

23
C A S E

OF

Major General W^M. STAPLETON,

ON

THE INVESTIGATION,

Ordered by His Majesty's Principal Secretary of State for
the Home Department,

INTO

THE CHARGES

Preferred by General STAPLETON,

AGAINST

His Honor JOHN LACE, Esq.

His Majesty's

First DEEMSTER in the

ISLE OF MAN.

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THE DEPARTMENT in the

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THE OFFICE

MEANS the most extraordinary and unjustifiable having been resorted to, with a view to stop the even course of Justice, and to excite a prejudice against General Stapleton and other Gentlemen, not natives of this Island, but now resident in it, he feels it to be his duty both to them and himself, to give a more extensive circulation to his Case than can be conveniently done in Manuscript. He has therefore printed the whole transactions, from the 28th of August, to this date; and is firmly persuaded that an attentive perusal of the Case, will ensure him the suffrage of every candid and impartial person, who will take that trouble.—It will, at the same time, shew Deemster Lace and his adherents, that Testimonials reluctantly given, and Certificates obtained through

the laudable exertions of the common Bellman, aided by the threatened risings of tumultuous parishes, are as little calculated to exalt the personal Character of a Judge, and uphold the dignity of the Bench, as to shake a firm Mind, when engaged in an honourable and praise-worthy pursuit!

W. S.

21st OCTOBER, 1809.

C A S E, &c.

IN Consequence of an affray at the Theatre in Douglas, caused by Major General *Stapleton* having, in a mere frolic, during an accidental interruption of the play, whilst the curtain was drawn up, pushed a Mr. *Johnson* (with whom he had become acquainted in the Isle of Man) forward on the stage, the General, with two other Gentlemen, namely, Sir *John Piers* and Captain *Edwards*, were summoned to appear in the *Deemster's* Court, in Castle Rushen, to answer to a Complaint exhibited against them by said *Johnson*, for an assault and breach of the peace. On their appearance in Court, the subject matter of the complaint was enquired into by *Deemster Lace*; who, in the course of the investigation, took occasion to address General *Stapleton*, in language so offensive to his feelings, and so injurious to his reputation, that he could not, as a Man of Honour, pass it over unnoticed.—He therefore immediately presented the following Memorial.

“ To the Right Honourable, the Earl of Liverpool, one of his Majesty's principal Secretaries of State, &c. &c. &c.

“ The Memorial of Major General *William Stapleton*,
“ Sheweth,

“ That your Memorialist has had the
“ honour of serving his Majesty in the Army for a
“ period of more than twenty years; has been pro-

‘ promoted to the rank of Major General ; and is now
 ‘ on the half pay list as Lieutenant Colonel of the
 ‘ 31st Regiment of Light Dragoons.

‘ That your Memorialist has resided in the Isle of
 ‘ Man during the last two years or thereabouts ; and
 ‘ knowing that reverence for the laws is one of the
 ‘ first duties of a Soldier, has paid all due respect and
 ‘ obedience to them, as well as to the persons appoint-
 ‘ ed by his Majesty to administer them.

‘ That your Memorialist having been summoned,
 ‘ together with two other Gentlemen, to appear be-
 ‘ fore his Honor *John Lace*, Esq. one of his Majesty’s
 ‘ Deemsters in the Isle of Man, to answer to a com-
 ‘ plaint exhibited against them by one *Johnson*, at-
 ‘ tended accordingly at the said Deemster’s Court, in
 ‘ Castletown, on Monday last, the 28th of August ;
 ‘ when the Cause came on to be heard, and evidence
 ‘ was gone into ; but which evidence did not attach
 ‘ materially upon your Memorialist, whose case was
 ‘ but slightly touched upon ; for neither by himself,
 ‘ nor the professional Gentleman who attended in
 ‘ Court on his behalf, had a word been uttered on
 ‘ the points at issue, as they respected the part your
 ‘ Memorialist had taken in the transaction, which
 ‘ was then the subject of judicial inquiry.

‘ That to the astonishment of many Gentlemen,
 ‘ friends of your Memorialist, who were present, as
 ‘ were several Advocates, and a crowded Court, said
 ‘ Deemster Lace, forgetting the dignity of his station,
 ‘ and unmindful of the respect and veneration that
 ‘ ought to be inseparable from it, but which can only
 ‘ be excited and preserved by the exercise of *Patience*,
 ‘ *Temperance*, and an *impartial administration of Justice*,
 ‘ (those main pillars of the Judgment Seat!) did,

wantonly and unwarrantably, revile and abuse your
 Memorialist, branding him, *in open Court*, with
 many opprobrious epithets; and amongst other
 degrading and injurious expressions, said Deemster
 Lace did, in the most public and pointed manner,
 address your Memorialist in the following words:

‘ *As for you, General Stapleton, I look upon you as a
 Coward; you would do better, Sir, to be serving your
 Country abroad than skulking here. I consider you as
 a disgrace to your profession.*’ And as if these gross
 and insulting terms did not sufficiently convey his
 meaning, he added, ‘ *A man of your abilities, high
 Rank and Connections, ought to be better employed than
 skulking in this Island like a Coward.*’

Of all the facts above stated, abundant proof can
 be adduced; but your Memorialist is advised, that
 he cannot by the Laws of this Island maintain an
 Action at Common Law against said Deemster
 Lace; nor can he either by Common or Statute
 Law impeach him before the House of Keys, for
*defamatory words spoken from the Bench in his ju-
 dicial Capacity*; that his only remedy for such gross,
 wanton, and unprovoked abuse, which has excited
 a general sentiment of Indignation throughout the
 Island, is humbly to lay his grievance at the foot of
 the Throne; and that the proper mode of doing it
 is by Memorial to the Secretary of State for the
 Home Department.

Your Memorialist therefore earnestly and respect-
 fully requests, that your Lordship will present his
 humble duty to the King, accompanied with such a
 representation of this extraordinary transaction as
 to your Lordship shall seem most proper; con-
 fidently trusting, from the well-known paternal
 goodness of his Sovereign, and his strict regard for

‘ Justice towards all his Subjects, that his Majesty will
 ‘ be graciously pleased to order a speedy investigation
 ‘ of a Case, involving your Memorialist’s nearest and
 ‘ best interests, which he firmly believes will lead to
 ‘ such redress as his Majesty in his wisdom shall
 ‘ deem due to the wounded feelings of your Memo-
 ‘ rialist as a Man, and his injured honor, and aspersed
 ‘ character, as an Officer and a Gentleman !

‘ And, as in duty bound,

‘ He will ever pray,

(Signed)

‘ Wm. STAPLETON,

‘ M. G.’

‘ Douglas, Isle of Man, }
 ‘ Sept. 2, 1809.’ }

In regular course the above Memorial was succeeded by a Petition to the Lieutenant Governor, of which the following is a Copy.

‘ To the Honourable Lieut. Governor Smelt, &c. &c. &c.

‘ The Petition of Major General *Wm. Stapleton*, humbly
 ‘ Sheweth,

‘ That your Petitioner, having been
 ‘ grossly insulted by *Deemster Lace*, whilst sitting as
 ‘ a Judge in the Court of Law, at Castletown, on
 ‘ Monday the 28th day of August last, considered
 ‘ himself bound by a due regard for his own Charac-
 ‘ ter, and the feelings of his Family and Friends, on
 ‘ so painful and extraordinary an occasion, to repre-
 ‘ sent his grievance to the Secretary of State for the
 ‘ Home Department, and to pray for redress; as will
 ‘ more fully appear by reference to the Memorial on

his behalf, which has been presented to the Right Honourable the Earl of Liverpool, one of his Majesty's principal Secretaries of State.

That having been officially informed, that the said Complaint against Deemster *Lace* has been referred to your Honour, with directions from the Secretary of State for the Home Department, to cause an immediate investigation to be made into the circumstances of Mr. *Lace's* Conduct to your Petitioner, whilst acting in his Judicial Capacity as one of the Deemsters of the Isle of Man, and to report the result for his Lordship's information; your Petitioner humbly prays, that your Honor will be pleased to appoint an early day for that purpose; when he will be prepared with evidence to substantiate the Charges of abusive Language and improper Conduct on the part of said Deemster *Lace*, towards your Petitioner, on the 28th of August last, as set forth in his Memorial to the Secretary of State for the Home Department; to which he craves leave to refer; and a copy of which is hereunto annexed!

And he will pray, &c. &c.

(Signed)

W. STAPLETON,
M. G.

Douglas 23d September, 1809.

ORDERED,

That this Petition do come on to be heard at a Court to be held at Castle Rushen, on Friday next, the 29th Instant, whereof all parties are to have due Notice.

(Signed)

C. SMELT.

Given at Castle Rushen, }
Sept. 2, 1809. }

Under this Order for hearing General Stapleton's Petition, all his Witnesſes were duly ſummoned to appear at Caſtle Ruſhen, on Friday the 29th of Sept.; but two days previous thereunto, Deemſter *Lace*, apparently conſcious of the impropriety of his Conduct, requested Lieutenant Governor *Smelt* to become the Mediator in this unpleaſant buſineſs; offering an ample *Apology* for the harſh and unguarded language uſed by him on the 28th of Auguſt laſt, in addreſſing General *Stapleton*, for whom he profeſſed ſentiments of *reſpect* and *eſteem*. The Lieutenant Governor, thinking it incompatible with his public Situation, declined interfering further than to communicate the propoſition to Gen. *Stapleton*; and referred Deemſter *Lace* to the General himſelf.— On his reſuſal, Deemſter *Lace* made a ſimilar application to Sir *John Piers*, who alſo declined, through motives of delicacy, having been a party in the original tranſaction that led to this diſcuſſion. Finding thoſe Gentlemen could not be induced to interfere, Deemſter *Lace* at length condeſcended to make a *direct* application to General *Stapleton*, by letter, of which the following is a Copy.

‘ Dear General

‘ I am exceedingly ſorry for what paſſed from me
 ‘ upon the investigation of the buſineſs of the Theatre
 ‘ the other day. I do aſſure you upon my Honor
 ‘ that I had no improper motive upon the occaſion
 ‘ but the reverſe however as you conceive it was an
 ‘ injury to your feelings and honor I feel myſelf in
 ‘ juſtice to you bound to declare that I am exceed-
 ‘ ingly* for it and for what paſſed and that I do
 * Note. A word, ſuppoſed “ ſorry,” is omitted in the original.

‘ hereby make the most unequivocal Apology to you
 ‘ for it but if you are not satisfied with this and re-
 ‘ quire any particular form of words youll let me
 ‘ know this Evening and I shall wait upon you to-
 ‘ morrow by 12 o’Clock at your own house and
 ‘ exprefs in the prefence of the Lieutenant Governor
 ‘ and Sir *John Piers* or any other of your friends
 ‘ fuch form as any Gentleman would fuggest proper
 ‘ for one Gentlemen to make to another. I mean the
 ‘ *most ample* without degradation.—I shall pay the
 ‘ Messenger who shall be Sent with your Answer to
 ‘ me. I have the honor Dr. Genl. to be your
 ‘ most

‘ Obedt. Servt.

(Signed)

‘ JOHN LACE.’

‘ Castletown,

‘ 27th September, 1809. }

‘ P. S. If I do not receive your Answer this night
 ‘ I shall take it for granted you wish my personal
 ‘ attendance tomorrow and no Messenger need be
 ‘ sent to me’

‘ *Honble. Major Genl. Stapleton.*’

As soon as he conveniently could, after the receipt
 of *Deemster Lace*’s letter, *General Stapleton* dispatched
 his own Servant exprefs to *Castletown*, with an an-
 swer, as follows:—

‘ Douglas, 27th Sepr. 1809.

‘ Sir,

‘ I have had the honor of receiving your
 ‘ letter of this day’s date; but as the Apology you
 ‘ offer is not fatisfactory to me either in the form or

‘ mode in which you purpose to make it, I beg leave,
 ‘ *in compliance with your request*, to transmit under this
 ‘ envelope the *only apology*, which, under such circum-
 ‘ stances, I can deem adequate for the very serious
 ‘ injury I have received.

‘ I have the honor to be, Sir,

‘ Your most obedt. humble Servant,

(Signed)

‘ W. STAPLETON,

‘ M. G.

‘ *His Honor, Deemster Lace, &c. &c. &c.*

‘ *Castletown.*’

About 12 o’Clock the next day, General *Stapleton’s* servant returned to Douglas with another letter from *Deemster Lace*, inclosing the *written part* of the Apology required, as dictated by General *Stapleton*, and signed JOHN LACE.’ Copies of both are subjoined.



‘ *General Stapleton,*

‘ Sir,

‘ I have signed the apology you have dic-
 ‘ tated yet I must say it is stronger than the evidence
 ‘ of both parties could have supported but as it is
 ‘ intended purely to satisfy your own feelings I trust
 ‘ to your known honor that it will not be made any
 ‘ improper use of it may be dated any day you
 ‘ choose

‘ I am, Sir,

‘ Your humble Servant

(Signed)

‘ JOHN LACE.’

The inclosure runs thus :

‘ General Stapleton,

‘ I assure you, Sir, that the harsh and offensive
 ‘ words, which I addressed to you on Monday the
 ‘ 28th of August last, whilst acting in my judicial
 ‘ capacity, as one of his Majesty’s Deemsters in this
 ‘ Island, were not uttered from any personal dis-
 ‘ respect, or the slightest intention to cast any imputa-
 ‘ tion on your character or your courage: I admit
 ‘ that expressions so unguarded and contumelious
 ‘ could not fail to wound the feelings of any man of
 ‘ honor and spirit, but more especially of an officer of
 ‘ high rank in his Majesty’s service. I have reflected
 ‘ upon them with deep compunction. I ask your
 ‘ pardon, *in this high Court in which the offence was*
 ‘ *committed*, for having used them; and I trust that
 ‘ this *public* recantation of them, and my unfeigned
 ‘ sorrow for my intemperate conduct towards you on
 ‘ that day, will be received by you as an adequate
 ‘ atonement. In proof, Sir, of my sincerity, I *also*
 ‘ make this apology to you *in writing under my*
 ‘ *hand*.

(Signed)

‘ JOHN LACE.’

The purport and meaning of the last cited document could hardly be mistaken; yet as Deemster Lace had not taken any notice, in his letter in which it was inclosed, of the apology *in open Court*, on which General Stapleton likewise *insisted*; in order to do away the possibility of subterfuge or evasion, he dispatched another special Messenger with a Letter, as follows :

‘ SIR,

‘ Douglas, Thursday,
‘ 28th Sept.

‘ In reply to your letter which I have just re-
‘ ceived, I can only repeat what I have more than
‘ once observed to you, that under the peculiar cir-
‘ cumstances of the case, and our relative situation
‘ in Society, *nothing short of an apology in open Court,*
‘ *accompanied with that in writing which you have*
‘ *sent to me,* can atone for your injurious treatment
‘ of me. Yet as I have no wish to hurt your feelings
‘ more than is absolutely necessary to wipe off the
‘ stain upon my own honor, I shall be satisfied with
‘ your asking my pardon in the Court that will be
‘ held to-morrow; and at the same time delivering
‘ to me the paper signed with your Name, as a full
‘ and ample apology, without giving you the pain of
‘ reading it at length.’

‘ I am, Sir,

‘ Your most obedient,

‘ Humble Servant,

(Signed)

‘ W. M. STAPLETON.

‘ M. G.’

‘ His Honor Deemster Lace,

‘ &c. &c. &c.’

To this letter no answer was sent. On the day following, as appointed by the Lieut. Governor, the Court sat, and General Stapleton’s witnesses attended. And being called upon by the Lieutenant Governor to state his complaint against Deemster Lace, General Stapleton, taking it for granted that Mr. Lace intended to make an ample atonement, *by an apology in open Court, as again and again insisted upon by him,* addressed the Court in the following terms:—

‘ I beg leave to return your Honor my sincere
 ‘ thanks for the attention you have been pleased to
 ‘ pay to the prayer of my petition ; and I do solemnly
 ‘ assure you, Sir, that in instituting these proceedings
 ‘ against Deemster Lace, I have not been actuated
 ‘ either by *vindictive* or any other *improper* motives,
 ‘ but solely by a sense of *personal Honor*, and a due
 ‘ regard for the *character of my profession*, and the feel-
 ‘ ings of my family and numerous connections.

‘ I am glad, Sir, to find that Deemster *Lace* is sen-
 ‘ sible of the impropriety of his conduct towards me
 ‘ on the 28th of August last, *whilst acting in his judi-*
 ‘ *cial capacity* ; he has communicated his sentiments
 ‘ to me on that head very fully in writing ; and that
 ‘ communication would have been quite satisfactory
 ‘ to me, had I not thought (and the friends whom
 ‘ I have consulted are *unanimously* of the same opini-
 ‘ on) that as the insult was *publicly* given by a great
 ‘ Law officer of the Crown to another officer of high
 ‘ rank in his Majesty’s service, the reparation for it
 ‘ ought to be *public* also. I therefore feel myself
 ‘ bound to require a personal Apology from Deemster
 ‘ *Lace in this open Court* ; which, together with the
 ‘ written one I have already received from him, will
 ‘ be considered by me as an ample atonement.



At the close of this short address General *Stapleton*
 naturally expected to receive the *public* Apology re-
 quired from Deemster *Lace*, in any proper terms least
 mortifying to himself ; when to his surprize and asto-
 nishment Mr. *Lace* repeated the injurious and contuma-
 cious expressions which had rendered a public investi-
 gation into his conduct on the 28th of August indis-

pensible, in language, if possible, more gross and insulting than before; and, unable to command his temper, threw out insinuations of the blackest dye against General *Stapleton's* witnesses, most of whom are Gentlemen of family and education, and *all* of unimpeachable credibility; contrasting them with what he called the *respectable* witnesses who would appear on his part at a future day, *but who could not be produced at that time*, although he had informed the Lieutenant Governor, that he would be ready to meet the investigation on the day fixed by his Honor for that purpose.

On the adjournment of the Court Deemster *Lace* sent the Reverend Mr. *Brown* to demand restitution of his Apology in writing to General *Stapleton*, together with the letter in which it was inclosed: to whom the General returned the following answer:—

29th September, 1809.

‘ Sir,

‘ As the written Apology from Deemster
 ‘ *Lace* to me, for his unwarrantable abuse of me whilst
 ‘ acting in his judicial capacity, on the 28th of Augt-
 ‘ last, was his own spontaneous act, after I had dis-
 ‘ tinctly stated to him that *I expected both that and a*
 ‘ *personal Apology from him as public as the insult he had*
 ‘ *offered me in his own Court*, I conceive myself to be
 ‘ perfectly warranted in retaining it for my own jus-
 ‘ tification against the similar accusations he has
 ‘ thought fit to bring forward against me, in the most
 ‘ public and pointed manner to-day, and couched in
 ‘ language on which I shall not make any comment,
 ‘ as the words were heard by yourself; and many

other respectable witnesses, who will of course be called upon to substantiate them, when the further investigation of these extraordinary transactions shall take place.'

' I am, Sir,

' Your most obedt. Servt.

(Signed)

' W. STAPLETON,

' M. G.'

' Rev. Mr. Brown, }
' Castletown. }

On receipt of the above the Reverend Mr. *Brown* and Capt. *John Gelling* waited on General *Stapleton*, to deliver a letter from *Deemster Lace*, of which the following is a Copy :

' *General Stapleton,*

' Sir,

' I sent you yesterday morning a paper inclosed in my letter to you purporting to be an apology for what happened in Court upon the 28th of August the inclosure in that letter was written not by me but as I thought it would have put an end to the business I was easy upon the score of its particular words—you have this day followed up the enquiry without giving up my letter and apology and refusing to give it up to me when I demanded it of you. I do therefore in Justice to myself withdraw that apology totally and refer you to proceed to substantiate your complaint against me as you shall be advised.—I have appointed the Revd Mr

‘ *Brown* and Captain *John Gelling* to wait upon you
 ‘ to receive my letter containing the apology which
 ‘ I here again declare withdrawn and cancelled to all
 ‘ intents and purposes—I hope you will not oblige
 ‘ me to proceed to harsh measures to enforce the
 ‘ delivery of my letter and its enclosure.

‘ I am Sir

‘ Yrs &c

(Signed)

‘ JOHN LACE.’

‘ Castletown }
 ‘ 29 Sept 1809 }

‘ *General Stapleton*’

To the above letter *General Stapleton* sent a verbal
 message by his friend *Captain Barnes*, purporting,
 that he adhered to his determination as expressed in
 his letter to *Mr. Brown*.

Here the correspondence and *all intercourse and*
communication between the parties ended. But *Gene-*
ral Stapleton cannot close his case, without adverting
 to a circumstance of a very extraordinary nature.—It
 is difficult to believe, that a person invested with one
 of the most considerable Offices in the Magistracy of
 this Island, could descend to a *mean artifice* in order to
 extricate himself from embarrassment! Yet Truth de-
 mands that it should be known, that the first criminal
 Judge in the Isle of Man *requested an interview with*
General Stapleton before the Court sat, with a design to
 get possession of the *unqualified* apology in writing,
 which he had *deliberately and advisedly* sent to the man
 whom he was conscious he had injured, *under the*
pretext of altering a passage or two that appeared to him

too strongly worded! at which interview he did not even hint at his intention *not to make the apology in open Court*, on which General *Stapleton* had insisted throughout their correspondence on this painful subject.

W. STAPLETON,
M. G.

Douglas, Isle of Man, }
6th October, 1809. }

CONTINUATION.

Since the foregoing statement was written, General *Stapleton* has procured a Copy of a Memorial from Deemster *Lace* to the Lieutenant Governor, which he has dissected, and added such observations thereon as have occurred to him.—The Memorial, now under consideration, has not yet been served on General *Stapleton*; but another of a *prior date and materially different*, was served upon him personally at his house in Douglas on Monday the 9th Instant, by *Hampton*, the Coroner of Middle Sheading, (who refused him a Copy of it) with notice to attend in Court with his witnesses, on *Thursday the 12th of October*; although Deemster *Lace* had requested and obtained the Lieut. Governor's Order to postpone the investigation until *Wednesday the 1st of November next*.



‘ *To the Honorable Cornelius Smelt, Lieutenant Governor of the Isle of Man.*’

‘ *The Memorial of John Lace, his Majesty's first Deemster in the said Isle,*’

‘ *Sheweth,*

SECT. I.—‘ *That some time ago a suit was instituted before your Memorialist by John Johnson, Esq. a native of Great Britain, against the Honble. Major Genl. Stapleton and against Sir John Bennett Piers, Bart.*’

OBSERVATION—It ought also to have been stated, that said Johnson made Capt. John Edwards a defendant, apparently in order to deprive General Stapleton and Sir John Piers of the benefit of his testimony; for he was in no wise concerned in the transaction, at the Theatre, complained of by Johnson.

SECT. II.—‘ That the said suit came on to be heard at a Court holden by and before your Memorialist on the 28th of August last, when the said General *Stapleton* was convicted on the clearest evidence of *having seduced the said Johnson under the mask of friendship*, when the said *Johnson* was going into the pit at the Theatre in Douglas, to accompany the said *Stapleton* behind the scenes in the said Theatre, and then of having, without any apparent cause, violently assaulted the said *Johnson*, of having attempted to throw him down on his face upon the stage, and afterwards when the said *Johnson* had declined to accept what he conceived a challenge to fight the said Sir *John Bennett Piers*, of challenging the said *Johnson* and of having made use of *approbrious words towards him.*’

OBSERVATION—At the hearing of the Cause, Mr. Johnson, in addressing the Court, from a written Paper, endeavoured to fix the greater degree of Criminality upon Sir John Piers, against whom his evidence was principally directed. In that attempt, however, he was foiled; having only *one* witness to support his *assertions*, namely, Ensign Thomson, whose confused and almost unintelligible testimony was not corroborated. Yet on such flimsy evidence Deemster Lace fined and imprisoned Sir John Piers, and bound him over to keep the peace! notwithstanding it was in proof, by the irrefragable evidence of Mr. Farrar and other witnesses, that Johnson was the *aggressor*, having *twice* charged Sir John Piers with the

alleged assault; and consequently brought upon himself the epithets of '*lying rascal*,' which Sir John Piers did not deny he freely bestowed upon him. It is not unworthy of remark that after the adjournment of the Court on Friday the 29th of September, Deemster Lace told Sir John Piers, during a conversation between them, on the subject of what passed in Court on the 28th of August, that *nothing appeared against him (Sir J. Piers) on that occasion; and therefore there could be no objection to his summoning him as a Witness.* In the name of Justice then, why did he sentence Sir John Piers to fine and imprisonment? This singular fact Sir John Piers is ready to verify *on Oath*, if required.

With respect to General Stapleton little was either said or proved for or against him.—Indeed it was unnecessary to go into detail, for he candidly admitted that he had pushed Johnson on the Stage, but that he did it in a mere frolic, from the irresistible impulse of the moment, on observing Johnson (whose attitude and figure had somewhat of the ludicrous in them) standing just before him between the Side Scenes.—Not a tittle of evidence was adduced to substantiate the *insidious allegation of his having seduced the said Johnson under the Mask of Friendship* to accompany him behind the scenes, for the purposes set forth in the Memorial, or with any *premeditated* design whatever. The true state of the case is, that being acquainted with Johnson, whom he saw much incommoded by the croud in the Theatre, he took him in a friendly manner behind the scenes, in order to relieve him from the pressure in the body of the house, and to procure him a better place for seeing the performance.—Owing to some accident the play was interrupted whilst the curtain was drawn up; when Genl. Stapleton, seeing Johnson as above described, pushed him forward with no other intention than to raise a laugh; but finding a harmless joke was likely to lead to a serious misunderstanding, he felt himself bound to declare Sir John Piers free from any previous knowledge of or participation in it; and took the whole responsibility upon himself. A warm altercation took place between him and Johnson, which terminated, as will be proved by one of his witnesses, who could not attend on the 28th of August, in their *shaking hands*, an act generally considered by the civilized part of mankind as a symptom of *Reconciliation*, not of *Prosecution* and *Hostility*!

SECT. III.—‘ That, after the parties had closed
 ‘ their examinations of evidence, your Memorialist,
 ‘ who was the sole Judge of the said Court, conceived
 ‘ it his duty to his King and Country, upon so flagrant
 ‘ a breach of Law and good Government, to animad-
 ‘ vert on such the misconduct of the said General
 ‘ *Stapleton*; and to remark, that his conduct to the said
 ‘ *Johnson* on the occasion aforesaid, was outrageous
 ‘ and cowardly, or like that of a coward; and the said
 ‘ General *Stapleton* was fined for an assault, and the
 ‘ said Sir John Piers for having made use of provoking
 ‘ language towards the said *Johnson*; and were both
 ‘ ordered to be imprisoned until they gave in security
 ‘ for the preservation of the peace according to law.’

OBSERVATION—Deemster Lace is certainly the sole Judge of
 his own Court; but, Heaven be praised! he is not the *sole*
Judge of his conduct and demeanor in the high situation in
 which His Majesty has been pleased to place him.—It is his
 bounden duty to animadvert, in the dignified and temperate
 language befitting one of the most important judicial offices
 in the Isle of Man, on the nature and tendency of any mis-
 demeanor that may come before him: but the Ermine of a
 Judge’s Robe has never yet, with impunity, been made a
 cover for personal insult, and reflections the most bitter and
 degrading!—The words spoken by Deemster Lace on the
 21st of August last, and complained of by General *Stapleton*,
 will be proved by a host of witnesses, whose competency and
 credibility are above suspicion; and the result of the pending
 investigation will shew their *true* Construction.

SECT. IV.—‘ That the said General *Stapleton*,
 ‘ after the Order or Judgment before mentioned had
 ‘ been conformed with and carried into execution,
 ‘ presented his Memorial to the Right Honourable
 ‘ the Earl of Liverpool his Majesty’s principal Secre-
 ‘ tary of State for the Home Department, complaining

‘ that your Memorialist had on the occasion aforesaid
 ‘ made use of words which were injurious to his feel-
 ‘ ings and to his honor, and praying for such relief as
 ‘ is therein mentioned ; which Memorial his Lordship
 ‘ has been pleased to transmit to your Honor, in order
 ‘ that the statements therein contained should be en-
 ‘ quired into.’

SECT V.—‘ That the said General afterwards,
 ‘ under feigned pretences, prevailed on your Memori-
 ‘ alist to sign a paper writing, which had been prepar-
 ‘ ed by the said General *Stapleton*, purporting to be an
 ‘ apology ; pretending that, on your Memorialist’s so
 ‘ doing, all proceedings under the said Memorial
 ‘ would finally end.’

OBSERVATION—It is lamentable to observe, that a Magistrate in so elevated and respectable a situation, could endeavour to defend himself against an accusation, which his own Conscience can tell him is *justly* laid, by means which only *little minds* ever resort to ; and the fallacy of which he has himself enabled Gen. *Stapleton* to prove, beyond a possibility of refutation.—Is Deemster *Lace*’s memory so treacherous that he cannot recollect his humiliating applications, first to the Lieutenant Governor, afterwards to Sir John Piers ; and, unable to obtain their intercession with General *Stapleton*, at last to the General himself ? Has he no idea what his intention was in thus applying to those Gentlemen ? Did the General request Deemster *Lace* to make, or did the Deemster abjectly request the General to receive an apology, even of General *Stapleton*’s own dictation ? And did he not *voluntarily, deliberately, and advisedly*, sign, and return by the special messenger, who had been sent to Castletown, at Deemster *Lace*’s particular desire, the written apology dictated by the General, and stated by him as *forming only a part* of the ample atonement he required ? These important points in this extraordinary controversy do not hinge upon the ‘*Ipse Dixit*’ of Deemster *Lace*, or of any other man ; but can be demonstrated by

parole and written evidence, that cannot fail to flash conviction upon the most sceptical of his partizans! ‘*Litteræ scriptæ manent.*’

SECT. VI.—‘ That notwithstanding which, the said
 ‘ General *Stapleton* appeared on Tuesday the 29th of
 ‘ September, the day previously appointed by your
 ‘ Honor for the enquiry aforesaid, with several witnesses,
 ‘ with a view to establish the charges against your
 ‘ Memorialist, and then attempted to extort from your
 ‘ Memorialist a further apology, different from the
 ‘ first mentioned, and in direct contrary terms thereto.’

OBSERVATION—General *Stapleton* and his witnesses appeared in Court on Thursday the 29th of September, in obedience to an order of the Lieutenant Governor, in which Court Deemster *Lace* also appeared, for the purpose, as General *Stapleton* and the friends who accompanied him supposed, of completing the atonement required, by a *public* avowal of the impropriety of his conduct to General *Stapleton* on the 28th of August, whilst acting in his judicial character; but instead thereof, Deemster *Lace* repeated his insulting and approbrious expressions. The alledged attempt to ‘*extort from Deemster Lace a further apology, different from the first mentioned, and in direct contrary terms thereto,*’ is altogether the creature of the Deemster’s own imagination. For the *truth* is, that General *Stapleton*, wishing to spare the Deemster the mortification of reading the written part of the apology at full length, only required him to acknowledge his error, and ask his pardon, *in open Court*, for the aspersions he had cast upon his character as an Officer and a Gentleman.—Less atonement than that, General *Stapleton* and his friends were unanimously of opinion, ought not to be satisfactory to *him* as a *public man*, for so wanton and unprovoked an affront, given by another *public man* in a *Court of Justice*.

SECT. VII.—‘ That your Memorialist, on that
 ‘ occasion, appeared and withdrew the said pretended
 ‘ apology to all intents and purposes, and intimated

‘ that, in justice to his own Honor, he would on such
 ‘ future day, as your Honor would appoint, bring
 ‘ evidences to rebut the charges made against him
 ‘ in the said Memorial, and to prove what actually
 ‘ passed in the said Court on the 28th of August
 ‘ aforesaid; no part of which your Memorialist charges
 ‘ was that but what he, as the Judge of the said Court,
 ‘ was justifiable in doing, without impeachment and
 ‘ without arrangement or action before any Tribunal
 ‘ but that established by the Laws of his own
 ‘ Country.’

OBSERVATION.—There can be no doubt that Deemster Lace
 would gladly withdraw, *to all intents and purposes*, as he
 terms it, this *fatal apology*; but he forgets to notice the
 failure of his pitiful attempt to get possession of it just before
 the Court sat on the 29th of Sept. *under pretence of altering
 some words in it, which, on reflection, he thought too strong; and
 requested General Stapleton’s permission to take it to his own
 desk for that purpose!* “*Hæret lateri lethalis arundo.*” So
 the wretched Dr. Dodd most anxiously wished to withdraw,
to all intents and purposes, the Bond to which he had forged
 the hand and seal of the Earl of Chesterfield; but the
 offended Justice of his Country required an atonement no
 less than the forfeiture of Character—of Fortune—and of
 Life; notwithstanding the unhappy Man had upwards of
twenty thousand signatures to a Petition to the Throne for
 Mercy! And the offended Honor of General Stapleton
 commands him to retain the important documents, which
 Deemster Lace *spontaneously* furnished him with, in his own
 justification against the serious charges which he a second
 time preferred against him, in the presence of the Lieut.
 Governor and several other Gentlemen, in the Court held
 on Friday the 29th of September last.

SECT. VIII.—‘ That your Honor was pleased to
 ‘ rule that the examination of evidences should be

‘ taken on Thursday the 12th Instant, and your Memorialist prepared himself for that purpose, and on this day waited on your Honor for the said Memorial, or a copy of the same, to be compared therewith; when your Honor alledged, that the said Memorial had been forwarded to the Secretary of State’s Office, but could in a short time be again procured.’

SECT. IX.—‘ That your Memorialist has since been creditably informed, that the said General *Stapleton* does not mean to proceed further with the said enquiry, and yet, contrary to Honor and Justice, means to make use of the said apology, obtained and withdrawn as aforesaid, to the prejudice of your Memorialist.’

OBSERVATION.—It is incumbent on *Deemster Lace* to give up his authority for so *barefaced an assertion*, which General *Stapleton* cannot adequately describe in any other words than an “*impudent falsehood*;” he has repeatedly apprized *Deemster Lace* of the *only terms*, on which, as far as depends on him, he would stop further proceedings under his Memorial to the Secretary of State; and, persevering in that determination, he will be ready and willing to make good his charges against *Deemster Lace*, on the day the Lieut. Governor has appointed for going into the proposed investigation.

SECT. X.—‘ That on the said 29th of September, after the transaction aforesaid had taken place, the said General *Stapleton* promised to deliver up the said pretended apology to your Memorialist; and afterwards, when waited on by two Gentlemen appointed by your Memorialist for that purpose, refused so to do contrary to his promise.’

OBSERVATION—The foregoing remark also applies to this paragraph in Deemster *Lace's* Memorial, with the addition, that the writer could not but be aware that he was giving body and form to a *shameless untruth!* General *Stapleton* utterly disclaims any such engagement; and indignantly denies having even made any such promise.—Facts are stubborn things; let them speak for themselves. When the Reverend Mr. *Brown* applied to him, at the instance of Deemster *Lace*, to deliver up the written apology, General *Stapleton* was standing in the street of *Castletown*, in conversation with several Gentlemen, all of whom heard him reply, ‘that he would send an answer in writing to Mr *Brown*’ To that answer he refers,* as a full refutation of so *wilful a misrepresentation*. General *Stapleton* afterwards informed Mr. *Brown* and Capt. *Gelling*, who were deputed with a letter from Deemster *Lace* to him, *threatening harsh measures if he refused to deliver up the paper in question*, that he adhered to his determination as expressed in his letter to Mr. *Brown*.

It is to be observed that this intercourse of letters and messages took place *immediately after the adjournment of the Court on the 29th of September*—since which date, General *Stapleton* has had no communication, either *directly or indirectly*, with Deemster *Lace* —What then are we to think of the ‘Phantom’ of a promise on the part of Gen. *Stapleton* to deliver up the written apology and the letter in which it was inclosed to him?

‘Oh, Shame! where is thy blush!’

SECT. XI.—‘Your Memorialist therefore
 ‘humbly prays that your Honor will be pleased
 ‘to appoint such distant day as to you may seem
 ‘proper for enquiring into the statements of the
 ‘said General *Stapleton's* Memorial, and that said
 ‘Memorial be previously obtained without which

* Vide page 16

‘ your Memorialist cannot with propriety join in such
 ‘ enquiry ; and that, in case the said General *Stapleton*
 ‘ declines to proceed with an examination on his part,
 ‘ your Memorialist may be allowed to proceed with
 ‘ his examination of witnesses to rebut any charges
 ‘ that may be made against him in the said Memorial ;
 ‘ and that after the examination is closed by the
 ‘ parties, or by your Memorialist, in case the said
 ‘ General *Stapleton* declines to proceed, the depositions
 ‘ of such witnesses be sent along with this Memorial to
 ‘ the Secretary of State, and that your Honor will
 ‘ grant your order hereon to summon the said General
 ‘ *Stapleton* and such witnesses as your Memorialist may
 ‘ have to adduce and give their testimony on the said
 ‘ enquiry, and your Memorialist shall pray, &c. &c.

(Signed)

‘ JOHN LACE.’

‘ Castletown, }
 ‘ 6th October, 1809. }

‘ ORDERED,

‘ That the foregoing Memorial be heard on Wed-
 ‘ nesday the 1st day of November next, whereof all
 ‘ parties and witnesses to have due notice.’

(Signed)

‘ C. SMELT.’

CONCLUDING OBSERVATION—Deemster *Lace*, may rest assured
 that the Complainant has no intention to decline proceeding
 in a cause, with which that ‘ pearl above all price, REPUTA-
 TION’ is so intimately blended ; and to the final issue of which
 he anxiously and confidently looks forward as the most heal-
 ing balm for a wounded spirit!!—and the best expiation
 for the greatest of all possible insults to a Military Man !

General *Stapleton* will only intrude a few moments longer on the time of the Reader, just to notice the unwarrantable steps that have been recently taken on behalf of *Deemster Lace*. He is credibly informed, that the Island has been assiduously canvassed to procure the signatures of the inhabitants to a paper, which, by a strange perversion of terms, is called a 'Petition'; and that some thousand persons have actually signed a paper of that description, purporting, that *Deemster Lace's* administration of Justice has been upright, temperate, and impartial; and that he has given perfect satisfaction in the discharge of his functions in the Magistracy of this Isle.—All this may be true for any thing General *Stapleton* knows to the contrary. He does not complain of *Deemster Lace's* general conduct as a Judge; but he does grievously complain of a *particular* injury, in his having made the Judgment seat a conduit for abusive language and gross personalities, which no station could warrant, no circumstances extenuate!—And he avails himself of this opportunity, to make a solemn protest against the indefensible interference, in the present stage of the proceedings, of persons who are equally unqualified to *feel* the injury he has sustained, and to *decide what reparation he has a right to demand for it*; but who, nevertheless, have been brought into the fore-ground, to give a colour of 'Popularity' to a sinking cause

“Non tali auxilio, nec defensoribus istis, Tempus Eget.”

General *Stapleton* cannot more appositely conclude his Statement (which he has been unavoidably led, by the misrepresentation and unsupported allegations in *Deemster Lace's* Memorial, to protract) than with an extract from the Writings of one of the wisest and best Men of Antiquity, who was the pride and ornament of his Country, and whose literary Works will be the admiration of every well informed Mind to the latest Posterity.—The advice of that enlightened Philosopher may prove *not unprofitable* even to “His

“ Majesty’s first Deemster in the Isle of Man.” That it may have that beneficial effect, is the sincere wish of the person on whom he has inflicted so deep a wound!

‘ Let your administration of Justice be guided
 ‘ by your own *breast*, and lay the foundation of it on
 ‘ the *command of your Passions*.—If you make *Tempe-*
 ‘ *rance and Impartiality* the rule of your conduct, and
 ‘ the end of your actions, you cannot fail to produce
 ‘ *Harmony and Order*; but if otherwise, you will
 ‘ assuredly furnish another example of the Truth of
 ‘ an axiom, subversive of the Happiness of Mankind
 ‘ and the well-being of Society, “ That *Power* may be
 ‘ committed to *improper hands*.”

Douglas, Isle of Man, }
 October 21, 1809. }

WM. STAPLETON,
 M. G.

N. B. The original Letters from Deemster *Lace* to General *Stapleton*, and examined Copies of all the other documents, are in Gen. *Stapleton*’s custody, who will shew them with pleasure to any Gentleman desirous of seeing them.



ERRATUM.—In the two last lines but one of page 15, for “ contumacious” read “ contumelious.”

FINIS.

[2]

S U P P L E M E N T
TO
MAJOR GEN. STAPLETON'S
C A S E.

THE HYDRA has again made its appearance, with more envenomed tongues! It does not, however, require a 'HERCULES' to strangle the monster.—A better antidote for the poison will be found in the infallible prescription of "*Reason*" and "*Truth*," those powerful auxiliaries, to whose hands General Stapleton gladly commits his cause.

To his great surprize, another Memorial to the Lieutenant Governor, on the part of Deemster Lace, *with material variations from both the former*, was served upon General Stapleton, on Saturday last, by Hampton, the Coroner of Middle Sheading, and his follower Quirk, with notice to appear in Castle-Rushen, on Wednesday next, the 1st of November.—Having been only allowed a cursory perusal of this Memorial, General Stapleton cannot set forth its allegations *verbatim*; but his memory distinctly retains the purport of them, for it would not be an easy task to find any thing more singular in the extensive range of judicial proceedings! After going into several heads of the Memorial, which has been already fully discussed in the preceding Case, Deemster Lace shifts his ground,

and now places his chief reliance on a "*Plea to the Jurisdiction*"—averring that, 'as first Deemster in the Isle of Man,' he is not amenable to any "*foreign Tribunal,*" but responsible only to the insular Legislature, for his conduct in his judicial capacity.----This is a deeply-important subject, on which it would be presumption in an unlettered man like General Stapleton to offer any opinion. Higher authorities than either Deemster Lace's or his will probably be referred to, for the solution of so momentous a question.---For himself he will only say, that, as a liege subject and servant of the King, he thought it his duty humbly to represent his grievance, in the first instance, to the Throne;—and the steps taken, in consequence of that representation, by his Majesty's principal Secretary of State for the Home Department, bear him out as far at least as regards the *propriety* of the mode of obtaining redress, which, on the maturest consideration, appeared to him the most eligible.

Deemster Lace and his Partizans seem extremely anxious to give to the pending investigation, the solemnity of a 'Trial;' but General Stapleton submits, that it cannot be viewed in any other light than as 'a Court of Inquiry', to be held by his Majesty's representative in the Isle of Man, *under an order from the Secretary of State for the Home Department*, and for the express purpose of procuring for his Lordship *correct* information through the 'Report' of the Lieut. Governor, on which of course any ulterior proceedings must be founded

Leaving these intricate matters to wiser heads, General Stapleton requests the Reader's attention to the *most extraordinary* prayer of this *most extraordinary* Memorial!—Deemster Lace has the *Modesty* to petition his Honor the Lieut. Governor for leave to in-

stitute an 'INQUISITION' into the *private* life—con-
 versation—and habits of General Stapleton and his
Associates!—What the respectable and esteemed friends,
 with whom he lives on an intimate footing of social
 intercourse, have to do with the gross insult he re-
 ceived in open Court at Deemster Lace's hand,
 (further than their sensibility as Gentlemen is excited
 on the occasion) it remains for the Deemster to ex-
 plain.—With equal reason might General Stapleton
 petition the Lieut. Governor for a similar privilege,
 in order to subject Deemster Lace to a rigid examina-
 tion on the Decalogue;—"Thou shalt not covet thy
 " neighbour's house; thou shalt not covet thy neigh-
 " bour's wife, nor his man servant, nor his maid
 " servant, nor his ox, nor his ass, nor any thing that
 " is thy neighbour's"—if put as an interrogatory,
 might raise a blush in the cheek of the wisest, most
 upright, and best-conducted man, however high in
 Office:---but General Stapleton contents himself with
 the well-steeled weapons called 'stubborn facts;' and
 willingly leaves 'Slander' and 'Detraction' to those
 who have no other means of defence.---At the same
 time, if he may be allowed a little jocoseness on so
 grave a subject, he would beg leave to ask, whether
 the high Office of 'Custos-Morum' is annexed to that
 of "First Deemster?"---Whether, under the former
 character, Mr. Lace is authorized to enter the
 '*Englishman's Castle,*' and summon his 'Penates' to
 give evidence as to his domestic habits and usual
 avocations?---to force them into Court, in order to
 prove whether he winds up the family-clock accord-
 ing to the Shandæan system? or, as the General has
seen service both at home and abroad, whether, giving
 into the more fashionable habits of the West end of
 the town, he contents himself with an elegant month-

ly Time-piece *à la mode de Paris*?---In a word, whether Mr. Lace can be permitted to search every hole and corner in General Stapleton's 'Sanctum Sanctorum,' as if any discovery possible to be made therein could alter the nature and bearings of the *serious* charges, which he has been imperiously called upon to prefer against Deemster Lace?

It is unnecessary to enlarge on this topic; yet, if General Stapleton has out stripped the modesty of well-ordered Society, and *publicly* broken the *moral* ties which contribute so essentially to its strength and beauty, (and where has 'Morality' struck deeper root than in this little terrestrial Paradise?) Deemster Lace ought to have known that there is a Court in the Isle of Man, as well as in every other part of the Empire, *especially constituted* to take cognizance of, and to punish all offences against the *decencies* of Life, without giving the Lieutenant Governor the trouble of going into matter altogether irrelevant and foreign from the subject, which he is *officially* directed to investigate and report upon.—“Fiat justitia, ruat Cœlum.”

W. STAPLETON,

Douglas, Isle of Man, }
30th October, 1809. }

M. G.

ERRATA—(In the CASE.)

In the two last lines but one of page 15, for “contumacious” read “contumelious.”

In line 16, from the bottom of page 22, for “languge” read “language.”

In line 13, from the bottom of page 23, for “abtain” read “obtain.”

In line 9, from the top, in page 25, for “arrangement” read “arraignment.”

In line 6, from the top, in page 27, for “even” read “ever.”

In line 7, from the bottom of page 28, dele the “comma” after Lace.