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THE
SPEECH,
DELIVERED BY THE
RIGHT HON. SIR VICARY GIBBS, KNT.
His Majesty's Attorney General,
IN
THE HOUSE OF COMMONS,
On Thursday the 9th of March, 1809,
IN THE
DEBATE ON THE ENQUIRY INTO THE CONDUCT
OF HIS ROYAL HIGHNESS
THE DUKE OF YORK.

TAKEN IN SHORT-HAND BY AN EMINENT REPORTER.

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1809.

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S P E E C H

OF THE

RIGHT HON. SIR VICARY GIBBS.

MR. ATTORNEY GENERAL.—Sir, some of the observations of the honorable Gentleman, (Mr. Whitbread) who has just sat down, were applied personally to me and to my conduct in the official situation which I have the honor of filling. With respect to those observations I shall not detain the House by entering into any consideration of them, but content myself with saying, that I shall always proceed upon those principles and in that line of conduct which in my own view are best calculated to enable me to discharge faithfully, strictly, and impartially that duty which in my official character I owe to the public. The honorable Gentleman in the opening of his address stated to the House that he thought it impossible any gentleman could be found who would differ from him in the conclusions which he should draw; and at the close of his speech he disclaimed all idea of prevailing upon any man to give a vote to which he was not led by the conviction of his own understanding. I cannot help thinking that unless the honorable Gentleman can lead others into his opinions, by the weight of authority which he is conscious of possessing, there is very little danger of his doing it by the course of reasoning which he has on this occasion pursued.

The question before the House cannot, I think, be distinctly understood without separating the different parts of the address which is proposed to us. It states first, that various corrupt practices and abuses have for a long time existed in the disposal of commissions and promotions in the army: It then declares, that in the opinion of the House such abuses could not have existed for so long a time without the knowledge of the Commander in Chief: And then it proceeds to say, that even if they could be presumed to have existed without the knowledge of the Commander in Chief, still this House are of opinion that His Majesty cannot safely or prudently any longer suffer the command of the army to remain in his hands; and it concludes with expressing an opinion, that on these grounds his Royal Highness ought to be removed from the command. The existence of various corrupt practices and abuses is not disputed. The material question is, whether these abuses were known to the Duke of York. The main ground of charge against him is, that they were carried on with his knowledge and approbation. Of this we ought either to acquit him; or, if we think there is good ground for the charge, to put it in a course of legal enquiry. The present address, instead of doing this, endeavours to fix upon his Royal Highness the imputation of guilt, without affording him an opportunity of defending himself against it. Is it fit we should leave this matter so? When the Charges were opened by the honorable Gentleman, he stated that he should fix upon this illustrious person the knowledge of, and connivances in, practices of the most flagitious description. When such a statement, distinctly and positively made, was the foundation of the enquiry, is it consistent with justice, either to the Duke of York or to the public, that we should step aside from the consideration of a charge so made, and come to a resolution, that the Duke of York ought not to be con-

tinued in his present office, whether the charge be true or false? That surely would be neither a just nor a candid mode of dealing with any man, not with the meanest person in the country, if he were charged with so serious an offence. Were he guilty or innocent I should consider him intitled to a direct decision upon the fact, and it is with me an unanswerable objection to the present address that it contains no such decision. It is said by those who support this address, that thinking the Duke of York guilty, as they do, it was impossible for them to have proposed a less offensive or more lenient measure.

Without considering further the mildness or justice of a measure, which leaves an infamous charge upon the party accused, and excludes him from all possibility of referring that charge to the judgement of any legal tribunal, I shall proceed to consider the grounds upon which this opinion, so unfavorable to his Royal Highness, is founded; and I am satisfied that a fair examination of the evidence will lead us to a very different conclusion. I agree that in an enquiry of this sort we are to deal with the Duke of York precisely as we would deal with the meanest individual in the land; but if we are to allow him no favor he is yet intitled to the same measure of justice, and surely you would not, as has been done here, make it a matter of reproach to the meanest individual, that in addressing those before whom he was accused he had declared himself innocent; you would not impute it to him as an additional offence, that he had declared that the offence with which he was charged could not be brought home to him by evidence. To load him with the crime of having denied that he was guilty is a little too hard; and I think, that if the honorable Gentleman had made Candour and Liberality as much the rule and law as he has the subject of his discourse, he would not have urged

this as a topic of aggravation against the illustrious person whose conduct is now the subject of our enquiry.

When I say that the Duke of York is to be dealt with in the same manner as any other individual, I claim for him, without favor or prejudice, the same consideration of his case which any other individual would be intitled to.

Coming to the consideration of such a question as this, I should look to the charges originally made against the party accused—to the manner in which the evidence had been brought forward against him—to the character and demeanour of the different witnesses—to the motives by which they may have been influenced—to the consistency or inconsistency of their testimony, and to the support or contradiction which they met with from the evidence of others; above all I should examine and consider, whether any part of the case be clearly a fabrication, and by whom, because the testimony of those who appear to have invented or supported any charges which they knew to be false ought to be rejected altogether as wholly unworthy of credit. Upon these principles we should examine that part of the case which imputes to the Duke a knowledge of the corrupt practices that have been proved, and which I take to be the substantive charge against him. When we have arrived at our conclusion upon this, the subsequent measures to be founded upon it admit of a very different consideration. They may be measures of policy, but this is a question of justice; and I perfectly agree with my right honorable friend, that upon this first question, whether the Duke of York has or has not criminally connived at these practices, which we must all admit to be criminal, our enquiry is strictly judicial, and we ought to proceed in it upon judicial principles. The honorable Gentleman who last addressed the House was sensible of this, and before he entered upon an examination of the different charges, he felt that it was incumbent

on him to take off, as far as he was able, observations which have been made, affecting the credit of the most material witness, the only one I may say by whom any attempt is made to fix this knowledge upon the Duke of York. I speak of Mrs. Clarke, and to render her a credible witness in this judicial enquiry was the object of his labour: over her he endeavoured to throw his broad shield, and in protecting her he was not sparing in his attack on those who presumed to invade the sacredness of her character for veracity. He seemed to enjoy the expression of my honorable friend, that those who had attempted to cross examine Mrs. Clarke were foiled by her—a circumstance not much to be wondered at, considering the support which she received, and to which the honorable Gentleman contributed his share,—the laugh of approbation which was sure to follow every impertinent observation, by which she always endeavoured to evade such questions as she found it inconvenient or unpleasant to answer. He exults in this triumph of a bold and shameless witness; he attacks those who in the progress of the enquiry presumed to question the credibility of her testimony; and he maintains that she stands wholly uncontradicted in every part of her evidence, except one: in one part he admits she is contradicted by Mr. Stowers, but even this he supposes to arise from a misunderstanding of what Mr. Stowers meant, and with this exception he insists that every one of those who have come forward to contradict Mrs. Clarke have been foiled in the attempt. Upon this I think the whole question turns. For if Mrs. Clarke, who alone pretends to say that his Royal Highness knew, and approved of her corrupt practices, is contradicted upon other points by credible witnesses, her general credit is destroyed, and this charge will remain wholly without support.

I know not why the honorable Gentleman says that

Mr. Stowers must have been misunderstood. Mrs. Clarke being questioned upon the state of her family and connexions, repeatedly denied that to her knowledge her husband had been a stone mason. Mr. Stowers says, that he knew him publicly carrying on that business in an open stone mason's yard, for some years, and that during this period Mrs. Clarke was living with him, and one if not more of their children was born. I see no pretence for misunderstanding in this. It is a direct contradiction of Mrs. Clarke, and shews that she is utterly regardless of truth. The honorable Gentleman then says, "you pretended to contradict her by the evidence of Mr. Nicholls of Hampstead, and how does he contradict her?" Mrs. Clarke, upon her examination at the bar, told you, that she had never said she was married to Mr. Dowler. Nicholls says, that when she first went to live at his house she represented that she was a widow, but when Mr. Dowler visited her there she pretended he was her husband, which pretence Mr. Nicholls must have very well understood, and could never have believed the fact, and what a contradiction, he says, is this?" In my apprehension, if Mrs. Clarke's and Mr. Nicholls's evidence be fairly stated, it is a very serious contradiction. She thought it material to support her credit by denying that she had ever assumed a false character, and with this view she asserted most positively at the Bar that she never had represented herself as a widow, and never had said that she was married to Mr. Dowler. Mr. Nicholls gives the most pointed contradiction to both these assertions, he states that she took his house as a widow, and that on Mr. Dowler's arrival there afterwards, she said she had been privately married to him, and had a particular reason for wishing to conceal it, which reason was, that if the Duke of York knew she was married he would send Mr. Dowler out of the king-

dom. I cannot frame to my mind a contradiction more direct and positive than this. How then is it to be got rid of? The honorable Gentleman, feeling that he could no otherwise protect Mrs. Clarke, than by disgracing this witness, attempts to discredit Mr. Nicholls, by charging him with having basely, dishonestly, and corruptly (I use his own words) withheld certain letters from her. By what facts is this heavy charge supported? Mrs. Clarke having a bundle of letters, which she considered as waste paper, gave them the maid servant of the house to light the fire with. There they remained unconsumed until the matter of our present enquiry was publicly talked of. Curiosity led Mr. Nicholls then to examine the letters, some of which he thought related to this subject. A day or two before his examination here, and after he had notice that his attendance would be required, Mrs. Clarke demands the letters of him, and being then a considerable creditor of hers he claims a right to retain them until his debt is discharged. I find nothing which deserves the epithets of base, dishonest, or corrupt in this—nothing which should lead us to withhold from the witness our fullest credit; and if he be worthy of belief he established two direct contradictions against Mrs. Clarke, and I may add, that in one of them, I mean the fact of her having passed for Dowler's wife, he is confirmed by Mr. Reid, the master of the hotel at which they slept. Before I dismiss Mr. Nicholls's evidence, it may be proper to observe, that when he applied to Mrs. Clarke for a debt which she owed him, he was answered by a letter, threatening to charge him with having forged a will, under which he held an estate. To those who do not shut their eyes against the truth, this furnishes a pretty good clue to the motive of her present conduct.

The honorable Gentleman treats as lightly another contradiction, arising out of the proof that she had

passed a night with Mr. Dowler at this same hotel. You attempt, he says, to contradict and discredit her, because she denies that fact, and because she denies that she went by the name of Mrs. Dowler; and then, he says, how many of us, referring to our younger days, may recollect persons whom we have permitted to pass under names we knew did not belong to them; and he observes truly, that it would be harsh and unjust to bring forward such transactions for the purpose of affecting our credit. Sir, it is not the transaction itself, but the denial of it, which brings discredit on the party. Nay, if Mrs. Clarke had only wished to conceal from the House her criminal connexion with Mr. Dowler, we should have been ready to overlook it; but she had another purpose in view. It was most material for Mrs. Clarke and Mr. Dowler to persuade the House that they had had little or no communication with each other, before they appeared at your Bar. Mrs. Clarke is examined to that fact—she said she had seen him once only before they met at this House. Was it only to conceal the scene that passed at Reid's hotel, that she denied the fact of her having seen Mr. Dowler? No, Sir, it was to lead the House into a belief that he wished not to appear as a witness, that he called upon her merely, as he had stated, to beg himself off, and that they had had no opportunities of conferring together upon the subject of their testimony. As to Mr. Dowler, the honorable Gentleman says he is not contradicted at all. I say, that his evidence amounts to a denial that he had seen Mrs. Clarke since his return from Portugal, except on the Sunday at her own house, and afterwards on their attendance here. Let us refer to it. "You arrived from Portugal on Thursday last? Yes. Have you seen Mrs. Clarke since your return from Portugal? 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 witnesses room. Was any body with Mrs. Clarke when you saw her? I waited upon her to request that I might not be called as a witness, seeing the circumstance of Colonel French's Levy in the newspaper. I saw her address in the newspaper." Yet now it is fully proved, that Mrs. Clarke flew to Mr. Dowler's arms on the moment of his arrival.

The honorable Gentleman says, that Mr. Dowler never did state that he did not pass the night with Mrs. Clarke at the hotel, and upon that he founds a most violent attack upon my learned friend, who asserted that Mr. Dowler had been contradicted. He states him as a person standing unimpeached and without contradiction. He admits it is proved that Mr. Dowler slept with Mrs. Clarke, but he says that Mr. Dowler had not denied it. In all fair construction of his evidence he had denied it. His account agreed with Mrs. Clarke's, their evidence was directed to the same object, and both are met by the same contradiction.

The honorable Gentleman, in the next place, insisted that Mr. Knight had not in any respect contradicted Mrs. Clarke, at least that he had not materially done so. Now, looking at the evidence with all the attention which I am master of, I find it impossible to reconcile their testimony. If the honorable Gentleman does not strike out the evidence of the one he must of the other, for Mr. Knight says positively, she desired that the business might not be mentioned to the Duke of York: she as positively denies it. Mr. Knight declares she said she would expose the Duke of York, as she is now attempting to do, if she could not bring him to terms, and this also she as positively denies. What then can the honorable Gentleman mean, by saying that Mr. Knight does not contradict Mrs. Clarke?

There was another contradiction which the honorable

Gentleman probably felt too strong to be got over, and therefore left it untouched. I allude to that which regards Mrs. Favory. Mrs. Clarke says, she only knew her by the name of Favory, and that she never knew her by any other name; yet it appears, upon the evidence of Mr. Ellis, a respectable clergyman, that Mrs. Clarke permitted Mrs. Favory to take her name of Farquhar; that she visited her at Mr. Ellis's, where she lived under that name; that she enquired for her by that name; and that under that name she gave her the character which introduced her to the service of Mr. Ellis. All these appear to me material contradictions to Mrs. Clarke's evidence; they shew in her an absolute disregard to truth, and leave her entitled to no credit with the House. All of them, except the last, the honorable Gentleman has laboured to explain away, but I think most unsuccessfully. His strenuous endeavours to do it shew how important a point in the case he felt this to be, and therefore I have attempted to follow him in his arguments, and to shew their insufficiency. If her credit be effectually impeached, as I think it is, the charge of corruption against his Royal Highness will, in my opinion, be left altogether without support; for all the arguments by which it is attempted to fix this charge upon the Duke rest substantially upon her evidence alone.

X It is said that the general expenditure in Gloucester Place greatly exceeded the sums allotted by his Royal Highness to Mrs. Clarke, and must have convinced him that she supplied herself by these corrupt practices. But upon whose credit does this rest, except Mrs. Clarke's? X The money with which she was supplied passed personally from the Duke of York to her; the extent of these supplies rests upon her assertion only, and we are desired to take it upon her single credit that those supplies were as inadequate as she has stated to her apparent expenditure.

When we follow the honorable Gentleman in his consideration of the particular cases charged against the Duke of York, we shall find that here also he relies upon Mrs. Clarke's evidence, and that these very cases furnish additional reason for discrediting her. The first to which he applies himself is the exchange between Colonel Knight and Colonel Brook, and he urges as a confirmation of Mrs. Clarke's testimony that the 200*l.* which she stipulated for upon the completion of the exchange was actually paid to her when that event took place. It was so, but in what does this confirm her? In a fact, which never was controverted, that she had made a corrupt contract for 200*l.* which sum she actually received. The fact disputed, that upon which the whole question turns, is, whether this passed with the knowledge of the Duke of York, and in this she is confirmed by no one; but she so frames her story, that fortunately for the cause of truth, it is contradicted by certain indisputable facts, of which she was ignorant at the time, and therefore did not render it consistent with them. The facts within her knowledge were, that she had deluded Dr. Thynne and Mr. Knight into a belief that by her influence with the Duke of York she could effect this exchange—that under this delusion they had promised her 200*l.* when the exchange should be effected—that it appeared in the Gazette on the 30th July—that she received the 200*l.* in a bank note on the 31st—that in the night of the 31st the Duke of York set out for Weymouth, and she was herself going out of town the next morning. To these facts, she adds, from her own invention, the following: that two or three days, she is sure not more than three, before Colonel Knight was gazetted, she applied in his favor to the Duke of York, and stated that she was to receive a pecuniary compliment for her interest—that the Duke raised some objections, but promised that he would do it—

X that after dinner on the 31st she shewed the bank note, which she had received, to the Duke of York, and desired that one of his servants might get it changed, as she wanted the money for her journey the next day, and that one of the Duke's servants did accordingly get it changed for her. It was material that she should bring the time of her pretended application to the Duke of York as close as possible upon the completion of the exchange, because the exchange immediately following her request, would more naturally be ascribed to her influence. For this reason she persists in saying, that no more than three days intervened between her application to the Duke and the gazetting of Col. Knight; and if this were so, her application must have been at least as late as the 27th of July, and the Duke must then have raised objections to the exchange, but still have promised to do it. She perceived no danger in this statement of dates; she saw that it gave a color of probability to her story, and therefore she persisted in it. She was not then aware that this exchange, for which she pretends to have obtained the Duke's consent, by means of a bribe, and against his better judgement, on the 27th, had actually received the Duke's fiat on the 23d, was approved by His Majesty on the 24th, and was not inserted earlier in the gazette, because by some accident the papers were not returned from Windsor with His Majesty's signature, in the usual course. All this appears from written documents, which cannot deceive. There is the memorandum in the office of the Commander in Chief that His Royal Highness had approved this exchange on the 23d. There is a letter from Mr. Huskisson to Colonel Gordon, on the 23d soliciting the appointment of a relative of his to succeed Colonel Knight; there is Colonel Gordon's answer on the same 23d, stating that His Royal Highness had on that day confirmed the exchange between Colonel Knight

and Colonel Brook. About these facts there can be no mistake, and they shew to demonstration that the thing had been completed several days before Mrs. Clarke pretends that she prevailed upon the Duke, by this most corrupt and infamous bargain, to accede to it. If Mrs. Clarke had known these facts, her tale would not have been inconsistent with them. As far as her knowledge extends, all her statements are not only plausible, but incapable of contradiction, and it is only by opposing to her testimony facts against which she could not be guarded, because she was ignorant of them, that so deep laid a plan of malice and mischief could possibly be detected.

But this is not the only instance in which she is discredited by her own contrivance. In order to fix His Royal Highness with the odium of this bribe, she says, that she produced the note before him after dinner on the 31st of July, and prevailed upon him, as she thinks, to send out one of his servants to get it changed. Fortunately but one servant, Ludowick Orraman, ever attended the Duke in Gloucester Place—he is called as a witness and denies that he ever changed such a note. In this he pointedly contradicts Mrs. Clarke. It is curious to observe the course which they pursue to get rid of this contradiction. They first call Pierson, Mrs. Clarke's butler, who recollects the night in 1805 on which the Duke went to Weymouth, but has no recollection that Ludowick Orraman was sent out on that evening to change a note, and he says, that some *morning, a little before this time,* Mrs. Favory, the housekeeper, desired Ludowick to get a note changed, which he did, but the amount he knows not—this did not suit their purpose. Mrs. Clarke had stated, that after dinner, on the 31st of July, 1805, she produced the note to the Duke of York, and the Duke that evening sent one of his servants, at her desire, to get

X it changed. In this she had been contradicted by Ludowick Orraman, the only servant who ever attended the Duke there. Something must be done to mend this. Accordingly she is asked, on a subsequent day, how she knows that this bill was taken out by a servant of His Royal Highness's, and not one of her own, and she then says, she does not believe that she stated that His Royal Highness's servant had taken it out, but only that His Royal Highness had something to do with changing the note, that she had conversed with Pierson upon the subject, who told her, he remembered on the evening that the Duke went to Weymouth, he had tried all over the neighbourhood to get a large note, he thought a 50*l.* note changed, but could not; that he went into the parlour with it, and the Duke said, go to my wine merchant at Stephens's hotel, and say you come from me; that he had before called at Byfield's, the confectioner, but could not do it there, and afterwards got it changed at Stephens's. This is Mrs. Clarke's account of what Pierson told her. Now let us hear Pierson for himself, when he is called up a second time. He admits that he had seen Mr. Wardle, and conversed with him upon the subject, since his last examination; he had a head-ache then which prevented him from remembering what he is now about to state. He now remembers, that about eleven o'clock of the night on which the Duke went to Weymouth, he received a bill from Mrs. Clarke to get changed, and that he did so, and brought back the change to her, the Duke being with her both times; that he thinks it was 100*l.* (not 50, as Mrs. Clarke had said) that he had been at Stephens's, not Byfield's, and they could not do it for him, and that he actually did get it changed at Byfield's, the confectioner's, and not at Stephens's. If Mrs. Clarke's testimony needed any further contradiction, Pierson has completed it; and those who

will take the trouble of examining this part of the case must find in it sufficient reason for withholding all credit from such a witness. It is not enough to say, that she has failed in her proof of this charge; she has shewn that she was herself the sole inventor of it, that she invented it from motives of revenge against the Duke of York, for the purpose of fixing infamy upon his character; and when it appears that she had acted upon this principle in one instance, who can believe her in any other. If any of her charges had been founded in fact, none would have been added from invention. The detection of one as the work of her contrivance disposes of all which depend upon her testimony.

The honorable Gentleman next proceeds to the consideration of Major Tonyn's case: he says, there was an attempt to delay this appointment, meaning, I suppose, to find an application for the note, which has been so much discussed, but if we look through the evidence we shall find that no delay whatever took place. In this, as well as in the exchange between Knight and Brooke, the documents are all regular, the recommendations are such as justify, and almost call for the promotions which took place. From March to August, 1804, nothing is done in his favor because no opportunity presented itself. In August, 1804, when a large augmentation of the army took place, Colonel Gordon is directed by the Commander in Chief to make out a list of senior officers from the book of recommendations for promotion. No instructions came from the Duke of York to insert any particular name; Colonel Gordon wrote out the list with his own hand, inserting Major Tonyn's name as it occurred in the book. His name, with that of many others junior to him, was laid before the King on the 9th of August, and on the 18th his promotion was in the gazette. Nothing can be more regular than this, nothing can savour less of

preference. But it is said that Mrs. Clarke had an engagement from Major Tonyn for 500*l.* to be paid to her upon his obtaining his promotion, and that the Duke of York knew this, and therefore promoted him. I doubt not that she had this engagement, and that she received the 500*l.* from Major Tonyn for her pretended services, but that the Duke knew this rests upon her assertion alone, and contradicted as she has been in so many particulars, practised in assailing her enemies by false accusations, proved, in one instance at least, to have invented an infamous charge against the Duke of York, which she knew to be false, I think it impossible that upon this point she should gain any credit. With respect to this note, I admit that the ballance of evidence is in favor of it's being the Duke's hand-writing, but it falls in with no part of these charges, it proves nothing against him; those who were active in the business, Mrs. Clarke herself can ascribe no effect to it, nor has any one ventured a probable conjecture upon the occasion which produced it, or the sort of enquiry which it was intended to satisfy. It may tend to perplex and puzzle, but it can lead us to no rational conclusion, and therefore ought to be laid out of our consideration.

The next case upon which the honorable Gentleman comments, is that of French and Sandon's levy. For this Mrs. Clarke received at first 500*l.* and then various other sums from Captain Sandon. The Duke, she says, knew this, and was induced by it to grant the letter of service; but this too she alone says, and all the circumstances of the case tend to negative her assertion. Every precaution was taken to guard the public from imposition, and to exclude the parties from all undue advantage. The terms were submitted to General Hewitt, who was known to entertain a prejudice against recruiters, and Colonel Lorraine tells us that he thinks harder conditions were

from this cause laid upon this levy than on any other. Such was not the conduct which the Duke of York would have dared to hold with men to whom he had basely sold their appointment.

If the establishment in Gloucester Place was to be fed, as has been suggested, by the price of this levy, so much time would never have been consumed in consideration and enquiry, nor would the contractors at last have been screwed up to such hard terms. But the service was ill performed, and the levy unsuccessful. Be it so; but does this give any countenance to the charge upon His Royal Highness that he sold the letter of service, when throughout the whole negociation his object was to cut down the profits of the recruiters, and make as advantageous a bargain as possible for the public? But he suffered the levy to continue after strong complaints of misconduct in Colonel French. It is true he did so, after complaints sent from Ireland by and against Colonel French, because in the want of men, which was then felt, he thought it expedient upon the whole to make some further trial of it, but, after a few months, finding that it was not likely to answer, he discontinued it altogether, and rejected Colonel French's pressing applications to revive it upon any terms. This he would not have dared to refuse if the levy had originated in a base and corrupt contract for money, nor would Colonel French have permitted him to do it without reproaches of such a nature as he must have attended to. But it is said, that the Duke's knowledge of the corrupt contract in this business of French's levy is confirmed by the evidence of Miss Taylor. She states, that once only when she and Mrs. Clarke and the Duke of York were together, she heard the Duke speak of French and his levy, and as nearly as she could recollect, he said, "I am continually worried by Colonel French. He

worries me continually about the levy business, and is always wanting something more in his own favor:" and turning to Mrs. Clarke she thinks he said, "how does he behave to you, darling," or some such words as he used to use; that was all that was said. She is then asked, "Do you recollect any thing further passing than what you have stated?" Mrs. Clarke replied, middling, not very well; that was all she said. Was that the whole of the conversation? No. Relate the rest? The Duke said, "Master French must mind what he is about, or I shall cut up him and his levy too." Miss Taylor appears to have been upon terms of intimate connexion with Mrs. Clarke, and when I find her so connected, I am, by that circumstance, led to examine the probability of her evidence. In the first place these are the only words she remembers: upon every other subject her memory is a blank: I do not know how to account for her remembering this, and this only. She is afterwards examined as to when she communicated this to Mrs. Clarke, and upon that point she remembers nothing. This accuracy of memory in one instance, and forgetfulness in the other, lead me to look out for other circumstances, from which I may form a judgment as to the probability of her story. Mrs. Clarke says, that the Duke of York was very fond of Miss Taylor, that he conversed a great deal with her, and that she was one of those who were frequently received into his society at Mrs. Clarke's; if this be so, the servants out of livery, who constantly waited upon the Duke of York and Mrs. Clarke, must know it. Now what say the servants upon this subject. Mrs. Favory, it is true, states, that Miss Taylor was in the habit of being often in company with Mrs. Clarke and the Duke of York; but her credit is given up on all sides, and there ends the evidence that connects Miss Taylor and the Duke of York; there is no other proof of their being ever in

company together. If she had been received in the society of the Duke, this must have been known to several of the witnesses who have been examined; the servants out of livery to whom I have alluded, Pierson for instance, and Macdowal, who have both been examined. Mrs. Clarke has said, that the Duke of York was fond of Miss Taylor; Pierson states, that Miss Taylor was very intimate with Mrs. Clarke, but being asked whether she was ever admitted when the Duke of York was there, and in his company, he says he never saw her in company with the Duke of York. Macdowal says, he knows Miss Taylor—that he has seen ladies with the Duke of York, but knowing Miss Taylor he cannot say he has ever seen her there—he has seen other ladies. These are persons who had constant and daily opportunities of observing the fact; and if it was true, as Mrs. Clarke states, that the Duke was so particularly fond of Miss Taylor, is it possible that they should not once have seen her in his company? Her account is in itself to the last degree suspicious, and it is rendered absolutely incredible by the want of that confirmation, which, if it were true, it must have received from the servants.

Another pretended confirmation of Mrs. Clarke's evidence, as it regards French's levy, is this they say: that in 1804 Mrs. Clarke was indebted to Birkett and Parker in the sum of 1821*l.* 11*s.* 4*d.* for plate; that on the 18th of May Mrs. Clarke paid them 500*l.* that the Duke afterwards paid them the remaining 1321*l.* by bills at different dates; that the 500*l.* which she paid was the sum which she received for French's levy, and that as the Duke paid the remainder only, he must have known that she received this sum, and so applied it. This is a most ingenious course of argument for fixing so base a crime upon his Royal Highness. Let us examine how nearly it touches him. The only fact brought home to his know-

ledge is, that he gave Birkett and Co. his acceptances to the amount of 1321*l.* for a debt of Mrs. Clarke's; but that Mrs. Clarke had ever paid them the further sum of 500*l.* that that 500*l.* proceeded from French's levy, (if it really did so) or that the amount of her debt to Birkett and Co. had called for the further payment of that or any other sum to them; were facts wholly out of his knowledge; nor is it suggested that any part of the evidence shews him to have been acquainted with them. With those who attend to assertions made in argument, not to the evidence, this may have weight; but the only fact proved against the Duke is, that he paid 1321*l.* for Mrs. Clarke to Birkett and Co. The rest cannot affect him, because he was ignorant of it.

I think that I have gone through all the observations which the honorable Gentleman made upon the military appointments; and I have endeavoured to give them such answers, as they appeared to me to call for and to deserve. The view which I have taken of them leads me to a conclusion the reverse of that which he has formed; and for this obvious reason, that I have taken into my consideration many facts which he, thinking them probably immaterial, did not state; and I exclude many upon which he relied, because I think them unsupported by any credible testimony.

I shall now follow the honorable Gentleman to his observations upon the case of Mr. Dowler, whose evidence I understand him to say, remains wholly without exception. The charge is, that Mr. Dowler gave Mrs. Clarke 200*l.* and agreed to give her 800*l.* more, if she could procure him an office in the Commissariat through her influence with the Duke of York; that she accordingly applied to his Royal Highness, stated to him the contract which she had made, and through his interest actually obtained the office; and it is said that Mr. Dowler, having no funds of

his own, prevailed upon his father to supply him with the money for this specific purpose. That Mr. Dowler's father was prevailed upon to supply him with money under this pretence, and that Mr. Dowler paid it to Mrs. Clarke, may be true. From his earliest youth, he had been led by her into a fatal course of expence and profligacy. There is little doubt, that while he was in business, he had fed her extravagance with money which ought to have been more honestly applied. When he had failed in business, and was sent back to a state of dependence upon his father, this disgraceful connexion was still continued, the same infatuation still possessed him; and I wonder not to find, that when he had no means of his own to satisfy Mrs. Clarke's demands upon him, he had recourse to such an artifice for drawing from his father the sum which he wanted. Mr. Dowler labours to persuade us that no other interest was made for him, and therefore the appointment must have been procured by his Royal Highness; but his evidence is far from satisfactory to me on this point. The honorable Gentleman, professing to answer the objections which have been urged against Mr. Dowler's testimony, insists with great force, that, in no part of his evidence he has contradicted himself. Be it so, I must still have a much better reason given for believing him, before I can give credit to his testimony. It never was said by any one, that he had contradicted himself, and the honorable Gentleman alters the state of the objection in order to prepare it for his answer. It was usged, and I am very sure the honorable Gentleman, from the diligence of his attention, must have satisfied himself, that Mr. Dowler, if he does not contradict himself, is contradicted by the admitted facts in the case; and that he is contradicted in important parts of his evidence; and in this form only was the objection to his credit stated. I observed upon this objection; perhaps somewhat out of

place, while I was commenting upon the contradictions given to Mrs. Clarke, and therefore I shall not at this late hour detain the House much further upon it. That Mr. Dowler and Mrs. Clarke wished to deceive the House into a belief that they had no opportunity of communicating together upon the subject of this enquiry is evident. With this view, although they had past the first night after his arrival and part of the next day together, he endeavours to mislead the House by stating in effect that he had seen her but once; that he obtained a knowledge of her residence merely by seeing her direction in the newspapers; and that he went to her only for the purpose of persuading her not to make use of his name. To me this is not an unimportant fact! It is an artful misrepresentation in which both concur for the purpose of imposing upon the House; and it casts a slur upon the credit of both; but it is said that his account is supported by the absence of all evidence to disprove it; that if the appointment was not procured, as he represents, the recommendations which obtained it, might have been produced. You have recourse to the records of office and to the evidence of many secretaries and under secretaries of the Treasury; and why, it is tauntingly asked, after proving every thing of this sort in all the other cases by regular official documents, do not you prove it by the same means in this? This argument proceeds altogether upon the omission of a material fact which was fully proved in the case. The office of Commissary passes through the Treasury. No record is kept there of recommendations to such offices, and therefore none could be produced, or referred to. In all the other cases, the appointment passes through the office of the Commander in Chief; in that office a record of the recommendations is regularly preserved; and in each case therefore it has been produced and found perfect.

Observe, how artfully this case is selected. It is more than probable that Mr. Dowler owed his appointment to the disinterested application of Sir Brook Watson. He has himself said that he did so, and this, if untrue, was a dangerous assertion, when made, as it was open to immediate contradiction; but now all is safe: Sir Brook Watson, Mr. Pitt, Mr. Dowler's father, all are dead, and with them all possibility of direct contradiction is at an end. I cannot, under these circumstances, act upon the credit of Mr. Dowler's testimony. I cannot help suspecting a witness who has such a horror of corruption, except where it is practised for his own benefit. Even if you believe him, his evidence goes not a step towards fixing the charge of corruption, which we are now considering, upon the Duke of York. His knowledge of the supposed bribe to Mrs. Clarke, still rests upon her evidence alone. All that Mr. Dowler says may be true, and the Duke may have been wholly ignorant of it; but I confess it appears to me more probable, that the money was paid upon a very different consideration; and, that Mr. Dowler was, to a certain extent at least, the accomplice, and not the dupe, of Mrs. Clarke.

These I think were the cases, and this the reasoning upon which the honorable Gentleman founded his opinion, that the Duke of York was privy to the corrupt practices of Mrs. Clarke. He touches lightly upon the cases of Elderton, Kennett, and Clarke; but as he built no argument upon any of them, I shall not at this late hour call them to the attention of the House. I wished to consider fully all that his diligence and ability had been able to produce upon the most important question for our consideration, the personal corruption imputed to his Royal Highness, because in it I knew that I should find every thing that could be brought with any appearance of effect to favor the opinion which he has adopted.

I do not regret that the time which this has required, has obliged me to leave many topics of the case untouched, which, in the course of the debate, will fall into better hands. After a patient and, I hope, an impartial examination of the evidence, I am firmly persuaded that there is no ground to charge the Duke with any knowledge of these corrupt practices. I therefore shall vote for the Amendment proposed by my right honourable Friend, (the Chancellor of the Exchequer) by which, if it be carried, the House will put a negative upon that charge.

I am aware, that when this has been disposed of, there will remain much, which to grave and thinking minds, must furnish matter of deep regret, and which will demand our very serious consideration. The connexion which his Royal Highness formed with this woman, the ill-placed confidence which he reposed in her, the fraudulent practices which she was enabled to build upon this, and the danger to which his character, so important to be kept high in the estimation of the public, has been thereby exposed: these are matters which, I think not lightly of, either in a moral or political point of view, but it is our duty at present, so at least I consider it, to view them politically as they may affect the state and discipline of the army, in which the interests of the public are so much involved, and to provide against any mischief which we may think likely to result from them hereafter in that quarter. That we should not suffer these things to pass by without expressing our disapprobation of them is generally agreed. To what extent this disapprobation should be expressed, and whether any, and what measure shall be recommended to His Majesty upon it, are subjects upon which different opinions seem at present to prevail. There are some Gentlemen who think that, though the Duke be cleared from all suspicion of participation in this corrupt traffic, and from all knowledge of its existence,

yet, that the other circumstances which have been disclosed to us render it neither prudent nor safe to leave the command of the army in his hands; and that we ought therefore to present an address to the Throne, praying that his Royal Highness may be removed from his office of Commander in Chief. This is the language of the address which was originally proposed. Another honorable Gentleman has proposed a resolution, the terms of which, as far as I caught them, must, if they are adopted, render it impossible for his Royal Highness to continue in the command. Both of these measures seem to me to be so harsh, that I think we ought not without the clearest necessity to adopt either of them. Another opinion is, that although we ought not to let this part of the case pass by without expressing our disapprobation of the transactions which it involves, yet we should not do it in such terms as will render the removal of the Duke of York from his office a necessary consequence. The amendment proposed by my right honorable Friend has been formed upon this view of the case, and appears to me, I confess, the fit course to be adopted by the House. It must be recollected, that, in considering this question, we should look to the facts as they now stand; for we are to decide what in the present state of things is fit to be done. It should be remembered, that all those corrupt practices to which any evidence has been applied, were confined to the period of his Royal Highness's connexion with Mrs. Clarke; that they are wholly of her contrivance; and if we lay her testimony out of the case, as surely we must, they were carried on for her benefit alone, without the knowledge of the Duke: that this connexion, which commenced in 1804, or late in the preceding year, was broken off early in 1806: that neither before it commenced nor for the three years since it was discontinued is there the least suspicion that similar abuses have

been practised by any person connected with the Duke. The utmost industry has been used to discover such abuses, and bring them home to his Royal Highness, but in vain. The honorable Gentleman, who instituted this accusation, pursues the clue which is held forth to him in Major Hogan's pamphlet, the most virulent of all the publications against the Duke of York. He seeks intelligence in that quarter, from which the author declares that any member of parliament may receive information upon the facts stated by him in his pamphlet. He admits that he could obtain none. All this diligence of enquiry has not been able to produce a single instance of abuse practised by any person in the Duke's household, or under his protection; since Mrs. Clarke was separated from him. We have then the experience of three years, that these practices have ceased. If we look to the order and regularity with which business is carried on in the office of the Commander in Chief, they pass all belief. It was not credible, that transactions of such an extent could have been conducted with so much method, or so faithfully and accurately recorded. But this, it has been said, is not owing to the Duke, it is the work of Colonel Gordon, and the whole was arranged and executed by him. Colonel Gordon's merits are above all praise, and this House can never forget how excellent a servant he has been to the public, but I think we should deal unjustly by his Royal Highness, if we allowed him no credit for selecting such an officer. Colonel Gordon's character was well known before he entered upon his present employment; and if his Royal Highness could have so debased himself as to mix in this infamous traffic which was pursued by Mrs. Clarke, he never would have received into his office such a check as Colonel Gordon must have been upon him. During a period of fourteen years his Royal Highness has served the public with un-

remitted diligence, and has brought our army into the state of order and discipline in which we now see it. Against the merits of these services we are to place the abuses, which, for somewhat more than two years, Mrs. Clarke was enabled to practise by means of the unfortunate connexion which his Royal Highness had permitted to subsist between them. That they were injurious to the credit of the army, and that if there be any danger of their recurring, effectual measures should be taken to prevent it, no one can doubt. With this object in my view I am sensible that it is a matter of very grave consideration what course we ought to pursue: it has its difficulties on one side as well as the other: it is important, as it regards this illustrious person, against whom, recollecting the benefit which we have derived from his services, we ought not to come to a more severe decision than the necessity of the case would justify: it is also important as it regards the public, whose interest it is our first duty to secure. I need not say, that from a regard to the paternal feelings of His Majesty, we shall hesitate before we inflict what he must feel as the severest wound, though we shall not on this account abstain from adopting any measure of severity which the public safety requires. If, upon a due consideration of the circumstances which have been laid before us, we think the interest of the public cannot be secured without a resolution which must have the effect of driving his Royal Highness from the office of Commander in Chief, or obliging His Majesty to remove him from it, however harsh this measure may appear to us, however repugnant to our feeling and inclinations, we must not shrink from it; but, before we determine, let us examine the facts which are in proof; let us look to the past and the present state of things, and judge from them what is likely to take place in future. If I thought that by not adopting a severe resolution against

his Royal Highness, the security and welfare of the army would be placed in any hazard; if I thought that those regulations, which have been so wisely planned and established by him, would not be executed; if I thought those admirable laws framed by this illustrious person for the good order and conduct of the army, would be relaxed; if I thought that such consequences as these would result from our preferring a mild and lenient to a more severe course of proceeding, I should be one of the first to recommend and support a measure of a different description; but if, on the contrary, I think that no such effects would follow; if, looking to what has been brought under our view in the course of this enquiry, I find that not a single instance has been adduced of an improper military promotion, (for I do not think that the case of Samuel Carter will, after what the honourable Gentleman who spoke last has said upon it, be again brought forward as grave matter of reproach) that during a period of fourteen years, the most accurate and severe scrutiny has not produced an instance in which any one of those salutary regulations of which the gallant officers examined at your bar, spoke so highly has been disregarded or relaxed; When I consider these things which speak so loudly for the general merits of the Commander in Chief, and the benefits which the army has derived from his care, surely the House cannot think I am unmindful of the interest of the public, and the duty I owe to the country, if I am unwilling to act with more than necessary severity towards the illustrious person whose general merits are so universally acknowledged. If you want to know how your army is officered, look to the manner in which it has conducted itself in the field. See whether it has uniformly supported its own honor, the glory of the country, and the splendor of His Majesty's arms, when under any circumstances in any country or climate it has en-

countered his foes. Remember how often the valour and discipline of our troops, and the conduct and ability of the officers who led them against the enemy, has merited and received the thanks of this House. Is it to be believed, that officers advanced by corruption, or an army led by such officers could ever have achieved those acts of valor which will be remembered and celebrated to the end of time, which have rendered them the dread of their enemies, and entitled them to the everlasting gratitude of their country. But it is said that worthy and meritorious as these officers are, and justly as they were entitled to their promotion, they may still have obtained a preference through the influence of Mrs. Clarke. Really, Sir, when not an officer is even stated to have been promoted by her influence, whose merit did not qualify him for his station; when not a single instance has occurred in which any one could say that the officer who was advanced was not in every respect fit for the situation to which he was raised, I have hardly coolness to enquire into the cause of such promotions. But, will the honorable Gentleman opposite, or any other honorable Gentleman, tell me, that the fact of a single officer having been preferred through the influence of Mrs. Clarke, is satisfactorily proved? That Mrs. Clarke received money from some who were promoted, as the price of her supposed interest in their favor, I admit. The House has seen enough of Mrs. Clarke to form a judgment what she is capable of attempting, and to what lengths she will go. Mrs. Clarke is a woman who possesses an uncommon degree of art and readiness. She sees with a quick eye how things are going on in the world. She knows how to represent herself to Mr. Maltby, as a person who still has credit with those in power, that she may still make a profit of her pretended interest; and I believe that she is as able to procure promotions now as she ever was. She looked

round the military world, and informed herself how military promotions were going forward, what solicitations were made for them, by what recommendations they were supported, and what was the probability of their success. She had her emissaries to insinuate that by her credit these promotions might be secured: through them she sold an influence which she did not possess, and stipulated for the payment of the price when that should be done, which she had no share in procuring. She risked nothing in this. She observed what applications were likely to succeed; she made her arrangements accordingly; if the thing failed she remained as before; if it succeeded, she took the credit to herself, and received the price of her pretended interference. She pursued a plan like that which was once for a long time practised most successfully by a debtor in Newgate. He had observed that of the convicts who were sentenced to death, several were always reprieved; and that the reprieves were always granted to those whose crimes were not attended with any circumstances of particular aggravation. Building upon this, he represented to each set of convicts, that he possessed a secret but powerful interest with certain persons in office, and that by his means reprieves had often been procured. He prevailed upon each of them to deposit a sum of money in his hands, under a promise that he would exert himself to procure reprieves for them, and return their money to those for whom he should be unsuccessful. Without moving a step in their favor, he quietly waited for the result. To those who were reprieved, he represented, that they owed their escape to his interposition, and he retained the reward of his pretended services: to those who were left for execution he returned their money, that he might secure his own credit for future occasions of fraud. Very like this has been the conduct of Mrs. Clarke: she sees how the current of military promotions

runs on: she discovers who is likely to succeed; she promises that influence which she does not possess, to those whom she has reason to believe will obtain their object by other means: she imposes upon their credulity, by persuading them that she exerts a secret influence in their favor. If the appointment takes place, well and good, she gets her reward: if it fails, she is but where she was, and only regrets that her pretended application has been unsuccessful. Now this, I verily believe, has been the course of her practice, and I am satisfied that there is no more ground for criminating the Duke of York, on account of the bribes thus artfully obtained by her, than for charging the Secretary of State with corruption on account of those reprieves, upon the expectation of which the debtor in Newgate levied his contributions upon the convicts. If then these abuses originated with Mrs. Clarke, were practised secretly by her for her own benefit, and ceased when her connexion with the Duke was broken off; if from the time when His Royal Highness entered upon the duties of his office his constant labours have been exerted in endeavouring to repress abuses of this sort, many of which he soon discovered highly detrimental to the service: if for the purpose of correcting them he established regulations of the most wise and salutary description: if those salutary regulations established by him have been, and continue to be, uniformly and rigorously enforced, do I endanger the credit or honor of the army by proposing to this House a resolution short of that which must necessarily remove him from his office? I think not. The abuses which are complained of, disgraceful as they were to the parties concerned in them, had produced no practical mischief in the army; for three years they have ceased to exist, and there is no danger of their recurring. Does any man suppose that His Royal Highness is not fully sensible of the extreme

peril to which his character has been exposed by this unhappy connexion, or that the circumstances attending this enquiry have not made an indelible impression on his mind? Can any one imagine that being acquitted of all that is base in these charges, and temperately but firmly reprov'd for what we may still think reprehensible in his conduct, he will not return more cautious and vigilant than ever to the duties of his office? Experience has taught him, that the indulgence of a vicious passion may lead to disgrace without guilt; and I am satisfied that he will hereafter guard himself carefully against that temptation by which he has so severely suffered. For these reasons I shall support the Amendment which was proposed by my right honorable Friend. I join in acquitting his Royal Highness of corruption, because I think there is no credible evidence in the case which fixes upon him a knowledge of Mrs. Clarke's practices; and with respect to what remains of blame in his conduct, I think it not of so grave a nature as to call for his removal from an office which he has hitherto filled with so much benefit to the public service.

FINIS.