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THE
S U B S T A N C E
OF THE
S P E E C H,
DELIVERED BY THE
RIGHT HON. SPENCER PERCEVAL,
IN THE
House of Commons,
On the 8th and 9th of March, 1809,
IN THE
DEBATE ON THE ENQUIRY INTO THE CONDUCT
OF HIS ROYAL HIGHNESS
THE DUKE OF YORK.
FROM THE
NOTES OF A SHORT-HAND WRITER.
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1809.

THE
SUBSTANCE
OF THE
SPEECH, &c.

MR. SPEAKER,

THE attention which I have felt it my duty to give to this most important case, during the whole progress of the enquiry, made me anxiously desire to seize the earliest opportunity of submitting my opinion upon it to the consideration of the House; and I should, Sir, unquestionably have presented myself to your notice, as soon as the Honourable Gentleman, who opened the debate, sat down, if I had not seen my learned friend (Mr. Burton) prepared to address himself to the House, under circumstances which could not but make me as desirous to give way to him, as they must have made the House anxious to hear him. I felt, Sir, that his situation, so perfectly unconnected with party, his judicial character, his experience, his years, every thing, in

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short, which does exist in him, and which I am sensible is wanting in myself, entitled him justly to the previous attention of the House. If I had intervened, and disappointed his wish to deliver his opinion at that time, the fatigue and exhausture arising from a protracted debate, might possibly have disabled him from addressing us at all, and the House would have had to lament the loss of all that light and instruction, which it has derived from his speech; a speech, Sir, which I will venture to say, considering the nature and object of our enquiry, and considering the weight and authority of my learned friend's opinion upon such a subject, was one of the ablest, most impressive, and most seasonable, which could possibly have been offered to our attention.

Although my learned friend has anticipated many of those topics, on which I should otherwise have thought it my duty to have troubled the House at considerable length; yet the great variety and importance of the materials on which our judgements are to be formed, will, I fear, still oblige me, however desirous of confining myself within the narrowest limits which the extended nature of the subject will admit of, to trespass to a great extent upon the patience and indulgence of the House. I should, therefore, be guilty of as great imprudence with a view to the interests of the cause, as of injustice to the House, if I were to waste any time in apology or unnecessary prefatory observations. I will, therefore, endeavour to bring the attention of the House directly and immediately to the important subject and substance of the question.

In order to do this with any useful effect, it is necessary that gentlemen should cast back their recollection for a few weeks; that they should recall the *manner* in which the question now before us was originally intro-

duced, and compare it with the state in which it stands at the present moment. I entreat the House, Sir, to lend its patient attention to this review: I will afterwards proceed to explain the light in which the case presents itself to my mind; a light, which if it be the true one, will lead us to the adoption of sentiments and proceedings very different, indeed, from those which have been proposed by the Honourable Member, who stands forth the accuser of the Duke of York.

The House, Sir, will recollect, that when the charges were first brought against His Royal Highness, they were opened as charges of GROSS CORRUPTION. The Honourable Gentleman undertook to prove, and personally pledged his character to this House that he would prove, that His Royal Highness had been guilty of BASE, PERSONAL CORRUPTION;—not, that he had been guilty of any neglect of his official duties; not, that he had been deficient in that attention, which their importance and their extent required; not, that he had been guilty of moral irregularities, of indiscretions, or of any offences of a more private nature, or of a minor character;—but the charge against the Duke of York, was a charge of CORRUPTION; *corruption*, base and infamous in any man, doubly base and infamous in one of so exalted a character, and so eminent a station. It was on that ground that the Honourable Gentleman recommended this enquiry to the House, and it was on that ground that the House adopted it. Upon such a charge, Sir, when once made against such a character, I cannot doubt but the House will feel it their indispensable duty, to pronounce a direct, a decided opinion.—Is he, (aye or no,) upon the charge of corruption, guilty or not guilty?—that is the question proposed to us,—the question from

which we cannot shrink—the question which we must decide.

Such a charge having been brought against any individual,—the highest in the kingdom or the lowest, no matter which; a charge involving every thing dear and valuable in honour, in interest, in life; a charge, which, if proved, must condemn him to misery, degradation, and infamy, for ever; would it not be due to any one, and is it not due to the Duke of York; nay, is it not due to the public; is it not essential to the honour and character of this House,—that they who have distinctly received and entertained such a charge, should as distinctly and unequivocally dispose of it? To the public, Sir, it is unquestionably due: for if the view of the Honourable Gentleman (Mr. Curwen) who spoke last, is correct; if there are abuses existing, such as those which are described by him, and which are charged by the Honourable Mover of this enquiry; it is the important, the essential duty of this House to hunt out those corruptions, to drag them forth to public view, and to public resentment, and, bringing the guilty authors of them under the lash of those laws which they have violated, to subject them to the punishment and disgrace which they have so justly deserved. But what is the course which the Honourable Gentleman prescribes? He made his charges openly, fairly, and manfully: does he support them fairly and manfully to their conclusion? The address which he proposes appears to me to be no less inconsistent with the manner in which the Honourable Gentleman preferred the charge, than the adoption of it would be disgraceful to the House. Can it be gravely proposed to us; that we should conclude our long and laborious enquiry into this important subject, with an opinion which we affirm with hesitation, and almost retract as soon as we affirm it? Can it be seriously intended that we

should state, not that, in plain language, the accusation of corruption is specifically established,—not that it is impossible these corrupt practices could have existed without the knowledge of the Duke of York; but, as if the truth or falsehood of that allegation was a matter of indifference, that, whether they existed without his knowledge or with it, it amounts practically to the same thing; the conclusion must be still the same; and this house must equally in either case address the King to remove him!

Can the Hon. Gent., can any man in this House, really think it consistent with our character, thus to leave this great question of corruption, this question of such high guilt or innocence, undecided? It might be true, indeed, that after acquitting His Royal Highness of the charge of corruption, after absolving him from that base, despicable, and detested crime; we might yet find some instance of neglect of duty, some circumstance marking a want of attention to the interests of the public, some offence of a lighter dye, more or less, even of a public nature, which might appear still to require the censure of this House, and still to call for his removal from office. But would this address be a proper mode of proceeding in such a case? Shall we, if in our deliberate opinion His Royal Highness is not guilty of corruption, act as the Honourable Mover would recommend us? Would the House in the case of any individual, will it in the case of the son of our Sovereign, a servant of the public, who has so ably and so usefully served his country during the fourteen years in which he has presided over the army; who has done so much for the comfort of the soldier, and for the interests of the meritorious officer; who has improved the condition of that army; who has brought it to a state of discipline and perfection unprecedented in any period of our history; who has made it, as

it now is, the dread of our enemies, and the admiration of the world; will the House, I say, Sir, act against him upon the principle of this address? against him especially, who is proved by such unanswerable testimony to have adopted such strenuous measures for the suppression of those very abuses which he is accused of having connived at; who has devoted so much attention to the reformation of the system which he is charged with having abused; and whose regulations have in every instance tended to preclude, beat down, and destroy those very practices, the commission and concealment of which are charged against him, as his crimes? Will the House, against *him*, proceed upon the principle of this address, and, leaving it matter of doubt whether they find him guilty or not guilty of the main charge, insist upon his removal without ascertaining the grounds of it? Is it not due to this Royal Person, would it not be due (I repeat) to any man, is it not essentially right in itself, that you should not thus dismiss him from the high and important post which he fills; leaving doubtful in his own mind, doubtful in the mind of his friends, doubtful to the present age and to the latest posterity, whether the offence of which you thought him guilty, was some neglect of office, more or less excuseable from the weight and multiplicity of the business which belonged to it, or the grossest and basest corruption which ever degraded a public character, or dishonoured a man. I say, Sir, the grossest, and basest corruption, which ever degraded or dishonoured a man;—for there is no character of infamy which can be given to the offence, if proved, that I would not be ready to ascribe to it; there is no character of degradation or disgrace, that does not attach to it. There is nothing—no,—nothing that belongs even to the witnesses who have appeared at your

bar, which would not be virtue as committed by them, when compared with the crime of the Duke of York, if their evidence against him is true. But if the crime of the accused personage would be so greatly aggravated by his rank; are we not to take into consideration also what is due to him, or rather what is due to the public, on account of that rank? Let us recollect who it is that we are called upon to dismiss from our bar and send forth into the world with a doubtful character; let us recollect that it is a person not only high in office and in rank, but one whose birth places him so near the crown, that events, however much to be deprecated, yet quite within the reach of possible, nay, almost probable occurrence, may one day call him to the throne itself. Shall we then, with such a possibility before us, leave it doubtful and uncertain, whether this high Personage has or has not, in the opinion of this House, been found clear of all public guilt, or has been disgraced by the lowest and most infamous corruption? I am sure there is not an honest or just feeling in the House, that will not go along with me in condemning and deprecating so unfair, so timid, and yet so dangerous a course; a course which would for ever disgrace and destroy the character of this House in the eyes of the country. The charge is unquestionably one of the most serious that has ever been submitted to the consideration of Parliament. And shall it, upon such an occasion, upon so solemn, so important, so momentous an occasion, be said, even if those who introduced such a charge shrink from the task of executing their full duty upon it, that this House has shrunk from it, and that our proceedings were marked with the mean endeavour to dispose of it by a measure framed with complicated ambiguity, or rather with an insidious alternative, as if for the mere purpose of picking up some of the straggling

votes of those who, not agreeing with the accuser as to the nature and extent of the offence, may yet concur, from any other motives, public or personal, in desiring the removal of His Royal Highness from his office? If the Honourable Gentleman had continued to be actuated by that feeling which originally impelled him to come forward in this business, he would certainly never have proposed to the House the address which we have heard from him. The Honourable Gentleman has yielded to other counsels, or he would not thus have frittered down his charge. "Whether his offence amounts to corruption or not, let the Duke of York be removed," is no language of his! No, Sir, if that Honourable Gentleman had consulted his own manly feelings on this subject, he would have scorned to offer such a proposition to the House. But the Honourable Gentleman has mixed himself with others in counsel; he has advised with cooler heads, heads that mean more than he means, and more than they will let him know. I can hardly be suspected of any solicitude to go out of my way to compliment the Honourable Gentleman, but I must declare, in fairness to him, that I have too high an opinion of his honour and his spirit, to believe that this measure, which he has proposed, is his own.

Sir, I am almost ashamed of having pressed with so much earnestness, and at such great length, the impropriety, and, as I conceive, the positive absurdity, of the address as moved by the Honourable Gentleman. But the importance of taking a right view of it, seems to me to be so great, that I trust it may be received as my apology.

It now, Sir, becomes my duty to explain to the House, the course which appears to me to be the most proper to be pursued on the present occasion. In the first place, Sir, I conceive it to be absolutely and indispensably

necessary that we should come to a direct decision upon this question, whether the evidence against the Duke of York, does or does not establish against His Royal Highness the charge of personal corruption, or connivance at corruption? I add, "or *connivance at corruption*," because no man can entertain a doubt, that, in point of moral guilt and turpitude, it would be, especially in such a case as this, the same thing, whether His Royal Highness be guilty of direct corruption by his own acts, or, of knowingly permitting it to have been practised through his means by Mrs. Clarke. I shall therefore tender an amendment to the Honourable Gentleman's address, converting that address into a resolution, which shall declare decidedly the sense of the House upon the question of guilt. This resolution, whatever should be the fate of it, will leave us at full liberty to determine what course it may afterwards be proper to pursue—a course which must naturally be governed by the nature of that opinion which the house shall form and pronounce on the substance of the charge. If they should think the Duke of York guilty of corruption, I cannot hesitate for a moment to believe that they will think it necessary to impeach him. But though they may think him not guilty of corruption, there may be other matter discovered in this evidence, which will call for notice and animadversion; and which may, in the opinion of some persons, call even for punishment.

But if it were possible that the address of the Honourable Mover could be adopted, what would then be the duty imposed upon His Majesty? What would His Majesty under such circumstances be compelled to do?—Would he not have to do this;—Not to enquire himself whether the alledged abuses and corruptions existed; not to say whether the removal of the Duke of York from

his high office, would be sufficient atonement for his offence; but, to direct his Attorney-General to institute a public prosecution against him. But, Sir, is there any man in this House who would consent to impose upon His Majesty such a duty as that of directing the Attorney-Gen. to prosecute the Duke of York at the Old Bailey or at the King's Bench? Is there a man in the House who would wish to impose on His Majesty so painful a sacrifice of his parental feelings? And are we to adopt an address which might lead to such a course, "*out of delicacy and respect,*" as the Honourable Gentleman expresses himself, to His Majesty? But, independent of considerations so delicate, would it be justifiable, would it be consistent with the dignity of this House, to impose upon the King that duty which, from whatever motives, we are afraid, or decline to perform ourselves? Shall we leave to His Majesty to say that which we ourselves have not the courage to pronounce? Clearly not. On the contrary, if the conclusion to which this House shall come upon these charges, is, that the proof is sufficient for this House to entertain them, the result ought to be, and must be, to send them ourselves, to the bar of the House of Lords; and, by the constitutional and appropriate proceeding of impeachment, to put the Duke of York upon his defence, and upon his trial.

In my judgement, sir, the Duke of York is not guilty of corruption or connivance. This is the opinion which, in my judgement, we are imperatively called on by the justice of the case, to pronounce. If that judgement is correct, we ought to say so; we ought to declare unequivocally, that this House sees no ground for charging His Royal Highness with corruption, or with connivance at the practices which have been disclosed at our bar. Such, Sir, is the opinion which, after the most deliberate and most

anxious consideration of all the evidence, and all the circumstances of this important case, I have conscientiously formed in my own mind. I will now proceed to explain to the House, the grounds upon which that opinion is founded:—

I ought, however, before I proceed farther, to state, as a justification of some early expressions of my own on this case, that I certainly did, (I do not hesitate, Sir, to confess it,) I certainly did come to the examination of the conduct of the illustrious person, now under accusation, strongly influenced by that desire, which the Honourable Mover of the address himself expressed, and which he now says he believes to have been universal in this House, that His Royal Highness should be exculpated and cleared from every imputation of blame. But, I must say further, that I came to it with every prejudice against the truth of the accusation. I have certainly long cherished the opinion, and still cherish it, that whatever may be the opinion of persons out of doors—whatever may be the language of pamphlets and libels, published and circulated with malicious industry, for the infamous purpose, not merely of destroying the character of His Royal Highness, but, through him, of exciting sentiments hostile to the family on the Throne; (the effects and prejudices of which libels, are now operating strongly against His Royal Highness, both within this House, and out of it), I say I had formed the opinion, notwithstanding these attempts to poison the public mind, that there never was a period in which there was less ground for the suspicion of personal corruption in persons, either illustrious by birth, or exalted by rank, office, and station, than the present moment. The age has its vices, no doubt, and persons in high rank are not exempt from them. But the vice of pecuniary

corruption in the higher ranks of society, is not (on my conscience I state it) the vice of the present day. [*Hear, hear!*] I am glad to find that there appears to be a general concurrence in that sentiment; but, Sir, let me ask, if gentlemen concur in this opinion, and do think that such is no more than the fair testimony due to public characters; that such is the honest result of their observation on the conduct of public men at this day, is it fair dealing towards public men, or towards the public itself, for any object of popularity, or any purpose of party, to give countenance to the idea, that the abuses falsely charged against public men in these vile publications, do actually exist? Sir, I do contend, that nothing can be more mischievous, than to give to the false, slanderous, jacobinical publications, so profusely and malignantly disseminated, that sort of encouragement which the Honourable Gentleman who spoke third in this debate has done by his speech. I am confident that the Honourable Gentleman has no other ground of evidence for his assertions, than what is contained in those libellous pamphlets and publications themselves, the malice and venom of which, such assertions as his must necessarily inflame and extend. These prejudices, which I have thus avowed, were undoubtedly strong in my mind; and as they were strong generally in favour of any public men, so does it appear more particularly improbable to my feelings, that such charges could apply to one in so peculiarly elevated a station as that of the illustrious Person now the subject of our enquiry. I never could bring my mind to believe, that for so mean and despicable a consideration (for the whole amount of Mrs. Clarke's iniquitous gains, according to her evidence, does not much exceed two or three thousand pounds), His Royal Highness should have lent himself to this base conspiracy against the publi-

interest, and the interest of the army; that he should have assisted Mrs. Clarke with the power of his official situation; that he should have become a partner in her infamous schemes; that he should have so humbled and degraded himself, as to have rendered his rank, and influence, and authority, subservient to her designs; and that he should so far have forgot what was due to his birth, his family, his own character, and to the public, as to have told this abandoned woman, (for such is her evidence,) pointing out to her these corrupt practices as the sources of pecuniary supply, that "if she was clever, she could never want money;" and that he should have done this for the purpose of feeding and supporting the expence of their adulterous connexion! [*Reiterated acclamations of Hear, hear!*] Sir, I hardly understand that cry—Is it that any Honourable Gentleman imagines that, in using an epithet to characterize the unfortunate connexion between His Royal Highness and Mrs. Clarke, in appropriate language, I have inadvertently slipped into a censure which I should wish to retract? Does any Honourable Gentleman, who hears me defending his Royal Highness from a charge which I feel to be false, imagine, that I am therefore here to defend vice, or to palliate it with epithets that may disguise its character? Nothing, Sir, can be farther from my intention! I lament, I deplore as deeply as any man can do, the errors, the moral guilt into which, in an evil hour, His Royal Highness suffered himself to be plunged, by his infatuated attachment to this most profligate woman. I will not, out of delicacy to him, withhold any censure which it may be due, and becoming for an individual in this house to pronounce upon it. But surely, Sir, it is not inconsistent with that sentiment, and with that determination, to suppose that he cannot have been guilty of such a de-

parture from the duties of his public station; that he cannot so far have forgotten the consideration of every thing dear and valuable to a person of his exalted birth, (for the higher a man rises in society, the more must he feel the value of character, and the importance of public opinion,) as to have so degraded, so debased himself, as to have become the willing instrument of Mrs. Clarke and her associates. Under this impression, I confess, that every prejudice in my mind was against the idea that His Royal Highness could be personally implicated in the practices pointed out by these charges. I certainly had the means of knowing that corrupt practices did exist, with regard to the sale of offices, though not by persons in office, or in government, but under the assumed and pretended authority of government. I had recently directed my endeavours to detect and to pursue them in one instance, in which I had been furnished with a clue to them. I knew there were low and mean persons, who, pretending to possess an influence in disposing of public employments, civil and military, carried on a lucrative traffic by means of the delusions they held forth to the public. But I knew at the same time, that, at least as far as respected those civil offices and places under government, with which I had any means of being particularly acquainted, their pretensions were wholly false; and I did consequently believe that such would, eventually, and in proof, turn out to be the fact in the case of the Duke of York; I thought that His Royal Highness, whatever might be disclosed in the course of the enquiry, would be proved to be as far from having been personally concerned in any of the transactions relating to such corrupt practices, as I am myself. To return however to the charges:

There are two very distinct questions, upon which the opinion of this House must be pronounced. The first

question respects the guilt or innocence of the Duke of York; and the next, the proper mode of our proceeding, after having decided upon that question. These are two questions in their natures perfectly different. The one I take to be a question of a purely judicial description, upon which we are bound to give our judgement with all the conscientious severity of judges. The honor, the justice of this House requires that it should, according to the true impression made by the evidence upon our consciences, decide the question of guilt or innocence; but as to the other question, it involves many grave considerations of political expediency, which the House, if it duly regards the interests of the public, must take into its consideration. Supposing the House should decide, as I think it must, that His Royal Highness has not been guilty of corruption or corrupt connivance, it must still upon the next question, contemplating what is due to the interests of the public, consider what ought to be the degree of censure with which it should mark its displeasure, at the transactions which have been exposed, and what practical measure it shall in consequence adopt.

Trusting that the House will keep in mind these two questions, and the plain distinction which exists between them, I think it will be useful, with a view to simplify and disembarass our enquiry, distinctly to admit those parts of the case which I conceive to be indisputably proved.—That His Royal Highness had formed a most intimate and unfortunate connexion with Mrs. Clarke, cannot be denied, and must ever be lamented; that Mrs. Clarke was, during the continuance of this connexion, concerned in most corrupt transactions cannot be doubted; and that she has continued in the practice of them ever since that connexion was dissolved, is also clear, and ought never to be forgotten; the question in dispute, is,

whether His Royal Highness was privy to these transactions? did he authorise them? did he countenance them? did he connive at them? These are the questions which we must determine.

It must be further admitted, that if Mrs. Clarke's evidence be believed, there is nothing wanting to the complete conviction of the Royal Duke—the case, as against His Royal Highness, is indisputably established in all its deepest aggravation. If her evidence be credited, it is not a case of neglect of duty, it is not a case of any minor fault, it is not a case even of connivance on the part of the Duke of York; but it is a case of the basest corruption in his own person,—corruption of the foulest nature, originating in himself. If she can be believed, it must be admitted as a matter of direct proof, established by her evidence beyond the possibility of doubt, that the Duke of York, and not Mrs. Clarke, was the first adviser of these most criminal and disgraceful transactions: it must be taken as proved, that this Royal Person, the son of our virtuous and beloved Monarch, was so abandoned and lost to every sense of what his duty and his station prescribed to him, that when his mistress represented to him her pecuniary distresses, he pointed out these practices as the means of relieving them; he told her that, “if she was clever, she could never want money;” that “her influence was greater than that of the Queen;” and that by the judicious employment of that interest, she would preclude the necessity of recurring to him.

It is evident, therefore, that the examination of the guilt or innocence of the Duke of York, must open with the examination of the credit which is due to Mrs. Clarke. There may possibly be doubt in some minds, although I hesitate not to declare that there is none in mine, of

the *innocence* of His Royal Highness, though the evidence of Mrs. Clarke be not credible; but there can be no doubt of his *guilt*, if she is believed. An attentive consideration, therefore, of all the various circumstances which affect the credit of this very suspicious witness, is our primary and indispensable duty.

In the first place, the House will not fail to observe, that Mrs. Clarke presents herself at the bar in the questionable character of an accomplice, or rather as a principal in the guilt which she is called to detect. Upon this point, Sir, I need do no more than refer to what has been so well and ably stated, by my Honourable and Learned friend (Mr. Burton) behind me. You have been told by him, that, as an accomplice, you ought not to confide in her testimony, or to give the least credit to any thing she said, unless so far as she may be confirmed by the evidence of other witnesses, whose characters are not open to that suspicion of falsehood, which necessarily must attach upon her. Upon the point of confirmation, though a point of infinite importance to be well understood in such a case as this, it cannot be necessary for me, after the manner in which the subject has been treated by my Honourable and Learned Friend, to go into any length of observation to guard the House against being misled to suppose, that they find Mrs. Clarke's evidence confirmed, so as to give credit to it against the Duke of York, because parts of her story are substantiated by other evidence. That her story may be, and is, true, in respect of the corrupt practices, as far as she is concerned in them, is already admitted: those parts therefore, may undoubtedly be confirmed without difficulty, but such confirmation cannot advance the case one step against His Royal Highness: they might have existed whether the Duke of York knew any thing of the

facts or not. The points on which confirmation is wanting, and on which it must be had, before you can convict His Royal Highness, are those which I contend rest to this minute unconfirmed, upon her unsupported assertion alone;—that the Duke of York authorised, that the Duke of York knew of, her practices. For as my learned friend has truly said, if a man has committed murder in the company of another person, and chooses to charge an innocent man with the offence, which was committed by himself and his companion, he will tell truly all the circumstances of the murder, only substituting the innocent man for his guilty companion. His evidence of the circumstances attending the murder, might be correct and true, although as far as respected the party accused of having perpetrated the crime, it would be false. The circumstances of the murder might all be so accurately stated, that they might be capable of confirmation, and if such confirmation was to be supposed to substantiate the evidence of the accomplice, it would bring the proof of guilt home to the individual charged, who yet might be entirely innocent, and every fact which really affected the prisoner (however the other circumstances might be confirmed) would rest unconfirmed and unsupported by any evidence but the accomplice's. The confirmation, therefore, that in such cases must be required, is a confirmation of those circumstances which bring the fact home to the person who is charged with it. Apply this to the case of the Duke of York. Is it not obvious, that, if these corrupt transactions were practised by Mrs. Clarke, without the knowledge of his Royal Highness, she must have pretended to have influence over the Duke of York; that her conduct, that her conversation, that her correspondence must have been framed to impose, both upon her instruments and upon her

Victims, the belief of that opinion? Proof then by other witnesses, or by other means of such circumstances of conduct, conversation and language, would be no confirmation of that part of the story which affects the Duke of York. Those circumstances would be true upon either hypothesis; they are perfectly equivocal as to the main question in dispute: they therefore may be indisputably proved and confirmed, and yet the evidence applying the knowledge of them to the Duke of York, may be utterly, absolutely false, and fabricated by the witness herself.

In regard to the evidence of Mrs. Clarke, I might say, for my own part, that I never, in the whole course of my professional life, saw a witness in a court of justice, who appeared to me so wholly unworthy of credit as Mrs. Clarke. All the circumstances under which she presented herself, compel me to withhold my belief from her. The story she came to detail, and her general character as connected with the transactions to which her evidence related, her manner, her contradictions, her detected falsehoods, made her a witness the least entitled to credit that I ever saw. And here I cannot help noticing an expression that fell from a Noble Lord (Lord Folkestone) upon the subject of Mrs. Clarke's evidence, namely, that in his opinion (so I understood him to state) Mrs. Clarke was an extremely credible witness. Now, sir, if, after the Noble Lord had had the opportunity of seeing Mrs. Clarke, of hearing her give her evidence, of tracing her through all the parts of that evidence, of observing the manner in which she was endeavouring to bring her charges to bear upon the Duke of York, and of representing all she did to have been under the direction of His Royal Highness; if, after perceiving what could not have escaped the attention of the Noble

Lord, that she was obliged to confess, that subsequent to her separation from His Royal Highness, she was still carrying on the same practices, that she was now making use of the name of the Duke of Portland—with whom she had not the slightest acquaintance; as she had formerly of the Duke of York; and that she had the astonishing effrontery to say in this house, that Mr. Maltby was her Duke of Portland;—if, after the Noble Lord had had such an abundant opportunity of understanding the real character of this lady, he could from any cause have been so taken, so imposed upon by her manner and deportment, so won, so fascinated with her blandishments and her charms, as to give implicit credit to her evidence, ought he not to have some little more of consideration for the Duke of York? After all this proof of her deceptions, the Noble Lord is still willing to rely upon her; the Duke of York unfortunately trusted her, when he believed her to be honest, and had had no such opportunity of detecting her character. Cannot the Noble Lord under such circumstances find some charity for an individual who had the misfortune, the ever to be lamented misfortune, of falling into the snare of such a woman? Cannot he conceive, that while she was enjoying his affections, and while he was persuaded to think well of the worthless object on which they were placed, he might be innocently misled by her into statements of which she meant to take advantage; that she might occasionally decoy him into conversation on military subjects, pick up little things of no possible importance, which His Royal Highness might, without any violation of public duty, have published at Charing-Cross; and that all this might have happened without affording any proof that His Royal Highness was acquainted with the purposes to which the information thus procured from him, was to be applied?

Or is it possible that there can be in the Noble Lord, or in this House, such a want of candour or of charity, as to condemn His Royal Highness of this infamous crime, because in some of these conversations His Royal Highness might have told her, without conceiving that he was doing that which was likely to be in the least detrimental to the service, either when Major Tonym's business was likely to be gazetted, whether Colonel French's levy was to go on, or any other circumstance of a similar nature in point of importance, which she might wish to communicate to those whom she meant thereby to deceive?

Permit me now, Sir, to collect all the circumstances of her story, and to examine what it is, as we have it from herself, and from the other evidence before us. She represents herself as having lived under the protection of His Royal Highness; that he prepared a house, and set up an expensive establishment for her in Gloucester-Place; so expensive, that he was not able, without these criminal practices, to provide her with the means of supporting it; that he gave her to understand she might raise money by the sale of commissions, only regulating her conduct by an ordinary attention to prudence, in her manner of doing it; that she did dispose, for money, of military promotions to a very considerable extent, with his assistance; that he afterwards discarded her, and engaged to settle upon her an annuity of 400*l.*, which annuity he subsequently withheld; that she was irritated by his desertion of her; that she threatened to expose him if he did not comply with her terms; and finally, that she has brought him here for the purpose of exposing him. This is the story which is before us, most of it from herself, the rest unquestionably proved by her own letters, and by other witnesses. The story does not tell

very well for herself, and does not sound very probable; it exhibits her as a woman of very immoral and impure character, who, having been connected with this Royal Person, and having been a participater with him to the extent she tells us, in all the crimes with which she charges him, was discarded by him for no reason! Her pension was withheld from her on no just grounds! Does this appear probable upon the face of it, nay, I had almost said, does it appear possible? Is it possible to suppose, that for no sufficient offence on her part, for no other cause than what may be attributed possibly to mere caprice, he should have dismissed her from his affections and society; that he should have settled an annuity upon her which he afterwards did not pay, and that he should have turned her off in a manner so naturally calculated to excite her utmost resentment if she had all those transactions to disclose, and possessed the means of exposing him to the infamy that belongs to their disclosure?—Yet, Sir, all this improbability we must believe, and we must believe it upon the evidence of Mrs. Clarke, or we cannot be of opinion that His Royal Highness is guilty.

An accomplice sometimes is, or appears to be, actuated by a sense of remorse for the crime which he has committed, and disposed to make what atonement he can by his evidence for the crime which he confesses and detects: but Mrs. Clarke comes here as no penitent; she is not inspired by any public feelings which might justifiably have actuated her to disclose to public justice, scenes such as those she has described; on the contrary, urged by sentiments of rancour, hatred, resentment, and malice; with no other object than to disgrace His Royal Highness; at the expence even of herself, she discloses a scene of corrupt practices, which it evidently appears

she has continued to carry on to the present day) and for this part of her evidence we have the words of the Honourable Mover of this enquiry himself): she is, up to the time of this very enquiry, carrying on the same traffic! If she is to be believed, it appears that she put into the hands of that Honourable Gentleman, within these few weeks, letters of recommendation to be signed by other Honourable Gentlemen, with a view to obtain military preferment; that he gave her promises of assistance, though he said his influence would not be of any avail, as he was in the opposition. Within a short time she put into the hands of General Clavering, for the purpose of procuring military promotion, a letter purporting to be signed by a Mr. Sunner, of the Temple, when, as far as we have any proof, there is no such person in existence. This is the sort of witness on whose evidence we are called upon to give up the character of the illustrious Person accused, and to consign him to public infamy and execration! But this is not all: you have in this, an abundant caution against surrendering up your judgment upon the evidence of a witness, whom you see impelled by such motives, and to such an object: But have you nothing else? You have the presumption in favour of the person accused; not merely the presumption of general innocence in favour of the party under accusation, till conviction, but you have the presumption of innocence arising out of the conduct of His Royal Highness; out of conduct which may, perhaps, not be entirely approved. I lament extremely, that His Royal Highness did not provide a larger annuity for Mrs. Clarke, and I think, that what he did give her, should have been unconditional. But although I lament these circumstances, yet I must be allowed on this occasion, and in this part of my argument, to take

advantage of them; for there arises out of these circumstances, a great and insurmountable presumption in favour of the Duke of York. I ask whether any thing can be more inconsistent with common sense, than that His Royal Highness, in parting with a woman who had been a participater with him in such deep guilt, should dismiss her in a manner which must have sent her forth with every sentiment of resentment and indignation against him? No man having any particle of common sense could have done so; and out of this conduct, therefore, there does grow a most irresistible presumption in his favour. I repeat that I lament that a better arrangement was not made for Mrs. Clarke when this unfortunate connection was broken off; but I am confident the House will agree with me, that His Royal Highness having, from whatever circumstance, thought himself called upon to stop the annuity, and Mrs. Clarke having threatened to expose him if he did not comply with her requisition of renewing it, it was impossible, after such a threat, for His Royal Highness to recede from his determination: to have done so would have been most hazardous to his honour. After the letter addressed to Mr. Adam by Mrs. Clarke, it was quite impossible for His Royal Highness, having any consideration for his character, to yield to her demands, if he felt innocent: on the other hand, it is equally impossible that he should not have yielded to them, if guilty. Had His Royal Highness been conscious that this woman really was possessed of these secrets, the exposure of which must necessarily involve his ruin, can it be for one moment imagined that he could have discarded her without first making some attempt, at least, to secure her silence? But perhaps it may be said; that His Royal Highness relied upon her good nature, or upon her honour, as his security, that she

would not divulge them. Did he so? she tells him plainly that she will divulge them. She says in her letter to Mr. Adam, that if His Royal Highness does not give her the annuity of 400*l.* a year, and pay her the arrears, she will publish every circumstance that was ever communicated to her by him, and every thing that has come under her knowledge during their intimacy. Surely then, if the Duke of York is endowed with the smallest possible share of common sense, he must have yielded to her demands, unless, as the fact was, he felt secure in the consciousness of his own innocence. He braves the charge, he defies the exposure which she threatens; although he must have known, that many of the circumstances attending his unfortunate connection must come before the public, he is content that the whole history of their private intimacy shall meet the public eye, rather than suffer his character to be compromised by yielding to such threat: He braves the utmost effects of her resentment and malice, rather than do that by which, if he had done it, he would indeed have put himself completely into her power. Had he been so weak as to have regarded her menaces, (and many an innocent man under similar circumstances, might have done so,) how would her story then have told? how strongly would the payment of her annuity have confirmed it? It would then have been said, that after discarding her for some reason which he deemed sufficient, and which, for the purpose of the argument of his accusers, would then probably have been assumed to be sufficient; he had, for some reason, which would have then been deemed also equally sufficient, refused to pay her the stipulated annuity; that he had declined to do her justice, upon the mere merits of her claim: but, that when she threatened the exposure, which

he must know whether it was in her power or not to make, then he began to be alarmed, then he thought it convenient to purchase her silence, then, from the fear of having his guilt disclosed, he acquiesced in demands which, as his former refusal had demonstrated, no sense of justice had impelled him to regard. Such would have been the inference drawn from the conduct of the Duke of York, had that conduct been the reverse of what it was. I put it then to House, whether candour and justice do not require that the direct contrary inference should be drawn from the conduct which His Royal Highness did pursue?

To pass now, Sir, to another point. It is impossible, in estimating the weight which belongs to Mrs. Clarke's evidence, not to notice that total want of a proper sense of the situation in which she was placed, which was so strongly marked by the whole of her behaviour at our bar:—Her sarcastic insolence, her playful pleasantry—as if there was nothing in her evidence that weighed heavy upon herself; her general cleverness and versatility; the art and wit she displayed in answering those questions which she thought proper to answer; the most unblushing effrontery with which she disclosed things which would have abashed the boldest witness; the mode in which she was continually evading the questions which she wished to avoid; presenting new topics to the examiner; misleading him; turning him beside his object; and at last, when pressed and driven to extremity, sheltering herself in a total forgetfulness.

All this, Sir, must be present to the memory of the House; the House cannot forget it; for they cannot forget the impression which it made upon them at the time: Perhaps, Sir, they might wish to forget, but they cannot but remember how indulgently they tolerated her jokes;

how they seemed to forget her vice in her wit; and be almost reconciled to her infamy, by her manner of displaying it. I dwell upon these circumstances as a caution to ourselves against being misled, to give credit to such a witness. But, Sir, beyond this, let the house in candour and in justice, well consider, if this cleverness was able to impose upon us in public so successfully, what must have been its effects in private? This art and ability which we have witnessed so successful amongst ourselves,—how must they have enabled her to practise on the credulity of a person, not yet apprized, as we all are, of her worthlessness; and biassed and prejudiced in her favour by the affection which he unfortunately indulged for her? How easy must it have been for such a woman as Mrs. Clarke, without any principle of honour or virtue to guide or to restrain her, to impose upon the unsuspecting generosity of His Royal Highness? Can we imagine any thing of deception which such a woman as this, under such circumstances, was not equal to accomplish? How many, how frequent must have been the opportunities of which she might have availed herself, (and how few would she suffer to escape her?) of looking into his letters, and suggesting topics of conversation? Can any one suppose, that if at any time it was her object to obtain a knowledge of any military matter, which there was no public reason to conceal, that she would not, with all the facilities afforded by the confidence reposed in her, aided by her own art and dexterity, easily obtain the information which she wanted? The Honourable Gentleman asked, how was she to have had her information, but from the Duke of York? Let me ask in return, when we see before us the nature and extent of the information which she procured, why should the Duke of York, unless he suspected her object, have the least desire to with-

*Temporarily...
on being...
could have...*

hold it? No man living can say, that in any one instance in which it can be seen that she obtained it, that there was any one reason of public duty, that required it to be concealed; and let me ask again, whether there is any man who has seen this woman at the bar, who will say that, if he had been so weak, so imprudent, so unfortunate, and so immoral, as to attach himself to her society, she might not, without almost any effort of that dissimulation and cunning, which nevertheless must always have been at hand, have obtained from him a knowledge of many things which he might even have desired to have kept secret? Who is there, the most prepared to fling the first stone at the Duke of York, who feels such confidence in his own strength, who will lay his hand upon his heart and say, that in similar circumstances with the Duke of York, he might not have fallen into her snares? That she might not have drawn from him, without any knowledge or suspicion of her corrupt object, I will not say a secret of state, but such trifles as I have already alluded to? For what are the facts, the disclosure of which is to convict the Duke of York with connivance at her practices? The time when Major Tonyn was to be gazetted; whether his business was to go on; and whether second battalions were to be raised instead of new regiments: this is the nature, nay this is the extent of the information which is proved to have been procured from the Duke of York. And is the communication of such unimportant facts as these, to the limited extent, especially to which even that communication has been proved, a violation of public duty, upon which we ought to found so serious a charge? Or does it afford any ground to infer any connivance whatever on the part of His Royal Highness? I have dwelt, Sir, so long upon this circumstance, because I am confident, that, when the evidence

and facts of this case are examined and understood, that this sort of communication is the whole of the case against His Royal Highness; and if the House should be of that opinion, and should feel that such communication was no more than the necessary and inevitable consequence from the existence of the unfortunate connexion with Mrs. Clarke; the whole offence of His Royal Highness will resolve itself into that connexion. In saying this, Sir, I do not mean to justify, to defend, to mitigate the moral offence of that connexion.

I believe, Mr. Speaker, that there is no man in this House, who, upon a retrospect of every thing that has passed, within his own memory, in any way bearing upon the offence of adultery, would feel more ready than myself to admit that His Royal Highness has, by this impure connection, inflicted a deep wound upon his moral character. There is no man who can feel himself, though not led by principles as I profess to be, yet, compelled by consistency, to reprobate such an offence in stronger language, or with severer animadversion than I do. I am one of those individuals, who some time since wished that the legislature should enact a law, declaring adultery a crime. There is nothing in the character of the present times, nothing that has appeared in the records of parliament, or courts of justice, that has in the least altered my opinion upon this subject; on the contrary, every thing that has passed, and is passing before us, in the present session, in this House, and at the present time out of it, has tended to strengthen and confirm the opinion I always have entertained on it. When the bill to which I allude for making adultery a misdemeanour, came down from the other House of Parliament, it had my warmest wishes for its success. I do sincerely wish at this day, that the measure I then supported, had succeeded, and

that adultery had been made, as, in my deliberate judgement, it deserves to be made, a public crime. But it will be recollected how the proposition, when it came to us from the House of Lords, was received in this House. The House will not fail to remember in what manner it was rejected on its principle. It was then argued, that such a measure could only have originated with some fanatical puritans, who plumed themselves upon their own superior virtue. Those enlightened and virtuous persons, as I thought then, who saw that this destructive crime was, with alarming progress, undermining the very foundations of civil society; those wise legislators, who proved their wisdom and their policy by introducing that measure, with the most benevolent views, alarmed as they were at seeing the frequency and prevalence of this offence, and marking the ravages it was making upon the peace and happiness of families, and the shock which it was giving to virtue and morality, the precepts and laws of which it seemed to set at defiance; those persons were stigmatized as puritanical reformers, and too austere censors of the public morals. Unhappily such arguments, or rather such reflections prevailed; and this House rejected the bill. But what will be our consistency? How shall we be able to reconcile our *then* conduct, with our *present*, if now that we have an illustrious individual brought before us, whose offence, (great as I may admit it to be in a moral view,) is that which this house refused to rank as a *misdemeanour*; if now, I say, advantage is to be taken of its higher character of enormity, and it is retrospectively to be punished in the case of this Royal Person, with as everity, and to an extent, which the deliberate judgement of this House, in its legislative capacity, refused prospectively to affix to it? Let us at least attempt to be consistent in our conduct.

Let us not put legislation and judicature so at variance. Whatever may be our desire of punishing the offence of adultery, let us not, by our sentence against an individual, mark that as a crime in him, which we have refused to declare one by our statutes. Let us not, because it occurs in the instance of a person high in rank, visit this crime with public punishment, after having, upon mature consideration, (however erroneous and impolitic in my own opinion,) determined that it should not exist as a public offence. If we do mean to punish it, let us at least give notice to all men of the law under which they are to live; but, above all things, let us not so widely mistake our duty now, as to resolve, because we have failed in performing it on a former occasion, that we should, by way of atonement for our remissness as legislators, make up for it in our judicial character, and heap upon the head of this Royal Duke, the effects of that resentment and indignation which have been excited by contemplating the excess of a crime which our mistaken lenity has increased and encouraged.

Another ground, Sir, on which the evidence of Mrs. Clarke is liable to the greatest suspicion, arises out of the material contradictions, and proved falsehoods with which it abounds. I shall not now enter into them all; many of them will be more properly observed upon, in the course of my examination of the particular cases before us; but there are some leading contradictions and falsehoods in her evidence, so obvious and palpable, that it is fit I should draw the attention of the House to them, in the first instance.

One of these contradictions relates to the fact which she most positively denies, but which is incontestibly proved; that she was desirous of keeping these proceedings a secret from the Duke of York. This fact has

been established by several witnesses. In the first case, the exchange between *Brooke* and *Knight*, you will find the proof of Mrs. Clarke's desire, to insist upon an inviolable secrecy. Dr. Thynne begins by saying, "When I first spoke to Mrs. Clarke, she seemed to suppose there were some difficulties in the way, and she spoke a good deal about secrecy, and the danger she should run if this ever transpired." That is the evidence of the first witness. Mr. Knight's evidence is to the same effect, or rather is still stronger. He says, "She did entreat me to keep it a secret, lest it should come to the Duke of York's ears." He is asked, "Was the fact which Mrs. Clarke desired should be kept secret from the Duke of York, the receipt of the 200*l.* which you sent her;" his answer is, "Yes—she requested that the whole business might be kept secret." The next question put to him is, "Did she express herself particularly, during the conversation, as to the transaction itself?" His reply is, "As to the transaction itself?" Then towards the end of his examination, he is asked, "What expression did Mrs. Clarke use, that you now recollect, which enables you to state that it was not from the public, but from the Duke of York himself, that she wished it to be kept a secret?" He says, "She begged that it might be kept a secret from the Duke of York—I do not know how to shape my answer in any other way."

But Dr. Thynne and Mr. Knight, are not the only witnesses upon this part of the case; Captain Sandon speaks to the same facts; Mr. Corri, Mrs. Corri, and Mrs. Hovenden speak to it. Her conduct, her anxious direction to Mr. Corri to burn all her letters without delay,—and her practice in requiring Mrs. Hovenden to return all her letters, absolutely prove her anxiety on this point.

Now what says Mrs. Clarke? She is asked this question, "Do you recollect expressing a wish lest it should come to the ears of His Royal Highness the Duke of York?" she immediately answers, "Oh no! never." "Or any thing to that effect?"—"Nothing like it." There are such a number of witnesses who positively contradict Mrs. Clarke on this part of the case, that I am sure there is no person, who hears me, who would venture to say, that their testimony does not outweigh that of Mrs. Clarke.

But, upon this evidence, I admit, the Honourable Gentleman has made a very fair remark. He observes, that it was impossible that Mrs. Clarke should require secrecy in the sense here suffered, and with the professed object of keeping the transaction from the Duke of York.—Her undertaking to these people being to use her interference and influence with the Duke of York:—it would mar her own plot; it would be inconsistent with her own story. She wished these persons to believe that she would immediately apply to the Duke of York; could she then be so absurd as to betray an anxiety that her interference should be kept a secret from the Duke of York? This, Sir, would indeed be true, if it were believed, that she let those persons know that she told His Royal Highness what money she was to procure for the influence which she engaged to exercise;—but if the fact was, as I believe it, that she had no such influence, that she used no such influence; she would necessarily be anxious to avoid any part of the transaction transpiring, lest it should reach the ears of His Royal Highness: but what she pretended to these witnesses was, that it was the pecuniary interest which she had in it, which she wished to keep concealed from him. In that sense, it was entirely consistent

with her story, and essentially necessary for the security of herself.

The next point in which she is contradicted, respects her threat to expose the Duke of York, and to this I request the special attention of the House, because here it is, that we are enabled to trace her motives, and discover the resentment and malice, which prompt the whole of her conduct. Mr. Knight says, that when he called on her some time after the exchange had been effected, she told him that unless she could bring His Royal Highness to terms, she would expose him in the manner she was endeavouring to do by her evidence. When Mrs. Clarke was asked the question, she said she never told any body so, except Mr. Adam. She recollects something respecting her letters to Mr. Adam; but she distinctly and positively states, that she never did say to Mr. Robert Knight, that if His Royal Highness did not come into her terms she would expose him. Now I ask the House, whether the credit of Mrs. Clarke is to be set up against the credit of Mr. Knight? He has no motive whatever which can possibly influence him to invent a falsehood; while on the other hand, she has every motive to induce her to do so. The fact stated by Mr. Knight, cuts up and destroys her testimony, and therefore she denies it. Upon this part of the case, then, there is a distinct contradiction, by a witness whose testimony it is impossible any candid or impartial mind, can fail to prefer to the testimony of Mrs. Clarke. There are a variety of other contradictions in the evidence of Mrs. Clarke, with regard to minor circumstances; but I do not think it necessary to go into them. I will merely refer to the circumstance of her denying that her husband was of any trade, in which fact she is pointedly and distinctly contradicted.—(Mr. Whit-

bread intimated across the House, that this was mis-stated.)—If I am guilty of an over-statement, Sir, it is, I can assure the House, unintentional. I am sure that over-statements never can do good in any cause, which is heard before intelligent judges; they not only do not impose where they are introduced, but they cast suspicion over the whole case. The correctness of this statement therefore being called in question, I must, for my own vindication, go into it, with a particularity and at a length which I did not intend: this contradiction stands thus in the evidence.

Mrs. Clarke is asked, "What is your husband?"—Her pert reply is, "He is nothing but a man." "What business?"—"No business." "Was he never in any business?"—"No, his father was a builder; he lives at Kettering, in Northamptonshire." "Was not he a stone-mason?"—"No, he was not—he lives at Kettering with his younger brother—that is all I know of him." Now, surely this House, must be aware what was the evidence of Mr. Stowers, in opposition to this testimony of Mrs. Clarke. Mr. Thomas Stowers's evidence is as follows:—"Did you know Mrs. Clarke before she was married to Mr. Clarke?"—"I did not." "Did you know her after she was married?"—"I did." "Do you remember the time when Mr. Clarke was married to her?"—"I never knew the time." "What business did Mr. Clarke carry on?"—"When I first knew Mrs. Clarke by being wife to Mr. Clarke, he was not in business just at that time; he was a young man." "What business did he afterwards carry on?"—"That of a stone-mason." "Was that soon after his marriage?"—"I cannot speak to that. I did imagine he was married so soon as he had an acquaintance with this lady." "Did he carry on the business of a stone-mason, while she was living with

"him?"—"He certainly did." "For how long?"—"Not less than three or four years." "Was she living with him all that time?"—"As I never visited them, I cannot undertake to say she lived with him all that time, but I conceive she lived with him a principal part of the time." "Had they any children?"—"Not less than three." "Were those children born during the time he was carrying on the business of a stone-mason?"—"Some of them were." "Where did Mr. Clarke live at the time you are speaking of?"—"The first part of the time he lived in chambers at Hoxton—then he was not in business as a stone-mason." "Was Mrs. Clarke with him at that period?"—"She certainly was." "How long did they live there?"—"As I did not visit them, I cannot speak positively—I know it was not less than one year, and I should imagine not more than two." "Where did they live afterwards?"—"I don't know of their living any where else, till they went to live in Golden-Lane, where he carried on the business of a mason." "When was this?"—"He commenced there somewhere about 1794, and he lived there about three or four years." "Had Mr. Clarke a stone-mason's yard there?"—"He had." "At the first place he lived at?"—"In Charles-Square, Hoxton, he lived on his fortune—he had no business?" "Did you visit at his house?"—"I never did visit him at any time wherever he lived." "Did you know Mrs. Clarke by sight?"—"Yes I did." "Did you know when Mrs. Clarke parted from her husband?"—"No, indeed, I did not." "You have no guess when she parted from her husband?"—"No further than it was after they quitted Golden-Lane, I understood." "Do you recollect who told you so?"—"No; public report." "You know nothing about the matter, of

"your own knowledge?"—"I do not." "Where do you yourself live?"—"In Charter-House-Square."

Now, does the Honourable Gentleman mean to say, that is not a positive and direct contradiction of Mrs. Clarke? The witness knows that she had two or three children. It matters not whose children they were: They were born of her to Mr. Clarke, while they were living in Golden-Lane, where he was at the time carrying on the business of a stone-mason. And yet she positively states, that he never carried on any business. Now, Sir, is not this a most palpable contradiction of evidence?

It may be said, perhaps, that the fact was not material, and that the witness did not consider herself bound to be very exact in her evidence upon such a point. The witness probably was taken by surprise, by a question to this fact, which in her own judgment was not material; she had therefore probably not framed her mind to these questions; but, suspecting that they were put to elicit something from her evidence, of the effect of which she was not aware, and which she did not wish to have disclosed, she met it by a denial of the fact.—But, if upon a point on which a witness has not prepared herself, though it may perhaps be thought of no great importance, you perceive the witness answering contrary to the truth,—what reliance can you have that she will be more scrupulous, in her answers upon points which are important; or, that you will have a better security of hearing the truth from her, in matters on which she must come prepared for the questions, and determined as to the story she is to tell?

Another occasion on which Mrs. Clarke is positively contradicted, is, in that part of her evidence where she denies ever having gone by the name of Mrs. Dowler. Upon this point she is contradicted by her Hampstead

Landford, Mr. Nicholls, and more particularly by Mr. Reid. All the circumstances of her evidence upon this part of the case, must be in the recollection of the House; but this, Sir, is a contradiction in which not only Mrs. Clarke, but Mr. Dowler also, is most materially involved, and, therefore, I feel it necessary to bring it particularly under the consideration of the House. It must not be understood, that I am not ready to admit that there might be fair excuse, both on her part and that of Mr. Dowler, for their wishing to conceal some of the circumstances which the questions, if truly answered, would have disclosed. That they should have answered them therefore, with great reluctance, was natural: but it is not the withholding of the truth of which I complain, but the falsification of it, and that for the purpose of giving a different character to Mr. Dowler's evidence. The House cannot but recollect the manner in which Mr. Dowler was introduced, and particularly that part of his evidence which relates to his appointment in the commissariat. The fact came out as if by accident, as if to the surprize of the examiner. The Honourable Gentleman, the mover of this enquiry, had closed his examination of Mr. Dowler; the witness appeared to be retiring from the bar, when up gets the Noble Lord (Lord Folkestone) and apparently anxious to know something of the history of the witness, as possibly his credit might depend upon it, he asks what situation he is in; and finding that he is in the commissariat, pursues his question, to learn by what means he obtained his situation: he answers, he bought it for £.1,000 of Mrs. Clarke, who procured it for him, through the Duke of York. This witness, it must be remembered, is the gentleman who the moment before had told us, how strongly he had remonstrated with Mrs. Clarke upon the impropriety and danger of her

conduct, in procuring money by such means! And all this examination was so managed, that it might appear as if it was undesigned; as if the Noble Lord had not heard every syllable of the story from Mrs. Clarke or Mr. Dowler, before; as if the mere dint of his happy questions had extracted this fact from an unwilling witness, who would fain have retired from the bar without having disclosed any thing upon this subject. After this, Mr. Dowler is cross-examined, and great part of his cross-examination would be most material to be attended to, if what I am about to observe was not fully sufficient to destroy his credit, and with his, the credit of Mrs. Clarke at the same time.

It became material, when he had stated the fact respecting the purchase of his office, to learn what communication he had had with Mrs. Clarke. Let me entreat the attention of the House to this part of Mr. Dowler's examination.

"You arrived from Portugal on Sunday last?"—"Yes."
 "When did you see Mrs. Clarke since your return from Portugal?"—"On Sunday last."
 "Have you seen her since?"—"I saw her just now in the witness-room." To stop here for a moment, what would the House understand from these answers? Undoubtedly that the witness had seen Mrs. Clarke only once, since his return from Portugal, until he met her in the witness-room. But this is not all; his examination goes on. "Was any body with Mrs. Clarke when you saw her?"—"I waited upon her to request that I might not be called upon as a witness, seeing the circumstance of Colonel French's levy in the newspaper; I saw her address in the newspaper."
 "What conversation passed between Mrs. Clarke and you, when you called upon her?"—"I lamented the situation in which I found her placed, as to the noto-

“riety of this; that I had always told her, I was fearful
 “it would become known; and she said, the Duke of
 “York, to the best of my recollection, had driven her to
 “it, by not paying her debts, and not being punctual in
 “the annuity, as she termed it, that she was to receive
 “from him.” “She told you that the Duke of York had
 “driven her to this proceeding by not paying her debts,
 “and not being punctual in the annuity that she was to
 “receive from him?”—“I do not know that she said he had
 “driven her to it; my conversation was as short as possible;
 “sible; *merely to request that I might not be called upon.*”

The House will now bear in memory, that it is uncontestedly proved, that the very night of Mr. Dowler's arrival in town, Mrs. Clarke found him out, came to his hotel, and passed the night with him; and with this fact in their minds, they will have to determine what credit is due to Mr. Dowler's testimony, when he gives us to understand that he had only seen her on the Sunday; that his only anxiety was to find out where Mrs. Clarke lived, to request that he might not be called as a witness, and that he only knew where to find her, by seeing her direction in a newspaper; and that his conversation, when he did see her, was as short as possible, only to request that he might not be called upon.

Is it not manifest, that the story, and all the particulars respecting the purchase of the commissariat, might have been framed between Mr. Dowler and Mrs. Clarke, at the midnight scene at Reid's hotel? We perceive how much it was the object of the witness, to disguise the truth, to have it supposed that he had seen her but once for a moment, since his return from Portugal, and then for the express purpose of preventing his being called as a witness; and is it possible to conceive a greater falsification of the truth? and can you look at

these circumstances and say, that you would whip a dog upon the evidence of such a witness? Let him stand as fair as he can from the character of the Honourable Gentleman who gave him so good a character just after he had convicted him of a falsehood; let him, after having quitted the Stock Exchange in a way which it is generally understood throws a blemish on a man's character, yet be considered as coming to our bar as immaculate as he may choose to represent himself; still, if we find him thus false in his testimony, acting or assuming a false character, before us; if we find him representing himself as a person dragged to your bar, as an unwilling witness, wishing you to believe, that those facts are reluctantly extorted from him, which he unquestionably comes forward, most willingly to divulge; if you find him attempting to impose upon you, by stating, that he went to Mrs. Clarke to request she would not bring him forward, when if he had not wished to be brought forward, he had nothing to do but to keep out of her way; when you find him so conducting himself, is there any man amongst us, who can say, or who can think, that his evidence ought to be relied on? or, that all these misrepresentations can have been made for the purpose of supporting the truth? No, Sir, it is not of the character of truth to require, or to admit of such support. Besides this, Sir, the falsehood in question, bears most importantly on the fact itself. It was fabricated to disguise from the House the opportunity that existed for that previous concert between Mr. Dowler and Mrs. Clarke, by which they might agree upon the facts which they were to relate, and upon the manner of relating them. The importance of this concealment can best be judged of by supposing that this concert between Mrs. Clarke and Mr. Dowler had not been detected. How should we then

have had this part of the evidence pressed upon us? Should we not have heard it said, that Mr. Dowler's arrival from Portugal just at this time, was something almost providential, an almost supernatural interference to confirm the testimony of Mrs. Clarke? It might, indeed, have been considered as confirmatory evidence of no small weight, if it had passed as they wished to represent it; but detected and exposed as it has been, I feel confident, that it must produce the direct contrary effect.

So far applies to Mr. Dowler: the House will now attend to Mrs. Clarke. Mr. Dowler having been examined at much length, the House was anxious to proceed to the immediate examination of Mrs. Clarke before she could have the opportunity of knowing what Mr. Dowler had stated: but no; Mrs. Clarke was too much exhausted to bear the fatigue of examination, that night. The next day she tells us, "that she had seen the papers, that it was therefore useless to ask her, how long she had known Mr. Dowler, as she might agree with him." And she does agree with him in that, in which I have shewn that he spoke false, on being asked, "How often have you seen Mr. Dowler since he arrived in England?"—"Once, and the other night, till he was called in here; I have not seen him since." "Then you have seen Mr. Dowler *but twice* since his arrival in England?"—"Certainly not." Now, Sir, after such contradictions, if Mrs. Clarke was not an accomplice, but stood wholly unconnected with any part of the transactions to which she speaks, her evidence could not be credited. But when it is recollected that she is an accomplice, or rather a principal; detected, falsified as she is, how can we be deliberating upon the question of assigning to infamy and disgrace, upon such evidence, the Illustrious Person who is the object of our enquiry?

I regret, extremely, Sir, the length to which I have been obliged to extend these more general observations upon the evidence before us: I will now proceed to apply myself with more particularity, to the several cases which constitute the grounds of charge against His Royal Highness. If there is any thing in the general observations with which I have troubled the House, they establish this proposition; not that Mrs. Clarke's evidence is inadmissible, not that it is to be wholly put out of our sight, but that it is not to be credited, except when it is confirmed:—a proposition, which will be further established by the observations against her veracity, which will arise out of the examination of the particular cases, in succession. If, therefore, the House mean, as unquestionably they do, to do justice to this very important subject, they will look to these different cases, without allowing their judgement to be influenced in the slightest degree by Mrs. Clarke's testimony. And if they will discard from their consideration, all the improbable and inconsistent testimony which has been given by this abandoned woman, and bear steadily in mind, that discredited as she is, she ought not to be believed at all, except when she is confirmed by other evidence; then, Sir, my deliberate, my conscientious judgment assures me, that there is not a single circumstance which will be found to afford the slightest ground for charging His Royal Highness either with corruption or corrupt connivance, in any of these transactions.

With regard to the case first in order, I mean that of Colonel Knight and Colonel Brooke, the Honourable Gentleman who spoke last, did wisely, in passing over this case without founding upon it any observations against His Royal Highness; because it is a case which is not only not made out against the Duke of York, but which is most

strongly and conclusively made out against Mrs. Clarke. I must request the particular attention of the house to the many important observations which this case affords, because, if I do not most grossly deceive myself, an accurate examination of it will do more to detect the infamous falsehoods of Mrs. Clarke's invention against the Duke of York, and to place the course of her fraudulent transactions in its true light, than any one of the charges which have been brought before us.

In the case of Colonel Brooke and Colonel Knight, it appears that the application for their exchange had been made in the usual course of office; that Mr. Knight applied through Dr. Thynne to Mrs. Clarke to expedite it; that, on the promise of her assistance, it was agreed that she should receive £.200 when the exchange should be effected; and that she did in fact, upon its appearance in the gazette, receive £.200 from Mr. Knight. Now, Sir, as to the service which Mrs. Clarke rendered for this gratuity, it is quite clear, that the exchange for the furtherance of which she received that gratuity, was completed before she made any application on the subject. Her own evidence (page 10) states the application to have been made to her "two or three days before it took place, " or a couple of days." She denies, indeed, (in p. 11) that she told the Honourable Gentleman, Mr. Wardle, that she applied on the Thursday, and that it was gazetted on the Saturday; but in this she is distinctly contradicted by the Honourable Gentleman himself, who both in p. 22 and p. 24, states his distinct recollection of the statement to him, that it was petitioned or applied for on the Thursday, and gazetted on the Saturday. Now Thursday was the 25th of July. It did appear in the gazette on Tuesday the 30th, and it is proved by Colonel Gordon, p. 30 and 48, that the Commander in Chief ap-

proved of the exchange, and that it was submitted to His Majesty, who approved of it at Weymouth, on the 26th; that it was therefore actually determined upon before Mrs. Clarke pretends to have made any application on the subject. This evidence of Colonel Gordon is put out of all possibility of dispute, by the production of his letter to Mr. Huskisson, dated on the 23d July, in which Colonel Gordon explains to Mr. Huskisson, that His Royal Highness could not allow Mr. Huskisson's Brother to exchange with Colonel Knight, because he had already determined that the exchange should take place with Colonel Brooke.

But to obviate this palpable demonstration of Mrs. Clarke's falsehood, the Honourable Gentleman is obliged to give up her veracity in that part of her testimony, in which she states her application to have been made only two or three days before the business was completed, although this is a point on which he recollects her to have been positive from the beginning. The Honourable Gentleman argues the case in this manner: he says, "We have had two witnesses, Dr. Thynne and Mr. Knight, who both tell us that the application was made to Mrs. Clarke, ten days or a fortnight before the exchange was in the gazette." Seeing then the want which Mrs. Clarke had for money, *we must suppose* she made the application to the Duke immediately; and that consequently she must be mistaken, when she states that she made the application on the Thursday, and that the exchange appeared in the gazette on the following Saturday. But to support this argument, the Honourable Gentleman assumes, that Mrs. Clarke did make the application to the Duke; and, 2dly, that she made it immediately after Dr. Thynne applied to her. But I deny both these facts; and what becomes of the argument of the Honourable Gentleman, upon the supposition that she made no application to His Royal

Highness on the subject at all? This, I contend to be the most probable supposition; I disbelieve her altogether on this part of the case; and I am confident, that we have no evidence but her own (which, unconfirmed, ought not to be believed), that she did make any application. How then will the fact stand upon this hypothesis? That Mrs. Clarke knew the business was in a course of official application, and that when it succeeded, she was to be paid for expediting its success. She invented therefore, all the circumstances of her interference, and particularly the date of her pretended application, for the purpose of shewing, that she did, in fact, fairly earn the money, and that this exchange, which had been depending for some time in the office without success, when once she interfered, was completed immediately. The exchange was suspended by the words written by Colonel Gordon,—“Cannot be acceded to: His Royal Highness does not approve of the exchange proposed.” But, Colonel Gordon says, His Royal Highness, after enquiring into Colonel Brooke's fitness, thought proper that the exchange should go on. The event then took place, and Mr. Knight, who was weak enough to suppose it was effected through the influence of Mrs. Clarke, gave her the 200*l.* for her interference.

But, Sir, there is another circumstance which has been introduced by Mrs. Clarke, into her account of this transaction, which requires particular notice. We must trace the history of this 200*l.* Mrs. Clarke was to receive 200*l.* for using her influence with the Duke; she tells us, that she told His Royal Highness she was to receive “a compliment,” and she did receive as the fruit of her labour the sum of 200*l.* Her evidence is (p. 9), that it was paid in a note of 200*l.* that is in *one note*. She is asked, “Did the Commander in Chief know from

you the amount of the money you had received?” Her answer is, “He knew the amount, because I shewed him *the note*; and I think that I got one of his servants to get it changed for me, through His Royal Highness.” And, in the next page, (10) of her evidence, she is asked, “What time of the year was it?”—“His Royal Highness was going down to Weymouth on the night that I changed *the note*, which was the reason that I got *the note* changed; *my servants could not get it changed, and his servant got it changed for me.*” The fact of changing this note, becomes the subject of further enquiry. Ludowick Orramin, who is proved, not only by himself, but by Peirson the butler, to be (p. 66), the only servant ever permitted by His Royal Highness to come to Gloucester-Place, denies having changed that, or any other note. To contradict his evidence, Mr. Peirson is called by the Honourable Gentleman. I am sorry to be under the necessity of dragging the House through the detail of Mr. Peirson's evidence (which is in page 66,) but it is much too important a part of the case to be left imperfectly stated. He was Mrs. Clarke's butler. He recollects the time when she went to Worthing, and the Duke to Weymouth, in 1805. He is asked, “Whether he recollects Ludowick, the servant, who used to attend the Duke, being ordered by the Duke, on an evening about that period, to take a note out and get it changed?” He answered, “I do not.” “Do you recollect any servant being ordered by the Duke to get a bank note changed?” His answer is, “I recollect Mrs. Favorite, the housekeeper, bringing down a bill in the morning, and Ludowick going out and getting it changed, and coming back and giving it to Mrs. Favorite again, and she took it up stairs.” “Do you recollect any servant being ordered by the Duke to get a bank note changed?”—“No.” “Do

you recollect any servant taking out a bank note to be changed?"—"Yes, I do, on a morning." "Did you hear him ordered to do so by any body?"—"The housekeeper gave him the note, I saw her give him the note, and he took it out." "Do you know the amount of the note?"—"No, I do not." "Do you recollect what order she gave, in what words?"—"No, I do not, in particular, what order she gave, but she gave him a note, and he was to go and get it changed." "Are you positive that that note was not given on the night, and the change brought back in the morning?"—"I am positive, I saw it given." "Was His Royal Highness the Duke of York in Mrs. Clarke's house at the time this note was given to Ludowick to get changed?"—"Yes, he was up stairs." Now, I trust the House recollects that the fact in Mrs. Clarke's evidence, which this witness was called to confirm, is, that *the identical note of 200l.* which she received from Mr. Knight in the morning of the 31st of July, was changed by the Duke's servant, on the night of that day, on which His Royal Highness left town for Weymouth; Mrs. Clarke leaving town at 4 o'clock on the following morning for Worthing. But this witness knows nothing of the note changed on that or any other night; he recollects only the changing of a note on some morning, the amount of which he does not recollect, but which could not by possibility have been the note which Mrs. Clarke speaks of; and therefore, Peirson's evidence, instead of confirming Mrs. Clarke's, as far as it goes, contradicts her. He is asked, "How long was it before Mrs. Clarke went to Worthing; was it the day before; or two days before, or three days before?"—"I do not recollect exactly, but it was a short time before she went to Worthing." Now, if it was not on the *very night* before she went to Worthing, it could not have been this note; and if it was not

this very note, it could be nothing to the purpose of this enquiry. Then he is asked, "Was it in the morning of the same day that His Royal Highness went to Weymouth, that Ludowick took the note to be changed?"—"It was some morning *a little time* before."

But this gentleman, Mr. Peirson, tells us, upon his being called again, that he had the head-ache, when he was first examined, that it affected his recollection; and that an explanation of his evidence is therefore necessary. Before I proceed, however, to the examination of his further testimony, I must refer to what Mrs. Clarke tells us respecting him. She is asked this question, "On the first day of your examination, you stated, that a bill of 200l. which you received from Mr. Knight, was sent from your house to be changed by a servant of His Royal Highness; how do you know it was taken by a servant of His Royal Highness, and not one of your own servants?" She says, "I believe that I did not state that it was His Royal Highness's servant who took it, but that His Royal Highness had something to do with the changing of that note." (p. 108.)

Now, the fact is, that she did positively state, (as may be seen by reference to her examination, p. 10.) "That her servant could not get it changed, and that his, (the Duke's servant) did get it changed." But, since her first examination, Ludowick had been examined; and knowing his evidence, she was accordingly obliged to manage her own, in some degree to meet his, as well as to introduce the evidence which Mr. Peirson was to give upon his second examination. She adds, "And on Saturday or Monday morning, I do not recollect which it was, when it was raining very hard, I believe it was Monday, I heard where my butler lived, and I went into York-Place, and sent my footman to fetch him out. He came

out without previous knowledge of who called upon him; and I asked whether he recollected any thing particular the evening that His Royal Highness was going to Weymouth, and myself in the morning to Worthing. He asked me to what point? I said about a bank note. He said, perfectly well. He had been trying all over the neighbourhood to get change for a note; that it was a very large note, he supposed a 50*l.* note; that he came into the parlour, and said, that he could not get change for it, and then His Royal Highness said, Do go to my wine-merchant's in Bond-street, Stephens's Hotel, and get change, and tell them where you come from. That on this same night he had called at Byfield's, the confectioner's, and tried there, and they could not do it; and that he went and saw Stevens's partner; it being very late, Stevens was not there, that he got change for it there, and that was the whole. But I told him he must come and speak about it, that a summons would be sent to him. I spoke to him the other night in the room, I do not know whether before he was examined, or afterwards, and he told me that he had called on Stevens in Bond-street, and that they would not give him any information about the note, which I believe he did not state in the House."

This conversation, in York-Place, she says, passed between her and Peirson before he was called to corroborate her story, and she so far imposed upon the Honourable Gentleman, as to induce him to believe, that, if Peirson was called, he would substantiate what she had stated. He is called; when, instead of his saying it was a note for 200*l.* 100*l.* or 50*l.* he knows nothing of its value. He was examined as to a note changed at night; he denies it, but recollects there was one given to Ludowick, to be changed in the morning. When he first came, his head-ache had so deranged him, that he talked only of a

note which Ludowick went out in the morning to get changed, and brought back again. He comes again, and in page 147 the House will find his further evidence. His former evidence was read over, and he was addressed in this way: "Is there any part of that evidence on which you wish to make any observation, or alteration, or any addition?"—"No alteration. On the night that the Duke of York went to Weymouth, about 10 o'clock at night, I was sent out to get a bill changed; I went out and got it changed, and brought it in, and I returned it to Mrs. Clarke; she looked it over, and said it was all right. The Duke of York was present when I gave the bill to Mrs. Clarke, and received it from Mrs. Clarke." Such is the recollection of this witness upon his second examination, and this he calls no alteration of his former evidence.

It is here necessary to observe, that the evidence of this witness, upon his second appearance, as far as the Honourable Gentleman's examination was concerned, would have closed with the answer to the first question, namely, "The Duke of York was present when I gave the bill to Mrs. Clarke, and received it from Mrs. Clarke;" and if his evidence had closed here, every thing respecting the amount of the note, and the place where he says he got it changed, which gave the means of shewing that even this evidence, so far from confirming, contradicted Mrs. Clarke, as to the identity of the note, (which is all that is important upon the subject of it,) would have been sunk; and every thing that enabled us to falsify his evidence, by proving that he did not get it changed where he said he did, would also have been lost to the truth of this enquiry. What follows in his evidence is upon the cross-examination. "Have you spoken with nobody about it?"—"With nobody, I have not spoken to any one." He

afterwards says, that he met Ludowick in the Park, who observed, that one of them must be mistaken, but he could not say how it was. He is asked if that was all that passed between you and Ludowick? His reply is, "It was all that passed between him and me, except he said, that I must make a mistake; that there was a bill brought down one morning in his presence, of 10*l.* by Mrs. Favorite, and given to a girl to go out and get changed, and he thought I must have made a mistake about that bill." He does not then proceed to aver that he did not make a mistake, but he leaves Ludowick's observation unreplyed to, and it must therefore be considered in fairness, that he admits that observation as a correction of his former evidence. He is asked, "Did not you make a communication to Mr. Wardle, or speak to him to say that you wished to alter your evidence?"—"I called upon Mr. Wardle, and told Mr. Wardle about the bill that I received from Mrs. Clarke, and went and got change for, and returned that night, in the presence of the Duke of York. I told Mr. Wardle that I had done that." "What was the amount of the bill you got changed?"—"I think 100*l.* but I am not certain." If Mrs. Clarke were to be believed, he told her it was 50*l.* "Where did you get the bill changed?"—"I got it changed at Mr. Byfield's and Mr. Bridgman's; *Mr. Bridgman and his wife* changed it for me, confectioners, in Vere-Street." This gives us another circumstance. Mrs. Clarke says he told her, (p. 103.) that he got it changed at Stevens's hotel, but that he had called at Mr. Stevens's and he could get no information from them;" he then, finding that Mrs. Clarke had told us, that Mr. Stevens recollected nothing of the circumstance, comes with an altered statement, and asserts, "that it was Mr. Bridgman and Mrs. Bridgman, and not Mr. Stevens, (p. 271,)

who changed it for him." But here he is equally unfortunate, Mrs. Bridgman is called and contradicts him; for she states, although he did come on some night (without being able to ascertain even the period of the year) with a note, yet she did not change it; she adds, that she did not see the note, therefore knows not the amount of it, but believes he told her it was for 100*l.* This, Sir, is the history of the note, and upon the whole, what is the fair result of that history? That there is not a single fact, stated by Mrs. Clarke, respecting the changing of this note, which was capable of being disproved or confirmed; which is not disproved, either by the context of her own evidence, or by the evidence of some other witness. If indeed it had been otherwise, and Mrs. Clarke had been confirmed in this fact, of a 200*l.* note having been changed, and by the Duke's own servant, it would still have proved nothing, as to His Royal Highness's knowing that she obtained the money from Mr. Knight, as a reward for her interference. We should even then only have had *her word*, as to His Royal Highness's knowing whence she obtained it; and but for her word the note might have been one which His Royal Highness himself might have furnished her with for the expences of her journey. But though the confirmation of these circumstances, would have proved nothing against the Duke's innocence; the disproof of them is conclusive against her veracity. Unless not only a note, but a note for 200*l.* was changed, her evidence is wilfully false. Taking all the circumstances of her evidence together, you see her varying and fashioning her story to the other evidences as she understands it. Before Ludowick was called, she had been positive the Duke had given it to one of his

own servants; after he had been called, she withdraws that assertion.

As to Mr. Peirson's evidence, a more extraordinary testimony was never given.—In his first examination he does nothing to confirm Mrs. Clarke; but he rather brings into question the accuracy of Ludowick—he is called again, he sets up Ludowick's evidence, but he destroys his own; and in no alteration of his story does he confirm Mrs. Clarke. I contend, therefore, that there is a plain contradiction and disproof of that material fact in her evidence, which was introduced for the purpose of fixing upon the Duke of York, the knowledge of her having received the money on account of the exchange between Colonel Brooke and Colonel Knight.—Is there not then in this case, pregnant decisive evidence of Mrs. Clarke's having invented a false fact for the purpose of gratifying her malice and revenge, for the purpose of destroying the character of the Duke of York?—I repeat, Sir, with confidence, that the fair result of this case is, not only that Mrs. Clarke's evidence is not intitled to the slightest belief, but also that His Royal Highness had no knowledge of her corrupt conduct in this transaction. For it appears first, that the exchange was completed before she interfered; and secondly, that the circumstance relative to the note which she, as it were, appeals to, as confirming her assertion, that the Duke knew of her corruption in this transaction, is disproved by the very witness who is called to support it.—She is therefore utterly disgraced and discredited by this story.—If there was nothing else against her testimony, but her confutation in this case, she ought not to be believed in any other. Having thus once clearly detected an accomplice, by such in-

consistent evidence in the act of endeavouring to fasten upon the accused a participation in her guilty practices, I cannot but feel confident, that it is impossible the justice and penetration of the House, can be so over-reached and deceived, as to suffer any unfavourable impression to attach upon His Royal Highness, upon any evidence which comes from so polluted a source.

I scarcely know, Sir, whether it is necessary to advert to the observations made upon the wording of Colonel Gordon's memorandum, upon the original application for this exchange.—He tells us that, by the words, "It cannot be acceded to," nothing more was meant than it was not to be acceded to, at that time, but that it was kept open for further enquiry;—but Gentlemen choose to understand this memorandum of Colonel Gordon's, made not as a record of office, but a private memorandum for his own use, better than he understands it himself;—yet it is clear that it was not meant as a conclusive refusal; nay it was clearly understood by the parties themselves, not to have been finally rejected;—for Mrs. Clarke was applied to; she was not to procure what could not be had without her,—*but to expedite what was delayed*, (as appears by the evidendence both of Dr. Thynne and Mr. Knight) on account of Colonel Brooke's services appearing not to warrant, without further enquiry, the exchange in his favour; but when the enquiry was made and proved satisfactory, the exchange was completed. And here we have an observation made by the Honourable Gentleman, which serves only to shew the precipitancy with which his prejudices lead him to seize any observations, which promise to be unfavorable to His Royal Highness;—he arraigns the fitness of Colonel Brooke for such a commission as not having been of

standing sufficient, according to the regulations of the army, to hold the rank of a field-officer;—yet if the Honourable Gentleman had only looked at the very paper by which he learned the length of Colonel Brooke's services, he would have found that the fact of this officer's appointment to the rank of major, had actually taken place before the Duke of York came into the office of Commander in Chief. Of that offence, therefore, I trust, the Honourable Gentleman himself will agree that the Duke of York is entitled to be acquitted.

I have troubled the House long enough, I fear they will think too long, with this case; but I cannot yet leave it without observing, that this was the first case which Mrs. Clarke brought forward; that in this case we were referred to dates and circumstances, which dates and circumstances completely refuted her. It will be seen that, in the subsequent cases, though she was not more successful in establishing her charges, yet, as if warned by her failure in this, she would not furnish us with the same means of refuting her; and from this time she particularly forgets all *dates*.

It would now be in order for me to proceed to make some observations on Captain Maling's case, if I thought that any were necessary. But this case, it will be recollected, the Honourable Gentleman distinctly gave up, as wholly failing him: He now, indeed, has thought proper to return to it, and it has occupied a considerable part of his speech; but I am sure I should be wasting the time of the House, if I were to say a word upon it. The Honourable Gentleman, was wholly mistaken in all the particulars of it; and if he had been correct, if it had appeared in proof, that Captain Maling

had been serving at Mr. Greenwood's desk, as the Honourable Gentleman stated, instead of being with his regiment, as it was proved; still it would be utterly impossible to connect his promotions with any charge or any suspicion of corruption.

Passing by, therefore, as unworthy of further notice, Captain Maling's case, I now come to the case of Colonel French's levy; a case which peculiarly requires the attention of the House, because it is in this case that there exists the circumstance of confirmation from Miss Taylor's evidence, which has appeared to make so much impression upon some gentlemen.

The Honourable Gentleman, (Mr. Curwen,) who spoke second in the debate, on the other side of the House, when observing upon the evidence of Miss Taylor, stated, that whatever might be the objection applying to Miss Taylor's evidence, yet when once a suspicion was raised against the Duke of York, it let in her evidence; and upon the ground of the previous suspicion, her evidence acquired a degree of strength, which otherwise would not have belonged to it. The Honourable Gentleman, must give me leave to observe, that this is the most perverse reasoning that can be adopted. The suspicion raised against the Duke of York, by Mrs. Clarke's evidence, requires the testimony of some unsuspected witness to confirm it: Miss Taylor is called as such witness; and then the Honourable Gentleman conceives that Miss Taylor's testimony, instead of confirming the ground of his previous suspicion, derives from that very previous suspicion, the only support by which it can stand itself. And yet, Sir, this evidence of Miss Taylor, I will venture to assert, is not only the strongest, but the only confirmatory evidence, which the whole case affords to Mrs. Clarke's assertions of the Duke of

York being acquainted with her corrupt practices. We shall presently see what weight belongs to it.

That Colonel French's levy went through all the regular forms of office, and was submitted to General Hewitt, the inspector-general of recruits, is admitted to be true, and, therefore, I need not trouble the House by referring more particularly to the official documents; but we have it unquestionably in proof, that Mrs. Clarke received considerable sums of money, both from Colonel French and Captain Sandon, on account of her supposed interference with the Duke, in favour of the levy; and Mrs. Clarke, as usual, gives us to understand, that the Duke of York was informed that she did so. The important part of the case is the conversation at which Miss Taylor is supposed to have been present, and which is urged as the confirmatory proof of the Duke's knowledge of Mrs. Clarke's corrupt advantage from this levy. It appears to me, Sir, I confess, that, unless there is somewhat of a previous prejudice in our minds, such as the Honourable Gentleman alludes to, preparing them to believe the evidence of Miss Taylor, there is a good deal in that evidence itself, which should induce us to withhold our belief. I will not dwell upon the circumstance, that her father went by the name of Chance, and carried on his business, as a broker, in Change-alley, under that name; and yet she, though living with him, at a few miles distance from thence, at the time, says she never knew that he went by that name: this is indeed, not very probable, and I confess I cannot believe it; others perhaps, may believe it, because there seems to be something in this case, which makes gentlemen disposed to believe what, I am confident, they would not believe in any other case: but putting that out of the question; who is Miss Taylor? how is it that she represents her-

self? She represents herself as having been for the last ten years, a most intimate friend of Mrs. Clarke. Does that intimacy give this House any high opinion of her character? does it make her a more unsuspected, a more credible witness? Further, she has been relieved by Mrs. Clarke in her distress; she has been recently dependent on her charity. But then it is asked, because she is acquainted with Mrs. Clarke, and because she has been relieved in her distresses by her, does it follow, that she is not to be believed as a witness? I do not say or contend that it does; but I do contend, that it furnishes the occasion of some suspicion, of some hesitation, before we surrender up our belief to her testimony, as an unsuspected witness. We have, it must be recollected, one contaminated witness before us, whose evidence is impeached, and requires to be supported and confirmed. Is it then, let me ask, from an old intimate friend and companion of that witness, and in a state of dependance upon her bounty, and therefore most likely to be under her influence, that such support can very satisfactorily be obtained? Is not the evidence of Miss Taylor under such circumstances, rather in want of support and confirmation itself, than capable of giving support and confirmation to Mrs. Clarke? She has, for years, lived, and is still living, in habits of strictest intimacy with Mrs. Clarke, a person of notoriously vicious principles, of depraved character, and loose habits of life; but what is most deeply to be lamented and condemned is, that so connected and so associating with one of the worst of her sex, she has set up a boarding-school; professing to educate young ladies in virtue; the guardian, the pattern, the instructress of their morals! Is not this, Sir, sufficient of itself to impeach her credit? Is not such a profession, assumed by such a person, a standing fraud practised

upon the community? To judge of the quality of such conduct, let any gentleman imagine what his feelings would be, if, having been led to intrust his own daughters to her care, to receive their education, to be instructed in those principles of duty which he would wish to be instilled into their minds, he had discovered that the school-mistress to whom he had intrusted them, was the companion, the visitor, the friend, the dependant, of Mrs. Clarke?—Gentlemen seem to be noting down my words, as if they conceived me to be saying something that was harsh and unfeeling; and we are told, that the cross-examination of Miss Taylor has been most unbecoming; that proving herself to be illegitimate, and her parents to be in poverty, has ruined her school, removed her scholars from her, and brought upon her her creditors. Sir, Miss Taylor was brought here as a witness, whose testimony was to confirm Mrs. Clarke, and to establish, falsely establish, as from my conscience I believe, the charge of infamous corruption, upon the Duke of York; it was necessary to know who Miss Taylor was; what were her connections, what her habits of life. In tracing these particulars, it turned out, that her parents were not married, that they had for some time been going from place to place, changing their habitations; and though undoubtedly nobody would contend, that a witness was not to be believed because she was not legitimate, or because her parents were in distressed circumstances, yet I would ask any man, if the examination had turned out otherwise, and if she had appeared to be, as she would have done but for this cross-examination, the daughter of respectable parents, in circumstances of credit, we should not have heard her credit enhanced, from being so respectably connected. But this cross-examination has ruined her school, and involved her with her cre-

ditors! I am sorry, and I feel as much as any man, for the distress of any fellow-creature, Miss Taylor, as well as any one else; but I cannot believe, that her cross-examination ruined her school; it was enough to ruin her school that she appeared as the friend and companion of Mrs. Clarke, and I confess, I cannot bring my mind to lament that Miss Taylor's business as a school-mistress to young ladies is put an end to. I have some feeling for the parents, I have some feeling for the children; my feelings are not wholly absorbed by Miss Taylor. But supposing this event to be more to be deplored than I think it is, and that it had been occasioned by this cross-examination; what then? is that examination, therefore, to be condemned? What, Sir, are we to be sitting in judgement in a case like this, and to reserve all our feeling for the witnesses, and to have none for the accused? Is the Honourable Gentleman to be at liberty, in pursuit of, what he thinks, justice, to found the charge of corruption against His Royal Highness upon the evidence of this witness; is he to be applauded for so doing, and am not I to have equal liberty to repel the charge? Am I to be condemned, if, in the pursuit of what I, with equal sincerity, think and feel to be, the cause of justice; I shew who that witness is, what her connections are, and why we ought to pause, at least, before we implicitly believe her? Sir, I should feel that I was disgracing myself in the eyes of this House and of my country, if, from any principle of false delicacy, of morbid sensibility, as I should consider it, I were to abstain from that conduct, as well as from that language, which the justice of the case requires; I should be relinquishing, I should be betraying the cause of the Illustrious Person whom I think totally innocent of the offences attempted to be charged upon him, by a conspiracy of malicious wickedness and

falsehood, if I did not express myself in terms, which I consider applicable to the conduct and character of those whom I can view in no other light, than as infamous conspirators against his honour and his character. I am sure there is no rational and unprejudiced mind, that will think I am guilty of any impropriety in making these observations.

But supposing the character of this witness to be as unexceptionable as I conceive it the reverse, what is the sort of evidence she gives? Precisely that which we expect to hear from a witness, who comes to speak to a particular fact, with respect to which she has been tutored and prepared. She states the dry fact to which she is particularly interrogated, and knows nothing more. Her memory is quite accurate as to what she wishes to remember—it is a blank as to every thing else. She tells you that about four years ago (p. 472) she was present at a conversation, in the course of which, the Duke of York made use of the words he is supposed to have used respecting Colonel French's levy: she recollects nothing else of their conversation, which passed in her presence: she never mentioned the conversation to any one, from that time 'till within three weeks or a month before she was examined, when she was asked about it by Mrs. Clarke: she forgets how Mrs. Clarke introduced the subject; she forgets whether any one was present, though it was but the other day; she does not recollect any one circumstance that has occurred lately, though she has so distinct a recollection of this scrap of a conversation which passed four years ago. Is it possible, that any thing can be more suspicious than such testimony? nay, Sir, is it possible that there can be any thing less credible? Would it not render suspected, the most unblemished witness? Can the House feel justified in fixing the

charge of corruption on the Duke of York, upon such evidence, from a witness connected with Mrs. Clarke, and dependent upon her, as Miss Taylor is? Consider, Sir, how extremely improbable it is, that the Duke of York should have used these words, at least in the sense in which he is made to use them, in the presence of this woman: how unlikely it is, that he should be so indiscreet as to have put himself so far in the power of Miss Taylor, in whose presence, as appears from her own evidence (Mrs. Clarke's,) His Royal Highness does not appear to have conversed before upon any subject relative to military transactions. I know some gentlemen think Miss Taylor ought to be believed, because it is imagined that if the conversation had been invented, it would have been more pointed, and it would have more distinctly referred to the pecuniary profit which Mrs. Clarke was deriving from Colonel French. But, Sir, this only shews that Mrs. Clarke knows better how to instruct a witness, than the gentlemen who so criticize the evidence. The difficulty of believing that the Duke said these words in her presence, remotely as they refer to the corrupt transactions of Mrs. Clarke, is very great: but it would have been wholly incredible, if they had more directly alluded to them. No one could have been imposed upon to believe His Royal Highness so unguarded, as plainly to allude to such transactions in the presence of a person who admits, that he never before mentioned such subjects in her presence, and who, Peirson the butler says, never was admitted into His Royal Highness's presence at all.

But what was the conversation? (p. 123) "I am continually worried by Colonel French; he worries me continually about the levy business, and is always wanting something more in his own business." "Turning to Mrs. Clarke, I think he said, 'How does he be-

“ have to you, darling ?” “ or some such kind words as he used to use ; that was all that was said. Mrs. Clarke replied, “ Middling, not very well.” “ The Duke said, “ Master French must mind what he is about, or I shall cut up him and his levy too.” “ Now, Sir, is this probable, is it possible ? If the Duke asked the question in the sense in which it is understood, would Mrs. Clarke have answered, “ Middling, not very well.” “ Would that have been her answer, if the question related to money ? The whole engagement with her, was, that she was to have received 2000*l.* if the levy went on and succeeded ; and, much as it had failed, she had at that time received 1300*l.* She would naturally have been desirous of preserving, not of cutting down the levy ; she would have cherished the means of future emolument, and not foolishly have broken this golden egg. Colonel French had given her more money in proportion to the men he had raised, than he had engaged to give her ; and of course, if she had understood the question of His Royal Highness, as referring to money transactions, she would have said, “ He behaves very well to me, whatever he may do with regard to you ; to me, at least, he keeps his faith.”

From the observations which I have made on Miss Taylor's evidence, it may well be doubted, whether any conversation passed upon the subject of Colonel French's levy in her presence, but it never can be believed upon such testimony, that she could have been present at a conversation so unguarded, and so improbable, as she describes ; if any passed at all, how easily might words be introduced, or suppressed, which may have altered the whole effect of it ; and that Mrs. Clarke's friend, Miss Taylor, is capable of having so altered it, and that it is more probable that she should have done so, and concerted that alteration with Mrs. Clarke, than that the

Duke should, in her presence, have used such language with such meaning, I certainly do, myself, believe.

* But this case is supposed not merely to furnish proof of corruption against the Duke of York ; the Honourable Gentleman contends, that it manifests that gross neglect of duty, which incapacitates His Royal Highness from any longer filling his high office. It is imputed to him as a high offence, that after it had come to his knowledge, that every man raised by Colonel French cost the country 150*l.*, he should still have permitted that levy to go on. Now, Sir, it should be recollected, that the whole of this enquiry originated out of a complaint made, not *against* Colonel French, but *by* him. In his letter of the 15th January, 1805, (p. 195) he complains of General Taylor's persevering hostility to his levy : on the 19th January, this complaint is referred to Lord Cathcart, by a letter from Colonel Gordon ; this brought from Ireland General Taylor's defence of his conduct, in a letter of the 8th February, from Colonel Kirkman, (p. 196), in which, undoubtedly, many great complaints are made against Colonel French, and in which, the amount of the expence per man is stated at 150*l.* But, it does appear, whatever may have been Colonel French's conduct, and the ill success of his levy, in other respects, that he was so far well founded in his complaint, that he had not had the benefit which he was entitled to, under his letter of service. On the 20th February, Colonel Gordon returns the Duke's answer to the report, in which answer full credit is given to the motives of General Taylor ; but Colonel Gordon adds, “ It certainly appears,

* Mr. Perceval recurred to this case in his speech of the following day, making some additional observations, which we have incorporated and brought together in this place.

X “ that a premature judgment had been formed on the
 “ probable success of the exertions of Colonel French,
 “ and that the terms of his official letter of service
 “ were not allowed him. I am further commanded to
 “ transmit to you, a copy of a letter which the Com-
 “ mander in Chief has instructed the Inspector-General
 “ to write to Colonel French; and should it hereafter ap-
 “ pear, that with every reasonable facility, Colonel
 “ French should fail in the engagement he has under-
 “ taken, it is the intention of His Royal Highness to
 “ communicate to that officer, that his levy should be
 “ discontinued.”

X The letter inclosed was dated the 2d February, in which
 General Whitelocke acquainted Colonel French, that,
 “ Unless a very considerable increase shall take place in
 “ the number recruited prior to the 1st April next, His
 “ Royal Highness will feel himself under the necessity
 “ of recommending to His Majesty, to discontinue a
 “ levy so unproductive.” Although some more men
 X were recruited, as appears by the return from Ireland
 (p. 211), yet that number was not sufficient to justify its
 continuance. On the 11th April, (p. 211) a complaint
 X was made to the Inspector-General of the recruiting ser-
 vice, of the misconduct of the temporary serjeants be-
 longing to the levy in the London district; and on the
 16th April, (p. 212) His Royal Highness writes to the
 Secretary at War to discontinue this levy. These, Sir,
 are the facts and the dates of this transaction.

The fact which the Honourable Gentleman principally
 adverted to, as that which should have occasioned the
 immediate discontinuance of the levy; namely, the cost
 of 150*l.* per man; that fact, Sir, would, in my opinion,
 justly induce a prudent person rather to try the levy a
 little longer, than to give it up just at that time. Why?

because the whole, or at least a great part of all the ex-
 pence of the machinery, if I may so express myself,
 for carrying this levy into effect, had already been in-
 curred. The appointment of the serjeants and non-
 commissioned officers had taken place; the expence of
 these appointments occurred at the commencement of the
 levy, and before it could proceed. Now, suppose that
 the levy, instead of being stopped at the end of twelve
 months, had been closed at the end of one month,
 there can be no doubt that the ratio of expence to the
 public, in proportion to the men raised, would have
 been infinitely greater. There is nothing therefore, in
 this case, which shews the Duke of York to have neg-
 lected the public interest, in continuing the levy after
 he had been informed of the expence with which, up
 to that period, it had been attended.

It is supposed, that the Duke of York shewed a con-
 siderable degree of tenderness to Colonel French, and
 that he must have done so through the influence of
 Mrs. Clarke. Now, let us see how this stands. X
 On the 2d of February, notice is given through General
 Whitelocke, of His Royal Highness having taken the
 subject into consideration; and let any man refer to
 the language of General Whitelocke's letter, and then X
 let him say, whether there is any thing in that letter
 which shews any improper disposition to indulge Colonel
 French? It will always be recollected, that it was
 owing to the expence of the recruiting serjeants, and so
 few men having at the time been raised, that this levy
 appeared to be so disadvantageous to the public. His
 Royal Highness determines, on the 2d of February, to
 discontinue it, if a very considerable increase should
 not take place within a limited period. On the 11th of
 April, a formal complaint is made by the Inspector-

general of the recruiting service for the London district, and within a very short time afterwards, General Whitelocke communicates to Colonel Gordon, that he had been disappointed in his expectation with respect to the levy, and he desires it should be given up.

But what is the language of the letter of His Royal Highness on the subject? It seems the Duke of York is to be presumed to be guilty, because he did not express himself in terms of more violence. Is there any thing which the Duke of York could have said, that could have given a stronger complexion to his disapprobation? Or, was there any thing that called upon him to have recourse to more violent measures, or to adopt a different character of expression, from that which is to be found in his letter to the Secretary at War? It is dated on the 16th of April, 1805, and is in these words:—“ Sir, as it appears by the return of Colonel French
“ and Captain Sandon’s joint-levy, that it is not by
“ *any means so productive as might have been expected,*
“ and as the Inspector-general of the recruiting service
“ has represented, that the conduct of the whole of the
“ temporary serjeants of that levy, now in the London
“ district is highly improper and detrimental to the ser-
“ vice, I have recommended to His Majesty, and His
“ Majesty has been graciously pleased to approve of
“ this levy, being forthwith discontinued, agreeable to
“ a clause of the Letter of Service to that effect; and I
“ have therefore to request, that the necessary informa-
“ tion may be given to Colonel French and Captain
“ Sandon accordingly. I have ordered a communica-
“ tion to be made to the Commander of the forces in
“ Ireland, and to the Inspector-general of the recruit-
“ ing service on the subject.” These are the expres-
sions—in my opinion the appropriate expressions—in

which the Duke of York announces his determination to discontinue the levy. Is there any thing in this language, that should induce the least suspicion of the Duke of York intending to favour Colonel French? Ought not the suspicion rather to be the other way? If the Duke of York was conscious that Colonel French and Captain Sandon, knew that he had been corruptly pocketing 1300*l.* of their money, would he have turned them adrift in this manner? Would he not have given them some compensation for being deprived of the profits of this levy, which profits were to furnish 2000*l.* to the Duke of York and his mistress? It may, perhaps be thought, that after the complaints which were made against this levy, the scandal of continuing it would have been too notorious; that it was necessary therefore on account of the public opinion, and the feeling of the army, that it should be discontinued. But still some promotion, some advantage in another shape, might have been afforded to those concerned in it; and I do put it to the candour and good understanding of every man who hears me, whether, if the Duke of York had been sensible, that he was participating in the corruption of Mrs. Clarke, and that those persons must have known of it, he would not have done something for Colonel French and Captain Sandon, with a view to the alleviation of their disappointment? whether, in short, he would have cut down their hopes at once, and have turned them forth, in a manner to provoke them by the natural impulse of their irritated feelings, to afford the means of his detection, and to expose his corruption? Yet it is true, that after this levy was discontinued, there was an application on the part of Colonel French and Captain Sandon, for a modification and renewal of the levy. They wished for an oppor-

X tunity of making the trial again; but the Duke of York positively refused his consent; and I must leave the House to determine, whether this was the conduct of a man who had any cause to fear the displeasure of the persons whose applications he refused?—With respect to the report of General Taylor, it is fair to observe, that the officers of the army dislike this mode of recruiting for general service, as contra-distinguished from regimental recruiting; yet it is materially essential to many parts of the service, especially for the East-India Company's service, that it should go on; and the difficulty of procuring men at the time we are alluding to, being considered, no one will be disposed to deny the necessity which existed for thus recruiting men for general service.

It was natural that Colonel French, who appears to have been successful in a former levy, should have offered, and that his offer should have been accepted, to raise a number of men by general levy at this particular period; and the offer having been accepted on given terms, it was necessary and essential to justice, that Colonel French should have the opportunity of making his exertions, with all the advantage which the Letter of Service allowed to him. Upon the whole, then, I feel confident, that as upon a due examination of this case, there is no ground for imputing to His Royal Highness any knowledge of Mrs. Clarke's corrupt practices; so neither does it furnish any ground whatever for imputing to him any criminal neglect of the interests of the public.

The next case which was brought before us, is the case of Major Tonym; and I cannot help observing, that there is no one case, amongst all the charges, in which the whole progress of the transaction appears to

be more demonstrably uniform, regular, and official; originating in a most respectable and natural source of application, and effected under circumstances in which the idea of the influence of Mrs. Clarke, or of any one else, is most clearly and satisfactorily negated and excluded. It arises not only out of the recommendation of a general officer, but that general officer the Father of Major Tonym. It was well and favourably received, but for a time was not successful. At length it succeeds, but when? and how? Does it succeed on Mrs. Clarke's application? Unquestionably not. Colonel Gordon tells us, (p. 175, &c.) that when it was in contemplation that there should be a great increase in the army, not less than fifty battalions, "I received orders," he says, "from the Commander in Chief, to prepare a list of the senior officers of the army, of each rank, and to take their names from the book of recommendations where they had been noted." In consequence of this command he did prepare a list: Major Tonym's name was upon it: there were fifty three appointed to majorities; among them were twenty-nine captains of the years 1794, 1795, 1796, 1797, and one of 1799: (Captain Tonym was of the year 1795, in which year there were only six captains senior to him in the service.)

The only delay which occurred after this list was made out, was, a delay which arose out of the nature of the case. Major Tonym's appointment went on with all the rest; it was part of the general arrangement. Any measure which should have had for its object either to forward or retard the promotion of Major Tonym, would have affected the progress of the whole. It appears indisputably, that any application to Mrs. Clarke, must have been quite unnecessary on the part of

Major Tonyn. If he did apply to this intriguing woman, in consequence of her falsely pretending and inducing him to believe that she possessed the means of influencing the Commander in Chief, it only shews that he was weak enough to be grossly imposed upon by her. For it is incontestably proved, and a fact which does not admit of the remotest possibility of doubt, that his promotion would have taken place, and did actually take place, without any other application than that of his own Father. Can then this House, upon the evidence of such infamous witnesses as have appeared at its bar; can it, upon any evidence it has heard, suppose for one moment, that His Royal Highness, having determined upon the promotion of Major Tonyn, upon such clear grounds, could have lent himself to the disgraceful purpose of fabricating a note to induce Major Tonyn to believe that he would either retard or accelerate his promotion, according as Major Tonyn did or did not leave the sum of 500*l.*, in the hands of his agent, for the benefit of Mrs. Clarke? Is it within the scope of human imagination to suppose, that if he could have been so base as to have done this, he should have committed himself by a written note, to make himself appear an instrument in such a transaction?

This note, from the manner in which it was first kept back by Captain Sandon, and at length extorted from him, has naturally excited much attention; and these circumstances have possibly given it an importance which would not otherwise have belonged to it. It is said to have been written by the Duke of York himself, is directed to Mr. Farquhar, the name by which His Royal Highness frequently addressed his letters to Mrs. Clarke, and it is sealed with his seal. The words of it are, "I have received your note, and Captain Tonyn's

"business shall remain as it is. God bless you." As to the proof of the hand-writing, it does not rest, certainly, on Mrs. Clarke's evidence alone. Those most conversant in His Royal Highness's character of hand-writing, all think it very like his hand: one only (General Brownrigg) says he does not believe it to be his. But still I think we have strong and pregnant evidence to induce us to pause, before we do conclude that it is his hand-writing. The House is too well aware that there is such a thing as forgery, as successful forgery; but, in order that the forgery should succeed, it is necessary that the person whose object is deception and fraud, should be able closely to imitate the hand-writing, by which the fraud is to be effected, and the parties to be imposed upon; unless the forgery is well executed, it can impose on no one. Is the House not aware that Mrs. Clarke has had the infamous audacity to boast at its bar of the dexterity with which she can imitate the hand-writing of others? how she has admitted that she could imitate the Duke's? Does it recollect to what a dangerous extent this abandoned woman is gifted with the faculty of adopting her hand-writing to the style and manner in which others write? Does it advert to the very important circumstance, that she had the letters of the Duke of York constantly before her; and that if it was her intention to write a short note which should have every appearance of his hand-writing, how easy it was for a person of her ability to execute her design? That among the notes of His Royal Highness which she has given in at the table, there appears one or two in which the very words in this note about Tonyn are introduced; that she had only to look at the words, which would answer her purpose—that she had only to select and copy those particular notes which would furnish her with a pattern to imitate? Can the

House contemplate all these facilities which Mrs. Clarke possessed in so eminent a degree, and not entertain, even more than a doubt, as to the fact of this being the note of the Duke of York? It does stand undoubtedly in evidence as a piece of paper, on which there is hand-writing to a small extent similar to the hand-writing of the Duke of York. The contradictions in the evidence, as to the fact, ought to make one pause. I am ready to admit, that upon the testimony of the witnesses, who have been called from the Bank and the Post-office, to state their opinion of the authenticity of this note, the balance of the evidence is in favour of its being the hand-writing of the Duke of York; but is it not possible that the witnesses may have been deceived by the closeness of the imitation? There was a doubt in the minds of all the persons who were acquainted with the hand-writing of His Royal Highness; General Brownrigg does not think it is his hand-writing; and the result, I think, fairly is, that the question is so far involved in doubt and obscurity, as fully to justify this House in hesitating, before it comes to any conclusion upon its authenticity; as however, I cannot disguise from myself, that it does appear that the impressions of the House upon the direct evidence seems to be in favour of the authenticity of the note, it is necessary to examine the collateral evidence which we have upon the subject of it. Captain Sandon, when he was at length brought to admit the existence of the note (p. 360), says, that it was given to him to shew and prove to Captain Tonyn, that his promotion would not go on, unless he paid the money. "I took the note," he says, "and produced it to Major Tonyn with that message"—and he then says, he was induced to wait three or four days, and Mrs. Clarke got her 500*l.*—In page 401, he gives a direct contrary interpretation to it,

—he is asked, "Do you recollect the purport of the note?"—"No, I entirely forget what it is." (The note was read.)

"Hearing the purport of this note, state how this note, which mentions a stop to the business, could possibly encourage Major Tonyn in the idea of its going forward?"—He says, "Does it not say it is to go on? the contrary, it says it stops; it still remains as it is." "How can it then encourage the gentleman in the expectation of its going on?"—"It was then going on, and I should imagine, it was meant it should go on."

"What do you understand by the expression, it shall remain as it is?"—"I really do not understand it, I must confess."—This is Mr. Sandon's account of the note.

As to Mrs. Clarke's understanding of this note, if it was a forgery, she would not be very ready to acknowledge any recollection of it; and she tells us, she has not the slightest recollection of such a note; that she was so careful of the notes she received from the Duke of York, that it was impossible for her ever to have let any paper of his come into the hands of Captain Sandon.—Now it must be recollected, that at the time when Sandon tells you this note was used, Mrs. Clarke was in danger of losing the money:—Could she have forgotten that circumstance?—If she had written to the Duke of York respecting Major Tonyn, for the purpose of securing the money, and had received this note in answer, and authorised Sandon to shew it, is it possible she should not have recollected it?—The House may not be disposed to lay any stress upon the evidence of a witness who has disgraced himself, like Captain Sandon; but it is all we have upon the subject. If we do not refer to his evidence, we have nothing to refer to;—Mrs. Clarke cannot help us, or will not help us, which

comes to the same thing; and Captain Sandon further tells us, the note was to prove to Major Tonym, that if he took away the money, he would lose his promotion; and then again, that it was to make him believe it was going on.—The note, without external circumstances to explain it, is wholly unintelligible; the circumstances with which we are furnished by the witnesses, increase rather than remove the difficulty of understanding it. If you cannot refer to any evidence which is to prove when the note was used, or for what purpose it was written, you may let your imaginations loose; you may guess, or invent, any explanation of it; but that will not be proof, it will be mere conjecture; and it is not upon conjecture that this House will convict the Duke of York, or any man whatever, of corruption.

But these observations only shew, that Captain Sandon's explanations and history of the note are not *satisfactory*.—I will now shew the House that they are *impossible*. Captain Sandon tells you, that the note, when he received it from Mrs. Clarke, was wrapped up in the cover of another letter; that, some days before Major Tonym's promotion was in the Gazette, he shewed the note to Major Tonym; and that he, in consequence, did say he would wait some days longer. Now, Sir, this is impossible. Major Tonym's promotion was gazetted on the *nineteenth of July*, 1804; but the cover of the other letter, in which Captain Sandon says he received the note from Mrs. Clarke, has the Dover-post mark of the *twenty-second of July*. It is therefore utterly impossible, that any note which he received from Mrs. Clarke in that cover, could have been shewn by him to Major Tonym before he was gazetted.

Connected with this note, it is necessary to refer to

a letter from Mrs. Clarke to Captain Sandon, which appears among Captain Sandon's letters, in page 378 of the printed evidence;—that letter appears to have been written by Mrs. Clarke from Weybridge, on the Thursday preceding the Saturday, when the promotion of Captain Tonym took effect; the letter has these words in it: "He has ordered him (Captain Tonym) to be gazetted, and is fearful it will be done ere he can stop it; he will be at the office to-morrow, and, if not too late, will stop it. He assured me it was entirely owing to me that he thought to do the best, by putting him where two Majors had left, Astlett and Bligh, and he would of course be two steps higher. I hope to see you to-morrow, when you will be able to give me the answer from Tonym. I shall be in town about five."—Now, Sir, this information, which she pretends to give, is false. There was no regiment from which Majors Astlett and Bligh had been removed. It must have been therefore mere invention to impose upon Sandon and Tonym, or both, for the moment, to induce them the more readily to believe that she had been instrumental in procuring the appointments from the Duke. But how can you apply this letter to the note in question? The words of the note are, "I have received your note, and Tonym's business shall remain as it is." The letter which I have just read, from Mrs. Clarke to Sandon, was written on Thursday the 17th; it was sent by the Twickenham post, and received in town the same evening; and she says in it that she is to be in town at five o'clock the next day. The Duke of York was to go to the office on Friday, to try and stop the promotion. It is not stopped. If this note then was written at this time, "it shall remain as it is," must mean that it should go on. But this would be inconsistent with the supposition; for if he went to

the office under a promise to stop it, and found he could not, that it was too late,—he would have said, “*but it must remain as it is,*”—not “*and it shall;*” the language of the note implies giving effect to the wish which he was desired to execute. But suppose we ascribe this to a little inaccuracy of language, yet if, in consequence of his own promise made to her in person at Weybridge, he was giving her an account of his inability to perform it, he never would have begun by saying, “I have received your note;” he would have referred to their conversation at Weybridge, and not to a note which, upon this supposition, could never have been written.

All the evidence, therefore, which we have the means of applying to this note, leaves it wholly unexplained; not only does it not afford a clue to understand it, as Captain Sandon would explain it, but it is utterly inconsistent with that explanation; if we are to endeavour then to interpret it by conjecture; if we are to let our imagination loose upon the subject, without either written evidence or parole evidence to assist us; we may invent an interpretation which may render it perfectly innocent. Mrs. Clarke, wanting to impose upon Captain Tonym, may have pretended to the Duke that he was an old friend of hers, and that she had seen him, and found that he had heard some story which had alarmed him, lest the promotion which His Royal Highness had promised him was to be stopped, and was extremely anxious about it. “If there is no ground for this alarm, merely write me a short note about it: if you only say that his business shall remain as it is, it will be sufficient.”—The Duke, on the receipt of her note, may have returned the answer in question.—And I do call upon the House, in all fairness and in all justice, if they are to help out this evidence by their ima-

ginations, to do so in any manner but that which shall convert it by conjecture into the proof of guilt.

But whatever may be the meaning of this note, that it should have been twisted into a proof of a criminal participation on the part of the Duke of York, in Mrs. Clarke’s corrupt practices, that it should have been taken up with that impression by the Honourable Gentleman who spoke last, does indeed astonish me.—That, if it is the hand-writing of the Duke of York, it does afford evidence of his having received a letter from Mrs. Clarke, upon the subject of Captain Tonym’s promotion, and that he had answered it without reproving her, for writing to him upon such a subject, must undoubtedly be admitted: But what crime, public or private, is there in such a circumstance? Knowing, as the Duke must have done, the regular course through which that promotion had been obtained, could he by possibility have suspected that, by telling her that the business should remain as it was, he could be furnishing her with any means of practising any fraud, or procuring any pecuniary advantage? Unless the prejudices of my mind disable me from forming a correct judgment, I am confident that this case is utterly destitute of every thing which can constitute a charge against the Duke of York.

There still remain, Sir, other cases, on which I feel it to be my indispensable duty to observe; I confess indeed, that I feel rather exhausted. (*Adjourn, adjourn,* was called out by many members.)—

If, Sir, it is the sense of the House, that I should not proceed at this time, but that we should adjourn, I certainly am ready to accede to its wish; but at the same time, I should be able to go on, if that should be its pleasure.—(*No!—Adjourn, adjourn!*)

I should, Sir, at all events, before the House rises, be

desirous of stating the view which I take of the question, and the course which I should recommend to be pursued.

According to what I have said, I should think it absolutely and indispensably necessary, under all the circumstances of this case, that the House should decide expressly, the question of guilt or innocence.

I should propose, therefore, as an amendment to the Honourable Gentleman's address to leave out all of it, but the word "that," for the purpose of converting his motion for an address into a resolution.

I would then propose a resolution expressive of the sense of the House, that they should so decide the question — as follows :

"That, charges having been brought forward in this House, against His Royal Highness the Duke of York, imputing to His Royal Highness, the crimes of personal corruption in the execution of his office of Commander in Chief, and of criminal connivance at corrupt practices with respect to the army; and this House having referred the said charges to the investigation of a Committee of the whole House; and having carefully considered the evidence collected and reported by the said Committee, this House feels itself called upon to pronounce a distinct and direct opinion, upon the said charges of personal corruption and criminal connivance."

I would then propose a resolution expressive of our opinion, that there is no ground to charge His Royal Highness with the crimes imputed to him, in the following words :

"Resolved,

"That it is the opinion of this House, after the fullest and most attentive consideration of all the evidence reported to this House, from the Committee

appointed to enquire into the conduct of His Royal Highness the Duke of York, that there is no ground for charging His Royal Highness, in the execution of his official duties, as Commander in Chief, with the personal corruption alledged against him in that evidence, or with any connivance at the corrupt and infamous practices which are therein disclosed."

If, Sir, the House should agree to this resolution; if they should think that the evidence before them justifies the conclusion which I draw from it on the charge of corruption, something more, however, will, in my opinion, be still necessary, in respect of what is due to the character and the feelings of this House. We ought not to pass by unnoticed, that which we have had proved at our bar; and which, as we cannot but lament it most deeply, so we ought not to omit to express our sense of it. The Honourable Gentleman, indeed, from the address which he has moved, appears to be of opinion that even if there has been no corruption on the part of His Royal Highness, yet that we ought to press for his removal. Now, Sir, there I differ most entirely from the Honourable Gentleman. When I consider the services of the Royal Duke; the services which he has for so long a period been rendering to the army of this country: when I consider that we cannot reasonably hope that the country could be supplied with an officer who would be able to perform all the important functions of that high situation so usefully to the public as His Royal Highness; I do think that we should be doing an act of great injustice to the country, if we were to remove him, unless under circumstances which rendered his removal necessary.—But address, to remove him, I admit we must, if his conduct has been criminal.

But if there has been no corruption in his conduct, no connivance at the corruption of another, no official guilt; we may express our concern and regret at all those circumstances relating to Mrs. Clarke's connexion with His Royal Highness, in such a manner as may be consistent with what is due to our own characters, without necessarily bringing upon the public the loss which his removal from office would occasion. But it is obvious, that, if to prevent his removal be an object which we ought to look to, we must so express ourselves as not to render his continuance in office impossible. The mode in which I conceive we may obtain this object, is, by adopting an address to His Majesty, which shall first inform him that we have come to a conclusion of our enquiry, and are satisfied of the innocence of His Son; — in the following terms:

“ That an humble address be presented to His Majesty, humbly representing to His Majesty, that in consequence of serious charges against the conduct of His Royal Highness the Duke of York, in the office of Commander in Chief of His Majesty's army, His faithful Commons thought it their indispensable duty, without loss of time, to enquire into the same in the most solemn and public manner; and that, after the most diligent and attentive consideration of the evidence, by which those charges have been attempted to be supported, His Majesty's faithful Commons, considering the deep and lively interest which His Majesty must naturally feel, in any enquiry into the conduct of a person in so high and responsible an office, as that of Commander in Chief, more especially when that person is so nearly related to His Majesty; have felt it their

duty to lay before His Majesty the following resolution, expressive of their opinion upon this enquiry.”

Then, after inserting the resolution which I have read, expressive of our conviction of His Royal Highness's innocence, I would propose that the address should proceed as follows:

“ And His Majesty's faithful Commons think it their duty further to state to His Majesty, that whilst this House has seen with satisfaction, in the course of this enquiry, the exemplary regularity and method with which the business of the Commander in Chief has been conducted under the direction of His Royal Highness; and also the many salutary and efficient regulations which have been introduced into the army, during his command of it; some of which regulations have been specially directed to prevent those very abuses, which have in this enquiry been brought under the notice of the House of Commons; they could not but feel the most serious regret and concern, that a connexion should ever have existed, under the cover of which, transactions of a highly criminal and disgraceful nature have been carried on, and that an opportunity has been afforded, of falsely and injuriously coupling with such transactions the name of His Royal Highness, whereby the integrity of his conduct in the discharge of the duties of his high office has been brought into question; that it is, however, a great consolation to this House, to observe the deep regret and concern which His Royal Highness has himself expressed on the subject of that connexion; as from the expression of that regret on the part of His Royal Highness, this House derives the confi-

dent assurance, that His Royal Highness will henceforth invariably keep in view that bright example of virtuous conduct, which the uniform tenor of His Majesty's life, during the course of His whole reign, has afforded to all His subjects, and which has so much endeared His Majesty to the affections of every rank and description of His people."

Such, Sir, is the course which I should recommend to the House, instead of the address proposed by the Honourable Gentleman, to remove His Royal Highness from his office: and having thus put the House in possession of what I intend to submit to it, I shall now yield to its impatience, and I move, Sir, that we do now adjourn.

On the following day the Chancellor of the Exchequer resumed his speech. After thanking the House for the indulgence which had been afforded to him by the adjournment, and after shortly recapitulating the points of the case which he had observed upon the day before, and making some additional observations on French's Levy, which, as is observed in the note (p. 67), are considered as if they had been made on the first day, he proceeded as follows:—

The case, Sir, of Colonel Shaw, which I am now proceeding to examine, will be found extremely to deserve the attention of the House; and I wish particularly to direct that attention to the evidence of Mrs. Clarke, upon this charge; because it will appear that it is most completely falsified. It is not merely that there is reason to doubt of her truth, but there is distinct and full evidence of her falsehood. In page 255 and

256, her evidence will be found. She there states, that Colonel Shaw promised her a remuneration of 1000*l.* in the event of his obtaining a situation upon the staff; that he wished to be Colonel of the Manx Corps in the Isle of Man, where his father had been Deputy-Governor.—She is then asked, "Do you mean to say that you applied for this situation for him?" She says, "Yes, I did; but there were stronger claims in another quarter." Her examination thus continues: "Did you then apply for any other situation for him?" "Yes, I did." "What was that?"—"That which he now holds." "Do you know what that is?" "Barrack-Master at the Cape of Good Hope; Barrack-Master-General, I believe." "Did you receive any pecuniary consideration in consequence of this appointment?"—"Yes, I did." "What did you receive?"—"500*l.*" "Do you recollect how you received that money?"—"I had 300*l.* from Colonel Shaw, and 200*l.* brought by some man, I understood it was a clerk of Coutt's, but I am not positive, and on that account had a great mind to send it back again, thinking it would be made public?" "Were you satisfied with this 500*l.*?"—"No, I was not." "In consequence of your not being satisfied with the 500*l.*, did you make any complaint through the Commander in Chief?"—"Yes, I did." "What was the consequence of such complaint?"—"His Royal Highness said, he had told me all along, that I had a very bad sort of a man to deal with, and that I ought to have been more careful, and that he would immediately put him upon half-pay." "Do you know whether Major Shaw was put upon half-pay in consequence of that?"—"He sent me several letters, complaining, but I did not trouble myself much with reading them: one of the letters I

“gave in to-night, I believe. I thought him already too well off, for his conduct to me.”

This is her evidence with respect to Colonel Shaw: so that the House may observe, that she confirms the statement of the Honourable Gentleman, in his opening, namely, that in consequence of her having been disappointed in receiving the money she expected from Colonel Shaw, and which he had promised her, she complained to the Commander in Chief, who thereupon reduced him to half-pay. As to the further application of Colonel Shaw, she says, she paid no attention to it, because she considered that person to have been already too well used.

Now, Sir, if the House will indulge me with their attention, I will undertake to prove that this letter of Colonel Shaw, the very document which she brings forward, and refers to as part of her story, is utterly inconsistent with the story she relates. Her story is, that in consequence of Colonel Shaw's failure to perform his promise, she had got him put upon half-pay: Is it possible that this letter, if it was written to appease her resentment, to implore her forgiveness, and a renewal of her kindness, would take no notice of his offence? would he take no notice of his obligation, under his former promise, when he is offering fresh terms? would he not have said, I have broken my faith; you have done me no more than justice; but forgive me, I will pay you the 500*l*. Perhaps it will be said, he could not afford it: but that is not so. He offered her more than what he owed her. Under the former promise he owed her, according to her story, 500*l*. His present letter offers her 300*l*. per annum. Would he not have pointed out the superior value of the new offer? nay, would he not, instead of a new offer, have begun at least by undertaking to pay

what was due under the former? But the letter contains no offer of the kind; it promises her 300*l*. a year, while he continues at the Cape of Good Hope. It does not advert to any one thing that is consistent with the story of Mrs. Clarke. He complains of the circumstance of his having been put upon half-pay; he excepts against it, not as an act of her's, but upon the ground, that the practice and custom of the army did not warrant his being put upon half-pay. He says, “Put me in the situation I have been deprived of, do away the present evil, and unite the appointments I have mentioned, and I will annually remit 300*l*. whilst I remain; remember, do me justice: Let not any thing prevent this—allow not self or family, ever to have to say that we owed misfortunes to such a hand.”

Mrs. Clarke says, “He sent me several letters, but I did not trouble myself much with reading them:—one of the letters I gave in to-night.” Will any body believe, Sir, that this letter, offering 300*l*. a year to Mrs. Clarke, was not worth her reading? Are we to be so imposed upon, so duped by Mrs. Clarke, as to believe her when she asserts so improbable a falsehood?

Having now shewn, Sir, how this document disproves the evidence of Mrs. Clarke, the House will be prepared the better to follow the evidence, by which the true history of Colonel Shaw's appointment is detailed. It appears distinctly, that the promotion of Colonel Shaw was recommended, and pressed with great earnestness, by Sir H. Burrard, and that the terms upon which he was to receive it, were explained to him in the first letter, which General Burrard wrote to him upon the subject (p. 274).

Sir H. Burrard appears to have been impressed with sentiments of gratitude and friendship towards the father

of this gentleman, and to have wished to do all in his power for his advancement. He had made repeated applications to the Commander in Chief, which were not attended with success; and he renewed them again and again. But all this is turned to the account of the accusation:—"Sir H. Burrard could not succeed, but Mrs. Clarke interferes, and success follows of course." Unfortunately however, for that observation, it is not true; Mrs. Clarke's application, according to her evidence, had failed as well as Sir Harry Burrard's: but Sir Harry Burrard's letter to Colonel Gordon, explains the case. He says, "To shorten the business, I send you Shaw's letter, which is nothing more than to say, that he will gratefully accept, if the Deputy Barrack-Mastery can be obtained with the rank of Lieutenant-Colonel, and go there in three weeks. I explained THAT, and also, that if it could be obtained, HE WOULD BE PUT ON HALF-PAY, as soon as it could be done. His request is to come to London immediately, if he can succeed."

He does succeed, and then there is a letter from Colonel Shaw to General Burrard, in which he expresses himself in these terms.—"I am just honoured with your letter, and I trust you will believe, that I feel, though I shall not attempt to express my gratitude for your present and many kindnesses towards me, and I can only add, that my sense of obligation, can alone cease with my existence. I have, as far as the present time allowed, given every consideration to the proposal you have made me, and should conceive myself most fortunate in succeeding to it, and should be ready to proceed in the time you mention. I have only to request, that should the decision prove favourable, that I might be permitted an immediate leave of

"absence, as I should have a great deal to arrange in regard to my family." This is the answer of Colonel Shaw to Sir Harry Burrard, who had been soliciting and recommending his appointment with so much zeal and perseverance. Sir Harry Burrard states the fact, that his being put on half-pay, would be one of the conditions of his acceptance of the appointment; and Colonel Shaw expresses, in terms of gratitude, as strong as possible, his obligation, and his anxious desire to accept the situation, although that condition was explained to be annexed to it. Now, Sir, if all this be so, and no rational man can doubt it, what pretence is there upon this evidence, for believing Mrs. Clarke, when she says, that Colonel Shaw was reduced to half-pay on her special application?—But then, it may be asked, how are we to account for Colonel Shaw's letter?—How are we to account for his applying to Mrs. Clarke at all? or for his applying to get rid of the condition, under which he had consented to accept his office?—There is no difficulty in accounting for this at all. Colonel Shaw, no doubt, was imposed upon by Mrs. Clarke, to believe that she had interested herself for him, and that she had influence with the Duke—as she had imposed upon Mr. Knight, as she had imposed upon Major Tonym, and many others; and the application to get rid of the condition under which he had consented to accept his office, proceeded from a principle which frequently actuates mankind: Colonel Shaw had been very desirous of the appointment, and was glad to receive it, upon the terms of being put upon half-pay; but having gained the object he was anxious to obtain, he felt as impatient as ever for fresh advantages. Having accepted the office with that condition, secure of the office, he wished to be released from the condition. This

Sir, is the plain and obvious meaning of Colonel Shaw's letter. And I do protest, that I leave this case with a perfect confidence, that no man who understands it, will ever refer to it again, except for the purpose of disproving the evidence of Mrs. Clarke.

The next case, which it will be necessary to advert to, is, that of Mr. Dowler. I incidentally mentioned this case yesterday. It is not one in which His Royal Highness is charged with having done any thing improper as Commander in Chief; but as it is one in which money is said to have been paid for an appointment, and as Mrs. Clarke says, with His Royal Highness's knowledge; though it be not in the Duke's own department, it equally reflects upon the honour of His Royal Highness.

The case however rests wholly on the evidence of Mr. Dowler and Mrs. Clarke. I did submit to the House, yesterday, my impression respecting Mr. Dowler's and Mrs. Clarke's testimony in this case, and I think if I was disposed to go at any length into their evidence, I should be told it was unnecessary; and that it did not appear to be of a nature, which entitled either that Gentleman, or Mrs. Clarke, to the least degree of credit. He says, that he gave Mrs. Clarke 1000*l.* for a situation in the Commissariat Department: whether he did actually give her a 1000*l.* is one question, and if he did, on what account he gave it, is another. What renders it very improbable, that he should have given so large a sum at all, is, that at this very time you will find Mrs. Clarke and Mr. Dowler, raising money (see p. 426) upon their bills. Nothing can be looser, or more unsatisfactory than his evidence. He asserts, that he assisted her with many large sums to a considerable amount: yet, except in one instance, in which he paid for a carriage, he cannot recollect any one of them: they were not intended as

presents, but as loans; yet he has no memorandum, no trace of any item by which he could ascertain the amount of them. Besides this, it certainly appears, he was her most favoured paramour, and that they had a variety of transactions together. If he paid her any money, therefore, the probability is, that it would not have been on account of any exertions of hers, to obtain for him a situation in the Commissariat; but that it should be referred to some other account arising out of the intimacy which subsisted between them, and the disposition which he consequently must have had to assist her. The House will not fail to recollect, that he gave a very different account to an Honourable Member of this House, a friend of his, of the source from which he derived this appointment, at the time it took place; and surely his contemporaneous account to his friend is more entitled to credit, than that by which, after having been closetted, and bedded with Mrs. Clarke, he comes to fix guilt and conviction on His Royal Highness. These are the impressions on my mind—I cannot flatter myself, that either with respect to this, or other cases, I shall be uniformly successful in carrying that conviction to the minds of all those who hear me, which I certainly feel upon them myself; but I do trust that this fair and candid examination of these charges, will make a due impression on this House, and upon the country; and will have the effect of correcting the erroneous impressions which have been made out of it, by those imperfect and garbled publications of the evidence, by which the public mind has been unjustly prejudiced and poisoned against the Duke of York. We all know, Sir, (and I wish we may not, some of us, be influenced by them); but we all know, that partial accounts of the evidence have gone forth in the public prints, in weekly and diur-

nal papers, accompanied, in many instances, by comments and observations, most industriously and wickedly calculated to prejudice a case under trial, in a manner which, if they had been circulated in allusion to any other prosecution, any ordinary court of justice in the country engaged in the trial of it, would have thought a sufficient ground for suspending the trial, and for not permitting the minds of those who were to decide upon it, to be brought warm to the decision, under such injurious impressions. These impressions, however, I trust will now be done away, by the candid and judicial manner in which the evidence will be examined in this House, and the decisive judgment which I trust will be pronounced upon it.

The next case is that of Kennett; upon which I shall not trouble the House at much length. The Honourable Gentleman has passed it by altogether, referring the House to some friend of his, who, he tells us, is to go at large into it. It is in vain for me, therefore, to attempt by anticipation to answer the observations which I have not yet heard; but if gentlemen will look into this case, they will find from Colonel Taylor's evidence, that Kennett introduced himself to the Duke of York, as a person who could procure him a large sum of money upon certain securities on Oatlands, and other property belonging to His Royal Highness. That Kennett was an arrant swindler, I have no doubt: he has been convicted of a most fraudulent transaction, and has stood in the pillory: but that occurred long after this transaction for the loan, and consequently afforded no means to His Royal Highness, or any one else at that time, to know any thing of his character. Colonel Taylor's memory of the transaction seems to be very imperfect. He states, (p. 343,) that Kennett volunteered

his services to procure this loan; that he told him he was very much supported by Sir H. Mann, with whom he had been very long acquainted; "And he told me that Sir H. Mann had desired him to say, he should feel very much obliged to me, if I could use my influence with the Duke of York, to assist him in obtaining a situation." (p. 343.) At the bottom of the same page, and the top of the next, Colonel Taylor says, this reference to Sir H. Mann, was subsequent to the offer of the loan, at the next or some subsequent meeting. There is a letter from Sir H. Mann, (p. 339, no. 7,) in which it appears, Sir Horace had made an application for him, and was interested in his success. It is in these words, "I shall rejoice exceedingly at your success, if it can be an object with you to obtain a situation in such a climate. The channel you mention, may be more efficacious than the exertion of my interest, which I will strenuously renew, if it is necessary, &c." Under these circumstances, Colonel Taylor makes the application to the Duke of York, who does in consequence recommend him to Mr. Pitt, through Mr. Long, for the place in question. He is disappointed in his object: the office is refused to the Duke's request. Mr. Kennett renews his application to the Duke; and there are, in p. 342 and 343, two drafts of a letter or letters produced; both written on the same sheet of paper. And though Colonel Taylor (expressing at the same time, the imperfection of his recollection) thinks two letters were received by him to the effect of these drafts, yet there is upon the face of them, evident marks, that they were only two drafts of the same letter. They are both interlined, but the first much the most so. It is very inaccurately worded; it is first drawn up as if he was soliciting the place for a gentleman in the city, and then altered as if it was for himself; in which sense

the latter draft stands; and this latter does seem in all probability the one which was sent. I make these observations; because it is only in the first draft, that there is any reference to a place, as in connexion with the loan. Besides this, (in p. 344,) Colonel Taylor says, he believes the letters were not shewn to the Duke of York; (though he dares say, that he acquainted him with their substance; and if the letter copied from the first draft was not sent at all, or was not distinctly explained to the Duke; there is nothing whatever in this case, but that the man who had offered to provide a loan for the Duke, did, in communication with Colonel Taylor, by using Sir H. Mann's name, procure Colonel Taylor to influence the Duke of York to second Sir H. Mann's application for a place for him; that he did so apply; that that application failed; that he renewed it for another with equal bad success; and at last, that Colonel Taylor having learnt that he was a man of bad character, communicated that information to the Duke, and that His Royal Highness, as soon as he had heard it, told Colonel Taylor to have nothing more to do with him.

Now, Sir, not knowing what is to be said upon this case, I must leave it here, and I trust the Honourable Gentleman, who is to take it up, will deal fairly and candidly by it. Till those observations are made, of course they cannot be replied to, and I must therefore leave them to be observed upon, by those who are to follow him.

With respect to the case of Elderton, the Honourable Gentleman was equally short in his observations; and, perhaps, it might be sufficient for me merely to observe that this case, not only does not concern any appointment in the gift of His Royal Highness, (being for a Paymastership,) but also that there is not the slightest

trace of any money having been received by Mrs. Clarke or any one else, as connected with the appointment. But amongst Mrs. Clarke's letters which were brought from Hampstead, there is one connected with this case, which it is extremely important to observe upon. It is a letter from Elderton, thanking the Duke of York for having confirmed the leave of absence from his regiment granted him by General Abercrombie. I conceive this, Sir, to exhibit another and a striking instance of Mrs. Clarke's mode of imposing on persons, and making them believe she had those means of influence which she certainly did not possess. The Duke of York had nothing to do with granting or confirming this leave of absence: It rested with the commander of the regiment. Yet Elderton writes to the Duke of York, that it is impossible for him to express his obligations to the Duke upon this subject. Where is this letter found? It was not in its *proper custody* (as lawyers express it); it was not found where it might have been expected, and where it would have been, if it had ever been delivered to the Duke of York. It is a letter without a cover, the direction is on the same sheet, and there is not, nor ever was, a seal on it. What then is the inference which is to be drawn from these circumstances? The obvious inference is, that Mr. Elderton intended to forward this letter to the Duke of York, through Mrs. Clarke; that he sent it therefore under cover of a letter to her, and left it unsealed, desirous that she should see the manner in which he expressed himself. How happens it to be still with Mrs. Clarke, found among her letters, and unsealed? Obviously for this reason: she never delivered it to the Duke of York. She had, no doubt, represented to Elderton, that she would procure from His Royal Highness this favour; magnified the

difficulty of procuring it; and when it was obtained from the commander of the regiment, by his own application alone, assumed the merit of the success, ascribing it to her interference with the Duke: and Elderton, impressed with this opinion, writes this letter of thanks, which of course she could not deliver, but, suppressing it, left it among her own papers.

The next case which seems to have made some impression upon the House, is the case of Major Turner. The documents respecting it will be found in p. 282; and in p. 294 is the evidence explanatory of them. This is the case of a gentleman who is desirous that he may be permitted to resign. His letter, requesting the acceptance of his resignation, arrives at the same time with a letter from a Mrs. Sinclair Sutherland, which desires that His Royal Highness will not give him the opportunity of resigning, as "he has behaved with unkindness towards a lady, who merited different treatment; and it is of importance to her to know where to find him for these six months; and if he quits the regiment, he means to secrete himself from her." She adds, "The general knows all about it, and can corroborate what I say, if necessary." The Duke, upon the receipt of this letter, suspends the acceptance of the resignation, till he receives the result of the enquiry which he ordered to be made of General Cartwright, the colonel of the regiment to whom he supposed Mrs. Sinclair to refer him for the particulars and the confirmation of her complaint.

Upon this the Honourable Gentleman says that the Duke is highly to blame; and he asserts with great indignation, that His Royal Highness must have known who this Mrs. Sutherland was: that she was a woman of bad reputation, a prostitute, and consequently a per-

son on whose statement no reliance could be placed, and no step ought to have been taken or suspended, to the prejudice of the character or interests of an officer in the army.

Sir, I hardly knew how to trust my sense of hearing, when I heard the Honourable Gentleman make this observation. Does the Honourable Gentleman really think that no attention ought to have been paid to such information? Does he really mean, that because a charge or a statement is made against any man by a prostitute, that it ought to be wholly disregarded and disbelieved on account of the character of the person who makes it? Does the Honourable Gentleman, who has not hesitated to prefer such serious charges against the son of his sovereign, on the statement and information of Mrs. Clarke—does he who has thought the assertion of such a woman, a sufficient ground for him to rise in his place, and undertake to prove His Royal Highness to be guilty of corruption—does he who has thought himself justified to pledge himself and his character, in moving for an enquiry into the conduct of the Commander in Chief upon such a foundation—does he say that the communication of Mrs. Sutherland ought not to have been acted upon because she was a prostitute?—Is it for him to say that the Duke of York was inexcusable in paying attention to a suggestion, coming from so corrupt a source? Is this candid dealing towards the Duke of York, on the part of the Honourable Gentleman—at a time when the Honourable Gentleman is a candidate for public favour, and is exalting himself in the public opinion, by having done the same thing as that which he thus censures in His Royal Highness? But what does the Duke of York do upon the information in question? Nothing that he would not have done upon the receipt of an anonymous letter, containing the same matter—

He directs enquiries into the truth of it. It may indeed be said, that an anonymous letter may be a better thing to be relied and acted upon, than a letter signed by a person who is known, and known to be of bad character. But what in this case, is the conduct of His Royal Highness? He makes an enquiry of the General, to whom he is referred by Mrs. Sutherland. It is not on Mrs. Sutherland's authority that he is disposed to act, but he applies for information to the colonel of the regiment.

The Honourable Gentleman says, the resignation of Major Turner was still delayed!—no such thing, Sir! the Honourable Gentleman could not have read the letter of General Cartwright to the end—what does the General say in that letter, addressed to Colonel Gordon? He says, “ In reply to your enquiries respecting the “ scrape in which it appears that Captain Turner has “ got with some woman of moderate repute, I have to “ say that I am entirely ignorant of every thing which “ relates to this matter; *but for your satisfaction, will “ endeavour to inform myself of particulars, which when “ obtained, shall be transmitted to you.*” I am afraid of trusting to my own memory, as the Honourable Gentleman has already thought proper to doubt the accuracy of it; but as far as I can recollect, he did not read this concluding passage of General Cartwright's letter; but reading only that part of it which contains the statement of his ignorance of the whole matter, the Honourable Gentleman built his charge against the Duke of York, that he did still delay to accept the resignation of Major Turner. If he had read the next sentence, he would have found there was no room for this observation.—It was delayed, indeed, till General Cartwright procured the further information which he promised; the result of

the enquiry was satisfactory; and immediately on the receipt of the answer of General Cartwright, enclosing the extract of Colonel Mundy's letter, the Duke submitted Major Turner's resignation to His Majesty, which was accepted; and we find Major Turner writing a letter to Colonel Gordon, bearing date the next day to that on which General Cartwright's letter, containing that extract, is dated, in which he states, that he has just received information that his resignation is accepted. It was not, therefore, delayed an hour after the enquiry had been made.

Here is, therefore, a charge brought against an officer, with respect to which it might have been proper to have retained him in the service, (because such a complaint against an officer, might amount to a military offence of ungentlemanlike conduct.) It was proper, therefore, not to let him leave the service, till it was enquired into—it is enquired into without delay—and as soon as a satisfactory account of the fact is received, his resignation is admitted. The Honourable Gentleman opposite to me, seems to doubt the accuracy of what I am stating: let him refer to the minutes, and he will find, that on the 5th September, the letter, containing the proposal to resign, is transmitted to Colonel Gordon; on the 14th is the answer of General Cartwright to the enquiries made by Colonel Gordon, stating that he should endeavour to inform himself of particulars; on the 22d is the letter of General Cartwright, containing the result of his enquiries; and on the 23d is the letter of General Turner, stating that he has received the information that his resignation is accepted;—so that it appears that the business of Major Turner's resignation was carried into effect within *three weeks* after he made his first application! but here again I must ob-

serve, that upon a question, which is a question of corruption, we are endeavouring to enquire into facts, which can in no degree apply to that charge.

The next case to which the Honourable Gentleman referred, is one which was so ably handed by my Honourable and learned Friend behind me, and explained in a manner so congenial to my own feelings, that I shall not think it necessary to occupy much of the attention of the House in adverting to it. I mean the case of Samuel Carter: with respect to that case, I am sure it is impossible for the House to have any other feeling, than that it affords an instance of humane consideration of those who contributed to the advancement of that unfortunate young man. What is the case of Carter? There is no part of the conduct of Mrs. Clarke, by which, in my opinion at least, she so much redeems herself from the infamy, which otherwise attaches upon her, as by her conduct with respect to Samuel Carter. The House may recollect when the case of Carter was introduced, and she was asked whether she had a footboy of that name, she replied, apparently hurt by the question, "Yes, I had; but Colonel Wardle told me "he would not mention that." It is the case of a poor boy recommended in the year 1801 to His Royal Highness, by an officer, Captain Sutton, who represented that he was the orphan of a wounded officer, who had lost his life in the service of his country. There seems to be a doubt, whether there might not have been some disguise in this representation, and whether he was Captain Sutton's own son, or the son of a brother-officer. But, at all events, this was the representation made of his case, to His Royal Highness. It appears the lad was well brought up; that Captain Sutton took a personal care of his education; that he treated him in the

way, which has been stated by a most respectable witness, General Rochfort; and that he gave him an education which perfectly qualified him for the situation, to which he was afterwards advanced by the kind interposition of the Duke of York. It seems that the first application in his favour was made in 1801, just at the time, when the House will recollect, there was a considerable reduction in the army, and consequently, when a commission could not easily be obtained. His distressed circumstances led to his living under the protection of Mrs. Clarke, and he was in this situation of dependence in Mrs. Clarke's family, when His Royal Highness gave him the commission. He is described, indeed, as a footboy, a description, no doubt, below his station, and given to degrade and disgrace him: he no doubt was living with Mrs. Clarke in a state of dependence, he is proved to have waited behind the chair of the Duke of York, at her table; and once (or twice at most), to have gone out behind her carriage. But it is likewise proved by Mrs. Favery, that he wore no livery, and received no wages. The Honourable Gentleman, indeed, has described him not only as a footboy, but that he had lived in that capacity with Mrs. Clarke for twelve months. This is, evidently, a mistake; it was in May, 1804, that the commission was given him. Mrs. Clarke's establishment in Gloucester-Place did not begin till some time at the commencement of the year 1804; so that instead of his having been there twelve months, he could not have lived with her there above four months. Under these circumstances then, what is it that His Royal Highness has done by the grant of this commission to an unfortunate lad, which is hostile and injurious to the honour, and character, or feelings of the army. Application had been made in his favour at a

period considerably prior to His Royal Highness's connexion with Mrs. Clarke; the Duke of York had probably forgot the recommendation altogether, but having engaged in this most unfortunate connexion with Mrs. Clarke, he meets with this young lad, and he is reminded of the former application, and of his own promise; and he does that, which, instead of offending the army, reflects a lustre, as it appears to me, on the character of His Royal Highness, and exhibits his humanity and generosity in a light which the army must be differently constituted from what it is, if they do not approve and applaud rather than condemn. He rescues this unhappy, unfriended youth, from the humble and degraded station in which his poverty had sunk him; he revives those hopes which his birth and education might justly have led him to cherish, and which his own promise to Capt. Sutton had encouraged; and he removes him to a situation for which he had been long before recommended, and recommended as the son of a brave and meritorious officer, who had bled and died in the cause of his country. Now, Sir, I would appeal confidently to the feelings and justice of that very army, whose feelings are supposed to be offended by this appointment; I would appeal to the feelings of the House and of the country, whether an act like this is to be imputed to the Duke of York as a crime! If a man is to be punished for his vices, it may be well! but let him not be punished for his virtues!—and this act, I feel confident, that every humane feeling that can or ought to influence the mind of an honourable and good man, will dispose us unanimously to approve and applaud as a virtue.

I do not wonder indeed, that when this case was first mentioned to the House, it should have excited a considerable sensation, and that there should have been a

disposition to attach blame to His Royal Highness, for raising unto the honourable rank of an officer, in the British army, a lad of obscure birth and immoral connexions, with no other pretensions than the recommendation of such a woman as Mrs. Clarke—I do not wonder that it should have given rise to sentiments of indignation,—but satisfactorily explained as it has been, and when all the circumstances attending it (circumstances so honourable to the Duke of York) have been examined, I should indeed be surprised if the House should view it in an unfavourable light, or should fail to set it down, not amongst the crimes, but high amongst the merits and virtues of His Royal Highness, as an act marked by nothing but the liberality and benevolence which prompted it. That the commission, which was given to this young man, was not disposed of to a person unworthy of his situation, is manifested by the letters, which, subsequent to his appointment, he wrote to Mrs. Clarke. These letters are in evidence; the House is aware of them, they do him honour. There is a sentiment of liberal gratitude, breathing through the whole of them, which prove the qualities of his heart, as well as the progress of his education. The Duke of York must at least have the satisfaction of believing now, and nothing but a total want of candour would presume, that he had not good reason to expect before, that the youth to whom he had extended his protection, instead of being a disgrace, would be an honour to the army.—He is now, as we are given to understand, upon the staff, in the West-Indies, not promoted to that station, by the recommendation of the Duke of York; but recommended by his own good conduct, which, the General whom he served, had the opportunity of observing, and the just discrimination to reward. I do sincerely hope,

and trust, that wherever what has passed in this House may be heard or read, it may not make any impression on the minds of the brother-officers of this young man, injurious to him in his professional character, or ruinous to his future prospects: and I am confident the House would deeply lament; I am sure, that all those gentlemen, who in the first instance, before this case was fairly brought under their examination, considered it in the strongest and most prejudiced point of view, would extremely regret, that this case should ever have been introduced, if it should be attended with a result so cruel, so unjust, and so unmerited by the person whose appointment has been the object of our enquiry.

The case I am now coming to, is one, which unquestionably is of the greatest importance; for, it is one, which gentlemen on the other side of the House, suppose to bear the hardest against the Duke of York.—I allude to the letter from His Royal Highness to Mrs. Clarke, in which the name of General Clavering is introduced. Whether it is a case which merits the observations, that have been made upon it, will be for the House to judge, after I have drawn their attention to the circumstances with which it is connected. To my mind, it certainly does not appear to possess the importance, which others have been disposed to attach to it. The letter of His Royal Highness, is in all our memories. It will be found in page 245 of the minutes of the evidence. I will state the exact terms of the passage, which refers to General Clavering; they are these,—“ Clavering is mistaken in thinking that any new regiments are to be raised; it is not intended,—only second battalions, to the existing corps: you had better, therefore, tell him so, and that you were sure there would be no use in applying for him.”—The Honourable Gentleman made an

observation upon this letter, which indeed astonished me; he said, that this letter appeared to have been written with great caution by His Royal Highness:—If any gentleman will read this letter, without suffering his mind to be actuated by a most uncommon degree of prejudice, I am sure he will not think that caution is its true characteristic. There certainly is no appearance that it was ever intended for the public eye; it is little calculated to be dissected and commented upon in the manner it has been.—Who, except the Honourable Gentleman himself, is so biassed by his views of this case, as to say, that this is a letter which has been written with premeditated caution and circumspection? that it has been written so guardedly, as to suggest to the Honourable Gentleman, that His Royal Highness anticipated, while he was writing it, the possibility of its coming under the public eye, and that he guarded himself in his expressions accordingly? I am persuaded, Sir, on the contrary, that every unprejudiced mind will see in the language of it the strongest marks of the most unreserved, and confidential communication. But, Sir, it is necessary to refer to some other letters, which we have in evidence, and which have passed between General Clavering and Mrs. Clarke; which will afford a useful comment upon the letter under consideration. I much deceive myself, if it will not appear from these letters, compared especially with General Clavering's evidence, that she was corresponding with General Clavering and the Duke of York, at a sort of cross-purposes, receiving applications in one sense, and answering them in another. It appears from General Clavering's own evidence, that he had offered 1000*l.* to Mrs. Clarke for a regiment. I conceive that we cannot give a date to this offer at any other period than just about the date of the Duke's letter. It should

seem, that, in consequence of this offer, Mrs. Clarke made some application to His Royal Highness, and that this letter from the Duke, in which General Clavering's name is mentioned, was the answer to it. It is evident, that no mention was made of the offer of this 1000*l.*—If it had been mentioned, it is impossible that the answer of the Duke of York should not have taken some notice of that circumstance; he must either have been disposed to encourage or resist it, but evidently he does neither; we must conclude therefore, that she did not mention it.—Yet how is it, consistently with the supposition of the Duke's knowing of her corrupt practices, that we can account for her omitting to mention it? It is the largest offer which appears at any time to have been made to her; and would not the Duke of York, if he knew, if he approved, if he encouraged these practices, if he profited by them,—would he not have received with eagerness an application of this sort? But as the truth unquestionably is, that His Royal Highness was wholly ignorant of these transactions, and would have discarded Mrs. Clarke the moment he suspected them, her silence is easily accounted for. I wish to bring the attention of the House pointedly to the date of the letter: The letter written by the Duke of York, is dated Sandgate, August 24, 1804; and we have a letter from General Clavering, p. 308, dated Bishop's Waltham, 5th September, 1804. This letter, from its context, is evidently an answer to one which the General had received from Mrs. Clarke; probably the letter which conveyed to him the representation which Mrs. Clarke made of the Duke's answer to that application for a regiment, which she was to make in consequence of the offer of the 1000*l.*—What that answer was, we see in the letter in which General Clavering's name is mentioned, and which probably

reached her on the 25th or 26th of August.—Now, let us see General Clavering's reply to Mrs. Clarke, and from that we shall judge how correctly she must have stated to General Clavering the substance of the Duke's letter. The reply is in these words,—“ My dear Mrs. Clarke, you mention that His Royal Highness did not comprehend my proposal. My idea was this, the Defence Act, article 30, states, ‘ that men to be raised by that act, are not compellable to serve out of the United Kingdom, and Islands immediately attached;’ and in 32, ‘ That they shall not remain embodied for more than six months after the peace:’—then he says, ‘ we have always experienced the fatal effects of disbanding corps at an apparent conclusion of war;’—and then he proposes enlistment from the militia. Now, Sir, let me ask any man, whether this has any relation to the letter written by the Duke of York? General Clavering had said, that he was desirous of recruiting from the militia, and probably suggested that as the means of procuring a regiment, for which he was to give Mrs. Clarke 1000*l.*—Then Mrs. Clarke asks the Duke of York, whether any new regiments are to be raised? he informs her that no new regiments are to be raised: and then her reply to General Clavering must have been, for there is no possibility of accounting for General Clavering's letter in any other manner, that the Duke of York does not understand his proposal; and this answer amuses him into the belief, that the Duke of York is really considering of his offer—he proceeds to explain his plan, upon the supposition, that the Duke requested the explanation.

Again, Sir, let me ask, where is this letter found? If the Duke of York was really desirous of information on any military plan suggested by General Clavering, would

Mrs. Clarke have kept the General's letter which detailed that information? Would she not have forwarded General Clavering's letter to His Royal Highness? And would it not, therefore, have been with His Royal Highness? And yet this letter, as well as the letter from Mr. Elderton is found with Mrs. Clarke, who never thought of delivering either of them to the Duke. But she would have us believe, that he left letters, after having read them, lying about carelessly, and that she, therefore, put them amongst her own. If that were so, we should have found other letters in her possession, which might more naturally have been expected to be in the Duke's. But except these two, none such are found in the possession of Mrs. Clarke: what the House will think of this, I know not; but I have convinced myself, at least, that I perceive in it a proof, that Mrs. Clarke was playing her old game with this general, as she had done with others; and that, instead of this being a case which should induce us to believe that there was any corrupt participation or connivance on the part of the Duke of York in the offer of General Clavering, it is one which makes it impossible to believe His Royal Highness had any knowledge whatever of these transactions. It is a case, indeed, which shews that, on a subject upon which his Royal Highness could have no reason, public or private, for withholding the information from any one, he did not refuse to tell Mrs. Clarke, that there were "no new regiments to be raised." It does prove that, in the unsuspecting state of communication between them, upon a subject of such perfect indifference, as, whether new regiments were to be raised, or only second battalions, His Royal Highness did not reject and resent her attempts to obtain this information. But his omitting to do so, is the utmost extent of his offence; it cannot be carried further:—and to estimate

the degree and nature of that offence, we must keep in mind, that this General Clavering is an officer of high rank, of most respectable connexions; and whom the Duke could, consequently, not have suspected of being concerned in any dishonourable traffic, either with Mrs. Clarke, or any one else. We cannot, indeed, but feel surprised, that such a person should have applied to the Duke through Mrs. Clarke: but what account this artful woman gave of her acquaintance with General Clavering, we do not know, though we have every reason to believe, that Mrs. Clarke's invention would have furnished her with an account sufficiently plausible to impose upon his Royal Highness, to think it not unnatural.

The expression concerning Dr. O'Meara, which occurs in the letter from Weymouth, has certainly made considerable impression; it will doubtless be recollected, that it has no reference to any military transaction, nor has it any connexion therefore with the conduct of His Royal Highness in his character of Commander in Chief. That Dr. O'Meara, a person so well recommended and thought of by the Bishop of Tuam, should have sought his introduction to the Duke through Mrs. Clarke, is most extraordinary, and it is undoubtedly much to be regretted. The fact that he did so, cannot be doubted. The Duke's letter to Mrs. Clarke says, that Dr. O'Meara called upon him, and that he delivered to him her letter. It is indeed, much to be wished that His Royal Highness had thought and felt that a clergyman who sought to be introduced through such a channel, from that very circumstance, deserved not to be noticed; but it certainly does appear, and I regret it as much as any man, though I cannot see in it any public or official offence, that His Royal Highness informs Mrs. Clarke

that Dr. O'Meara wished for an opportunity of preaching before His Majesty, and that the Duke of York expresses his intention of endeavouring to procure him the means of having his wishes gratified.

Now, Sir, I shall proceed to make some remarks on the parcel of letters that were found in Captain Sanden's custody: there are several of these, with respect to which, I cannot but be anxious to offer a few observations.

We find much in the evidence which has already been examined, to convince us that His Royal Highness was not acquainted with Mrs. Clarke's corrupt dealings, and that she was extremely anxious they should not come to his knowledge; and many of the letters which were found in Sanden's custody, will be found of great importance, as strongly confirmatory of the same fact. In page 378, there is a note from Mrs. Clarke, addressed to Colonel Sanden, in these words:—"Mrs. Clarke's compliments
 X " await Colonel Sanden, thinks it best for him not to
 " come to her box this evening, as Greenwood comes
 " with both the Dukes this evening, and of course will
 " watch where their eyes direct now and then; and
 " should he see and know Colonel Sanden, may make
 " some remark, by saying or talking of the levy business,
 " and it may be hurtful to his and Mrs. Clarke's future
 " interests."

X Here is a circumstance which proves that Mrs. Clarke was apprehensive lest her practices should be discovered by her being seen at the Opera in company with Captain Sanden, and that Mr. Greenwood would have an opportunity of remarking upon the subject of Colonel French's levy. It is obvious, therefore, that the connection of Captain Sanden with Mrs. Clarke is to be kept out of the sight of the Duke of York. It will be

found in page 382, that there is another letter, in which there are still stronger observations. This letter is as follows,—“Dear Sir, ere I leave town, I scratch a few lines, begging you to be on your guard in every point; but of my name *in particular, for the future never breathe it*. I am confident you have a number of enemies; yesterday, the ——” (Duke of course) “was assailed from seven or eight different persons, with invective against you; he is a little angry at something, yet will not tell it me. I think this fellow, Kennet, tries his friends—they laid fine complaints against you:—Did you tell Zemminees, that as soon as Tonym was gazetted, you would get him done in the same way, and that I was the person?—Let me see you on Monday. Adieu; I am interrupted.” Here is another occasion in which she cautions Captain Sanden not to mention her name: she apprizes him that something has occurred, which makes it a matter of delicacy; she fears to be implicated, she knows not what it is the Duke has learnt, but she fears that Sanden may have said something about her interference for Zemminees, and for Tonym; she requests him to be particularly cautious of mentioning her name—in strong earnest terms, “never to breathe it,”—that no opportunity may be afforded of giving encouragement to the belief of any thing that may be stated concerning them. These are some of the observations which seem to me to be material, and to arise fairly out of these letters.—There are unquestionably many more. I shall not trouble the House by going through the whole of them: I am so sensible of the extreme length at which I have occupied the attention of the House, that I do not think I should be justified in doing more than noticing those letters, which appear to me the most important. There

are some few, certainly, of that description. One letter, to which I would particularly desire their attention, will be found (in p. 379) directed to Captain Sanden; it is in these terms:—"My dear Sir, I am vexed to death, you well know the state of my finances—I hit upon *Spedding* for Tuesday, when, behold, the regiment he is in did their exercise so bad, that the Duke swore at them very much, and has stopped the promotion of every one in it." Now, that is not the fact, for Colonel Gordon, in his evidence, says, that their promotions were not stopped, and the gazettes are produced which shew that their promotions were actually going on at the time. This then is a false fact communicated by Mrs. Clarke to Captain Sanden, for the purpose of making some impression or other, with a view to her design; probably, having made some undertaking with *Spedding*, which she found would not be accomplished, she invented this circumstance to serve as an apology for her failure. Here then follows, in the same letter, a passage for which I cannot account:—"He said so much to the Colonel (*Wemyss* I think), that if he had been a gentleman he would have given up: but he intends looking over the memorial to-day, as S. has not been long in that regiment, and he is an old officer; so that you see, if he gets his promotion, how very much he ought to be indebted to my good offices. I must beg hard for him. The Duke is very angry with you, for when he last saw you, you promised him 300 foreigners, and you have not produced one. O yes, Master Sanden is a pretty fellow to depend on. I wish I had hit upon *Eustace* first. I told you, I believe, that they must be done gradually, his clerks are so cunning. Get *Spedding* to write out a list of his services, and send it to me, as a private thing to shew him, not addressed to any one."

From the circumstance which is mentioned of the 300 foreigners, it is inferred that His Royal Highness gave authority to raise German levies. There is no document in the office of Colonel Gordon, that brings to light any thing upon the subject; there is no proof, nothing in the evidence, nothing that shews there was any authority given for raising such levies. Therefore, what this means I am at a loss to guess: we have nothing before us that throws the least light upon it. The House, however, cannot conclude that Mrs. Clarke had issued letters of service, and that it was under the authority of Mrs. Clarke, the 300 foreigners were to be raised; and I cannot, therefore, see how this circumstance of the supposed foreign levy can bear upon the case, one way or the other. As to Captain *Spedding*, we hear still more of him. There is this passage in a subsequent letter, (p. 383.) "Dear Sir, pray what can *Spedding* mean by asking on Thursday through General *Tonyn* for leave to go upon half-pay, 'tis odd behaviour, and you must think that some one thinks me used very ill.—Of course till this is fully explained, I shall drop all thoughts of any thing else."—With respect to Captain *Spedding*, it will be found, in page 422, that he had been making an application for promotion; that Sir *Alured Clarke* had been referred to, and that it appeared Sir *Alured* knew nothing of him.—Application is afterwards made, through General *Tonyn*, that he may be permitted to go on half-pay; and then Mrs. Clarke complained of *Spedding* going to General *Tonyn*, to procure his assistance in effecting that which she thought ought to have been done through her, and affects to represent the Duke (for she must mean His Royal Highness, by the *certain person*) as thinking her used very ill upon the occasion; which, had it been

true, as she would have had it believed, would have led to the disappointment of Captain Spedding in the application which so displeased him. How is the fact? He does succeed in that application which he made through General Tonyn; he failed in those which he made through her.

There is another letter, in the same parcel, written by Mrs. Clarke, in which, speaking of Captain Spedding, she says, "he must advance 200*l.* more."—It is evident, from all these circumstances, that she was anxious to procure the promotion of Captain Spedding; that if her application succeeded, she would have had the benefit of putting that 200*l.* in her pocket; and her want of success is a convincing proof, that she did not possess the influence she pretended. It is not, that there was any insurmountable objection to Captain Spedding; he does succeed in one of his objects, but it is only when he applies through another quarter; and his success, when he succeeded, cannot be referred to Mrs. Clarke; though his failure, when he failed, would certainly not have occurred, if she could have prevented it. The important result, therefore, of this case of Captain Spedding, is this: it exhibits Mrs. Clarke, in the first place, inventing and representing a false fact, respecting the stoppage of promotion in his regiment, as the reason why she could not procure him the promotion, which she had given him reason to expect. Whether she ever made any application to the Duke about him, or only pretended to make one, cannot be ascertained; there is no confirmatory evidence upon that point at all: if she did not make such application, it can only be accounted for by her knowing, that it would not be received if she made it; but if she did make the application, as she pretends, then the failure proves her want of influence;

and, therefore, on either supposition, Captain Spedding's case, when attentively considered, is decisive against the truth of her story, and in favour of the Duke of York.

There is another point to which I must now refer, though I will not go into it at any length, because I cannot pretend entirely to understand it. I mean that relating to the letters, of which the Honourable Gentleman (Mr. Wardle) obtained possession from Mrs. Clarke. It is a fact involved in such confusion, that it is very difficult to ascertain the truth of it. It will be found in p. 322, in part of Mrs. Clarke's examination on this subject, that she is desired to look at the letter to Mr. Donovan, of the 28th January. She is asked, "Did you give these letters to Mr. Wardle, in order to facilitate any negotiation?" she says, "Yes! not the letters that Colonel Wardle ran away with, but letters of field-officers to recommend two or three lieutenants to companies; they were to give more than the regulation;—three or four hundred pounds." Now, the expression in her letter to Donovan, cannot possibly refer to the letters of field-officers; the passage is, (p. 132.) "I must be candid and tell you, that in order to facilitate some negotiations, I had given him (meaning Mr. Wardle) a few of your letters—in one, you speak of the queen, in another, of two deaneries." I do not, however, refer to this passage now, to trace that contradiction, but for the purpose of shewing with what unreserved facility, Mrs. Clarke states and invents facts, when it is her interest to vilify the character of any person connected with the Duke of York. She adds, in the passage of the evidence to which I last referred, "I understood from Mr. Donovan that Greenwood was to have some part, Froome another, himself a share, and me: these young men were to pay, I think, four

“ hundred over the regulation, and that it was the last
 “ job Greenwood was to give Froome; that it was to
 “ complete a very old promise of the Duke of York.
 “ Mr. Donovan told me he must have the recommenda-
 “ tion of a member of parliament, or a general officer,
 “ to cover himself.”

Now this observation of Mrs. Clarke's, introduced for no other purpose but to bring in Mr. Greenwood's name with disrespect, and to represent him as desirous of obtaining a job for Froome, upon an old promise of the Duke of York, the profit of which all these parties were to share amongst them, is not only false, but has really no verisimilitude. It supposes Mr. Greenwood employing Mr. Donovan, to procure Mrs. Clarke to obtain the signatures of some general officers to certain recommendations to lieutenancies; which recommendations the Duke of York was to act upon, to execute an old promise of his own; as if Mr. Greenwood and the Duke of York together, could not have procured the promotion, without the help of Mrs. Clarke. It is likewise impossible, utterly impossible to be believed, that Mr. Donovan could be thus making use of Mr. Greenwood's name, to obtain money in partnership with Mrs. Clarke, at this time: it happened but the other day, in this very year; it could not be a case in which she was to avail herself of her influence with the Duke of York: it is a striking instance, therefore, of that barefaced disregard of truth which characterizes so many parts of the testimony of this woman. She affects to say, that she was to get the signatures of some persons through Mr. Wardle, by which her impositions were to be carried on for the benefit of Mr. Greenwood, Mr. Froome, Mr. Donovan, and herself. I say, Sir, that this is so outrageously incredible, that it is of no use to advert to it, except as it may expose the temerity of her assertions, and her indifference even

to the credibility of what she invents; or except as it may expose the distress which she was put to, to explain the passage in her letter to Donovan, in which she represents her having put certain letters of his into Mr. Wardle's hands, to facilitate some negotiations. For that, in a job in which Mr. Greenwood was concerned, Donovan would be employed by Greenwood to procure assistance from Mrs. Clarke, is utterly absurd. Whether the Honourable Gentleman (Colonel Wardle) did undertake to procure the signatures which were wanted on this occasion; or whether these letters were put into his hands to facilitate any, and what negotiations, I must leave to the House to collect, if it can, from the evidence; I confess, I can collect no certainty from it myself.

In the course of the observations which I have submitted to the House, I have taken notice of every thing upon which an unfavourable conclusion against the Duke of York has been grounded, except the circumstance of the payment made by His Royal Highness for the plate; and the rate of Mrs. Clarke's expences and establishment: these remain to be considered. The purchase of plate is argued upon thus: plate to a certain amount was bought for the use of Mrs. Clarke: she paid, as she says, towards this purchase, 500*l.*—the identical 500*l.* which she received from Colonel French, on account of his levy; and the Duke of York paid for the remainder. Upon these facts, it is presumed, that the Duke of York must have known the whole price which was to be given for the plate; that he must have undertaken to make her a present of it; that he must have known of Mrs. Clarke's part payment of that price; that he must have known from what source she derived the means of making it;—and upon these

few facts, aided by these several presumptions, it is concluded that, as he was relieved, to the amount of this 500*l.*, from the necessity of paying for the whole, he actually and personally profited to that extent, from the transaction of French's levy.

To meet this argument, it is right to see how the circumstances respecting the payment for this plate stand in the evidence, independent of Mrs. Clarke's statement. The evidence will be found in p. 129 and 247. The way in which that evidence is there given, by Mr. Burkitt, is by exhibiting the debtor and creditor accompt of the sale of this plate in his books; and the first article of that accompt is this: "The whole of the above-mentioned articles for 1363*l.* 14*s.* 0*d.*" Then follows a statement of various particulars of charge for other articles of plate, together constituting a total of 1821*l.* 11*s.* 4*d.*; on the other side of the accompt, there appears a payment of "500*l.* by cash, on account, on the 18th May, 1804;" and all the other payments that make up the difference, appear to have been furnished by drafts and bills, which are proved to have been payable, and paid by the Duke of York. (p. 247.)

It is observable that the first payment, which reduces this accompt to nearly the sum paid by the Duke of York, is 500*l.* By whom this was paid, or how, does not appear. Mrs. Clarke tells us it was by her, and with the money before alluded to. It no where appears, except from Mrs. Clarke, that the Duke of York was aware of the whole of the demand, and that it amounted to so large a sum as 1821*l.* What the Duke of York paid was 1321*l.* If he had paid 1363*l.* 14*s.* it would have appeared that he had paid the whole that was due for the purchase of the Duke of Berri's service of plate. He did not pay for it exactly, but he paid within 42*l.* of

it. Now as he did actually pay so nearly the whole of what that service cost, will the House, upon no better evidence than Mrs. Clarke's, conclude that he knew any thing of her payment of 500*l.*? Or, if he did, that he knew from what source she obtained it? This circumstance took place very shortly after the setting up of the establishment in Gloucester-Place. Mrs. Clarke says, she was not in debt at that time. Is there any proof that the Duke might not have had reason to suppose that Mrs. Clarke had some little money of her own? or, when we recollect that Mrs. Clarke herself admits that 500*l.* was about that very time (p. 261) furnished by the Duke of York to her, to purchase articles of plate and linen; might he not suppose, that this payment to the extent of 500*l.*, or part of it at least, was made out of that very sum which he had provided himself? In short, Sir, I feel confident that these circumstances, when fairly examined, will never be considered as any confirmation of Mrs. Clarke's evidence.

I next proceed to advert to the argument founded on the rate of expence incurred in Mrs. Clarke's establishment, as compared with her means of supporting it. The House will recollect, that I was authorized by His Royal Highness, to make a statement of his expenditure on account of Mrs. Clarke, as far as he now could trace it, with any correctness and precision. But, Sir, I do not feel it necessary to refer to that statement, as the fair result of Mrs. Clarke's several examinations and cross-examinations on this head, together with other evidence before us, brings the expence so near to the sum to which I stated, that it will in effect and for the purpose of the argument, be the same; and it is more regular, no doubt, to found my observations upon the evidence, than upon that statement.

In the first place, Mrs. Clarke states, that nearly all the furniture in Gloucester-Place was supplied by the Duke of York, and a great part of the wine.

Now, the greater part of the expence which was included in the statement I was authorized to make, consisted in the purchase of furniture and wine, and a sum of 5000*l.*; which was incapable of distinct proof, because it had been delivered over by His Royal Highness to Mrs. Clarke herself, without any intermediate witness to prove the fact. But her evidence confirms that fact, that all the money which she received was from the Duke of York himself, and not through any agent employed to pay her; and therefore, actual proof of the payment cannot be had in any other way than from the statement of His Royal Highness. But, though Mrs. Clarke did say in one part of her evidence, that she never received any more money from His Royal Highness, than 1000*l.* per annum, (and upon that unqualified assertion it was, that the great and unfavourable impression upon this head was made upon the house;) yet we find, in page 259, Mrs. Clarke admitting, that "once or twice, His Royal Highness gave me small bills for three or four hundred pounds, but they were his own signing and drawing up:—it was to get my necklace, or something in that way, from Parker's in Fleet-Street." Here then is an instance of the Duke of York furnishing Mrs. Clarke with small bills, as she calls them, for three or four hundred pounds; for the purpose of doing what?—to take articles out of pawn. Undoubtedly, the articles were placed in pawn to raise money: The Duke furnishes Mrs. Clarke with money to get them out of pawn; and in so doing, he as effectually furnishes her with money for her expences, as if he had advanced it in the first instance. She is asked whether His Royal

Highness did not pay 15000*l.* for her during the three years she was with him. Her reply is, "Do you include His Royal Highness paying for the House before I went into it, or keeping me and the establishment? including every thing, all the advances that were made? I cannot tell what he paid for the house; I can tell what my lawyer got for it." It seems that her lawyer had a mortgage upon it for twelve or fourteen hundred pounds; therefore, if the house sold, as she believes it did, for 4,400*l.*, a sum would have remained sufficient for the payment of all her debts, according to the amount at which she stated them herself, namely, 3000*l.* (p. 262.) Then here is evidently a supply left in her hands by the Duke of York, sufficient to enable her to discharge all the debts she had incurred:—Upon being asked, "Were you paid no more money besides the 1000*l.* a year?"—she answers, "No, I was not: I certainly complained to His Royal Highness, and he said he would make some future arrangement." What that future arrangement was to be, does not appear. She admits afterwards (p. 260), when she has been very much harassed for any thing, and could not get it from other quarters, and there was nothing in view, "His Royal Highness would then bring me 100*l.* extra, or two perhaps, but I do not recollect ever two, I do one or so, one now and then, but not often." But besides these occasional payments, it appears that Royal Highness looked forward to the time when he might make a better arrangement for her. He had incurred a considerable expence in furniture, and such articles, upon the first formation of the establishment at Gloucester-Place; but as this would not be to occur again, he would be more at ease to defray other expences, and to discharge the debt which she might then be contracting.

X In Parker's books, it further appears, that a bill was drawn, which I have before adverted to, by Mr. Dowler on Mrs. Clarke; and some by herself, on Mr. Farquhar. These bills were not paid when due; but they were taken up afterwards, by the Duke of York: and putting all these things together, it will appear, that the expence for furniture and wine, the regular payments, and these various sums together, make the expenditure of the Duke of York, during his connection with Mrs. Clarke, amount to about 20,000*l.*; though the actual advances of money are not accounted for to a greater amount than 5000*l.* in the two years and a half; and this nearly tallies with the authorised statement which I made to the House. These, Sir, are the facts; and what is the inference that the Honourable Gentleman would draw from them? That His Royal Highness, knowing the expensive nature of the establishment in Gloucester-Place, must have known that it could not be defrayed by what he advanced, and therefore, that it was supported by the corrupt means which Mrs. Clarke mentions; that he must have been conscious that he was supplying that establishment with means very scanty, and extremely inadequate. Mrs. Clarke tells you, that in one instance, when her necessities obliged her to apply to the Duke, he referred her to her ingenuity, telling her that "if she was clever, she need never want money." Does it not occur to the House, how inconsistent the evidence of Mrs. Clarke herself is upon this very point? Does Mrs. Clarke ever insinuate that he answered her subsequent applications by such a reference? Does it not on the contrary appear, that she was monthly, weekly, daily, pressing him over and over again for money, and, according to her statement, pressing him in vain? If her evidence is entitled to the least credit, what would have been the reply of the Duke of York to her applications?

" You surely do not come to me for money: you are under no necessity of applying to me for that which I have told you I have not the means of giving you: you have only to come to me for commissions, by the sale of which, you will be enabled to have an ample supply." Such, if Mrs. Clarke's evidence were true, would have been the language of the Duke of York; such would have been the terms in which he would have answered any application from her for money. There are no less than 4000 military commissions, of various descriptions, that pass through his office, on an average, in the year. During the time she was with him, there must have passed about 10,000. Could she, if she had possessed his authority to make money by her cleverness out of these commissions, have ever been in want of 100*l.* or even of 1000*l.*? Impossible! Her distress, her debts, her repeated applications to the Duke for money; his supplying her with one or two hundred pounds only, at a time; his referring her to the prospect of a new arrangement,—are all, to my mind, and I am confident they must be so to every man who will view them fairly and candidly, decisive proofs, that His Royal Highness never sanctioned or authorised, or connived at, these transactions. And this inadequacy of His Royal Highness's allowance to her establishment, coupled with her repeated applications to him for money, so far from affording an inference against the Duke of York, is strong and conclusive for him. There certainly does appear to have been, on the part of His Royal Highness, an indifference with regard to his pecuniary concerns. There was a backwardness to look into his accounts, which generally is the case with persons whose accounts are in such a state, that it is unpleasant to look at them; but there is nothing which furnishes the slightest ground

for charging the Duke of York with any knowledge or suspicion that Mrs. Clarke was supplying any part of her extravagance from these corrupt sources.

I cannot bring my observations to a conclusion, without pressing upon the attention of the House the very extraordinary exhibition which Mrs. Favery has made at our bar. She appears, beyond all doubt, to be the half-sister of Mrs. Clarke—the daughter of Mr. Farquhar, Mrs. Clarke's father, by a former wife. There is, I admit, no distinct evidence on the subject; but when Mrs. Favery's evidence, from page 459 to page 460, is examined; when her account of taking the name of Farquhar, to obtain more respect, as she says, is considered; that she married in the name of Farquhar, though she declares that her real name was Favery; Mrs. Farquhar, the mother, paying bills for her; and if we then attend to her answers to the following questions, there can be no doubt of the fact (p. 462):—"You are not Mrs. Farquhar's daughter?"—"No; I positively am not Mrs. Farquhar's daughter." "Are you not Mrs. Farquhar's husband's daughter, by a former wife?"—"I cannot answer you that question; but I am not the *present* Mrs. Farquhar's daughter, I can assure you." "Cannot you answer that question?"—"No, I cannot indeed." "Why cannot you?"—"Supposing I did not know my father or my mother; I cannot swear to that; I cannot tell what they did with me when I was young:" and then, after several other questions and answers—"But you will not state that you were not the daughter of Mrs. Farquhar's husband, by another wife?"—she answers, "I cannot say any thing about it; but I can say I am not this Mrs. Farquhar's daughter; that I can answer to."

It is no unfair inference, that she was related, and

that nearly, to Mrs. Clarke, but that it was an object to Mrs. Clarke's credit and vanity that the relationship should not appear. But what was her story, her most false story, as it came out on the cross-examination of my learned friend?—She told us that she had lived with a Mr. Ellis, who was now dead; that he was a carpenter; that he kept a house in one place, and a shop in another, and she could not tell us the situation of either. Yet Mr. Ellis is alive; he was no carpenter; she knew him to be alive; she knew him to be a respectable clergyman: but having lived with him as Mrs. Farquhar, and not as Mrs. Favery; having been recommended to him by Mrs. Clarke under the name of Farquhar, she thought it necessary to mislead the House from finding Mr. Ellis, who would detect her falsehood. It appears afterwards, that she learnt that Mr. Ellis was summoned to this bar to contradict her. She then attempts to make her peace with him; she knows where he lives; she goes to him; she accounts for her not having given a true account of him, because she thought it would be disagreeable to him to be brought forward: whereas it was her own falsehood which imposed upon the House the necessity of calling him.—On Mr. Ellis being produced, Mrs. Favery is contradicted, and Mrs. Clarke is contradicted too, who also says, she never knew Mrs. Favery under any other name than Favery (p. 448). This gentleman, Mr. Ellis, a clergyman, a most creditable and respectable witness, against whom there has not been the slightest insinuation or suspicion, tells us, that he received Mrs. Favery into his service under the name of Farquhar, upon a character given of her by Mrs. Clarke, to whom he applied, enquiring after her by that name; that upon his application, she answered for her; and, by the character she gave of her, Mrs. Fa-

very obtained the situation in this gentleman's family,—not under the name of Favery, I say, but of Farquhar: and further, that while she was there, Mrs. Clarke came to see her, and visited her under circumstances of great apparent familiarity. Yet Mrs. Clarke told us, that she never knew Mrs. Favery by any other name than Favery, and that she must have assumed the name of Farquhar unknown to her. Now, Sir, let me ask whether there is any thing that can shew a greater disregard to truth, both on the part of Mrs. Favery and Mrs. Clarke, than this evidence? However painful it may be supposed to have been to the feelings and vanity of Mrs. Clarke, to admit the fact of her relationship to Mrs. Favery, yet no one, who was not as depraved in disposition, and as destitute of every principle of truth, as she is, would so deliberately have sacrificed her veracity to her vanity. This is a strong feature in the case. It shews what sort of people we have to deal with: it shews Mrs. Clarke will not only speak falsely herself, but bring witnesses knowingly and voluntarily to do the same; that they are not independent witnesses speaking to independent falsehoods; but that they both come forward prepared to relate the same story, the falsehood of which has been so fortunately and so satisfactorily detected: and yet, Sir, after this detection, we are deliberating whether, resting upon Mrs. Clarke's evidence, we shall convict His Royal Highness of the charge with which she accuses him!

I will not trespass on the time of the House, by recalling its attention to those presumptions which my Learned Friend has referred to, arising in favor of His Royal Highness, from the character of the persons whom he has selected to surround him in the discharge of his high official duties. If His Royal Highness had

been laying these plans of iniquity and corruption, which have been so falsely imputed to him, would he have surrounded himself with such honorable persons to overlook and scrutinize his conduct?—Would he have made choice, as his advisers, of persons of such high and uncorruptible integrity—officers of high rank and distinguished merit, than whom the whole army could not have presented characters more alien from any thing that bears the least resemblance to corruption? I need only mention the name of General Calvert; every one who knows him, can bear testimony to the estimation in which he is held, not only by the army, but by all who have any means of knowing him.—Colonel Gordon has spoken his own testimony, and in giving evidence in this case, has established his own character.—With respect to others who have been employed about His Royal Highness, similar observations might be justly made; and as far as any general presumptions and general impressions may have arisen in the House from any other circumstances, injurious to the Duke of York, I trust, they may be well and effectually met by these considerations to which I have last referred—considerations which would of themselves, be sufficient to remove any impressions which could be made by such testimony as that, which I have at so much length, and I flatter myself, so satisfactorily, commented upon and exposed.

I have now, Sir, gone through this case with the various observations which I have deemed necessary; and I think, I have shewn enough, in the first place, to make it clear, that the House is called upon in the fair discharge of its duty, under the particular circumstances of this important case, to give their opinion decidedly, Aye or No, upon the Question of the guilt or innocence

of His Royal Highness.—After that opinion shall have been pronounced, there will then remain the consideration of what it will be proper for the House further to do upon this subject; and whether the address I have proposed is the most fit to be adopted:—That address will then remain to be compared with what has been proposed by the Honourable Gentleman. But, whatever the House may think with reference to any ulterior proceeding, they cannot, I am sure, so far demean themselves, as to shrink from declaring their opinion upon the question of guilt.—Of this also I am convinced, that if the House acts up to its own character and dignity, as I am satisfied it will, it must abandon the Address of the Honourable Gentleman?—For, what does that address express, as the result of this serious and most important enquiry?—It states, that the House has discovered the existence of a variety of mal-practices and abuses of office, and that His Royal Highness could not be well ignorant of them; but whether he is guilty of having had any participation in them, or whether he is altogether innocent, the substantive address to the King is to remove him from his high situation.—Now I say, whether he is guilty or whether he is innocent, is a question which is anterior to that which respects his removal, and upon the decision of which must depend what remains to be done. If the Honourable Gentleman had so framed his address, his speech, and his charge, as to have done away the imputation of corruption, and had suggested any other grounds for the removal of the Duke of York, it would have stood very differently, and would not have been open at least to the objection, which I am now urging; but even then, if the House should think, that independent of the charge of corruption, there are other grounds for

his removal, the course which the Honourable Gentleman has pursued, is not that which this House has adopted on any former occasion, or can adopt consistently with its character in the present.—The whole speech of the Honourable Gentlemen goes to the charge of corruption; and then, for fear of wounding the paternal feelings of His Majesty, he declines informing him of what has been the result of our deliberations:—He declines letting His Majesty know, that his Son is innocent; and yet he will not state that he is guilty!—But I feel convinced, that I need not labour this point any further:—I am satisfied the House will manfully and unequivocally pronounce its opinion; and whatever objections may be taken to our proceedings, there shall not, if my opinion shall prevail, be any ground for objecting to them, as disgracing the character of the House of Commons, by shrinking from the decision of the great question of corruption; a question however, upon which, according to the view which I have taken of this case, I can anticipate only a favorable decision.

When therefore the House shall have agreed, as I trust it will, to the resolution declaring, That there is no ground for charging His Royal Highness with corruption, or connivance at Mrs. Clarke's corrupt practices; they will then have to consider, what further notice, by way of address or resolution, they will take of the different matters which have appeared before us; and whether that which will remain, when we have decided against the charge of corruption, and upon which we shall have to mark our dissatisfaction, regret, and displeasure, is such as to require that we should address His Majesty for the removal of His Royal Highness; or, whether it will be sufficient to express our regret for the past and

our hope for the future, in such manner as may enable His Majesty, consistently with the honour of His Royal Highness and of the army, to retain him in his present situation.—I trust the House will adopt the latter; and I do feel persuaded, that the House cannot be disposed to confound so much, all the faults and distinctions between one offence and another, as to give sanction to the principle on which the address of the Honourable Gentleman proceeds. The foundation, and the whole matter of the Honourable Gentleman's address is, that if the Duke of York is guilty of corruption, he ought to be removed; but that if he is not guilty, it must be the same; in short, that whether he is guilty of base corruption in the discharge of his public duty; or whether he is guilty of having yielded most unhappily to a most unworthy connection, his punishment should be equal!—such a total want of discrimination and distinction between one offence and another, so pernicious to the best interests of justice and of morals, I do confidently feel, that it is impossible for this House to adopt.

When the House has disposed of the first great question of public and official guilt, (a question which I conceive to be in its nature purely judicial, and which I trust, they will dispose of on judicial principles, with the severity of judges determining conscienciously on the evidence,) they will then consider the remaining question, as no longer a judicial one; not to be disposed of on the strict principles of judicial severity, but upon principles of general policy and expediency.—I am far, Sir, from being desirous of conveying an opinion, that policy should generally be considered as wholly separated from morality and religion, or even as not being most intimately blended and united

with them; or that, in this particular case, political considerations connected with the individual, whose conduct is the subject of our enquiry, should exclude either those feelings or those expressions, which considerations of morality and religion may suggest.—I mean no such thing; policy, as well as a sense of what is due to morality requires of us, that the facts which have appeared before us, should not pass unnoticed; and therefore the acquittal of His Royal Highness from all charge of public delinquency, so as to render his removal from office wholly unnecessary, could not, without some expression of our feelings, on the other parts of the case, be a satisfactory, a seemly, or a justifiable termination of this enquiry.—But what I do mean is, that when we do enter into the consideration of what may be proper to be done in respect of this part of the case; called upon by what we conceive to be due to a sense of public morals and of religion; we should not only not forget to have some indulgence for human frailties as a part of our morality, and with whatever severity we ought to judge ourselves, that in judging of others, charity is a part of our religion, and therefore temper and measure out our justice accordingly;—but that we should also, feeling as statesmen upon this particular question of what is to be done towards the Duke, take into our gravest consideration, the circumstances of expediency and policy, connected with it; and view the question, in all the various and important bearings, which it has upon the public interests of the country at large:—admitting, certainly, as I have admitted, that considerations of morality and religion have most important bearings upon those interests.

Those, indeed, if there are any such, who think that the army has been ill administered under the Duke of

York; who think that his Royal Highness is an unfit person to hold the situation he has so long filled in it; who think, that during fourteen or fifteen years which this Illustrious Prince has been at the head of the military department of the country, the army has not prospered under his command—that the regulations which he has introduced have not been most beneficial—that he has not, as a father, watched over its interests, increasing the comforts of the soldier—promoting the interests of the meritorious officer—establishing charitable and useful institutions for the orphans and children of soldiers—providing for the better education of officers in military knowledge;—that he has not laboured, and successfully, for the improvement of the discipline of the army, and has no merit for having brought it to the highest standard of perfection at which it exists at this day: those who think thus of the Duke of York, may undoubtedly, with a just regard to the interests of the country and of the army, wish for his removal, upon grounds totally independent of this enquiry:—and if they can look to any probable arrangement which may furnish the army with a better Commander in Chief; if they see the means of obtaining such an arrangement, by which there would be less room for the exercise of party feelings, less jealousies, less interference of improper influence in military promotions; that the removal of administrations will less affect the claims of merit, and destroy the fair prospects and regular pretensions of officers; they may then, politically speaking, not unwisely seize this opportunity of accomplishing what they would deem a great public benefit, in procuring his removal. But those, on the contrary, who upon a near and accurate inspection of all these circumstances, think otherwise; those who think we should in vain look to

supply the place of his Royal Highness by any person so well qualified to fill it, will deprecate his removal as a national calamity; and if they see no ground for charging him with public guilt, will feel anxious to retain him:—and whatever measure of censure or regret they may think proper to adopt, will feel it an important consideration so to temper the severity of their censure, as not to accompany it with any thing that shall necessarily compel the removal of His Royal Highness from the situation of Commander in Chief;—but above all, they will abstain from addressing for any removal connected with this enquiry; because such an address, so connected, would necessarily imply an opinion of some corruption, which I trust this House will negative, or some guilty participation in the offences which this enquiry has brought to light.

Long as I have trespassed on the patience and attention of the House, I still am sensible that I have omitted many observations which ought in justice to this case to be pressed upon their consideration. In an examination of so long a case, or rather of such a variety of cases, it could scarcely be otherwise; and I must trust that whatever may have been my omissions, the further debate will supply them.

I should now conclude, Sir, but for the necessity of adverting to what fell from the Honourable Gentleman towards the close of his speech.—The Honourable Gentleman observed that “The country would decide on the conduct of the Commander in Chief. The country would decide on his own conduct—that the country would decide on the conduct of this House.”—If the object of this observation was merely to remind us, that as public characters, we ought to keep in view the opinion of the public, that it becomes us to take a

proper estimate of its value, as all our hopes of public usefulness must be founded on the good opinion and confidence of the country, I perfectly agree with him; and if his observation is to be carried no further, and implied no more, I have no objection to it; but if it may be supposed to refer to any existing impression which may have been made out of this House in the public mind, to which the opinion of this House must conform, or that the country will, as the Honourable Gentleman expresses himself, decide against the conduct of the House, I deprecate the doctrine as most unconstitutional, and as most unjust. What, Sir! have we been sitting week after week upon a painful examination of this case, and are we at last to decide, not upon our own view of the evidence which we ourselves have heard, but upon the opinion which has been formed of it by others? An opinion, too, how formed? Formed, through the most indecent abuse of the liberty of the press, upon those garbled extracts of the evidence which have been circulated during the enquiry, and commented upon with an industry as unprecedented as it was malicious. Are we to be threatened with the judgment of the country upon our conduct, if we do not bend our decision to such an opinion? Against the doctrine that this House is to decide upon any opinion but its own, even when sitting in its Legislative capacity,—I beg leave to enter my strongest protest: but that this House can think, that in a case of a judicial nature, on which we are to decide upon the interests and honor of an individual, we ought so to be influenced by an opinion which we must know to have been so mischievously excited, I cannot, and I will not believe.

We must, Sir, I admit, for the efficiency of our measures, and for the dignity of our character, keep in view

the public opinion; we should so conduct ourselves, that our conduct ought to be approved by our constituents and our country; and we may confidently trust, that if we do our duty conscientiously, the enlightened understandings of the people will give us credit for having done it faithfully, however it may be at variance with their present impressions. If there are those, who forming a premature judgment have thought differently, they will retract their erroneous opinions, and they will do justice to their representatives, provided their representatives do justice to themselves—provided they do not desert the station, and surrender the functions which they hold under the constitution of the country.

If these are not the sentiments by which the House of Commons is to regulate itself, the House of Commons will not only lose its influence; but if to flatter the people, or basely to court their favor, we surrender our correcter judgments to their misguided and inflamed impressions, we desert our duty, we abandon our trust; our place, our functions in the Constitution are gone. It were better there should be no House of Commons at all; it were better at once to accept as our Constitution a wild unrepresented democracy, without the controul of the House of Commons, or Parliament, than to degrade ourselves by consenting to become the mere instruments of that democracy, to adopt its opinions, and to register its laws.

I do hope, Sir, and feel confident, therefore, that the House will put out of its consideration, every thing derived from any other quarter than from the evidence and argument heard within the House itself.

The Honourable Gentleman says, that "The country will decide upon his conduct:"—I also feel, Sir, that the country will decide upon mine; and in the conduct

which I pursue, I do look for the judgment which my constituents and my country will ultimately form upon the propriety of that conduct, and feel that they will estimate my public character accordingly; and I trust I shall not be considered as arrogating any thing too much for myself, when I say that I have as much to lose as the Honourable Gentleman; that I have an interest in the public opinion not less deep than the Honourable Gentleman himself. In the course I have pursued, whatever I have done has been open, it has been avowed, it has been before the House and the country. I have neither disguised my first impression and prejudice against the Honourable Gentleman's statement, nor my opinion as I have formed it upon the evidence as it has proceeded. I have no hesitation in saying, that I have thought that in many views of this subject, and on several occasions, it has presented alternatives extremely difficult of choice. In the outset of the business it was extremely difficult to determine whether the most eligible mode to be adopted would be the open and public enquiry which has been chosen nor an enquiry before a select or secret committee; upon the whole, I certainly did think, not without being sensible of much of the inconvenience which might attend it, that the most public enquiry, especially as it was anxiously sought for and preferred by the Royal Duke himself, would be the most satisfactory, and therefore the best.—The House adopted it. And although I certainly do feel much of the inconvenience which has arisen out of this publicity, yet there has nothing occurred upon the whole that has led me to repent that choice, which in a difficult and distracting case I then thought right to recommend. I think now, that if his Royal Highness is acquitted, as I think he ought, and as I trust he will, of these foul charges, that

the acquittal will be more satisfactory to ourselves, and to the country, than if the enquiry had been less public. That the enquiry, if it had been less public, would have been attended with some advantages, is obvious; but it is equally obvious, that those advantages would have been counterbalanced by accompanying inconveniences. If any impression should have arisen in the public mind, that the true state of the evidence had been suppressed, and that the privacy of the enquiry had been used as the means of screening the object of it from the censure or the punishment that he deserved, we should then have had reason to repent of such privacy. Now, Sir, the grounds upon which the House of Commons will come to its determination, will be those which may be as well known to the public as to themselves. But whether this determination was right or not, the choice being once made, we could not have the benefits of publicity without its attendant evils. It was necessary that we should be consistent; and to have withdrawn any part of our proceedings from the public, to have acted on the wish to suppress or conceal any part of the case, would have created more suspicion, than if our enquiry had originally been conducted in a less public manner. Throughout the whole of these proceedings, therefore I have felt, that if we erred at all, we should err more safely by extending the range of enquiry even beyond what might perhaps be deemed its proper limits, than to contract it. Upon these, and upon all other points which have occurred during the whole course of the proceeding, I have never shrunk from avowing my share in them, and have openly stated and explained the reasons for my conduct; my conscience tells me I have acted faithfully and justly. Towards the Royal Duke I confess I have acted with an earnestness, and an anxiety, equal to what I

should have felt if it had been the cause of my brother; and in the proposition which I tender to the house, I protest that I feel it to be the same, which under similar circumstances I should be bound to propose, if His Royal Highness were a perfect stranger to me---It is in my judgment that which the demands of public justice, and public policy, require at our hands. What the result will be, the house will determine; and as far as I am concerned, I can assure the Honourable Gentleman, that with respect to my constituents, (who are, I must take leave to tell the Honourable Gentleman, an extremely numerous body, with as extended and popular a right of election, as any in the country,) I am not apprehensive, if my conduct is rightly understood by them, that there is any part of it, by which I shall incur the risk of forfeiting that confidence, which I have so long enjoyed, which I regard as the best test of my public character, and which I esteem as a possession of the highest value.

I shall now trouble the house no further, but conclude with moving the amendment, which I have before explained.--(See page 82.)

FINIS.