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HENRY THE EIGHTH

AND

L. B.
H. B.
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George the Fourth;

OR

THE CASE FAIRLY STATED.



IN FIVE PARTS

- I.—Strictures, historical and illustrative, on the English Law of Divorce; with a general View of the Modes of Prosecution for Adultery in the Ecclesiastical Courts, by Impeachment, by Bills of Pains and Penalties, Bills of Attainder, &c.
- II.—Historical Sketch of the Trials of Henry the Eighth's Queens—Catharine of Arragon, Anne Boleyn, and Catharine Howard.
- III.—Narrative of the Proceedings against her Majesty, Caroline

- Amelia Elizabeth, whilst Princess of Wales, and after her Majesty's return from the Continent; with the official Documents.
- IV.—Parallel between the Lives and Characters of King Henry the Eighth, and his present Majesty, George the Fourth; with a Postscript.
- V.—Chronological Synopsis of the Proceedings in the Bill of Pains and Penalties against the Queen; with illustrative remarks.

BY THOMAS HARRAL.

"Utrum horum mavis accipe."

SECOND EDITION, WITH ADDITIONS.

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PREFACE.

As the vanity of authorship had nothing to do with the production of this volume, it would have been ushered into the world anonymously, but from a conviction, in the writer's mind, that, upon such a subject, no man ought to publish his opinions without rendering himself amenable for their propriety.

The object of the work is not to serve a party, but to support the cause of truth.
Fiat justitia, ruat cælum.

The assertion will not be contradicted, that, in this volume, and in this alone, is to be found a complete view of the law, as well as of the facts, of the queen's case ;

and, as the essence of the arguments, on both sides, is faithfully preserved, and the chief documents are given at length, or in abstract, the public will, in its perusal, be enabled to form an unbiassed judgment of their own.

HENRY THE EIGHTH
AND
GEORGE THE FOURTH.

PART THE FIRST.

Strictures, historical and illustrative, on the English Law of Divorce; with a general View of the Modes of Prosecution for Adultery in the Ecclesiastical Courts, by Impeachment, by Bills of Pains and Penalties, Bills of Attainder, &c.

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MARRIAGE, by the English law, is considered in no other light than as a civil contract. “I confess myself unable,” observes Dr. Paley, “to assign any circumstance, in the marriage contract, which essentially distinguishes it from other contracts, or which proves that it contains, what many have ascribed to it, a natural incapacity of being dissolved by the parties, at the option of one of them, or either of them. But if we trace the effects of such a rule upon the general happiness of married life, we shall

perceive reasons of expediency, that abundantly justify the policy of those laws which refuse to the husband the power of divorce, or restrain it to a few extreme or specific provocations : and our principles teach us to pronounce that to be contrary to the law of nature, which can be proved to be detrimental to the common happiness of the human species.”*

Dr. Paley, in this place, as in many other parts of his Moral Philosophy, is neither very profound, nor do his observations bear very forcibly upon the point to which they refer. Upon this occasion, also, as well as upon most others, he is much too fond of making things yield to his favourite doctrine of expediency. Marriage, though regarded by the laws of England only as a civil contract, is unquestionably an institution of divine origin. When the Creator had formed man upon the earth, male and female, he blessed them, and said unto them, “ Be fruitful, and multiply, and replenish the earth.” The divine command is imperative. “ For this cause shall a man leave father and mother, and shall cleave to his wife : and they twain shall be one flesh. Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.”—It is evident, then, that they who contemplate marriage

* *Vide* PALEY’S “Principles of Moral and Political Philosophy,” vol. i. p. 321.—Edition, 1810.

merely as a civil contract, and, consequently, subject to the alteration and controul of men, have different views of that institution, from those which are given in the Scriptures. The marriage ceremony, or form of solemnization of matrimony, in England, was settled by Archbishop Cranmer and twelve others, in the reign of Edward the Sixth, about 1548 years after the Canon of Scripture was closed. This ceremony, which is decidedly of a religious character, constitutes the mode by which the civil contract is established amongst us, provided it be performed and administered agreeably to the act of parliament, 26 George II. chapter 23.* That a ceremony, which should render a breach of the contract, whether civil or religious, cognizable by the laws of the country, was essential for the protection of the rights of individuals, cannot be doubted. It has been justly contended by many writers, religious and moral, that, without the intervention of any human ceremony—for no ceremony is inculcated or

* “The marriage act requires, that the marriage shall be celebrated in some parish-church or public chapel, where banns had been usually published, *i.e.* before the 25th March, 1754. In consequence of this construction, the Court of King’s Bench were obliged to declare a marriage void, which had been solemnized in a chapel, erected in 1765, (Doug. 659.) And as there were many marriages equally defective, an Act of Parliament was immediately passed, which legalized all marriages celebrated in such churches or chapels, since the passing of the marriage act; and it, also, indemnified the clergymen from the penalties they had incurred. 21 Geo. III. ch. 53.”—Note to BLACKSTONE’S *Commentaries*.

even mentioned in the sacred code—the act of marriage may be rendered complete in the eye of heaven. This completeness, however, this solemn obligation, entered into in the presence of the Almighty alone, would afford no security to the parties in the eye of the law.

By the solemn obligation of marriage, the woman becomes the inviolable and unalienable property of the man; the husband and the wife are “one flesh.” An obligation of such weighty importance to the contracting parties is not lightly to be dissolved. “The law of Nature,” says Paley, “admits of an exception in favour of the injured party, in cases of adultery, of obstinate desertion, of attempts upon life, of outrageous cruelty, of incurable madness, and perhaps of personal imbecility; but by no means indulges the same privilege to mere dislike, to opposition of humours and inclinations, to contrariety of taste and temper, to complaints of coldness, neglect, severity, peevishness, jealousy; not that these reasons are trivial, but because such objections may always be alleged, and are impossible by testimony to be ascertained; so that to allow implicit credit to them, and to dissolve marriages whenever either party thought fit to pretend them, would lead in its effect to all the licentiousness of arbitrary divorces.”*

* PALEY'S Moral and Political Philosophy, &c. vol. i. p. 325.

The whole of the exceptions, stated by Dr. Paley at the commencement of the preceding quotation, are not admitted by the divine law. The crime of adultery, committed by the woman, was the only cause of divorce allowed under the Jewish dispensation; and as Christ repeatedly declared, that he came not to alter one tittle of the law, that point, of course, was subjected to no change under the domination of Christianity. "I say unto you," observes Christ, "whosoever shall put away his wife, *except it be for fornication*, and shall marry another, committeth adultery; and whoso marrieth her which is put away committeth adultery."* It is evident, also, from another observation of our Saviour, that the bills of divorcement, which were in use amongst the Jews, for other causes than that of adultery, were not in consonance with the divine law. "It hath been said, whosoever shall put away his wife let him give her a writing of divorcement. But I say unto you, that whosoever shall put away his wife, *saving for the cause of fornication*, causeth her to commit adultery; and whosoever shall marry her that is divorced committeth adultery."†

* Matthew, chap. 19, verse 9.

† Matthew, chap. 5, verses 31, 32.—The form of the Jewish bill of divorcement was as follows:—

"Such a day, such a month and year, I, such a one, of such a place, do, of my own free consent and choice, repudiate thee, A. B. my late wife, banish thee from me, and restore thee to thy own liberty; and thou mayest hence-

It is not a little remarkable, that the ecclesiastical laws of England, whilst they admit the validity of some of the exceptions mentioned by Dr. Paley, so far as to relieve the party, suffering under such circumstances, by granting a divorce, *à mensâ et thoro*, will not allow of a more extended relief, even in cases of adultery; and that it is only by the expensive, and sometimes tedious, process of an Act of Parliament, founded upon a previous sentence in the ecclesiastical court, and a verdict against the adulterer at common law, that a divorce *à vinculo matrimonii*, or from the bond of marriage, can be obtained, so as to enable the injured husband to marry again.

The nature and principle of divorce, as allowed in this country, cannot perhaps be better shown, than by the following extracts from Blackstone's Commentaries:*

“ There are two kinds of divorce, the one total, the other partial: the one, *à vinculo matrimonii*; the other, merely *à mensâ et thoro*. The total divorce, *à vinculo matrimonii*, must be for some of the canonical causes of impediment before mentioned; [such as, certain physical imperfections, consanguinity within the prohibited degrees, prior marriage, want

forth go whither *and marry whom thou wilt*. And this is thy bill of divorce-ment and writing of expulsion, according to the law of *Moses and Israel*. Signed by two witnesses.”—*Vide UNIV. HIST.* vol. iii. p. 149.

* Vol. i. p. 440, 12th edit. 8vo. 1793.

of the requisite consent of parents and guardians, &c.] and those existing *before* the marriage, as is always the case in consanguinity; not supervenient, or arising *afterwards*, as may be the case in affinity or corporal imbecility. For in cases of total divorce, the marriage is declared null, as having been absolutely unlawful, *ab initio*; and the parties are therefore separated, *pro salute animorum*: for which reason, as was before observed, no divorce can be obtained, but during the life of the parties. The issue of such marriage, as is thus entirely dissolved, are bastards.

“ Divorce, *à mensâ et thoro*, is when the marriage is just and lawful, *ab initio*, and therefore the law is tender of dissolving it; but, for some supervenient cause, it becomes improper or impossible for the parties to live together: as in the case of intolerable ill-temper, or adultery, in either of the parties. For the canon law, which the common law follows in this case, deems so highly and with such mysterious reverence of the nuptial tie, that it will not allow it to be unloosed for any cause whatsoever, that arises after the union is made. And this is said to be built on the divine revealed law; though that expressly assigns incontinence as a cause, and indeed the only cause, why a man may put away his wife and marry another. The civil law, which is partly of pagan original, allows many causes of absolute divorce; and some of them pretty severe ones: (as, if a wife goes



to the theatre or the public games, without the knowledge or consent of her husband :) but among them adultery is the principal, and with reason named the first. But with us, in England, adultery is only a cause of separation from bed and board: for which the best reason that can be given is, that if divorces were allowed to depend upon a matter within the power of either of the parties, they would probably be extremely frequent; as was the case when divorces were allowed for canonical disabilities, on the mere confession of the parties, which is now prohibited by the canons.”*

“ A husband cannot obtain a divorce in the ecclesiastical courts for the adultery of his wife if she recriminates, and can prove that he also has been unfaithful to the marriage vow.”—In the courts of law, “evidence may be given in mitigation of damages, that the husband had criminal connexions with other women, or that he was not accustomed to treat his wife with tenderness and affection, or that they did not live together upon terms of harmony or cordiality; for the jury must collect, from a consideration of such circumstances, the extent of the wound which is given to the husband’s feelings and happiness. It is now settled, that if the jury should be convinced that the husband consented to the infamy of his wife, they ought to find a verdict for the defendant. 4 T. R. 651. This is founded either upon the maxim *volenti non fit injuria*, or upon the consideration that the plaintiff, as a profligate *particeps criminis*, appears under too unfavourable circumstances to receive any countenance or protection in a court of justice. But if the husband’s conduct does not prove actual consent, but only that degree of negligence or levity which probably contributed to the seduction of his wife, it will not deprive him of a verdict, however it may lessen the damages. But he can maintain no action if he lives entirely separated from his wife, in consequence of a mutual agreement; for the *gūt* or foundation of the action is held to consist in the husband’s loss of the comfort and society of his wife. 5 T. R. 357.”—Notes to Blackstone, vol. i. p. 41; vol. iii. p. 139.

Without wishing to increase the facility of obtaining divorces, *à vinculo matrimonii*, excepting in cases of adultery, which the law of God and nature requires, it may be questioned, whether an increased facility would be productive of the anticipated evil; for it is deserving of remark, that, at Rome, from the foundation of the Republic to the first divorce that took place, there was an interval of 520 years; notwithstanding that the men, throughout the whole of that period, had a power of divorcing their wives almost at pleasure. In later times, however, the Roman women became so debauched and profligate, that, when Severus mounted the throne, he found upon the roll of causes to be tried, no fewer than 3000 prosecutions for adultery.*

In point of fact, a divorce *à vinculo matrimonii*, as granted by the ecclesiastical courts, is not a *divorce* at all—it is not a *dissolution* of a marriage—it amounts to no more than a declaration, that the alleged marriage never in reality existed, and that, consequently, the parties concerned are at liberty to enter into other contracts and obligations. “A divorce, *à vinculo matrimonii*,” say the Canonists, “cannot be for *adultery*, for that the offence is *after* a just and lawful marriage.” This doctrine of the “contract not being dissolved by the adultery of the wife, so as that the husband might marry again,”

* Vide ALEXANDER'S “History of Women,” vol. i. p. 252.

was vehemently opposed by the Lutherans, who justly insisted, that “*adultery* was a cause of divorce *à vinculo matrimonii*.” Indeed, by refusing a dissolution of the bond of matrimony, in cases of adultery, we are guilty of a violation of the Christian code; for, under the Mosaic dispensation, adultery was allowed to be the only sufficient cause of divorce; and, as has been already remarked, our Saviour repeatedly disclaimed all intention of altering the law, as it had been originally revealed. According to the present system in this country, a Protestant act of parliament, which enables an injured husband to liberate himself from the thralldom of an adulterous wife, after he may have obtained a verdict for damages in a court of law, and a divorce, *à mensâ et thoro*, in an ecclesiastical court, can be regarded only as a substitute for the pope’s dispensation, in similar cases, under a Catholic government; the Protestant act, and the Papal dispensation, being alike a supersedure of the common law of the land. It may, however, be asked, whether, as parliament possesses, and is in the exercise of, the power of superseding the common law, by granting a divorce, *à vinculo matrimonii*, in one instance, it ought not to have the power of doing so in another; especially, as Dr. Paley would probably have contended, where state expediency might demand such a sacrifice? This doctrine of state expediency was perhaps never more strikingly exemplified, than in the reign and

conduct of Henry the Eighth. The marriage of that prince, with Catharine of Arragon, his brother Arthur's widow, was held and solemnized, we are told, "by the counsel and advice of the most wise and gravest men of these realms, and by the deliberate and mature consideration and consent of the best and most notable men in learning, in those days, in Christendom." After twenty years' cohabitation, and issue had, this very marriage, so gravely considered of and advised, was dissolved by *divorce*, and declared, by an *act of parliament*, "to be against the laws of Almighty God, and therefore utterly void and of no effect." Twenty years afterwards (A. D. 1553) the same marriage was "definitively, clearly, and absolutely, declared, deemed, and adjudged, to be and stand with God's law and his most holy word, and to be accepted, reputed, and taken of good effect and validity, to all intents and purposes." When the uxorious, yet *chaste* and *pious*, Henry was desirous of obtaining a divorce from Catharine of Arragon, on the plea that she had been his brother Arthur's wife, it was held that "*consent without consummation* made a marriage complete." When, ten years afterwards, the same *conscientious* prince wished to get rid of Anne of Cleves, the directly opposite doctrine was held, that "no marriage was *complete without consummation*." In the year 1536, in the case of Anne Boleyn, it was judicially determined, that a pre-contract, though no actual marriage or consum-

mation followed, was a ground of divorce from a subsequent marriage, though consummated. Four years afterwards, the direct contrary was determined by *act of parliament!*

On a review of these extraordinary facts, who can abstain from repeating the question—Why, if the parliament can dispense with, or supersede, the common law in one instance, may it not do so in another? In other words, if the legislature possess the power to frame a particular act, to meet a particular case, why should it not exert that power whenever the effect would be obviously beneficial, as well to public morals as to private feelings? Had it been possible, without a direct violation of the divine law, to grant relief, in a certain case, some years ago, the minds of two illustrious individuals might have been tranquillised, and the ear of modesty might have been spared from the shocking details with which, there is now too much reason to fear, it must be insulted.

Previously to a dismissal of this part of the subject, it may not be improper to submit to the consideration of the intelligent reader, an extract from that part of the *Code Napoleon*, which relates to divorces; not with a view to its adoption, for it abounds with fallacy and impurity, but that it may be seen in what points a *soi-disant* modern legislator was desirous of being thought to have improved upon existing institutions.

“ 227. Marriage is dissolved by the death of one of the parties, by divorce legally pronounced, or by a definitive condemnation of the husband or wife to a punishment implying civil death.

“ 228. A *woman* cannot contract marriage a second time till *ten* months have passed since the dissolution of her former marriage. [Here no limit is fixed for *men's second marriage*.]

“ 229. A husband may demand a divorce on account of his wife's adultery. A wife may demand a divorce on account of the adultery of her husband, *when he shall have kept his concubine in the same house with her!!!*

“ 231. A married couple may reciprocally demand a divorce for excess, ill usage, or serious injuries on the part of one to the other. The condemnation of one of the married persons to an infamous punishment shall be to the other a cause of divorce.

“ 275. The mutual consent of the married pair shall not be admitted as a cause of divorce, if the husband be under 25 years of age, or the wife less than 21. Mutual consent shall not be admitted till after being 12 years married. Neither can a divorce take place after 20 years marriage, nor when the wife shall be 45 years of age.

“ 295. *The couple who shall be divorced, from whatever cause it may be, can never be re-united.* In the case of divorce by mutual consent, neither of the parties can contract matrimony a second time, till

three years after the pronounciation of the divorce.

“ 298. In the case of divorce admitted in consequence of adultery, *the culpable person can never be married with the accomplice*. By the same judgment, *the adulterous wife shall be condemned, on the requisition of the public minister, to seclusion in a house of correction for a limited time, not less than three months, nor exceeding two years.*

“ 311. The separation of body, or divorce, always implies separation of property.”*

A law, prohibiting the intermarriages of adulterers and adulteresses, has repeatedly been suggested in this country, and as often defeated, on the alledged ground, that it would shut the door against the guilty, who might otherwise return to the path of virtue. It seems probable, however, that the proposed law might produce a salutary, rather than a baneful, effect: the prohibition of marriage, between the adulterer and adulteress, might operate, *in terrorem*, upon the minds of women, as a preventive of the crime.

It has been seen, that, in cases of adultery, the ecclesiastical courts can grant only a divorce *à mensâ*

* Some years ago, a house of correction, for wives convicted of adultery, was established in the environs of Bourdeaux, where it was conducted with great care and ability. The women, of whatever condition they might have been, were dressed in very coarse cloth, nourished with very plain and meagre food, obliged to work constantly, and, in other respects, subjected to salutary chastisement.

et thoro; and that a divorce, *à vinculo matrimonii*, can be obtained only by the operation of a specific act of the legislature, founded upon a previous sentence in the ecclesiastical court, and a verdict against the adulterer at common law.—With respect to the crime of adultery, and the means of obtaining a divorce, the situation of a King and Queen of England is not very different, nor ought it to be, from that of private individuals. In some respects, it is true, the queen “is a public person, exempt and distinct from the king, and not, like other married women, so closely connected as to have lost all legal or separate existence, so long as the marriage continues;” “but, in general, unless where the law has expressly declared her exempted, she is on the same footing with *other* subjects; being, to all intents and purposes, the king’s *subject*, and not his *equal*: in like manner as, in the imperial law, ‘*Augusta legibus saluta non est.*’”*—Again, “the husband of a queen regnant”—that is, a queen or sovereign, who holds the crown in her own right—“as Prince George of Denmark was to Queen Anne, is her subject; and may be guilty of high treason against her: but, in the instance of conjugal infidelity, he is not subjected to the same penal restrictions. For which, the reason seems to be, that, if a queen-consort is unfaithful to the royal bed, this may debase or bastardize the heirs to the crown; but no such danger

* BLACKSTONE, Vol. i. p. 218, 219.

can be consequent on the infidelity of the husband to a queen regnant.”* This opinion of Blackstone’s would, if pursued, tend very forcibly to show the propriety—a propriety strictly founded in nature—of the Jewish law, which gave to the man only a right of obtaining, under any circumstances, a dissolution of the bond of marriage.

Treason, from the French *trahir*, to *betray*, and *trahi*, *betrayed*, is defined, in our law books, to be the crime of treachery and infidelity to our lawful sovereign. Adultery, in a Queen of England, amounts to high treason. Agreeably to the statute of the 25th of Edward III. which, since the late arrival of her majesty, Queen Caroline, in this country, has been much the subject of conversation, to violate the chastity of the king’s wife, of the king’s eldest daughter, or of the wife of the heir apparent, is high treason. Previously to the passing of that act, the plain intention of which is, to guard the blood royal from any suspicion of bastardy, whereby the succession to the crown might be rendered dubious, it was held to be high treason not only to violate the wife and daughters of the king, but, also, the nurses of his children. By the same statute, a Queen of England, if consenting to the violation, is equally guilty of treason, with the man by whom she is violated. The statute of Edward III. however—as was explained by the Earl of Liverpool and by

* BLACKSTONE, vol. i. p. 222.

the Lord Chancellor, in the first debate, which took place in the House of Peers, (June 7, 1820,) upon the motion of the former nobleman, for the appointment of a secret committee, to examine the papers which had been laid before the house, touching the conduct of the queen since her departure from this country—did not make the crime high treason in the female; but the practice of the courts had made up for the defect in the act, and established that the consenting female was guilty of high treason; guilty, as an accessory; and, in treason, every accessory was a principal. Notwithstanding the care and the precision with which, it ought to be presumed, acts of parliament are, at all times, framed, it not unfrequently happens, that, in their construction, some important provision is omitted. This appears to have been the case in the statute of Edward III. now under consideration. A foreigner, owing no allegiance to the king, could not be guilty of high treason against him; consequently, a foreigner, in violating the wife or daughter of the king, could not be guilty of high treason; and, if the offence were committed in a foreign country, as well as by a foreigner, it is equally clear, that the offender would be altogether beyond the reach of English law. The exemption of the male criminal would, of necessity, exempt the consenting female from the punishment attendant upon a conviction of high treason. Thus, as the Earl of Liverpool put the supposititious case, had her majesty

committed adultery with a foreigner abroad, she was guilty of no crime known to our law. The statute of Edward III. did not apply to the queen or Princess of Wales, committing adultery with a foreigner abroad: the foreigner, as owing no allegiance, was guilty of no crime; and it was impossible, that the consenting female could be accessory to, or a principal in, a crime which had no existence. Upon this ground, it was quite clear, that of whatever offence her majesty might have been guilty with a foreigner, upon the continent, she could not have been guilty of high treason.

Admitting, for the sake of hypothesis, and without the remotest wish of insinuating that the hypothesis possesses the slightest foundation in fact, that her majesty had been *morally* guilty of a certain offence, it could not follow, that, because she was *legally* innocent, her conduct was not to be investigated, or her royal consort relieved. Admitting, as the most virtuous are never secure from the shaft of calumny and malice, that her majesty had the deplorable misfortune to labour under a false, wicked, and infamous imputation, it became imperatively necessary, for her own and for her husband's honour, and for the tranquility, happiness, and respectability of the nation, that her character should be cleared, and her innocence proclaimed. It is not sufficient, that Cæsar's wife be pure—she must be, also, unsuspected!

The necessity of an investigation—of an investigation so close, so full, so extensive, as not to leave a point “to hang a doubt upon,” now or hereafter—was apparent to every well-wisher of his king and country. The mode in which the requisite inquiry should take place, became, in consequence, a subject of the most anxious consideration. Had her majesty been accused of adultery or treason, within the cognizance of the statute of Edward III. the regular mode of proceeding against her would doubtless have been, as in former cases of presumed resemblance, by impeachment before the House of Lords; or, by possibility, the trial might have been in the court of the Lord High Steward of Great Britain, as was the case with the trial of Anne Boleyn, in the reign of Henry VIII.

According to Blackstone, an impeachment before the lords, by the commons of Great Britain, in parliament, is the prosecution of the known and established law; being a presentment, to the most high and supreme court of criminal jurisdiction, by the most solemn grand inquest of the whole kingdom. In cases of impeachment, it is usual for the peers, for the greater dignity and regularity of their proceedings, to address the crown, to appoint a Lord High Steward. Formerly, the Lord High Steward, though commissioned by the king, was elected by the peers. It has been contended, however, that the appointment of the Lord High Steward, in such cases,

is not indispensably necessary. The articles of impeachment are regarded in the light of bills of indictment, found by the House of Commons, and afterwards tried by the lords; who, in cases of misdemeanour, are considered, not only as their own peers, but as the peers of the whole nation. Trial by impeachment, is one of the customs which we derived from the ancient Germans. By the statute of the 7th of William III. c. 3. upon trials by impeachment, all the peers who have a right to sit and vote in parliament, are to be summoned, at least, twenty days before the trial, to appear and vote therein; and every lord appearing, is to vote on the trial, first taking the oaths of allegiance and supremacy, and subscribing the declaration against popery. The Lord High Steward officiates rather as a speaker, *pro tempore*, or chairman of the court, than as the judge; for, in the high court of parliament, the collective body of the peers are the judges both of law and fact; and the High Steward has a vote with the rest, in right of his peerage. There is no instance on record of the bishops sitting on these trials: they usually withdraw voluntarily, but enter a protest, declaring their right to stay. By a statute of the 12th and 13th of William III. c. 2. it was enacted, that no pardon, under the great seal, should be pleadable to an impeachment, by the commons of Great Britain, in parliament. After the impeachment, however, shall have been solemnly heard and

determined, the king's grace is no farther restrained or abridged. Thus, after the impeachment and attainder of the six rebel lords, in the year 1715, three of them were, from time to time, reprieved by the crown, and ultimately received the royal pardon. The king's prerogative to pardon delinquents, convicted on impeachments, is as antient as the constitution itself. It is deserving of remark, too, that after the lords have pronounced their sentence of guilty, the commons have the power of pardoning the impeached convict, by refusing to demand judgment against him; for no judgment can be pronounced by the lords, till it shall have been demanded by the commons. In the impeachment of the late Warren Hastings, Esq. it was decided, by both houses, that an impeachment was not abated by a dissolution of the parliament.

The court of the Lord High Steward of Great Britain, mentioned in a preceding page, is a court instituted for the trial of peers, indicted for treason or felony, or for misprision of either. The office of the Lord High Steward, which is very antient, used to be hereditary, for life, or *dum bene se gesserit*; but, for many centuries, it has been customary to grant it *pro hac vice* only; and it appears essential, that the grant be to a lord of parliament, otherwise he would be incapable of trying a delinquent peer. The duty of the Lord High Steward, in his own court, is materially different from his duty in the high court of

parliament. In his court, which is held in the recess of parliament, he is the sole judge of matters of law, as the lords triors are of matters of fact; and, as they may not interfere with him, in regulating the proceedings of the court, so he has no right to intermix with them in giving any vote upon the trial. The bishops can neither sit in, nor be tried by, the court of the Lord High Steward. "For the privilege of being thus tried," observes Blackstone, (from various parts of whose work the preceding particulars have been taken, without the minuteness of verbal quotation,) "depends upon nobility of blood, rather than a seat in the house; as appears from the trials of popish lords, of lords under age, and (since the Union) of Scots nobility, though not in the number of sixteen; and from the trials of females, such as the queen consort or dowager, and of all peeresses by birth, and peeresses by marriage, also, unless they have, when dowagers, disparaged themselves, by taking a commoner to their second husband."*

The statute of Edward III. having decided that the queen could not be prosecuted upon a charge of high treason, the house of peers found it expedient, for reasons which will more fully appear in the *Third Part* of this volume, to proceed against her majesty by a bill of pains and penalties. The noble lords, however, who more particularly advocated the cause

* Vol. iv. p. 264.

of her majesty, contended, that, as she was virtually to be put upon her trial for high treason, she ought, in common candour, to be allowed every advantage which was given, by the established law of the land, to persons in such a situation. More particularly it was required, that, agreeably to the statute of the 7th of William III. or rather by the amendment of that statute, by the 7th of Anne, her majesty should be put in possession of a list of all the witnesses who were to be brought forward against her. The provisions of these important statutes, which have excited great interest in the minds of the people at large, as well as in the two houses of parliament, will be seen by the following extract from Blackstone:—

“ In cases of high treason, whereby corruption of blood may ensue, (except treason in counterfeiting the king’s coin or seals,) or misprision of such treason, it is enacted, by statute 7 W. III. c. 3. first, that no person shall be tried for any such treason, except an attempt to assassinate the king, unless the indictment be found within three years after the offence committed: next, that the prisoner shall have a copy of the indictment, (which includes the caption,) but not the names of the witnesses, five days at least before the trial; that is, upon the true construction of the act, before his arraignment; for then is his time to take any exceptions thereto, by way of plea or demurrer: thirdly, that he shall also have a copy of the panel or jurors, two days before his trial: and,

lastly, that he shall have the same compulsive process to bring in his witnesses *for* him, as was usual to compel their appearance *against* him. And, by statute 7 Ann. c. 21. (which did not take place till after the decease of the late Pretender) all persons, indicted for high treason or misprision thereof, shall have not only a copy of the indictment, but a list of all the witnesses to be produced, and of the jurors impannelled, with their professions and places of abode, delivered to him ten days before the trial, and in the presence of two witnesses, the better to prepare him to make his challenges and defence. But this last act, so far as it affected indictments for the inferior species of high treason, respecting the coin and the royal seals, is repealed by the statute 6 Geo. III. c. 53. else it had been impossible to have tried those offences in the same circuit in which they are indicted: for ten clear days, between the finding and the trial of the indictment, will exceed the time usually allotted for any session of *oyer* and *terminer*.* And no person indicted for felony is, or (as the law stands) ever can be, entitled to such copies, before the time of his trial.†

The alledged grounds upon which the motion of

* "It is the practice to deliver the copy of the indictment, and the lists of the witnesses and jurors, ten clear days, exclusive of the day of delivery and the day of trial, and of intervening Sundays, previous to the trial. *Fost.* 2. 250."

† Vol. iv. p. 351.

er to be resorted to, but in cases
cy, Blackstone thus expresses
acts of parliament to attain par-
reason or felony, or to inflict pains
nd or contrary to the common
al purpose, I speak not of them;
nd purposes new laws, made *pro*
means an execution of such as are
The nature and mode of opera-
which, like all others, must pass
r stages in both houses of parlia-
s receive the royal assent, before
will be understood from the fol-
-“ An act passed in the ninth
e I. for inflicting *pains and penal-*
p of Rochester, Mr. Kelly, and
ncerned in Laver's Conspiracy;

banishment, to be guilty of felony without benefit of clergy, &c. Also, persons corresponding with the bishop, (except licensed under the sign manual) were adjudged felons by the statute : they were condemned by parliament, for want of such evidence as is strictly required in the common law courts.”

Notwithstanding the extra judicial nature of bills of pains and penalties, it appears, by the list collected by one of our public journalists, in the note below,* that they have been of somewhat frequent occurrence in English history.

“ In July, 1321, an Act was passed against the two Hugh le Despencers, father and son ; it recited that they had committed several crimes, and they were disinherited for ever and banished.

“ In 1492, an Act was passed against one John Hayes, for misprision of treason.

“ In 1549, another Act of this nature was passed against William West, for attempting to poison Lord Lawarr.

“ In 1556, an Act also passed against Ann Calthorpe, the divorced wife of the Earl of Sussex.

“ In 1571, a general bill of this nature was passed against fugitives.

“ In 1689, a Bill was brought in against Lord Chancellor Jeffreys, but did not pass.

“ In the same year, a Bill was brought in to inflict pains and penalties against those who had violated the laws in the two former reigns.

“ In 1694, a Bill of this nature passed against Edward and William Williams, Esquires.

“ In 1695, another Bill against Edward Pauncefort and others ; it passed the Commons, but never returned from the Lords.

“ In the same year, a similar Bill passed against Sir Thomas Cook ; and another against him, Firebrace, and others.

“ In 1697, a Bill is passed against Counter, Blackborne, and others.

“ In this year, a Bill passed the Commons against Knight and Duncombe

It remains to offer a few words, upon what are termed bills or acts of attainder. "When sentence of death, the most terrible and highest judgment in the laws of England, is pronounced, the immediate inseparable consequence from the common law is *attainder*. For when it is now clear, beyond all dispute, that the criminal is no longer fit to live upon the earth, but is to be exterminated as a monster and a bane to human society, the law sets a note of infamy upon him, puts him out of its protection, and takes no further care of him than barely to see him executed. He is then called *attaint*, *attinctus*, stained or blackened. He is no longer of any credit or reputation; he cannot be a witness in any court;

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for false indorsing exchequer bills; but it was rejected by the Lords, who on this occasion made the standing order, 'That proxies should not be permitted in any judicial proceeding in their house, though it was by Bill.'

"In 1710, a Bill was passed against Sir Humphrey Mackworth and others. It passed the Commons, but, from the prorogation, did not pass the Lords.

"In 1717, a Bill was brought in against Lord Oxford.

"In 1720, another Bill was brought in against the Governor and Directors of the South Sea Company.

"In 1722, there is a Bill against Laver and others, and also against the Bishop of Rochester.

"In 1729, a Bill passes against the Warden of the Fleet.

"In 1731, there are Bills against George Robinson and John Thompson.

"In 1732, there is likewise a Bill against Sir Robert Sutton, Sir Archibald Grant, and others.

"In 1737, the Bill against Captain Porteous is passed.

"In 1746, the Bill against Scotch residents.

"And in 1758, the celebrated Bill of Lady Ferrers is passed into a law."

neither is he capable of performing the functions of another man : for, by an anticipation of his punishment, he is already dead in law. This is after *judgment* : for there is a great difference between a man *convicted* and *attainted*, though they are frequently through inaccuracy confounded together. After conviction only, a man is liable to none of these disabilities : for there is still in contemplation of law a possibility of his innocence. Something may be offered in arrest of judgment : the indictment may be erroneous, which will render his guilt uncertain, and thereupon the present conviction may be quashed : he may obtain a pardon, or be allowed the benefit of clergy ; both which suppose some latent sparks of merit, which plead in extenuation of his fault. But when judgment is once pronounced, both law and fact conspire to prove him completely guilty ; and there is not the remotest possibility left of any thing to be said in his favour. Upon judgment, therefore, of death, and not before, the attainder of a criminal commences, or, upon such circumstances as are equivalent to judgment of death ; as, judgment of outlawry on a capital crime, pronounced for absconding or fleeing from justice, which tacitly confesses guilt. And therefore, either upon judgment of outlawry, or of death, for treason or felony, a man shall be said to be attainted.”\*

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\* BLACKSTONE, vol. iv. page 380.



The consequences of attainder, are forfeiture of property and corruption of blood. The law of attainder, as it relates to the forfeiture of lands and tenements to the crown, in cases of treason, is immediately derived from our Saxon ancestors, amongst whom it existed for ages before their arrival in Britain. As it respects the corruption of blood, which prevents an attainted person from inheriting lands or other hereditaments from his ancestors, from retaining those of which he may be already possessed, and from transmitting them by descent to any heir, it is a relic of feudal barbarism, for which we are indebted to the Norman Conquest. By this corruption of blood, both upwards and downwards, the person attainted obstructs all descents to his posterity, even to the twentieth generation, wherever they may attempt to derive a title through him to a remote ancestor. In general cases, the effect of "pardon by the king, is to make the offender a new man; to acquit him of all corporal penalties and forfeitures annexed to that offence, for which he obtains his pardon; and not so much to restore his former, as to give him a new, credit and capacity. But nothing can restore or purify the blood when once corrupted, if the pardon be not allowed till after attainder, but the high and transcendant power of parliament."\*—The statute of the 33d of Henry the Eighth, (in

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\* BLACKSTONE, vol. iv. page 202.

which was a clause, making it treason for any woman, who was not a virgin, to marry the king, without informing him thereof,) attainted queen Catharine Howard, and her accomplices, for the incontinence of that princess; but it was repealed by a statute of the first of Edward the Sixth, ch. 12. which abrogated all treasons created subsequently to the statute of the 25th of Edward III.

Bills of attainder are passed in cases where persons have been convicted of treason, and condemned by parliament. Such acts have been passed in several reigns, on the discovery of plots and rebellions, from the reign of Charles II., when a bill was passed for the attainder of several persons guilty of the murder of Charles I. Perhaps the most remarkable upon record, is that which was passed for attainting Sir John Fenwick, for conspiring against King William. It was made for the purpose of attainting and convicting him of high treason, on the oath of one witness, just after a law had been enacted, (statute 7 and 8 of William III.) that no person should be tried or attainted of high treason, where corruption of blood was incurred, but by the oath of two lawful witnesses, unless the party confessed, stood mute, &c.

Another remarkable point connected with bills of attainder is, that, in passing them, no evidence is required.

## PART THE SECOND.

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### *Historical Sketch of the Trials of Henry the Eighth's Queens—Catharine of Arragon, Anne Boleyn, and Catharine Howard.*

IT has been already observed, that the doctrine of state expediency was never more strikingly exemplified than during the reign of Henry the Eighth. The truth of this position will more distinctly appear by the slight introductory outline about to be offered; and still further by the succeeding sketch of the trials of Catharine of Arragon, Anne Boleyn, and Catharine Howard.

The history of Henry and his six wives is briefly as follows:—Arthur, Prince of Wales, the eldest son of Henry the Seventh, was married on the 14th of November, 1501, to Catharine, the daughter of Ferdinand, King of Arragon. The prince died a few months afterwards; but, as it was extremely desirable to retain the rich dowry of Catharine, as Princess of Wales, it was proposed, that the king's second son,

Henry, then Duke of York, should marry her. This object could not be achieved without a dispensation from the Pope. Julius the Second was consequently applied to; and as in those days such favours were without difficulty obtained, when reasons of state did not interpose, that pontiff granted his dispensation for the marriage, by a Bull, bearing the date of December 26, 1503. That instrument states as follows:—"That Catharine had been married to Prince Arthur, and that perhaps this marriage was consummated;—that, nevertheless, Arthur being dead, Henry his brother, and she, desired to be married together; whereupon, to preserve peace among catholic kings and princes, he dispensed with the impediment of consanguinity in Henry and Catharine, all ordinances and apostolic institutions notwithstanding; he allowed them to marry; and, if they were already married, he confirmed them."

Subsequently to the receipt of this dispensation, Henry, yet a minor, married the Princess Catharine. On the persuasion of his father; however, though from what motive it does not fully appear, Henry was induced, on the 27th of June, 1505, to enter the following protest against the marriage, which had not then been consummated:—

"In the name of God, Amen. In the presence of you, the Reverend Father in Christ, by the grace of God, and favour of the apostolical see, Richard, Lord Bishop of Winchester; I, Henry, Prince of



Wales, Duke of Cornwall, and Earl of Chester, do say, allege, and by this writing set forth; that although in my minority, and being not as yet arrived to ripeness of age for giving my consent, I have *de facto* contracted a marriage with the most serene lady Catharine, daughter of the King of Spain, which contract, although it be of itself invalid, imperfect, and of no effect and force, by reason of my said minority; yet because this contract, when I shall come to age and years of consent, may appear and seem valid, and confirmed by tacit consent, mutual cohabitation, giving and receiving tokens and gifts, or any other determinate way; for these causes I, the foresaid Henry, Prince of Wales, now nearly arrived to maturity of age, and being just at years of consent, do hereby protest, that by any thing said, or to be said, done, or to be done, I do not intend to ratifie, confirm, or make valid, the said pretended contract of marriage; but by these presents, being thereunto moved neither by force, craft, nor intreaty, but voluntarily, freely, and without any compulsion whatever, I do renounce and disclaim the said contract; and do resolve and intend by the most powerful means, in the most significant terms, and most effectual manner, I can, to renounce, disclaim, and dissent from the said pretended marriage contract, as the same is hereby renounced, disclaimed, and dissented from. And I farther protest, that by any word, deed, action, or behaviour, said or done by myself, or by

any other in my name, or to be said, acted, done, or performed, by any person, at any time, or in any manner whatsoever, I do not consent to the said marriage contract, or receive the said lady Catharine as my lawful spouse and wife: to all which premises this my testimony is given, set forth, and published by me, Henry, Prince of Wales."

Notwithstanding this protest, the marriage remained undissolved. Henry the Seventh died on the 7th of April, 1509; and, immediately after his accession to the throne, the young prince thought proper, or found it expedient, to submit the validity of his marriage to the examination of his council. Warham, Archbishop of Canterbury, considered the marriage to be incestuous; but Fox, Bishop of Winchester, placed an implicit reliance upon the unlimited power of the Vicar of Christ, in his dispensation; and the number of arguments, such as they were, being in favour of the union, the king married Catharine publicly, on the 25th of June following.

Henry had been married seventeen years to this princess, who had borne him three children, of whom one was living, before he seemed to have been troubled with any of those scruples of conscience, in which, as he afterwards alleged, originated his desire of obtaining a divorce. Whether his desire actually originated in his tenderness of conscience, in his distaste for the growing infirmities of Catharine, or in his passion for Anne Boleyn, it is not to the present

purpose to inquire. Wolsey, however, has the credit of increasing and confirming the scruples of Henry, respecting the lawfulness of his marriage. The cardinal, it is said, had received an affront from the Emperor, Charles the Fifth, the nephew of Queen Catharine; and, in the spirit of revenge, he determined on converting Henry into an irreconcilable enemy to the emperor. He knew that, as Catharine was the sister of Joan of Arragon, the mother of Charles the Fifth, it would be an unpardonable offence against the whole family, to have her despoiled of her quality of queen, and her daughter Mary thereby declared illegitimate, and incapable of succeeding to the crown of England.

Without entering into a detail of the tedious and procrastinated proceedings, preliminary to the trial of Catharine, it is curious to notice one or two of the extraordinary expedients which were resorted to, by Henry, to obtain, first, the sanction of the pope, and, afterwards, the favourable opinion of the people. After experiencing much disappointment and delay, Henry, in the year 1528, dispatched Sir Francis Brian and Peter Vannes, his secretary, an Italian, to the papal court, with a commission to propose, "1. Whether, if the queen vowed religion, the king should have liberty to marry again? 2. Or, if the king should vow religion, as well as the queen, whether the pope would dispense with his vow, and allow him to take another wife whilst the queen was

alive? 3. Or, whether the pope would grant him a dispensation to have two wives?"—These points are presumed to have been decided in the negative. A year or two afterwards, he sent able and learned men into France, Italy, Germany, and Switzerland, to consult the universities on the validity of Julius the Second's dispensation. The opinions of all the foreign universities were uniform, that such a marriage as that of Henry with Catharine was contrary to the law of God, with which the pope had not the power to dispense. The universities of Oxford and Cambridge were of the same opinion, though not unanimously. Besides other public bodies, the Jewish rabbies were consulted; and they gave it under their hands, in Hebrew, that "the laws of Leviticus and Deuteronomy were thus to be reconciled—that the law of marrying the brother's wife, when he died without children, did only bind in the land of Judea, to preserve families, and maintain their succession in the land, as it had been divided by lot. But, that in all other places in the world, the law of Leviticus, of not marrying the brother's wife, was obligatory."\*

The question was at length decided against Catharine; and, on the 23d of May, 1533, a sentence of divorce was pronounced, by Cranmer, Archbishop of Canterbury, as legate of the holy see. Previously

\* BURNET'S *Hist. Ref.* p. 88, 2d edit.



to this, however, Henry had been privately married to Anne Boleyn, who was then in the fourth month of her pregnancy. Five days after the sentence of divorce had been pronounced, Henry's marriage with Anne Boleyn was confirmed; on the 29th of May, she made a grand triumphal entry into the metropolis; and, on the 30th, she was proclaimed queen; the king at the same time commanding all his subjects no longer to address Catharine by that title.

Incensed at these proceedings, the pope declared the divorce to be void, and denounced excommunication against the king and Anne Boleyn, unless they should appear at Rome before the end of September, or should not part before that time.

Henry's divorce led to the publication of several books for and against his marriage with Catharine, and the question was warmly mooted between casuists and divines. It is somewhat remarkable, that few amongst the protestants favoured the king's cause, or approved of his divorce. Melancthon, and other Lutheran divines, held that the marriage with Catharine was valid; but, Oeclampadius, Zuinglius, and Calvin, asserted the nullity of the marriage, grounded upon the prohibition in Leviticus.—It is not surprising that, at Rome, the dispensation of the pope should have been justified. On the 23d of May, 1534, the affair was debated there, in a consistory; and, of twenty-two cardinals, nineteen declared their opinion, that the marriage of Henry

and Catharine was good, and the divorce null and void. Henry was, in consequence, enjoined to take her again for his wife, and forbidden to continue his separation from her any longer.

From this time, the pope's power in England rapidly declined. The succession of the crown, upon the children which might be born of Anne Boleyn, was settled by act of parliament, and the Princess Mary, the daughter of Catharine, was excluded. Anne, however, did not long enjoy her dignity: Henry, all at once, as it seems, conceived a violent love for Jane Seymour, one of the maids of honour to the queen, and an extreme jealousy of his wife. Henry's modes of proceeding, whenever he could command the means, were extremely short and decisive. His conscience was not tender on all points. By accusing Anne of adultery, he removed the obstacle to the gratification of his new passion; and on the very day following that upon which she, "so late his life and sole delight," yielded her breath upon the block, he married Jane Seymour! The mockery of a trial, by which the fall of Anne Boleyn was preceded, demands the attention, as it must receive the execration, of every honest mind. Previously, however, to the execution of the sentence, Anne was compelled to declare, in the presence of the Archbishop of Canterbury and the ecclesiastical court, that, before she married the king, there was a promise or contract of marriage between her and

the Lord Percy, who had then become Earl of Northumberland. It was in vain that the earl denied this, upon his most solemn sacrament oath. Upon the extorted declaration of Anne, Cranmer passed a sentence, by which her marriage with the king was declared null; she was beheaded on the 19th of May, 1536; and Elizabeth, her daughter, was declared illegitimate, as Mary, the daughter of Catharine, had been.

On her acknowledgment, in writing; that the king was supreme head over the church of England, and that the marriage of her mother was null and incestuous, the Princess Mary was received into favour. The prospect of issue, however, from the new queen, may be supposed to have prevented the repeal of the act which had declared her illegitimacy.

On the 12th of June, 1537, Jane was delivered of a prince, afterwards Edward the Sixth; but, desirable as this event had been, it cost the royal mother her life, as she died twelve days afterwards. One of our historians remarks, that this loss so much afflicted the king, who had always found her discreet, humble, and loyal, that, notwithstanding some good offers, he continued a widower above two years!

However, as we have been seriously told by a grave authority of the present day, that Henry never proved unfaithful to the marriage bed—that, married or single, he was never guilty of the sin of incon-

tinence—it could not reasonably be expected, that he should pass the remainder of his days in lonely and cheerless celibacy. Accordingly, as it is said, by the advice of Cromwell, whom he had made his Vice-gerent in spiritual affairs, and Lord Privy Seal, and had lately created Earl of Essex, he at length married Anne of Cleves. This was one of those unfortunate matches, which may naturally be expected to result from marrying by proxy, or falling in love with a picture. Henry, immediately on her arrival in England, obtained a sight of her, incognito; and, to his lasting chagrin, he found her to be very different from what her portrait, painted by Holbein, had led him to expect. He is said to have sworn, when he first saw her, that they had brought over a Flanders mare to him! That she was not the most accomplished princess of the age, is more than probable, from the character which is given of her by Dr. Weston: —“She could both write and read in her own language, and sew very well; but for music, (in which the king delighted,) it was not the manner of the country to learn it.”

Henry again had recourse to prompt and decisive measures. He did not like his wife, and he resolved to get rid of her. His first step was to disgrace Cromwell, by whom he had been led into the marriage; and that minister, having been convicted of heresy and other offences, was beheaded, though not till after the wished-for divorce, on the 28th of



July, 1540. To dissolve his union with Anne of Cleves was now the immediate object of Henry. Accordingly, he procured a motion to be made in the house of lords, to present an address to the king, to solicit him to suffer his marriage to be tried. The motion appears to have been agreed to, as a matter of course; the lords required the concurrence of the commons; and, afterwards, both houses went in a body to present their address to the king. "Henry protested to them, that he sought only the glory of God, the good of his people, and the declaration of truth. Then he agreed that the affair should be referred to the clergy, who immediately appointed commissioners to examine the witnesses. All that could be gathered from the king's own deposition, and those of the witnesses, was, that there had been a pre-contract between the queen and the Prince of Lorraine, which was not sufficiently cleared: that the king, having espoused the queen against his will, had not given an inward consent to his marriage, without which, it was affirmed, his promises could not be obligatory, a man's act being only what is inward: that the king had never consummated the marriage: that the whole nation had a great interest in the king's having more issue, which they saw they could never have by the queen."— Upon these reasons, the parliament declared the marriage null; the compliant Cranmer, and the rest of the clergy, declared themselves of the same

opinion; and, on the 9th of July, 1540, sentence of divorce was given, to which the queen, without opposition, consented.

On the 8th of August following, Catharine Howard, the Duke of Norfolk's niece, was declared queen, Henry having privately married her, some time before. This princess was soon discovered to lead, or rather to have led, a very loose life; and, proofs having been obtained of certain facts alleged against her, she was beheaded on the 12th of February, 1542.

In the month of July, 1543, Henry married his sixth wife, Catharine Parr, the widow of Nevil, Lord Latimer. This lady had the good fortune to outlive her husband; a circumstance for which she was evidently more indebted to her own adroitness of management, than to the humane disposition of Henry.

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It is now time to proceed to the

*Trial of Catharine of Arragon;*

in tracing which, the object is, not to enter into a detail of the arguments, allegations, and facts of the case, which alone would constitute a volume of considerable bulk, and which may be found in the pages of Burnett, Herbert, Rapin, Hume, &c. but briefly to convey to the reader, a clear idea of the forms of

proceeding, the character of the evidence, and the nature of the instruments which were employed upon the occasion.

The substance of the case has been stated in a preceding page, and is well known. Henry, while yet a minor, married Catharine of Arragon, his brother Arthur's widow; previously to the attainment of his majority, he, at the instigation of his royal father, entered a protest against the legality of that marriage; on his accession to the throne, he submitted the case to the consideration of his council, by whose advice he was induced to consummate, and publicly to proclaim, his union with Catharine; notwithstanding which, after he had lived with her seventeen years, and she had borne him three children, he conceived, or affected to conceive, such scruples of conscience, as led him to seek for a solemn dissolution of the contract.

After much consideration and discussion, Henry found it expedient to send to Rome, to represent the "dangerous condition of himself, his issue, and kingdom, and to solicit the pope (Clement VII.) for a license to marry another wife." In a despatch, dated on the 25th of December, 1527, the prosecution of the affair was confided, by Cardinal Wolsey, to Sir Gregory Casalis, an Italian. The chief aim of Casalis, in the first instance, appears to have been, to obtain the pope's signature to the following instruments:—"1. A commission, in ample form, to

hear and determine the cause in England. 2. A decretal, wherein the pope, upon probation of carnal knowledge between Arthur and Katharine, should pronounce the marriage void. 3. A dispensation for the king to marry another. 4. A pollicitation, that the pope will not recall any of those acts."

In consequence of the delicate and involved situation of political affairs, great procrastination ensued; but, at length, the pope granted a full commission to two legates (Cardinal Wolsey and Cardinal Campeggio) to hear and determine the cause in England, agreeably to the king's desire. He, also, on the 23rd of July, 1528, granted his pollicitation, or promise, never to inhibit or revoke the commission, or any process, decision, or sentence, that might result therefrom. On the other hand, the pope was assailed by the Emperor and Queen Catharine; and, from the peculiarity of his situation, in various respects, it was impossible for him to act, whatever his wishes might be, with energy or decision. In the interim, the lower classes of the people in England, who contemplated, with great anxiety, the progress of the affair, evinced symptoms of discontent. The king, in consequence, thought fit to protest publicly, in an assembly of lords, judges, &c. "that nothing but desire of giving satisfaction to his conscience, and care of establishing the succession to the crown in a right and undoubted line, had first procured him to controvert this marriage, being (for the rest) as



happy, in the affection and virtues of his queen, as any prince living." To give weight to this protest, he, in "an abrupt and discontented fashion," caused Anne Boleyn, whose presence had excited much envy and jealousy, to depart from the court.

Delay succeeded to delay; and, in the winter of 1528, the pope, through the medium of Cardinal Campeggio, with a duplicity altogether unworthy of the sacred character, is found endeavouring to persuade the queen to a divorce, and to dissuade the king from it. At length, the king, finding himself uneasy and impatient, his nobility in suspense, and his people dissatisfied, charged the two cardinals to proceed. He appears to have been fortified in taking so decisive a step, by a discussion which had been holden at Lambeth before Archbishop Warham, and several of the most learned men from Oxford and Cambridge, in which his cause was declared by them to be fair and just.

Public notice of a solemn hearing having been given, the court was opened on the 21st of May, 1529, in a great hall, at that time called the parliament-chamber, in Blackfriars, London. The queen, agreeably to permission, given by his majesty on that point, chose for her counsel, Archbishop Warham, and Nicholas West, Bishop of Ely, Doctors of the Law; and John Fisher, Bishop of Rochester, and Henry Standish, Bishop of St. Asaph, Doctors of Divinity.

The judges, as before stated, were Cardinal Wolsey and Cardinal Campeggio, whose commission from the pope, in this case, was as follows:—

“Clement, Bishop, servant of the servants of God, to our beloved sons, Thomas Archbishop of York, cardinal *Sanctæ Cecilie*, and Lawrence Campejus, cardinal *Sanctæ Mariæ in Transiberim*, our legats *de lateræ* from the apostolical see to the kingdom of England, health and apostolical benediction.—The relation of very many persons of undoubted credit hath reached our ears, concerning the validity of that marriage which our beloved son in Christ, Henry King of England, defender of the faith, and Lord of Ireland, (a dispensation of the apostolical see being first had) was known to have contracted and consummated with our dearly beloved daughter in Christ, Queen Catharine, from whence, in those parts, a controversie hath arisen which hath so perplexed the minds of men, and held them in suspense and expectation, what justice and equity will determine in a case of so peculiar a nature, and of so great moment, not yet tryed in any publick court of ecclesiastical judicature, that it is but necessary to proceed to some quick and speedy determination therein, to avoid that danger which must unavoidably ensue upon deferring it. But since we, whom God has appointed servant of his servants, to administer to all men impartial justice in judgment and truth, are not able in our person to inquire into the truth of the

fact, and examine this cause ourselves : considering, likewise, that the fact, concerning the right of which the present debate is, may with more certainty, speed, and expedition, be inquired into and examined there than here ; farthermore, being desirous, that in that kingdom, which has always shewn the greatest affection and obedience to the apostolical see, all matter of dissention may be taken away, the band of peace and love be strengthened, and the blessed harmony of mutual charity, which has so many years continued, may still flourish, and be conveyed down to posterity ; and a decision may be made of the above-mentioned cause, concerning the foresaid marriage, according to the rules of justice, judgment, and truth, whereby this dispute may, as it is most expedient it should, obtain a firm, valid, certain, and speedy, conclusion and end. For these purposes, we do hereby give and grant a plenary authority, and most ample power and commission to your eminences in our own stead, either both jointly, or, in case of unwillingness or any other impediment, to either of you singly ; that, being subject to the authority and jurisdiction of no court or person whatever, nor liable to any appeal or question concerning your jurisdiction, you do hear and examine all and every thing which may relate to the validity or invalidity of the said marriage, or of any apostolical dispensation whatever, to be exhibited and produced before you ; and all other things, matters, circumstances,

allegations, and causes, which may any ways relate to and concern the said marriage, and the said dispensation: and that you do proceed judicially, without tumult or disturbance, summarily and plainly to examine all parties concerned and knowing in the case of the said marriage, and of the validity of the said dispensation; and if it shall to you appear, that any such apostolical dispensations shall be sufficient, effectual, and valid, or invalid, ineffectual, insufficient, surreptitious, or arreptitious, or, on any account, null and void, such you shall pronounce and declare finally that they are, and ought to be held; and, in like manner, concerning the said marriage, you shall, if by either party required, define, determine, and finally sentence the same to be valid, just, lawful, and firm, or on the other side unjust, invalid, and unlawful, and thereupon that it is and ought to be void and null, and is therefore by you there declared invalid, unjust, unlawful, void, and null; on either side pronouncing sentence, as shall appear most just, according to the laws of reason, and the dictates of your own consciences; and, if it shall thus appear that the dispensation is invalid, and the marriage null, that you do, judicially, deliberately, summarily, and clearly, as aforesaid, pronounce a sentence of divorce, and grant a faculty and license in the Lord to the foresaid King Henry and Queen Catharine to marry again. And we do hereby create and depute to you jointly, or (if as above said any ways hindered).



separately in our stead to execute, finish, fully and finally to determine, all or any of the things contained in this commission, in so ample a manner, that whatsoever we by our power and authority could have done in the premises, all that you are hereby enabled to do as fully and effectually. We do likewise of our own certain knowledge, by our apostolical authority, and by the tenor of these presents, grant you power and authority to pronounce, sentence, and publish, if it shall to you seem convenient, that the children by the first marriage, as well as by the second, are legitimate; and that you do confirm and establish the legitimacy of both sorts, either by censures and ecclesiastical punishments, to be inflicted on the gainsayers, or by way of decree and perpetual sanction, or by any other more valid and effectual method or form that can be thought of or contrived, to strengthen and effectually support the same: any general councils, apostolical canons, public ordinances or decrees whatsoever, to the contrary notwithstanding.—Given at Viterbo, in the year of our Lord 1528, 6th of the ides of June, in the fifth year of our pontificat.”

The commission having been read, the king and queen were cited by Bishop Longland, his majesty's confessor, to appear in court on the 18th of June following.

The king, in consequence, gave Richard Sampson, Dean of his chapel, and John Bell, Doctor of the

Decrees, a commission, sealed with green wax, and dated at Greenwich, on the 15th of June; by which commission, "he constituted them his proctors, with authority to refuse or accept the court and judgment of the two cardinals, and, if need were, to appeal; allowing them, also, to substitute other proctors: binding himself finally, *sub hypothecá et obligatione bonorum*, to ratify what they should do."

At the second sitting of the court, the queen's counsel objected against the two legates, as incompetent to try or to decide upon her case. The validity of the objection was not admitted; but farther time was allowed her, to the 21st of June. On that day, upon the opening of the court, the king and queen were cited to appear. When called, the king answered "here;" but the queen, instead of answering to her name, arose from her seat, and, kneeling at the king's feet, most pathetically addressed him. "She was a poor woman," she said, "and a stranger in his dominions, where she could expect neither good council, nor impartial judges; she had long been his wife, and desired to know wherein she had offended him: she had been his wife twenty years, and more, and had borne him several children, and ever studied to please him, and protested he had found her a true maid, about which she appealed to his own conscience. If she had done any thing amiss, she was willing to be put away with shame. Their parents were esteemed very wise princes, and

no doubt had good counsellors and learned men about them when the match was agreed; therefore she would not submit to the court, nor durst her lawyers, who were his subjects, and assigned by him, speak freely for her. So she desired to be excused, till she heard from Spain."

Catharine immediately rose, made the king a low reverence, and quitted the court, never to enter it again.

The cardinals now took into their commission, John Longland, Bishop of Lincoln; John Clark, Bishop of Bath and Wells; John Islip, Abbot of Westminster; and Dr. John Taylor, Master of the Rolls. They then sent letters monitory to the queen, declaring, that if she appeared not, they would nevertheless proceed to execute their commission. The Bishop of Bath and Wells was specifically employed on this occasion; but the queen persisted in her refusal to attend the court, and was consequently pronounced contumacious. Certain articles were then put in by the legates, against the king and queen, in substance as follows:

"That Prince Arthur did marry, and carnally know, Queen Catharine, confirming also this marriage by cohabitation with her till his death. After which, King Henry, being his brother, did marry the said Lady Catharine, *An. Dom. 1509*, in *facie ecclesiæ*, and had children by her; which marriage yet being as well *Divino* as *Ecclesiastico jure* prohibited,

and (unless it may be otherwise made good) to be reputed in itself *nullum omnino & invalidum*, had caused huge scandal both in the clergy and people of England, and of many other places, insomuch that it hath come to the pope's ears, who, taking notice hereof, gave commission to those cardinals to hear and proceed in this business, according to the importance of it."

After these articles had been put in, the queen was a second time cited to appear: but she again refused, and was again pronounced contumacious. The commissioners, however, determined to proceed, and they appointed Dr. Taylor, Archdeacon of Buckingham, to examine the witnesses. The legates then called for the dispensations, which had been alleged in favour of the marriage. The bull of dispensation, by Julius the Second, was accordingly exhibited, with a copy of a breve, dated Toledo, December 12, 1528, attesting its validity. Against the dispensation, and also against the copy of the breve, which was alleged to be a fabrication, many objections were urged; all of which were delivered to the king's proctor in writing, that he might answer them.

On the twelfth of July, the witnesses having been summoned to appear in court, the Dukes of Norfolk and Suffolk, the Marquis of Dorset, the Earl of Shrewsbury, the Viscounts Rochford and Fitzwater, the Bishop of Carlisle, Sir David Owen, Sir John



Hussey, Sir Richard Weston, and several others, presented themselves to be examined by the Archdeacon of Buckingham. The depositions of two ancient ladies, Mary, Countess of Essex, and Agnes, the old Duchess of Norfolk, who excused themselves by their infirmity from appearing in person, were first publicly *read and received*. The other witnesses were then examined, their depositions, in the whole, amounting to the number of *thirty-seven*. These depositions related chiefly to the alleged consummation of the marriage, between Prince Arthur and Catharine; and it must be admitted, they were so clear, that had it not been for the solemn asseveration of Catharine to the contrary, not a doubt could have been suffered to remain on the point.

The depositions were published; and the king's proctor was summoned to receive certain acts and writings, which he had delivered into court; but, not appearing, he was pronounced contumacious.—The commissioners next proceeded to require the sight of the archiva and record, concerning the marriage of Arthur and Catharine; after which, amongst various other papers, King Henry's Protestation against the union with his brother's wife, given in a preceding page, was exhibited.

The authenticity of the last-mentioned instrument having been proved by John Read, the proctor who had been employed on the occasion, and by Nicholas West, the Bishop of Ely, one of the subscribing

witnesses, the commissioners *in contumaciam reginæ* did, in the presence of the above-mentioned proctor, continue and prorogue the court till Friday next following, warning the said proctor also to attend. "Upon which day, being the 23d of July, the court being set, the proctor above-mentioned signified unto the commissioners, that all that was requisite for the instruction and information of their understanding and consciences, had been judicially proposed and exhibited to them, and remained in their custody; and that therefore this day was assigned and appointed for concluding the business. Notwithstanding, because Cardinal Campejus alleged and protested, in *verbo veri prelati*, that a certain general vacation, which he termed *ferias generales messium & vindemiarum*, was observed in the court of Rome every year before the said Friday; and because he and his colleague were bound to follow the stile of the said court in the process of the above mentioned cause; therefore the said judges, in the presence of the king's proctor, and in *contumaciam reginæ*, did prorogue the conclusion of this business until the first of October next following, warning the king's proctor then to appear, and receive a conclusion of this business, as should be according to justice. All which passed in the presence of Thomas Duke of Norfolk, the Bishop of Ely, and divers other persons."

During the time that these proceedings had been

taking place in England, the queen's friends had been very actively employed at Rome; and, in their influence at the Papal Court, it may be presumed, originated the manœuvre of Campeggio to prorogue the court till October; a delay in the completion of his wishes, which very naturally produced disappointment, vexation, and disgust, in the mind of the king. Wolsey, it should have been observed, though the older cardinal, had suffered Campeggio to act as president of the court.

The queen's protest against the power of the legates, and her appeal to the pope, supported by her nephew the emperor, induced Clement to suspend the commission of Wolsey and Campeggio, and to adjourn the cause to his own personal judgment at Rome. Campeggio had previously received private orders to burn the Decretal Bull, with which he had been entrusted, the object of which was, upon probation of carnal knowledge between Arthur and Catharine, to pronounce the marriage of Henry with that princess void, and to allow him to take another wife.

On the 29th of August, the pope addressed a breve to King Henry, informing him of the postponement of farther proceedings in the cause, till the Christmas day ensuing, and exhorting him, in the interim, to comfort and cherish the queen with the affection of a husband.

It was subsequently to the departure of Cam-

peggio, that Henry, on the suggestion of Cranmer, applied for and obtained the opinion of the foreign and English Universities, on the legality of his marriage. The pope, however, continued to trifle with the king; for it appears, by a letter from Casalis to his Majesty, dated on the 18th of September, 1530, that, a few days before, his Holiness had made a private proposal to Casalis, of granting to the king a dispensation to have two wives. Somewhat before this, the House of Lords sent an official declaration to the pope, imploring him to accede to the wishes of the king; and intimating that, as desperate diseases required desperate remedies, Henry would, in case of his refusal, seek relief by some other means. To this declaration, the pope, under the date of September 27, 1530, replied at great length, vindicating himself from the charge of causing needless delay, and earnestly exhorting the peers to abstain from all rash attempts. Great efforts were indeed made by his holiness to retain the king in his ancient faith; and it is probable, that had it not been for certain political considerations, the king might have obtained all that he desired in the affair of the divorce. Parliament, however, at this time, concurred in the desire of setting up the regal authority in ecclesiastical concerns. Accordingly, on the 31st of March, 1531, the Lord Chancellor, accompanied by Dr. Stokesley, Bishop of London, and several other lords, spiritual and temporal, went to the



lower house, and told them, “ that they could not be ignorant how the king, having married his brother’s wife, was troubled in conscience, and therefore had sent to the most learned universities in Christendom, to be resolved in that point; and, namely, had appointed the Bishop of London, there present, for this purpose. Not yet, but that his own universities of Oxford and Cambridge could have sufficiently decided the point, but that he might the more amply satisfy himself and the world.”—The opinions of the universities, foreign and English, were then submitted to the consideration of the house in detail, as were upwards of a hundred books of several doctors, confirmatory of the opinion in favour of the king. The whole of these having been, as we are told, maturely considered by the lower house, its members became perfectly convinced of the justness of the king’s cause. Henry then thought fit to prorogue the parliament, with the view that every man, repairing to his home, might satisfy his neighbour upon the momentous points which had been under discussion. He also caused the determinations of the foreign universities to be printed and published. “ Notwithstanding which, so far was the king from remitting any thing of his gentle behaviour to the queen, that, had he not forbore to come to her bed, neither could his outward favour towards her, or her fashions towards him, have argued any diminution of love; all those wonted ceremonies, by

which they sustained the dignity of their place, and civilities, which might imply a mutual respect, continuing firmly on either side."

Henry is even said to have sorely lamented his chance, and to have made no manner of mirth or pastime as he was wont to do. However, he sent some lords of his council to the queen, wishing them to acquaint her with the determination of the universities, which also had been shown to the pope, and to demand of her, for quieting his majesty's conscience, and ending the business, whether she would rather refer herself to the judgment of four spiritual and four temporal lords in this kingdom, or abide by her appeal to the papal court. Catharine replied, "That her father, before he consented to her second marriage, had taken the advice of doctors and clerks, whose opinion she believed rather than any others; and that the pope having confirmed it, she wondered that any should question it. And whereas, for quieting the king's conscience, you would have me put the business to eight lords; that which I say, is, I pray God send his grace a quiet conscience. As for answer to your message, I pray you tell the king, I am his lawful wife, and so will abide till the court of Rome determine to the contrary."

Not satisfied with this answer, Henry, who alleged that his proceedings were according to the law of God, which ought to be more insisted upon than any other authority, sent other messengers again exhort-

ing the queen to conform herself to his wishes. One of the lords employed upon this occasion, thus addressed her Majesty :—" Madam, you cannot be ignorant how much you have provoked the king's displeasure against you, since, his grace having used all fit means to clear his own and subjects insatisfactions, concerning the lawfulness of his marriage, you yet continue refractory in that violent manner, as you not only refuse the general determinations of universities and learned men, but, contrary to the law of the land and the royal dignity, have cited his highness to appear in the court of Rome; neither have those very admonitions you have received concerning the danger and consequences hereof, been able to divert you from your purposes, or reduce you to reason and your duty. Of which therefore his highness is so sensible, that he hath forbore of late to see your grace, or receive your tokens, giving you liberty further, to repair either to his manner of Oking, or Estamsted, or the monastery of Bisham; for since you were known by his brother Prince Arthur, you cannot be his lawful wife."—To this, Catharine mournfully replied, " that to whatsoever place she removed, nothing could remove her from being the king's wife." This was on the 14th of July, 1531; and, from that time, it does not appear that the king ever saw her again.

The queen, and her proctor at Rome, aided with the advice and power of the imperialists, now prosecuted her appeal with great urgency. At length, un-

der date of the 25th January, 1532, the pope addressed a letter to the king, remonstrating with him, on his connexion with the Lady Ann Boleyn, and earnestly endeavouring to persuade him to take his wife Catharine again to his bosom. Nor was the queen without advocates at home, who, in books and sermons, publicly defended her cause. The chief of these were Abel, her chaplain, and Fisher, the bishop of Rochester. In the conversation of private circles, the women were warm in her behalf. In the House of Commons, a member of the name of Temse moved, that the house should petition the king to take his queen again. Henry, on being apprised of this, sent for Thomas Audley, the speaker of the house, and told him, “that he marvelled any among them should meddle in businesses which could not be properly determined there. As for this particular, that it concerned his soul so much, that he many times wished the marriage had been good, but since the doctors of the universities had generally declared it unlawful, he could do no less than abstain from her company. Which therefore he wished them to take as the true reason, without imputing it to any wanton appetite: since being in the one and fortieth year of his age, it might justly be presumed such motions were not so quick in him. All which that they might the better understand, he had informed himself in all parts of Christendom concerning strange marriages; and that, saving in Spain and Portugal, he



could never find that any man had so much as married two sisters, if the first were carnally known. But, for the brother to marry the brother's wife was so abhorred among all nations, that he never heard any Christian so did but himself; and therefore wished them to believe that his conscience was troubled."

Henry, who still seems to have been extremely anxious to obtain the assent of the pope to the divorce, continued to make great efforts at Rome for that purpose. His friend, Francis the First, of France, earnestly supported his suit. The pope, however, impelled by various hostile considerations, resisted all their attempts, and finally cited the king of England to appear at Rome, in the month of October, 1532. Several consistories were holden, to examine the validity of the marriage between Arthur and Catharine. Henry, however, would not even send a proxy, who would have been received, to plead his cause before the papal court. He only despatched Sir Edward Carne, and Dr. Bonner, in quality of excusators, as they were termed, to assign the necessary reasons for his not paying the required deference to his holiness. Much warmth of discussion ensued. The last proposal which Henry appears to have made to the pope, was, that, if the cause might be heard in England, and the Queen should object to the sentence, she should have the benefit of her appeal before three judges, one of England, one of France, and a third

from his holiness, who also should discuss the matter in some indifferent place. To this proposition, the pope refused to accede; observing that, "since he saw the king would needs conserve his authority, he would likewise conserve his, and proceed *via ordinaria*."

Henry now found that his best expedient would be, to abide by the decision of his own clergy. A prompt and decisive measure was indeed essential; for Anne Boleyn was considerably advanced in her pregnancy; and consequently his clandestine marriage with that lady could not be much longer concealed. He, therefore, resolved to publish his marriage, and to require his clergy to proceed to deliver a sentence concerning the divorce. Parliament, in the mean time, so far favoured his intentions, as to pass an act against appeals to Rome. This, as far as the English law was concerned, may be regarded as the death-blow of the hopes of Catharine.

The Queen was at this time at Ampthill, in Bedfordshire. Henry again sent some grave persons to acquaint her with the causes of his second marriage, and, if possible, to gain her consent to the divorce. She persisted in her refusal. In consequence, Cranmer, then archbishop of Canterbury, cited her to appear at Dunstable; where, for the final settlement of the business, he appointed a court to be holden. With Cranmer, came the bishops of London, Winchester, Bath, and Lincoln, and many dignified clergymen of note. Cranmer, then, as a matter of form,

demanded and obtained leave of the King to determine the matter, since it caused much doubt among the common people, and fears of great inconveniences in matter of succession. The court was accordingly holden; and, the Queen having been summoned fifteen days in succession, without appearing, the archbishop pronounced her contumacious, and then proceeded *de novo* to the examination of the cause. The evidences of Arthur's consummation of his marriage, the opinions of the universities, the judgment pronounced two years before by the convocations of Canterbury and York, &c. were produced and examined. After these proceedings, which appear to have been merely *pro formâ*, and to have occupied but a short portion of time, Cranmer publicly delivered the following *Sentence of Divorce*:

“ In the name of God, Amen. We, Thomas, by divine permission archbishop of Canterbury, primate of all England, and legate of the apostolical see, in a certain cause of inquiry of and concerning the validity of the marriage contracted and consummated between the most potent and most illustrious prince, our sovereign lord Henry VIII. by the grace of God, king of England and France, defender of the faith, and lord of Ireland, and the most serene princess Catharine, daughter of his most catholic Majesty, Ferdinand, king of Spain, &c. of glorious memory; we, proceeding according to law and justice in the said cause, which has been brought judicially before

us in virtue of our office, and which for some time has lain under examination, as it still is, being not yet finally determined and decided, having first seen all the articles and pleas which have been exhibited and set forth of her part, together with the answers made thereto, and given in on the part of the said most illustrious and powerful prince Henry VIII. ; having likewise seen and diligently inspected the informations and depositions of many noblemen and other witnesses of unsuspected veracity exhibited in the said cause ; having also seen, and in like manner carefully considered, not only the censures and decrees of the most famous universities of almost the whole Christian world, but likewise the opinions and determinations, both of the most eminent divines and civilians ; as also the resolutions and conclusions of the clergy of both provinces of England, in convocation assembled, and many other wholesome instructions and doctrines which have been given in and laid before us concerning the said marriage. Having further seen, and with like diligence inspected, all the treaties and leagues of peace and amity on this account entered upon and concluded between Henry VII. of immortal fame, late king of England, and the said Ferdinand of glorious memory, late king of Spain ; having, besides, seen, and most carefully weighed, all and every of the acts, debates, letters, processes, instruments, writs, arguments, and all other things which have passed and been transacted in the



said cause at any time ; in all which, thus seen and inspected, our most exact care in examining, and our most mature deliberation in weighing them, hath by us been used, reserving herein whatsoever of right ought to be by us reserved. Furthermore, the said most illustrious and most powerful prince, king Henry VIII., in the forementioned cause, by his proper proctor, having appeared before us ; but, the said most serene lady Catharine in contempt absenting herself, (whose absence may the divine presence always attend,) by and with the advice of the most learned in the law, and of persons of most eminent skill in divinity, whom we have consulted in the premises, we have found it our duty to proceed to give our final decree and definitive sentence in the said cause, which accordingly we do in this manner. Because, by acts, warrants, deductions, propositions, exhibitions, allegations, proofs, and confessions, articles drawn up, answers of witnesses, depositions, informations, instruments, arguments, letters, writs, censures, determinations of professors, opinions, councils, assertations, affirmations, treaties and leagues of peace, processes, and other matters in the said cause as is above mentioned, before us laid, had, done, exhibited, and respectively produced ; as also from the same and sundry other reasons, causes, and considerations, manifold arguments, and various kinds of proof, of the greatest evidence, strength, and validity, of which in the said cause we have fully and

clearly informed ourselves ; we find, and with undeniable evidence and plainness, see, that the marriage contracted and consummated, as is aforesaid, between the said most illustrious prince, king Henry VIII., and the most serene lady Catharine, was and is null and invalid, and that it was contracted and consummated contrary to the law of God. Therefore, we, Thomas, archbishop, primate and legate aforesaid, having first called upon the name of Christ for direction herein, and having God altogether before our eyes, do pronounce sentence, and declare for the nullity and invalidity of the said marriage, decreeing that the said pretended marriage always was and still is null and invalid, that it was contracted contrary to the will and law of God, that it is of no force or obligation, but that it always wanted and still wants the strength and sanction of law ; and, therefore, we sentence, decree, and declare, that it is not lawful for the said most illustrious and powerful prince Henry VIII., and the said most serene lady Catharine, to remain in the said pretended marriage ; and we do separate and divorce from each other, the said most illustrious and most powerful king Henry VIII., and the said most illustrious lady Catharine, in as much as they contracted and consummated the said pretended marriage *de facto* and not *de jure*, and that they, so separated and divorced, are absolutely free from all marriage bond, with regard to the foresaid pretended marriage, we do pronounce ; decree, and declare, by

this our definitive sentence and final decree, which we now give, and by the tenor of these presents publish, May 23, 1533."

The archbishop, also, caused the above sentence to be publicly read in the chapel of our lady, in the priory of Dunstable, before two notaries; after which, he sent it to the king, desiring farther to know his majesty's mind concerning his second marriage, as soon as he should have advised with his council.

From this time, the king strictly commanded that Catharine should no more be called queen, but Princess Dowager of Wales, and widow of Prince Arthur.

Cranmer, by a subsequent sentence, ratified the marriage with Anne Boleyn, who, soon afterwards, was publicly crowned as queen; and, on the 7th of September following, her daughter Elizabeth was born.

The pope did not suffer all this to pass unnoticed; however, he proceeded no farther, in the first instance, than to declare the nullity of Cranmer's sentence of divorce, as well as that of Henry's second marriage; and to threaten the king with excommunication, should he not, before the 1st of November ensuing, place every thing in the condition in which it had formerly stood. Henry and his friends negotiated for some time upon the subject, but without effect; and, after a complete rupture between the parties, the pope and cardinals, on the

23d of March, 1534, pronounced the marriage of Henry and Catharine to be valid, and the king to be excommunicated, should he not act in conformity to that sentence.

On the other hand, an act of parliament was passed, in the same year, declaring the king's marriage with Catharine to be void, the issue of that marriage to be illegitimate, and the succession of the crown to be in the issue of Henry's marriage with Anne Boleyn.

Clement the Seventh died about six months after he had pronounced sentence against the king. On the accession of his successor, Paul III. to the papal throne, Henry made some attempts at reconciliation with the holy see; but, as he had, in the mean time, been guilty of many violations of the catholic faith, his attempts proved unsuccessful; and, on the 30th of August, 1535, the new pope excommunicated the king, laid his kingdom under an interdict, declared his issue by Anne Boleyn illegitimate, and, in short, denounced against him all the horrors which it was customary to inflict by a sentence of excommunication.

It is unnecessary to pursue this affair farther, than to mention the death of Catharine, the repudiated queen, which took place at Kimbolton, in Huntingdonshire, on the 6th of January, 1536, in the fiftieth year of her age, and the 33d of her residence in England. That she was an amiable and an ex-



cellent woman, there is no reason to doubt; and that her affection and duty to the king were lively and sincere is equally evident from the whole tenor of her conduct, and more particularly from the affecting letter which, by the hand of one of her ladies, she addressed to him a short time before she expired.\*

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*Trials of Anne Boleyn; her brother, Lord Viscount Rochford; Henry Norris, Mark Smeton, William Breton, and Sir Francis Weston; for High Treason.*

Considering the deep interest of these trials, it is surprising how very slight are the records of their legal process; and, from the horribly unjust and atrocious nature of the sentences which were passed on the respective individuals—unjust and atrocious,

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\* This letter is well known; yet to withhold it in this place would be an act of injustice to the memory of Catharine. It was as follows:—"My most dear lord, king, and husband: The hour of my death now approaching, I cannot chuse but, out of love I bear you, advise you of your soul's health, which you ought to prefer before all considerations of the world or flesh whatsoever. For which yet you have cast me into many calamities, and yourself into many troubles. But I forgive you all; and pray God to do so likewise. For the rest, I commend unto you Mary our daughter, beseeching you to be a good father to her, as I have heretofore desired. I must intreat you, also, to respect my maids, and give them in marriage, which is not much, they being but three; and to all my other servants, a year's pay besides their due, lest otherwise they should be unprovided for. Lastly, I make this vow, that mine eyes desire you above all things. Farewell."

even upon the showing of the warmest apologists of the king—it is not an uncharitable presumption, that means were taken to prevent the details of evidence from descending to posterity. Enough, however, remains to show the innocence of the accused, and to cover with indelible infamy the loathsome character of Henry. The sanguinary murder of Anne Boleyn alone, had there been no other spot upon his escutcheon, would have blurred its beauty for ever!

Anne Boleyn, the devoted victim of Henry's lust, was born in the year 1507; when only seven years old, she accompanied her father, Sir Thomas Boleyn, into France; and, at the early age of eight, she was received into the service of Francis the First's queen, and, after her death, into that of the Duchess of Alençon, the king's sister. She is believed to have returned to England about the year 1527, when she became one of the maids of honour to Queen Catharine. Whether Henry's passion for this young and lovely woman preceded his first scruples of conscience, respecting his marriage with Catharine, or his scruples of conscience preceded his passion, is a point apparently not decided by historians. For nearly five years, she is understood to have resisted the addresses,—honourable or dishonourable, this is not the place to inquire—of the king. At length, she was privately married to him, on the 14th of November, 1532, previously to the passing of the

sentence of divorce, by Cranmer, between Henry and Catharine. Anne's first child was a daughter. In January, 1536, she was delivered of a dead son. Henry had chosen to conclude, from the death of his male issue, by Catharine, that his marriage with that princess was displeasing in the eyes of God. Superstitious as violent, he is thought to have regarded the misfortune of Anne as a renewal of the divine curse attendant upon his second union. Various causes, however, combined to effect the ruin of the new queen; for although the passion which he had suddenly conceived for Jane Seymour, and his furious jealousy of his wife, might be the chief stimuli operating upon his mind, it is more than probable, that the catholics, to whom Anne Boleyn was decidedly inimical, adopted means to heighten his desire of making another sacrifice.

Jane Seymour, we are told, had all the charms of both beauty and youth, in her person; and her humour was tempered between the severe gravity of Catharine, and the gay pleasantness of Anne. Perceiving an alienation of the king's affection, the queen exerted herself to the utmost, but in vain, for its recovery. Burnett tells us, that Anne was of a very cheerful temper, which was not always limited within the bounds of exact decency,\* and discretion;

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\* *Decorum*, perhaps, would be a more suitable term than *decency*, according to the acceptance of the words in the present day.

that she had rallied some of the king's servants more than became her; that her brother, the Lord Rochford, was her friend, as well as brother; that his spiteful wife was jealous of him; and that, being a woman of no sort of virtue, she carried many stories to the king, or some about him, to persuade him that there was a familiarity between the queen and her brother, beyond what so near a relation could justify. "All that could be said for it," observes Burnett, "was only this: that he was once seen leaning upon her bed, which bred great suspicion. Henry Norris, that was groom of the stole, Weston, and Brereton, that were of the king's privy chamber, and one Mark Smeton, a musician, were all observed to have much of her favour; and their zeal in serving her was thought too warm and diligent to flow from a less active principle than love. Many circumstances were brought to the king, which, working upon his aversion to the queen, together with his affection to mistress Seymour, made him conclude her guilty. Yet somewhat which himself observed, or fancied, at a tilting at Greenwich, is believed to have given the crisis to her ruin. It is said, that he spied her let her handkerchief fall to one of her gallants, to wipe his face, being hot after a course."—The accident, if correctly stated, was probably casual. The king, however, immediately retired in fury from the place; returned to Whitehall; gave orders for confining the queen to her chamber;



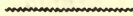
and arrested her brother, Lord Rochford; Norris, Brereton, Weston, and Smeton; and threw them into prison. The queen, astonished at these instances of her husband's passion, at first thought that it was his intention only to put her love to the trial; but, finding him to be in earnest, and reflecting upon his furious, obstinate, and unrelenting spirit, she saw the full extent of the danger by which she was threatened, and prepared herself for the awful event.

On the following day, (May 2,) she was committed to the Tower; on the road to which she was, for the first time, informed of the offences alleged against her. Most earnestly did she protest her innocence; and, upon entering the prison, she fell on her knees, and prayed God so to help her, as she was not guilty of the crime with which she was charged.

After the Duke of Norfolk, and some others of the king's council, who had conducted her to the tower, had retired, Mr. Kyngston, the Constable or Lieutenant of the Tower, showed her to her lodging. Justice to the conversation which followed, can be done only by inserting some passages from Strype's Memorials, drawn up from the letters of Mr. or Sir William Kyngston, to the Secretary Cromwell.

“ And then she said to him, ‘ Mr. Kyngston, shall I go into a dungeon?’ He answered her, ‘ No, madam; you shall go into your lodging, that you lay in at your coronation.’ Upon which she said, ‘ It is too good for me.’ And farther said, ‘ Jesu! have mercy

on me.' And then kneeled down, weeping a great pace. And in the same sorrow fell into a great laughing.\* And so she did several times afterwards. Then she desired Mr. Kyngston, to move the king's highness that she might have the sacrament in the closet by her chamber, that she might pray for mercy. 'For I am as clear,' said she, 'from the company of man, as for sin, as I am clear from you:' and again, 'the king's true wedded wife.' And then she said, 'Mr. Kyngston, do you know wherefore I am here?' and he said, 'Nay.' And then she asked him, when he saw the king? He said, not since he saw him in the tilt-yard, [which was but the day before at Greenwich, when he seemed first to take a displeasure against her.] And then she asked him, 'I pray you tell me, where my lord my father is.' He told her, he saw him afore dinner in the court. 'O! where is my sweet brother?' (for she feared the king's displeasure against her would reach unto all her relations.) Kyngston replied, 'I left him at York Place: thinking it convenient to conceal it from her, though he was committed the same day.' 'I hear say,' said she, 'that I shall be accused by three men. And I can say no more but, nay: though



\* It is evident that her *laughter*, denominated, in other places, by Kyngston, *vapours*, and *fits of the mother*, instead of indicating levity, was a violent hysterical affection. Much of her conduct in prison, which otherwise might be deemed extraordinary, is accounted for on this ground.

you should open my body;' and therewith she opened her gown. Adding, 'O! Norris, hast thou accused me? thou art in the Tower with me. And thou and I shall die together. And, Mark, thou art here too.' And then, with much compassion, she said, 'O! my mother, thou wilt die with sorrow.' And then she much lamented my Lady Worcester (being with child) because her child did not stir in her body. And when the Constable's wife, being present, asked what might be the cause, she said, it was for the sorrow she took for me.

"Then she said, 'Mr. Kyngston, shall I die without justice?' to which he resolved, 'The poorest subject the king had, had justice.' And therewith she laughed. All these sayings happened that night. The next morning, in conversation with her, these speeches happened; related by Sir W. Kyngston, in his foresaid letter. Mrs. Cosins, a gentlewoman appointed to wait upon the queen here, and that lay on her palate bed, said, that Norris did say on Saturday last unto the queen's amner, that he would swear for the queen, that she was a good woman. And then the said gentleman added, speaking to the queen, [as minding to inquire of her concerning the occasion of her present trouble] 'Madam, why should there be any such matters spoken of?' 'Marry,' said the queen, 'I bade him do so. For I asked him, why he did not go through with his marriage [with some lady, it seems, Norris courted.]' And he made an-

swer, he would tarry a time. Then said she, ' You look for dead men's shoes. For if ought should come to the king but good, you would look to have me.' Then he said, if he should have any such thought, he would his head were off. And then she said, she could undo him, if she would. And there-with they fell out.

" And then she said, I more fear Weston. For Weston had said unto her, that Norris came more into her chamber for her, than he did for Mage [the name, I suppose, of one of the queen's maids, that he courted.] And farther, Kyngston related another saying, which the queen spake to him concerning Weston, [whom also she had sometimes talk with, coming often in her way ; which might create a jealousy concerning him.] That she had spoke with him, because he did love her kinswoman, Mrs. Skelton. And said to him, that he loved not his wife [spoken by way of reproof.] And he made answer to her again, that he loved one in her house better than them both. And the queen said, who is that ? he gave this answer, it is yourself. And then she defied him, as she said to Kyngston [in scorne and displeasure, as reflecting upon her honour, undoubtedly.]"

" Other occasional speeches of hers, were these. She said, concerning such women as was set about her, That the king wist what he did, when he put two such about her, as my Lady Boleyn and Mrs. Cosins. For they could tell her nothing of my lord, her fa-



ther, and nothing else. But that she defied them all [meaning any about her whosoever, to be able to charge her with any dishonourable act.] But then, upon this, my Lady Boleyn [her kinswoman] said to her, Such desire as you have had to such tales, [tale-carriers, or tellers, as some perhaps of her women were] have brought you to this. Then said Mrs. Stoner, [another gentlewoman about her] Mark is the worst cherished of any in the house. For he weareth irons. The queen said, that was because he was no gentleman. And he never was at my chamber; [and so could know less she meant than any, what was done by her, or any with her there] but at Winchester, and there she sent for him, to play on the virginals: for there my lodging was above the king's. And I never spake with him since, but upon Saturday before May day [that fatal day when the king first conceived his jealousy.] And then I found him standing in the round window in my chamber of presence. And I asked him why he was so sad. And he answered and said, it was no matter. And then she said, you may not look to have me speak to you as I would do to a nobleman: because ye be an inferior person. No, no, said he, a look sufficeth me: and thus fare you well. This shews him to be some haughty person; and thought the queen gave him not respect enough. And so might take this opportunity to humble her; and revenge himself by this



means on her : not thinking it would cost him his own life."

Burnett states the following circumstance, to which he gives full credit, from a "History of the Wars in the Netherlands," by a French writer of the name of Meteren :—" When the matter broke out on the first of May, the king, who loved Norris, sent for him, and said, if he would confess those things with which the queen was charged, he should neither suffer in his person nor his estate; nor so much as be put in prison : but if he did not confess, and were found guilty, he should suffer the extremity of the law. Norris answered, he would much rather die than be guilty of such falsehood : that it was all false, which he was ready to justify in a combat against any person whatsoever ; so he was sent with the rest to the Tower : the confession of Smeton was all that was brought against the queen ; he, as was believed, was prevailed on to accuse her : yet he was condemned, contrary to the promise that had been made him : but it was pretended that his crime was, that he had told his suspicions to others, and not to the king : and when it was alleged that one witness was not sufficient, it was answered that it was sufficient."

On the same day that the queen was committed to the Tower, the king wrote to Cranmer, to come to Lambeth ; ordering him, however, not to appear in

his presence. Cranmer is believed to have been sincerely attached to the queen; and that he was firmly impressed with the idea of her innocence, is sufficiently apparent from the following letter, which on the succeeding day, (May 3,) he addressed to his majesty:—

“ Pleaseth it your most noble grace, to be advertized, that at your grace’s commandment by Mr. Secretary his letters, written in your grace’s name, I came to Lambeth yesterday, and do there remain to know your grace’s further pleasure. And forsomuch as without your grace’s commandment, I dare not, contrary to the contents of the said letters, presume to come unto your grace’s presence; nevertheless, of my most bounden duty, I can do no less than most humbly to desire your grace, by your great wisdom, and by the assistance of God’s help, somewhat to suppress the deep sorrows of your grace’s heart, and to take all adversities of God’s hands both patiently and thankfully. I cannot deny, but your grace hath great causes many ways of lamentable heaviness: also, that in the wrongful estimation of the world, your grace’s honour of every part is so highly touched, whether the things that commonly be spoken of, be true or not, that I remember not that ever Almighty God sent unto your grace any like occasion to try your grace’s constancy throughout, whether your highness can be content to take of God’s hands, as well things displeasent as pleasant. And

if he find in your most noble heart, such an obedience unto his will, that your grace, without murmuration and overmuch heaviness, do accept all adversities, not less thanking him, than when all things succeed after your grace's will and pleasure, nor less procuring his glory and honour; then I suppose your grace did never any thing more acceptable unto him, since your first governance of this your realm. And moreover, your grace shall give unto him occasion to multiply and encrease his graces and benefits unto your highness, as he did unto his most faithful servant Job; unto whom, after his great calamities and heaviness, for his obedient heart, and willing acceptation of God's scourge and rod, *Addit ei Dominus cuncta duplicia*. And if it be true, that is openly reported of the queen's grace, if men had a right estimation of things, they should not esteem any part of your grace's honour to be touched thereby, but her honour only to be clearly disparaged. And I am in such a perplexity, that my mind is clean amazed. For I never had better opinion in woman, than I had in her; which maketh me to think, that she should not be culpable. And again, I think your highness would not have gone so far, except she had surely been culpable. Now I think that your grace best knoweth, that next unto your grace, I was most bound unto her of all creatures living. Wherefore I most humbly beseech your grace, to suffer me in that which both God's law, nature, and also her kindness,



bindeth me unto ; that is, that I may with your grace's favour wish and pray for her, that she may declare herself inculpable and innocent. And if she be found culpable, considering your grace's goodness towards her, and from what condition your grace of your only meer goodness took her, and set the crown upon her head ; I repute him not your grace's faithful servant and subject, nor true unto the realm, that would not desire the offence without mercy to be punished, to the example of all other. And as I loved her not a little, for the love which I judged her to bear towards God and his gospel, so, if she be proved culpable, there is not one that loveth God and his gospel, that ever will favour her, but must hate her above all other, and the more they favour the gospel the more they will hate her : for then there was never creature in our time that so much slandered the gospel. And God hath sent her this punishment, for that she feignedly hath professed his gospel in her mouth, and not in heart and deed. And though she have offended so, that she hath deserved never to be reconciled unto your grace's favour ; yet Almighty God hath manifoldly declared his goodness unto your grace, and never offended you. But your grace, I am sure, knowledgeth that you have offended him. Wherefore I trust that your grace will bear no less entire favour unto the truth of the gospel, than you did before ; for so much as your grace's favour to the gospel was not led by affection

unto her, but by zeal unto the truth. And thus I beseech Almighty God, whose gospel he hath ordained your grace to be defender of, ever to preserve your grace from all evil, and give you at the end the promise of his gospel. From Lambeth, the 3rd of May.

“ After I had written this letter unto your grace, my lord chancellor, my lord of Oxford, my lord of Sussex, and my lord chamberlain of your grace’s house, sent for me to come unto the Star Chamber; and there declared unto me such things as your grace’s pleasure was they should make me privy unto. For the which I am most bounden unto your grace. And what communication we had together, I doubt not but they will make the true report thereof unto your grace. I am exceedingly sorry, that such faults can be proved by the queen, as I heard of their relation. But I am, and ever shall be, your faithful subject, your grace’s most humble subject, and chaplain. T. Cantuariensis.”

This eloquent appeal of Cranmer’s was without effect. Absorbed by his new passion, Henry seemed to have totally forgotten that Anne Boleyn had once been the beloved and cherished wife of his bosom.

The king’s ministers, Burnett tells us, continued practising to get further evidence for the trials. On the 12th of May, Norris, Weston, Brereton, and Smeton, were tried by a commission of oyer and terminer, in Westminster Hall. They were twice indicted, and the indictments were found by two

grand juries in the counties of Kent and Middlesex; the crimes with which they stood charged being alleged to have been committed in both those counties. Mark Smeton confessed that he had known the queen carnally three times; a confession into which it was generally said he had been corrupted by a promise of his life; which, however, was sacrificed, upon the principle that it was not proper to let him live to tell tales. Norris, Weston, and Brereton, pleaded not guilty; but the jury, upon what evidence it does not appear, found them all guilty. Something indeed is said of a deposition from one Lady Wingfield, who was dead; but the only record upon this point is thus mentioned by Judge Spelman, in his common-place book:—"As for the evidence of this matter [what this matter was, however, is not related] it was discovered by the Lady Wingfield, who had been a servant to the queen, and becoming on a sudden infirm, some time before her death did swear this matter to one of her——" Here unfortunately the remainder of the page in the judge's book is torn off!

Judgment was pronounced upon the four prisoners, Norris, Weston, Brereton, and Smeton, that they should be drawn to the place of execution, some of them to be hanged, others to be beheaded, and all to be quartered, as guilty of high treason. They were in consequence all beheaded, except Smeton, who was hanged, but the quartering was dispensed with.

Previously to her trial, and subsequently, as it appears, to some application which had been made to her by the king, probably through the medium of her enemy, the Duke of Norfolk, Anne Boleyn addressed a letter to her inexorable husband; a letter which, as Hume justly observes, “contains so much nature, and even elegance, as to deserve to be transmitted to posterity, without any alteration in the expression.” He might have added, that it presents so striking, so interesting, so beautiful a picture of the writer’s mind, as to be invaluable to every admirer of genuine pathos. It is as follows:—

“Sir, your grace’s displeasure and my imprisonment are things so strange unto me, as what to write or what to excuse, I am altogether ignorant. Whereas you send unto me (willing me to confess a truth, and so obtain your favour) by such an one whom you know to be mine antient professed enemy, I no sooner received this message by him than I rightly conceived your meaning; and if, as you say, confessing a truth indeed may procure my safety, I shall with all willingness and duty perform your command.

“But let not your grace ever imagine that your poor wife will ever be brought to acknowledge a fault, where not so much as a thought thereof preceded. And, to speak a truth, never prince had wife more loyal in all duty, and in all true affection, than you have ever found in Anne Boleyn; with which name and place I could willingly have contented my-



self, if God and your grace's pleasure had been so pleased. Neither did I at any time so far forget myself in my exaltation or received queenship, but that I always looked for such an alteration as now I find; for the ground of my preferment being on no surer foundation than your grace's fancy, the least alteration, I knew, was fit and sufficient to draw that fancy to some other object. You have chosen me from a low estate to be your queen and companion, far beyond my desert or desire. If then you found me worthy of such honour, good your grace, let not any light fancy, or bad counsel of mine enemies, withdraw your princely favour from me; neither let that stain, that unworthy stain, of a disloyal heart towards your good grace, ever cast so foul a blot on your most dutiful wife, and the infant princess, your daughter. Try me, good king, but let me have a lawful trial, and let not my sworn enemies sit as my accusers and judges; yea, let me receive an open trial, for my truth shall fear no open shame; then shall you see either mine innocency cleared, your suspicion and conscience satisfied, the ignominy and slander of the world stopped, or my guilt openly declared. So that whatsoever God or you may determine of me, your grace may be freed from an open censure; and mine offence being so lawfully proved, your grace is at liberty both before God and man, not only to execute worthy punishment on me as an unlawful wife, but to follow your affection already

settled on that party for whose sake I am now as I am, whose name I could some good while since have pointed unto, your grace being not ignorant of my suspicion therein.

“ But if you have already determined of me, and that not only my death, but an infamous slander, must bring you the enjoying of your desired happiness, then I desire of God that he will pardon your great sin therein, and likewise mine enemies, the instruments thereof, and that he will not call you to a strict account for your unprincely and cruel usage of me, at his general judgment-seat, where both you and myself must shortly appear; and in whose judgment I doubt not (whatsoever the world may think of me) mine innocence shall be openly known and sufficiently cleared.

“ My last and only request shall be, that myself may only bear the burden of your grace’s displeasure, and that it may not touch the innocent souls of those poor gentlemen who (as I understand) are likewise in strait imprisonment for my sake. If ever I have found favour in your sight, if ever the name of Anne Boleyn hath been pleasing in your ears, then let me obtain this request, and I will so leave to trouble your grace any further, with mine earnest prayers to the trinity to have your grace in his good keeping, and to direct you in all your actions. From my doleful prison in the Tower, this 6th of May;

“ Your most loyal and ever faithful wife,

“ ANNE BOLEYN.”

This letter produced no more effect upon the unfeeling heart of Henry, than had been produced by the previous address of the archbishop.

On the 15th of May, three days after the trial of Smeton and the others, the queen, and her brother, Lord Rochford, were put upon their trial, in the Tower of London, before Thomas Duke of Norfolk, the Lord High Steward of England. The trial was conducted on a scaffold erected for the purpose in the king's hall; the Duke of Norfolk sitting under the cloth of state, the Lord Chancellor on his right hand, and the Duke of Suffolk on his left; the Earl of Surrey, son of the Duke of Norfolk, sitting directly before his father, a degree lower, as Earl Marshal of England; to whom were added twenty-six or twenty-seven other peers, by whom the queen and her brother were to be tried.\* The queen sat "in her chaire made for her;" but, "whether in regard of any infirmity, or out of honor, permitted to the wife of the sovereigne," is not stated.

The king's commission having been read, the accusers gave in their evidences, and the witnesses were produced. [Who the accusers or who the witnesses were, does not appear.]

"The crimes charged on her were," says Burnett, "That she had procured her brother and the other

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\* The statement in some of our historians, that the queen's father sat as one of her judges, is incorrect.

four to lye with her, which they had done often; that she had said to them, that the king never had her heart, and had said to every one of them by themselves, that she loved them better than any person whatsoever. Which was to the slander of the issue that was begotten between the king and her.' And this was treason, according to the statute made in the 26th year of this reign (so that the law, that was made for her and the issue of her marriage, is now made use of to destroy her.) It was, also, added in the indictment, that she and her complices 'had conspired the king's death;' but this it seems was only put in to swell the charge, for if there had been any evidence for it, there was no need of stretching the other statute, or if they could have proved the violating of the queen, the known statute of the 25th year of the reign of Edward III., had been sufficient. When the indictment was read, she held up her hand, and pleaded not guilty, and so did her brother, and did answer the evidence was brought against her discreetly. *One thing is remarkable, that Mark Smeton, who was the only person that confessed any thing, was never confronted with the queen, nor was kept to be an evidence against her;* for he had received his sentence three days before, and so could be no witness in law. But, perhaps, though he was wrought on to confess, yet they did not think he had confidence enough to aver it to the queen's face. Therefore the evidence they brought, as Spel-



man says, was the oath of a woman that was dead ; yet this, or rather the terror of offending the king, so wrought on the lords, that they found her and her brother guilty."

One of the Harleian manuscripts, which appears to have been compiled from some of the printed chronicles, observes that the queen, "havinge an excellent quick witt, and being a ready speaker, did so answere all objections, that had the peeres given in their verdict according to the expectation of the assembly, shee had beene acquitted : but they (among whome the Duke of Suffolke, the king's brother-in-law, was chiefe, and wholly applyinge himselfe to the king's humour) pronounced her guilty ; whereupon the Duke of Norfolke, bound to proceed accordinge to the verdict of the peeres, condemned her to death, either by beinge burned in the Tower-Greene, or beheaded, as his majesty in his pleasure should thinke fitt."

The queen, when she heard the sentence that she was to be beheaded or burned, evinced no symptoms of terror ; but she lifted up her hands to God, and exclaimed "O Father ! O Creator ! Thou who art the way, the truth, and the life ; Thou knowest that I have not deserved this death." Then, turning to her judges, she thus addressed them :—

"My lords, I will not say that your sentence is unjust ; nor presume, that my opinion ought to be

preferred to the judgment of you all. I believe you have reasons, and occasions of suspicion and jealousy, upon which you have condemned me: but they must be other, than those that have been produced here in court; for I am entirely innocent of all these accusations; so that I cannot ask pardon of God for them. I have been always a faithful and loyal wife to the king. I have not, perhaps, at all times shewed him that humility and reverence, that his goodness to me and the honour to which he raised me did deserve. I confess I have had fancies and suspicions of him, which I had not strength nor discretion enough to manage: but God knows, and is my witness, that I never failed otherwise towards him: and I shall never confess any other, at the hour of my death. Do not think that I say this, on design to prolong my life: God has taught me to know how to die; and he will fortify my faith. Do not think that I am so carried in my mind, as not to lay the honour of my chastity to heart; of which I should make small account now in my extremity, if I had not maintained it my whole life long, as much as ever queen did. I know, these my last words will signify nothing, but to justify my honour and my chastity. As for my brother and those others, who are unjustly condemned, I would willingly suffer many deaths to deliver them: but since I see it so pleases the king, I must will-

ingly bear with their death, and shall accompany them in death, with this assurance, that I shall lead an endless life with them in peace."

Her deportment was modest, firm, and graceful. The court arose; and the queen, respectfully taking leave of them all, was conveyed back to her chamber, the Lady Boleyn, her aunt, and the Lady Kyngston, wife of the Constable of the Tower, only attending her.

By what evidence the monstrous imputation of incest between the queen and her brother, was supported, is unknown; nor does any statement appear to be on record of the manner in which sentence was passed upon the unfortunate Lord Rochford. However, he was sentenced to death; and he suffered, with the other individuals implicated in the alleged guilt of their royal mistress. He exhorted those who suffered with him to die without fear. He came to die with them, since it was the king's pleasure that it should be so. He farther exhorted all persons, not to trust to courts, states, and kings, but in God only. He had deserved a heavier punishment for his other sins; but not from the king, whom he had never offended; yet he prayed to God to give him a long and a good life.

From the conduct of the king before the trial, it is evident that he had determined, not only to sacrifice his wife, but to procure the marriage between them to be nullified, and the issue to be illegitimated.

Recollecting something of a love affair, between Ann Boleyn and the earl of Northumberland, when lord Percy; and that lord Percy had said to Cardinal Wolsey, "that he had gone so far before witnesses, that it lay upon his conscience so that he could not go back; " he pressed the earl to confess a contract of marriage between them. The earl, however, took his oath before the two archbishops, that no contract or promise of marriage had ever passed between them. This the earl fully stated to the secretary Cromwell, in the following letter:—

"Mr. Secretary, this shall be to signifie unto you, that I perceyve by sir Raynold Carnaby, that there is supposed a precontract between the queen and me; whereupon I was not only heretofore examined upon my oath before the archbishops of Canterbury and York, but also received the blessed sacrament upon the same, before the duke of Norfolk, and other the king's highnes council learned in the spiritual law; assuring you, Mr. Secretary, by the said oath, and blessed body which affore I received, and hereafter intend to receive, that the same may be my damnation if there were any contract or promise of marriage between her and me. At Newyngton-green, the 12th daye of May, in the 28th yeare of the raigne of our soveraigne lord king Henry the 8th. Your assured.

"NORTHUMBERLAND."

It is clear that the queen also denied the existence of any contract; for, had she confessed it, sentence



of divorce would have been pronounced before the trial; and then she would have been tried only as the marchioness of Pembroke. After the trial, however, means were taken, though of what nature is not known, to induce her to confess a precontract. "It is most probable," observes Burnett, "that either some hopes of life were given her; or at least she was wrought on by the assurances of mitigating that cruel part of her judgment, of being burnt, into the milder part of the sentence, of 'having her head cut off;' so that she confessed a precontract, and on the 17th of May was brought to Lambeth: and in court, the afflicted archbishop sitting judge, some persons of quality being present, she confessed some just and lawful impediments, by which it was evident that her marriage with the king was not valid. Upon which confession, her marriage between the king and her was judged to have been null and void. The record of the sentence is burnt; but these particulars are repeated in the act that passed in the next parliament, touching the succession to the crown. It seems this was secretly done, for Spelman writes of it thus; it was said there was a divorce made between the king and her, upon her confessing a precontract with another before her marriage with the king: so that it was then only talked of, but not generally known."

The 19th of May, the second day after she had been at Lambeth, the fourth after her trial, and the

seventeenth after her commitment to the Tower, was appointed for her execution. Her deportment, on the fatal morning of her death, is best seen by the statement of Sir William Kyngston, in one of his letters to Cromwell. "This morning she sent for me, that I might be with her at such time as she received the good Lord, to the intent I should hear her speak, as touching her innocency alway to be clear. And in the writing of this, she sent for me, and at my coming she said : ' Mr. Kyngston, I hear say I shall not die aforenoon, and I am very sorry therefore, for I thought to be dead by this time, and past my pain.' I told her, it should be no pain, it was so sottle. And then she said, I heard say the executioner was very good, and I have a little neck ; and put her hands about it, laughing heartily. I have seen many men, and also women, executed ; and, that they have been in great sorrow, and to my knowledge this lady has much joy and pleasure in death. Sir, her almoner is continually with her, and had been since two o'clock after midnight."

A little before noon, the queen was brought to the place of execution, on the green within the Tower. Many persons were present, as witnesses rather than as spectators, on this melancholy occasion. Amongst them were the Dukes of Suffolk and Richmond, the Lord Chancellor, the Secretary Cromwell, the Lord Mayor, the Sheriffs, and Aldermen of London. According to Meteren, as quoted by Burnett,

“ she never appeared more beautiful than at that time.” Having ascended the scaffold, she thus addressed the assemblage :—

“ Friends, and good Christian people, I am here in your presence to suffer death, whereto I acknowledge my selfe adjudged by the lawe, how justly I will not say ; I intend not an accusacion of any one. I beseech the Almighty to preserve his majesty longe to raigne over you, a more gentle or mild prince never swayed septer ; his bounty and clemency towards mee I am sure hath beene speciall ; if any one intend an inquisitive survey of my actions, I intreate him to judge favourably of mee, and not rashly to admitt any censorious conceit. And soe I bid the world farewell, beseeching you to commend mee in your prayers to God.”

“ This speech,” observes the writer of the Harleian MS. “ shee vttered with a smylinge countenance ; then kneelinge downe, [having, with the assistance of her maids, undressed her neck with great firmness] with a fervent spirit, said : ‘ to Jesus Christ I commend my soule, Lord Jesu receive my soule ;’ and repeateinge these words very often, suddenly the stroake of the sword sealed the debt that shee owed vnto death.”—The head of this devoted queen was cut off by an executioner from Calais, who had been brought over for the purpose, as more expert in the operation than any in England. Her eyes and lips were observed to move, after the act of decapitation.

“ Her body was thrown into a common chest of elm tree, that was made to put arrows in, and was buried in the chapel, within the Tower, before twelve o'clock !”

“ Now,” again observes the writer of the Harleian MS. “ the court of England was like a stage, whereon are represented the vicissitudes of ever various fortunes ; for within one and the same moneth, that sawe queene Anne flourishinge, accused, condemned, executed, and another assumed into her place both of bedd and honour. The first of May, yt seemeth, shee was informed against, the second imprisoned, the fifteenth condemned, the seaventeenth deprived of her brother and friends, who suffered in her cause, and the nyneteenth executed. On the twentyeth the king married Jane Seimour, who on the nyne and twentyeth was publicuely shewed queene.”

The new parliament, which was summoned on the 8th of June following, ratified the king's divorce from Anne Boleyn ; assigning as a reason, “ For that his highness had chosen to wife the excellent and virtuous Lady Jane, who, for her convenient years, excellent beauty, and pureness of flesh and blood, would be apt, God willing, to conceive issue by his highness.” The issue of Henry's two first marriages were not only declared illegitimate, but it was made treason to assert the legitimacy of either of them, or to throw any slander upon the present king, queen, or their issue. Farther, the crown was



settled upon the king's issue by Jane Seymour, or any subsequent wife; and, in the event of his dying without children, he was empowered by his will, or letters patent, to dispose of the crown. Bills of attainder were also passed, respecting the late queen, and those who were termed her accomplices.\*

The following pointed remarks of Burnett may serve as an epilogue to this horrible drama:—

“The two sentences that were passed upon the queen, the one of attainder for adultery, the other of divorce because of a pre-contract, did so contradict one another, that it was apparent, one, if not both, of them must be unjust; for, if the marriage between the king and her was null from the beginning, then since she was not the king's wedded wife, there could

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\* The following observations, relating to bills of attainder, for forfeiture and corruption of blood, extracted from the first Lord Auckland's “*Principles of Penal Laws*,” chap. 5, are essentially important, to shew the despotic nature of Henry the Eighth's government, and the striking contrast which that government forms to the milder rule of the present age:—

“Bills of attainder may, with propriety, be mentioned under the title of this chapter; they are exertions of those extraordinary legislative powers, which ought to be used only in the pressures of real and urgent necessity, but never to be desecrated to the *gratification* of political resentments.

“One of HENRY the EIGHTH's parliaments attainted the Countess of SALISBURY, the Marchioness of EXETER, and two gentlemen, without any trial or even citation to appear, and without *better proofs* than the *unsupported* suggestions of the wretched sycophant CROMWELL. This instrument of *regal* tyranny fell a sacrifice to the same iniquitous measures himself; he was, in the year following, declared Vicar-General of the kingdom, and a few weeks afterwards, under an attainder of the *same parliament*, without trial, examination, or evidence, condemned to death and executed.”

be no adultery: and her marriage to the king was either a true marriage or not; if it was true, then the annulling of it was unjust, and if it was no true marriage, then the attainder was unjust; for there could be no breach of that faith which was never given: so that it is plain, the king was resolved to be rid of her, and to illegitimate her daughter; and in that transport of his fury, did not consider that the very method he took discovered the injustice of his proceedings against her."

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*Proceedings against Catharine Howard, for incontinence.*

Henry VIII. having lost his favourite queen, Jane Seymour, in child-birth, and having quietly disposed of his succeeding wife, Ann of Cleves, after various attempts to obtain a successor in his affections, made choice of Catharine Howard, the Duke of Norfolk's niece; or, more correctly speaking, he had determined to raise her to his bed and throne, before he procured the dissolution of the marriage between him and the Princess Anne. He was married to Catharine on the 8th of August, 1540; and, so delighted was he with his new play-thing, that he seemed to feel himself on the very summit of happiness and enjoyment. Catharine acquired so entire an ascendancy over him, that the uxorious monarch made no secret of his devoted attachment. He even publicly, in his chapel, returned solemn thanks to heaven for

the felicity which the holy state of matrimony afforded him; and he directed (November 1, 1541,) the Bishop of Lincoln to compose a form of prayer on the occasion. These exquisite enjoyments, however, were soon blasted.

The particulars of Catharine Howard's infamy are unfit for the public eye. Suffice it, therefore, briefly to state, that intelligence of her dissolute life, previously to her marriage, was conveyed to Cranmer, Archbishop of Canterbury, by a person of the name of Lascelles; and that two men, of the names of Dereham and Mannoc, were proved to have been admitted to her bed, under circumstances of the most disgusting nature. Cranmer, alarmed at the receipt of information which it was equally dangerous to conceal or to discover, held a consultation with the Earl of Hertford and the Lord Chancellor upon the subject; and the result was, that the archbishop prepared a narrative of the particulars, and forwarded it to the king. Henry, as may be easily imagined, was astonished and shocked at the information; yet, contrary to his feelings with respect to Anne Boleyn, so confident was he of the fidelity of his consort, that he regarded the tale as a falsehood, and determined on the punishment of the fabricators. Due inquiries, however, were made, and abundant proofs were furnished of the guilt of the queen. Her majesty at first denied the charge; but, when she was told, that a full discovery had been made, she con-

fessed that she had been criminal before her marriage—in fact, that she had prostituted herself to several men,—but denied that she had ever proved unfaithful to the king. Henry was then so struck, that he could not refrain from bursting into tears. Evidence was farther adduced, that a person of the name of Colepepper had passed the night with the queen alone since her marriage.

Colepepper and Dereham, on arraignment, confessed their crimes: Colepepper was beheaded, and Dereham was hanged and quartered. The Lord William Howard, the queen's uncle, then lately returned from an embassy to France; his wife, the old Duchess of Norfolk; and several others of the queen's kindred and servants; were indicted of misprision of treason, as concealing the fact of Catharine's incontinence, convicted, and sentenced to perpetual imprisonment.

The king's next step was, to refer the business to the consideration of the parliament, which was assembled on the 6th of January, 1542. On the 21st of that month, the queen's confession having been received, a bill was brought in and read a first time for the attainder, on the charge of high treason, of Catharine Howard, late Queen of England, and Jane Lady Rochford, (the vicious wife of Anne Boleyn's unfortunate brother, Lord Rochford, who, it appeared, had conducted the queen's secret amours.) In the same bill, Colepepper and Derham were compre-



hended. The bill comprised, also, the attainders, on misprision, of the old Duchess of Norfolk, Catharine's grandmother; her uncle, Lord William Howard, and his lady; the Countess of Bridgewater; and nine other individuals.\*

On the 28th of the month, the Lord Chancellor addressed the peers, stating, "How much it concerned all their honours not to proceed to give too hasty a judgment on the bill for the attainder of the queen and others, which had yet been only once read amongst them. For that they were to remember, that a queen was no mean or private person, but an illustrious and public one. Therefore, her cause was to be judged with that sincerity, that there should be neither room for suspicion of some latent quarrel, or that she should not have liberty to clear herself, if, perchance, by reason or council she was able to do it, from the crime laid to her charge. For this purpose, he thought it but reasonable, that some principal persons, as well of the lords as commons, should be deputed to go to the queen, partly to tell her the

\* In this bill was the extraordinary clause, declaring, "that whoever knew any thing of the incontinency of a queen should reveal it under the pains of treason: that if the king or his successors should intend to marry a woman as a virgin, if she, not being so, did not declare the same to the king, it should be high treason; and all who knew it, and did not reveal it, were guilty of misprision of treason; that if the Queen or Princess of Wales, should procure, by any messages or words, to know her carnally; or any other, by messages or words, should solicit them; they, their counselors and abettors, are to be adjudged high traitors."

cause of their coming, and partly in order to help her womanish fears, by advising and admonishing her to have presence of mind enough to say any thing to make her cause better. He knew for certain, that it was but just that a princess should be judged by equal laws with themselves; and he could assure them, that the clearing herself in this manner would be highly acceptable to her most loving husband. But that some answer ought to be had from her, and to report the truth of it to his majesty, his advice was, that they should chuse the Archbishop of Canterbury; Charles Duke of Suffolk, grand master of the household; William Earl of Southampton, lord privy seal; with the Bishop of Westminster; if the king's council approved of this, day after day, to repair to the queen, to treat of this matter, according as their own prudence might think it necessary."

In consequence of this proposal, the sentence concerning the bill against her majesty was ordered to be suspended. Two days afterwards (January 30) the Lord Chancellor declared to the lords, that the privy council, on mature deliberation, disliked the message which it had been intended should be sent to the queen; but that they had thought of another mode of proceeding, less objectionable, to be submitted to the king, or rather to be altogether demanded of him.

"1st. That his majesty would condescend, accord-

ing to his usual wisdom in council, to weigh, by an equal balance, the mutability of all human affairs; that nature is weak and corrupt; none made free from accidents; and that no man can be happy in every thing. That the whole state of the kingdom depends on his majesty's resolution to divert his mind from all trouble and solicitude. Next, that the attainder of Thomas Colepepper and Francis Dereham, with the king's assent, should be confirmed by authority of parliament. Also, the attainder on misprision against Lord William Howard. And that the parliament might have leave to proceed to give judgment, and to finish the queen's cause, that the event of that business may be no longer in doubt. 3rd, that when all these things are completed in a just parliamentary method, without any loss of time, that then his majesty would condescend to give his royal assent to them; not by being present and speaking openly, as the custom hath been in other parliaments, but absent, by his letters patents, under the great seal of England, and signed by his own hand. That the remembrance of this late and sorrowful story, and wicked facts, if repeated before him, may not renew his grief and endanger his majesty's health. Lastly, they were to beseech his majesty, that if by chance, by speaking freely on the queen, they should offend against the statutes then in being, out of his great clemency, he would pardon all and every of them for it. And to propound all

these matters to his majesty, the Archbishop of Canterbury, Charles Duke of Suffolk, with the Earl of Southampton, were deputed for that purpose."

On the 31st of January, the Lord Chancellor declared to the house, "that their message and request of yesterday had been delivered to his majesty by the lords' commissioners; and that the king had denied no part of their petition, but had orderly granted every part of it. That he had returned them thanks for their loving admonition in regard to his health; which he said he took care of, not so much for the sake of his own body, as that of the whole republic. Nay, his majesty declared further to them than they durst ask of him, as in the case of desiring liberty of speech, &c. For he told them, he granted yet more, in giving leave for each man to speak his mind freely, and not incur the penalty which the laws had fixed on those who took the liberty to talk on the incontinency of queens; especially when the said person did not do it out of malice or ill will, but out of zeal for his service."

On the 11th of February, the Lord Chancellor, in his place in parliament, produced two statutes, which had passed both houses; "each statute signed with the king's own hand, and together with his majesty's assent to them under the broad seal, and signed also, which was annexed to the said statutes;" one concerning the attainder of the queen, and the other relating to the method of proceeding against luna-



tics, who, before their insanity, might have confessed themselves guilty of high treason. The Duke of Suffolk, grand master of the king's household, then stated, "that he and his fellow deputies, appointed to wait upon the queen, had been with her, and that she had openly confessed and acknowledged to them the great crime she had been guilty of against the most high God and a kind prince, and lastly against the whole English nation. That she begged them all to implore his majesty not to impute her crime alone to her whole kindred and family. But that his majesty, howsoever unworthy she might be and undeserving, would yet extend his unbounded mercy and his singular beneficence to all her brothers, that they might not suffer for her faults. Lastly, to beseech his majesty, that it would please him to bestow some of her clothes on those maid servants who had been with her from the time of her marriage, since she had now nothing else left to recompense them as they deserved."

"The Earl of Southampton, Lord Privy Seal," observes Lord Herbert, "next stood up in the house, and, in near the same words, confirmed what the duke had said: adding—Here the Journal Book again breaks off abruptly, and we are only told, that the chancellor prorogued the parliament to the Tuesday following. This last *hiatus in manuscripto*, along with the former, makes it seem evident, that they were not done by neglect of the clerks, but by de-

sign; and that it was a trick of state, to prevent posterity from being acquainted with some matters, not consistent with the respect they then paid to their grand monarch."

The Duchess of Norfolk, and most of the others condemned for misprision of treason, were afterwards pardoned; but the queen and Lady Rochford were beheaded on Tower-hill, on the 12th of February. The queen, at her death, admitted the truth of her former confession, but denied, upon her hope of salvation, that she had ever been guilty of infidelity to the king. "As for the Lady Rochford," says Rapin, "she died unlamented by all; but her death and infamy served, at least, to raise again the reputation of the Lord Rochford, her husband, and of Queen Anne Boleyn, whose death she procured by her evidence, which her own condemnation caused to be universally suspected."

## PART THE THIRD.

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*Narrative of the Proceedings against her Majesty, Caroline Amelia Elizabeth, whilst Princess of Wales, and since her Majesty's return from the Continent ; with the principal official Documents.*

ALTHOUGH it has been repeatedly stated, and is most clearly understood, that the proceedings which are at this time pending against her majesty, Queen Caroline, have not the slightest reference, whatsoever, to any part of her majesty's conduct previously to her departure from this country, in the year 1814, it is necessary, for the purpose of shewing the terms upon which she and her royal consort have lived, to commence this narrative at a much earlier period. That the "case" may be "fairly stated," that the reader may obtain a clear and general view of the subject, it is essential to trace, as far as the means of tracing it present themselves, the origin of the suspicions which formerly disturbed the peace, and cast a cloud over the fair fame, of her majesty ; to show the manner in which those suspicions were met and

repelled, and, as her majesty's advocates assure us, were dissipated for ever ; and, if possible, to unfold the connexion of the memorable inquiry of 1806 with the almost equally memorable correspondence and discussions of 1814, with the increase of her income, and with the motives of her abandonment, for so many years, of the country to which she was indebted for that income, and to the throne of which she was one day to be raised. To effect these objects, recourse must be had to the history of the times, involving a variety of public documents, many of them more painful than pleasant to peruse.

Royal marriages, it is feared, are seldom made in heaven. That an union, resulting from motives of state policy, should be productive of much ardour of affection, or much sincerity of mutual attachment, was not reasonably to be expected ; but that a virtuous, honourable, high-minded woman, in giving her hand to the first gentleman in England, the most accomplished prince in Europe, should be entitled to indulge the hope of enjoying and imparting happiness, was as little to be questioned. Such it might be supposed was the prospect of their present majesties, more than five-and-twenty years ago. Unfortunately for the parties themselves—unfortunately for the hopes and wishes of the nation—that prospect was never realized. The differences of the royal pair seem to have been almost coeval with their union. Of the nature or cause of these differences, however,



the public is, to this hour, in ignorance. “The marriage of the Prince and Princess of Wales was solemnized on the 8th of April, 1795; the date of the birth of their only child was the 7th of January following: and in the month of April, in the same year, a message from the prince was conveyed to the Princess of Wales, through the medium of Lord Cholmondeley, informing her, that the intercourse between herself and the prince was in future to be of the most restrictive nature—in fact, that a separation as to all conjugal relations was, from that time and for ever, to take place.”—In this arrangement, her royal highness acquiesced; but, in so doing, she desired it to be understood, that, should it be once made, she should insist on its being considered as final; and that his royal highness should not retain the right, from time to time, at his pleasure, or under any circumstances, to alter it. Regarding a point of such delicacy, however, as infinitely too important to rest upon a mere verbal communication, she requested, that his royal highness’s pleasure upon it should be communicated to her in writing. In compliance with this request, the prince addressed to her the following letter:—

“*Windsor Castle, April 30, 1796.*”

“Madam,—As Lord Cholmondeley informs me that you wish I would define, in writing, the terms upon which we are to live, I shall endeavour to

explain myself upon that head, with as much clearness, and with as much propriety, as the nature of the subject will admit. Our inclinations are not in our power, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition you required, through Lady Cholmondeley, that, even in the event of any accident happening to my daughter, which I trust Providence, in its mercy, will avert, I shall not infringe the terms of the restriction by proposing, at any period, a connection of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity.

“ I am, madam, with great truth,

Very sincerely yours,

(Signed)

“ GEORGE P.”

To this letter, the princess returned the following answer:—

“ *May 6, 1796.*

“ The avowal of your conversation with Lord Cholmondeley neither surprises nor offends me. It merely confirmed what you have tacitly insinuated

for this twelvemonth. But, after this, it would be a want of delicacy, or rather an unworthy meanness, in me, were I to complain of those conditions which you impose upon yourself.

“ I should have returned no answer to your letter if it had not been conceived in terms to make it doubtful, whether this arrangement proceeds from you or from me, and you are aware that the credit of it belongs to you alone.

“ The letter which you announce to me as the last, obliges me to communicate to the king, as to my sovereign and my father, both your avowal and my answer. You will find enclosed, the copy of my letter to the king. I apprise you of it, that I may not incur the slightest reproach of duplicity from you. As I have, at this moment, no protector but his majesty, I refer myself solely to him upon this subject, and, if my conduct meets his approbation, I shall be in some degree consoled. I retain every sentiment of gratitude for the situation in which I find myself, as Princess of Wales, enabled, by your means, to indulge in the free exercise of a virtue dear to my heart, I mean charity.

“ It will be my duty, likewise, to act upon another motive, that of giving an example of patience and resignation under every trial.

“ Do me the justice to believe, that I shall never cease to pray for your happiness, and to be

“ Your much devoted

“ CAROLINE.”

This correspondence was not made public at the time, but the actual separation of the parties was well known, and painfully felt by the nation. The prince and princess, however, continued upon speaking terms, and, for some years, the princess visited the royal palace, as a public personage. At length, at the latter part of the year 1805, or the early part of 1806, the Duke of Sussex informed the prince, that Sir John Douglas, who resided at Blackheath, not far from Montague House, Greenwich, the residence of the princess, had made known to him some circumstances respecting the behaviour of her royal highness, " which, in the opinion of the duke, it was of the highest importance the prince should hear, as they might, if true, not only affect the honour and peace of mind of his royal highness, but also the succession to the throne. Sir John and Lady Douglas having made a formal declaration of the charges they thought proper to advance against the Princess of Wales, this declaration was submitted, by the prince, to Lord Thurlow, who gave it as his opinion, that his royal highness had no alternative but to submit the matter to the king. In consequence of this opinion, and some farther examinations which took place, the declarations of William and Sarah Lambert, servants to Sir John Douglas; William Cole, Robert and Sarah Bidgood, Frances Lloyd, and Sir John and Lady Douglas, were laid before his majesty; who thereupon issued a warrant,



dated the 29th of May, 1806, directing and authorising Lord Erskine, as Lord Chancellor; Lord Grenville; as First Lord of the Treasury; Earl Spencer, as one of his Majesty's principal Secretaries of State; and Lord Ellenborough, as Chief Justice of the Court of King's Bench; to inquire 'into the truth of the said allegations, and to report to him thereon.'"

The commissioners so appointed first examined on oath, the principal informants, Sir John Douglas, and Charlotte his wife; the main point of whose evidence was, that the princess had been pregnant, and had had a child in the year 1802. The princess, it appeared, had subsequently broken off the connexion which, at that time, subsisted between her and Lady Douglas. Lady Douglas deposed, that, from the familiar footing of Sir Sidney Smith at Montague House, she suspected him to be the father of the child alluded to; but she admitted, that she had "never observed any impropriety in the conduct of the princess towards him. One day, at breakfast, at Lady Willoughby's, the milk flowed into the princess's breasts, who, fearful it might penetrate, and be observed, threw a napkin over her bosom, under the pretence of having spilt something on her handkerchief, and retired with Lady Willoughby to adjust herself. Lady Douglas being herself in the family-way, the princess was very desirous of being present at her *accouchement*, in July, 1802. Lady Douglas

endeavoured to prevent it, but the princess contrived to be with her, *in the room*, and *received the child* the moment it was born. The princess's pregnancy then appeared very visible. In December, Lady Douglas went into Gloucestershire, and stopped about a month; on her return in January, she paid a visit to the princess, and saw a child lying on the sofa. The princess said, either 'I had him,' or 'I was brought to bed, only two days after I saw you.' The child had a pink mark on its hand. Lady Douglas saw the child at a window of the princess's about a month after this deposition was made: was sure it was the same. Independently of the princess's confession to her, Lady Douglas swore that the princess *was pregnant* in 1802." She also charged the princess with conversations of an extremely licentious nature.—Sir John Douglas swore to the pregnant appearance of the princess.

The commissioners proceeded to examine the servants of her royal highness.—"Robert Bidgood, went to live with the princess in the year 1798. In 1802, he had seen Sir Sidney Smith early and late at Montague House; but he never observed any appearance of pregnancy in his mistress. About the beginning of 1804, Captain Manby, of the *Africaine*, was a visitor at Montague House. Whilst waiting in the ante-room one day, he saw, in the reflection of a looking glass, the captain and the princess kiss each other. In May, 1804, the princess went to

Southend, where Captain Manby was a frequent visitor. He suspected, and so did others, and it was the subject of conversation, that the captain frequently slept in the house. He understood the name of the child, which was under the princess's private protection, to be Austin, and that Stikeman, the page to the princess, had brought the child to the house.

“William Cole deposed, that he had lived with the princess, ever since her marriage; that he had observed the princess too familiar with Sir Sidney Smith; that he had seen them sitting very close to each other on a sofa, on which occasion they appeared a little confused. In July, 1802, he noticed that the princess had grown very large, and, at the latter end of the year, she appeared to have grown thin; yet, he had no idea of her having been pregnant. About the latter end of 1801, Mr. Lawrence, the painter, was employed at Montague House: he slept in the house two or three nights running. The witness had often seen him alone with the princess, late at night. One night, Mr. Lawrence was with the princess in the blue room, after the ladies had retired. Some time afterwards, witness went to see all safe; found the door locked; heard a whispering, and withdrew.

“Frances Lloyd had a situation in the coffee room, which precluded her from seeing the princess

sometimes for months. Mr. Mills, a medical gentleman, of Greenwich, when attending witness for a cold, asked her if the prince came to Blackheath, backwards and forwards, or to that effect; for the princess was with child, or looked as if she was with child. This must have been three or four years ago; it might have been five. It was before the child was brought to the princess. Remembered when the child was brought, and had seen the mother of it. This witness further deposed, that at Ramsgate, she was called up one morning at six o'clock by the princess, to prepare breakfast. She had never been called up before, to do so. On opening the shutters, she saw the princess walking down the garden, with a tall gentleman. Captain Manby's ship was then in the Downs.

“ Mary Ann Wilson, the housemaid, never noticed the princess's shape to be different in 1802, from what it was before; never thought her with child; had heard it reported; but thought the princess could not have been pregnant, and have gone her time, without witness's knowing it. The witness was at Southend; but she had no reason to think that two persons slept in the princess's bed, which witness always made, assisted by another servant, named Ann Bye.

“ Samuel Roberts, one of the footmen, remembered the child being taken by the princess, but did not



observe any particular appearance in the princess that year. He never knew Sir Sidney Smith to be alone with the princess, or to stay late.

“ Thomas Stikeman deposed, to having introduced the child to the princess. The mother, an entire stranger to witness, had come one day with a petition to Montague House, to get her husband replaced in the Dock-yard; the child was in her arms: after making some enquiries respecting the father, witness called on the woman, and desired her to bring the child again; it was introduced to the princess, and a short time after was brought and left. The princess had a strong desire to have an infant, which all the house knew. The princess had given him no directions to procure a child. It's father turned a mangle for witness's wife, who was a laundress and washed linen for the princess. The child was born in Brownlow Street. Did not know that the princess's conduct was questioned, or questionable. This witness did not remember Fanny Lloyd being called up any morning, to prepare breakfast for the princess. The frequent visits of Captain Manby, and his staying so late, rendered witness uneasy; but he had no reason, from Captain Manby's conduct, to suspect there was any thing improper. Never knew of any gentleman sleeping in the house; nor had he any suspicion of the princess being pregnant.

“ John Sicard, house-steward, remembered the introduction of the child. Witness waited on the

princess at dinner and supper, and thought it hardly possible for her to have been with child, without his perceiving it. Sir Sidney Smith was very often alone with the princess, and so was Mr. Canning, and other gentlemen. Never suspected Sir Sidney Smith of improper conduct with the princess; nor had any suspicion of the princess acting improperly with him, or any other gentleman.

“Charlotte Saunders was dresser to the Princess of Wales. The princess was not ill or indisposed in the autumn of 1802; she was not confined to her room or bed; and, during the time the witness had lived at Montague House, the princess had not been pregnant, or the witness, being her dresser, must have known it. This witness had no reason to suppose that the princess received the visits of gentlemen at improper hours, or that any unbecoming familiarities existed between the princess and any gentleman whatever.

“Sophia Austin, the mother of the child, deposed to her having been delivered of it, at Brownlow Street Hospital, July 14, 1802, and to the manner in which it had been introduced by Stikeman to the princess. She left the child at the princess’s house on the 19th of November following; she saw it on the Whit-Monday previous to the examination, and swore it to be her child.

“Elizabeth Gosden swore to having been hired in November, 1802, to nurse the child. The mother

was permitted to come and see him. The child never slept with the princess, nor did she ever dress or undress him.

“ Harriet Fitzgerald went to live with the princess in 1801, as a friend and companion, and had continued with her to the present time. Witness knew Lady Douglas; was at her lying-in, and in the room when that lady was delivered. The princess *was not in the room at the time*, but was in the house. On being more closely questioned, she most positively declared that the princess was *not in the room*; Dr. Machie, of Lewisham, was the *accoucheur*. There was no appearance of the princess being pregnant at that time; witness was with the princess every day at that time, and at all hours; and it was impossible but she must have known it. The princess had said openly, she should like to have a child, and asked a servant if he knew of any person who would part with one. Remembered Captain Manby at Southend, but he never staid late. Witness used to sit with the princess in the evening. Did not believe Captain Manby slept in the same house as the princess. He had the care of two boys the princess protected. Never recollected Sir Sidney Smith being alone with her in the evening.

“ Hester Lisle was with the princess in August, 1802. Did not observe any alteration in her shape, and had no reason to know or believe she was

pregnant. Had seen Captain Manby at Blackheath, both at luncheon and dinner, and the boys the princess put under his care sometimes came with him, but not to dinner. He always went away in the presence of the witness. She had no reason to think he staid after the ladies had retired. The constant company were Mrs. and Miss Fitzgerald, and the witness. Captain Manby and the princess used to converse together separately in the room, while the ladies were there; but not in a room alone. She behaved to him only as any other woman would do, who liked *flirting*. Never saw any gallantries, as kissing her hand and the like.

“Lady Willoughby had no knowledge or recollection of any circumstance, such as alluded to by Lady Douglas, taking place at any breakfast whatever; nor remembered the princess having retired from the company under the preterice of having spilt any thing over her handkerchief. During ten years she had known the princess, had never seen a single instance in her conduct of improper familiarity towards any one; and did not observe, in 1802; any particular appearances in her royal highness.

“Mr. Mills, the medical gentleman alluded to by Frances Lloyd, and Mr. Edmeades, his partner, deposed, that they had at no time asserted or even *thought* that her royal highness had ever been in a state of pregnancy, since they had had the honour of attending her or her household; and they unequivocally



cally asserted, that the deposition of Frances Lloyd was an infamous falsehood.

“ Mr. (the present Sir Thomas) Lawrence, swore that he did sleep several nights at Montague House in 1801, but never was alone with the princess, except in one single instance in the blue-room or drawing-room, for a very short time, to answer some questions put to him, the particulars of which he could not recollect, but there could have been no objection for all the world to have heard or seen what took place : never was with the princess in any other place alone, or when the door was locked, bolted, or fastened in any manner to prevent being opened by any person on the outside.

“ Captain Manby’s affidavit declared, that the assertion of Bidgood was a vile and infamous invention, wholly and absolutely false ; that he never on any occasion had the presumption to salute her royal highness in any such manner, or to take any such liberty ; that he never slept in any house occupied by, or belonging to, her royal highness ; and that nothing ever passed between the princess and himself, that he should have been unwilling for any one to have seen.”

Sir Sidney Smith was, at the time of these examinations, absent in the service of his country ; but it has been asserted, that, upon his return to England, he had the honour of an interview with his royal highness the Prince of Wales, at which he assured

him, that whatever had been imputed to him (Sir Sidney) was an infamous falsehood.

With reference to the evidence of Sir John and Lady Douglas, the commissioners, in their report to his majesty, declared that there was no foundation whatever, for believing that the child then living with the princess was the child of her royal highness, or that she had been delivered of any child in the year 1802; nor had any thing appeared to them, to warrant the belief that she had been pregnant in that year, or at any other period within the compass of their inquiries.—The commissioners, however, did not feel themselves at liberty thus to close their report. There were other particulars respecting the conduct of her royal highness, which must necessarily give occasion to very unfavourable interpretations. “Your majesty will perceive,” observed the commissioners, alluding to the examinations of Bidgood, Cole, Lloyd, and Lisle, “that several strong circumstances of this description have been positively sworn to by witnesses, who cannot, in our judgment, be suspected of any unfavourable bias, and whose veracity, in this respect, we have no ground to question.—On the precise bearing and effect of the facts thus appearing, it is not for us to decide; these we submit to your majesty’s wisdom; but we conceive it to be our duty to report on this part of the inquiry, as distinctly as on the former facts; that as, on the one hand, the facts of preg-

nancy and delivery are to our minds satisfactorily disproved; so, on the other hand, we think that the circumstances to which we now refer, particularly those stated to have passed between her royal highness and Captain Manby, must be credited until they shall receive some decisive contradiction; and, if true, are justly entitled to the most serious consideration."

This report, signed by the Lords Erskine, Spencer, Grenville, and Ellenborough, was dated on the 14th of July, 1806.

Immediately on the receipt of a copy of the report, the Princess of Wales addressed a letter to the king, in which, in the face of the Almighty, she assured his majesty, not only of her innocence as to the weightier parts of the charge preferred against her by her enemies, but of her freedom from all the indecorums and improprieties, which had been imputed to her by the lords commissioners; upon the evidence of persons who spoke as falsely as Sir John and Lady Douglas themselves.

On the 17th of August, the princess again wrote to his majesty, requesting that she might have authenticated copies of the report, and of the declarations and depositions on which it proceeded. Having received those papers, her royal highness submitted them to her legal advisers, Lord Eldon, Mr. Perceval, and Sir Thomas Plumer; and, on the 2d of October, she transmitted to the king, a

long and elaborate letter, drawn up of course by her professional friends, presenting a commentary upon the charges against her, and the evidence on which they rested. After observing, that the extravagance of the malice of Sir John and Lady Douglas had defeated itself, she stated, that there still remained imputations "strangely sanctioned and countenanced by the report," respecting which she could not remain silent, without incurring the most fatal consequences to her honour and character. Against the substance of the proceeding itself, and the manner in which it was conducted, she considered herself bound to protest. The report, it was observed, proceeded upon *ex parte* examination, without affording her an opportunity of explaining or defending her conduct, or without the lords commissioners even hearing one word which she could urge in her own defence. For more than two years, she had been informed, her conduct had been made the subject of investigation; but the cause of this she did not learn till the investigation had actually taken place, and then she found that the charge against her was high treason, committed in the infamous crime of adultery. In this letter, her royal highness dwelt, with great force of argument, on the extreme improbability of Lady Douglas's affirmation respecting her pregnancy; and, after replying to the evidence of Cole, Bidgood, and Lloyd, she proceeded to examine the evidence of Mrs. Lisle.



What is exactly meant by flirting conduct, "it is difficult," says the princess, "with any precision to ascertain. How many women are there, most virtuous, most truly modest, incapable of any thing impure, vicious, or immoral, in deed or thought, who, from greater vivacity of spirits, from less natural reserve, from the want of caution, which the very consciousness of innocence betrays into, conduct themselves in a manner which a woman of a graver character, of a more reserved disposition, but not with one particular or superior virtue, thinks too incautious, too unreserved, too familiar; and which, if forced upon her oath to give her opinion upon it, she might feel herself, as an honest woman, bound to say, in that opinion, was flirting."—The other allegations of the different witnesses are all then examined in their order, and the princess, in concluding her letter to the king, thus expresses herself:

— "Oh, sire, to be unfortunate, and scarcely to feel at liberty to lament; to be cruelly used, and to feel it almost an offence and a duty to be silent—is a hard lot; but use has in some degree inured me to it. Before my spirits had been yet all lowered by my misfortunes, I should have been disposed to have met such a charge with the contempt, which, I trust, by this time, your majesty thinks due to it; I should have been disposed to defy my enemies to the utmost; and to have scorned to answer any thing but a legal charge, before a competent tribunal; but, in

my present misfortunes, such force of mind is gone. I ought, perhaps, so far to be thankful to them for their wholesome lessons of humility. I have, therefore, entered into this long detail to endeavour to remove, at the first possible opportunity, any unfavourable impressions, to rescue myself from the dangers which the continuance of these suspicions might occasion, and to preserve to me your majesty's good opinion, in whose kindness, hitherto, I have found infinite consolation, and to whose justice, under all circumstances, I can confidently appeal. . . . At all events, I trust your majesty will restore me to the blessing of your gracious presence, and confirm to me, by your own gracious words, your satisfactory conviction of my innocence."

Nine weeks having elapsed, after the transmission of this letter to the king, and the princess having received no answer, she again wrote (December 8, 1806,) expressing her anxiety, and her wish to learn whether she might be admitted to the royal presence. In reply to this application, her royal highness was informed, that upon an examination of the proceedings which had been taking place by his majesty's confidential servants, his majesty had been advised that it was "no longer necessary for him to decline receiving the princess into his royal presence." The royal message, after expressing the great satisfaction of the king, in the decided opinion which had been expressed by the four lords upon the falsehood of the

accusations of pregnancy and delivery, brought forward against the princess, by lady Douglas; and after remarking, that, on the other matters produced in the course of the inquiry, none of the facts or allegations could be considered as legally or conclusively established; proceeded as follows:—"But in those examinations, and even in the answer drawn in the name of the princess by her legal advisers, there have appeared circumstances of conduct on the part of the princess, which his majesty never could regard but with serious concern. The elevated rank which the princess holds in this country, and the relation in which she stands to his majesty and the royal family, must always deeply involve both the interests of the state, and the personal feelings of his majesty, in the propriety and correctness of her conduct; and his majesty cannot, therefore, forbear to express, in the conclusion of the business, his desire and expectation, that such a conduct may in future be observed by the princess, as may fully justify those marks of paternal regard and affection, which the king always wishes to shew to every part of the royal family."

On the receipt of this communication, the princess named the day on which, if agreeable to his majesty, she would have the happiness to throw herself in filial duty and affection at his majesty's feet. His majesty postponed the meeting, upon the ground of

mutual convenience ; and, subsequently (February 10, 1807,) he sent her the following note :—

“ As the princess of Wales may have been led to expect, from the king’s letter to her, that he would fix an early day for seeing her, his majesty thinks it right to acquaint her, that the prince of Wales, upon receiving the several documents which the king directed his cabinet to transmit to him, made a formal communication to him, of his intention to put them into the hands of his lawyers ; accompanied by a request, that his majesty would suspend any farther steps in the business, until the prince of Wales should be enabled to submit to him the statement which he proposed to make. The king therefore considers it incumbent upon him to defer naming a day to the princess of Wales, until a farther result of the prince’s intention shall have been made known to him.”

Her royal highness remonstrated in strong terms against what she termed “ the unparalleled injustice and cruelty of this interposition of the prince of Wales, at such a time and under such circumstances,” and trusted that his majesty would re-call his determination not to see her, till the prince’s answer, respecting her vindication, should be received.

Three weeks having passed away, “ during which time it does not appear that any reply was made to the letter of the princess, her royal highness informed



his majesty, that having received no command to wait upon his majesty, and no intimation of his pleasure, she was reduced to the necessity, in vindication of her character, to resort to the publication of the proceedings upon the inquiry into her conduct, and that the publication alluded to would not be withheld beyond the following Monday."—All the principal documents, it should be observed, connected with this subject, comprehending the report of the lords commissioners, the letters of the princess of Wales to his majesty, and the depositions both criminatory and exculpatory, had already been printed under the superintendance of Mr. Perceval, in a volume stiled "The Book."—"To avoid coming to this painful extremity," observed her royal highness, "I have taken every step in my power, except that which would be abandoning my character to utter infamy, and my station and life to no uncertain danger, and, possibly, to no very distant destruction."

The princess's letter was dated on the 5th of March, within two days of which, a resolution was taken to call Mr. Perceval and his friends to his majesty's councils. As soon as the ministerial arrangements could be completed, a minute of council was made upon the affair of the princess, containing the following passage:—"Your majesty's confidential servants, therefore, concurring in that part of the opinion of your late servants, as stated in the minute of the 25th of January, that there is no longer any

necessity for your majesty being advised to decline receiving the princess into your royal presence, humbly submit to your majesty, that it is essentially necessary, in justice to her royal highness, and for the honour and interests of your majesty's illustrious family, that her royal highness the princess of Wales should be admitted, with as little delay as possible, into your majesty's royal presence, and that she should be received in a manner due to her rank and station in your majesty's court and family."

In this minute, which was signed by the lord chancellor Eldon, the lord president Camden, the lord privy seal Westmorland, the duke of Portland, the earl of Chatham, the earl of Bathurst, viscount Castlereagh, lord Mulgrave, Mr. Secretary Canning, and lord Hawkesbury, and dated on the 22d of April, 1807, it was recommended that the original or authenticated copies of all the papers, connected with the late inquiry, should be sealed up and deposited in the office of the principal secretary of state.

Notwithstanding the advice which had been thus respectfully submitted to his majesty, it does not appear that the princess of Wales was ever restored to favour, either at the court or in the royal family.

It was not, however, till the month of January, 1813, that the subject was again forced—most indecently forced—upon the attention of the public. At the period mentioned, her royal highness appears to have been advised to address a letter to the Prince

Regent. This letter was transmitted by lady Charlotte Campbell to the lord chancellor and the earl of Liverpool, with a request that it might be laid before the prince. This was on the 14th of the month. Lord Liverpool returned it, on the 15th, to lady Charlotte Campbell, with an intimation, that, as all correspondence between the parties had ceased for some years, it was his royal highness's determination not to renew it. The letter, again sent by the princess, with a notice that it contained matter of importance to the state, was again returned unopened. Some farther correspondence took place on the subject; the letter, which, it is evident, had been from the first intended for the public eye, made its appearance in one of the newspapers; and it was not till the 23d of the month, that it was formally submitted to the prince.

In this document, her royal highness observed, that it was with great reluctance that she intruded upon the regent, to solicit his attention to matters which might at first appear of a personal, rather than of a public, nature. Could she have thought them so—had they related merely to herself—she should have abstained from proceedings, which might give uneasiness, or interrupt the more weighty occupations of his royal highness; she should have continued, in silence and retirement, to lead the life which had been prescribed to her, and have consoled herself for the loss of that society and those domestic comforts

to which she had so long been a stranger, by the reflexion that it had been deemed proper she should be afflicted, without any fault of her own.—There were considerations, however, of a higher nature, than any regard to her own happiness, which rendered that address a duty to herself and to her daughter, as well as to her husband and the people committed to his care. There was a point, beyond which a guiltless woman could not with safety carry her forbearance. If her honour were invaded, the defence of her reputation was no longer a matter of choice; and it signified not whether the attack were made openly, manfully, and directly, or by secret insinuation, and by holding such conduct towards her as countenanced all the suspicions which malice could suggest. If those ought to be the feelings of every woman in England, who was conscious that she deserved no reproach, his royal highness had too sound a judgment, and too nice a sense of honour, not to perceive how much more justly they belonged to the mother of his daughter—the mother of her who was destined to reign over the British empire. During the continuance of the restrictions upon his royal authority, she had purposely refrained from making any representations which might then have augmented the painful difficulties of his royal highness's exalted station; at the expiration of the restrictions, she had still been inclined to delay taking that step, in the hope that she might owe



the redress which she sought, to his gracious and unsolicited condescension ; but she had waited in the fond indulgence of that expectation, until, to her inexpressible mortification, she found that her unwillingness to complain had only produced a fresh ground of complaint, and she had been at length compelled, either to abandon all regard for the two dearest objects which she possessed on earth, her own honour and her beloved child, or to throw herself at the feet of his royal highness, as the natural protector of both. The separation, which every succeeding month was making wider, of the mother and the daughter, was equally injurious to both. To see herself cut off from one of the very few domestic enjoyments left her—certainly the only one, on which she set any value, the society of her child—involved her in such misery, as she well knew his royal highness could never inflict upon her, if he were aware of its bitterness. Their intercourse had been gradually diminished. A single interview, weekly, seemed sufficiently hard allowance for a mother's affections. That, however, had been reduced to a meeting once a fortnight ; and she had recently learned, that even that most rigorous interdiction was to be still more rigorously enforced. Whilst, however, she did not venture to intrude her feelings as a mother, upon his royal highness's notice, she must be allowed to say, that in the eyes of an observing and jealous world, this separation of a daughter from

her mother, would admit of only one construction—a construction fatal to the mother's reputation. There was no less inconsistency, than injustice, in that treatment. He who dared to advise his royal highness to overlook the evidence of her innocence, and to disregard the sentence of complete acquittal which it produced, or was base and wicked enough still to whisper suspicions, betrayed his duty to his royal highness, to his daughter, and to his people, if he counselled him to permit a day to pass without a farther investigation of her conduct. No such calumniator would venture to recommend a measure, which must speedily end in his utter confusion. Thus, without the shadow of a charge against her, without even an accuser—after an inquiry that had led to her ample vindication, she was yet treated as though she had been still more culpable than the perjuries of the suborned traducers represented her, and held up to the world as a mother who might not enjoy the society of her only child.

The serious, the irreparable, injury which the daughter sustained, from the plan thus pursued, had done more in overcoming her reluctance to intrude upon his royal highness, than any sufferings of her own could accomplish. The powers with which the constitution vested his royal highness, in the regulation of the royal family, were admitted to be ample and unquestionable. Her appeal was made to his excellent sense and liberality of mind, in the exer-

cise of those powers ; and she willingly hoped, that his paternal feelings would lead him to excuse her anxiety, in representing the unhappy consequences which the present system must entail upon her beloved child. The character of the Princess Charlotte would be injured by the perpetual violence offered to her strongest affections, by the studied care taken to estrange her from the society of her mother, and even to interrupt all communication between them. All attempts to abate her attachment, by forcibly separating the parent and child, if they succeeded, must injure her child's principles—if they failed, must destroy her happiness. The plan, also, of excluding her daughter from all intercourse with the world, appeared to her humble judgment peculiarly unfortunate. She, who was destined to be the sovereign of this great country, enjoyed none of those advantages of society, which were deemed necessary for imparting a knowledge of mankind to persons who had infinitely less occasion to learn that important lesson ; and it might so happen, that she should be called upon to exercise the powers of government, with an experience of the world more confined than that of the most private individual. To the extraordinary talents with which she was blessed, and which accompanied a disposition singularly amiable, frank, and decided, much might be trusted ; but, beyond a certain point, the greatest natural endowments could not struggle against the disadvan-

tages of circumstances and situation. They who advised his royal highness to delay so long the period of his daughter's commencing her intercourse with the world, and, for that purpose, to make Windsor her residence, appeared not to have regarded the interruptions to her education which that arrangement occasioned, both by the impossibility of obtaining the attendance of proper teachers, and the time unavoidably consumed in the frequent journeys to town, which she must make, unless she were secluded from all intercourse even with his royal highness, and the rest of the royal family. His daughter had never yet enjoyed the benefit of confirmation, although above a year beyond the age at which all the other branches of the royal family had partaken of that solemnity.—Her royal highness concluded, by expressing the extreme reluctance with which she had undertaken that important step.

This letter was eminently calculated to excite eager and angry discussion; as unfortunately, at that time, as well as at the present, the case of their royal highnesses was made, what it ought never to have been for a moment considered, a party question. Such, indeed, were the insinuations of the letter, and such was the excitement of the public mind, that the Prince Regent found himself compelled, as it were, to refer the affair to a commission, composed of the dignitaries of the church and the high officers of the law, charging them, that they should report



to his royal highness their opinion, whether, under all the circumstances of the case, it were fit and proper, that the intercourse between the Princess of Wales, and her daughter, the Princess Charlotte, should continue to be subject to regulations and restrictions.

After several meetings, and much deliberation, the commissioners, on the 23d of February, made a formal report upon the subject; in which the leading point was, that it was highly fit and proper, with a view to the welfare of her royal highness, the Princess Charlotte, in which were equally involved the happiness of his royal highness, in his parental and royal character, and the most important interests of the state, that the intercourse between the Princess of Wales and her daughter should continue to be subject to regulation and restraint.—The report further observed, that the motives by which his royal highness had been actuated, in the postponement of the confirmation of the Princess Charlotte, were most laudable, as it appeared, by a statement under the hand of her majesty, the queen, that his royal highness had conformed, in that respect, to the declared will of his majesty, who had been pleased to direct, that that ceremony should not take place until the princess should have completed her 18th year.—Referring to the words, “*suborned traducers*,” in the princess’s letter, the commissioners observed, that, as that expression, from the manner in which it

was introduced, might perhaps be liable to be misunderstood—although it was impossible to suppose, that it could have been so intended—to have reference to some part of the conduct of his royal highness, they felt it their bounden duty not to omit that opportunity of declaring, that the documents laid before them afforded the most ample proof that there was not the slightest foundation for such an aspersion.

The report of the commissioners having been sent to the Princess, by Lord Sidmouth, her royal highness was immediately advised to address herself to the Lord Chancellor, and to the Speaker of the House of Commons. In her letters to those distinguished personages, she complained that the tendency of the report was, to cast aspersions upon her honour and character. Not permitted to know upon what evidence the report had been founded, nor having an opportunity of being heard in her own defence, she threw herself upon the wisdom and justice of parliament, and desired the fullest investigation of her conduct, during the time she had resided in this country. “The Princess of Wales,” adds the letter to the Speaker, “fears no scrutiny, however strict, provided she is tried by impartial judges, known to the constitution, and in the fair and open manner the law of the land requires. Her only desire is, that she may be either declared innocent, or proved to be guilty.”

On the 5th of March, four days after the receipt of the letter by the speaker, Mr. Cochrane Johnstone, after avowing that he had no concert with, or authority from, the Princess of Wales, submitted to the house of commons a motion for an address to the prince regent, requesting him to order that a copy of a report made to his majesty on the 14th of July, 1806, by Lord Erskine, Lord Spencer, Lord Grenville, and Lord Ellenborough, touching the conduct of her royal highness, the Princess of Wales, be laid before the house, with a view to an inquiry, now, while the witnesses on both sides were still living, into all the allegations, facts, and circumstances, appertaining to that investigation; a proceeding, which, in his opinion, was due to the honour of her royal highness, the Princess of Wales, the safety of the throne, and the tranquillity of the country.— Lord Castlereagh, in opposing the motion, said, the house could not suppose, that the papers called for by the honourable mover were at all necessary to remove any apprehension as to the succession to the throne of these kingdoms. The innocence of the Princess of Wales, of the charge brought against her by Lady Douglas, had been established on the report of the members of two successive administrations; and if a prosecution had not been instituted against her accusers, it did not arise from any doubt in the minds of the law officers, as to the punishment that would be brought down upon the degraded

and guilty heads of Sir John and Lady Douglas, but from a wish to avoid bringing such subjects before the public.

Mr. Johnstone's motion was negatived, without a division; but the business did not so terminate. In consequence of the measures adopted by the princess, the whole proceedings of the year 1806, including the evidence of the witnesses, soon appeared in the public prints. Sir John and Lady Douglas ventured still to assert the truth of what they had formerly sworn; and they presented a petition to the House of Commons, praying that they might be again examined before a competent tribunal, that, should the falsehood of their evidence be established, they might be punished with the pains due to perjury.—It had been Mr. Whitbread's intention to make a motion, to subject Sir John and Lady Douglas to a prosecution for perjury; but, finding that that could not be done, because *they had not sworn in open court, or after process joined*, he contented himself (March 17) with entering into a general vindication of the princess, and, in conclusion, moved an address to the Prince Regent, expressive of the deep concern and indignation of the house, at the publication of the obscene and offensive depositions, and requesting his royal highness to order measures to be taken for discovering and bringing to justice the persons concerned in giving them publicity.—This motion produced a warm and animated, and even



acrimonious, discussion; in the progress of which, Mr. Whitbread, alluding to the manner in which it was alleged that the queen, instead of being put upon her trial by her peers, was exposed, in a degraded, unprotected, state, to the view of the curious multitude, emphatically exclaimed—" Good God! is this the way that justice is administered in England, the country that boasts so much of the purity of its laws and the excellence of its establishments! Is this the mode in which innocence is maintained against the shafts of calumny!"—The motion was negatived without a division.

In the course of the debate, Mr. Whitbread had referred to an unauthenticated paper, which had been put into his hands, relating to the testimony of some of the witnesses examined before the commissioners of 1806, and deduced from it some inferences which were understood as reflexions on the commissioners. In consequence, the noble lords, who had formed the commission, took an early opportunity (March 22) of repelling those insinuations, and of vindicating the whole proceedings. Lord Ellenborough, in particular, declared, that the noble lords, acting under his majesty's commission, had been subjected to the foulest and most malignant calumny! " His name," he said, " had been inserted in that commission without his knowledge; but, once engaged by his majesty's command, he did his duty to the best of his power. But it was in the perform-

ance of that duty, that some person, with the most abandoned and detestable slander, had dared to charge him with a gross act of dishonesty; him, on whose integrity, diligence, and care, depended more of the property and interests of the people, than on those of any man in the country; yet of him, it was foully and slanderously alleged, that he had *falsified the evidence* given before the commission, giving in as a document, *evidence that was not received*, and *suppressing that* which was actually given. This was all a lie,—a vile slander,—AS FALSE AS HELL! He would not violate the propriety of that house; he knew the respect and the decency which it required; but he must give the lie to falsehood. Their lordships could not blame him for standing forth to repel, in the strongest manner, so base, and *impudent*, and miscreant, an imputation. Nay, the thing was foolish as well as wicked. It was despicable from its stupidity.”

Mr. Whitbread, some days afterwards, (March 31) noticed a letter, purporting to be from the Earl of Moira, to the Grand Lodge of Freemasons, which had appeared in the public papers, in explanation of the part that nobleman had taken, in examining some persons respecting the conduct of the Princess of Wales. The letter, Mr. Whitbread regarded as casting some reflexions on the princess, which he hoped to be cleared up, before the departure of the noble earl for India. He therefore moved, that a

message be sent to the House of Lords, requesting their lordships to grant permission to the Earl of Moira, to attend at the bar of the Commons for the purpose of being examined as to his knowledge of certain circumstances connected with the conduct of her royal highness.—The speaker treated this motion as unprecedented; and, after some observations by Lord Castlereagh and Mr. Canning, it was withdrawn.

Thus terminated, for a short time, those unhappy controversies which, it was justly remarked, had so long gratified the malice of faction, fed the vulgar appetite for slander, and disturbed the repose of the country.

In the succeeding summer, however, an incident arose, which revived the smouldering embers of passion, and led to results perfectly unlooked for by the Prince Regent, by his ministers, or even by the members of the opposition.—In the month of June, 1814, it will be recollected, this country was honoured by the presence of many illustrious strangers, from the continent. Previously to their arrival, preparations were made to receive and entertain them, in a manner suitable to the splendour and magnificence of the British court. Amongst other circumstances connected with these preparations, the queen announced her intention of holding two drawing-rooms in the course of that month. Subsequently to her majesty's notification, the Princess of Wales re-

ceived a letter from the queen, dated May 23, as follows:—

“The queen considers it to be her duty to lose no time in acquainting the Princess of Wales, that she has received a communication from her son, the Prince Regent, in which he states, that her majesty’s intention of holding two drawing-rooms in the ensuing month, having been notified to the public, he must declare, that he considers his own presence at her court cannot be dispensed with; and that he desires it may be distinctly understood, for reasons of which he alone can be the judge, to be his fixed and unalterable determination not to meet the Princess of Wales upon any occasion, either in public or private.—The queen is thus placed under the painful necessity of intimating to the Princess of Wales the impossibility of her majesty’s receiving her royal highness at her drawing-room.”

On the following day, her royal highness replied, that, “though she could not so far forget her duty to her king and to herself, as to surrender her right to appear at any public drawing-room to be held by her majesty, yet that she might not add to the difficulty and uneasiness of her majesty’s situation, she should in the present instance yield to the will of his royal highness the Prince Regent, and should not present herself at the drawing-rooms of the next month.”

On the 26th of the month, the princess addressed



a letter to the prince, of which the following are the chief passages, demanding to know what circumstances could justify the proceeding which he had thought fit to adopt.

“ But, sir, lest it should be by possibility supposed, that the words of your royal highness can convey any insinuation from which I shrink, I am bound to demand of your royal highness—what circumstances can justify the proceeding you have thus thought fit to adopt.—I owe it to myself, to my daughter, and to the nation, to which I am deeply indebted for the vindication of my honour, to remind your royal highness of what you know; that after open persecutions and mysterious inquiries, upon undefined charges, the malice of my enemies fell entirely upon themselves; and that I was restored by the king, with the advice of his ministers, to the full enjoyment of my rank in his court, upon my complete acquittal. Since his majesty’s lamented illness, I have demanded, in the face of parliament and the country, to be proved guilty, or to be treated as innocent. I have been declared innocent.—I will not submit to be treated as guilty.—Sir, your royal highness may possibly refuse to read this letter. But the world must know that I have written it; and they see my real motives for foregoing, in this instance, the rights of my rank. Occasions, however, may arise (one I trust is far distant) when I must appear in public, and your royal highness must be present

also. Can your royal highness have contemplated the full extent of your declaration? Has your royal highness forgotten the approaching marriage of our daughter, and the possibility of our coronation?"

"Sir, the time you have selected for this proceeding is calculated to make it peculiarly galling. Many illustrious strangers are already arrived in England; amongst others, as I am informed, the illustrious heir of the House of Orange, who has announced himself to me, as my future son-in-law. From their society I am unjustly excluded. Others are expected, of rank equal to your own, to rejoice with your royal highness in the peace of Europe. My daughter will, for the first time, appear in the splendour and publicity becoming the approaching nuptials of the presumptive heiress of this empire. This season your royal highness has chosen for treating me with fresh and unprovoked indignity: and of all his majesty's subjects, I alone am prevented, by your royal highness, from appearing in my place, to partake of the general joy, and am deprived of the indulgence of those feelings of pride and affection permitted to every mother but me."

Some farther correspondence on the subject took place; and, on the 3d of June, the speaker of the house of commons announced the receipt of a letter from the princess, animadverting upon the dangerous nature of the "fixed and unalterable determination of the Prince of Wales never to meet her on any oc-

casion, either in public or private ;” and inclosing, for the information of the house, the correspondence which had passed on this occasion.

After the correspondence had been read, Mr. Methuen moved, that an humble address be presented to his royal highness the Prince Regent, to pray his royal highness that he would be graciously pleased to inform the house by whose advice he had been induced to form the determination alluded to.

The spirit, in which this extraordinary motion was made, will be appreciated by the following exclamatory passage, from the speech of the honourable mover :—“ What, sir, shall the boasted liberty of this country be henceforth considered but as an empty name ! Shall that soil ; which has been hitherto said to confer, instantaneously, freedom on the most abject slave who had the good fortune to tread it—must this sacred soil lose its long-acknowledged charm, and sink to the lowest level in the scale of nations ! Shall this house, distinguished as it has been in the cause of humanity, in the cause of the poor African, deny the smallest portion of the same Christian-like balm, to heal the wounds of a princess ! Or is it for the slave alone that the manly heart can feel, or the eloquent tongue can plead ?”—In the debate, which was carried on with closed doors, ministers contended that it was not within the province of the house of commons to interfere in the business.—Mr. Bathurst sensibly declared, that, in

his opinion, the more appeals were made to the public, and the more this unhappy subject should be agitated, the more irritation would be produced by it, and the more injury would be done to the peace of the royal family. At length, Mr. Methuen, in the expressed hope that the rigorous proceeding announced against the princess would not be acted upon at the approaching drawing-rooms, consented to withdraw his motion.

On the 23d of the same month, however, Mr. Methuen moved a resolution, for the house to take into consideration the correspondence which had been communicated to the speaker by the Princess of Wales; but, in supporting that motion, instead of insisting upon the indignities and injustice, which, her royal highness's friends had contended, had been offered to the mother of our future sovereign, he dwelt chiefly upon the necessity of increasing the establishment of her royal highness. "Sir," said he, "when the Princess of Wales married, she had an allowance of £17,000 a year from his royal highness the Prince of Wales, besides £5,000 a year which she received from the exchequer. In 1800, his royal highness sent her a message, informing her, that in consequence of his own embarrassments, he could allow her only £12,000 a year. In 1809, his royal highness undertook to pay her royal highness's debts, amounting to £49,000; and to restore her annual allowance to its original sum of £17,000.



For nine years, therefore, her royal highness had £5,000 a year less than when she resided at Carlton House, and had no separate establishment to maintain. The consequence was obvious. Her royal highness's income was so inadequate to her expenditure, that, in July last, she was under the necessity of reducing her establishment to seven domestics, and of almost entirely giving up seeing company."— Lord Castlereagh observed, in reply, that it was the first time parliament had been told that an increased provision for her royal highness was the object that her friends had in view. "There never was," said his lordship, "I am fully convinced, a feeling in his royal highness's mind, that any thing like money ought to be a question between them. In the year 1809, when his royal highness found that the princess was in debt, he said, rather than that should be thrown on the public, he was ready to take on himself the payment of her debts, and to add £5,000 to her income, making it in all £22,000, provided that he had any reasonable assurance, that no debt, contracted by her, should in future be brought forward against him. This was agreed to, and a solemn deed was prepared, assuring the separation of the parties. At the time alluded to, the Prince of Wales had an income of £120,000, which, after deducting the property tax, was £108,000; and, after deducting the further sum of £40,000, which the prince had annually devoted towards the payment of his debts, many

of which had been contracted at a period of life, that rendered them of an extremely questionable nature, amounted to no more than £70,000. Previously to the year 1809, £12,000 a year out of that £70,000 was paid to the Princess of Wales; so that the £5,000 additional, allowed in 1809, with that £12,000, made in all a deduction of £17,000 from the income of the prince, reducing it to £53,000. The debts of the princess amounted to £49,000 (they amounted, in reality, to £80,000, but they had been reduced to the former sum, in consequence of a grant from the droits of admiralty) and, to liquidate that debt, the prince undertook to set apart £10,000 a year; reducing his annual income to £43,000, as Prince of Wales; which, with £13,000 from the Duchy of Cornwall, was the whole of the sum on which he was reduced to live. "I question," said his lordship, "if ever there was a husband, who made greater sacrifices, for the comfortable establishment of his wife, than the Prince of Wales then did. However the conduct of his royal highness may be tortured, and whatever unfavourable construction may be put upon it, I defy any person to say, that he ever betrayed any thing of a vindictive nature towards her, or the smallest wish to interfere with her social comforts. On the contrary, he made sacrifices which no other husband in the land, had he been brought before parliament, would have been called on to make. So far from the existence of the

colour of mind which has been falsely attributed to his royal highness, if he could possibly have increased her income without being supposed to be truckling with the base attacks which were continually made on him, he would not have waited for the suggestion of his ministers, had she disentangled herself from the base cabal by whom she was surrounded. With the greatest satisfaction he would have entered into the feelings of her wants himself, and not have suffered his family to be dragged, as it had been, before the public."—His lordship intimated, that, upon a future day, he should have no objection to submit to the house a proposal for an increase of income to the princess.—Mr. Methuen again withdrew his motion.

On the 4th of July, in a committee, Lord Castle-reagh accordingly rose to propose that such an increase should be made to the income of the Princess of Wales, as would enable her to maintain an establishment more suited to her station in this country; and he thought, that the most desirable method would be to raise it to that point to which it would be advanced in the event of the death of the Prince Regent. His proposal, therefore, was that the net annual sum of £50,000 should be granted to the princess, and that the £5,000 and £17,000 which she then enjoyed should be withheld from the Prince Regent's income.

In a subsequent stage of this business, Lord

Castlereagh called the attention of the house to a letter which had been received by the chairman of the committee from the Princess of Wales, in which her royal highness intimated that, as she could not consent to any addition to the burthens of the people, beyond what her situation might appear to require, it would be more satisfactory to her, if the vote of the committee for an allowance of £50,000 per annum were reduced to £35,000. Mr. Whitbread, in explanation, said that, when consulted upon the subject by her royal highness, he had stated to her that the sum of £50,000 was disapproved of by him, as being larger than circumstances required—larger than what he could consent to vote for—and larger than what he thought the noble lord ought to have proposed. He thought that the sum of £35,000 a year, was amply sufficient; and, in that opinion, her royal highness most perfectly acquiesced.—After some discussion, in the course of which, Mr. Whitbread, and others, who had been the advisers of the princess, during these proceedings, endeavoured to vindicate their conduct from the imputation of having been the agitators of the business, the recommendation of her royal highness was adopted, and a bill was passed for settling upon her the minor sum of £35,000 a year.

It is now proper to mention, that it had been for some time understood, that the princess Charlotte of Wales had espoused the cause of her royal mother,



a circumstance, to which it was probably in some degree owing, that she was kept in a very retired and private state. Hopes, however, were entertained, of seeing the expected heiress of the crown suitably provided for in marriage, during the life-time of her father. The hereditary prince of Orange, who had received his education chiefly in England, and had served with distinction under the British banners, in the Peninsula, was expected to be the son-in-law of his royal highness, the Prince Regent. Notwithstanding the many advantages which the hereditary prince enjoyed, it does not appear that he was ever very acceptable to his intended consort. At length, her repugnance to the match excited apprehensions of a serious difference between the Prince Regent, and his daughter; a circumstance, which was the more embarrassing, as the previous discord in the royal family had rendered the princess Charlotte secure, as it was thought, of having the countenance of one parent, in opposing the wishes of the other. It was indeed quite natural, that the daughter should look to the mother for advice and protection. The marriage treaty with the prince of Orange was broken off, but, unfortunately, this had not the immediate effect of allaying the irritation which difference of opinion, on a point so interesting and important, had excited. In consequence, as it was believed, of the young princess having shewn less compliance on the occasion, than had been expected by her father,

his royal highness had resolved to effect some changes amongst the ladies attendant on her person. When the intended arrangement was intimated to her, (July 12,) at the very moment, it is said, when the prince was engaged at Warwick house, the residence of the princess Charlotte, in giving the requisite instructions to the newly appointed household, the princess, impatient of restraint thus imposed, privately left the house, threw herself into a hackney coach, and ordered the driver to convey her to her mother's residence, at Connaught-house. Alarmed and agitated, the princess of Wales immediately drove to the parliament house, to consult her friends, as to the proper course to be pursued; and the happy result was, that, at three o'clock on the following morning, the princess Charlotte was prevailed upon to accompany her uncle the Duke of York to Carlton-house. After remaining there some time, she was removed to Cranbourn-lodge, in Windsor forest.

This incident, deeply interesting at the moment, occasioned motions to be made, and questions to be asked in parliament—in the house of lords, by the duke of Sussex; in the house of commons, by Mr. Whitbread—respecting the manner in which the princess Charlotte was in future to be treated, and the degree of restraint to which she was to be subjected. These inquiries, however, which were calculated rather to inflame, than to allay, the discord in the prince's family, were very properly quashed, when it

was seen, that the princess Charlotte was upon the best and most affectionate terms, with her royal father.

Whether this affair had any influence on the conduct of the princess of Wales, is not publicly known. Shortly afterwards, however, she asked, and readily obtained, permission from the Prince Regent and his ministers to leave England ; a desire which it seems not improbable might have been excited by the generous hope of removing, by her absence, all pretence for the renewal of differences between the Prince Regent and his daughter.

In whatsoever cause the determination of the princess of Wales might have originated, the opposition were surprised, astonished, and chagrined beyond description at the circumstance. They saw that, in the departure of the princess from England, their best trump card was lost.—On the 30th of July, the very day of the prorogation of parliament, Mr. Tierney questioned lord Castlereagh upon the subject. Whether the application of the princess had been made with a view merely to a temporary visit to her royal highness's brother, at Brunswick, or whether it were to be understood as involving an intention on the part of her royal highness to leave this country altogether, he could not, he said, contemplate it without deep regret ; yet, if the noble lord should reply, that her royal highness's absence would be but temporary, and if the noble lord would pledge himself to take

proper precautions for insuring her royal highness's early return, he should have no great objections to the visit. Against her taking up her permanent abode on the continent, he most solemnly protested. For the recent augmentation of her royal highness's income he certainly had voted; but if, at the bottom of that measure, there existed any arrangement savouring of an understanding that the public should be deemed to have paid the price of her royal highness's quitting the country, he solemnly protested that he had no hand in it. He would not have voted for the additional grant, nor, he was sure, would the house have acceded to it, had such a thing been supposed possible. The house had acquiesced in the proposition, only because they wished that her royal highness should be enabled to maintain her rank in this country—not that the money should be spent abroad.—Lord Castlereagh, in reply, disclaimed all knowledge of the princess's intentions, farther than that she had signified to one of his majesty's ministers, in order that it might be communicated to the Prince Regent, her intention to go to the continent. An honourable friend of the right honourable gentleman, not then present, (Mr. Whitbread,) his lordship observed, must be much better acquainted with her royal highness's intentions, being much more in the confidence of her royal highness, than he had the honour to be. He was persuaded, however, that in agreeing to the proposition for an increase of her in-



come, the house had no intention of imprisoning her royal highness in this country, or of preventing her from residing wherever the consideration of her own pleasure, or convenience, might induce her to take up her abode.

On the 9th of the following month, her royal highness embarked at Worthing, in the Jason, frigate; on the 19th, she arrived at Brunswick, on a visit to her brother; afterwards she proceeded to Italy, every where receiving the honours due to her rank; and, on the approach of winter, she fixed her residence at Naples.

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Into the particulars of this illustrious personage's protracted sojourn upon the continent, of her travels in distant countries, of the numerous tales respecting her conduct, which, from time to time, were put into circulation, it is not the intention here to enter. In the long interval between her temporary farewell to the white cliffs of Albion, and her proud return to claim the rights of a British queen, many and severe had been the visitations of Providence upon her family. Her amiable and gallant brother, her almost worshipped daughter, her mother-in-law the queen, her venerable and revered father-in-law, and her more distant relative, the Duke of Kent, had all been consigned to the insatiate tomb!

What her feelings must have been, under such a succession of calamities, it would not be easy to conceive, much less to describe.

The lamented demise of his late majesty, and the consequent accession of her royal consort to the throne of his fathers, must be regarded as one of the grand epochs of her life. What her determination might be upon the receipt of the lamentable news—whether, at the moment, she formed any resolution whatsoever on the subject—whether she ever contemplated an actual return to this country, are points which can be within the knowledge of but few. Certainly she was not expected by the king or by his ministers.

Upon the memorable inquiry of the year 1806—upon the conflicting evidence which was at that period adduced, respecting her majesty's conduct—upon the characters and relative situations of the witnesses then examined—or upon the report of the noble commissioners, it would be at once indecorous and unjust to offer the slightest comment: indecorous, as it would involve questions of great delicacy, relating to many individuals; unjust, as it might tend to excite a prejudice, one way or the other, in the mind of the reader, and even in the minds of those who may have to sit in judgment upon the weighty offences which have been more recently alleged against her majesty. It is quite sufficient here to observe, what has been shown at large in the prece-

ding sheets, that her majesty, when Princess of Wales, was pronounced innocent of the criminality with which she had been charged.

The king, however, it was well known, had uniformly adhered to the determination which he had made, as far back as the year 1796, of never reviving with her a state of connubial intercourse. It could not, therefore, be reasonably expected, that, at the decease of his royal father, he should all at once depart from a resolution, which, for such a number of years, he had so firmly maintained. Whether the queen would return to England, and whether she would be included in the imposing ceremony of coronation, were questions of a very different nature; those questions were warmly and anxiously discussed by the public; and the sons of faction were, as usual, indefatigably active in exciting and fomenting the worst feelings of the worst part of the people. His majesty's ministers were most critically, most painfully, circumstanced. They were aware of the excited state of the public mind; they fully understood the nature of their royal master's feelings towards the queen; they were possessed of information unknown to, and beyond the reach of, the public; and, whether that information were true or false, they knew it to be of such a complexion as to warrant the most serious apprehensions of the consequence, should it be unfolded to the country at large. Under these considerations, how were they to

act? Could they desert the councils of their master? As honest and as honourable men, holding high and responsible offices in the state, could they shrink from their duty to the nation? Had they done so, would not the opposition have instantly branded them as the basest betrayers of their king, and of their country? As ministers, as patriots, as men, it behoved them to endeavour, to the utmost, to reconcile all differences, to satisfy, as far as possible, the claims of right and justice between the king and the queen, and between each of these illustrious personages, individually, and the people; and, above all, to conserve the hallowed cause of morality and virtue against the sacrilegious touch of impurity, impelled by the panders of infamy and crime. Serious, indeed, are understood to have been many of the discussions of the cabinet on the subject. The proposition of suing for a divorce is said to have been repeatedly canvassed, and, at length, finally rejected. His majesty made a sacrifice of his private feelings, to the public good.

It is so congenial to the humanity, the gallantry, the chivalry, of the English character, to sympathise with the object of oppression, or of supposed oppression, more particularly when that object is a woman, that no surprise could be felt at the loud, the enthusiastic expressions which were heard in favour of the queen. Surprise would, indeed, have been just, had not such ebullitions of general sentiment



arisen. It is the glorious principle, too, of the English law, that the accused is regarded as innocent until proved to be guilty. Thus, to their high and lasting honour, the prepossessions of Englishmen, and still more of Englishwomen, were extensively enlisted in favour of the queen. The only regret is, that a display of sentiment so generous, so noble-minded, should have been seized upon by the seditious press, and by the whole disaffected part of the community, and turned to the worst of purposes.

The omission of her majesty's name in the liturgy\* was the first great signal for a popular outcry; and, until the present day, it has continued to be one of the main rallying points of that party, which has chosen, not only to insist that the queen is innocent, but boldly and unblushingly to proclaim that the king and his ministers are guilty. Guilty! of what? Of condemning an individual unheard? No; of presuming to institute an inquiry into the conduct of one, whose character, for the honour of her sex, of her husband, and of this moral, virtuous, great, and lofty-souled, nation, ought to be spotless as the ermine! Where is the innocent man, or the innocent woman, who would not gladly submit to the severest scrutiny, rather than labour for a single hour under the imputation of crime? How, then, can these

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\* By order of council, of the 12th of February.

proud and boastful, these bitter and malignant, abettors of the queen's honour justify themselves in the eye of the world, or of their God, in thus endeavouring to check and suppress that inquiry, which alone can establish the purity of her majesty's fame? If her majesty be indeed innocent, as must be the anxious, heart-felt, wish and prayer of every good and honourable man, let her innocence be shewn; let it be proclaimed in the face of heaven; let it be established so firmly, that the tongue of slander shall never again dare to raise against it the faintest whisper of suspicion!

Whether the omission of her majesty's name in the liturgy were necessary or proper, is not a question for consideration: it might be unnecessary, it might be improper, it might be unjust; but neither its omission nor its insertion could, in reality, affect her cause.

Various were the rumours which continued to be in circulation respecting the intention of the queen to return to England. A formal announcement, that the coronation of his majesty would take place on the 1st of August, appeared in the London Gazette of the 9th of May; and, on the same evening, in the House of Commons, it was intimated, by the Chancellor of the Exchequer, in answer to an inquiry by Lord Archibald Hamilton, that it was intended to make a suitable provision for the queen, as well as

for other members of the royal family not included in the sum assigned to his majesty.

The actual approach of the queen was reported; but that approach was considered by many to be merely a feint, for the purpose of making the best terms in her power with his majesty's ministers. The queen arrived at Dijon, on the 26th of May, and was expected to reach St. Omer's, on her way to Calais, on the 30th. Still the same belief prevailed; and it was positively asserted, by those who affected to be in the secret, that, instead of embarking immediately at Calais, for England, her majesty would remain there some time, for the purpose of consulting and making some necessary arrangement with her friends on this side of the water.

These expectations were disappointed; rather, in all probability, by fortuitous and hitherto unaccounted for circumstances, than by premeditated design. From subsequent occurrences, it is evident, that her majesty's embarkation was not contemplated by ministers. On Thursday, the 1st of June, "Mr. Brougham, the queen's confidential legal adviser, left London for Dover, with the view of meeting her majesty at Calais. Mr Brougham was accompanied by Lord Hutchinson, who was employed, confidentially, to submit such proposals to her majesty, as, it was hoped, would at once meet her wishes, and induce her to remain on the continent. His lordship and Mr. Brougham embarked at Dover on Friday

afternoon ; and, on Saturday morning, they proceeded to St. Omer's, where they met her majesty. Lord Hutchinson's proposals, delivered in the presence of Mr. Brougham, were said to be, ' That her majesty should renounce all right, title, and claim, to the name, dignity, and honours, of the Queen of England, and should from henceforth be styled and considered simply as Princess Caroline of Brunswick. That her majesty should agree never to put her foot in England, or in any part of the British dominions : that, should she comply with these conditions, an income of £50,000 per year should be settled upon her, which she might enjoy without molestation : should she refuse, criminal proceedings would be instituted against her afresh, and the severest penalties might be expected.' Her majesty expressed the utmost indignation at the offer ; gave immediate directions to proceed to the coast ; and actually left the hotel (accompanied by Lady Anne Hamilton, young Austin, and Mr. Alderman Wood, who had met her majesty about 175 miles on the other side of Paris) so abruptly, that Mr. Brougham was not aware of her departure till he saw the carriage drive off. This abruptness is said to have been occasioned by an apprehension, on the part of her majesty, that steps might be taken by the French government to detain her. On her arrival at Calais, her majesty, still apparently under some apprehension, went on board the common packet, then lying in the harbour, at



half-past nine at night, although, from the state of the tide, the packet could not sail till the next morning. At one o'clock on Monday, her majesty landed at Dover, under a royal salute, fired on the responsibility of the commandant of the fort, who had received no orders on the subject. She was hailed with the fondest enthusiasm by the people; the corporation presented her with an address; and, on her leaving the town for Canterbury, the populace took the horses from her carriage, and drew it a considerable distance.—Her majesty slept at Canterbury, where, arriving late in the evening, she was received by torch-light, amidst the shouts and acclamations of the people. At Canterbury, also, an address was presented to the queen, and various gratulatory demonstrations were made. At Gravesend, the horses were again taken from her carriage; and, in every town and village through which she passed, the utmost affection and loyalty to her person were displayed. Still accompanied by Lady Anne Hamilton, and Mr. Alderman Wood, in her landau, she slowly entered the metropolis, over Westminster Bridge, on Tuesday evening. The streets, the windows, the house-tops, were thronged with myriads of applauding spectators. The procession, thus formed, had all the imposing air of a triumphal entry. The crowd halted at intervals, compelled the horses to stop, and rent the air with acclamations of ‘Long live our gracious Queen Caroline!’—‘God bless her!’—

Down with her enemies! &c.—Proceeding along Parliament Street, up Cockspur Street, and through Pall Mall, they halted in front of Carlton House, and gave three cheers. They then moved forward, up St. James's Street, and thence to the residence of Alderman Wood, in South Audley Street, where they arrived a little after seven o'clock."

Her majesty's entrance into the metropolis, on the very day that the king first went down to parliament, to give the royal assent to certain bills which had been passed, might have been accidental, might have been unavoidable; but that the extraordinary cavalcade should have been directed to pass in front of Carlton House, when the distance of only a few yards could have been lost by proceeding up the Haymarket, seems not very consistent with that delicacy and propriety which ought to have been preserved by her majesty's advisers. To support the queen is one thing; to insult the king is another.

It was on the same day, however, that a message from his majesty was delivered to both houses, announcing the event of the queen's arrival, and calling the attention of parliament to certain papers respecting the conduct of her majesty since her departure from this kingdom. In the upper house, the Earl of Liverpool intimated, that he should, on the following day, propose an address to the king, *pro formâ*, and move that the papers be referred to a secret committee, to consider and decide whether any, and if any,

what steps should be pursued. In the commons, Lord Castlereagh moved an address to the king, which was agreed to; and gave a similar intimation to that of the Earl of Liverpool, in the lords. On the succeeding day (Wednesday, June 7) the Earl of Liverpool moved the address, and also the appointment of a secret committee, of fifteen lords, to be chosen by ballot. In answer to some observations of the Marquis of Lansdowne, that the house of lords composed the supreme court of judicature of the country—that they were the only court before which her majesty could be tried—that the other house might find articles of impeachment against her majesty, which must be judged by their lordships—the Earl of Liverpool observed, that had there been evidence to convict her majesty of high treason, it would not have been proper to try the case before the house of commons. His lordship then put the supposititious case, which has been noticed in the first part of this work, respecting the commission of the crime of adultery, by a Queen of England, with a foreigner, in a foreign country; and contended that such a case fully answered the objection of the noble marquis, as it precluded the possibility of an impeachment by the house of commons. The case was not one of judicial cognizance; it would admit only of a legislative remedy: it was resolved into a question of expediency. Lord Holland thought, that the house of commons, which was the grand in-

quest of the nation, might come to a different conclusion; that were the course to be by a bill of divorce, or a bill of pains and penalties, the house would be in an awkward predicament, and that the report of the secret committee could be nothing else than a prejudgment of the case. The Lord Chancellor repeated, and enlarged upon, the arguments of the Earl of Liverpool; and contended, that a secret committee, instituted for a previous inquiry, was analogous to a grand jury in a court of law, which affirmed or negatived a bill of indictment. A secret committee he also regarded as a protecting interference, which might, as a mediate power, recommend proceedings more advantageous to the accused, than could, in the first instance, result from an open deliberation in either house. The Marquis of Lansdowne, on the other hand, thought, that the illustration of the learned lord, relative to the office of a grand jury, was unfortunate for his argument; as the grand jury, which inquired into the propriety of instituting proceedings in a court of law, was distinct from the petty jury, which tried the cause; but, in the present case, the grand jury, which was to find the bill, was the same with the petty jury, which was to pronounce the verdict.—The motion for the appointment of the committee was agreed to; but the ballot did not take place till the following day; and then, with the view of allowing time for conciliation, the farther proceedings were deferred till Monday.



The members chosen, were as follows:—The Archbishop of Canterbury, the Lord Chancellor, the Lord President, the Dukes of Beaufort and Northumberland, the Marquisses of Lansdowne and Buckingham, the Earls of Liverpool, Harrowby, and Beauchamp, Lord Sidmouth, the Bishop of London, Lord Redesdale, Lord Erskine, and the Earl of Lauderdale.

In the house of commons, on Wednesday, June 7, Mr. Brougham, the queen's attorney-general, read a message from her majesty, which, after some prefatory observations, proceeded as follows:—

“Upon her arrival, the queen is surprised to find that a message has been sent down to parliament, requiring its attention to written documents, and she learns with still greater astonishment, that there is an intention of proposing that these should be referred to a secret committee. It is this day fourteen years since the first charges were brought forward against her majesty. Then, and upon every occasion during that long period, she has shown the utmost readiness to meet her accusers, and to court the fullest inquiry into her conduct. She now also desires an open investigation, in which she may see both the charges and the witnesses against her—a privilege not denied to the meanest subject of the realm. In the face of the sovereign, the parliament, and the country, she solemnly protests against the formation of a secret tribunal, to examine documents

privately prepared by her adversaries, as a proceeding unknown to the law of the land, and a flagrant violation of all the principles of justice. She relies, with full confidence, upon the integrity of the house of commons, for defeating the only attempt she has reason to fear.—The queen cannot forbear to add, that even before any proceedings were resolved upon, she had been treated in a manner too well calculated to prejudice her case. The omission of her name in the liturgy, the withholding the means of conveyance usually afforded to all branches of the royal family, the refusal even of an answer to her application for a place of residence in the royal mansions, and the studied slights of foreign ministers abroad, and of the agents of all foreign powers over whom the English government has any influence, must be viewed as measures designed to prejudice the world against her, and could only have been justified by trial and conviction.”

Lord Castlereagh, in rising to move that his majesty's message might be taken into consideration, protested, *in limine*, against the attempt which had thus been made to represent the crown and the ministers, in the light of persecutors, or prosecutors, in this matter. His lordship observed, that, instead of ballot, the committee should be by nomination. After commenting, at great length, and with much severity, upon the conduct of her majesty's advisers—she had others, he said, beside her legal advisers—

he observed, that the honourable and learned gentleman opposite (Mr. Brougham) had been in possession of the proceedings determined upon, for not less than a month. By the settlement of marriage, the queen was entitled to £50,000 a year. The only condition on which the late proposition had been made, was, that she should continue to reside abroad. He absolutely disclaimed any tender having been made to her, to give up her dignities as queen. The only stipulation upon the question of her dignity was, that, while travelling abroad, she should, according to an established custom amongst illustrious characters, assume such a title, as would not create a perpetual question amongst our ministers at foreign courts, as to the manner in which she was to be treated by them. The learned gentleman, her counsel, he observed, had, at that moment, a document in his possession, which would completely prove that fact. He disclaimed the imputation of having used any influence whatsoever, with foreign governments, respecting her majesty. His lordship proceeded to state, that there was a great difference between a queen of right, and a queen of grace and favour. The queen of grace and favour might or might not be received at court, according to the terms on which she stood with the monarch. The coronation was a ceremony, at which persons were allowed to assist, only at the discretion of his majesty. The reception of the queen at foreign courts, must entirely de-

pend on the degree of indulgence which she received from the crown at home. The mention of her majesty's name in the liturgy was another of those privileges which the crown could refuse. If mortifications had attended her majesty's progress through the continent, they arose entirely through the determination, on her part, not to travel under any other character than that of Queen of England; and, under that character, she demanded guards of honour, and every other mark of public attention, which, in foreign countries, were entirely matters of grace and favour. Money, it had been intimated to her majesty, was at her command, to any extent she might require. Her majesty could not claim it as a right, to be lodged in any of the royal palaces.—After his lordship had moved for referring the papers to a secret committee, Mr. Brougham objected, at great length, against the evidence which was to be laid before the committee, consisting, as he said, entirely of papers—of letters—of anonymous letters—collected by a secret commission, which had sat at Milan, for ten months, under the superintendance of a gentleman of the law, one of his majesty's council. He farther described the evidence, as having been collected from the impurest sources, and such as never would be allowed in a court of justice. For the sake of morality and decency, and in the endeavour to avoid the frightful jeopardy in which the country was likely to be plunged, he implored the



house not to accede to a measure, which must bring forth the most painful and disgusting statements.— He knew that, in recommending this, he was acting in opposition to the opinions and wishes of three parties, whose desire it was that the proceedings might go on: the first was the king, who had nothing to dread from the inquiry, and who considered it to be necessary for the vindication of his honour; the second was the queen, who felt it to be necessary for her safety; the third, consisted of those, who, with a diseased appetite, eagerly sought after proceedings of this kind, and only departed for a short time, from their common course of scandal, in order to direct their malignant curiosity to higher objects. Notwithstanding the commands of her majesty to call for an investigation, he thought that if negotiation were possible, it ought to be adopted; a short negotiation might have the effect of getting rid of the inquiry altogether. Mr. Brougham expatiated upon a variety of points connected with the subject, particularly upon numerous instances of nefarious conduct alleged to have been practised upon her majesty on the continent; after which, Mr. Canning, in reply, complained that the dissent which the honourable and learned gentleman had shewn at St. Omer's, to the propositions, had not been expressed before he left London. Presuming upon that gentleman's assent, he confessed he had never been more surprised in his life, than when he heard that

the negociation had failed. Government had received a communication under the seal of secrecy, the conditions of which he was obliged to conceal. In July, 1819, every one of the propositions which had been submitted to the queen for her adoption, were received from a certain quarter, which he forebore to name; and there was not one of all those propositions which ministers were not given to understand would meet with the queen's approbation. They had been communicated to government, with a full confidence that they would be adopted by her majesty. The change in the liturgy was made with reference to, and as a forerunner of, the arrangements which were expected to be completed with the queen. Leaving out the name of her majesty was not an isolated act, it was part of the system, and had been agreed upon the same day that it was determined to open negociations with her majesty, relative to her residing abroad.—Mr. Brougham, in reply to Mr. Canning, declared, that her majesty had no more knowledge of the negociation alluded to, and was no more implicated in any of the transactions which led to that negociation, than the child unborn.

It is remarkable, that this disclaimer, on the part of Mr. Brougham, has never yet been accounted for.

After a very long debate, Mr. Wilberforce, in the spirit of kindness and conciliation, moved that the question should be adjourned till Friday, (June 9) in order to afford even that short opportunity for coming

to some arrangement, which might tend to the adjustment of those unhappy differences, which all wise and good men so deeply deplored. This very laudable motion was readily agreed to.

On the Friday, Lord Castlereagh moved the farther adjournment of the business till Monday; on the ground, that a communication had been made to the Earl of Liverpool by the queen, but that that communication had not reached ministers at an hour of the day sufficiently early to enable them to take the commands of his majesty upon the subject. On Monday, June 12, as it was understood some negotiation was going forward, the consideration of the business was again postponed, on his lordship's motion, till Friday. On the same day, in the upper house, the Earl of Liverpool postponed the meeting of the secret committee till Saturday. On the Friday following, his lordship farther postponed the proceedings from Saturday till Tuesday; on Monday, from Tuesday to Friday; and on Thursday, from Friday till Tuesday, the 27th. On Friday, (June 16,) in the commons, Lord Castlereagh again postponed the business till Monday; and, on Monday, till Wednesday, the 21st. On Tuesday, Mr. Wilberforce gave notice of a motion on the subject for the next day; Lord Castlereagh, at the same time, allowing the precedence of motion to Mr. Wilberforce; but, when Wednesday came, Mr. Wilberforce said he felt himself bound, from circumstances

which had occurred in the interim—circumstances over which he had no controul—to solicit the indulgence of the house for another day.

On Monday, June 19, the Earl of Liverpool announced to the peers, the failure of the negociation, and laid upon the table, in a series of papers, the detail of the proceeding: of these documents, a brief summary is subjoined in the note below.\*

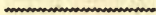
\* “No. 1 is a communication from the Queen to the Earl of Liverpool, informing him, that Mr. Brougham had been commanded by her ‘to announce her own readiness to consider any arrangements, that can be suggested consistent with her dignity and honour.’—Dated 1 o’clock, Friday, June 9, 1820.”

“No. 2 is Lord Liverpool’s answer, stating that the memorandum delivered to Mr. Brougham on the 15th of April last, contained the propositions which his lordship was commanded by the King to communicate. Her Majesty had not been advised to return any answer; but the King’s servants would still think it their duty to receive for consideration any suggestions which her Majesty might have to offer upon those propositions.—Dated 3 o’clock, Saturday afternoon, June 10.” The proposition of the 15th of April, here alluded to, was as follows:—

“*Memorandum for a proposed arrangement with the Queen.*—The Act of the 54th Geo. III. cap. 160, recognized the separation of the Prince Regent from the Princess of Wales, and allotted a separate provision for the Princess. This provision was to continue during the life of his late Majesty, and to determine at his demise. In consequence of that event, it has altogether ceased, and no provision can be made for her until it shall please his Majesty to recommend to parliament an arrangement for that purpose. The King is willing to recommend to parliament to enable his Majesty to settle an annuity of £50,000 a year upon the Queen, to be enjoyed by her during her natural life, and in lieu of any claim in the nature of jointure or otherwise, provided she will engage not to come to any part of the British dominions, and provided she engages to take some other name or title than that of Queen, and not to exercise any of the rights or privileges of Queen, other



On Thursday, (June 22,) Mr. Wilberforce, in one of the fullest houses ever known, rose to make his promised motion; and, in a very eloquent speech, he endeavoured to impress upon the house, the necessity of imposing its weight between his majesty, and the queen, to induce an amicable ad-



than with respect to the appointment of law officers, or to any proceedings in courts of justice. The annuity to cease upon the violation of those engagements, viz. upon her coming into any part of the British dominions, or her exercising any of the rights or privileges as Queen, other than above excepted, after the annuity shall have been settled upon her. Upon her consent to an engagement on the above conditions, Mr. Brougham is desired to obtain a declaration to this effect, signed by herself; and at the same time a full authority to conclude, with such person as his Majesty may appoint, a formal engagement upon those principles. April 15, 1820."

"No. 3. Communication from the Queen to Lord Liverpool, informing him, that the memorandum of April 15, alluded to by his lordship, had then, for the first time, been submitted to her; that she did not consider the terms there specified consistent with her dignity and honour; that she is still desirous of submitting her own wishes to the authority of parliament; but that, before making any other proposal, she requires 'the recognition of her rank and dignity, as Queen,' for the basis of any arrangement, which can be made. In this paper, her Majesty farther states, that it was important to her Majesty, that her name should be restored to the liturgy, as the withdrawing it, contrary to the statute, had the appearance of tending to some parliamentary or legal proceedings against her; and that must be restored or an equivalent resorted to, as the means of removing that impression. That a suitable royal residence should be provided for her, such as her apartments in Kensington Palace, which she had never given up. Dated June 10.

"No. 4. The Earl of Liverpool expresses his surprise, that the memorandum of April 15, the only proposition which was ever authorised by his Majesty, should not have been submitted to the Queen till yesterday.—That memorandum contains so full a communication of the intentions and views of the King's government with respect to the Queen, as to have entitled his

justment of their unhappy differences. If they entered upon the contents of the sealed bag, he said, they would ever have reason to deplore it. The illustrious parties at issue could, he contended, with mutual credit, concede to parliament points which they would not surrender to private negotia-

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Majesty's servants to an equally frank, full, and candid explanation on the part of her Majesty's advisers.—The memorandum of the 15th April, while it proposed that her Majesty should abstain from the exercise of the rights and privileges of Queen with certain exceptions, did not call upon her Majesty to renounce any of them.—Whatever appertains to her Majesty by law, as Queen, must continue to appertain to her so long as it is not abrogated by law.—The king's servants, in expressing their readiness to receive any suggestion, for a satisfactory adjustment, which her majesty's advisers propose, think it right in order to save time, distinctly to state, that any proposition which they could feel it to be consistent with their duty to recommend to his majesty, must have for its basis her majesty's residence abroad." Lord Liverpool also replied, that the withdrawing her majesty's name from the liturgy had no view to any parliamentary or legal proceedings, but was grounded on the precedent that the Queen of King George I. was not included in the liturgy;—and that, as to a royal residence, there was none at this time unoccupied, her majesty's former apartments in Kensington Palace being in the possession of her R. H. the duchess of Kent; but his majesty's ministers had directions to supply her with the means of such accommodation as her majesty might be pleased to chuse for herself.

"No. 5. June 12. Her Majesty commands Mr. Brougham to state, that as her recognition as queen is admitted for a basis by the king's government, and her dignity and honour thus secured, she is willing to leave every thing to the decision of any person, or persons, of high station and character, to be named by both parties. In this paper the queen says, she 'takes it for granted, that the memorandum of April 15 was not submitted to her before Saturday, only because her legal advisers had no opportunity of seeing her majesty, until Lord Hutchinson was on the spot prepared to treat with her.' Her majesty also replies, that the omission of the name, from the liturgy, of the

tors. The honourable member concluded, by proposing that an humble address be presented to her majesty, stating—

“That this house has learned, with unfeigned and deep regret, that the late endeavours to frame an arrangement which might avert the necessity of a public inquiry into the information laid before the two

Queen of King George I. was only while she continued abroad, and that the restoration of her majesty's name was indispensable to her honour.”

“No. 6. Lord Liverpool, in answer, states, that his majesty's servants cannot think it consistent with their constitutional responsibility to advise the king to submit this matter to arbitration, but, as they are fully aware of the advantages to be expected from ‘unreserved personal discussion,’ they are ready to advise the king to appoint two persons to meet two who may be named by the queen. June 13.”

“No. 7. A note from Lord Liverpool to Mr. Brougham, stating his lordship's readiness to name the two persons. June 13.”

“No. 8. Note from Mr. Brougham to Lord Liverpool, stating that he was commanded by the queen to name two persons, on her part, and requesting to know Lord Liverpool's nomination. June 14.”

In pursuance of the two last notes, the Duke of Wellington and Lord Castlereagh were nominated, on the part of the King, to meet Mr. Brougham and Mr. Denman, her Majesty's law officers. Five conferences were subsequently holden, successively on the 15th, 16th, 17th, 18th, and 19th of June; some of them at Lord Castlereagh's house, in St. James's Square, and others at the Foreign Office. Of these protocols, or minutes of the conferences, the following is very briefly the substance:—“It was stated, on the part of her majesty, that under the unfortunate circumstances in which she was placed, her anxious desire for the public tranquility would make her give up with reluctance her wish to remain in this country; but in taking up her residence abroad, instructions must be given to his majesty's ministers to receive and present her at every court she might visit, as Queen of the United Kingdom. As to her name being restored to the liturgy, she again demanded it as a *sine qua non*. It was answered, that it was the in-

houses of parliament, had not led to that amicable adjustment of existing differences in the royal family which was anxiously desired by parliament and the nation.

“That this house, fully sensible of the objections which the Queen might justly feel to taking upon herself the relinquishment of any points in which she might have conceived her own dignity and honour to be involved, yet feeling the inestimable importance of an amicable and final adjustment of the present unhappy differences, cannot forbear declaring its opinion, that when such large advances have been made towards that object, her majesty, by yielding to the earnest solicitude of the house of commons, and forbearing to press farther the adoption of those propositions on which any material difference of opinion yet remains, would by no means be understood to indicate any wish to shrink from inquiry, but would

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variable etiquette that foreign courts would not receive any person who had not been presented to the court of their own sovereign. But if her majesty would condescend to fix her residence either at the Court of Milan, or another in Italy, his majesty would instruct his minister at such court to shew her the due attention as Queen of England, but his majesty could not take upon himself to say that his recommendation would be effectual as to her being received as queen. It was also said, that when her majesty had fixed on the place of her future residence, a suitable provision (£50,000 a year) would be settled on her for life. The reply to this was—that money ought not to be mentioned, for it was not for money that she contended. Finally, she could not accept of a conditional recommendation to be received at the court where she might take up her residence, and she must insist on the stipulations which had been required.”



only be deemed to afford a renewed proof of the desire which her majesty has been graciously pleased to express to submit her own wishes to the authority of parliament; thereby entitling herself to the grateful acknowledgements of the house of commons, and sparing this house the painful necessity of those public discussions, which, whatever might be their ultimate result, could not but be distressing to her majesty's feelings—disappointing to the hopes of parliament—derogatory to the dignity of the crown, and injurious to the best interests of the empire.”

Mr. Stuart Wortley seconded the motion, and was immediately followed by Mr. Brougham, who went over the whole of the grounds of the queen's case, as they had been previously discussed in the conferences at Lord Castlereagh's and the Foreign office, dwelling more particularly on the omission of her majesty's name in the liturgy, and insisting on its insertion as a *sine qua non*. Mr. Denman took part in the debate, on the same side; Lord Archibald Hamilton having first moved an amendment, which Sir Francis Burdett seconded, to the effect,

“ That the house felt sensible of the pain which the relinquishment of any of her rights must occasion to her majesty, and felt convinced, that the insertion of her name in the liturgy would be the most effectual means of preventing the necessity of an investigation, which, however it might terminate, must be as distressing to her Majesty's feelings, as it would be

derogatory to the dignity of the crown, and the honour of the nation.”—The house continued in debate till five o’clock on the following morning—nearly twelve hours—when, upon a division, the amendment was negatived by 391 against 124—majority 267—and the original motion was carried.—Mr. Wilberforce, Mr. Stuart Wortley, Sir Thomas Acland, and Mr. Bankes, were then deputed to wait upon her majesty with the address on Saturday.

The address was accordingly presented in due form, at the appointed time ; when her majesty, declining to comply with its prayer, was pleased to return the following answer :—

“ I am bound to receive with gratitude any attempt on the part of the house of commons to interpose its high mediation for the purpose of healing those unhappy differences in the royal family, which no person has so much reason to deplore as myself. And with perfect truth I can declare, that an entire reconciliation of those differences, effected by the authority of parliament, on principles consistent with the honour and dignity of all the parties, is still the object dearest to my heart.

“ I cannot refrain from expressing my deep sense of the affectionate language of these resolutions ; it shews the house of commons to be the faithful representative of that generous people, to whom I owe a debt of gratitude that can never be re-paid.

“ I am sensible, too, that I expose myself to the

risk of displeasing those who may soon be the judges of my conduct; but I trust to their candour, and their sense of honour, confident that they will enter into the feelings which alone influence my determination.

“ It would ill become me to question the power of parliament, or the mode in which it may at any time be exercised: but, however strongly I may feel the necessity of submitting to its authority, the question whether I will make myself a party to any measure proposed, must be decided by my own feelings and conscience, and by them alone. As a subject of the state, I shall bow with deference—if possible, without a murmur—to every act of the sovereign authority; but, as an accused and injured Queen, I owe it to the King, myself, and all my fellow subjects, not to consent to the sacrifice of any essential privilege, or withdraw my appeal to those principles of public justice, which are alike the safeguard of the highest and the humblest individual.”

On the same day, in the house of commons, Lord Castlereagh intimated, that, as her majesty had declined to accede to the proposition of the house, the affair would be proceeded with on Monday.

In the upper house, on Monday, (June 26,) Lord Dacre rose to present a petition from her majesty, the Queen, which had just fallen into his hands, only because a high authority in that house had declined to lay it before their lordships. In the petition, her

majesty stated, that, having been informed that proceedings were about to be instituted against her, in the house of lords, she felt it necessary to approach their lordships as a petitioner, and a fellow subject. She had been advised, that, according to the forms of their lordship's house, no other mode of communication was permitted. Then, as at all times, she declared her perfect readiness to meet every charge respecting her honour, and she challenged the most complete investigation of her conduct. She protested, however, against any secret inquiry; and, should the house of lords, notwithstanding, persist in a proceeding so contrary to every principle of justice and of law, she must declare that, even from such an unconstitutional course, she could have nothing to apprehend, unless it were to be instituted before the arrival of those witnesses whom she would summon immediately to disclose the whole of the machinations against her. She was anxious that there should be no delay to finish the inquiry, and none should be occasioned by her majesty. The Queen, however, could not suppose that the house of lords would commit so crying an injustice, as to authorise a secret examination of her conduct, in the absence of herself and of her counsel, while her defence must obviously rest upon evidence, which for some weeks could not reach this country. The instant that it arrived, she would intreat the house of lords to proceed in any way they might think consistent with the end



of justice ; but, in the mean time, and before the first step should be taken, her majesty desired to be heard by her counsel, at their lordships' bar, that day, upon the subject matter of the petition.

The petition having been received, Lord Dacre's subsequent motion, that counsel he called in, was agreed to ; and, in consequence, Mr. Brougham, and Mr. Denman, the queen's attorney general and solicitor general, entered the house, took their stations at the bar, and were respectively heard at great length, in support of the prayer of the petition. The meeting of the secret committee was then, upon the motion of the Earl of Liverpool, deferred till Wednesday.

On the same day, (Monday,) in the house of commons, Lord Castlereagh proceeded to explain the course of proceeding which he proposed to himself on this calamitous subject, in order, as he said, to meet her majesty's wishes; to shew her that so far from its being the wish of the house of commons to refuse the inquiry she desired, they were ready, in the feeling of strict justice, to go fully into the merits of the case, although her majesty had refused, what no member of the House of Brunswick had ever before refused—to comply with the sense of parliament. It would be the duty, he continued, of the ministers of the crown, on proposing the intended motion, to submit the particulars of the charges, on which to found their proceedings, and

to follow that up with the evidence in support of the charges. It had never been their wish, that the subject should in the first instance be publicly discussed in both houses, at the same time; because it would not be impossible, that the houses might come to different decisions, and thus materially embarrass the question. Should a legislative measure be determined upon, it might be proper that the house of lords should take the lead. Should the peers take up the business, a distant day might be fixed for discussing it in the commons, but by no means to cause any delay; beyond that which justice required. It was his intention, on the succeeding Thursday se'night, (July 6) to offer to the house a motion founded upon the message which his majesty had sent to the house; but he should deem it necessary to defer any farther proceedings at that time, should the house of lords not come to any determination on the subject. Even should the house of lords come to any decision in the interim, he should feel it his duty to place those charges, and the evidence by which they were supported, before the house, in order that her majesty might have the fullest opportunity of vindicating her character. In this view of the subject, he moved that the consideration of the king's message to the house should be farther adjourned till Friday, the 7th of July.—Mr. Brougham, most cordially uniting with his lordship, in deprecating, from that day

forward, all party feeling upon the subject, expressed his infinite satisfaction, that at length justice was to be administered according to law, and on the principles of the constitution; and that they were to hear no more of the dark, inquisitorial, unjust, and illegal proceedings, which, in the first instance, they had been invited to adopt. Her majesty's claim, from the first, had been for open investigation—her protest, against an invisible tribunal. The learned gentleman depended upon the conduct of her majesty, in declining to accede to the resolutions of the house; observing, that, with the fullest information which her legal advisers could furnish, her majesty, with a fearlessness which, in the history of human actions, nothing but conscious innocence ever inspired, expressed her deliberate, her unbiassed, and resolute determination, to abide by the consequences of the step which she was taking. He must, however, put in his claim to some delay on the part of her majesty. Justice required that some interval should be allowed. It was three weeks' journey, to her majesty's place of residence, in Italy; and, to the same time for returning, must be added the time for collecting evidence. If the house proceeded on Thursday se'night, either by motion or bill, there was no security that the evidence would be kept secret. His claim was a claim of paramount justice; it was simply to enable her majesty to place, immediately in position with the

case against her, the evidence for her acquittal.— Colonel Palmer having censured, and Mr. B. Bathurst defended, the conduct of ministers, Mr. Western, who was averse from inquiry altogether, moved, as an amendment to Lord Castlereagh's motion, "that all the words after the words 'adjourned to' be omitted, for the purpose of inserting the words 'this day six months.'"—This amendment was seconded by Mr. S. Whitbread, and supported at great length by Mr. Tierney and several other members. Mr. Denman observed, that, as her majesty had acquiesced in submitting to secret proceedings elsewhere, if, indeed, such proceedings should be there adopted, the legal advisers of her majesty had thought it improper that they should vote upon the present question, and therefore, as the house had now taken it in hand, they left the house to decide upon it as they should think fit. None of the three estates had attempted, or even shewn a wish, to go farther into this business; but there were some individuals, the fourth estate in the realm, who, either in justice to their own characters, or from feelings of wounded dignity, thought that the inquiry must be persisted in. What explanation could be satisfactory, after the poison which that green bag contained should have been circulated for six months, in the minds of six and thirty individuals, to whose inspection it would be submitted? On their report, a bill would be introduced to par-



liament, to which, if passed, no doubt could be entertained that the royal assent would be given.—Mr. Wilberforce expressed his deep regret at her majesty's rejection of the proposed mediation of the house of commons. He conceived that the rejection was owing to her own high and proud feeling, and not to the instigation of her legal advisers. The appointment of any secret committee of that house, to sit in judgment on her majesty's conduct, would be totally inadvisable. As it was, he thought it better that the lords should undertake the investigation, because they were already a court of justice.—After a very long and animated discussion, Mr. Western's amendment was rejected, on a division, by 195 against 100; and Lord Castlereagh's motion was agreed to.

In the house of lords, on Tuesday, (June 27) Earl Grey expressed his opinion, that an adjudication of this important case might be obtained, as well, or better, by a proceeding recommended in the first instance by the lower house. It might be obtained by a proceeding directed under the responsibility of ministers; or it might be obtained by ministers proposing a bill to that house, in progress of which witnesses might be examined at their lordships' bar. Witnesses might there be examined upon oath, which they could not in the house of commons. He therefore moved to discharge the order for the sitting of the secret committee.—This motion was, after con-

siderable discussion, negatived, on a division, by 102 against 47. On the following day, the secret committee met for the first time; and, in consequence of the refusal of the Marquis of Lansdowne and Lord Erskine, to assist in the committee, their places were filled by the Earl of Hardwicke and Lord Ellenborough. On the Tuesday following, (July 4) the committee having continued their sitting, the Earl of Harrowby delivered the following report of the said committee, to the house of lords:—

“ By the lords’ committee, appointed a secret committee to examine the papers laid before the house of lords, on Tuesday, the 6th of June last, in two sealed bags, by his majesty’s command, and to report thereupon as they shall see fit; and to whom have been since referred several additional papers, in two sealed bags, relative to the subject matter of his majesty’s most gracious message of the 6th of June last;—ordered to report,

“ That the committee have examined, with all the attention due to so important a subject, the documents which have been laid before them, and they find that those documents contain allegations, supported by the concurrent testimony of a great number of persons in various situations of life, and residing in different parts of Europe, which deeply affect the honour of the queen, charging her majesty with an adulterous connection with a foreigner originally in her service in a menial capacity; and

attributing to her majesty a continued series of conduct highly unbecoming her majesty's rank and station, and of the most licentious character.

“These charges appear to the committee so deeply to affect not only the honour of the queen, but also the dignity of the crown and the moral feelings and honour of the country, that in their opinion it is indispensable that they should become the subject of a solemn inquiry; which it appears to the committee may be best effected in the course of a legislative proceeding, the necessity of which they cannot but most deeply deplore.”

The above report having been read, the Earl of Liverpool intimated his intention of introducing a bill upon the subject, on the following day.

On Wednesday, (July 5) Lord Dacre, before the reading of the order of the day, rose to present a petition, which, he stated, had been just handed to him from her majesty the queen. The petition was to the effect, that the queen, observing the most extraordinary course that had been adopted by the noble lords, in the secret committee, begged to state to the house, that she was perfectly ready, at that moment, to enter upon her defence, on the charges against her, as far as she could understand them; and she begged to remind their lordships, that, as it would be absolutely necessary for her to have certain witnesses for her future defence, she begged to have the nature of the charges against her, distinctly

stated in the present stage of the proceedings. And, as her majesty had some weighty matter to lay before their lordships, in that stage of the proceedings, highly important to her majesty's interest, to her honour, and, perhaps, to her life, she prayed to be heard by her counsel at their bar that evening.

The consequent motion of Lord Dacre, for her majesty to be heard by counsel, was opposed by the Earl of Liverpool, on the ground that her majesty could not be supposed to know any thing of the report of the secret committee. Lord Dacre conceived, that, under the circumstances of the case, mere technical objections ought not to be entertained.—Earl Grey supported the prayer of the petition, considering that, as counsel had been heard in the former instance, it could not consistently be refused in the present. The Lord Chancellor thought it impossible to receive a petition against a bill, not yet brought into the house. After a protracted conversation, the question for calling in counsel was put, and negatived without a division.

Agreeably to his intimation on the preceding day, the Earl of Liverpool then rose for the purpose of introducing a bill, founded upon the report of the secret committee. His lordship's opinion was, that were they to retrace their steps, there was no other mode of proceeding than that which had been adopted. It was at least doubtful whether an impeachment could be sustained; the case could not be



tried in the ecclesiastical courts, nor in the courts of law :—a legislative proceeding, therefore, was all that remained ; and, under all the circumstances of the case, he still thought it better that the proceedings should originate in that house, and that the bill should be brought forward on the report of a secret committee, rather than on the responsibility of ministers. It was not a question respecting an individual only, it was a great state question ; and he did not feel that the course which had been adopted was in any degree inconsistent with those principles of justice, which they had all an equal interest in maintaining. The essence of the charge was comprehended in the preamble of the bill. On the second reading, the time for which might be hereafter determined, it would be necessary to go to the proof. After some observations, in the hope that the accused might be able to disprove the charges, the bill, of which the following is a copy, was read by the clerk :—

*‘ An Act, entitled an Act for depriving Caroline Amelia Elizabeth, Queen of Great Britain, of and from the style and title of Queen of these Realms, and of and from the rights, prerogatives, and immunities, now belonging to her as Queen Consort.*

“Whereas, in the year 1814, her Majesty, Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation,

one Bartolomo Pergami, otherwise Bartolomo Bergami, a foreigner of low station, who had before served in a similar capacity.

“ And whereas, after the said Bartolomo Pergami, otherwise Bartolomo Bergami, had entered the service of her Royal Highness the said Princess of Wales, a most unbecoming and degrading intimacy commenced between her Royal Highness and the said Bartolomo Pergami, otherwise Bartolomo Bergami.

“ And whereas her Royal Highness not only advanced the said Bartolomo Pergami, otherwise Bartolomo Bergami, to a high station in her Royal Highness's household, and received into her service many of his relations, some of them in inferior, and others in high and confidential, situations about her Royal Highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction; obtained for him orders of knighthood and titles of honour, and conferred upon him a pretended order of knighthood, which her Royal Highness had taken upon herself to institute without any just or lawful authority.

“ And whereas her said Royal Highness, whilst the said Bartolomo Pergami, otherwise Bartolomo Bergami, was in her said service, further unmindful of her exalted rank and station, and of her duty to your Majesty, and wholly regardless of her own honour and character, conducted herself towards the said

Bartolomo Pergami, otherwise Bartolomo Bergami, and in other respects, both in public and private, in the various places and countries which her Royal Highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said Bartolomo Pergami, otherwise Bartolomo Bergami, which continued for a long period of time during her Royal Highness's residence abroad, by which conduct of her said Royal Highness, great scandal and dishonor have been brought upon your Majesty's family and this kingdom. Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said Majesty, by which she has violated the duty she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this realm; and to evince our just regard for the dignity of the Crown and the honour of the nation; we, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal and Commons in Parliament assembled, do hereby entreat your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that her said Majesty, Caroline Amelia Elizabeth, from and after the passing of this Act, shall be and is hereby deprived of the title of

Queen, and of all the prerogatives, rights, privileges, and exemptions, appertaining to her as Queen Consort of this realm ; and that her said Majesty shall, from and after the passing of this Act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them ; and moreover, that the marriage between his Majesty and the said Caroline Amelia Elizabeth be and the same is hereby from henceforth for ever wholly dissolved, annulled, and made void, to all intents, constructions, and purposes, whatsoever.”

This bill having been read a first time, Lord Liverpool's motion that copies be sent to the Queen, the Queen's Attorney General, and the King's Attorney General, was agreed to. On the renewed motion of Lord Dacre, for calling in her majesty's counsel, the Earl of Liverpool promised that, should a petition be presented the next day, the bill being then in progress, he would not object to it.

On the following day, Lord Dacre having presented another petition from the queen, praying to be heard by counsel, considerable discussion ensued as to the points upon which the learned counsel should be allowed to address their lordships ; when it was at length determined, that they must limit their remarks to *the mode of proceeding*, without touching upon *the facts of the case*, which were not yet before the house. Mr. Brougham and Mr. Denman, who had been previously heard as to their intention,



were again called in, and apprised of this decision. Mr. Brougham then entered into a long argument, in the course of which he strenuously insisted upon his royal client's innocence, disclaimed every wish for delay, and most urgently implored them, in the name of her majesty, to let the proceedings go on from day to day, till terminated. Once, the learned counsel was interrupted by the lord chancellor, and once, upon the motion of the bishop of Exeter, he was ordered to withdraw. Mr. Denman followed, on the part of her majesty. Lord Liverpool was willing to appoint Monday, the 10th of July, for the farther consideration of the subject, a full attendance of the house, and the presence of the judges, being indispensable; but Earl Grey, supported by other noble lords, was for proceeding immediately, and moved to that effect. On a division, Lord Grey's motion was negatived, by 56 against 19.

The same day that the bill of pains and penalties was introduced in the house of peers, Lord Castle-reagh, in the lower house, entered into a brief explanation of the course which it was his intention to pursue; the inference from which was, that the affair should be finally disposed of by the lords, before ministers would propose any measures on it, in the house of commons.

On the succeeding day, (July 6,) General Ferguson's motion for producing the instructions to the Milan commission, for inquiring into the Queen's conduct,

since the year 1814, was lost ; Lord Castlereagh, who had moved the previous question, declaring that all he desired was, that the conduct of ministers should not be made the subject of inquiry, till they had a fair opportunity of defence.—

After the disposal of General Ferguson's motion, Lord Castlereagh moved, that the day for taking the king's message into consideration be postponed till the 15th of August ; the report of the committee, which had been appointed on the preceding day, for searching the journals of the lords, relative to the proceedings against the Queen, having rendered his intended motion concerning her majesty unnecessary. Should the house not be sitting on the 15th of Aug. the order would be a lapsed order. This motion led to a very warm discussion, which terminated in Lord Castlereagh's assenting to Sir Matthew White Ridley's amendment, "that the order be discharged ;" and the order was discharged accordingly.

In the upper house, on Monday, the 10th July, the Earl of Liverpool proposed, that the second reading of the bill respecting the Queen should be on the 17th of August, which was the earliest day, that, without the most serious inconvenience to the administration of justice, a sufficient proportion of his majesty's judges would be able to attend. This proposition having received their lordships' assent, without observation, the Earl of Liverpool next moved, that the order be communicated to the Queen,

which was also agreed to ; and likewise that, on the 17th of August, counsel should be heard on both sides, and witnesses examined, previous to the second reading of the bill. His lordship previously observed, that, should the day proposed be inconvenient to the Queen, he trusted that her majesty's counsel would make application without delay, for farther time.—Earl Grey replied, that, if possible, the whole delay should take place at once, in the first instance, both for the prosecution and defence. By communicating a list of witnesses, and specification of the charges, the defence might be prepared.—The Earl of Liverpool said, as to the list of witnesses, he was satisfied there was no claim of justice for them, and it might set a most inconvenient precedent. He would rather grant a delay between the accusation and defence, than grant a list of witnesses.—Lord Holland thought, that, according to the standing orders of the house, not merely a list of witnesses, but copies of all the depositions contained in the bag, ought to be communicated to the Queen's counsel, and also to the attorney general ; or at any rate, they ought to be communicated to the judges who attended, it being well known, that, in all criminal trials in the courts below, the judges had the depositions taken before the magistrates, who committed the party accused, communicated to them, by which means they were enabled to detect any contradiction between the evidence given by witnesses on the trial, and the depo-

sition by the same witnesses before the committing magistrate.—The Earl of Liverpool declined arguing the question at the present moment ; observing, that the proper course would be, to give notice of a motion on the subject, when it would come regularly under discussion.—After considerable debate on the law of the case, between the lords Holland, Ellenborough, Erskine, and Eldon, the resolution was agreed to ; as were also five other resolutions, in substance as follows :—That counsel should be heard on the second reading in support of the bill ; that the King's attorney general should be informed of this resolution ; that the house should be called over at 10 o'clock in the morning, on the 17th of August ; that no lord should absent himself from the house without leave, during the progress of these proceedings ; and that the Lord Chancellor should be directed to send letters to all absent lords, to inform them that the house was to be called over on the 17th of August.—Lord Erskine afterwards moved, to take the question, for affording a list of witnesses to her majesty, into consideration on the Friday following, which was agreed to.

On the succeeding day, (Tuesday, July 11,) Lord Auckland presented a petition from the Queen ; who, having been informed that the second reading of a bill for her degradation and divorce had been postponed till the 17th of August, prayed that a list of the witnesses, and copies of the depositions, might be



given her.—In the course of the conversation upon this petition, (which was ordered for consideration on the same day, with Lord Erskine's motion on the subject,) the Earl of Lauderdale moved, that a committee of privileges should be appointed, to examine into precedents, as to the propriety of furnishing lists of evidence, and depositions of witnesses, in cases of bills of pains and penalties. To this Lord Bathurst moved, as an amendment, that the inquiry of the committee should be extended to impeachments. This was opposed, on the ground that the inquiry of the committee of privileges ought to be extended only to all matters connected with the proceedings against the Queen. Lord Lauderdale's motion, however, with Lord Bathurst's amendment to it, was carried on a division, by 18 against 10.

On the day proposed, (Friday, July 14,) the committee appointed to search for precedents relative to the giving of lists of witnesses, in cases of attainder, and of bills of pains and penalties, and impeachment, reported, in substance, that the journals afforded but two precedents in any degree in point—the one, of Sir J. Bennet, judge of the prerogative court, in 1621; and the other, of the memorable Lord Strafford, in Charles the First's reign. In both of these cases, the accused demanded lists of witnesses, which the houses, in both cases, refused.—Upon the basis of this report, Lord Erskine submitted the following resolutions:—“1. That a list of

witnesses should be furnished forthwith to her majesty's legal advisers.—2. That the delivery of such list should not exclude the house from right of examining other witnesses, if necessary, not named in the list.—3. That copies of the depositions should also be furnished.” Lord Erskine insisted, that the charges in the preamble of the bill, imputing not alone adultery, but a series of licentious conduct at various times and places, were so vague, that, without some specification, by giving the names of the witnesses, the queen could not have substantial justice. He next regarded the bill in a two-fold light—as a bill of pains and penalties, and a bill of divorce—and pointed out to the house, the analogies which the administration of justice in the courts below pressed upon their adoption in this case. He dwelt upon the various advantages which the queen would enjoy, to possess the means of a just defence—such as the knowledge of the jury, the right of peremptory challenge, and the knowledge of the witnesses. He next viewed the bill, as a bill of divorce—and stated the various securities for justice in the ecclesiastical court—the particulars of her acquaintance with the alleged adulterer—and of the misconduct imputed to her minutely specified, as to time and place.—The lord chancellor contended, that, if a list of witnesses were given, the accused party would have a great advantage—an advantage which, in many cases, might be fair, as the evidence might be

reduced to dust and ashes, by cross examination. They were bound, however, to inquire, whether it were not better to submit to a particular mischief, than to establish a principle injurious to the administration of justice. Justice Foster had recorded it as his opinion, that the statute of William III. wrought great injustice in some cases. His noble and learned friend (Lord Erskine) had admitted the same in his own resolutions; for he had altered and improved the statute, by providing that witnesses might be called, who were not mentioned in the list. If the statute were excellent, the improvement must be more excellent still; but it proved that, if the principle of the statute were to be adopted, they ought, even in the noble lord's opinion, to do more than had been done by the statute. By acceding to the present motion, the house would sacrifice a great and essential constitutional principle.—The Marquis of Lansdowne, in supporting the motion, observed, that there was not a single instance of a bill of pains and penalties, originating in that house. Alluding to such bills, Blackstone had observed, that they were *pro re natâ*; and, being subject to no law, could not form a part of any.—The Earl of Liverpool quoted the opinion of a great constitutional lawyer—a man, whose disposition led him to favour public liberty—that the practice of furnishing witnesses' names might be easily turned to bad purposes; that there was but one good purpose likely to

flow from it, namely, that it gave the party accused an opportunity of inquiring into the character of the witnesses and the jury; but that the good effect could not, in sound policy, stand against the many bad ends that the law might be perverted to; and, at all events, in common justice, if the accused should have the opportunity of inquiring into the character of the witnesses for the crown—the crown ought to have the same opportunity of inquiring into the character of the witnesses for the accused.—But the crown had not by law that opportunity; the consequence was, that whatever might be the degree of perjury committed by the witnesses for the accused, it was not in the power of the crown to bring forward a single witness to contradict them, unless those included in the list of witnesses' names furnished in the first instance. But there was no analogy between the case of high treason, and the present case. The present case could be followed only by the punishment of degradation; but treason was visited with the punishment of death. He admitted that, to a mind full of honour and sensibility, degradation might be regarded as a punishment more bitter than death; but the law did not enter into such feelings. From the practice of furnishing the list of witnesses' names, more of injustice than justice was likely to proceed; it gave the accused an unfair advantage; it gave him the means of preparing a false defence—it gave him the power of using threats and



intimidation—it way-laid justice in its course. If what a noble lord said was true, that the hand of power was always directed against the accused, well might it be said, on the other hand, that the power of popular clamour was in favour of the accused, and against the crown. Even after the list of witnesses had been furnished, his lordship observed that the list might be found incomplete; many circumstances of great importance might transpire, which might render it extremely necessary and proper for counsel to ask for delay; nor could he see upon what grounds their lordships could possibly refuse such an application.—The Lords Holland, Bute, Belhaven, and Carnarvon, supported the motion; which was opposed by the Lords Ellenborough and Lauderdale. The last-mentioned nobleman, alluding to an attack which had been made upon some Italian witnesses against the queen, upon their landing at Dover, thought that by that transaction the national character had been degraded: to give a list of the witnesses would be to endanger a still greater degradation.—Lord Erskine, in reply, observed, that his motion stood on the principle that it was justified both by the act of William III. and by the practice of the courts of this country, in which suits for adultery were tried. It was rather too much to adduce against the act of William—a statute law which had existed for 120 years—the opinion of a puisne judge, Mr. Justice Foster. In conclusion, his lordship ob-

served, that the house had a right to reject his motion, because they were supreme ; but they ought to grant it, because they ought to be just.—The motion was negatived, on a division, by 78 against 28 ; a decision which also determined the fate of the queen's petition. The business, however, was not permitted thus to close. On the ensuing Monday, (July 24,) Lord Erskine brought forward another petition from the queen ; in which her majesty lamented that their lordships had deemed it proper to refuse her application for a list of the witnesses, thus leaving her majesty and her legal advisers in total ignorance as to the time and place to which the charges might relate, or the persons by whose testimony the obligations in the bill were intended to be supported. Her majesty now submitted to the house, that a specification of the place or places in which the criminal acts were charged to have been committed, should forthwith be furnished to her majesty's attorney-general ; for, should that be denied, it would be impossible to be prepared to meet the accusation, or to take preliminary measures for providing defensive evidence against the charges, without bringing, from every place which her majesty had visited for the last six years, every witness who had had any means of observing her majesty's conduct. Her majesty farther desired to be heard by her counsel and agent, at their lordships' bar, in support of this request.—The lord chancellor observed, that he never knew of

an instance in which the prayer of such a petition had been complied with. Even where a list of witnesses had been granted, no times and places had been mentioned, except in the one, which, by the common law, was necessary for laying the *venue*.—Lord Holland, contending that there was no precedent of bills of pains and penalties, when a clearer specification had not been given to the party accused, alluded to the cases of Plunkett, Atterbury, and Kelly, where the whole narrative was given in the report of the committee.—The Earl of Liverpool said, he did not see how their lordships could accede to the petition. With respect to the observation, that the present bill extended itself over a surface of six years; it did not, he said, pretend to charge acts committed here and there, as particular spots, but contemplated a continuance in an adulterous course, and therefore the preamble had embraced the whole. As far as analogy could hold, the proceeding was in consonance with the practice of the courts below. Let them give her majesty all fair advantages in another stage of the proceeding; allow time to collect her witnesses and digest her defence; let their lordships do this, and even more, and after all, if a doubt should arise, let it operate in her favour; but, in the mean time, it was their duty, as legislators and judges, to pursue the course they had resolved to take, as authorized by the analogy of former times, and most consonant with the dictates of law.—The

petition was at length received ; but the subsequent motion, by Lord Erskine, that counsel be heard, was negatived, on a division, by 37 against 12.

On the ensuing Thursday, (July 20,) a committee of peers was appointed to search for precedents, as to the mode of enforcing the attendance of their lordships on the investigation respecting the queen. The report of this committee, presented four days afterwards, by Lord Shaftesbury, recommended a fine of £100 for the absence of any peer, for each of the three first days of the approaching proceedings ; and of £50 for each day after, while these proceedings last ; that no peer be allowed to absent himself from the second reading, and other proceedings on the bill of pains and penalties, unless his age be 70 and upwards ; or except on account of the death of his nearest relative. The report also recommended, that a temporary gallery should be erected on each side of the house ; and also that a part behind the bar should be railed off, for the accommodation of the counsel, the witnesses, and the short-hand writers of the house. These recommendations were all agreed to.—It was also ordered, *sub silentio*, on the motion of the Earl of Liverpool, that the judges who might not be absent on their respective circuits should attend the service of the house on the 17th of August, on the second reading of the bill ; and that the other judges should attend as soon as their respective circuits might be finished.



The proceedings in this weighty affair having been so far arranged in the house of lords, their lordships adjourned, on Wednesday, July the 26th, to Tuesday, the 15th of August.

The only points of interest connected with this subject, hitherto unnoticed, in the house of commons, are the following.—On the 12th of July, Mr. Brougham and Mr. Denman, her majesty's attorney-general and solicitor-general, members of that house, obtained leave to be heard as counsel at the bar of the house of lords, on the bill pending relative to her majesty, the same leave not to be, in time coming, drawn into precedent. Similar leave was granted, on the motion of Lord Castlereagh, to his majesty's attorney and solicitor-general. On the part of the queen, similar leave was also granted to Dr. Lushington; Sir James Mackintosh having observed, that a civilian was always one of the parties in such a proceeding.

On the Saturday following, Dr. Lushington gave notice of a motion, which he brought forward on the succeeding Monday, relative to a service of plate, alleged to have been presented by his late majesty, in the year 1808, to the present queen, at that time Princess of Wales. This motion, the subject of which had not the slightest reference to the merits of the case, upon which the bill of pains and penalties had been founded, afforded an opportunity for some of the honourable members, in the interest of her

majesty, again to enlarge upon the numerous hardships to which that illustrious personage had been subjected. From the information given by his majesty's ministers upon the occasion, it appeared, that the plate in question was part of the property of the crown, and had never been intended as a personal gift from the king, who, in point of fact, did not possess the right of transfer.—The motion was consequently negatived, without a division.

On the same day that the house of lords adjourned, the house of commons also adjourned to the 21st of August.

The law and the facts of the case, with the opinions and reasons of the two houses of parliament, respectively, are now fully and clearly before the reader : in the present stage of the proceedings, no farther comment can, in this place, be offered.



## PART THE FOURTH.

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*Parallel between the Lives and Characters of King Henry the Eighth, and his present Majesty, George the Fourth.*

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“There is a river in Macedon, and a river in Monmouth, and there is salmons in both.”—SHAKSPEARE’S *Henry V.*

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THE attempt to draw a parallel between the lives and characters of two such princes as Henry VIII. of England, of the House of Tudor, and his present majesty, George IV., of the House of Brunswick, may to many, perhaps, appear strange. When it is considered, however, that Cæsar and Brutus have been compared with each other, and that a parallel has actually been drawn between Buonaparte and Lord Sidmouth, the achievement may not be deemed altogether hopeless.\* The time has been, when the name of Edward the Black Prince, or that of

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\* Several years ago, a highly ingenious essay appeared under the title of a “Parallel between Buonaparte and Mr. Addington.”

England's gallant Harry the Fifth, would have been thought to harmonize better with the name of the present illustrious occupant of the proudest and most justly honoured throne of Europe; but the times are changed, and the spirit of the moment requires that the names of Henry VIII. and George IV.—names “joined not matched”—should be associated together.

For the bold originality of the idea—an idea at which the wise may wonder, and the good may tremble—the world, however, is not indebted to the present writer. Twice at least has the attempt been made—seriously made—to raise the character of Henry, at the expense of that of George; to exhibit the existing sovereign of these realms, as a fiend of darkness, compared even with the blood-stained tyrant, Henry VIII. In this envied path of loyalty—in this worthy offering at the shrine of truth and justice—it was for a titled poet, the grand debaucher of the morals of his countrymen, to lead the way; it was for the base and degraded conductor of the most infamous journal in the universe, to follow!\*

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* By the few who have seen the lines which appeared in one of the morning papers of the metropolis about six years ago, “*On the royal visit to the tombs wherein were deposited the remains of King Henry VIII. and Charles I.*” the base and assassin-like attempt will never be forgotten. These pages must not be polluted by their insertion; but it is due to insulted royalty, and due to a worthy servant of his country, now no more, (a) to insert the

(a) Thomas Downey, R.N. author of “*Pleasures of the Naval Life,*

The subject is pregnant with interest; but to render justice to its weight and magnitude would require a greater portion of time and of labour, and more extent of space, than can at present be accorded. Instead of finished portraits, hasty and imperfect sketches can alone be offered. The likenesses,

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 following reply, which was administered as an antidote to the poison which had fallen from the pen of the noble lord.

“ Here royal Charles to Rome a victim lies,  
 His errors pitied by the good and wise ;  
 Henry, who quenched the Papal thunders, here,  
 With all his faults, to Britain’s freedom dear !

“ Lo, death’s dark mansion closed, the P— retires  
 In mournful musings from th’ unconscious sires ;  
 Yet sadly pleased that, ’mid the sacred gloom,  
 Unhappy Charles was not refus’d a tomb !

“ Though all is still, in vain the vault we close ;  
 A titled vampyre breaks the dread repose.  
 Press’d by no need, by no resentment fir’d,  
 Urg’d by no party, by no faction hir’d,—  
 In callous apathy, uncheck’d by shame,  
 To blot the tablet of his sovereign’s fame,—  
 He bids the charnel ope its marble jaws,  
 Again to light the regal dust he draws,  
 And coolly mixes, for his pois’nous scrawl,  
 An idiot’s slaverings with a cynic’s gall ;  
 Such is the sordid stream that taints his page,  
 Worthy the reign of jacobi nic rage.

“ Compar’d with thee, O Folly’s wayward child,  
 Misguided Charles was just and Henry mild :  
 Nature and death have join’d their dust in vain,  
 Scatter’d by thee a noble name to stain !

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and the “ *Battle of Trafalgar* ;” naval poems far superior to any which have appeared since Falconer’s “ *Shipwreck*.”

however, shall be preserved; and, at some future period, the rude outline may possibly be filled up, and all the tints and shadowings of characteristic truth be supplied.

Henry, in his early youth, was a handsome, brave, and generous prince: George, the eldest born of our late revered monarch, in all the grace of person and of mind, was also the delight of his royal parents, and the pride of the country over which he was destined to reign. If these young men had their foibles, were they not the natural foibles of youth—were they not foibles incidental to, and resulting from, their birth and lofty station? George, as well as Henry, was the handsomest, the most elegant, the most accomplished, prince of his time. Henry was fond of splendour and of military parade: George was equally partial to camps and reviews, and all the “pride, pomp, and circumstance, of glorious war.”

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“Go, let th’ hyena tear the corpse at night,  
 And by the grave the weeping mourner bite;—  
 ’Tis not on carcases the lion preys.  
 Spoiler, desist!—Or if, on themes like these,  
 Thy spleen still prompts the midnight oil to waste,  
 In the drear regions of perverted taste,  
 Why—take in monkish guise thy secret stand,  
 No glittering dagger need betray thy hand;  
 With pen more murd’rous than a Clement’s knife,  
 Stab all th’ unguarded privacies of life:  
 So may the cowl and tunic well environ  
 Th’ insensate brows, th’ obdurate breast, of B——.”

Had not the peculiarity of their situations restrained them, they would both, it may fairly be presumed, have gained many a well-fought battle in their country's cause; and, the bravest amongst the brave, their names would have flourished for ever in the annals of heroic fame. High-spirited and chivalric in his notions, tilts and tournaments, the grand amusements of the age, were the delight of the youthful Henry. Where shall we find a more lively, exhilarating, soul-entrancing picture, than the interview between "those suns of glory, those two lights of men," Henry, and his gallant friend the King of France, in the camp of the cloth of gold, "in the vale of Arde!"\* Who can refrain from exclaiming,

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* The view of earthly glory: men might say
 'Till this time pomp was single, but now marry'd
 To one above itself. Each following day
 Became the next day's master, 'till the last
 Made former wonders, his. To day the *French*,
 All clinquant, all in gold, like heathen gods,
 Shone down the *English*; and to-morrow they
 Made *Britain, India*: every man that stood,
 Shew'd like a mine. Their dwarfish pages were
 As cherubins, all gilt; the madams too,
 Not us'd to toil, did almost sweat to bear
 The pride upon them, that their very labour
 Was to them as a painting. Now this mask
 Was cry'd incomparable; and th' ensuing night
 Made it a fool and beggar. The two kings,
 Equal in lustre, were now best, now worst,
 As presence did present them; him in eye,
 Still him in praise; and being present both
 'Twas said they saw but one, and no discerners

that there Henry was “every inch a king!” The future historian, in recording the dazzling glories of the reign of George III. will pourtray, in glowing colours, the splendour of the prince regent’s court, the display of all that was grand and magnificent, when, by the superior prowess of Britain, one of the most horrible wars that ever devastated the world had been closed in a triumphant peace. It will not then be said, that the Prince Regent of England fell short of even Henry the Eighth, in all that could allure, and charm, and fascinate the eye.

In early youth, without experience, exposed to a thousand temptations, and almost without controul in the expenditure of money, George and Henry were alike prodigal, rather than parsimonious.—Equally devoted to balls, concerts, masquerades, and all the attractive assemblages of the softer sex, George, alike with Henry, was the fondest admirer of woman, the most devoted suppliant at the shrine of beauty, the most fervent worshipper at the altar of love! Two princes, so accomplished—so elevated by their birth and station—towering in the pride of wealth, of youth, and health, and personal acquire-

Durst wag his tongue in censure. When these suns,
 (For so they phrase ’em) by their heralds, challeng’d
 The noble spirits to arms, they did perform
 Beyond thought’s compass, that old fabulous story
 (Being now seen possible enough) got credit;
 That Bevis was believed.—*Shakspeare’s Henry VIII.*

ment, above compeer, is it to be wondered at, that beauty should have been lavish of her favours? Would it not rather have been matter of surprise, of wonder, of astonishment, had not attractions so superlative drawn around them a bevy of all that was alluring and seductive in the English court, and in the English nation at large. It was all but impossible, that men so favoured by nature, possessing so much adventitious, as well as natural, merit, should not be encircled by flatterers, parasites, and adventurers of all descriptions. Had they resisted the numerous temptations by which they were assailed, they must have been more or less than men.

Thus, in all the minor points of consideration, the youthful Henry and the youthful George appear to have been as nearly as possible upon a par. They may be said to have lived and revelled in the smiles of beauty; to have basked and gloried in the sunshine of voluptuous enjoyment. Here, alas! to the disgrace of Henry, the *parallel* must close: here, for the credit of George, the *contrast* must commence. Henry's early aberrations degenerated into crimes; George's adolescent folly has been chastened into virtue.

From its commencement to its close, the reign of Henry was marked by tyranny and oppression; his will was his law; and that law was written in characters of blood. It is true, that, to the exertions of

this monarch, England is deeply indebted; it is true, that,

“ From Catharine’s wrongs a nation’s bliss was spread,
And Luther’s light from Henry’s lawless bed ;”

but it was from fortuitous circumstances, not in the moral or religious worth of the sovereign, that those exertions arose. Had not Henry’s lust, or his tenderness of conscience, thwarted in the attainment of his object, excited him to a quarrel with the church of Rome, the glories of the reformation might never have reached our island; we might still have been groaning beneath the yoke of religious superstition and civil tyranny; and England—now free and happy England—instead of being, at once, the envy, the admiration, and the example of nations—instead of giving liberty to the world—might yet have been immersed in the lowest depths of ignorance and slavery.

Almost the first sun that rose upon the reign of Henry, threw its departing rays upon a scene of blood. The worst crime that was proved against Empson and Dudley was too close an adherence to the letter of the law, which, by his royal father, they had been directed to execute; and they were sacrificed, not to justice, but to popular feeling; they were sacrificed, for the purpose of giving *eclat* to an opening reign. Nor can aught be said in extenuation of

the death of De la Pole, the Duke of Suffolk, whose life had been promised him, or of that of the Duke of Buckingham. These noblemen were victims of a pitiful narrow-minded jealousy.

In defiance of historical fact, it has been impudently asserted—and so repeatedly has the brazen falsehood been adduced, that its very propagators begin to regard it as a truth—that Henry never violated the sacred purity of the conjugal bed—that, married or single, he was never guilty of the sin of incontinence. One of the proofs, perhaps, of Henry's *chastity* and *conscientious advocacy* of wedded love, was his abolition of the stews! Rapin, however, tells us, that he *began* to be unfaithful, during the life of Catharine; and it is notorious, from a thousand quarters, that, even before the commencement of the assiduities with which he persecuted Anne Boleyn for a series of years, he had long ranged from beauty to beauty, amongst the ladies of his court; and it is equally to the discredit of the women of that age, that, in most instances, his elevated rank procured for him a ready compliance from female frailty. Nor would Henry's chastity, admitting the existence of such a virtue, be entitled to exalted praise; for, it has been too clearly shown, that, on the instant when he conceived a passion for a woman, he remorselessly determined on removing the obstacle to its gratification. The truth of this assertion is strikingly evinced, in the commencement

of his love for Jane Seymour and Catharine Howard; and, if his affection for Anne Boleyn were not the original exciting cause of his scruples, respecting his marriage with Catharine of Arragon, it is beyond a doubt, that it was the grand stimulant of his subsequent persecution of that devoted queen. Did his attention to Anne Boleyn originate in purity of sentiment? Was his affection of a Platonic nature? Is it not evident, on the contrary, that he would, if possible, have triumphed over her virtue—that he would have gained possession of her person, without the aid of the church, and that then he would have thrown it like a “loathsome weed away?”

What was Henry's conduct towards Anne Boleyn, after he had married her? His brutal treatment of that unfortunate woman—at a time, too, when, more than ever, the nature of her situation demanded all a husband's care, and all a husband's tenderness—is upon record.* What, too, was his conduct, when

* In a recently published memoir, written by George Wyat, grandson of Sir Thomas Wyat, the poet, who died in the year 1624, at the age of 80, appears the following passage:—“She waxinge greate againe and not so fit for dalliance, the time was taken to steale the kinge's affection from her, when most of al she was to have bin cherished. And he onse shewinge to bend from her, many that least ought shranke from her also, and some lent on the other side; such are the flexible natures of thos in courts of princes for the most part. Unkindnes grew, and she was brought a-bed afore her time with much peril of her life, and of a male child dead borne, to her greater and most extreme grieffe. Being thus a woman ful of sorrowe, it was reported that the kinge came to her, and bewailinge and complaininge

he had consigned her, pure and spotless, to the block? On the very day after her death, this *chaste* and tender-hearted king—this crocodile tyrant, who subsequently shed tears on the disclosure of a strumpet's infamy, before his passion for her had been palled—insulted her memory by wearing white mourning, and by marrying Jane Seymour!

Henry's worthless heart never acknowledged the force of the apophthegm—

“’Tis good to be merry and wise,
 ’Tis good to be honest and true;
 ’Tis well to be off with the old love,
 Before you be on with the new.”

For a short time, Jane Seymour was his angel of life—his all of happiness—his very soul of affection. Equally beautiful, equally innocent, equally lovely, amiable, and virtuous, Anne Boleyn had breathed her last upon the scaffold; and, had not death kindly

unto her the los of his boy, some words were heard breake out of the inward feelinge of her hart's dolours, lainge the falt upon unkindnes, which the kinge, more than was cause (her case at this time considered) tooke more hardly than otherwise he would, if he had not bin somewhat to much overcome with grieffe, or not so much alienat. Wise men in those daise judged that her virtue was here her default, and that if her to much love could, as wel as the other queene, have borne with his defect of love, she might have falen into les danger, and in the end have tied him more ever after to her, when he had seene his erreure, and *that* she might the rather have doone respectinge the general libertie and custome of feelinge then that way. Certinly from hensfourth the harme stil more increased, and he was then heard to say to her, He would have no more boise by her.”

anticipated the blow, there is no assurance in the moral worth of Henry, that his adored Jane would not also have bled beneath the axe of the executioner.

Henry's conduct towards Anne of Cleves, and Catharine Howard, was in perfect keeping with the earlier traits of his character; and history has handed down the strongest presumptive proofs, that Catharine Parr would have added one to his list of human sacrifices, had she not shown herself an adept in the art of managing a jealous, tyrannical, sanguinary husband.

Did Henry evince more mildness, kindness, forbearance, truth, justice, or honour, respecting his friends, ministers, and political partizans, than towards his wives?—The blood of Wolsey, Cromwel, More, Fisher, Surrey, and many others, springs from the deluged earth, to pronounce a dreadful negative to the question. Whatever might have been the crimes of Wolsey, he ought not to have fallen by the hand of his royal master. To Fisher, the venerable, time-bowed Bishop of Rochester, he had passed his kingly word, that his expressed opinion, on the point of supremacy, should be sacred. That word, that promise, that sacred pledge, was violated. Little was Henry capable of participating in the noble sentiment of one of the French monarchs, that, if truth and honour had been banished from every other spot upon the earth, they ought to be found in the bosoms of kings. The heart that could resist the last pathe-

tic appeal of Anne Boleyn, so late the honoured wife of his bosom, it could scarcely be expected, should he moved by an application from the wretched Cromwel.* Too just was the remark of the historian, that Henry “never spared man in his anger, nor woman in his lust.”

Henry’s ingratitude was equal in its magnitude to his other crimes; and his brutish obstinacy was scarcely inferior to his ingratitude. The former was cruelly displayed in his remorseless immolation of Wolsey; and of the latter, a striking picture is presented, in the last words of that once-haughty but then humbled prelate: “Rather than he will miss, or want any part of his will, he will endanger the one half of his kingdom. I do assure you, that I have often kneeled before him, sometimes three hours together, to persuade him from his will and *appetite*, but could not prevail.—Take care what you put into the king’s head, for you can never put it out again.”

* It was not the practice of Henry, observes Hume, “to ruin his ministers and favorites by halves; and, though the unhappy prisoner once wrote to him in so moving a strain, as even to draw tears from his eyes, he hardened himself against all movements of pity, and refused his pardon. The conclusion of Cromwel’s letter ran in these words: ‘I, a most woful prisoner, am ready to submit to death when it shall please God and your majesty; and yet the frail flesh incites me to call to your grace for mercy, and pardon of mine offences. Written at the Tower, with the heavy heart and trembling hand of your highness’s most miserable prisoner, and poor slave, Thomas Cromwel.’ And a little below, ‘Most gracious prince, I cry for mercy, mercy, mercy.’”

This is the man who has been unblushingly placed in juxta-position with his present majesty.

“ Have you eyes ?

Could you on this fair mountain leave to feed,
And batten on this moor ?”

Henry, like an eastern despot, regarded woman as a mere bauble of the creation—the play-thing and the slave of man. In his estimation, she was a creature without a soul ; and, by him, her body was embraced or rejected, not in conformity to rule, principle, or affection ; but as the gust of incipient passion, or sated lust, excited love or loathing. Of all his numerous connexions with women, not one was pure or permanent—not one was founded in reason, or conceived in the generous affections of the heart. It was not thus with our present sovereign, even in his gayest and lightest hours. The king’s enemies, if such a man can have enemies, have repeatedly assailed him on the ground of his long-continued attachment to a certain lady, who is too well known to render necessary the mention of her name. If their allegations, on this point, however, have truth for their basis, they prove too much for the purpose of the assailants. If, indeed, his majesty’s attachment to that lady have continued firm and unimpaired though a long series of years, through many seasons of trial and of suffering, until youth, and beauty, and loveliness, have perished, proof more than presumptive is afforded of the inalienable constancy of his love.

Henry was a notorious hypocrite, yet haughty and overbearing in his manner.—His present majesty has been universally admired, for the utmost possible urbanity of demeanour; but no one has ever dared to insinuate, that cant or hypocrisy is amongst the constituents of his character.

Henry's early prodigality degenerated into avarice; that of the present king has been modified, by the correcting hand of time, into judicious disinterested liberality. The avarice of Henry impelled him to the grossest acts of plunder and cruelty; the generosity of George the Fourth has prompted him to a thousand deeds of charity and benevolence to individuals, and munificence to the noblest public institutions of the age. The unprincipled avarice of Henry VIII. is also strikingly contrasted with the liberality of the present sovereign to his wife—to a wife, too, with whom, smarting under embarrassed circumstances and irritated feelings, he was upon the worst of terms—when he took her enormous debts upon himself—when, as Lord Castlereagh observed, “he made sacrifices which no other husband in the land, had he been brought before parliament, would have been called upon to make.”

In all the duties of son and of parent, as in all the nobler impulses of our nature, the present king stands proudly superior to him whose name has so often been mentioned insultingly with his. Jealous and tyrannical as a husband, Henry was equally morose as a

father. In public, or in private, nothing savouring of tyranny or of harshness has ever been witnessed in the conduct of the present king. If all other proofs were wanting of dutiful attention, and of studiously respectful deference to the predilections of his royal father, his retention of the late king's ministers in power, though acting, as it was believed, in decided opposition to his own sentiments on public affairs, sufficiently marks his character on that point.

Henry, as has been already stated, was a repulsive and a morose parent; his present majesty was a kind, conciliating, affectionate, father. The accuracy of this position is too well known to require illustration. It is upon record, too, that he was anxious for the political as well as moral and religious education of his daughter—he was anxious, that she whom he fondly hoped had been sent by heaven to sway the sceptre over the land of his fathers, should govern the people in the spirit of that system which he conceived to embody the genuine principles of the British constitution.* Whether his majesty's view of the subject were correct—whether he were right in preferring the politics of Fox to those of Pitt—this is not the place to inquire

* At a dinner which his royal highness the prince of Wales gave at the pavilion at Brighton, in the year 1803, [the health of the princess Charlotte was drunk. The prince, her father, in acknowledging that mark of respect to the object of his pride and tenderness, observed, in a brief but eloquent address, “ that he had made it his first care to instil into the mind and

The present king's retention of his royal father's ministers has been mentioned in proof of his filial duty and respect; and it may also with advantage be brought forward, in contrast to the obstinacy of Henry, so forcibly described by the cardinal in his dying moments. Henry, we are told, rather than miss or want any part of his will, would endanger the one-half of his kingdom. The Prince Regent, on the contrary, magnanimously sacrificed his own will, his own wishes, his own inclinations, in the first instance, to what he conceived would have been the pleasure of his royal parent, if blessed with health and reason; and, afterwards, to the expressed desires of the nation. That he has ever since continued to afford the royal countenance and favour to the same ministers, amidst the various mutations of time and circumstance which have occurred, is honourable alike to the sovereign and to his servants. It may, indeed, fairly be presumed, that the circum-

heart of his daughter, the knowledge and love of the true principles of the British constitution: and he had pointed out to her youthful understanding, as a model for study, the political conduct of his most revered and lamented friend, Mr. Fox, who had asserted and maintained, with such transcendent force, the just principles upon which the government, under this excellent constitution, ought to be administered for the true and solid dignity of the crown, and the real security, freedom, and happiness, of the people. He had the most heartfelt enjoyment in knowing, that even in her present early years, his daughter had a just conception of the value of the precepts which had been implanted in her breast; and that he could say, with confidence, that she would fulfil all the duties which she might be called upon to discharge, when his bones were laid in the grave."

stances of the times have produced a conviction in the royal mind, of the necessity of adhering to that system which eventually led to the victory of Waterloo, and the consequent peace of Europe.

It must be repeated, that, neither in public nor in private, has a harsh or tyrannical disposition ever been displayed by the present king. Even his letter to her majesty,* when Princess of Wales, upon which so much unwarrantable stress has been laid, is no feeble evidence of the mildness, the urbanity, the delicacy, of the writer. Tranquil and comfortable society, observed the prince, is in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the conditions you required.—Where is the candid, unprejudiced, individual, who will come forward and say, that the prince was the first to violate that condition? It is too well known, that, in his match with the Princess Caroline of Brunswick, his affections were not engaged; but there is not a shadow of proof, that his personal treatment of his royal consort was ever, in the slightest degree, derogatory to the character of a prince, of a gentleman, or of a man. Without the slightest imputation on the fame of the princess, it is infinitely more easy to imagine, and infinitely more candid to presume, that the prince, her husband, had strong, substantial, unconquerable, motives for in-

* *Vide* page 109.

ducing a separation between them, than to admit the possibility, that a man of polished education and manners, of amiable mind, of elevated notions of delicacy and honour, as the prince was universally allowed to be, should causelessly desert an innocent, virtuous, and estimable wife. Such conduct, in such a man, would, indeed, be so gross and palpable a transgression of the common laws of nature, that, unless by the most perverted intellect, the idea cannot for a single moment be received or entertained.

One word more, and the *parallel*—the *contrast*—shall close. In the character of Henry VIII., it would be difficult to discover a single good quality; but, independently of his other virtues, one who had the best opportunities afforded him for the formation of a correct opinion,* pronounced George the Fourth, to be “the kindest-hearted man alive.”

* The late Colonel Taylor.

POSTSCRIPT.

SINCE the *third part* of this volume was prepared for the press, the great council of the nation has resumed its sittings, and the inquiry into the queen's conduct is now in full progress. The only remarkable circumstances connected with the commencement of the proceedings, are, the manly avowal of the Duke of York, of his determination to attend in his place during the inquiry; the motion of the Duke of Leinster, for rescinding the order of the day for the second reading of the bill of pains and penalties; and the motion of Earl Grey, for the opinion of the judges, upon the statute of Edward III.

On Thursday, (August 17,) amongst the apologies for non-attendance, which were read by the Lord Chancellor, from about 45 peers, who were over age, ill, abroad, &c. was a letter from the Duke of Sussex, praying the house to excuse him, on account of his consanguinity to the parties; upon which the Duke of York rose, and thus expressed his sentiments:—
 “My lords, I have as much reason, and heaven knows I would as anxiously desire, as my royal

relative, to absent myself from these proceedings; but, when I have a duty imposed upon me, of such magnitude as the present, I should be ashamed to offer such an excuse.”

The motion of the Duke of Leinster, the object of which was, to nullify the whole of the proceedings, was negatived, on a division, by 206 against 41.

Upon the motion of Lord Grey, the opinion of the judges present, (the chief justice of the court of king's bench, the chief justice of the court of common pleas, the chief barons Richards and Garrow, Mr. Justice Holroyd, and Mr. Justice Best,) as pronounced by the lord chief justice of the court of king's bench, was in perfect accordance with that of the Lord Chancellor and the Earl of Liverpool, as given and explained at length, in the *first part* of this work; viz. that the violation of the queen's person by a foreigner, owing no allegiance to this country, and she consenting to such violation, did not render her guilty of high treason, within the statute of Edward III.: unless the man so committing that act of violation could be legally charged with a breach of his allegiance, it was impossible that the consort of the king could be charged with the crime of high treason.

During the interval between the adjournment and the re-assembling of the house of peers, numerous tracts, some of them of a most violently inflammatory nature, relative to the pending inquiry, were forced

upon the attention of the public. Amongst these, one of the wickedest, but, fortunately, also, one of the weakest, was a furious frothy *tirade*, from the pen of Philips, the Irish barrister, in the form of a letter to the king. This rhapsodic effusion, inflated with falsehood and mock pathos, bore every appearance of having been written in haste, after dinner, when, "hot with the Tuscan grape, and high in blood," the learned author fancied himself, by turns, or all at once, a patriot and a bard, a hero and a lover. At times, too, he seems to have imagined himself pleading the cause of a defendant, in a case of *crim. con.* before an Irish jury. Such base coin might probably pass current, in an Irish court of justice, for incontrovertible argument and irresistible overwhelming eloquence; but, in an English house of commons, it would be laughed to scorn, or coughed down, like the empty drum-like nonsense of citizen Waithman.—One word, *en passant*, to this gentleman, and his little band of admirers:—let them not be too loud and frequent, in their declamations, about virgin purity, spotless innocence, complete acquittals; lest, suddenly and unexpectedly, the fire of their zeal should spring a mine, of the existence of which they may not be aware.

The extraordinary letter of Lord John Russell to Mr. Wilberforce, and the still more extraordinary petition to the king, of which it was the precursor—(an instrument which was conceived in a feebleness of

judgment, and executed in a poverty of taste, which, from the noble lord's well-known literary attainments, were altogether astonishing)—belong to publications of a very different class. Had the ostensible object of his lordship—that of quashing the whole of the proceeding, and conceding to the queen the full extent of her claims—been attained, it would have had the effect, without clearing the character of her majesty, and without removing the imputation of persecution from the king and his ministers, of giving to a certain party all the advantages of a complete triumph;—advantages which, in candour, honesty, and justice, ought not to be sought for, but in a perfect vindication of her majesty's fame, resulting from an open, ample investigation, before the chief tribunal in the country. Can the queen—can the real friends of the queen—can the real friends of the king or of the people, wish for a triumph so unauthorised—so unjust? surely not.*

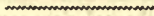
* The case, as it respects the three great parties concerned—the nation, the king, and the queen, has never been more fairly or more distinctly stated, in a few words, than in the following passages extracted from the "*Letter of a Whig*" to Lord John Russell, on the petition above alluded to:—

"Private differences having taken place between the Princess of Wales and her husband, the year after their marriage, a separation, sanctioned by his late majesty, took place; some years afterwards, accusations of adultery and of great incorrectness in the private life of the princess were laid before his majesty, and by his command five noblemen were deputed to inquire into the truth of the allegations. The report they made in consequence, although it completely and satisfactorily exonerated the princess from the accusation

It would be difficult to imagine a greater contrast, than that which is presented by the early and the more recent answers of her majesty, to the numerous addresses by which, since her return to England, she has been almost daily assailed. The former were elegant in their composition, temperate in their

of having given birth to a child, then living with her under the name of William Austin, yet most distinctly avowed her to have been guilty of great levity and impropriety of conduct with Captain Manby, although no criminal act could be proved against her. In consequence of this report, the princess was subjected to the fatherly reproof of his majesty. Many persons, and the late lamented and virtuous Mr. Whitbread among the number, believed her to be perfectly innocent, whilst a considerable part of the community were equally convinced that the accusations, particularly as regarded Captain Manby, were not without some foundation. The princess however, finding herself debarred from the presence of his late majesty and shunned by a great part of the female nobility of England, determined shortly after the commencement of the regency to retire to the continent; and here we come to the main question. The princess had not been long upon the continent before she was left by most of her attendants, both male and female, who had accompanied her from England, and reports highly injurious to her reputation were conveyed home through various channels, so as to become subjects of common conversation amongst the higher circles. It also became generally known that a man of the name of Bergami, who had been a common courier, wearing a livery, had been very suddenly raised to the rank of chamberlain, covered with orders, and admitted to her table. Such an elevation, the familiarities with which this favourite was treated, the assumption of the name of his sister, the countess Oldi, as the *incognito* title of the princess, the introduction of the said sister and other relations of the favourite as personal attendants upon the princess, gave rise to so general a report and so strong a belief that an adulterous intercourse subsisted between her Royal Highness and this Bergami, that the Prince Regent thought it right to send confidential agents abroad to inquire into the truth of the reports. The documents received from these agents, and contained in the green bag,

tone, and sustained by a dignity of feeling, which could scarcely fail to produce the warmest prepossessions in her majesty's favour. How different from the aspirations of injured suffering innocence are the latter! Intemperate, violent, breathing hostility and defiance, they are calculated to excite and fer-



have *not* been seen either by your lordship or myself; but neither of us can doubt that they were of such a nature as firmly to convince both his majesty and his ministers, that the reports relative to the adulterous intercourse with this Bergami were but too well founded.

“And what was the personal conduct of his majesty upon so painful a conviction? was it not noble, generous, considerate, sacrificing his private feelings, as an injured husband, to the peace and quiet of his country. His majesty sought not redress for his private wrongs—No! his instructions to his ministers were, let the queen only remain abroad, let the impurity of her conduct be only hidden from the personal observations of my people, and I am satisfied. But when her majesty, conscious in her innocence, or hardened in her guilt (time only can shew which was the case) determined to return to England, to brave the accusations against her, and to claim and insist upon all the rights, privileges, and immunities of a queen-consort of these realms; does your lordship really think that it would have been consistent with that enlightened duty which his majesty, as the father of his people, the high constitutional guardian of public morals, was bound to exercise, to have suffered a woman, whom he and his ministers firmly believed to be guilty of the disgraceful and degraded crime of adultery with a menial, to preside over the female rank and dignity of the empire? It was not a husband trying to relieve himself from the burthen of an abandoned wife, but a father striving to rescue his innocent children from the pollution of an infamous mother; and his majesty must have been dead to every feeling which can do honour to human nature, if, with a conviction in his own mind of the queen's guilt, he had hesitated to order her to be put upon her trial, the moment she set her foot upon British ground.”

“Your lordship will be ready to adhere to the good old whig principle,

ment the worst passions of the human heart. How are the queen's advisers—her dark, unknown, concealed advisers—to answer for this to their royal mistress, whose cause they so deeply injure; to their sovereign, against whom they stir up sedition; to the nation, which they agitate and inflame; to their

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that all power is granted for the good of the people, not for the advantage of the individual; and that the dignity, the honour, the power, and peculiar privileges which attach to the queen-consort, beyond those of any other *femme couverte*, are granted, not for her benefit, but for the purpose of upholding the high dignity of the crown, and of promoting the peace, happiness, and honour of her husband, and in their joint persons the general welfare and character of the country, so that their high rank may shed the influence of example, and the virtues and purity of the crown extend to the meanest cottage in the empire."

"For such purposes, and for such purposes only, were any peculiar privileges granted to a queen-consort. But, when it can be openly shown in the face of the country, by evidence at the bar of the house of lords, that the queen has so far disgraced her high station, as to condescend to admit a menial to her embraces, will your lordship contend that she ought not to be degraded? The fact is, that immorality of this nature in a queen, has been considered by our forefathers a crime of such turpitude, that they have placed it in the highest class of crime known to our penal code; and although this is probably founded on the ground, that a spurious offspring should not be palmed upon the British throne, yet adultery in a queen of 65 years of age, totally past all possibility of child-bearing, would be equally treason by law as in a queen of 20. I appeal, therefore, to your lordship, and to the plain good sense of the British people, whether it be consistent with that innate principle of justice on which the common law of the land is founded, that what would be high treason, if committed in this country, should become perfectly innocent if committed abroad? The question, therefore, resolves itself into this; whether, let the conduct of her majesty have been ever so infamous abroad, no notice should be taken of it in this country, or whether it be not more congenial with the common law and practice of the country, to deprive a woman so acting, of her rank and station, by annulling her marriage."



own consciences, which, in a suicidal spirit, they endeavour to sear and destroy; to their God, whom they outrage, at the great day of retribution?

The late letter, purporting to be from the queen to his majesty, but evidently the production of the same dark, unknown, concealed advisers, forms the climax of every thing that is disgraceful; and, in full proportion to its infamy, must it injure the cause which it professes to advocate. It is impossible for any candid, unprejudiced mind to regard that letter otherwise than as an excitement to sedition and treason, rebellion and revolution. Should blood be shed in consequence, upon the guilty heads of those advisers must it rest; theirs is the crime, upon their necks let the "great axe fall!"

The letter under consideration is not, however, more vengeful in design, than it is feeble and absurd in argument. It impeaches the integrity of the house of commons, which, shortly before, her majesty professed to consider—and the consideration was a just one—as the real representatives of the people; and it protests against the competency of the house of lords, the supreme court of judicature of the nation, the only tribunal by which, under any possible mode of prosecution, the queen could be tried—the tribunal to which her majesty has repeatedly professed her utmost willingness to entrust her cause!

The projector and author of that guilty letter must have known and felt, at the very moment when the

gall of his heart was flowing, in streams less sable, from his pen, that the worse, the more vile, the more infamous, the evidence, which might be brought against her majesty, the greater must be the probability of her acquittal;—he must have known and felt, that in ninety-nine cases out of a hundred, even in the humblest court of justice in the kingdom, the evidence of a false witness crumbles into dust and ashes, before the fiery ordeal of cross-examination; he must have known and felt, also, that neither the house of lords, nor the house of commons, admitting the inclinations and wishes of their respective individual members to be as void of justice and of honour, as he would willingly persuade an insulted public, dares to convict upon false, or even upon doubtful, evidence.

How different is the situation of Queen Caroline, from that of Queen Anne Boleyn! How different, in their two cases, are the modes of prosecution and trial! Anne Boleyn was the victim, in part, at least, of her bitter enemies, the catholics. What faction or party in the state can be regarded as the enemies of the present queen? None. Anne Boleyn was tried for her life, before a court composed of twenty-six or twenty-seven peers, the majority of them the devoted creatures of a sanguinary, despotic tyrant. Anne Boleyn, without any legal evidence against her, without being confronted by her accusers, was tried for her life by a corruptly constituted, enslaved court, and from the sentence of that court *there was*

*no appeal.* Queen Caroline, on the other hand, is upon her trial, by an independent, impartial, honourable court; by a court composed of more than 300 noblemen, of all political classes and principles, and many of them strongly prepossessed in her favour.\* Queen Caroline, also, will have the advantage of confronting her accusers, of subjecting them to the severest cross-examination, and of bringing forward witnesses in her own behalf. Farther, instead of being hurried over at a single sitting, as was the case with respect to Anne Boleyn, the trial will be under no limitation in point of time.

Nor are these all the advantages which Queen Caroline will experience in her trial over Queen Anne Boleyn. What would be the feeling of an individual, when put upon his trial, in any of our criminal courts, on being told, that, in the event of his conviction, he should be tried over again by another court, and that, should the second court find him not guilty, he would enjoy the full benefit of an acquittal, the same as though he had been pronounced innocent by the first court? Such, precisely, is the situation in which the Queen of England now stands. Should the house of peers, after the hearing of counsel, and the examination of witnesses, on both sides, agree to pass the bill of pains and penalties now be-

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\* Allowing for absentees, it was estimated, that about 330 peers would attend daily during the investigation. The number, however, did not prove so great.

fore them, their passing of that bill would be their verdict of guilty. The bill must then be sent to the house of commons; in that house, the counsel must be again heard, and the witnesses be again examined; and, should the house of commons reject the bill, their rejection would be their verdict of not guilty, and the queen would have all the advantages of a complete acquittal, as fully as though she had been acquitted, in the first instance, in the upper house. The queen has only *one* chance of conviction, but *two* of acquittal: if the house of lords reject the bill, the proceedings can go no farther, and the queen is fully acquitted, by *one* trial. If the lords pass the bill, and the commons pass it also, the conviction is only *one*; but, should the queen lose her *first* chance of acquittal, by the lords passing the bill, she would still have the *second* chance of complete acquittal, by its rejection in the commons.

If the queen be innocent, she is safe as an angel of light. A more independent, more upright, more honourable, tribunal than that with which her cause rests, cannot be desired or imagined; but, even if the most corrupt, most depraved, wishes and inclinations could exist in the bosoms of her judges, the innate virtue, the high-toned morality, the inviolate love of justice, in the people of England, are such, that they dare not pronounce her guilty, unless upon evidence distinct and clear, sound, pure, and unimpeachable.



## PART THE FIFTH.

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### *Chronological Synopsis of the Proceedings on the Bill of Pains and Penalties, against the Queen; with illustrative Remarks.*

CONTRARY to the expectations of the opponents, as well as of the supporters of the measure, the Bill of Pains and Penalties against her Majesty, Queen Caroline, was lost, on the 10th of November, on the motion for its third reading, in favour of an amendment, proposed by the Earl of Liverpool, that, instead of *then*, it should be read a third time *that day six months*. The smallness of the majority, in favour of the motion for the third reading—the contents being 108, the non-contents 99—was attributed to the retention of the divorce clause of the Bill, in the Committee; a clause, which his Majesty's Ministers had, in the earlier stages of the proceedings, expressed

their willingness to abandon, should it be found opposed to the prevailing sense of the House of Peers.

Respecting the conduct of Ministers, generally, in the origin and during the progress of the business, the author of the present volume, in an "ADDRESS TO THE PEOPLE OF ENGLAND," which he has had the honour of presenting to the public, since the appearance of the first edition, thus expresses himself:\*

"In whatever way the inquiry may terminate—and, as I have repeatedly said, it *must* terminate in the strictest conformity with justice—you will find that his Majesty's Ministers have had but little to do with the subject. Never did the purity and integrity of *their* conduct, whether you regard them as public or as private men, appear in a more conspicuous light, than it has appeared throughout the whole of these proceedings. As servants of the crown, it was their bounden duty to give every facility to the inquiries which it was found expedient to make, respecting the demeanour of her Majesty abroad. They gave those facilities, and they did nothing more, until, compelled by circumstances over which they had no controul, they were under the necessity of submitting the case to the consideration of Parliament; even then, at the eleventh hour, as it were, they would willingly, anxiously, have withheld, from the public eye, the

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\* Vide "ANNE BOLEYN AND CAROLINE OF BRUNSWICK COMPARED, in AN ADDRESS TO THE PEOPLE OF ENGLAND," by THOMAS HARRAL, &c. page 49.

development of those scenes—of those reported exhibitions—which have since excited so much indignation, horror, and disgust, in every virtuous bosom. In this, they acted wisely and honourably. They knew, and felt, that, with respect to all such subjects, ignorance was bliss; and that,

“Where ignorance is bliss, 'tis folly to be wise.”

They knew, and felt, the inviolableness of decency and virtue: they knew, and felt, that the purity of our females, the rectitude of the rising generation, could hardly have been purchased at too dear a rate. Alas! *their* hopes, and the hopes of the *people*, were blasted!”

In earnestly entreating his countrymen, coolly and determinedly to dismiss from their bosoms all prejudice, all passion, all irritable and all irritated feelings, the writer of the “ADDRESS,” from which the above extract has been made, employs language, which, not from the idle vanity of quoting himself, but in the humble hope of proving serviceable to society—of aiding the cause of morality and religion—he will here venture to repeat.—“One of the most efficient means for enabling you to judge soundly and correctly for yourselves, on this, as well as upon every other subject connected with the public welfare, is to dismiss from your houses, and from all places of public resort, the pestiferous effusions of the jacobinical, the radical, the nationally-demoralizing part of the daily and weekly press. I allude not to the

Cobbetts, the Woolers, the Thelwalls, the Hunts, *cum multis aliis*; they, indeed, run the round of their own little dirty circle, in which they are seen and read, applauded and admired, but beyond the narrow confines of which they are hardly ever to be found. It is not so with some other journals, which *might*, but *shall not*, be here named.

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“Above all things, as a means of preventing those excesses into which some of your enemies—the greatest enemies of the Queen—the bitterest enemies of the King—the foulest and most atrocious enemies of the state—may attempt to lead you, avoid—most cautiously avoid, every act that may have even the slightest tendency to popular commotion; ever bearing in mind, that, ‘in seasons of tumult and disorder, bad men have the most power.’”

On the 15th of August, the house of lords assembled, pursuant to adjournment from the 26th of July; when it was ordered, on the report of the committee which had been appointed to search for precedents, that the Deputy High Steward should be directed to



inform the peers, that the hours of attendance, during the investigation, would be from nine in the morning till six in the evening; that the high constable, and the constables of Westminster, should be ordered to keep the passages, to and from the house, open and free from all obstructions, pending the proceedings; and that an humble address should be presented to his Majesty, that he would order the attendance of a guard of soldiers, on the 17th, and on every succeeding day, as in cases of impeachment.

Thus, Thursday the 17th of August may be considered as the first day of the regular proceedings. From the 17th of August till the 9th of September, inclusive, the pleadings of counsel, examination of witnesses, &c. on the part of the prosecution, occupied twenty-one days; and from the 3rd of October to the 10th of November, thirty-four more days were consumed in the defence, and in the subsequent debates on the measure.

With the view of assisting the reader, in his perusal of the voluminous reports of the proceedings, which, in a variety of forms, are already before the public, the following Chronological Synopsis has been drawn up.

*August 17.*—On the motion of the Earl of Liverpool, for the order of the day for the second reading of the Bill, the Duke of Leinster moved, that the order be rescinded; upon which the house divided—contents 41, non-contents 206, majority against the

amendment 165. Counsel were then called in.—Those in support of the bill were—the King's Attorney General, Sir Robert Gifford; the King's Solicitor General, Mr. Serjeant Copley; the King's Advocate, Dr. Adam; and Mr. Park: Solicitors, Mr. Maule and Mr. Powell. The counsel against the bill were—the Queen's Attorney General, Mr. Brougham; the Queen's Solicitor General, Mr. Denman; Dr. Lushington, a Civilian; Mr. Williams; Mr. Tyndall; and Mr. Wilde; Solicitor, Mr. Vizard. Mr. Brougham was heard against the principle of the bill. Her Majesty entered the house early in the day; took her seat in a chair on the right of the throne; and was present during the delivery of the whole of Mr. Brougham's speech.

*August 18.*—Mr. Denman was heard against the principle of the bill; after which, the King's Attorney and Solicitor Generals were heard in support of the bill; and Mr. Brougham replied, in defence of the course of argument which had been pursued by himself and Mr. Denman. It may here be remarked, that, with the addition of many legal technicalities in the pleading of her Majesty's counsel, and of the counsel for the crown, the arguments were similar in substance to those which had been adduced, *pro* and *con*, by their lordships themselves, in their different discussions on the subject. The Queen was again present. Lord King moved, that it is the opinion of the house, "that it is not ne-

cessary to the public safety, nor the security of the government, to pass this bill."

*August 19.*—The Earl of Liverpool moved, as an amendment to Lord King's motion, "that counsel should be called in." On a division, the amendment was carried, by 181 against 65; after which, another motion, by Earl Grey—"that it did not appear that the bill before the house afforded the most advisable means of prosecuting the charges against her Majesty; and that therefore under existing circumstances it was not necessary or expedient to proceed with it,"—was negatived, on a division, by 169 against 64. The Attorney General then commenced his opening speech, on the charges against the Queen.

*August 21.*—The Attorney General concluded his statement of the charges against the Queen; and, after the two interpreters had been sworn—one for the prosecution, the other for the defence, Theodore Majocchi, the first witness, was brought forward to be examined. The extraordinary incident which occurred on the appearance of this witness has been variously related: according to one account, the Queen, who entered the house almost at the same moment with Majocchi, on first beholding him, uttered a loud scream, and retired in evident agitation; another version of the story is, that, the moment her Majesty saw him, she cried out, "What, Theodore!" and immediately retired; a third states,

that the Queen, having fixed her eyes on Majocchi, exclaimed, in a piercing tone, "Theodore, oh! no! no!" and was immediately conducted to a private apartment; whilst a fourth report, essentially differing from all these, insists that the Queen's exclamation was, in Italian, "Oh, tradidore! tradidore!"—Oh, traitor! traitor!—However, it is admitted on all sides, that the effect produced upon the house was of a nature perfectly electrical. Her Majesty soon afterwards entered her carriage, in great agitation, and drove to her town residence, Lady Francis's, in St. James's Square.—Majocchi, who had served her Majesty, when Princess of Wales, in the capacity of a lackey and courier, deposed to a series of most filthy and disgusting details.

*August 22.*—The examination of Majocchi was continued, and his cross examination was commenced by Mr. Brougham. The Queen was present during a part of the examination.

*August 23.*—The cross examination of Majocchi was concluded; after which, he was re-examined by the Solicitor General, and examined by the Peers. Gaetano Paturzo, mate of the Polacca Industry, was then examined, and cross-examined. The Queen was present for a short time.

*August 24.*—Vincenzo Gargiulo, the master and owner of the Polacca, was examined and cross-examined. Majocchi was called back, and further cross-examined. The house resolved, that persons



guilty of perjury, at their lordships' bar, should be liable to prosecution, notwithstanding any privilege of the house to the contrary.—Francesco Birollo, cook in the service of the Princess of Wales, was examined.

*August 25.*—The examination of Francesco Birollo was concluded. Samuel George Pechell, esq. Captain of his Majesty's ship *Clorinde*, was examined. This witness, having seen Bergami serve in a menial capacity, had refused to admit him to his table; in consequence of which, the Princess had a separate table for herself and Bergami, on board the *Clorinde*. The next witness was Thomas Briggs, Esq. Captain of his Majesty's ship *Leviathan*. Pietro Cuchi, the agent or manager of the principal Inn in Trieste, was also examined. He swore that the Princess remained six nights at Trieste; during which, the Princess's bed was slept in every night, and Bergami's bed was not slept in. Barbara Kress, chambermaid at the Post Inn at Carlsruhe, was examined in part; and, at a particular stage of her evidence, the Queen left the house in great agitation. Amongst other points, Barbara Kress swore, that, on entering Bergami's room unexpectedly, one evening, she saw Bergami in bed, the Princess sitting on the bed, and Bergami's arm round the Princess's neck.

*August 26.*—Barbara Kress's examination in chief was concluded; after which, in the early part of her cross-examination, a discussion arose as to the lati-

tude which was to be allowed the counsel for the Queen in cross-examination.

*August 28.*—The whole of this day was occupied in hearing arguments, and in debating upon the restrictions which were to be observed in the cross-examination of witnesses.

*August 29.*—Resolved, “that the counsel for the Queen should conduct the cross-examination of the witnesses in the way which they proposed.” Lord Erskine, adverting to the difficulties which had arisen, moved, “That the counsel for the bill should be instructed to deliver a list of witnesses remaining to be examined, with a specification of the times and places to which their evidence was to apply, to the counsel for the Queen.” Negatived, on a division, by 164 against 103. Barbara Kress was recalled, and her cross-examination concluded. Giuseppe Bianchi, door keeper of the Grand Bretagne Inn, at Venice, was examined.

*August 30.*—Paolo Ragazzoni, a mason who had been employed at the Villa d’Este, was examined. Amongst other circumstances, he deposed to an indecent examination, by Bergami and the Princess, of the two statues of Adam and Eve, in a grotto. Gerolamo Mejani, superintendant of the gardens of the Princess, swore to having seen the Princess and Bergami in the kitchen together, eating, at times, from the same plate. Paolo Oggioni, under cook to the Princess, swore to her having given balls to the

country people of low condition, with whom she danced. — The examination in chief of Louise Demont, the Princess's *femme de chambre*, commenced.

August 31.—Demont's examination in chief concluded.

September 1 and 2.—Occupied in Demont's cross-examination.

September 4.—The following witnesses were examined : — Luigi Galdini, mason at the Villa d'Este ; Alessandro Finetti, ornamental painter at the Villa d'Este ; Domenico Brusa, mason at the Villa d'Este ; Antonio Bianchi, inhabitant of Como ; Giovanni Lucini, whitewasher at the Villa d'Este ; Carlo Rancatti, confectioner to the Princess ; Francesco Cassina, mason at the Villa d'Este ; Giuseppe Restelli, superintendant to the stables of the Princess ; Giuseppe Galli, waiter at the Crown Inn, Barlisina ; Giuseppe Dell'Orto, baker to the Princess ; and Giuseppe Guggiari, boatman on the lake of Como.

September 5. — Giuseppe Sacchi, equerry and courier to the Princess, examined in part. His evidence was strong, and singularly gross.

September 6.—Lord Kenyon moved for copies of the correspondence between ministers and her Majesty's legal advisers ; and also for an account of all sums of money advanced to her Majesty since the month of June. Ordered. Lord King then proposed to add an account of all the expenses that government had been at, during the whole of the

proceedings against the Queen. To this Lord Liverpool objected, on the ground of public inconvenience, and Lord Kenyon's motion was negatived, on a division, by 138 against 73. A question which arose on the re-examination of Sacchi, on the right of the Solicitor General to examine him as to the whole of a conversation, only part of which had been elicited in his cross-examination, was submitted to the judges. With the exception of Mr. Justice Best, their lordships all gave it as their opinion, that the re-examining counsel were not entitled to re-examine their own witnesses to the extent which was claimed. The examination of Sacchi, the last witness against the Queen, was then closed. The Attorney General immediately applied for time to enable him to bring forward certain important witnesses, who, he stated, after their approach to England, two stages on this side of Paris, had precipitately returned to Lyons, under the apprehension, that, if they came over, their personal safety would be endangered. This was in consequence of the report having reached them of what had occurred at Dover. The application was opposed by her Majesty's counsel.

*September 7.*—The Attorney General abandoned his application, on the ground that he could not expect the arrival of the witnesses, within such a period as he should feel it proper to solicit their lordships to grant. Majocchi was subjected to a



farther cross-examination, and re-examination ; after which, Mr. Brougham having declared that he did not contemplate any additional cross-examination, at any time, the Solicitor General summed up the case for the bill. The Earl of Liverpool, in answer to some remarks from Lord Lonsdale, respecting the divorce clause of the bill, observed, that he could say most distinctly, on the part of the illustrious individual referred to, that he had not the least wish that the bill should operate as a measure of personal relief to himself. If, when the bill should go into the committee, the house should not agree to that clause, he should be perfectly ready to withdraw it. The measure had not been undertaken as one of personal relief, but for the sake of supporting the morals, and sustaining the reputation, of the country. Mr. Brougham was allowed till the ensuing day, to decide what course he should adopt with regard to her Majesty's defence.

*September 8.*—Mr. Brougham contended for his right to open the defence of the Queen, without declaring whether it were his intention to call witnesses ; but this proposition was rejected, on a division, by 160 against 65, in favour of a resolution moved by the Lord Chancellor—"that, if the counsel for the Queen proceeded to state their case, they must, on closing their statement, if they meant to adduce proofs, go on with them ; but, if not, the house would adjourn for such reasonable time, be-

fore the case was stated, as the counsel for her Majesty should propose." Mr. Brougham, for the alleged purpose of correcting, in some degree, the impression which the case for the prosecution might be supposed to have created, then requested to be allowed to comment on the evidence which had been adduced; pledging himself, to abstain from any allusion to any witnesses which he might think it necessary to call. Lord Erskine supported this application, and moved a resolution for agreeing to it; but, on a division, the motion was negatived, by 170 against 49; and leave was given to Mr. Brougham, till the ensuing day, to make his final determination.

*September 9.*—After considerable discussion, it was finally ordered, that three weeks should be allowed to the counsel for the Queen to prepare her defence. The house then adjourned till the 3d of October. For some days previously to the close of this part of the case, her Majesty did not attend the house.

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From the part of the chronological synopsis which is now before the reader, it appears that the proceedings, in support of the bill of pains and penalties, on the motion for its second reading, occupied the attention of the house of peers twenty-one days; in the course of which, twenty-five witnesses were examined.

There were many other witnesses in England, who were not called.\*

Without comment, we shall now immediately proceed to the second part of our synopsis, embracing an outline of the proceedings on the part of her Majesty's defence, &c.

*October 3.*—The house of peers having assembled, pursuant to adjournment, Mr. Brougham commenced the opening of the case on the part of the defence.

*October 4.*—Mr. Brougham concluded his opening address; after which, Mr. Williams, another of the counsel on her Majesty's defence, addressed their lordships, and proceeded to a severe analysis of the evidence which had been adduced against the Queen; contending that, from the contradictions with which it abounded, and from certain physical impossibilities which it stated, it was evidently false, and altogether unworthy of serious notice.

*October 5.*—Mr. Williams concluded his address; pledging himself to shew, from unquestionable testimony, as well as from their own flagrant self-contradictions, that the evidence, given by the witnesses for the prosecution, was a mass of perjury and falsehood, the result of a gross and infamous conspiracy. Mr. Leman, the clerk of the Queen's solicitor, deposed that the chamberlain of the Grand Duke of

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\* For an "Abstract of the Evidence-in-chief, on the Proceedings against the Queen," vide APPENDIX, No. I.

Baden, the Baron d'Ende, though anxious to come over, as a witness for the Queen, was afraid to do so, lest he should offend his sovereign.—Colonel St. Leger swore that ill health was the sole reason of his leaving the Queen, after eleven years' service.—Lord Guildford was next examined. The Countess of Oldi's language was good Italian, with a slight Milan accent: he did not consider her to be particularly vulgar.—Lord Glenbervie and Lady Charlotte Lindsay were examined in succession. They never saw any unbecoming familiarity between the princess and Bergami.

October 6.—Lady Charlotte Lindsay, in her cross-examination, admitted, that, upon a journey, Bergami, whilst a courier, rode up to the princess's carriage, and asked for some refreshment (*à boire*); and that a bottle of Burgundy was handed to him, from which he drank, without a glass. Witness had no distinct recollection of having stated, after she quitted her royal highness, that it was a great relief to her mind having done so; she might have said it, but she did not recollect she ever did; she certainly did not recollect saying that no woman who had any regard for her character would remain in her royal highness's service; she did not recollect having stated any thing to that effect; she would not undertake to say that she had not used those very words, but she had no recollection of them; she never saw any thing improper in the conduct of the



princess, which induced her to resign; but the reports were of so unpleasant and degrading a nature, as induced her to wish to resign. She quitted the princess's service in consequence of a communication, in writing, from her brother, Lord Guildford.—The Earl of Llandaff never saw any thing improper in the princess's conduct.—The Hon. Keppel Craven's evidence was strongly in favour of the Queen. It pointedly contradicted that of Louise Demont, as to the indecency of her dress at the masqued ball at Naples; and also as to the time when her Majesty returned from the opera. He had cautioned the princess against the sleeping of young Austin in her chamber, and also respecting her walking in the garden attended by Bergami, as he knew there was a spy at that time in Naples.—Sir William Gell, as well as Mr. Craven, always found the manners of Bergami respectful and proper. There was nothing indecent in Mahomet's dance.

October 7.—William Carrington, the *valet* of Sir W. Gell, and John Whitcomb, the *valet* of the Hon. Mr. Craven, were examined. Carrington deposed to a conversation between him and Majocchi, relative to the Baron d'Ompeda. Majocchi was recalled, but he denied that such a conversation had ever taken place.—Mr. Sicard, upwards of twenty years in the service of the princess, and had a pension from her of £400 a year, had never witnessed any impropriety in her conduct. She was, to a fault,

familiar and kind to all her servants. Sicard had appointed the room into which Bergami was removed, the second day after their arrival at Naples, without any communication upon the subject from the princess.

October 9.—Dr. Holland, physician to the princess, and Charles Mills, Esq. an English gentleman, resident at Rome, were examined. Joseph Teuille, or Tiulier, who had been a colonel in the service of the Viceroy of Italy, and was a Chevalier of the Order of the Iron Crown, and of the Legion of Honour, was next examined. His evidence tended to shew the respectability of Bergami, and the high consideration in which he had been held by General Pino.—The next witness was Carlo Forti, a courier in the service of the princess, on her departure from Milan in the year 1817. His evidence directly contradicted that of Sacchi, as to certain indecencies, alleged to have taken place between the princess and Bergami, on the journey from Rome to Senigaglia. Sacchi, he insisted, did not ride as courier on that journey.—Lieutenant John Flinn, R.N. a *protégé* of the princess, was next examined. His evidence contradicted that of Majocchi and Demont, respecting the bath on board of the polacca. On his cross-examination, he produced a written paper, which he stated to be a memorandum made on a voyage from Jaffa to Syracuse.

October 10.—Lieutenant Flinn, in his resumed

cross-examination, betrayed much hesitation, inconsistency, and confusion, respecting the memorandum, which, at first, he stated had been written by himself; then he admitted, that it had been written from his direction, by his Italian clerk; and, finally, that it had been written by the Count Schiavini, within the last few days, from his dictation, and that no part of it was in his own hand-writing. Previously to these contradictory statements, whilst being questioned by the Solicitor-General, as to the discrepancy between his former and present answers respecting the memorandum, the witness fainted, and was obliged to retire!—William Carrington was re-examined.—Lieutenant Hownam, R. N. another *protégé* of the princess, was examined.

October 11.—In his resumed examination, Lieut. Hownam proved, in contradiction of the evidence of Pietro Cuchi, that the princess left Trieste the day after her arrival there. In his cross-examination, witness swore that he did not believe that he had ever stated to Capt. Briggs that he had entreated the princess, with tears in his eyes, not to admit Bergami to her table. Witness admitted that Bergami slept under the princess's tent during the voyage from Jaffa, but he did not consider that there was any thing wrong or degrading in her conduct.

October 12.—The cross-examination of Lieutenant Hownam was concluded.—Granville Sharpe, Esq. deposed as to the innocence of the Eastern dances.

—Santino Guggiare, a superintendent of the work-people at the Villa d'Este, contradicted the evidence respecting the indecent examination of the statues of Adam and Eve.—Guiseppe Carolini, another witness, called for the same purpose, was examined in part.

*October 13.*—Guiseppe Carolini, in his resumed examination, implicated Restelli, as an agent of the Milan commission, in having taken undue means to obtain, and influence the conduct of witnesses. This led to much discussion; in the course of which, the Earl of Liverpool expressed his perfect willingness that every thing, respecting the Milan commission, should be investigated, at a proper period. Restelli, it now appeared, had been sent as a courier to Milan, by Mr. Powell, the solicitor for the bill, to quiet the minds of the friends of the witnesses in this country. This circumstance was violently animadverted upon, by the opponents of the bill.

*October 14.* Explanations were given, as to the sending Restelli to Milan. He had received strict orders to be back by the 3d of October, but was detained by illness. Filippo Pomi was examined farther, to prove the agency of Restelli under the Milan commission.

*October 16.*—Rear Admiral Sir J. Beresford was examined, touching the evidence of Carrington.—Mr. Brougham demanded to know who the party was, who had instituted the proceeding under this bill. Lord Calthorpe conceived the state to be the com-



plaining party; and that the crown, as the head of the state, and not the King individually, was the prosecuting party. The Earl of Liverpool avowed his responsibility as the introducer of the bill.—Bonfiglio Omati was examined, touching the agency of Colonel Brown, Vilmarcati, Restelli, &c.

*October 17.*—Several questions were proposed to the judges, as to the proper mode of examining witnesses respecting the alleged conspiracy.

*October 18.*—Mr. Granville Sharp corrected his former evidence.—The judges unanimously gave their opinion as to the validity of the Attorney-General's objection to Mr. Brougham's mode of examining witnesses, touching the conspiracy. The Attorney-General then waved his objection, and Bonfiglio Omati was again examined and cross-examined.—Antonio Meoni was examined in part, as to the conspiracy.

*October 19.* In an argument as to the mode of examining the witness Meoni, respecting the conspiracy, the Earl of Liverpool contended, that the Queen's counsel were to prove the case they had opened, and not to be indulged in opening a new case. The house decided against the mode of examination, claimed by the Queen's counsel. Domenico Salvador was examined, as to the credit, and alleged agency, of Sacchi. Three questions on the subject were referred to the judges.

*October 20.* The opinion of the judges was de-

livered, that evidence could not be adduced by the Queen's counsel, respecting certain acts of Sacchi. Lord Erskine's motion, that the examination should proceed, notwithstanding the opinion of the judges, was negatived, on a division, by 159 against 51.—Mr. Brougham declined calling further evidence to prove the conspiracy. The Marquis of Lansdowne's motion, amended by Earl Grey, that Mr. Powell should be called to the bar, and be ordered to produce extracts of the correspondence between himself and Col. Brown, respecting Restelli's absence, and that the papers thus presented should be referred to by a select committee, was carried, on a division, by 132 against 79. Alessandro Oliviera, formerly a colonel of cavalry, in the service of the Viceroy of Italy, corroborated the evidence of Carlo Forti, respecting the journey from Rome to Senigaglia.

*October 21.*—Mr. Powell delivered the papers, which the house had ordered to be produced.—Tommaso Lago Maggiore, a boatman at Como, contradicted the evidence of Ruggiali, as to the conduct of the princess and Bergami in a boat returning from the theatre,—The Chevalier Vassali was examined and cross-examined. His evidence was highly in favour of her Majesty.—Mr. Brougham addressed the house, on the conduct of the chamberlain of the Grand Duke of Baden.

*October 23.*—The select committee delivered their report on the correspondence between Colonel Brown

and Mr. Powell. Mr. Brougham's tender of two numbers of *The Trieste Observer*, of the 16th and 19th of April, 1817, to prove that the princess arrived at Trieste on the 15th, and left it on the 16th, was refused as evidence.—Lieutenant Hownam's diploma, as a knight of the order of St. Caroline, was produced and identified.\*—The Earl of Liverpool, in answer to a question from Lord Holland, gave an explanation of an item of £18,000, mentioned as secret service money, in the official statement of the expences of the trial. The two items of £18,000: 15s, and £16,000, included the whole expences of the Milan Commission, the support of the witnesses in England, and all expences except that of the messengers.†—Louise Demont was recalled, and examined touching an alleged conversation between her and Fauchette Martigni, a milliner, at Morge, of which she denied all recollection. Fauchette Martigni was then called, to prove the conversation. She first became acquainted with Demont when that person was fifteen or sixteen years of age, but whether it were three, five, six, eight, or ten years ago, she could not recollect.—Mr. Leman repeated his

\* *Vide* APPENDIX, No. II.

† From the document here alluded to, it appears that, in addition to the two items of £18,100. 15s, and £16,000, £10,000 more had been demanded; making an aggregate of £44,100 15s. for the expences of the prosecution; and that grants had been made for the defence to the amount of £30,000.

statement, as to what had passed between him and the chamberlain of the Grand Duke of Baden. Mr. Brougham, adverting to the difficulties under which her Majesty's counsel laboured, with respect to witnesses, declared it to be impossible to proceed any farther with the defence.—The counsel for the prosecution wished for delay, until Colonel Brown should arrive as a witness. This was resisted by the counsel for the defence.

*October 24.*—The Lord Chancellor expressed the opinion of the house, that the application for delay ought not to be conceded. Lord Darnley solemnly protested against any farther proceeding upon the bill, as it was impossible to pursue the investigation of the Milan commission. The Marquis Camden bore testimony to the merit and high character of Colonel Brown.—Captain Briggs, of the *Leviathan*, was again called, and examined for the prosecution. He swore that Lieutenant Hownam had stated to him, that he had entreated the princess, on his knees, and with tears in his eyes, not to suffer Bergami to dine at her table, and that, he was sorry to say, nothing could move her. In his cross-examination, Captain Briggs admitted that he had had the honour of dining with his Majesty, since he had been before the house; but it was a public dinner, at which were present all the captains of the navy who were then at Portsmouth.—The Attorney General declined calling any more witnesses, and Mr. Denman com-



menced the summing-up of the case on the part of the defence.

*October 25.*—Mr. Denman resumed and concluded his address.

*October 26.*—Dr. Lushington addressed their lordships on the part of the defence.

*October 27.*—The Attorney-General commenced his address in reply ; in the course of which he was interrupted by the statement of Mr. Brougham, that he had obtained certain original letters of the Baron d'Ompteda's.

*October 28.*—The Attorney-General concluded his address, and was followed by the Solicitor-General.

*October 30.*—The Solicitor-General having finished his speech, Mr. Brougham called the attention of their lordships to the Baron d'Ompteda's letters. The Duke of Hamilton's motion, that those letters be received as evidence, was negatived, on a division, by 145 against 16 ; after which, the house adjourned till Thursday the 2d of November.

*November 2.*—The order of the day for the second reading of the bill of pains and penalties having been read, the Lord Chancellor, considering himself, not as in the situation of a judge, summing-up, but as a juror, addressing to his brother jurors the grounds on which he had come to his decision, commented on the principal points of the evidence, and delivered his opinion in favour of the bill. Lord Erskine followed, but was taken ill while speaking, and obliged

to leave the house. The Earl of Lauderdale supported, Lord Roseberry opposed, and then Lord Redesdale defended the Bill; after which, the debate was adjourned.

*November 3.*—Earl Grosvenor and the Earl of Harewood opposed, and the Earl of Donoughmore supported, the Bill. Earl Grey then delivered a long and able speech against the Bill, considering that no legal proof of guilt had been adduced. He condemned the Queen's letter to the King, and her answers to the addresses. If the Bill were passed, it ought to be with the Divorce Clause.—The Earl of Liverpool considered the Queen's guilt to have been clearly proved. The house adjourned before the noble earl had time to conclude his speech.

*November 4.*—The Earl of Liverpool having concluded his speech, Lord Arden spoke against the Bill; and Lord Falmouth declared that, unless the Divorce Clause were to be removed in the committee, he could not consent to the second reading.—Lord Ellenborough was decidedly opposed to the second reading; to proceed further with the Bill would be impolitic and inexpedient: yet it could not be thought that all those who opposed the second reading were of opinion that the Queen was innocent. “I cannot,” said the noble lord, “declare the Queen innocent—I am unwilling to think her guilty; her guilt has been proved by the evidence at the Bar.” His lordship thought that the disgrace and degradation

which the Queen had entailed upon herself, and the high station which she held, might be adequately punished and recorded, by an address, representing her conduct to the crown. Lord Ashburton regarded the Bill as of an *ex post facto* nature, and of impolitic tendency.—The Earl of Harrowby declared against the divorce clause.—Lord Erskine, in his resumed speech, opposed the Bill, believing the Queen's guilt not to have been proved.—Lord De Dunstanville and Lord Manners spoke in favour of the Bill; as did the Duke of Newcastle, although his grace had not been able to attend the whole of the proceedings.—The Marquis of Lansdowne was interrupted in his speech, by the call for adjournment.—The Queen, who had not attended during the progress of her defence, went to the house this day, but remained in the room which had been usually allotted to her Majesty.

*November 6.*—The Marquis of Lansdowne closed his speech against the Bill.—The Duke of Northumberland spoke for, and the Lords Howard and Enniskillen against, the second reading.—Lord Calthorpe was against the Bill, but, believing the Queen to be guilty, was in favour of the measure which had been suggested by Lord Ellenborough.—The Marquis of Stafford and Lord de Clifford, were against the second reading; as was Lord Grantham, though he did not believe the Queen to be innocent.—Lord Blessington thought the allegations had not been

proved.—Lord Gosford opposed the Bill, as inexpedient, but believed the Queen to be guilty. The Duke of Athol, considering the Queen's guilt to have been proved by her own evidence, was in favour of the second reading.—The Duke of Somerset admitted imprudence, but not guilt.—Lord Grenville thought that guilt had been clearly proved, and that the marriage ought to be dissolved.—Lord Rosslyn opposed the Bill, as not a single allegation had been proved: to degrade the Queen, and yet to reject the divorce clause, would be to insult the King, to render the Queen a rallying point to the disaffected, and to expose the country to danger, and the throne to degradation.—The question being loudly called for, the house divided on the motion, that the Bill be read a third time. The peers having been called over, beginning with the junior baron, and so proceeding in the inverse order of precedence, the Lord Chancellor at length declared the numbers to be—contents 123—non-contents 95—majority for the second reading 28\*. The Bill was then read a second time (*on the anniversary of the death of the Princess Charlotte!*) after which it was committed to a committee of the whole house. Several peers protested against the second reading.†

*November 7.*—Lord Dacre delivered a protest from

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\* *Vide* APPENDIX, No. III.

† *Vide* APPENDIX, No. IV.



the Queen, against the second reading of the Bill.\* In the committee, it was agreed, on the motion of the Earl of Liverpool, that, in the preamble of the Bill,† the name of the person who so frequently appeared in it, should stand throughout Bartolomo Bergami; also that the passage affirming, that the Princess of Wales had procured for that person “orders of knighthood and titles of honour,” should be expunged, as not supported by legal proof, though morally demonstrated; and that the word “the” should be struck out, before the words “various places and countries.” The words “adulterous intercourse,” were ordered to stand part of the Bill.—The divorce clause of the Bill was discussed.

*November 8.*—The committee divided on the motion for retaining the divorce clause:—contents 129, non-contents 62—majority 67.‡

*November 9.*—The report of the committee on the bill was brought up. A discussion ensued, in the course of which, the Earl of Carnarvon moved, that there should be added to the preamble, a clause stating that her Majesty had, notwithstanding, solemnly protested her innocence, and refused the homage of both houses of parliament, and a grant of £50,000 per annum, on condition of relinquishing

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\* *Vide* APPENDIX, No. V.

† *Vide* page 193.

‡ *Vide* APPENDIX, No. III.

her character, and retiring from this country. This was negatived without a division. Lord King then moved that, instead of the words, "whereby great scandal and dishonour," and those which immediately follow, words should be introduced to the effect, that, whereas certain commissioners did, in the year 1817, assemble at Milan, and conducted themselves there in a manner which was most inimical to justice, and which reflected the greatest disgrace upon this country; and whereas it was expedient that parliament should mark its sense of this misconduct, and that all persons concerned in this commission should be deemed infamous, and incapacitated from ever serving the crown in any office of trust, emolument, or honour.—This measure was also negatived without a division; as was a motion by Lord Kenyon, for an amendment to expunge the divorce clause from the bill. The report of the committee was then agreed to.

*November 10.*—The Lord Chancellor having put the question, for the bill to be read the third time, a debate ensued, in the course of which, the Bishop of Chester observed, that he could not vote for the bill, because it contained the divorce clause; neither should he vote against it; and therefore, he should retire, and give no vote at all. The house at length divided—for the third reading 108—against it 99—majority 9.\* Lord Dacre rose, amidst vehement

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\* *Vide* APPENDIX, No. III.

cries of "Order," and stated, that he had been entrusted with a petition from her Majesty, praying to be heard by counsel, against the passing of the bill.\* The Earl of Liverpool said, he apprehended such a course would be rendered unnecessary by what he was about to state. Had the motion for the third reading been carried by as great a majority as that for the second, he, and his noble colleagues, would have felt it their duty to persevere with the bill, and to send it down to the other branch of the legislature, but aware, as he was, of the state of public feeling with regard to this measure, and as the majority in favour of the third reading was only nine, they had come to a determination not to proceed. He accordingly moved, as an amendment, that the question, that the bill do pass, be put on that day six months. (*Vehement cheering.*) Earl Grey severely reprobated the conduct of Ministers, respecting the measure; Lord Erskine expressed his delight at the victory which had been achieved for the Queen; and the Duke of Montrose declared, in strong terms, that his conviction of the criminality of her Majesty remained unaltered. The Earl of Liverpool's amendment was

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\* It appears that, instantly upon the declaration of the numbers, a message or petition was drawn up by the Queen's counsel, which, having been signed by her Majesty, was carried to Lord Dacre, in the house. It was to the following effect:—"That her Majesty having learnt that the third reading of the bill of pains and penalties had been carried by a number of votes equal to the number of those who avowed themselves parties against her, she desired to be forthwith heard against the passing of the bill."

then carried, *nemine contradicente*, and almost by acclamation;\* after which, on the motion of the same nobleman, the house adjourned to the 23rd November, the day to which the house of commons had been previously adjourned.

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The bill having been rejected by the House of Lords, it has become unnecessary to enter at large into an examination of the subject; particularly as, from an attentive perusal of the evidence, the speeches of counsel, and the debates of the peers, almost every individual must have formed his opinion. However, as much declamation, and some argument, have been employed, in the attempt to show that a conspiracy against the Queen had been formed, and that the most infamous means had been resorted to, in the subornation of witnesses, the lovers of simple substantial justice will not, it is presumed, be dissatisfied with a perusal of the following remarks, which, although written some weeks before her Majesty's case was closed, do not appear to have lost any of their force.

“That the evidence of several of the witnesses, on both sides, can be regarded only in the light of the evidence of informers, accomplices, &c. must be ad-

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\* Several members, however, subsequently protested against the Earl of Liverpool's amendment, *Vide APPENDIX, No. VI.*



mitted; together with the corollary, that such evidence is without any intrinsic value, further than as it may be corroborated and established by the testimony of sound, disinterested individuals. To avoid personality, I will not specify any of the parties, to whom this remark may be considered to apply. The exercise of your own cool, unprejudiced judgment, will better answer the purpose.

“It has repeatedly been asked, in a tone of triumph and exultation, why none of the witnesses, on the part of the prosecution, has sworn to the positive fact of adultery. An answer *might* be given to this question, which, perhaps, would not be very agreeable to the acute sensibility of the interrogators. I shall content myself with remarking, that, had subornation of perjury been resorted to, it would have been equally easy to swear, most distinctly, to the fact of adultery, with all its minutiae of place, and time, to the very month, week, day, hour, and minute, as to any other fact of the series. The partizans of the Queen deny the affirmative of this position: I will not ask them to prove a negative; but, let them show even the probability of its being untrue.

“With respect to false witnesses in general, it might be possible to collect a host of them in any country, and to induce them to swear, individually and collectively, to any specific facts or circumstan-

ces ; but, it is contrary to all experience, ancient or modern, that such a body of witnesses could be produced, or could, by any art or skill, practised for any length of time, be brought to furnish a body of evidence, so compact, so adhesive, so intertwined, and dove-tailed together, that it should not be shaken to atoms, or crumbled into dust and ashes, by the stern and relentless process of cross-examination. That the entire mass of the evidence against her Majesty has been thus destroyed, common sense must for ever deny. On the contrary, some of its points have been irrefragably confirmed by witnesses on the part of the defence, and can admit of no farther doubt or question.

“The extraordinary, the almost unnatural, nature of some of the imputations against her Majesty, has been alleged as a ground for believing them to be utterly destitute of truth. I do not say, I do not mean to insinuate, that they are true ; but, in a common case, I should certainly feel myself warranted in contending, that the very monstrosity of such crimes having been charged against the defendant, was a strong presumptive proof, that there was too much reason to believe them not to be without foundation ; for, had invention been set to work, to fabricate a loathsome tale, it would never have dared to depart so far from the regions of probability in search of its materials ; it would never have dared

to plunge so deep into the abyss of infamy, of horror, and of nameless crime.”\*

— Another point of material consideration, not only as it relates to the Queen’s case, but to every future case of public interest, that may pass under the cognisance of a British court of Judicature, is the manner in which the reports of the proceedings were allowed to come before the public. Most earnestly is it to be hoped, that a precedent so melancholy, so fatal in its results, will never be followed. The alarming consequences of such a permission, or connivance, were thus illustrated, in the tract from which a quotation has just been made :—

“ Since the opening of the case, on the part of the defence, the shocking impropriety of suffering the disgusting details of the evidence to be laid piecemeal, day by day, before the public, has become daily and hourly more apparent. Such a measure—such a deplorable attack upon our morals, would never have been tolerated, but for the clamour of the disaffected press, and to convince the public of what ought never to have been questioned, that the great council of the nation would render strict and impartial justice, between the accuser and the accused, throughout the whole of the proceeding. The measure has, indeed, afforded a most lamentable, a most

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\* *Vide* “ ANNE BOLEYN AND CAROLINE OF BRUNSWICK COMPARED,” &c.

demoralizing opportunity—whether such an opportunity were wished for, or may have been acted upon, is not for me to say—for the fabrication of evidence—for enabling one witness to controvert, or to corroborate, what had been sworn to by another.

“The dreadful injustice to which any cause may be exposed, by suffering an incomplete publication of the evidence—a publication of *part* of the evidence, before the *whole* may have been given—is far greater, far more alarming, than could possibly result from the influence of any expression of the public feeling out of doors, upon the minds of the jury. In all cases, the witnesses on the part of the plaintiff, or prosecutor, go into court under the impression, that, if they swear falsely, their evidence may be shaken by cross-examination; or, if they should pass that ordeal, that their falsehood will be exposed, and their evidence destroyed, by the testimony of sound and honest witnesses on the other side. What is the situation of the parties, when, pending the trial, the evidence is suffered to go daily, and by piece-meal, before the public? when the evidence, on one part of the case, is suffered to appear, for weeks, before that of the second part can even be produced in court? The witnesses on the part of the prosecution will, it is true, go into court under the impression which I have described; but, can it possibly be so with the witnesses on the part of the defence? Certainly not. By the premature publi-



cation of the evidence, on the first part of the case, they have been put in full possession of all the facts which militate against them; and, if they be disposed, or have determined, to swear falsely, they can shape their testimony so as best to meet, to repel, and to nullify, the evidence on the part of the prosecution; under the perfect knowledge that their own evidence cannot possibly be destroyed by that of the former, or of subsequent witnesses.”\*

By a reference to the lists of the peers, on the three great divisions,† it is evident that the destruction of the bill, by the amendment of the Earl of Liverpool, was not an *acquittal* of the Queen—was not the *triumph of her innocence*. This is further evident, on several grounds: *first*, that, by a manœuvre of the opposition members, in voting for the retention of the divorce clause, which had been abandoned by ministers, the original majority, in favour of the bill, was greatly reduced; *secondly*, that, as the peers were not called upon to give their votes, *Guilty*, or *Not Guilty*, “upon my honour,” as must have been the case, on a trial by impeachment, they were at full liberty to vote against the bill, upon the wretched plea of expediency, or upon any principle of dislike whatsoever; *thirdly*, that a great majority—probably three-fourths—of the peers who voted against the

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\* *Vide* “ANNE BOLEYN AND CAROLINE OF BRUNSWICK COMPARED,” &c.

† *Vide* APPENDIX, No. III.

bill, did not so vote, under an impression of the Queen's innocence, but under a strongly-avowed conviction of her guilt.

The main and striking inference from all this, is, that, in proceeding by a bill of pains and penalties, the Queen has enjoyed far greater advantages than she could possibly have obtained, had she been tried upon an impeachment; as, in voting upon an impeachment, each individual peer *must* have pronounced his opinion, *Guilty, or Not Guilty, UPON HIS HONOUR*; and, by the majority of their lordships' votes, her fate must have been decided.

Exonerating his Majesty's ministers from all blame in the proceedings—as the nation must ultimately exonerate them—the case is here left, in the hands of those whose verdict, *sooner or later*, never fails to be *just*.

# Appendix,

## No. I.

### ABSTRACT OF THE EVIDENCE IN CHIEF ON THE PROCEEDINGS AGAINST THE QUEEN.\*

The number of Witnesses, exclusive of the translators and others merely examined to verify documents, is twenty-five. The following is an alphabetical list of their names, the initials being prefixed for the purpose of easier reference. To each name is added the rank of employment of the individual, and the date of his or her first production before the House as a witness. The figures used in the subsequent part of the Abstract refer to the pages of the evidence as printed by order of the House of Lords.

|                                                                                                                    |          |
|--------------------------------------------------------------------------------------------------------------------|----------|
| (A.B.) Bianchi, Antonio ...Inhabitant of Como.....                                                                 | Sept. 4  |
| (D.B.) Brusa, Domenico ...Mason at the Villa d'Este .....                                                          | Sept. 4  |
| (F.B.) Birollo, Francesco ...Cook in the service of the Princess.....                                              | Aug. 24  |
| (G.B.) Bianchi, Giuseppe....Doorkeeper of the Gran-Bretagna Inn,<br>Venice .....                                   | Aug. 29  |
| (T.B.) Briggs, Thomas .....Captain of his Majesty's shipLeviathan                                                  | Aug. 25  |
| (F.C.) Cassina, Francesco...Mason at the Villa d'Este .....                                                        | Sept. 4  |
| (P.C.) Cuchi, Pietro .....Agent of the Great Inn at Trieste.....                                                   | Aug. 25  |
| (G.D.) Dell'Orto, Giuseppe.Baker to the Princess .....                                                             | Sept. 24 |
| (L.D.) De Mont, Louisa ...1st Femme de Chambre to the Princess                                                     | Aug. 30  |
| (A.F.) Finetti, Allesandro...Ornamental Painter at the Villa d'Este                                                | Sept. 4  |
| (G.Ga.) Galli, Giuseppe ...Waiter at the Crown Inn, Barlisina ...                                                  | Sept. 4  |
| (G.Gu.) Guggiari, Giuseppe.Boatman on the Lake of Como .....                                                       | Sept. 4  |
| (L.G.) Galdini, Luigi.....Mason at the Villa d'Este .....                                                          | Sept. 4  |
| (V.G.) Gargiulo, Vincenzo. Master and Owner of Polacre Industry                                                    | Aug. 24  |
| (M.B.K.) Kress, M. BarbaraChambermaid at the Post Inn,Carlsruhe                                                    | Aug. 25  |
| (G.L.) Lucini, Giovanni.....Whitewasher at the Villa d'Este .....                                                  | Sept. 4  |
| (G.M.) Mejani, Gerolamo...Superintendent of the Gardens to the<br>Princess .....                                   | Aug. 30  |
| (T.M.) Majocchi, Teodoro. Lacquey and Courier to the Princess...                                                   | Aug. 21  |
| (P.O.) Oggioni, Paolo .....Under Cook to the Princess .....                                                        | Aug. 30  |
| (G.P.) Paturzo, Gaetano ...Mate of the Polacre Industry, now<br>Captain and part Owner of Il Vero<br>Fidelle ..... | Aug. 23  |
| (S.G.P.) Pechell, S. George.Captain of his Majesty's ship Clorinde.                                                | Aug. 25  |
| (C.R.) Rancatti, Carlo .....Confectioner to the Princess .....                                                     | Sept. 4  |
| (G.R.) Restelli, Giuseppe...Superintendent of the Stables to the<br>Princess.....                                  | Sept. 4  |
| (P.R.) Ragazzoni, Paolo ...Master Mason at the Villa d'Este.....                                                   | Aug. 30  |
| (G.S.) Sacchi, Giuseppe.....Courier, and Equerry to the Princess...                                                | Sept. 5  |

\* This valuable paper is copied, with some slight alterations, from BELL'S MESSENGER of September 25, 1820.

In stating the substance of the depositions in chief, care will be taken to refer to that of each witness by his initials, as above, and also by the number of the page in the printed evidence, in order that any casual error may be the more easily corrected. The facts asserted by the witnesses may be classed under the four following heads:—1. The *favours and rewards* bestowed by the Princess on her courier.—2. The *familiarities* with him to which this illustrious Lady descended.—3. The *indecencies* alleged to have passed between the parties, and leading to an inference that they must have been actuated by a most unruly and criminal passion.—And 4. The *opportunities* which they sought, or possessed, of gratifying such a passion; with the circumstances which shewed that those opportunities had not been neglected.

## I. FAVOURS AND REWARDS.

It is deposed, that between the years 1805 and 1809 one Bartolomeo Bergami was for some time about the town of Lodi, and afterwards in prison there (P. O. 238); that at another period the same individual lived at the town of Monza, where his employment was to mark wine-casks, under the orders of the officer of excise, and he was then a poor man. (G. M. 230, 231.) He is next spoken of as valet to General Pino, in whose family he waited at table, and afterwards took the place of courier. In the year 1813, and early part of 1814, he was serving in this family, and received wages at the rate of three Milanese livres (not quite half-a-crown English) per day. (F.B. 142. F.C. 405, T.M. 3.) Her Royal Highness the Princess of Wales (who, having left England in August, 1814, had paid a visit to her brother at Brunswick, and proceeded thence to Milan) engaged this Bergami in her service about a fortnight before she left the latter place. He was hired as a *courier*, and during that fortnight waited on her Royal Highness at table, and dined with the servants. (L.D. 247, 248.) From Milan the Princess passed through Rome to Naples, where, about the beginning of 1815, Theodore Majocchi, an old fellow-servant of Bergami's, was taken into her Royal Highness's service as livery-servant. At this time Bergami was courier, and was said also to be *equerry*. He dined with the upper servants, and shared with some of them the duty of personal attendance on the Princess. (L.D. 248, T.M. 4, 5.) The Princess having returned (early in March 1815) to Rome, embarked at Civita Vecchia for Leghorn and Genoa, on board his Majesty's ship *Clorinde*, where Bergami acted as a menial servant, and waited at table. (S.G.P. 155, 156.) At Genoa her royal Highness passed about two months: and here it was observed that Bergami had more authority than the other servants. Here also his *sister* Faustina came to live with the Princess, as did his *mother*, then called by the familiar name of "Nouna," or grandmother; but neither of them with any particular duty or office. Louis Bergami, the *brother* of Bartolomeo, was also taken at this time into her Royal Highness's service as courier; and Victorina, Bartolomeo's *daughter*, about two or three years old, was received into the house, *but not this child's mother*. (L.D. 260, 261, T.M. 11.)

From Genoa the Princess returned (June, 1815) to Milan; soon after which the Countess Oldi was received into her Royal Highness's service as "Dame d'Honneur." At first it was not known who she was, but after some time it was discovered that she also was a sister of Bergami's. (T.M. 14, L. D. 262, 263.) From Milan, after an excursion to Venice, the Princess went to Villa Villani, on the Lake of Como: and while there (about August, 1815) an *estate* called the Barona, was bought for Bergami, and named the "Villa Bergami." (T.M. 14, 27, 28.) Then the Princess removed to the Villa d'Este, on the Lake Como, and after staying there two



months went again to Genoa, where she embarked (Nov. 14) on board the *Leviathan*, and sailed to Sicily. (T.M. 15, 17, T.B. 163.) Here her Royal Highness remained till the end of March, and in the interval Bergami successively received several honorary titles. He was called "*his excellency*," he wore the decoration of the *knighthood of Malta*, and was also called *Baron Della Franchina*. (T.M. 21.) Towards the end of March, 1816, the Princess embarked on board the Neapolitan *polacca* *Industry*, accompanied by Bergami, and sailed in it to Tunis, Malta, Constantinople, and Scala Nuova, whence she went by land to Jerusalem, re-embarked at Jaffa, and returned to Italy. (G.P. 93, V.G. 119.) At Jerusalem, Bergami was made a *knight of the holy sepulchre* (which, though a Catholic order, was conferred on William Austin,) and after re-embarking, her Royal Highness instituted a new Order of St. Caroline, of Jerusalem, of which Bergami was made *grand master*. (G.P. 97, V.G. 125, L.D. 295.)

The Princess on reaching Italy, in June, 1816, went again to the Villa d'Este, where a new *table* was formed for the relations of Bergami, at which his mother, his sister Faustina, his brother Louis, and one of his *cousins*, who held the office of accountant, dined. Louis Bergami was now made "*Prefect of the Palace*," and his mother, no longer called "*Nouna*," was styled "*Donna Livia*," (L.D. 295, 296.) Her Royal Highness used to have prayers said by a protestant clergyman every Sunday till she quitted Genoa, after which it was discontinued; and she went to a *catholic church* with Bergami, fell on her *knees* by his side, and at other times declared that she would have *masses* said for the soul of Bergami's *father*, (L.D. 308.) At a subsequent period, when her Royal Highness went to reside at Pesaro, there was a *chest of money*, and Bergami had the key. (L.D. 308.)

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## II. FAMILIARITIES.

It is sworn that a familiarity between the Princess and Bergami commenced, *from the moment that they reached Naples*, (L.D. 257,) and many various instances of it are given at subsequent periods. It appears that whilst he was yet a courier he was admitted to *breakfast* with her Royal Highness, (T.M. 9, 13, L.D. 268.) and also to *dine* with her in his courier's dress. (L.D. 268.) On board the *Leviathan* he dined with her regularly, (T. B. 159.) and Captain Pechell's refusal to allow him to dine at his table on board the *Clorinde*, was so much resented by the Princess, as to induce her to decline dining there herself (S.G.P. 158. T.B. 161.) She *rode* out in company with him (P.O. 239.), and admitted him to travel in the same *carriage* with her. (T.M. 31, P.C. 107, S.G. 157.) They were seen walking *arm-in arm* (T.M. 14, T.B. 161, G.P. 99, V.G. 124, P.O. 221, G.M. 231, L.D. 256, C.R. 402, G.S. 431.) When she rode on a donkey, he took her *round the waist* to put her on the animal, supported her with his arm behind her back, or on her thigh, or held her hand to prevent her from falling. (T.M. 10, L. G. 387.) On board the *polacca*, they were seen, he sitting on a gun, and she sitting on his knees; (V.G. 124,) sometimes both sitting on a gun with the arm of one behind the back of the other; sometimes he sitting on a bench and the Princess on his lap or thigh, with her arm round his neck, and his arm behind her back: sometimes he lying on his back, on a small bed, and the Princess standing near him leaning forward. (G.P. 99, 100.) When the Princess gave a masked ball to King Murat, she went to it in the dress of a Turkish Peasant, under the arm of Bergami, he being dressed like a Turk, though at that time he was still her courier. (L.D. 252, 254.) At another time she went to the Theatre of San Carlos with him, she being in

a red cloak, and he in a red domino, when they were surrounded and *hissed* by many masks, and with great difficulty withdrew. (L.D. 256.) They went twice alone in boats on the canals of Venice (G.B. 215) and several times alone in a *canoe* on the Lake of Como. (T.M. 37, F.B. 149, P.R. 222, L.D. 272, A.F. 391, D.B. 394, A.B. 397.) They were seen alone in the *garden*, sitting on a bench, an hour and a half after sunset. (P.R. 225.) They drove out together in a "padovanello," a carriage in which there was only room for the Princess to sit on Bergami's knees while he held the reins. (G.M. 231, G.L. 400, G.R. 406.) They were alone in the garden with a *garden chair*; first Bergami pushed the chair along, the Princess sitting in it, and then he sat in it, and *the Princess pushed him along*. (P.R. 222, L.D. 309.) At Venice he attended at dinner behind her chair, in the dress of a courier, and after the rest of the company had left the room, she took a *gold chain* from her own neck and put it round his neck; he afterwards took it off his own neck and put it round her's, and then he took her by the hand, *squeezed her hand*, and accompanied her to the door. (G.B. 214, 215.) She made him a present of a blue silk *morning gown* which she had been accustomed to wear herself, and which he afterwards wore at his toilet. (T.M. 16, L.D. 264.) She proposed to make his shirts. (L.D. 294.) He gave her his ear-rings, and she wore them. (L.D. 296.) The Princess was painted as a Magdalen with her breasts uncovered, and this picture was afterwards seen in the possession of Bergami. He was painted in the character of a Turk, and this portrait was afterwards seen in her Royal Highness's possession. (L.D. 282, 283, 284.) Their two busts were taken, and these were kept by Bergami in his room at the Villa Brandi. (G.S. 433, L.D. 305.) On board the polacre rejoicings were made in the Princess's presence on St. Bartholomew's day, the sailors shouting, "Long live the Princess! long live the Chevalier!" (G.P. 100, V.G. 124.) When Bergami was ill at Genoa the Princess came into his room, and gave orders about warming his bed, whilst he sat by on a stool partly undressed. (T.M. 20.) Other servants were in the habit of knocking before they entered her Royal Highness's bed-room; Bergami never knocked. (L.D. 257.) He came into her bed-room at Jerusalem, and threw himself on the bed in a ludicrous way while she was present. (L.D. 291.) On board the *Clorinde* he was seen lying on a bed in the Princess's cabin in the day time, her Royal Highness being on another bed in the same cabin. (L.D. 276, 277.) Mr. Burrell having quitted her Royal Highness at Villani, and no other English person remaining in her suite, except Mr. Hownam (a half-pay Lieutenant,) there was more freedom in the house than before. Her Royal Highness played in the Saloon with the servants, who every evening had games and frolics, such as blindman's buff and the like. (L.D. 264.) She gave balls to the low people of the neighbourhood at Villa Bergami, and danced at them with him. (P.O. 239.) She acted in the private Theatre at the Villa d'Este; at one time she sang while Bergami played on an instrument: at another time she acted the part of a sick woman, and he the Doctor who came to attend her; and at another time she acted the part of Columbine to Louis Bergami's Harlequin. (T.M. P.R. 225, L.D. 296, G.L. 401.) She went into the kitchen and ate there with him, sometimes from one plate, sometimes from two: she cut some pieces, stuck a fork into and ate herself, and then took another piece and said "Here it is, you eat also;" another time she told him something in French, and then he took some polenta (maize porridge,) put it half into the mouth of the Princess, and then the remaining half he put into his own mouth. (F.B. 149, G.M. 231, P.O. 239, L.D. 309, G.Ga. 418, G.D. 422.)

Several witnesses state, that the Princess, on various occasions, addressed words and expressions of endearment to Bergami, such as "Mon cœur!"

“ Adieu, mon cœur ! ” “ Prenez garde ! ” Adieu, mon cher ami ! ” Do not remain out so long, mon cœur ! ” “ Mon ange ! ” “ Mon amour ! ” “ My life ! ” (G.M. 232, L.D. 276, C.R. 403, G.R. 403, G.S. 432.)

### III. INDECENCIES.

One witness speaks to an indecent conversation held by the Princess with himself in the presence of Bergami, who stood by laughing. (G.S. 433.) Others mention an indecent piece of buffoonery played on board the polacca by Bergami, at which the Princess laughed. (V.G. 123, L.D. 294.) The Princess is also asserted to have been more than once present and laughed at the dance of Mahomet, of which one of them gives a most indecent description. (T.M. 36, F.B. 149, P.O. 240, 245.) The inspection of the statues of Adam and Eve by the Princess and Bergami must be consulted in the evidence. (P.R. 223.)

At the Casa Villani, Bergami was seen going into the Princess's bed-room dressed only in his morning-gown, stockings, and under small-clothes (T.M. 19.), and at Utica, he went into her bed-room alone one morning before she was up. (L.D. 288, 289.)

At Naples, Bergami often attended the toilet of the Princess, particularly once when she changed her masquerade dress, and put on one with the arms bare, the breasts bare, and the drapery in the same way as people represent the Muses or the Genius of History. (L.D. 251, 253, 254.) At the Villa Caprile, the Princess dressed herself in pantaloons, and Bergami turned her round looking at her, and said, “ How pretty you are ! I like you much better so.”

On board the polacca, the Princess was accompanied by Bergami when she went below to go to the *water closet*, or for any other purpose. (V.G. 123.) She was attended by him into the cabin when she went to take a *bath*—the door was shut, and Bergami remained alone with her in the cabin. (T.M. 26, V.G. 122, L.D. 293.) At the Villa d'Este, Bergami and the Princess were seen one afternoon standing together in the water, in a place sometimes used for *bathing*, the Princess being dressed in a sort of loose trousers that reached to the feet. (A.B. 399.)

Many witnesses speak to having seen the Princess and Bergami *kissing*, on different occasions, at Messina ; (T.M. 18, L.D. 267.) on board the polacca ; (V.G. 123,) on leaving the polacca at Terracina ; (T.M. 27.) at the Villa d'Este ; (G.D. 241, G.M. 232, A.F. 394.) in a boat there ; (G.Gu. 423,) at the Villa Caprile ; (C.R. 403,) at Catolica, near Pesaro ; (G.R. 408,) and on the road from Rome to Sinigaglia ; (G.S. 439.)

One witness states, that he accidentally opened a door at the Villa d'Este, and saw the Princess and Bergami sitting together ; her bosom was uncovered, and Bergami's arm round her neck, and that Bergami started up and cried, “ What do you want ? Away, you son of a —— ! ”

Two other witnesses depose to separate occurrences, which we cannot permit ourselves to repeat : one mentions an observation which he made, when the Princess was returning in a carriage with Bergami, from Farno to Villa Caprile, (G.R. 407) ; the other of a similar observation, when the Princess and Bergami were travelling in a carriage from Rome to Sinigaglia (G.S.)



## IV. OPPORTUNITIES.

The first opportunity which the parties appear to have had of gratifying an unlawful passion, if they were so inclined, was on their arrival at Naples in November, 1814. Up to that time, William Austin had been in the habit of sleeping in the Princess's room; but the night before they reached Naples her Royal Highness told her *Femme de Chambre* that he had become too big a boy, and must have a chamber to himself. (L. D. 248.) On the second night after reaching Naples, Bergami, the courier (who had then been about three weeks in the Princess's service), had a bed-room allotted to him near her Royal Highness. (L. D. *ibid.*) It communicated with her room by a passage and a small cabinet, in which nobody slept, the other people of the suite sleeping in a separate part of the house, and there being no access to these apartments when the passage door, the Princess's door, and Bergami's were all fastened. (T. M. 5, L. D. 248.) That night, the Princess returned early from the Opera, and went, attended by her *Femme de Chambre*, to her bed-room, in which were two beds, a small travelling one on which she usually slept, and which had been made up for her that night, and a large one on which there were no sheets. The Princess directed that William Austin should be forbidden coming to her room, and the door communicating with his apartment was shut. Contrary to her usual custom she dismissed her *Femme de Chambre* in a few minutes, and appeared extremely agitated. The next morning it was observed that nobody had slept in the Princess's travelling bed, but the large bed appeared to have been occupied by more than one person, and the same appearance was noticed on subsequent nights. (L. D. 250. 252.)

During their stay at Naples, Bergami continued to occupy the room above described. One night, when the Princess was in her bed-room undressed, the *Femme de Chambre* (Mademoiselle *De Mont*) states, that being near the door of her Royal Highness, she saw Bergami in his shirt, coming out of his own room into the passage, and advancing towards the Princess's room. (L. D. 251. 252.)

Bergami, having met with an accident from the kick of a horse, was confined for some time to his room, and for five or six nights Majocchi was directed to sleep in the small cabinet, before mentioned, to attend him. On two of these nights, about half-past twelve o'clock, Majocchi states that he saw the Princess pass through the cabinet. She walked very softly, stooped to see whether he was asleep, and then passed on to Bergami's room, where she stayed from 15 to 18 minutes, and some whispering conversation was heard between them. (T. M. 6. 7.)

At almost all the places which the Princess visited, it is stated that Bergami's bed-room was, in like manner, placed near that of the Princess. At Genoa they were separated only by a luggage-room. (T. M. 9, L. D. 258.) At Milan the doors opened on the same landing-place, about 7 or 8 feet from each other. (T. M. 13.) At Venice (June, 1815) both opened in the saloon. (T. M. 14.) At the Villa Villani they were divided on one side by only a small passage. (T. M. 15.) At Messina only by a room in which Bergami's sister slept. (T. M. 18, L. D. 274.) At Syracuse the Princess slept in a room below, and Bergami in a room above, immediately connected by a private staircase. (T. M. 19, L. D. 277.) At Catania there was nothing between their rooms but a small court, into which nobody else could get, because there was a door which was locked. (T. M. 19, L. D. 279.) At Augusta a similar arrangement. (T. M. 21, L. D. 285.)

On board the *Leviathan*, Captain Briggs had made such arrangements as



he thought would accommodate the Princess and her suite, meaning to put the men below, in the ward-room or elsewhere; but her Royal Highness altered this arrangement, so as to appropriate a room to Bergami, the door of which was near the door of her own room. (T. B. 160, 161.)

On board the polacca, on the voyage to Tunis, the dining-room was between the cabin of Bergami and that of the Princess. On coming on board, the Princess ordered the door into the dining-room to be nailed up. Bergami slept but a few nights in his cabin. After leaving Tunis he slept in the dining-room, where he could see the Princess in bed; and they were twice heard speaking together when they were in their separate beds. (G. P. 95, V. G. 117, 118, L. D. 287.)

At the Turkish Barrack, near Scala Nuova, the Princess's travelling-bed was carried, by order of herself and Bergami, into a vestibule surrounded by a wall. There she and Bergami dined by themselves, and were waited on by Majocchi, the Princess sitting on the bed and Bergami at her feet. After dinner they were left alone for an hour and a half, the bed remaining. (T. M. 22, 23.)

At Aum, the Princess's tent was six or seven paces from the others. It was double, consisting of one circle within the other. In the interior circle were placed the Princess's travelling-bed and a Turkish sofa. During the whole time of rest (they travelled by night and rested by day on account of the heat) the Princess and Bergami remained alone, or with only the little child of two years old, in the inner tent, which Bergami closed from the inside. The Princess was undressed and lying on the bed. (T. M. 24, G. 97, L. D. 290.)

On the return voyage from Jaffa, the same double tent was raised on the deck of the polacca, and the travelling-bed and sofa placed under it. The Princess and Bergami slept under it every night, the whole being closely shut up. A lantern was used in the tent for going to bed, and when it was done with, Bergami sometimes gave it out of the tent by thrusting his hand between the lower extremity and the deck. When the tent was opened in the morning, Bergami was seen on the bed in a morning gown. The tent was sometimes closed for an hour during the day, they being left within. (T. M. 25, G. P. 98, 99, V. G. 120, F. B. 144, L. D. 292.)

At the Villa d'Este and Villa Bergami, there were direct communications between the bed-rooms of the Princess and Bergami: and at the former the communication was rendered more direct by altering a wall, while they were on the voyage to the Levant. (T. M. 28, 35, L. D. 270, 294; F. C. 405.)

At the Golden Stag, Munich, their rooms had first been ordered at a distance, but were altered by order of Bergami, the Princess being present, and then only separated by the dining-room. (T. M. 29.)

At Carlsruhe, Nuremberg, Vienna, and Trieste, their rooms communicated, and were generally separated from those of the rest of the suite: and this arrangement was ordered by the Princess or Bergami. (T. M. 31, 32.)

Bergami's black silk cravat was seen in the Princess's bed-room, at the Villa d'Este; and so were his white slippers. (L. D. 297.) A silk cloak, like that of the Princess, was found in Bergami's bed at Carlsruhe. (M. B. K. 187.)

Bergami was seen one morning, at ten o'clock, in the anti-chamber of the Villa d'Este, coming from the side where the Princess's room was, dressed in a morning gown, with only his drawers on. (A. F. 391.) At Turin he was seen, about half-past nine in the morning, coming from the Princess's room in his morning gown, drawers, stockings, and slippers. (F. B. 150.) One morning, at Catania, the Princess was seen to come about ten o'clock from the room of the Countess Oldi, in which Bergami slept on account of some

indisposition, and pass through Mademoiselle *De Mont's* room with a pillow or two in her hand to her own bed-room. She was in the dishabille of the night before, and looked earnestly at Mademoiselle *De Mont*, but passed on, without saying any thing, to her own bed-room. (L. D. 279, 280, 281.) One night Bergami returned from Inspruck to Scharnitz about half-past twelve o'clock, and came up to the Princess's room, who was in bed. She sent away her chambermaid, and he remained. (L. D. 301, 302.) Another night, when the Princess was on a visit at General Pino's, Bergami passed through Mademoiselle *De Mont's* room towards that of the Princess. (L. D. 298.)

Majocchi speaks to certain noises which he heard on board the polacca. (T. M. 26.) Meidge Barbara Kress, the chambermaid at Carlsruhe, states that on going into Bergami's room, between seven and eight o'clock one evening, she saw him in bed, the Princess sitting on the bed, and his arm round the neck of the Princess, who immediately jumped up. The witness also speaks to certain appearances on Bergami's bed, as well as to finding the cloak in it as before mentioned. (M. B. K. 183, 187, 188, 189.)

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## Appendix,

### No. II.

*Translation of Lieutenant Hownam's Diploma as Knight of the Order of St. Caroline.*

“*Jerusalem, 14th July, 1816.*”

“By these presents subscribed (or signed) in the hand-writing of her Royal Highness the Princess of Wales, and bearing her seal, is instituted and created a new Order of Knighthood, to recompense (or reward) the faithful Knights who have had the honour to accompany her Royal Highness in her peregrination (pilgrimage) to the Holy Land.

“First—This order shall be given to, and worn only by, those who have accompanied her Royal Highness to Jerusalem; with the exception of the physician to her Royal Highness, (his name is here inserted in the diploma) who was only prevented by accident from following her Royal Highness.

“Second—Sieur Bartholomew Bergami, Baron Francini, Knight of the Grand Order of Malta and of the Holy Sepulchre of Jerusalem, Equerry to her Royal Highness, shall be Grand Master of the Order, and his children, as well male and female, shall succeed him in it, and wear the same Order, which shall descend to their progeny from generation to generation to the end of the world.

“Thirdly—The same advantage is granted to the Knight of the Holy Sepulchre, Mr. William Austin; and his legitimate children, either male or female, for ever, shall enjoy this honour.

“Fourthly—This honour shall be granted to you, Jos. Robt. Hownam, Captain in the English Navy, who are created Knight in the suite of her Royal Highness the Princess of Wales; this distinction to be enjoyed by you merely as a personal honour, the Cross and Patent on your demise to be restored to the Grand Master.

“Fifthly—The Grand Master shall wear the Cross of the Order round his neck, and the other Knights shall wear it at the button holes on the left-hand side of the coat.

"Sixthly.—The above mentioned Order shall consist of a red cross, with the motto "Honi soit qui mal y pense," and shall be called by the name of Santa Carolina of Jerusalem. The ribbon thereof shall be lilac and silver.

(Signed) CAROLINA.

"Bartholomo Bergami, Knight of Malta, Baron Francini, Knight of the Holy Sepulchre, Grand Master of the Order.

"To you, Joseph Hownam, Knight, in the suite of her Royal Highness the Princess of Wales."

## Appendix, No. III.

The following Statement presents, at one view, the votes on the three great divisions, on the Bill of Pains and Penalties against the Queen: viz. 1st.—On the motion for the second reading, (November 6). 2nd.—On the motion for the retention of the divorce clause, in the Committee, (November 8). 3rd.—On the motion for the third reading of the Bill, (November 10). The Peers, to whose names an asterisk is prefixed, voted against the divorce clause, in the committee.—The votes for the third reading were the same as for the second, except that those to whose names the letter a is affixed were absent, whilst the five marked thus † voted against the Bill, and in addition the Earl of Bradford, and Lords Gwydir and Ponsonby (Besborough).—The names between parentheses are those by which their Lordships are usually known.

### MAJORITY.

| <i>Dukes.</i>      | <i>Earls.</i> | <i>Earls.</i>     |
|--------------------|---------------|-------------------|
| York               | *Pomfret      | Nelson            |
| *Clarence          | *Macclesfield | Powis             |
| *Beaufort          | *Aylesford a  | Limerick          |
| Rutland            | *Balcarras    | Donoughmore       |
| Newcastle          | Home          | Belmore           |
| Northumberland     | Coventry      | *Mayo             |
| *Wellington        | Rochford      | Longford          |
| Athol              | Abingdon      | *Mount Cashell    |
| Montrose           | *Shaftesbury  | Kingston          |
| <i>Marquisses.</i> | Cardigan      | *Liverpool        |
| Conyngham          | *Winchelsea   | Digby             |
| Anglesea           | *Stamford a   | *Mount Edgecumbe  |
| Camden             | Bridgewater   | Abergavenny       |
| Northampton        | Huntingdon a  | *Aylesbury        |
| Exeter             | *Westmoreland | *Bathurst         |
| Headfort           | *Harrowby a   | Chatham           |
| Thomond a          | *St Germain's | <i>Viscounts.</i> |
| *Cornwallis        | *Brownlow a   | Exmouth           |
| Buckingham         | *Whitworth    | Lake              |
| Lothian            | *Verulam      | *Sidmouth         |
| Queensberry        | Cathcart      | *Melville         |
| Winchester         | *Mulgrave     | *Curzon           |
| <i>Earls.</i>      | *Lonsdale a   | *Sydney           |
| Harcourt           | Orford        | *†Falmouth        |
| Brooke and Warwick | Manvers       | Hereford          |
| *†Portsmouth       | Rosse         |                   |

*Barons.*

Somers  
 \*Rodney  
 Middleton  
 Napier  
 Colville  
 Gray  
 \*Saltoun  
 Forbes  
 Prudhoe *a*  
 Harris  
 Ross (Glasgow)  
 Meldrum (Aboyne)  
 \*Hill  
 \*Combermere  
 \*Hopetoun  
 Gambier *a*  
 Manners  
 Ailsa (Cassilis)

*Dukes.*

Gloucester  
 Somerset  
 Brandon (Hamilton)  
 Argyle  
 Leinster  
 Grafton  
 \*Portland  
 Devonshire  
 Bedford  
 Richmond

*Marquisses.*

Bath  
 Stafford  
 Lansdown

*Earls.*

Delawarr  
 Ilchester  
 Darlington *a*  
 Fitzwilliam  
 Egremont  
 \*Stanhope  
 Cowper  
 \*Dartmouth  
 Oxford  
 \*Roseberry  
 Jersey  
 Albemarle  
 Plymouth *a*  
 Essex  
 Thanet  
 Denbigh  
 Suffolk  
 Pembroke *a*  
 Derby

*Barons.*

\*Lauderdale  
 Sheffield  
 Redesdale  
 St. Helens  
 Northwick  
 Bolton  
 \*Eldon, C.  
 \*†Bayning  
 Carrington  
 De Dunstanville  
 Rous  
 \*Saltersford (Courtown)  
 Stewart of Garlies (Gal-  
 loway)  
 Stuart (Moray)  
 \*Douglas (Morton)  
 Grenville

## MINORITY.

*Earls.*

Blessington  
 Morley  
 Minto  
 Harewood *a*  
 Grey  
 Gosford  
 \*Romney  
 Rosslyn  
 \*Caledon  
 Enniskillen  
 \*Farnham  
 Carrick  
 Carnarvon  
 Mansfield  
 Fortescue  
 Grosvenor  
 Hillsborough (Downsh)

*Viscounts.*

Granville  
 Anson  
 Duncan  
 Hood  
 Torrington  
 Bolingbroke

*Barons.*

Ashburton  
 Bagot  
 Walsingham  
 Dynevour  
 Foley  
 Hawke  
 Ducie  
 Holland

*Barons.*

\*Suffield  
 Montague  
 Gordon (Huntley)  
*Archbishops.*  
 Canterbury  
 \*†Tuam  
*Bishops.*  
 London  
 \*St. Asaph  
 \*Worcester  
 \*St. Davids  
 \*Ely  
 \*Chester *a*  
 \*†Gloucester  
 \*Peterborough  
 Llandaff  
 \*Cork and Rosse

*Barons.*

Grantham  
 Belhaven  
 King  
 Clifton (Darnley)  
 Say and Sele  
 Howard of Effingham  
 Zouch  
 Clinton  
 Dacre  
 Audley  
 De Clifford  
 Breadalbane  
 Erskine  
 Arden  
 Ellenborough  
 Alvanley  
 Loftus (Ely)  
 Fitzgibbon (Clare)  
 \*Calthorpe  
 Dawnay (Downe)  
 \*Yarborough  
 Dundas  
 Selsey  
 Mendip (Clifden)  
 Auckland  
 Gage  
 Fisherwick (Donegal)  
 Amherst  
 \*Kenyon  
 Sherborne  
 Berwick  
*Archbishop.*  
 \*York



## Appendix, No. IV.

*Protests against the Second Reading of the Bill of Pains and Penalties.*

November 6, 1820.

*Dissentient, No. 1.*—Because the second reading of the Bill is equivalent to a decision that adulterous intercourse (the only foundation on which the Bill can rest) has been satisfactorily proved.—Because that adulterous intercourse has been inferred, but not proved; and in a doubtful case, in which the imputed guilt is not proved, although innocence be not established, the benefit of that doubt, conformably to the principles of British justice, must be given to the defendant. *Signed*, Essex (first reason only), Hillsborough (ditto), Kenyon, Oxford, Somerset, Selsea, Roseberry, Morley (first reason only), Leinster, Mansfield, Enniskillen, Richmond and Lennox, Jersey (first reason only), Carrick, Grafton (first reason only), Anson (ditto), Darlington (ditto), Belhaven (ditto)

*Dissentient, No. 2.*—Because this proceeding, from its nature, cannot be assimilated to a common indictment, in which a conviction upon one count alone, out of many, is sufficient. And because, although enough has been proved in evidence to satisfy us of the existence of guilt, yet as evidence on many of the allegations has been contradicted, in some disproved, and in others is so suspicious as to be wholly laid out of the case, we are of opinion that it is inexpedient to proceed further in this measure.—*Signed*, Plymouth, Dynevor, Grantham, Denbigh, Clinton (second reason only), Gage (ditto), and Ilchester.

*Dissentient, No. 3.*—The following Peers have also protested against the Bill upon general grounds:—Wm. Frederick, Lansdown, Jersey, Grey, Plymouth, Fitzgibbon, Albemarle, Hamilton and Brandon, Duncan, Hillsborough, Wentworth (Fitzwilliam) Derby, Anson, Yarborough, Sherborne, Cowper, Audley, Kenyon, Carrick, Selsea, Foley, Arden, Egremont, Torrington, Suffolk and Berks, Loftus (Ely), Morley, Granville, Richmond and Lennox, Bedford, Fortescue, Darlington, Belhaven, Grafton, Breadalbane, Auckland, Dawnay (Downe), Mendip (Clifden), Leinster, Hawke, Gosford, Romney, Roseberry, Scott (Portland), Thanet, Hood, Ashburton, Howard of Effingham, Alvanley, Carnarvon, Dundas, Caledon, Sundridge (Duke of Argyll), Ducie, King, Rosslyn, Dacre, Calthorpe, Grantham, and Ellenborough.

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## Appendix, No. V.

*The Queen's Protest against the Second Reading of the Bill of Pains and Penalties.*

“ CAROLINE REGINA.

“ *To the Lords Spiritual and Temporal, in Parliament assembled.*

“ The Queen has learnt the decision of the Lords upon the Bill now before them. In the face of Parliament, of her family, and of her country, she does solemnly protest against it.

“ Those who avowed themselves her prosecutors have presumed to sit in judgement on the question between the Queen and themselves. Peers have given their voices against her, who had heard the whole evidence for the charge, and absented themselves during her defence.

“Others have come to the discussion from the Secret Committee, with minds biassed by a mass of slanders, which her enemies have not dared to bring forward to the light.

“The Queen does not avail herself of her right to appear before the Committee, for to her the details of the measure must be a matter of indifference; and, unless the course of these unexampled proceedings should bring the bill before the other branch of the Legislature, she will make no reference whatever to the treatment experienced by her during the last twenty-five years.

“She now most deliberately and before God asserts, that she is wholly innocent of the crime laid in her charge, and she awaits with unabated confidence the final result of this unparalleled investigation.

Signed

CAROLINE REGINA.”

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## Appendix,

### No. VI.

#### PROTESTS,

*Against the Earl of Liverpool's Amendment, adjourning, for six months, the further consideration of the Bill of Pains and Penalties.*

##### I.

Moved, That the further consideration of the bill be adjourned to this day 6 months. Which being objected, the question was put thereupon. It was resolved in the affirmative.

*Dissentient,*

Because no sufficient ground appears for the abandonment of the bill founded on the charges against her Majesty the Queen, which had undergone the most solemn and accurate investigation—charges in which the morality of the country was deeply interested, and on which all the peers, spiritual and temporal, who delivered their opinions, with very few exceptions, declared their conviction of her guilt; and the abandonment of which is a dereliction which may bring into disrespect not only the character of our highest courts of judicature, but that of the nation itself. And it is with the greatest concern we observe the extreme want of consideration for the Sovereign, by the dereliction of proceedings so unnecessarily brought on, by which a wife, declared by the House of Peers to have been guilty of adulterous intercourse with a menial servant, and of a conduct the most depraved, is to remain the Queen Consort, thus lowering the dignity of the Crown, and embarrassing the country with far greater difficulties than those which seem to have induced his Majesty's Government to relinquish the prosecution of the bill.

SHEFFIELD.

NORTHUMBERLAND.

LOTHIAN.

WILLIAM.

##### II.

Adhunc, 10 die Novembris, 1820.

*Dissentient,*

Because that, in a case of this nature, in which this house appears to us, by its resolution to read the bill a second time, by its proceeding in the committee upon the bill and the report, and by its resolution to read the bill a third time, to have strongly manifested that, in the judgment of the majority of this house, the guilt imputed in the preamble of the bill had been clearly

proved, we think that considerations affecting the justice and honour of the house made it fit that the bill should pass.

Because this appears to us to have been the more fit in a case in which so many peers, who voted against the third reading of the bill, had declared their conviction that the guilt imputed had been proved.

Because we think that the house ought not, in considering whether the bill should pass, after its having been read a third time, to have been influenced by any regard to what might take place in an inquiry in the other House of Parliament, as was suggested in the course of our debates, save only that we deem it to have been just that the party accused should have had an opportunity of calling for the judgment of both houses, when this house, proceeding by a Bill of Pains and Penalties, had expressed in the resolutions a judgment unfavourable to that party.

Because we cannot but apprehend that the resolution to adjourn the further consideration of the bill will lead to great misapprehension as to the real opinion of the majority of the peers of this house, as it is to be collected from the antecedent proceedings properly understood, with reference to the question upon the guilt imputed to the party accused in the preamble of the bill.

BRIDGEWATER.  
VERULAM.  
SHAFTESBURY.  
WILLIAM.

## III.

*Dissentient,*

Because it had been clearly established by undeniable evidence, and confirmed by votes and declarations of a great majority of the house of Peers, that the Princess of Wales (now Queen) did commit adultery with a foreigner; and because we know of no other tribunal where this crime against the State and against society can be punished, or the repetition of the offence be prevented.

2dly. Because the failure of this bill, unaccompanied by any other legislative or judicial proceeding, must encourage the commission of crime, and leave a great stain upon the honour of the throne and the morals of the present generation.

HARRIS.  
WILLIAM.

## IV.

*Dissentient,*

Because the guilt of her Majesty the Queen having, after the fullest investigation and consideration of the evidence adduced for and against her Majesty, been made out and established to the entire satisfaction of my honour and conscience, and the Bill of Pains and Penalties having, in the most solemn and deliberate manner, passed through its different stages, and received the sanction of this house to the third reading, I cannot allow of its abandonment at this period of the sedulous and exemplary attendance and labours of this house, without recording my protest against a measure which involves a dereliction of the sacred duty of administering justice by this house, and which suffers the most abandoned and licentious conduct to remain, if not triumphant, at least unpunished, to the disgrace of our country, in derogation of the honour and dignity of this house, and which tends to lower the first tribunal in the world in the estimation of this nation, of Europe, and of posterity.

WILLIAM,  
For the above reasons.

POWIS.

THE END.







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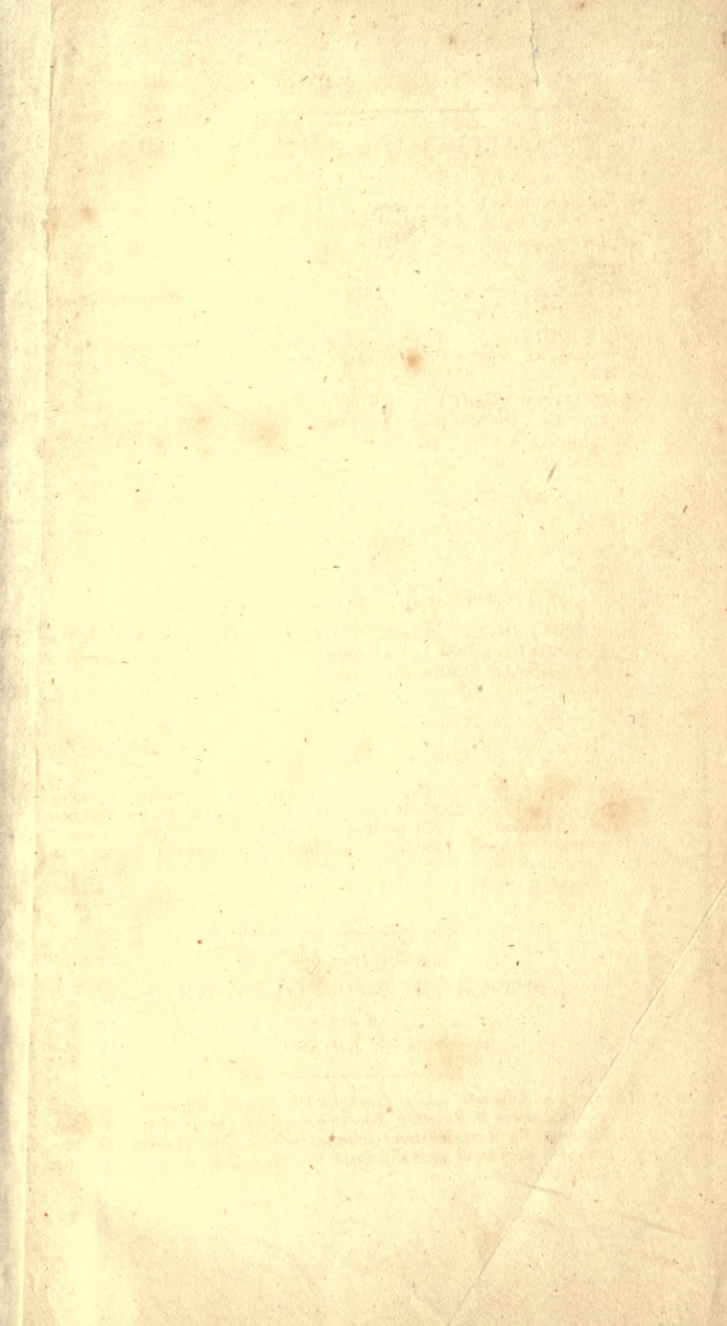
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