

THE EXAMINER.

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THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few.—POPE.

DEATH FOR FORGERY.

'Power gives existence to a law for the moment, but it is upon reason that it must depend for its stability.'—JEREMY BENTHAM.

Though Sir ROBERT PEEL's advocacy of the punishment of death for Forgery may not add to his better fame, it will serve the cause of justice by shewing the utter flimsiness of the pretences on which the continuance of an impolitic barbarity is recommended. The Home Minister opened his speech with some obscure generalities. Having professed to make the improvement of the criminal code the great object of his ambition, he proceeded to declare:—

He had found, however, that *the habits and usages of the country were adapted to and formed on the severity of our code*, and he found it necessary to proceed in the mitigation of this severity with great caution. He thought it advantageous to *continue the severity of the law in its letter, but gradually to meliorate its practical application.*

It is desirable that Sir ROBERT should explain what are the habits and usages of the country adapted to and formed on the severity of our code. Unless he has in view the hangman's vested interest in the clothes of the capitally condemned, we can hardly guess at his meaning. Certain we are, that the habits and usages of the country recoil with abhorrence from recourse to the severer punishments which disgrace our jurisprudence, and but for timely correction of the evil, it is difficult to say whether crimes or punishments would have been most odious to the public sentiment. The feelings of the community have never been brutalized by the barbarity of the law; but we see in the very instance of Sir ROBERT PEEL, that there are minds which become blindly subservient to any bad custom. The second declaration we have quoted, seems more comprehensible than the former, but if we correctly understood its purport, it implies a course of conduct of astounding irrationality and alarming policy. Does Sir R. PEEL really think it advantageous to *continue the severity of the law in its letter*, but to meliorate its practical application? Is not the apparent uncertainty of law admitted to be a great encouragement to crime? and must not maintaining the literal severity, and softening or avoiding the application, have the pernicious effect of shewing that wide interval between threat and performance, through which temptation, aided by the hope of impunity, persuades to guilt? Policy requires that crimes and prescribed punishments should be in the closest and surest connexion. Sir ROBERT PEEL would give them the utmost degree of severance. The theory, barbarity; the practice, humanity. The rule, blood; the application, indulgence. It is as audacious as stupid in a Minister thus plainly to propose making the criminal code of the country a mere verbal cheat. The right of the people to distinct rules of command and prohibition, is opposed to such a plan, proceeding on an ignorance of just juridical principles, astounding even in this country, so shamefully uninstructed in the science of law.

It were impossible to conceive anything weaker than the whole of the Right Honourable Gentleman's defence of Death for Forgery. The strongest part of it was the customary admonition to the House to *pause*. We know of no word in the English language which performs so powerful a part in Parliament as that "*pause*." There is in it an awfulness which suspends reason. It is the fee-fa-fum of rhetoric. An entreaty to *pause* is never lost, except indeed when hands are dipping into the public purse. But what would the wretch with the rope round his neck say to the recommendation of a *pause* in legislation? would he not with reason urge that the justice of his sentence requires instant consideration. The heathen Juvenal nobly remarks, that no delay concerning human life is long, but we see one of our pattern professors of all goodness, arguing for the pause in council, which may not save, but destroy life. Merchants, bankers, persons of the classes principally concerned, come forward in hundreds to pray the abolition of a punishment whose severity generally forbids the demand for its application, and so serves to encourage the crime whose prevention is intended; but what Shakspeare aptly describes as "*damned custom*," prevails with a weak Minister against all arguments of reason and appeals to humanity.

The substance of Sir ROBERT's argument would seem to be this: "*Forgery is easy, and hanging is easy; therefore, like to like, we will*

hang for forgery." We suspect error in one of the premises. We suspect forgery to be far from easy, though the Home Minister represents it as of no more difficulty than writing a draft. One of his examples in justification of the punishment of death (to which, by the bye, he with negative mildness professes himself *not attached*) is remarkably curious:—

'The crime itself might be committed by an innocent man, and a man ignorant that he was committing a crime. A man presented a draft at a banker's; it was paid, in the hurry of business, over a crowded desk; the person who presented it might not be the forger, but somebody whom he had employed. The real guilty party might escape.'

The innocent dupe then may probably be apprehended, condemned under false appearances of guilt, and executed. The truth afterwards appears, and it is asked where is the injured man? is he transported or confined at hard labour? or in what condition is he, which may allow of late reparation for the sufferings he has undergone by an erroneous judgment? "Oh (says Sir ROBERT PEEL), his case is past remedy. We unluckily hanged him, and I thought it better to hang him than to subject him to secondary punishment, because I was of opinion that secondary punishment would have disagreed with his health, and caused people to pity him." "But (replies the man's friend), was not hanging worse for his health than secondary punishment? and was not his fate by the gallows as pitiable as confinement with hard labour? And if he had been subjected to the lighter punishment, would he not now be forthcoming to profit by the discovery of his innocence?" "Aye (rejoins Sir ROBERT PEEL), that is all very true as it happens, and it is a mighty pity that the man was innocent; but had he been sentenced to a secondary punishment, low diet might not have been suited to his stomach, and we might have been compelled to give him nourishment which agricultural labourers might envy. It is a sad thing that he is hung; but it is better to hang people for forgery, innocent or guilty, than to inflict secondary punishments, which disagree with the health, and create a necessity for better living, than which, dying is much more convenient to the state, and proper with regard to the public sympathies, which are more alarmingly moved by the spectacle of sufferings in gaol, than sufferings on the gallows."

This is no distortion of the Right Honourable Gentleman's positions. He actually defends the infliction of the punishment of death, on the ground of the objections of inconvenience or difficulty belonging to the minor punishment; and the end is, that the infliction of death is preferred simply because it is more easy. Lest we should be charged with misrepresentation, we quote the words of the Minister's speech from the *Morning Chronicle*:—

'In many cases the Government had tried the effect of secondary punishments. They had imprisoned men for seven years, and what was the consequence? Why, that the low diet and the languor produced by solitary confinement had given rise to a mortally infectious disease (scarcely more mortal than hanging surely?), which the most eminent physicians ascribed, after the most minute inquiry, to purely moral causes, to the languor of long and solitary confinement, coupled with the prison diet, which, as a fit punishment, was allotted them. It was observed, indeed, by Sir HENRY HALFORD, when giving his evidence to the Committee who sat on this subject, that punishment by solitary confinement and low diet acted with a doubled force on those whose previous habits were far removed from such privations. But in addition to disease, there was another evil to be guarded against. It not unfrequently happened, that the languor of solitary confinement led to some of the most formidable aggravations of mental insanity. Then came the question of whether this insanity was feigned or real—whether the sufferings were pretended, or the result of the situation and previous habits of the criminal—so that, under any view of the case, the infliction of long solitary confinement as a secondary punishment presented numberless difficulties. Then came the question of the infliction of hard labour. Now, with every disposition to make the criminal suffer by the infliction of hard labour, it not unfrequently happened that his previous habits of life precluded the possibility of their putting that portion of the sentence in force. It was frequently impossible to inflict such a punishment. (*Hear, hear!*) But supposing, he did send a man of education to the hulks at Deptford or Chatham; after he has been there for two or three years, suffering under the eyes of the public, what security had the Executive that the public sympathy would not be as much awakened in his favour, and the public prejudices as much directed against the infliction of hard labour, as it is now against the taking away the life of the offender for the same crime? What certainty had he that the public and prosecutors would not shrink as much from inflicting the punishment of solitary imprisonment or hard labour, as they now do from that of death? The infliction of secondary punishments, such as hard labour, low diet, and solitary confinement, had been tried for ten years, and they found it impossible to continue it, for the consequence always was, that if they were compelled to alter the diet of the prisoners, and to give a kind of

nutriment, which, as was observed by an Hon. Member (Colonel DAVIES) the other evening, when he had not an opportunity of answering it, rendered the situation of the convict an object of envy to the agricultural labourer, whose honest industry would not procure him any sustenance of the same description. It was said, however, that they might transport offenders of this description to New South Wales, and keep them to hard labour there. Independent of the power which a man of education must always exercise among such persons as he would be compelled to associate with in New South Wales, it was scarcely possible to guard against other peculiarities of the situation of a person committing forgery. A man who forges, seldom or ever does so without succeeding so as to secure a considerable sum of money. He may escape discovery long enough to accumulate a very large sum, and it must therefore be taken into calculation, that when detected and subjected to punishment, he will employ a portion of his gains to the purpose of securing his escape. In truth, if the infliction of secondary punishments, such as imprisonment or confinement to the hulks, were to be had recourse to in such cases, he for one had no confidence in being able to prevent a forger from finding the means of escape. For these reasons, which he had thus candidly avowed, he had no confidence in secondary punishments producing the end they had in view—the prevention of crime, unless they made them so severe that the mind of the prisoner would be affected—the public sympathy awakened for his sufferings, or his constitution prove inadequate to the support of the sentence.

The constitution of forgers suffers nothing by hanging. We see clearly that they are hanged purely out of consideration for their own comforts, and the popular sympathies.

If the person subjected to secondary punishment is broken down in health by it, he is pitied, which circumstance is one reason for shortening matters by the rope; and if in his broken health it becomes necessary to feed him with a better sort of food, his meals may be envied by the agricultural labourer; which is another circumstance recommending the convenience of death. Then he may go mad in consequence of confinement, and the difficult question arises of insane or rational, and hanging removes all these evils and perplexities. Death, undoubtedly, saves trouble, and the *conveniences* of putting bad subjects out of the world instead of into gaols, will scarcely allow of dispute, if by reference to convenience this question is to be determined. Dead men excite no dangerous sympathy. Dead men don't madden with confinement. Dead men don't require food, which living clowns may envy. Death is vastly compendious, and his short and easy way so considered, we ought to give a greater sweep to his scythe and make him servant of all work to justice.

NOTABILIA.

THE WEST INDIAN DUTIES JOB.

[From the Morning Chronicle.]

'The produce of these duties has for a long period been applied chiefly, according to Mr Creevey, in pensioning the natural children of people at the west end of the town, possessed of Parliamentary interest and Court favour. It was a convenient fund in many ways. It happened, however, a year or two ago, that pity was taken of the Bishop-less condition of the West Indians, and an Act was passed to prevent the further grant of pensions out of the $\frac{4}{5}$ per cent. duties, the proceeds of which were devoted to the payment of the new Church Establishment. Here was a union of piety and disinterestedness of rare occurrence in the history of this country. Piety in the mouths of Ministers has usually meant an application to the pockets of the people. But only think of Ministers renouncing this rich resource of corruption, from mere compassion to the Bishop-less condition of the Creoles. Not so fast, good readers. When it was wished to job the Bishops and Clergy, the public were to be pacified by the idea that these pious men were, at all events, more worthy recipients of the duties than the very equivocal class described by Mr Creevey. But this job having been completed, the next consideration was to saddle the public with the Bishops and the full amount of the pensions. Mr Hume, who brought the subject before the House in his usual straight-forward and uncompromising way, stated that "an opinion had been obtained from the Law Officers of the Crown, that the sugar sent over in payment of the $\frac{4}{5}$ per cent. duties was not liable to the payment of Customs, and thus, without at all asking the opinion of Parliament, the Customs had not been paid, and the produce of the duties had been raised last year from about 30,000*l.* to 61,000*l.*" It seems, according to some of the many relics of barbarous laws, which are always ready for an occasion like the present, the King pays no duties. It was stated by Sir James Scarlett, in answer to a question put by Mr Baring, that the Crown, in the times of the Henries, imported goods, duty-free, and sold them. According to this doctrine, there is nothing to hinder the King from being, like the Pacha of Egypt, the monopolizer of all the importations into the country. Importing duty-free, the deuce is in it if he could not sell cheaper than his highly-taxed subjects. For one hundred and seventy years, the produce sent over by the West Indians to pay the $\frac{4}{5}$ per cent. duties has paid Customs like other importations. To allow this produce to be imported duty-free, is merely to take so much from the Customs. It was, as Mr Hume observed, a "transfer of 35,000*l.* from the Customs to the Privy Purse of the King—that was the true character of the transaction. It was money taken from the public to be put into the pocket of the King." The sugar was of course sold at the common market-price, which includes Customs, and the sugar paying Customs was diminished to the extent of the West India $\frac{4}{5}$ per cent. produce. Now is not this a gross perversion of the spirit of the Constitution, if it be not a violation of the law? There is no necessity for sending a tax-gatherer into the King's palace, or for charging with duty his importations of wine, because we must maintain the

King, and if he paid taxes, the nation must enable him to pay them. But this extension of the maxim, that the King pays no duty—a maxim borrowed from ages when the King was not a pensioner of the nation as at present, but the real disposer of all the public revenue, to the present times, in order to have a large fund for corrupt purposes, is one of the most audacious steps that ever were taken—is, in fact, a perfect insult to the country.'

In this clever exposition we have only to take exception to one term, namely, "the alleged gross perversion of the *spirit of the Constitution*." If there be a spirit of the Constitution, it is a spirit of the dead, having no earthly substance or power. What securities have a people whose money can thus be disposed of, without the grant, indeed, but with the sanction of their Legislature? It is a maxim of the blessed Constitution, of which such prate is made, that Parliament holds the purse; and some safety against the encroachment of the Royal power was supposed to result from its dependance for pecuniary means on the Third Estate; but now we see a mode recognized, by which the King may make himself first merchant in the country. His dignity forbids his liability to pay duties; but his dignity does not forbid him to turn the penny in the sale of sugars free of customs, and our Gracious Monarch has already condescended to the profits of grocery. Every shilling so obtained is an underhand misappropriation.

WANTED, GREAT OCCASIONS FOR GREAT MEN.

At the Westminster Election dinner,—

'MR MONCK, in a highly complimentary speech, proposed "The health of Mr Hobhouse."

'MR HOBHOUSE returned thanks. He was under a disadvantage in having to come after Sir F. Burdett; but he was content to undergo all that disadvantage for the example which his Hon. Friend set him on all occasions. It was not given to all men to have great talents, and *still less was it given to them to have great occasions afforded them; it was only great occasions that could make great men*; but many little occasions might be sufficient to show who was an honest man. If they thought that he had in any instance abandoned the trust that had been reposed in him, let him know it, and he would retire from the representation of Westminster—sorry, but not ashamed; for he should feel, that though he obeyed their mandates, he had not deserved their censure. The Hon. Gentleman then alluded to the motion for Reform which the Marquis of Blandford had brought forward at the commencement of the present session, and observed that it had been thought right by the old Reformers to give place to him, because they were glad to receive recruits from any quarter, and more especially from the ranks of those who had formerly been most vehemently opposed to everything of the kind. He was very sorry that the Marquis of Blandford was not present; his Lordship had been invited, and it would have afforded him great pleasure to have seen him at such a meeting. Reform was now evidently gaining ground. He had no doubt it must eventually be carried into effect; and as he had been elected for Westminster on that point, *he trusted that they would find, as he had begun so would he end.*

That Mr Hobhouse is ending as he began, no one will deny; but we have yet to learn that he ever commenced any strenuous exertion in behalf of the popular cause. Mr Hobhouse meets some unspoken objections when he so significantly says, "It is not given to all men to have great talents, and still less is it given to them to have great occasions afforded them; it is only great occasions that can make great men." If Mr Hobhouse has been waiting for a *great occasion*, fit for the dimensions of his parts, his deficiencies in performance or enterprize are referable to a capital mistake; for though it may be true that great occasions only make great men, yet observation of the world shows that great men also make the great occasions on which they exhibit their powers. The character of *great* is one, however, which politicians generally desire for the satisfaction of their own prides, and they will pursue it by means accordant with their peculiar conceits of ambition; but there is another object which may be sought, in the business and opportunities of every day, without great occasions or great talents, and that is the humble service of being useful to society. We are aware that this disposition is not to be mentioned to a gentleman of superior aspirings, who has ended as he began, in looking for a great occasion whereon his genius might expatiate; but we are strongly of opinion that it is the disposition which the Electors of Westminster should seek in their Representative, and we would earnestly exhort them to ask their next candidate whether he proposes to himself to be great or to be useful.

But Mr Hobhouse does his opportunities injustice when he intimates that his talents have wanted the occasion of suitable greatness. Does he account as nothing the momentous question of the gate into St James's Park? This is the pass of his patriotism, and by the hole which his exertions may make in that wall of popular exclusion we will measure his dimensions as a champion of popular rights. Here we can have him in feet and inches by length and breadth—here the whole sum of his utility as a public man may be rated by the removal of so much brick and mortar; that is to say, subject to two conditions, that the opening is made, and in consequence of his exertions. Another great occasion we can call to mind in the course of this gentleman's career, and it shows our minute remembrance of his services, that we have not forgotten the grand speeches he made about

the drums in the Charing-cross Barracks. The strictures on these drums and the park passage are surely sufficient for the honours of a public man and the satisfaction of his constituents. We cannot but suspect, after all, that Mr Hobbhouse has committed the mistake of looking out for his great occasions through the medium of a microscope, so fully have some two or three atoms in importance filled the range of his public observation. If we exclude this supposition of error, and consider his part in comparison with the persevering exertions of Hume, Poulett Thompson, and a dozen other honourable examples, we congratulate ourselves that there are men content to build their fame without the basis of great occasions, and who hold every opportunity of public service as a demand on the best efforts of a public man. They have not confined their endeavours to abating the noise of a drum or making a way through a wall, nor have they rested satisfied with doing little or nothing, under the impression that the advent of great occasions was necessary to the development of their parts. They have had this good quality, too, which is not to be overlooked in the estimation of social services. They have not professed opinions in public which they deride in private. They have not flattered the mob on the hustings, and the Aristocracy in the drawing-room. They have not excused themselves for the liberality of their spoken opinions, on the plea of its advantages in procuring their seats,—a plea sure of acceptance with an Aristocracy, which accounts nothing base that is profitable, and nothing unworthy of a gentleman but honesty.

THE SIGN MANUAL.

In the subjoined passage, Sir Robert Peel explains the conditions of the Sign Manual. One important term is not defined or easily definable in this exposition, and that is, the King's discretion; but it is curious to observe how the Minister manages the obscurity. He first insists, with all official decorum of emphasis, on the fitness of his Majesty's discretion being exercised by his Majesty alone, and afterwards he alludes to that discretion as to a thing on which he could put his finger:—

"In imparting to others than the King the power of affixing the Sign Manual, it was not proposed to impart to them the power of exercising that discretion which no one ought to be allowed to exercise except the King himself. He had much satisfaction in being able to state, that his Majesty was fully competent to the exercise of that discretion; and no Minister appointed to affix the Sign Manual would presume to do otherwise than according to the pleasure of his Majesty, and after consulting the responsible advisers of the Crown. The contemplated employment was entirely distinct from the appointment of a Regent. Nothing could be done without the pleasure of his Majesty being previously ascertained; and though indisposition made it painful for him to sign papers, yet he was now as capable of exercising a sound mental discretion as at any time."

Notwithstanding all this, we are inclined to think it as easy for a sick King to exercise his horses as his discretion; and we opine, that grooms will perform both services, in spite of constitutional maxims to the contrary.

We think Lord Winchelsea was quite reasonable in requiring a precise knowledge of the King's disease, with a view to the assurance that it is not of a nature to impair the power and vigour of his Majesty's mind. When measures are framed for the exercise of the Royal discretion, it is right to know whether the sufferer's condition is one that allows of the labours of judgment. The Duke of Wellington, in reply, asserted that his Majesty's medical attendants had, "as far as their duty enabled them, stated to the public the nature of the disorder by which his Majesty is afflicted." Not one word has ever appeared indicating the nature of the disorder; and if the physicians have stated as much as their duty enables them to state, their duty enables them to state nothing whatever of the character of the disease. The only datum is the symptom of the embarrassment of breathing. Embarrassed in breathing, the Monarch cannot give his signature to state documents: can he discuss state affairs? With the decline of physical strength, accompanied with extreme suffering, is the exercise of the judgment to be reckoned on? If not, the holders of the Stamp are the regulators of the Royal discretion. The present difficulty is one of the necessary inconveniences of a monarchy. The Constitution, which holds that the King never dies, should also rule that he is never sick.

A LIVELY CONCERN.

[From the Morning Chronicle.]

"We have good reason for stating that there is no foundation whatever, beyond some partial indisposition, for the rumours which have been of late so industriously circulated with respect to a certain Illustrious Individual, whom the precarious condition of our present Sovereign has rendered an object of the liveliest national concern. The utmost decorum and discretion have governed his conduct; he has had more than one conference with his Royal Brother, the result of which has been alike honourable and agreeable to both parties; and the very delicate and confidential communications which the Royal Sufferer has entrusted to the ear of his Brother and presumptive Successor, have been received with a good feeling and good sense in the highest degree consolatory to the Illustrious Sufferer. It may be that equal discretion has not characterized the language and behaviour of certain

persons, connected by ties, however close, unknown to the law, with the Prince, and that pretensions, founded on precedents drawn from the worst period of the British Annals, may have been somewhat rashly and presumptuously advanced; but they have met with no countenance; and if they are not warned in time, they may have cause to regret their imprudence.

Hampton Court is spoken of as the probable residence of the future Sovereign; and a Provisional Regency as one of the earliest measures of a new reign; but this last, with regard to the tender years of the then Heiress Presumptive—not assuredly with reference to anything in the health, mental or physical, of the expectant Sovereign. It is rumoured that a surveyor has already visited Hampton Court, with a view to the renovation and enlargement of the Palace.

So, the plan is already laid against John Bull's pocket. Hundreds of thousands have been expended to complete a palace worthy (to borrow the cant language) of the Kings of England, at Windsor; but before the decease of the ruling Monarch, a fresh charge for another residence is meditated for the successor. Every demise of Royalty is made a pretext for some new exaction from the people, who have thus as much reason to mourn the succession as the loss, or more, according to the Latin Satirist, who says,—

"- - - - - nemo dolorem

Fingit in hoc casu

Ploratur lacrymis amissa pecunia veris."

PRINCE LEOPOLD'S ABDICATION.

The Prince Leopold's abdication of the Sovereignty of Greece is a subject of public congratulation, though of Ministerial embarrassment, and indeed it is a significant indication of the conduct of the Foreign Affairs, that the event which thwarts and chagrins the Administration is most satisfactory to the nation. Respecting the causes of this fortunate issue we are in no degree curious to enquire, holding it almost ungracious to investigate the motives of so good a determination. Domestic considerations are alleged to have had more part in the resolve than the dissatisfaction of the Greeks with their boundaries, and Kensington is said to have been more concerned than Acarnania; but if such be the fact, we see not who has just reason to complain. One man may have his motives for desiring the Prince to be out of the way, but surely the Prince may in turn be excused for having his motives for desiring to remain in England.

As the Prince is not to be moved, the next best thing—(the first best thing it would have been considered in proper time)—which we would recommend to the Duke of Wellington, is to prevail upon the little Princess Alexandrina to accept the Sovereignty of Greece. With sufficient guarantees of dolls and baby-houses, she may be persuaded; and as for her infant years—why, infant years are surely suited to the infant independence of the nation. This arrangement will remove all difficulties, and Prince Leopold may then live where he pleases, and how he pleases, without troubling the Government. In the dismal events of demises of the Crown, and the succession of the Queen of Greece, it will be desirable that the Duke of Wellington should be appointed Regent of these small British Islands, which may leave the Hellenic Sovereign free to sojourn where the interests of a new people require her tender care.

We are compelled to postpone to next week, a notice of the Debate on Reform in Parliament.

THEATRICAL EXAMINER.

DRURY LANE.

A new drama was produced at this theatre on Tuesday night, under the title of *The Spanish Husband, or, First and Last Love*. The plot is remarkably simple, and is as follows:—

Bianca (Miss PHILLIPS) is married to *Don Alvar* (Mr COOPER). She has formerly loved and been loved by *Count Hyppolito* (Mr WALLACK), who is supposed to have perished in a shipwreck, but who returns full of hope and undiminished passion immediately after the marriage of *Bianca* and *Don Alvar*. He soon encounters the lady, who reveals all to him, and after a struggle, duty to her husband conquers her former attachment, and she leaves Naples with her husband, bidding *Hyppolito* to hope and love no more. He follows them to Barcelona disguised as an artist, with the intention of assassinating *Alvar*; in which design, however, he is thwarted. Through the fortunate and novel conjunction of the house catching fire, just as he is about to sail back to Naples, *Bianca* is left for a moment to his care in a state of senselessness. He seizes the golden opportunity, and bears her off in the bark with him. He conceals himself and her in the house of *Don Carlos* (Mr JONES), a friend who had saved him from perishing at sea. Here the fugitives are fortuitously discovered by the distracted husband, who has come, in pursuit of them, disguised in his turn as an humble painter. Immediately on discovering them he fires a pistol at them, determined on destroying both. *Hyppolito* falls, *Bianca* is saved. The dying lover assures *Alvar* of her innocence throughout, and is carried out bleeding and senseless, while the husband and wife are left to mutual forgiveness and love.

The piece is a tedious one, and overloaded with figurative verbiage. A comic character is introduced, who is servant to *Don Alvar*, represented by Mr HARLEY. His humour consists in being uniformly interrupted whenever he can catch an opportunity of telling a story about "four little children in Barcelona." In short, to speak sincerely, had it not been our

"stern path of duty" to give the author a fair hearing throughout, we should infallibly have left the theatre before the close of the piece, which was announced for repetition with good-natured and partial applause. We must acknowledge, that in general, the performers exerted themselves in behalf of the author. Miss PHILLIPS is evidently taking pains to improve: she has, however, a prodigious labour to accomplish yet, before she reaches even the lowest rank of first-rate merit; and one labour in particular, the achieving of which appears a hopeless task—that of mute expression. It would be scarcely possible for a person stone-deaf to discriminate whether she is agonized or pleased by looking on her features. We were within two boxes of the stage, and had besides, the assistance of a glass, yet were frequently at a loss to decide whether she was smiling or grieving. Her tall and slender figure, too, demands more than ordinary attention to the use of her arms, which, even in common conversation, she has no idea of allowing any approach to a sinecure, but is constantly swinging them about, like the telegraph on the Admiralty. The graces of repose and dignity are commonly the last achievements of a performer, who aspires to the higher walks of tragedy. Her dress too, which, it may be, is not wholly under her own control, is in general singularly ill-chosen. On the first performance of the piece in question, we have seldom seen anything more vulgar and puppet-show-like than the second dress in which she was dragged out—it was as fine as my Lord Mayor's livery. Another instance of inconsistency too, appeared in her walking through the public streets to embark for Spain without even the addition of a covering to her head or shoulders. As she stood in her drawing-room, so she went to the boat. Miss PHILLIPS appears to pay attention to no single circumstance in filling her characters, beyond the mere act of declaiming. Miss MORDAUNT made so little of her part, that any performer, whom she might rank as her inferior in the green-room, would have done more in behalf of the author than she. Messrs WALLACK, COOPER, and JONES, played with attention and care; the last gentleman, however, is not precisely in his element when personating a patrician and a cavalier.

The Stage has this season lost two performers of sterling merit.—Mrs DAVENPORT and Mr FAWCETT. They have both retired from the profession, taking leave of their friends on the nights of their respective benefit; Mr FAWCETT on Wednesday the 19th, and Mrs DAVENPORT on Tuesday last, the 25th: the former appeared in the part of *Captain Copp*, in *Charles the Second*; and the latter as the *Nurse in Romeo and Juliet*. The manner of leave-taking is frequently indicative of the performer's tinge of mind and general tendencies. Miss POPE, if we remember correctly, was rather flippant upon the occasion; Mr BANNISTER was manly and cordial; Mr LEWIS endeavoured to sustain his fine spirits to the last: "For forty years," said he, in his high, fluttering breath; and then he paused with the consciousness of the occasion rushing upon him; and in a low and broken tone he repeated—"For forty years have I had the honour, &c." Mrs SIDDONS and Mr JOHN KEMBLE were borne off upon the wings of verse: when Mr CHARLES KEMBLE shall resolve upon performing the melancholy office,—an event we trust may not take place till we have reached his age, and he is now old enough to be our father,—we feel assured that his farewell will be delivered in plain, natural, and homely prose. Mr FAWCETT's address was not of the happiest character; it had neither the appearance of being a spontaneous effusion, or even a genuine one. This was directly opposed to the general character of his performance, which they can testify who have seen his *Job Thornberry*; his *Clown in Twelfth Night*; his *Doctor Ollapod*, *Caleb Quotem*, "little Isaac," in the *Duenna*, *Sir Francis Wronghead*, *Sir Mark Chase*, in the *Roland for an Oliver*; and lastly, in his *Captain Copp*, judiciously chosen for his farewell character. Mrs DAVENPORT's address was short and simple. One passage in it was native, and unaffectedly like herself—"You have kindly borne with my infirmities, when, with more of truth than good acting, I have cried—'How my poor bones ache!'" Both performers, and Mrs DAVENPORT in particular, are fair specimens of the essential value of industry, perseverance, and steadiness of principle, with a good understanding. Both have, we believe, been all their London lives uninterruptedly attached to one establishment. We can remember the time when Mrs DAVENPORT gave no proof of possessing one fourth of the talent which of late years she has displayed; yet she went on, sensibly and quietly, acquiring the esteem and confidence of all parties, and has concluded by being considered at the head of her walk in the profession. The best theatrical critic of our day vividly characterised her peculiar utterance, by saying, that she appeared "to dig out her words"—they came up with jerks, as from a stubborn soil; and a daily writer, upon the present occasion, has greatly pleased us by the warmth of his manner in describing her:—"It is no little pain to us to reflect that we shall never laugh at 'Cerberus, three gentleman at once,' again, or feel her emphatic words one after the other, like slaps upon the cheek. She is, or was, we must now say, a delightful old creature, and we cannot bear the thought of parting with her." No—the old *Nurse*, and the *Duenna*, and *Lady Wronghead*, and *Mrs Malaprop*, and *Mrs Heidelberg*, will, for a long time, remain to us an unstopped gap. Her first, her last, and her only benefit, during a service of thirty-five years, has fitly crowned her labours. It was an overflowing and cordial one, and will, we hope, be a pleasant source of reflection to her, for many years to come.

On Friday evening, Miss F. KEMBLE took leave of her friends for the season, in the character of *Lady Townley*. Her performance was not remarkable for any other accomplishment than that of a highly polished and graceful demeanour. Her attitude, for a few seconds, was extremely beautiful, while she was lying upon the sofa, with her face buried in her arm, reflecting upon the dissipation of the previous night, with the loss of her money. The whole of her deportment too, in the trying scene of rebuke and humiliation, was judicious and interesting. Mr KEMBLE, after being repeatedly summoned at the conclusion of the play, came forward and thanked the audience in the name of his daughter, for the patronage they had bestowed upon her; at the same time, he "hoped it would only tend to make her *industrious*, and endeavour to become such an artist as he trusted they would one day see her." This little observation was highly reditible to the understanding of a naturally anxious and proud father.

MUSIC.

"*Alma Dei Creatoris.*" An Offertorium, composed by MOZART, for four Voices, two Violins, Bass, and Organ; in full score, with a separate accompaniment for the Organ or Piano-forte. Arranged and cordially inscribed to his kind Friend, W. A. MOZART, (the youngest Son of the great Composer) by VINCENT NOVELLO.

The Editor has appended the following note to this lovely composition, which gives it an interest, and an authenticity, too, if this were requisite, independently of its own transparent character:—"This charming and very rare composition was pointed out to me by MOZART's own son, WOLFGANG AMADEUS, when I had the pleasure of passing several days with him and the widow of MOZART, at Salzburg, in July 1829. He played it to me from memory, but gave me the address of Mr DIABELLI, by whom it was published at Vienna, where I afterwards obtained it, and put it into score from the separate parts." The six first bars of the leading solo at once betray the same hand which wrote the 'Agnus Dei,' of the first Mass in C; not that the passage is similar, but the same graceful and flowing character pervades both. The solos and vocal harmonies in the composition before us, lead into each other, combine, and separate with that beautiful ease and propriety, which constitute the charm of this immortal musician. As the instrumental accompaniments are printed with the arranged score, and all within the attainment of moderate proficiency, this composition, we have no doubt, will become a favourite with those private parties that delight in the performance of elegant as well as sterling music.

"*Amavit eum Dominus.*" An Offertorium, (Fugue in F) composed by MOZART, for four Voices, two Violins, Bass, and Organ, in full Score, with a separate Accompaniment for the Organ or Piano-forte, by VINCENT NOVELLO.

From the name of the original publisher in the first page, (DIABELLI, of Vienna) this composition appears to be another fortunate consequence of Mr NOVELLO's visit to Germany. The character of the music, however, is totally different from the one we have just noticed. It is a fugue in F, closely worked, somewhat after the severe school of the early Italian composers, such as PALESTRINA, or LEO. The subject is sustained throughout with masterly distinctness and effect, and the whole winds up at the close upon a fine pedal point. We should delight in hearing this noble chorus sung by the four hundred voices in York Minster; that would be the field for the fit display of its large features and grandeur of character.

No. V of the MUSICAL ALBUM, for the Pianoforte and Flute (ad lib.) containing 'When the rosy morn.' Arranged by J. A. MORALT. (Cramer, Addison, and Beale.)

In the introduction to this piece, Mr Moralt has evidently intended an imitation of the song of 'Early birds,' as Milton delightfully describes them; and has agreeably interspersed it with snatches of this simple and unaffected old tune, which might have formed one of that class alluded to by Shakespeare—sung by the 'Spinsters and knitters in the sun.' The first movement however is disfigured by a few grammatical oversights. For instance, we cannot approve of the consecutive 5ths, between the C G, in the treble, and the F C in the bass; of which objectionable consecution there are no fewer than eight occurrences in the lowest staves of the first page: nor do we admire the effect of the consecutive octaves occurring between the F and C, in the extreme parts of the second and third bars of page 2. The arrangement of the air itself is in a familiar and easy style; the flute accompaniment is judicious and effective; and, with the exception of the blemishes alluded to, the piece forms altogether an agreeable exercise.

'Love's Ritornella;' the much admired air, as sung by Mr WALLACK in the popular drama of *The Brigand*. Written by J. R. PLANCHE, Esq. the Music composed by T. COOKE. Fourth Edition. (S. Chappell.)

It is no misnomer to call this a "popular air;" the street bands and the street boys have it at their fingers and tongues' ends. It is neatly engraved, and, so far as we have observed, without any errors. The same air has been very agreeably arranged as a Rondo for the pianoforte, by Mr T. A. Rawlings.

DROUET's Method of Flute Playing. Written expressly for the English Student. (Cocks and Co.)

This is an elaborate and extensive instruction book, in which Mr Drouet has taken great pains in explaining the most minute particulars relative to the acquisition of a finished style of performance on this favourite and fashionable instrument. Notwithstanding that the work is announced to be "written expressly for the English student," there are some idiomatic phrases so genuinely foreign, that he will probably find some difficulty in understanding them. Thus—the leading note, or sharp seventh of the scale, is called "the sensible note,"—the French term. And again at page 13, the theme or subject is called "the motive," (le motif.) The person employed in the translation must have been ignorant of the English terms used in music. The work however, altogether, will be found a most valuable companion for those who are desirous of obtaining a perfect mastery over the most complicated and difficult passages which have hitherto been brought within the abilities of the instrument; that these should ever be increased, seems not only problematical, but next to impossible.

FINE ARTS.

ILLUSTRATIONS OF POPULAR WORKS, BY GEORGE CRUIKSHANK. PART I.—This first number of a new work, designed to add to the public stock of harmless amusement, contains six prints, designed and etched by Mr G. Cruikshank—namely, "The Combat between Roderic Random and Capt. Weazle—The Vicar of Wakefield preaching to the Prisoners—Ten Breeches, alias Tin Breeches (from Knickerbocker's New York)—The Family Picture (Vicar of Wakefield)—Anthony Van Corlear and Peter Struyvesant (Knickerbocker)—and "The Devil cam fiddling through the town" (from Burns). In the first, the miniature Captain is seen making

a warlike retreat, though certainly not exactly after the fashion of the valiant Greek with his ten thousand; while the infuriated Roderic appears determined to spit his adversary with as little remorse as he would a lark,—to the great diversion of Joey the waggoner, and others of the lookers-on.—The amiable Vicar of Wakefield, with a calm look and earnest attitude, is exhorting his fellow-prisoners to reform their lives, and it is apparent that some of those who came to scoff will remain to pray, though several are yet quizzing and practising their unseemly and hardened jokes. One fellow, standing opposite the good man, has a countenance highly expressive of an awakened conscience. This piece, able as it is, would have been much more effective, had the Artist kept the rabble audience at a greater distance from the Preacher. A chief figure should always be so placed, else he is robbed of a portion of the necessary dignity; and the composition is, besides, improved by such an arrangement.—Ten Breeches, a worthy descendant of the family of the Broadbottoms, having fallen overboard and luckily floated to the dry land—for your Broadbottoms, notwithstanding the authority of *Falstaff*, have not an "alacrity in sinking"—is seen stretching out his ten inexpressibles to dry, with all the care and tenderness becoming a decent Dutchman.—The Family Picture is pleasant, but not so good; some of the mouths are much too small.—Van Corlear and Peter Struyvesant is happily managed. The trumpeter is blown out before and after, and one can almost hear the sound he sent forth, "with such a tremendous outset, such a delectable quaver, and such a triumphant cadence, that it was enough to make your heart leap out of your mouth only to be within a mile of it!"—The Devil cam fiddling thro' the town" is overflowing with fun. The Exciseman,—an officer hated by gods and men, as well as by all good housewives,—is represented as just caught by Satan, who has twisted his long tail round the official man's neck, and is thus dragging him, before his time, to that bourne from whence no Exciseman ever returns. For once, the Devil appears to have done a good deed; for the townspeople, boys, girls, men and women, all appear delighted with the achievement; and the expression of alarm in the broad countenance of the unwilling Exchequer Agent, who follows his potent Master with extreme reluctance, is such as certainly would not go far to diminish their mirth.—Letter-press descriptions, very handsomely printed, accompany each plate; and the Work will doubtless be a very popular one.

Portrait of THOS. MOORE, Esq.—*painted by G. T. Newton—engraved by W. H. Watt.*—There is a portrait by Sir T. Lawrence, in the present Exhibition of the Royal Academy, of this popular and pleasing writer; but it is not a very good likeness. The late President usually made his sitters "such as they ought to be, not as they are." He decreased their defects, augmented what was agreeable, and copied, when he could find them, their beauties, which was by no means the easiest task, whatever some persons may suppose. This was, however, his course, which was at least an acceptable one to those who employed him, though by it he frequently sacrificed the truth of likeness. Now Mr Moore, although a very pretty poet, is not a handsome man. In regard to person, Nature has "curtailed him of his fair proportions;" and from his face, though it is not wanting in vivacity of expression, you would not suppose that he was anything but a lively fellow.—The portrait before us is the most faithful likeness we have yet seen, as well as an able work of art in regard to the light and shadow, attitude and general effect.—The engraving by Mr W. H. Watt (a name not familiar to us in art) is an extremely clever one; the lines are admirably played, the character of the various surfaces well marked, and the lights and shadows nicely graduated: in a word, it is a masterly performance.

Messrs WILKIE AND COLLINS.—Wilkie is a thin, spare man; timid in his address, and retiring in his manners; his eye is small and grey—restless—and at times, though not often, brilliant; he receives compliments with embarrassment, and is ever at a loss what to say in return: you would note him at once as an awkward man of genius.—Collins! ay, that man is indeed a painter. A particular friend of mine calls him the Wordsworth of art. I looked upon his "Muscle Gatherers," until I felt the breezes of ocean fan my cheek, and fancied Lady Londonderry's voice, which was eloquently discoursing on the merits of some favoured work, the rippling of the gentle waves. No one, to see Collins would set him down for a genius; he is simply a gentleman, mild and pleasing, without foppishness, or even peculiarity of any kind.—*London Correspondent of the Dublin Literary Gazette.*—[In these notices we recognise a tolerable likeness of his Majesty's portrait-painter; but see nothing that at all resembles the able delineator of the scenery of nature. The comparison with Wordsworth is absurd, for the Author of the *Excursion* is a man of refined imagination, and possesses genius—whereas Mr Collins, in respect to the creative power, is as unproductive as his maiden aunt: he paints what he sees before him with infinite care and truth, and looks abroad with an inquiring eye; but to what is understood by "genius," he has not the slightest pretension. Hogarth was a man of genius, and so was Wilson; they live in the general memory; but Mr Collins must content himself with his "present pay and good quarters," things, we suspect, that he troubles himself much more about than "that last infirmity of noble minds,"—the desire of fame.]

Portrait of SHAKESPEARE.—In an article in the *Edinburgh Literary Journal*, headed "Gosford House and its Paintings," there is the following notice of an original Portrait of Shakespeare:—"It is just such a face as I could fancy him to have had. The brow is broad, high, and beautifully formed. The clear eyes beneath it swim in quiet delight. The mouth is rather large; the vermilion lips lie apart, indicating a quick perception of all pleasurable sensations. The hair, moustaches, and beard, are of the softest texture; and their beautiful arrangement is evidently natural and involuntary. The face is all thought and feeling—all repose, and full of enjoyment—yet indicating a capability of exertion far beyond ordinary mortals."

[Notices of the performances at the Royal Academy, of Miss H. GOULDSMITH's highly pleasing Exhibition in Pallmall, and other Works of Art, in our next.]

THE KING'S ILLNESS.

It is known that his Majesty has submitted to the dangerous, and often fatal, operation of "puncturing," for the removal of fluid effused in the legs and feet. Yet no mention is made in the bulletins of there having been a Surgeon in attendance; in truth, there is not the slightest allusion to the operation; and had not the vanity of the Operator conquered his discretion, the fact of the "puncturing" would, probably, have been unknown to the public, even to the present hour. A surgical operation then, even a *dangerous* surgical operation—for mortification is often the result—has been performed. Yet the name of a Surgeon has not been attached to either of the bulletins. The secrecy is deep, but what are the motives? The history of the magical tactics of the great *Magician* may one day furnish an explanation. The extraordinary benefit, both medical and surgical, rendered to the late Duke of York by his Majesty's Sergeant-Surgeon, Sir Astley Cooper, is well known to the members of the medical profession, and even to a large portion of the public. Yet "the Conjuror" on this occasion, directed his wand to another quarter, and summoned to his aid a more convenient spirit,—one that could be concealed or exhibited, as the changes of the disease and the "turns" of the consul [so printed] market might seem to require.—If we mistake not, a "stock account," to be found in the books of a certain confidential Broker, is always the surest guide to the state of his Majesty's health. It fluctuates with the variations of the Royal pulse.—*The Lancet.*

The Duke of Clarence, having received an invitation from the King, came to the palace yesterday morning. The Duke of Wellington arrived about half-past 12 o'clock (by appointment) from London. The Royal Duke and his Grace had interviews with his Majesty. The Duke of Wellington took his leave about two o'clock. The Duke of Clarence remained with the King some time after.—*Court Circular—Thursday.*

BULLETINS OF THE WEEK.

Windsor Castle, May 23.—His Majesty has passed a good night; but his Majesty suffered from the embarrassment in his breathing occasionally.

May 24.—The King's symptoms continue the same. His Majesty has passed a sleepless night.

May 25.—The King passed yesterday very uncomfortably; but his Majesty has had a good night, and feels himself better this morning.

May 26.—The King has passed another good night, but his Majesty's symptoms are not improved.

May 27.—The King slept well last night, and his Majesty feels himself rather better to-day.

May 28.—The King has passed an unquiet night. The symptoms of his Majesty's complaint continue the same.

REFORM—TRIUMPH OF WESTMINSTER.

On Monday, the Twenty-third anniversary of the Triumph of Westminster was celebrated by the Electors at the Crown and Anchor. Sir Francis Burdett was in the Chair, supported by Mr Hobhouse, and Lord Ebrington, M.P.

The first toast given was, "The People—the only source of legitimate power." The next was "The King, and his speedy recovery." (*Loud cheering.*)—The third was, "A full, fair, and free Representation in the Commons House of Parliament—the only efficient remedy for all our national grievances." (*Great cheering.*)

Lord EBRINGTON, after regretting the absence of Mr Sturch, that fast friend of Reform, proposed "The health of that great and consistent Advocate of the Liberties of the People, Sir F. Burdett."—(*Immense cheering.*)

Sir F. BURDETT (who seemed ill, and had his arm in a sling) observed, that thirty-five years since he had advocated in that room the same cause which he was now supporting; and he looked round in vain for many of those virtuous men who had during that period been his courageous supporters, but who had terminated their patriotic lives. He had combated for Catholic Emancipation, not on narrow sectarian views, but in the conviction that civil and religious liberty must stand or fall together; and he should feel ashamed of those with whom he had co-operated, if there were among them persons who did not regret the loss of the Bill the other night by which the Jews were still deprived of their civil rights. Its loss was caused by a most ignorant, absurd, and stupid prejudice. Those who had yielded to the claims of the Catholics opposed themselves with a very ill grace indeed to those of the Jews: they had no show of reason for their opposition—all that they could urge was, that they did not think as the Jews thought. Judaism was a part of Christianity: but let it be what it might, that had nothing to do with the civil rights of men. (*Applause.*) The only charge against them was, that they were Jews! and he was both astonished and ashamed to see an argument urged against them in a newspaper which had great influence in the country, that because they were Jews they could not feel like Englishmen. But Heaven alone knew why they should not, if the rights of Englishmen were bestowed upon them. The corruption of the Commons House was now admitted on all sides, and the spirit of Reform was advancing in every direction. Until that question was carried, it was clear that even the indefatigable labours of Mr Hume himself would effect but little good. It was vain to hope that people would be persuaded to give up their salaries and pensions so long as they had the power to retain them. While the House remained as it was, there would be no effectual reform in the law, nor effectual reduction of expenditure. Without Reform, no honest Government could exist in England, no honest man could remain a Minister. Reform ought therefore to be their universal theme, the end to which they should concentrate all their energies, the great object of all their exertions. He was a friend to universal suffrage, though something short of that might be equally effective for all public purposes. The people should form Unions, like that at Birmingham, and something would be at length effected that would satisfy the public want. After all, the question rested with the people, who, if firm, united, and determined, would accomplish the great and necessary object. (*Applause.*)

Mr HOBHOUSE remarked, that Reform was now evidently gainin

ground. He had no doubt it must eventually be carried, and as he had been elected for Westminster for his advocacy of that vital question, he trusted that they would find that, as he had begun, so would he end. (*Applause.*)

Mr O'CONNELL said, that as it was by associations in Ireland that the Catholics had gained the objects of their wishes, it was by unions that they must endeavour to obtain Reform, without which all other civil rights were of no avail. He gloried in proclaiming himself a Radical Reformer, by which he understood Universal Suffrage, Vote by Ballot, and Annual Parliaments. He advocated Universal Suffrage because the poorest man paid taxes indirectly, and was liable to militia enlistment; Vote by Ballot, because by that alone they could be sure that the elector was not influenced or overawed; and Annual Parliaments, because it was by the shortness of elections that Members would really be made to feel that they were the Representatives of their constituents.

Towards the close of Mr O'Connell's speech, Sir Francis Burdett fainted, and the windows were opened so as to admit air.

Mr BYNG said something in favour of civil and religious liberty, and Reform.—[At this time, Sir F. Burdett was able to quit the room with the aid of his brother; and Mr Hobbhouse was called to the Chair.]

Mr CULLEN observed, that he did not come there to make a speech, but to inspire them with the desire of uniting in the one grand point, that the present House of Commons was their enemy, and that all England, Ireland, and Scotland should unite to obtain a full, fair, and free representation of the people.

Messrs J. WOOD, O. CAVE, and A. DAWSON, avowed their attachment to the cause of Reform.

Colonel JONES said, that he was a Radical Reformer, though he had been bred in the Court all his life. Perhaps that was the very reason; for he had better opportunities of observing the abuses that existed there. Ireland had set the example; and it was an example not unworthy of Englishmen to follow. A new election was rapidly approaching, and it was for the people to take advantage of that opportunity to elect those who would be serviceable, without regard to Aristocratical claims or dictation. He would venture to say that, search where you would, you could not find such another 658 Members as now sat in the House of Commons. There were not fifty Members in it who were worthy of representing the people of England.

After various toasts, the Company broke up.

UNITED PARLIAMENT.

HOUSE OF LORDS.

Monday, May 24.

THE KING'S ILLNESS—MESSAGE FROM THE THRONE.

The Duke of WELLINGTON presented the following message from the King:—

"GEORGE R.—His Majesty thinks it necessary to inform the House, that he is labouring under a severe indisposition, which renders it inconvenient and painful to his Majesty to sign, with his own hand, the Public Instruments which require the Sign Manual. His Majesty relies on the dutiful attachment of Parliament to consider without delay the means by which his Majesty may be enabled to provide for the temporary discharge of this important function of the Crown, without detriment to the public service."

On the motion of the Duke of Wellington, an address was voted, expressing the sorrow of the House on account of his Majesty's illness, its anxious hopes for his recovery, and its readiness immediately to consider the subject of his Majesty's message.

PRINCE LEOPOLD AND GREECE.

■ The Earl of ABERDEEN, in presenting various official papers relating to the affairs of Greece and the negotiations of the Allied Powers, narrated what had taken place respecting the sovereignty of that country. The choice of Prince Leopold by the other Allies was a circumstance of which this country might well feel proud, because the selection of a British Prince was the strongest proof of their confidence in its enlightened and honourable policy. Ministers could not avoid assenting to it, the more especially as the throne of Greece had long been an object of his Royal Highness' ambition, and had been solicited for him, while Greece herself was known to be anxious for his appointment. The offer was made on the 3rd February, and immediately accepted. The negotiation which followed turned exclusively on one point, viz. a subsidy for Greece, which the Prince required in the strongest manner. The other Allies yielded, but the British Government thought it their duty to resist the demand, being unwilling to add to the burdens of this country. The pertinacity of his Royal Highness was however such, in pressing for the uttermost farthing of the advance he had named, that Ministers were compelled either to concede the point, or to incur the responsibility of destroying the prospect of a British Prince filling the throne of Greece, by refusing what our Allies had agreed to. They therefore consented, and nothing remained to be adjusted but the form of the loan. A few days ago, however, they received intimation that fresh grounds of hesitation had sprung up in the mind of his Royal Highness; and upon these grounds alone, he placed the resignation of his high office, which he (Lord Aberdeen) received from the Prince late on Friday night. He would not enter upon the reasons assigned by his Royal Highness. Some further papers were in preparation, which would speedily be laid before the House, and would explain everything. He would not conceal that he felt the inconvenience and pain which must arise from this resignation. Entire concord, however, existed between the three contracting Powers, and he trusted that the affairs of Greece would still be settled at no distant day.

A conversation ensued, in the course of which Lords DURHAM, DARNLEY, LONDONDERRY, WINCHELSEA, LANSDOWN, and GREY, expressed their opinion that the Earl of Aberdeen ought to have abstained from making a statement which was calculated to prejudice Prince Leopold in public

opinion, until he was prepared to lay all the papers before the House. In answer to a question from Lord HOLLAND, the Earl of ABERDEEN said he had no intention of making any motion founded upon the papers now produced, or upon those which were forthcoming.

Tuesday, May 25.

ILLNESS OF THE KING—THE SIGN MANUAL.

The LORD CHANCELLOR mentioned the precedents which existed for the attachment of the signature of the Sovereign to public documents by the hands of authorized public officers. In the reign of Henry the Eighth, a patent was granted (now preserved in the British Museum) to the Archbishop of Canterbury, the Lord Chancellor, the Lords of the Privy Seal, or any six of them, to affix a stamp, bearing the impress of the royal signature, to warrants authorising the payment of money from the royal treasury. That authority was given for a limited time; and not in consequence of the illness of his Majesty, but merely for public convenience. There were many other instances in the reign of Henry VIII, in which the royal signature was affixed by means of a stamp. Similar instances occurred in the reigns of Edward VI, and Queen Mary; and it was recorded on very good authority that King William the Third, just before his death, caused his signature to be affixed, by means of a stamp, to a commission for giving the Royal Assent to certain bills in Parliament. Ministers now proposed that a commission under the Royal Sign Manual should issue, authorising any one or more of the persons therein named to affix his Majesty's signature, by means of a stamp prepared for the purpose, to such instruments as required the Royal signature. By way of security, the persons named in the warrant as commissioners should make oath that they would not, except in the presence, and by the immediate command of his Majesty, affix the stamp to any instrument whatever; nor until a memorandum had been endorsed on the instrument to be signed, attested by three Ministers specially named, stating the nature and object of such instrument. The stamp to be kept in the custody of certain great officers of State, one of whom must be present whenever it was used, and attest its use by his signature. It was proposed that this arrangement should be in force until a month after the next meeting of Parliament. At the same time, his Majesty would of course affix his own signature, if he pleased, to any documents, just as if no such deputation existed. The Lord Chancellor concluded by moving for leave to bring in a bill for the purposes stated above.

The bill was introduced and read a first time.

Earl GREY remarked upon the delicacy and importance of this measure, wished the bill not to pass till Thursday, and moved that a Committee should be appointed to search for precedents.

A Committee was appointed, after some conversation; and on the motion of the Lord Chancellor, certain standing orders were suspended for Thursday next, in order that the bill might pass through its remaining stages on that day.

FOUR AND A HALF PER CENT. DUTIES.

The Marquis of LANSDOWN moved for a copy of the Treasury minute directing the Custom House duties on the articles sent to this country in payment of the $4\frac{1}{2}$ per cent. Leeward Island duties to be discontinued. He did not mean to impute to those who had issued this order any intention to commit wrong; but in setting aside the usage of 170 years, and thereby creating a fund beyond the control of Parliament, a precedent had been established, from which the most mischievous consequences might proceed. At this moment all the cinnamon of Ceylon belonged to the Crown, and, according to this new principle, might be imported free of duty.

The Duke of WELLINGTON thought it too obvious to require argument, that the property of the Crown was not subject to a Custom House duty. He did not assert that it would be either right or politic to put this principle in practice to the utmost extent to which it might be pushed. In 1825 an Act had been passed rendering the $4\frac{1}{2}$ per cent. fund liable for the payment of certain stipends to the clergy in the West Indies, at the same time recognizing the appropriation of part of it to certain officers of the Crown. It would therefore appear that the fund was taken entirely out of the hands of the Crown, and applied solely as Parliament desired.

The Marquis of LANSDOWN could not agree that the Act passed in 1825 could be fairly interpreted to have made this fund public property. The step taken by this Minute was never thought of when that Act passed.

The motion was agreed to.

Wednesday, May 26.

PRINCE LEOPOLD AND GREECE.

Lord DURHAM adverted to the statement made by Lord Aberdeen, that Ministers were taken by surprise by Prince Leopold's resignation, which he had said they first heard of late on Friday night. Yet he (Lord Durham) knew that Ministers received on the 15th, six days before Friday, a letter from Prince Leopold, announcing that they might expect his resignation, and stating that he had received from Greece a declaration from the Senate and people that they would never consent to the arrangements of the Allies. The assertion of the Earl of Aberdeen was therefore very extraordinary. He (Lord Durham) wished to know when the rest of the papers would be ready.

The Earl of ABERDEEN declared that he had been misunderstood. He did not say that up to Friday night he had no reason to expect any change in the disposition of his Royal Highness. It was true that on the 15th Prince Leopold sent him three letters received from Count Capo d'Istria; two of them were dated the 6th of April, the third the 22nd of April. Those of the 6th described the state of Greece as one of great alarm, and held out no flattering prospects to his Royal Highness. But the letter of the 22nd contained the adhesion of the Greek Government to the propositions of the Allies; and he (Lord A.) of course concluded that the assent of the Greek Government ought to have dissipated the alarm created by the President's previous letters. As to the letter containing his Royal Highness' resignation, it could not be produced by him alone: he was one only of three parties concerned—the French and Russian Ambassadors being equally engaged. He was not the master of the letter, and even if he were, it could not be expected that he should produce that which would give a most erroneous view of the transaction, and one altogether diffe-

rent from that which would be presented when all the papers were on their Lordships' table. He was most anxious that the whole affair should be explained, and should have no objection to have his conduct judged by any twelve impartial men, selected either from that House or from the public at large.

Earl GREY complained of the attempt to create a prejudice against Prince Leopold, by prematurely forcing on a discussion on an *ex-parte* statement. His Lordship also contended that Lord Aberdeen had put a wrong construction on the last of the three communications from Count Capo d'Istrias, which, so far from representing the Greeks to have acquiesced in the arrangement of the Allies, expressed their dissatisfaction at the arrangement, and directed measures to be taken with a view to remove that discontent.

The Earl of ABERDEEN said he could not produce the letters of Count Capo d'Istrias, which were private communications to Prince Leopold.

Earl GREY did not complain that those papers were not produced, but that the Earl of Aberdeen had produced the other papers without them.

The Earl of ABERDEEN said that it would, perhaps, have been better not to have laid any portion of the papers on the table until the whole could have been produced, and it was only because he had promised to have the papers ready on Monday that he had done so.

In the course of further conversation, Earl Grey said that the friends of Prince Leopold did not wish to make his conduct a subject of discussion, but that they found it necessary to contradict the *ex-parte* statements of Noble Lords opposite. The Duke of WELLINGTON entreated their Lordships to suspend their judgment, until all the papers were before the House.

Lord HOLLAND remarked that those Noble Lords who had such a horror of *ex-parte* statements when made by Prince Leopold, appeared to have no horror of *ex-parte* statements when made against him. The conduct of Government would not pass off with impunity. There never was a Government which had placed itself in a situation more ludicrous to the world, and more injurious to the country, than his Majesty's present Government, not merely on this part, but on every part of their foreign policy.

SUITS IN EQUITY BILL.

The third reading of this Bill was opposed by Lord Eldon, who argued against the appointment of an additional Equity Judge as unnecessary; but it was carried on a division by 11 against 4.

Thursday, May 27.

ILLNESS OF THE KING—THE SIGN MANUAL.

The Report of the Committee appointed to search for precedents regarding the Sign Manual substitute, was presented.

The LORD CHANCELLOR moved the second reading of the Sign Manual Bill.

Lord WINCHILSEA complained that the house had no information as to the nature of the disorder under which his Majesty suffered. The King's medical attendants ought to have given evidence on that subject, and to have satisfied them that the disorder was not of a nature to impair the power and vigour of his Majesty's mind. The precedent they were about to establish he looked upon as dangerous: a similar disease might come when an Administration was inclined to trample on the liberties of the country, and might not such an Administration ask such a power as an engine of despotism?

The Duke of WELLINGTON felt considerable pain at the extraordinary objections taken by the Noble Lord. His Majesty had been attended by some of the ablest persons in the medical profession, who had, as far as at least as their duty enabled them, stated to the public the nature of the disorder by which his Majesty was afflicted; and there was not in their reports the most distant hint of that misfortune to which the Noble Earl has thought proper to refer. The Ministers were responsible that the affliction to which the Noble Earl had referred, did not exist when they received the Royal signature, and took his Majesty's commands touching the message sent to their Lordships on Tuesday.

Lord WINCHILSEA said he had been totally misunderstood: he had no doubts except as to the danger of the precedent. At the same time he could not admit that the medical attendants had given a name to his Majesty's disorder, or afforded any clue to its nature. None of their Lordships knew what it was.

The Marquis of LANSDOWN remarked that the communications of the Royal Physicians afforded no grounds whatever for such a Bill as the present. Understanding, however, that a clause was to be inserted, which would make it necessary for the House to reconsider the Bill this Session, he should make no opposition now.

The Bill then passed through its several stages. In the Committee an amendment was adopted, limiting the duration of the Act to the present Session of Parliament. The Bill was then passed.

Friday, May 28.

PRINCE LEOPOLD AND GREECE.

The additional papers relating to Greece were laid on the Table; but being printed copies, and Lords HOLLAND and GREY suggesting that it was contrary to the practice of the House to lay before them printed copies of Papers for which an Address to his Majesty has been moved, they were withdrawn. It was stated by the Earl of ABERDEEN, in answer to a question from Lord DURHAM, that the extreme anxiety evinced by the Noble Lord for the most ample information had induced him to lay on the Table every letter that had passed between him and Prince Leopold, except such as his Royal Highness had marked private.

HOUSE OF COMMONS.

Monday, May 24.

WILLIAM CLIFFORD.

Mr R. Gordon stated, that he had had a communication with this individual, and found him labouring under incorrect views on certain subjects, which rendered him a fit subject for the mercy of the House. He moved that William Clifford be discharged from the custody of the Serjeant at Arms.—Ordered.

A great many petitions were presented against the punishment of forgery by death. Among them was one presented by Mr Brougham, signed by 735 bankers, residing in 214 cities and towns in Great Britain (London not included) and representing about 233 banking firms.

THE KING'S ILLNESS—MESSAGE FROM THE THRONE.

Sir R. PEEL presented a message from the King, similar to that sent to the House of Lords; and a similar address was voted, on the motion of Sir R. Peel, seconded by Mr Brougham.

PRINCE LEOPOLD AND GREECE.

Sir R. PEEL laid on the table some papers relating to Greece, mentioned the fact of Prince Leopold's resignation of the sovereignty, and remarked that it would be better to abstain from any discussion until the remainder of the papers should be before the House.

Some remarks were made by Mr HUME and Lord J. RUSSELL, who sought information as to the motives of Prince Leopold's resignation; but Sir R. PEEL repeated his intention to postpone explanation.

CAPE OF GOOD HOPE.

Lord MILTON presented a petition from British settlers and others resident at the Cape of Good Hope, praying for a representative government. His Lordship, in supporting this prayer, dwelt upon the peculiar inconveniences to which the petitioners were exposed, from the mixture of Dutch and English laws under which they lived; and the inevitable existence of discontent in the colony, while its inhabitants were excluded from the benefit of the institutions which other British dependencies enjoyed.

Sir G. MURRAY considered that representative government would be highly inexpedient at the Cape while slavery existed in that colony, and while the colonists, only 120,000 in number, were scattered over a country 600 miles long and 300 broad—nearly equal in size to the United Kingdom.

Mr MARRYATT, Mr HUME, and Mr ROBINSON contended that free institutions ought to be given to every colony as soon as its inhabitants desired them; and that abuses and extravagance would never be checked until the inhabitants of a colony should have a control over its expenditure. To the argument drawn from scattered population, they opposed the example of Upper Canada, where the population was very thin and wide, but where a representative system was in force with good effects.

Mr W. SMITH and Dr LUSHINGTON agreed with Sir G. Murray as to the inexpediency of giving the Cape a representative system.

FOUR AND A HALF PER CENT. DUTIES.

On the motion of Mr HUME, a copy of the Treasury minute was ordered, which authorized the remission of the usual Customs duty on the King's sugars; and an Address to the King was voted, praying for an account of the produce of the $4\frac{1}{2}$ per cent. duties during the last ten years, and how they were appropriated.

MEXICO AND CUBA.

This subject was introduced again by Sir R. Wilson, who quoted documents from Mexico, and the correspondence between the Mexican government and its agents in England, to confirm his former statement that Mr Canning had interfered in an effectual manner to prevent the conquest of Cuba by Mexico and Colombia some years ago. Sir R. Peel again gave his reasons for holding a different opinion; but nothing new transpired during the conversation.

LAWS RESPECTING FORGERY.

The House went into a Committee upon Sir R. Peel's Bill for the consolidation and amendment of the laws respecting forgery.

Sir J. MACINTOSH paid a high compliment to Sir R. Peel, of whom he remarked, that after a lapse of years his acts would place his name among the reformers of the penal law, and therefore among the most signal and illustrious benefactors of mankind. (*Hear, hear!*) Sir James then adverted to the immense number of petitions which had been presented to the House in favour of a milder punishment than death for forgery; and particularly to the petitions from bankers and merchants, which proved that the great majority of those classes in England and Scotland sought to be delivered from the pretended protection, but real danger, of capital punishment for forgery. (*Hear!*) Among such petitioners were the partners in a house in Lombard street, (Messrs Overend, Gurney and Co.) who alone discounted bills yearly to the amount of 22,000,000*l.* The opinions of such persons were of peculiar weight; and what did they ask? Simply a return to the law of England as it stood prior to the reign of George II, a state of law prevailing now in France, Holland, and all other civilized and commercial countries of Europe. Under our present barbarous system, the law could not be generally executed—only one in eight of the convicts for forgery suffered death; so that, besides the still greater chances of not being prosecuted—every person committing forgery knew that he had eight chances to one in favour of his escape even when convicted. In no country in Europe were there so many executions for crimes against property as in England—the character of the country was stained with blood. The inadequacy of secondary punishments had been alleged; but was it clear that primary punishments were always adapted to the offence? The individuals who committed forgery were mostly persons of some education, and of a certain station in society, who by imprudence had been plunged into difficulty, and who were willing to strike a bold stroke in the game of life, and cry out, as some did on other occasions,

"Aut cita mors, aut victoria laeta."

The sting of death consisted, not in the mere loss of life, but in dishonour and disgrace. The Learned Gentleman concluded by moving an amendment, to insert in the Bill, in lieu of the word "death," the words "transportation beyond the seas, for life, or for fourteen years, or seven years, or imprisonment and hard labour, or solitary confinement, as to the court might seem proper."

Sir R. PEEL said that his general object was to diminish the severity of our criminal code, and his previous labours had done much in that direction; but after deep reflection he could not arrive at the conclusion that it would be safe to abolish altogether the penalty of death for forgery. He wished the House to consider the great magnitude of the gain to be acquired by forgery, the facilities for the commission of the offence, and the difficulties of detection. The forgeries of Fauntleroy amounted to no