardle has the profligacy to deny that he ordered the furniture? Why did he let the case go to the jury, on the evidence of Daniel Wright and Mrs. Clarke, which was so inconclu-

sive to the minds of the jury, that it was only after a deliberation of two hours that they found a verdict for the plaintiff? why has Mr. Stokes suddenly, jugged out that evidence which he declined giving on the former trial, the result of which, then so doubtful, might have been so strengthened and secured by this evidence? but the most extraordinary part of this case, is the sudden alteration in the course of the defence.—The Attorney-General declared in a part of his speech, that, by this indictment for a conspiracy, they were deprived of all their witnesses—he said he had no witness who could prove any testimony on these transactions. How happens it? was it seen that this cause was likely to turn against the defendants, that Mr. Stokes all of a sudden gets up to give his evidence: had Mr. Stokes been among the proofs in the brief, the Attorney-General would not have delivered exactly that speech which you have heard. Had the evidence of Mr. Stokes been contemplated when he began his speech, the learned gentleman would not have told the jury that he had no evidence—that all his witnesses were shut up in “*the parchment of that Indictment.*” It was, indeed, most extraordinary that he should afterwards have produced a gentleman who was not shut up in that indictment, to prop up his tottering cause.

What I ask, is this, is there either in the evidence or character of colonel Wardle to induce you, gentlemen, to discredit his testimony? Of Mr. Stokes's credibility I can say nothing. Whether I shall hereafter esteem him must depend upon your verdict. Let those who have witnessed the evidence of colonel Wardle say, if there has been any thing to impeach it. Has he hesitated—has he stammered—has he not delivered his testimony promptly, boldly, and with the greatest decision? He has spoken as clearly and as explicitly as man can speak. The balance I must say, is greatly in favour of colonel Wardle. It is said that Mr.

Stokes has no interest in the process of this cause; but what will become of him should his clients be convicted? Interest must have great weight with Mr. Stokes—but not so with colonel Wardle. —Much surprise has been affected at the bill which Mrs. Clarke gave to Mr. Illingworth not having been produced—but this, gentlemen, is a feeble objection—her book, from which the only means of payment could be derived, was not disposed of—and it is therefore clear, that application to her for payment would have been fruitless. She could not get her price from Sir Richard Phillips, and it would have been idle to have called upon her for the money. With respect to the receipt given by Mr. F. Wright to Mr. Illingworth, on which so much stress has been laid, by whom, I would ask, was that receipt given? by Mr. Wright himself; it is his receipt his own words. And to whom was it given; not to colonel Wardle; had it been given to him, and he had accepted it, without objecting to the terms of it, then there might have been a colour at least, for the objection; but given as it was by F. Wright to Mr. Illingworth, it tended to prove, as strongly as any evidence that has been adduced, the existence of the conspiracy. There is every appearance of the trick being devised by F. Wright, who says to himself, “I'll now practise this trick, by giving to Mr. Illingworth, who knows nothing of the transaction, a receipt for 500l. in part payment of the 2000l. worth of furniture, sent into Westbourne-place, instead of a receipt for 500l. on account of the old debt.” That was the trick, to which, in fact, might be traced the origin of the conspiracy. This receipt, instead of militating against colonel Wardle's case, very strongly supported it. If colonel Wardle, or major Dodd, or Mr. Glenny, had paid the money instead of Mr. Illingworth, and taken such a receipt, the case would have been essentially different. Wright thought he had fixed colonel Wardle by that receipt, and which, in fact, had

only been put into his hands by Mr. Illingworth a little time before the trial.—The evidence of major Dodd has been treated as not deserving credit, because being in a confidential situation with the duke of Kent, he had listened to conversations in which the character of his royal brother was implicated, without making any communication to the duke of Kent; but major Dodd has assigned the most satisfactory of reasons for his silence. It would not, as he justly said, have been delicate in him to have communicated to the duke of Kent, facts and conversations so deeply affecting his royal brother. Major Dodd was attacked for having at all interested himself in the subjects on which the investigation was founded, but from all possible imputation of impropriety on that score major Dodd has effectually exculpated himself, at least in the mind of every candid and dispassionate person. He had been in the army nineteen years; he knew that abuses existed; and he felt the anxiety of a man who had the good of his country, and the honor of his profession at heart, for the eradication of corruption and the reformation of abuses. With respect to the observation I made on the payment of 10,000l. by lord Chichester, I regretted that I ever mentioned the circumstance, which I should have passed over without further observation. The Attorney-General has made many comments on that part of the evidence of Mr. Glenny, in which he stated, that F. Wright told him that the reason why he gave the fresh credit to Mrs. Clarke was the hope of getting by that means, the money which she already owed him. But I deduce conclusions from this evidence, very different from those of the learned Attorney-General, in which, I have no doubt you will concur with me, you have been called upon to reject the evidence of colonel Wardle (amongst other reasons), for having given Mrs. Clarke one hundred pounds previous to having given her evidence before

the house. But under what circumstance has he given her that money? They were going out of town—it was a mere trifle, an inconsiderable accommodation—and I ask, whether it is not the daily practice to support witnesses for the Crown? I cannot for myself see even the ground on which this was attempted to be imputed to Colonel Wardle as a crime. That the story which Mrs. Clarke told was true, certainly derived great confirmation from the eager anxiety with which her promised publication was anticipated; and from the unexampled avidity with which it had been brought up. The learned Attorney-General has expressed his surprize, that Mr. Serjeant Best has not been called as a witness. He had been subpoenaed in consequence of what had fallen, on a former occasion, from the Attorney-General, which induced a suspicion, that Mr. Corfield, the attorney for Mr. Wardle in a former action, a gentleman whose respectability was unimpeachable, might have been called on the part of the defendants. What that gentleman might be called for, or what the defendants might, through his evidence have attempted to insinuate, it was impossible to tell—it had, however, been deemed prudent to subpoena Mr. Serjeant Best, that the benefit of his testimony might have been had in case the defendants had thought proper to call Mr. Corfield.—With respect to the conduct of the Attorney-General towards myself in this cause, I certainly have not any cause of personal complaint.—I trust that that learned gentleman does not think that I am attached to any thing like party, or that my conduct in the management of this cause has been influenced by any consideration of that nature. If he unfortunately does think so, he labours under a very gross mistake. I am not, gentlemen, attached to any party, nor am I courting popular applause. The huzzas of the multitude I well know are sometimes bestowed without merit, as they are sometimes

withdrawn without reason; and to suppose that I should say any thing with the view of obtaining the shouts of the multitude is incorrect. The extraordinary length to which this trial has been protracted, renders me unable to say all that I might have said on the present occasion, in support of the prosecution—from that circumstance, added to the lateness of the hour, I shall decline adding more than the expression of my thanks for the patient indulgence with which I have been heard by his lordship and by you gentlemen of the jury; I shall only add this one observation, the eyes of the united kingdom are upon you.

LORD ELLENBOROUGH'S CHARGE.

Chief Justice. "Gentlemen of the Jury. This an indictment for a conspiracy, which charges the commission of an unlawful act by unlawful means—namely, to charge colonel Wardle with a debt, which of right did not belong to him, being in fact, contracted by and due from Mrs. Clarke, and for which it is averred in this indictment, he had never made himself responsible. The indictment is against three persons, all of whom, on different occasions, namely, two as witnesses, and the third in an answer in Chancery, have sworn to the facts, which, in this indictment, are averred to be false. What has been sworn to by the witnesses on the former trial, has been confirmed by the answer in chancery of the third person in this indictment, Francis Wright. The defendants might all have been indicted for perjury, which, in truth, is the *correct* course that ought to have been pursued, and I am not a little alarmed at this new measure of combining, in one charge of conspiracy all the witnesses to a transaction, respecting which they have given their testimony on oath, indictment for conspiracy, in every case, has this *hardship*, belonging to it, that it deprives every individual included in such indictment of the power of calling those as witnesses who are combined in the indictment. If witnesses, instead of being questioned, and having their credibility impeached, should be thus combined in one aggregate prosecution, and stripped of the advantage of the evidence of each other, it is a *hardship* of the most severe nature, and which I shall be very sorry to see imposed again.

It is true you have heard the evidence to which they swore on the former trial read, but we all know the disadvantage under which such testimony lies when compared with oral testimony given at the moment. Daniel Wright, who seems to have no manner of connection with the accusation, is stripped of every means of proving his innocence, and involved in one common accusation in the general charge of conspiracy. It certainly is legally competent to do so; but I do hope, that in future such cases may be tried, so as to give the parties the fair advantages usual in such cases. With respect to the testimony given by the two witnesses on the former trial, you must give it the same credence as if it were now sworn before you, otherwise the defendants can be considered in no other light but as being delivered bound and fettered into the hands of the prosecutor. *I beg to be understood that my observations on this point apply to cases in which there are other remedies, but not to those where there are none.* Mr. Wardle positively denies, in his examination, any such promise as was sworn to by the witnesses on the former trial, or indeed any *specific* promise whatever.

There has been much stress laid on the first sum of money given by Mr. Wardle to Mrs. Clarke, and very justly. The learned advocates for the prosecution has complained of this, because it had been the medium through which much imputation had been cast upon his client's conduct. If the 100l. given to Mrs. Clarke before they went to view the Martello towers, was not given to her with a view to get her testimony, yet if it had appeared that such a sum had been given to her—paid to her when she was going out of town—and that 20l. were given afterwards, that would have impeached her testimony in the House of Commons, where she gave it; and if it had been before a court of justice, and she had sworn untruly, it would have subjected the party so giving the money to an accusation of subornation of perjury. And gentlemen let me ask you what was that the 500l. but a *bonus* for testimony? I know of no other name by which it can be characterized. Whether it be necessary to his fame, his interest, or his popularity, the man who gives witnesses money, acts corruptly. You are to take it that her testimony with respect to any promise is fully denied by Mr. Wardle. The next part of her testimony is, that she introduced Mr. Wardle to Dr. Wright,

saying, "This is the gentleman who is to furnish my house." (Here his Lordship read Mrs. Clarke's evidence, from the notes taken on the former trial). Now you have unquestionably heard to-day, that Major Dodd and Mr. Wardle deny, not merely a part, but the whole of this witness's evidence. It is, however, very difficult to conjecture, why they went at all with Mrs. Clarke to her upholsterer's;—for if a man does not go with a view of being the *paymaster*, it is certainly a dangerous situation for a man to trust himself in. By both their accounts, they were there near three quarters of an hour. They had certainly at that time, got from her what they wanted: and if there were a period of remuneration, that, doubtless, was the time; for, it is to be remembered that she was yet to be exposed to a scrupulous examination before a committee of the whole House of Commons. And although it might not be expected to last so many nights, it was a most serious and formidable ordeal for a female to pass through. Is it likely that a woman, embarking in an expensive establishment, could appear with great *eclat*, if she had no money, nor yet the expectation of money? If no money had antecedently passed between her and Mr. Wardle, or even subsequently—or if there had been no money dealings, no loan of 500l. it would then be a very strong case, the endeavouring to fix on a gentleman, who calls with a lady at an upholsterer's shop, a responsibility for what may, at that time be ordered. But here you have a person who gives her 100l. and afterwards 20l. and then an acceptance to meet the 500l. paid by Mr. Illingworth's acceptance to Mr. Wright. He, in fact, advanced 5 or 600l. These are circumstances which embarrass probability, for when a man puts himself against three persons, whose mouths are padlocked, it is impossible not to look at what is said with great caution. I put a question, whether the circuitous mode in which the 500l. was raised for Wright, was not singular? What was the meaning of the transaction being so managed, was it not for the purpose of concealment? Can the answer that was given, be received as satisfactory? What was the purpose of this triple security? Why should not Mr. Wardle have given, with his own hand, a promissory note, or an acceptance to Wright? And yet, he says, it was not with a view to concealment! You must weigh these things deliberately—you must construe these things accurately. What, is it

possible it could be done for, if it was not for the purpose of concealment? I asked another question, the answer to which was certainly magnificent—but only so. I asked what was the inducement of Mrs. Clarke for going on with her discoveries? "I don't know, except to do the public good." What, was it only with a view of being the benefactress of her country? Good God! Can that be true? All these matters are for your consideration, in whose bosom must reside the decision of these issues. Where three people are manacled together and fettered, will you not expect a prosecutor to be

Omni exceptione major

Is Mr. Wardle in that situation? The next witness is major Dodd, who states himself to have been high in the confidence of a noble duke who sits near me. He states himself to have been desirous of assisting Mr. Wardle in his inquiry, and admits, on his cross-examination, that he conversed with him on the subject frequently. His royal highness, he says, disapproved *in toto* of what was going on respecting his royal brother, yet he, major Dodd, the secretary of the duke of Kent, knowing of this, had held common counsel with those who were meditating his exposure. Is this according to the ordinary operation of human affections? There is a third gentleman, and they all go together into the country with Mrs. Clarke, and in the intervals of the gratification of their examination of the objects which they professedly went to see, they are taking notes for the evidence of this woman. This gentleman not only takes that evidence, but he takes what common feeling might not be supposed to allow any man to take; he takes anecdotes of private life, which, in the incautious moments of unguarded confidence, had been communicated to this woman, respecting that family to whom we should on every principle look up, instead of which he treasures up anecdotes, and as it were fattens on the *offit* of their character. Is this a man who comes so morally recommended that you will believe him against three persons so manacled? As to the receipt given by P. Wright, I think it is liable to some objections: the tenor of it is, the acknowledgment of receiving "500l on account of household furniture, delivered to

Mrs. M. A. Clarke, at No. 2, Westbourne-Place." "his, it must be recollected, is the language of Wright himself; but he must have given that receipt on the chance of its being returned the next day, if the terms of it had been considered as objectionable by Mr. Wardle. This is a case on which, considering the great moral danger to which the defendants are exposed, your judgments ought to be exercised dispassionately and freely, independent of every previous consideration. And although I have a high opinion of the talents of the learned gentleman who opened the prosecutor's case, and augur much of his future prospects in this court, I think he brought forward unnecessarily the names of some persons who do not appear to have any connection whatever with the cause. The name of the *earl of Chichester* was so introduced, as having paid 10,000l. for the purpose of paying for the letters. If it were true that this sum was paid, as has been intimated, it were a most grievous crime, but not a shadow of evidence has been adduced on the subject, nor could any such evidence be received here. The allusion to the displacing of officers, who should dare to come forward, and the allegation of their ill usage, is also reprehensible. The learned counsel knows that such a subject could not be gone into here. I should lament these circumstances more than I do, were it not that I am sure you will discharge from your minds what has been said on those subjects. Daniel Wright was asserted to have been a partner, but, to that fact, not a particle of evidence was adduced—it, therefore, ought not to have been mentioned: there was, indeed, one William Wright who had, I believe, been a partner with his brother Francis. There was, likewise, a topic of inflammation which has not been at all cleared up—who that "*Juggler*" was, I do not know, he has not been since mentioned.

The witnesses, whose evidence I have stated, are the principal ones on both sides, who have spoken to the facts; I cannot help saying, that this is a complicated indictment. I dare say the Attorney-General has exercised a very sound discretion in calling Mr. Stokes, but he certainly might have been called at the last trial. The evidence which he gave is, to be sure, such as a man would at any time give reluctantly. He was, in fact, the confidential depository, in some

degree, of Mr. Wardle, as well as Mrs. Clarke. With the exception of his evidence, the oral testimony to-day is all on one side, and the defendants are, therefore, obliged to fight with all their might to avoid the *peiting* of that testimony which is given against them. Mr. Stokes has stated a conversation with Mr. Wardle at his own house, in which he says, he dissuaded Mr. Wardle from calling him to the bar of the House of Commons, lest he might be compelled to disclose what he knew respecting the furnishing of Mrs. Clarke's house. He produces two summonses from the House of Commons, and a copy of a letter to Mr. Wardle, and his answer, which corroborate a part of his statement; and he says, that he told Mr. Wardle that Mrs. Clarke had informed him she was to derive advantages from her communications. He adds, that during his visit, Francis Wright came to the door of Mr. Wardle's house, and that he dissuaded Mr. Wardle from seeing him—"for," says he, "I can excuse myself under my privilege, as Mrs. Clarke's attorney, but they will get every thing out of him, as he has not the head to evade it. Stokes says positively, that he has not the least doubt of Mr. W. speaking to him at that visit of the furnishing of Mrs. Clarke's house. The learned counsel for the prosecution then pressed that Mr. Wardle should be examined again, which I think was very fitting, and he was examined. If Mr. Wardle did not mean for ever to take leave of his senses, and of all pretension to character, he could not do otherwise than deny some part of what Mr. Stokes had said. He was in court while he gave his evidence. He does not recollect what was the reason that Mr. Stokes was not examined, but thinks Few's examination rendered it unnecessary. He does not say, negatively, that Mr. Wright did not come to his house, but his testimony grows stronger towards the close, and he positively denies Stokes ever having said any thing to him, or he to Stokes, on the subject of furnishing Mrs. Clarke's house.

—You have now the substance of the evidence. As to the little matters of taking the house in Holles-street, the transaction with Mr. Curt, they are but trifles in this cause. The insurance is another circumstance but that I consider as a mere irregularity of the parties, who made a foolish insurance, on which they

could not have recovered. The main substance of what you have to consider is, whether you will believe now three persons capable of being contradicted at the time they gave their evidence, by two of the witnesses that you have heard this day. The substance of the testimony which those three witnesses gave, was known, and the two witnesses might, at that time, have been called, for they were present, at least they were in the hall. What does Mr. Wardle say to this? Why that on hearing something that was said, he wrote a note first with a pencil, but thinking that unsafe, he ran into the tavern, and there wrote a note, which he sent by another person. Now had Mr. Wardle, instead of doing this, only made use of his legs to bring him into court, no mistake or misconception could possibly have happened. But why was not Mr. Corfield, his former attorney, called. In his letter, addressed to the people of England, he certainly does lay the blame on his counsel. It has been also stated by one of the defendants, on the former trial, that a day or two before that trial, Mr. Wardle intimated, by his attorney, a disposition to compromise that action, and that he also menaced Mrs. Clarke, in the event of her refusal, with being cut up, upon her cross-examination, by the learned serjeant who afterwards conducted that defence. Why not bring Mr. Corfield to disprove that evidence? The case, therefore, has not *then*, nor *now*, received all the proof of which it is susceptible; and, in a complicated indictment like this, it is not proper to wave or decline any evidence that can be produced. It is now your province to view the whole of the evidence that has been produced. You have three persons accused before you, who must look with intense anxiety to your decision; and though you have only their written evidence, yet, as in the case of an indictment for perjury, you must think those persons are before you, and delivering that testimony. And although the witnesses against them must have been more numerous in the case of perjury than here, you have testimony of the three persons, shackled and manacled as it is by this indictment, they are accused of conspiring, and are called before you for the supposed falsehood of what they have sworn. You must, therefore, as far as you are able, combine together all the probabilities of the case, to enable

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you to form a correct judgment on this most important case. Is it likely that Mrs. Clarke should have gone on, but under strong inducements from Mr. Wardle? I say he gave a bribe, which he ought not to have given. Money ought not to be given to a person about to be examined. Then there was the loan,

which was also an improper influence. You will now, gentlemen, consider your verdict, this important issue is in your hands, and I have no doubt that you will do justice between the parties.

The jury, after a consultation of about ten minutes, returned their

Verdict—NOT GUILTY.

FINIS.