

THE EXAMINER.

No. 201. SUNDAY, NOV. 3, 1811.

THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 196.

IRISHMEN IN THE SERVICE OF FRANCE.

A circumstance affecting the Irish, that lately occurred in Portugal, has excited a good deal of comment in certain papers of very opposite politics—the advocates of that unhappy people making it a ground of bitter admonition to this country, while the ministerial journals turn it into a new occasion for mocking and provoking them. Being at some distance from town at the present moment, and not in the way of seeing publications of any sort beyond a cursory glance, I cannot make such references and extracts as I could wish relating to the story, but the fact seems to be briefly this. An officer in the enemy's ranks is surrounded by our soldiers; he fights with a desperate valour, refuses quarter, is mortally wounded, and exclaims upon his falling—"I die, I am satisfied;—remember that I am an Irishman, and my name is O'FINN." The *Dublin Evening Post*, in relating the "important circumstance" at length, thought very little comment necessary upon a fact which "spoke volumes," and left it for the present to be digested as it would by the "Intolerants," and by the "Authors of the Circular and the Proclamation." The paragraph, with this brief and significant conclusion, was copied by the *Morning Chronicle*; and the circumstance of its being so copied appears, much more than the fact itself, to have roused the impatience and indignation of the Ministerial Journalists, who cannot conceive why such an affair should be called "important," or why it should have been treated with any other feeling than silent contempt. On the other hand, the Irish papers, to shew that the circumstance was an important one both in an individual and national light, tell us that the officer in question was a respectable man, who among many others of his countrymen quitted his native land in indignation at seeing it oppressed:—at this the Ministerialists feel themselves doubly annoyed, and the Editor of the *Courier* assures us that he knows much more of the deceased than his countrymen do, insists that he was neither more nor less than a swindler and vagabond,—that he cheated even his new patrons the French, among whom he has since risen to command,—and in short, that if he had not died like a hero, he would in all probability have died like a thief and terminated his career at the "gallows." Therefore, argues the *Courier*, it is monstrous to talk of Irish rebels loving their country, and it is idle to lay any stress upon anecdotes like the present:—the traitors get punished for their desertion; and there, he thinks, is an end of the matter.

It is curious to see the logic of this comfortable Editor. The other day, in order to reconcile our soldiers to the cat-o'-nine-tails, he assured them that they were "out of the pale of the Constitution;" and now, to convince us that we ought not to care for circumstances like the above, he contents himself with the reflection, that all who forsake our cause are sure to be punished in serving a worse.—But the public, or at least such part of the public as have known this Gentleman through what may be called, by courtesy, his literary career, place very little reliance on his bare assertions, either in these or less marvellous matters. If Irishmen get a bad character at his hands, I believe he would obtain no very good one at theirs: and this, at least, is certain,—that those who can forge whole newspapers to suit a particular purpose, are not likely to obtain credit with decent people for any suspicious part of one. What reply has been made to his charges against the Officer, I have not yet seen; but it is quite probable that there will be a formal contradiction of them, and that advantage will appear to have been taken of some similarity in the name of the deceased:—it begins already to be spelt two or three different ways. But the manner of his death is assumed by the *Courier* as a proof that he was conscious of these offences, and afraid of meeting the punishment he deserved:—it was not enough for him, that to be taken in arms against the British would have been sufficient for his condemnation. His refusal of quarter argues nothing either for his good or bad character: but till the latter be proved, liberal minds will regard his last words as exhibiting a consciousness of a much higher description than conscious worthlessness, and will think, with justice, that a dying man would hardly have been eager to proclaim his name and country, if he had no better reputation for the one than that of a cheat, and no better claim upon the other than that of having disgraced it as such.

Leaving him however out of the question as a private man, and regarding his moral character as not yet ascertained in this country, one thing is clear respecting him,—one thing, which notwithstanding all that the Ministerialists can say or unsay upon the occasion, is quite enough to render the circumstance an "important" one, and to make us serious upon the subject in spite of the *Courier*. Whatever his name or nature, he is an Irishman found in arms against Englishmen; and not only found in arms, but found to be the leader of one of the most formidable descriptions of soldiers in the enemy's service; and not only found to be so leading our enemies, but refusing to die till he has done us as much injury as the example of his valour and the rage of his indignation can effect. This conduct may be foolish, or monstrous, or mad; but such nevertheless is the fact, and if such is the fact not with regard to one Irishman only but to a multitude of Irishmen, many of whom

have sacrificed their fortunes and repose in so doing, no conclusion, under the present relative circumstances of the two nations, can be more just than this,—that whatever ill may be thought of the deserters, some disgrace must inevitably attach to the Government which they desert.

It is not enough to say, in answer to this truth, that these unfortunate Irishmen, even upon their own principles, go from bad masters to worse,—from those who oppress them in only one respect to those who will oppress them in every other but that one. The *Courier* seems to think that they are unnaturally absurd in so doing, and almost beneath his notice for their stupidity: but let the thing be absurd as it may, and as much to be deprecated as every cool head must think it, the *Courier* and his friends may gain two pieces of information by it, which common sense and history have repeated ever since men and governments were formed:—1st, That those who are ill-treated, whether individuals, or bodies of men, or nations, are apt to consult their passions before their reason, particularly where religion is concerned; and 2d, That if it is absurd on their part so to do, the provocation to such conduct is, if possible, still more absurd on the part of those whose interest it is that they should do otherwise.

Even with respect to patriotism, an Irishman rebelling against us is not to be accused of that extent of criminality which would attach to one of our own countrymen in the same case. Patriotism is in a great measure, and indeed principally, a feeling of the soil; and if the inhabitant of a dependant country regards it as ill treated by the ruling one, he cannot possibly feel a greater patriotism for the latter than for the former. God forbid I should become the advocate of Irish deserters, except as far as human reason and compassion should teach me to make the proper allowances for human error. I think them wrong in choosing the worse of two evils, and I think them criminal in fighting both against their own countrymen and for a tyrant who would annihilate freedom; but if the causes of their conduct are to be traced to feelings that are not those of common rebels and not these very vilest and worst feelings to which their oppressors would trace them, it becomes every just man to say so; and it becomes him at the same time to warn those oppressors how they insist upon the contrary, lest in representing the origin of such desertion as all that is absurd and worthless, they should only be describing *their own policy*.

FOREIGN INTELLIGENCE.

FRANCE.

PARIS, Oct. 25.—The King of Rome is at St. Cloud since his return from the journey to Compiègne: he has just cut his first tooth—he cut it without any injury to his health, which continues to be very good.—*Moniteur*.

OFFICIAL NEWS FROM THE ARMIES IN SPAIN.

ARMY OF THE SOUTH.

On the 20th of August, Gen. Godfrot came up with, at Torbison, the rear-guard of Montijo, and overthrew it; on the

21st he found a part of the division in position at Velez de Benaudella; he immediately caused it to be attacked; it was routed with the bayonet; a great number were killed, and eight alone favoured the escape of a few. Montijo got off with 12 men only. The Duke of Dalmatia having ordered Count d'Erion, commanding the 5th corps in Estremadura, to direct an expedition against the mouth of the Guadiana, for the purpose of completely clearing that country of the bands of Ballasteros, who had still about 3000 men left, Gen. Quiot, and the Adjutant-Commandant Forestier, were charged with this expedition. Ballasteros, after an action of little importance, made off in all haste, and embarked at Ayamonte for Cadiz. Two hundred Spaniards were sabred, and a detachment of 78 cavalry with their horses were taken, General Cassagne occupies Ronda in force. His moveable columns do not permit any band to gain a moment's footing in the mountains. Every day brigands are arrested, who are delivered up to justice.

ARMY OF THE CENTRE.

The Duke of Dalmatia seems satisfied with the spirit which prevails in the provinces of Malaga and Granada. He has returned to Seville. The Duke of Belluno pushes his operations before Cadiz. Gen. Darmagnac has advanced with his division upon Cuenca, to second the operations of Marshal Suchet against Valencia. Col. Reizet, of the 13th dragons, has surprised, with a detachment of his regiment, the band of Chavo. He shot 120 of these banditti, and took their horses. The insurgents of Murcia attribute all their defeats to being abandoned by Lord Wellington. They breathe the most bitter complaints against the English.

ARMY OF PORTUGAL.

Ciudad Rodrigo, Sept. 30.

REPORT OF THE DUKE OF RAGUSA, COMMANDER-IN-CHIEF OF THE ARMY OF PORTUGAL, TO HIS HIGHNESS THE PRINCE OF WAGRAM AND NEUCHÂTEL.

MONSEIGNEUR,—I had the honour of acquainting your Highness, that after having raised the siege of Badajoz, and driven the English army beyond the Guadiana, it was settled between the Duke of Dalmatia and myself, that I should advance towards the Tagus, leaving one division on the Guadiana; that the Army of the South should leave the 5th corps in Estremadura; that the Duke of Dalmatia, with the rest of his troops, should march against the Spanish divisions which had joined the English army, and against the insurgent army of Murcia; and that, whilst he should destroy them, and clear the provinces of Cordova, Grenada, Malaga, and Murcia, I should keep in check the English army. We had taken our measures in case the English General should make a diversion, and again advance upon Badajoz; but the English General, deaf to the cries of the Spaniards, abandoned the army of Murcia to its fate, and, passing the Tagus, advanced to the Coa. It was then supposed to be his plan to march to the assistance of the army of Galicia. As soon as Gen. Dorsenne was informed of this new combination, he marched upon Astorga, bent the Gallicians, dispersed them beyond Villa Franca, and repaired the fortifications of Astorga. We hoped that this movement would induce the English to advance upon Salamanca; but they remained unconcerned at this event, as they had been at the disasters of the Murcian army. About the beginning of September, I learned that seven divisions of the English army were assembled on the Coa; that they blockaded Ciudad Rodrigo; that they were collecting fascines and gabions at Fuente Guinaldo; that the works of their entrenched camp at Fuente Guinaldo were already advanced, and that even the besieging equipage had arrived there from Oporto. I then proposed to Gen. Dorsenne, to join him with part of my army, in order to raise the siege of Ciudad Rodrigo—to supply it with provisions for a long time—to take the entrenched camp of the enemy, his magazines, and park of besieging artillery—and, in short, to give him battle, and pursue him as far as was compatible with the general plan of operations which your Highness communicated to me in your last letter in cypher; a plan which embraces all these regions. I have now the satisfaction of announcing to your Highness that our arms have been completely successful. I set out with five divisions of my army, and arrived on the 22d, by the pass of

Benos, at Tamames, where I formed my junction with the four divisions of Gen. Dorseigne. I admired the good condition of a convoy of 1500 carriages, laden with provisions, which had been collected and organized with an activity and an order that are extraordinary. The two armies put themselves in motion. We drove in all the enemy's posts, and on the 24th introduced the whole convoy into Ciudad Rodrigo. This fortress is, therefore, supplied with provisions for a long period. Count Dorseigne gave up to me the troops of the garrison which belonged to my army-corps, and replaced them by those of the army of the North. On the 25th, we put ourselves in march. Two leagues from Ciudad Rodrigo we perceived the English rear-guard. General Monthron, commanding our advanced guard, charged the enemy with that rapidity and boldness which he has so frequently displayed; and took from them four pieces of cannon. We made ourselves masters of the ridge, and maintained ourselves there in spite of all the efforts of the English, who were obliged to commence a retreat. Gen. Monthron pursued them for two hours; his fire was so lively that he expended all his ammunition. The loss of the enemy was considerable: he never stopped till he reached the camp of Fuente Guinaldo; but our advanced guard alone was there; our divisions of infantry were a march in our rear. Had not this been the case, the English army was lost. We had the mortification of seeing his divisions precipitate themselves in all directions towards their entrenched camp. If I had had then only 15,000 men at hand, the English army would have been caught in a flagrant fault, and beaten in detail, without being able to re-unite.—The division of the English Gen. Cole was still at Pajo; while the light division of Gen. Crawford was at Martiango; but our infantry only arrived during the night, and at day-break we perceived the entrenched camp entirely lined with the enemy's troops. Gen. Dorseigne and myself made the necessary dispositions for attacking, on the 27th in the morning: but the English General did not think proper to await us; he abandoned his camp during the night, retiring upon Alfayates and Sabugal. We entered Fuente Guinaldo next day, and caused to be conveyed to Ciudad Rodrigo a great quantity of fascines, and other materials collected for the siege. I caused the enemy's lines to be destroyed; his retreat was conducted by three columns. Gen. Monthron went in pursuit of him by the route of Casillas de Flores. Gen. Watier, with the cavalry of the army of the North, took the direction of Albergeria; he came up with the rear-guard of the enemy at Aldea del Ponte, and immediately charged them. The division Souham having arrived, the action was glorious for the arms of his Majesty, and the enemy was driven back with great loss and confusion. His rear-guard continued its retreat upon Sabugal. We have taken the baggage of the Prince of Orange and of Gen. Crawford.—The confusion was so great in the English army, that an Aide-de-Camp of Lord Wellington, while endeavouring to rejoin that General, threw himself into our ranks. We have made 200 prisoners.—The Army of Portugal has had 120 men rendered unfit for service; the enemy's loss amounted to between seven and eight hundred men. Assure his Majesty that the Spanish insurgents have felt the greatest indignation on seeing themselves thus abandoned in the North, as in the South; and this contrast between the conduct of the English and the promises which they have incessantly broken, nourishes a national hatred which will break out sooner or later. I must mention with praise Generals Monthron and Boyer, Captain Herbert, Lieut. Merel, as well as my Aides-de-Camp Jardet and Favier. I cannot, moreover, too much praise the zeal of the Generals, Officers and Soldiers of the army. We should have followed the enemy to the lines of Lisbon, where we should have been able to form a junction with the Army of the South, which, completely entire, has in its front only the division of General Hill, had the moment been come which is fixed for the catastrophe of the English.

Marshal Duke of RAGUSA.

Ciudad Rodrigo, Sept. 30, 1811.

REPORT OF COUNT DORSEIGNE, COMMANDER IN CHIEF OF THE ARMY OF THE NORTH OF SPAIN, TO THE PRINCE OF WAGRAM, &c.

MONSEIGNEUR,

As soon as I was informed that the English Army had recrossed the Tagus, and was approaching the Coa, I resolved on marching against the insurgent army of Galicia, with the design of retaking Astorga, and driving back into the mountains these ill-organised corps. I had acquainted the Marshal Duke of Ragusa with my intended movement, that, should the English army march to the assistance of that of Galicia, he might take measures for following it; but the English army gave itself no trouble to support that of Galicia, which was beaten and dispersed. I retook Astorga, which was repaired and provisioned. I repaired to Salamanca; I collected, thanks to the activity and the talents of the Commissary Voland, whom I cannot too strongly recommend to the favour of his Majesty, about 1500 carriages, laden with provisions for Ciudad Rodrigo. The Duke of Ragusa having communicated to me that he was coming with a part of his army to co-operate in the re-entrenching of Ciudad Rodrigo, I did not think it necessary to avail myself of the latitude which your Highness gave me, to summon to my aid the army of reserve; I contented myself with sending for the division Souham, and leaving in the cantonments marked out by your Highness the three other divisions of that army corps. I joined the Duke of Ragusa at Tamames on the 23d. We entered Ciudad Rodrigo on the 24th. I immediately changed the garrison, emptied the hospitals, and provisioned the place for a year. The first object of my movement was thus happily accomplished; the second, which was that of carrying the entrenched camp of Fuente Guinaldo, has also been as speedily attained. While Gen. Watier marched with the cavalry of the army of the North upon Espeja, Gen. Monthron took to the left; he came up with the enemy on the ridge of Bodon, where he had a brilliant affair, in which the enemy was overthrown. We soon arrived at Fuente Guinaldo, where we learned with astonishment that the English army had not yet collected its corps. Had we been able to foresee that the English Gen. would have been capable of committing such a blunder, we might have taken part of the English army in partial combats; but our infantry was not to come up till the night, and the ensuing day, which was the 26th, I made my arrangements for attack on the 17th; they could not, however, be so secret as to pass unobserved by the enemy: by ten in the evening the English Gen. was in full retreat upon Alfayates. On the 27th Gen. Watier came up with, at Aldea del Ponte, the rear-guard of the enemy, consisting of 15,000 infantry, and 3,000 horse, with 14 pieces of cannon. He charged the English cavalry with audacity, broke and put them to flight; while Gen. Thiebaut advanced rapidly on the road of Alfayates, pouring upon the enemy in disorder a terrible fire of artillery. Several cavalry-charges made us masters of the whole plain. At half-past four Gen. Souham joined Gen. Thiebaut with his grenadiers and voltigeurs; he made an attack on the village with that vigour which characterises him; the enemy made an obstinate resistance for half an hour; but at last the village was carried with the bayonet, and the enemy precipitated into a ravine: soon after, this part of the English army was driven beyond the Coa. My army-corps lost in this affair 40 killed, and 120 wounded. The loss of the English was considerable; the English Gen. Cole was severely wounded. I transmit to your Highness an account of the officers who distinguished themselves. I beg you to lay before his Majesty the zeal and ardour which animate all my troops. When he shall pronounce the moment arrived for commencing the grand operations for definitively driving the English from the Peninsula, his Majesty will find in no army more zeal and devotedness.

The Count DORSEIGNE.

ARMY OF ARRAGON.

Head-Quarters at Murviedro, Sept. 30, 1811.

MONSEIGNEUR—I have already acquainted your Highness that I had entered the province of Valencia, and was marching upon Murviedro. I arrived on the 27th, and took possession of the town. On the 28th, six companies of the division Habert, and six others of the Italian division, advanced in front of the ramparts of the fortress, and carried all the outworks. The enemy has in the forts 3,000 men and 18 cannon; on the 29th the trenches were opened. I have also invested Port Orques.

An assemblage of from 1,000 to 1,100 peasants had collected on my right, at Val de Uxay, Colonel Miles, of the 121st, advanced against them with 300 men of his regiment and 50 cuirassiers; he routed them completely, killed 400 of them, and took the greater part of their arms.

Marshal Count SUCHEP.

Camp at Murviadro, Oct. 1, 1811.

MONSEIGNEUR—Informed that Gen. Blake had advanced a part of his forces upon Liria and Segorbe. I ordered General Palomhini to march against the division of Obispo, established at Seneja. Four hundred horse defended the high-road, while three thousand infantry occupied the heights to the right and left. General Palomhini ordered a battalion of the 114th to charge the enemy on the left, while General Robert directed the attack on the right with the rest of his brigade. Colonel Schiazzetti, at the head of the dragoons Napoleon, charged the enemy's cavalry, and pursued them to the bridge of Massana, near Segorbe; the whole division of Obispo was assembled at this point. The dragoons took post on the bridge, and preserved it in spite of the fire of the enemy. Obispo was making every effort to surround them, when the arrival of the select companies of the 114th and the 1st of the Vistula arrested his movement; a general charge decided his rout and his flight upon Liria. The dragoons Napoleon entered Segorbe pell-mell with the enemy, shattering all that opposed them; they pursued the enemy to within two leagues of the city. Gen. Balatier, who commanded the reserve, caused them to pursue the enemy in good time on the road to Liria. Obispo is in a state of complete rout, and has lost 300 men, one colour, 90 horses, and a great many prisoners.

Marshal Count SUCHEP.

UNITED STATES.

TRIAL OF COMMODORE RODGERS.

[FROM THE COLUMBIAN.]

The Court of Enquiry on the conduct of Commodore Rodgers, in the action between the President and Little Belt, has now closed the testimony in this case.

The Court consists of—

Commodore STEPHEN DECATUR, President;
Captain CHARLES STEWART,
Captain ISAAC CHAUNCEY—and
WM. PAULDING, jun. Judge Advocate.

Of the evidence furnished to this Court, on the oaths of the several witnesses examined, we present a brief outline, in the order in which it was adduced; and leave the public, in a case where doubt is impossible and conviction irresistible, to make its own comments. Whenever the proper leave is obtained, the proceedings, in their official shape and extent, shall be given to our readers.

The first witness, was—

Charles Ludlow, Master Commandant and Acting Captain of the President.—He was on board the ship at the time of the action with the Little Belt, on the 15th of May last. The Little Belt had her top-rails aback. From his position he was uncertain which fired the first gun; but the second was from the President, and was instantly followed by three cannon and musketry from the Belt. Commodore Rodgers ordered to fire low, and with two round shot. After a short pause the Belt recommenced firing, as did the President. The Belt soon appeared ungovernable, and lay bow on towards the President, when Commodore Rodgers observed that some accident must have happened to her, and ceased firing. Her gall was down, and her main-top-mast-yard on the cap; and mizen, too, he thinks. The action continued 14 or 15 minutes, including the interval. There was nothing but round and grape-shot fired, or on deck, on board the President. The ship was not on fire, or any part of her, and did not sheer off after the action. Another broadside would probably have sunk the Little Belt. Did not know or believe any part of the Commodore's official account was untrue or incorrect.

John C. Craghton, First Lieutenant.—Was stationed at the 4th division of guns, on the upper deck. Commodore Rodgers

hailed first, then a second time, when a shot was fired, as he believes, from the Little Belt, no gun having been fired or provocation given on board the President. The orders of Commodore Rodgers were to keep the guns at half cock, and guard against accidents. After receiving the Little Belt's broadside, was ordered to fire. The Belt was silenced in five minutes, and the President ceased. The Belt renewed the fire, and Commodore Rodgers returned it, and silenced the Belt again in five minutes.—Boarded the Little Belt the next morning; Commodore Rodgers sent a friendly message, expressing regret for the occurrence, and offering assistance. Capt. Bingham said he took the President for a Frenchman. President was not on fire, and did not sheer off. Nothing but round and grape was fired or on deck. Another broadside would probably have sunk the Belt. Commodore's account confirmed.

Henry Caldwell, Commandant of Marines.—Heard the hailing; was looking at the Little Belt, and saw the first shot proceed from her; on which Commodore Rodgers said, "What is that?" and he answered, "She has fired into us." Orders were then given to fire. Belt silenced in five minutes. Commodore Rodgers was anxious to stop his fire, and did so. The Belt renewed the action, and in six or seven minutes was again silenced, when Commodore Rodgers was anxious to prevent mischief, and stopt his fire. No fire or sheering off. Commodore's account confirmed.

Raymond H. Y. Perry, junior Lieutenant and Signal Officer.—Was on the quarter-deck, near Commodore Rodgers's elbow. The Commodore hailed; got no reply—hailed a second time, and got none. Heard a gun, and was looking at the Belt, which fired it, previous to any gun or provocation from the President. The Belt was silenced in five minutes, and orders were sent to every division of guns on board the President to cease. The Belt renewed the fire, and the President also. In six minutes the Belt was silenced again, and the Commodore was very anxious to stop the firing on board the President. No fire or sheering off. The Belt was in a very dangerous situation, and would, probably, have been sunk by another broadside. Heard hailing from the Belt, and understood they said their colours were down; and so reported. Commodore Rodgers hailed, "Have you struck your colours?" and was answered, "I have; and am in great distress." Lights were on board the President during the night. Commodore Rodgers's statement confirmed.

Andrew L. B. Madison, Lieutenant of Marines.—Was on the gangway. Heard the Commodore hail first, then wait 15 or 18 seconds, time enough for a reply, but got none, and hailed again; when the Belt fired a gun from her gangway. Saw the flash, and heard the report; no gun or provocation had been offered by Commodore Rodgers. In six seconds a gun was fired from the President, when instantly the Belt fired three guns, and then her broadside and musketry. Belt silenced in six or seven minutes. Firing stopped in the President. In two or three minutes Belt renewed the action, and in four or five minutes was again silenced; when Commodore Rodgers ordered his fire to cease, and appeared anxious to prevent damage. No firing or sheering off of the President. Commodore's report confirmed.

Jacob Mull, sailing-master.—Was on the quarter-deck. Commodore Rodgers hailed again, and got no answer, but "halloo." After sufficient time hailed again, and got no reply, but a shot, without provocation. In three or four seconds returned the shot, and got a general fire from the Little Belt. Thought the Belt a heavy frigate until next day. Action continued fourteen or fifteen minutes, including three or four minutes' interval. Little Belt could have fired again; but President could have sunk her. Commodore's official account is true.

Lieutenant Craghton thought the Little Belt a frigate (excepting her feeble defence) until next day, Capt. Bingham told him the President's colours were not hoisted, but he recollected the pendant. It is the usage, as before stated by another witness, for the President to be prepared for action on coming alongside an armed vessel. Thought the Little Belt displayed bad management or want of conduct in her defence.

Joseph Smith, midshipman, acting as master's mate.—Commanded the 4th division of guns. Heard Commodore R. hail

and no reply for five seconds. Heard second hail, and was looking at the Little Belt when the first gun was fired by her, before a shot or any provocation was given from the President. The Commodore fired one gun, then the Little Belt three, and action continued. Thought the Little Belt a frigate. The duration of the action, and orders to cease, as before stated. The last order to stop firing was received by three different officers. Commodore R.'s statement confirmed.

Henry Denison, acting Chaplain.—Was on the quarter-deck. Little Belt was 70 or 80 yards distant. Heard Commodore R. hail, and the reply, and the second hail—then a gun, he thinks from the Belt, as he felt no jar in the President, and no gun or provocation had been given by Commodore R.—Account of Commodore R. confirmed.

Michael Roberts, Boatswain.—Was on the fore-castle, saw the flash and heard the gun from the Little Belt, before any shot or provocation had been given from the President. Had not seen the Commodore's account.

Richard Carson, Midshipman.—Was on the fore-castle and gangways. Commodore R. hailed, and was answered by repeating his words; second hail was answered by a shot. Was looking at the Belt, and saw and heard the gun, before any provocation from Commodore Rodgers. Gun from the President was followed by the Belt's broadside, as stated by others. Commodore's account confirmed.

Mathew C. Perry, *Silas Duncan*, and *John M'Clack*, Midshipmen, gave their evidence to the same effect.

Thomas Gamble, second Lieutenant.—Commanded the first division of guns. Commodore R. hailed, "Ship a-hoy!" Was answered "halloo." Asked "What ship is that?" Received his own words repeated in reply. Hailed again, "What ship is that?" Then a gun from the Belt. Heard no gun or provocation from the President—swears no gun was fired from his division. Nothing but round and grape fired after the action commenced. Commodore's orders as before stated; when firing ceased finally. Belt was in a favourable position for firing, but another broadside from the President probably would have sunk her. Saw no colours on the Belt, and took her for a frigate of 36 or 38 guns. No firing on board or sheering off by the President. Statement of Commodore Rodgers confirmed.

John Neese, Captain of the first gun—In the first division on the gun-deck, was looking at the Little Belt, and saw and heard her first fire.

All the other Captains of the guns testified exactly the same as Neese.

Lieutenant Creighton testified farther, that when the Belt was silenced the second time, she luffed up towards the Commodore, instead of keeping away, as she should have done to fire at the President, and would have done if her rudder had been free. Commodore R. expressed much humanity and anxiety to stop the firing. Lieutenant C. also testified to the offers of assistance from Commodore Rodgers to the Little Belt the next morning.

Here the examination closed, having, as we understand, embraced every deck Officer, as well as Captains of guns, now on board the President, who were present during the action. The hours when the chase and action took place, with the courses steered, and some technical sea terms, are omitted as unessential to the material objects of the inquiry.

PROVINCIAL INTELLIGENCE.

On Thursday week a daring robbery and brutal assault was committed, between the hours of ten and eleven, upon Elizabeth Collier, a servant to Mr. Giles, of Herisham, Surrey, who was travelling on foot in a bye-place, near Sir John Frederick's, when she was met by two men and a woman, who had the appearance of gypsies. They stopped her, knocked her down, rifled her pockets, and robbed her of a bundle, containing a good assortment of clothes. They then dragged her from the road to Sir John Frederick's park, where they were not content with having previously robbed and ill-treated her, but in the most inhuman manner deliberately stabbed her with a pen-knife under her right breast.

At the late Sessions of the Peace at Louth, Wm. Cook, Esq. of Grasby, was found guilty of an aggravated and violent assault upon the Rev. Edward Brackentury, of Scremby, by stopping him when on horseback, and horsewhipping him severely; for which offence he was sentenced to be imprisoned in Louth House of Correction for a month, and to pay a fine of 20l.

A short time ago, a cow belonging to Mr. Bell, of Paul Holme, after appearing to be unwell, though the nature of the disease could not be ascertained, lingered a few days, and died. The servant, on opening her afterwards, found a snake, about a yard long, with its head close by the cow's heart; half of the snake appeared in a state of mortification.

As the head turnkey of the County Gaol of Essex was attending his duty on Monday morning, in the debtor's yard, delivering allowances of bread, he was suddenly attacked by one of the debtors, who made a most furious thrust at the back of the turnkey with a fork, first stabbing him in the shoulder, and afterwards under the left breast. Though the attack was so sudden, further mischief was prevented. *The Essex Herald* says, "this unfortunate debtor has been confined near eight years for an original debt of sixty pounds!! and for the last two or three years, has shewn symptoms of mental derangement; and which, it is feared, will increase upon him, unless he be removed from his present confinement, and placed under proper treatment."

Miss Esther Smith, the daughter of the late Mr. Charles Smith, boat-builder, of Greenwich, who, after the decease of her parents, went to reside with a relation, Mrs. Symonds, at Bexley, in Kent, and came to Greenwich on Wednesday, the 16th ult., where she stayed with her relatives for two days, till the Friday morning following, when she took her leave to return to Bexley, has not been since heard of. It is much feared she was murdered in her way home, by some gypsies who frequented a neighbouring wood, the skirts of which she was obliged to pass. She was abused by some of them as she was going to Greenwich, but being a little deaf, could not distinctly hear what they said. The wood has been searched, but nothing found that could lead to discovery; but the gypsies decamped the next day. She was near 18 years of age, and rather under the middle size.

AGRICULTURAL REPORT FOR OCTOBER.

The harvest of the Northern Counties, and in Scotland, though unusually late, has closed favourably, from the continuance of fine weather so long after Michaelmas. Their Wheats, though not affording plump samples in general, have been injured much less by blight than those of the South. The wheat-lands throughout England have worked so well for the seed, that little remains in any district to be sown. The early plants shew luxuriantly from the late rains. The Potatoe crops are likely to prove large in produce, but those remaining in strong soils are likely to suffer if the rain continues. The Clover Seed cut late has been much injured by the wet weather; but that which came forwarder is expected to turn out well. The latter Turnips, from the rapidity and continuance of their growth, promise to become abundant, even in the remote districts, not much accustomed to the growth of green crops. The continuing growth of Grass keeps the Haymarket stationary at last month's prices. Although the Graziers complain of the present prices at Smithfield, for most kinds of meat, the Butchers take care that the public shall profit but little from the cause of their discontent. We have little or no variation to note in the value of Lean Stock. Good Draught Horses are dearer than we before remember. The Wool Market remains dull, at prices which few but the necessitous grower seems disposed to accept.

TUESDAY'S LONDON GAZETTE.

BANKRUPTS.

W. Allen, jun. Worcester, glove-manufacturer,
W. Berry, Alphington, Devon, tanner,
J. Bigwood, Swallow-street, Oxford-street,
S. Broward, Leeds, merchant.

W. Bv, and J. Sands, Fenchurch-street Chambers, ship-brokers.
 J. C. Franck, Poland-street, Oxford-street, taylor.
 C. Fryer, Little Chelsea, builder.
 F. Holmes, Vere-street, Oxford-street, merchant.
 F. Macke, Paternoster-row, Spitalfields, hat-maker.
 J. Roiley, Bolton-le-Moors, cotton-manufacturer.
 G. Saxelby, Ludgate-hill, shoe-maker.
 H. Wood, Worthington, grocer.

SATURDAY'S LONDON GAZETTE.

Downing-street, Nov. 2, 1811.

A Dispatch, of which the following is an Extract, has been this day received at the Earl of Liverpool's Office, addressed to his Lordship by General Viscount Wellington, dated Frenada, October 16, 1811:—

There has been no material alteration in the position of the enemy's troops since I addressed you last.

The Army of Portugal are cantoned beyond Placentia, having one division at Placentia, with their advanced posts on the Alagon, and the cavalry on the north side of the mountains which divide Castile from Estremadura, about Penacanda.

I learn from Lieutenant-Colonel Sir Howard Douglas, that the enemy are fortifying the posts which they occupy in front of the Army of Galicia.—One division of the 5th corps, with a considerable body of cavalry, have crossed the Guadiana at Merida, under General Girard; and the remainder of the corps was to the south of that river.

I have received a report, that Don Julian Sanchez yesterday carried off a large proportion of the cattle grazing near Ciudad Rodrigo, and destined for the supply of the garrison; and he made prisoner the Governor, General Reynaud, either by surprise, or in consequence of the latter having endeavoured to save the cattle with a very inadequate force.

Admiralty-Office, Nov. 2.

Vice-Admiral Otway has transmitted a letter from Captain Campbell, of the Plover, giving an account of his having, captured Le Petit Edouard French privateer cutter, of six guns and forty men.

On the 20th ult. at noon, a French privateer was captured off the Flemish Banks; L'Olympia, of ten eighteen-pounders and seventy-eight men.

BANKRUPTS.

C. Harris, Shoreditch, baker.
 W. Wilson, Shakspeare's-walk, Shadwell, master-mariner.
 B. Peacock, Liverpool, coach-maker.
 J. Pearson, East-Cheap, wine-merchant.
 R. Foulkes, Wilmot-street, Brunswick-square, linen-draper.
 T. Norcross, Preston, Lancashire, cotton-manufacturer.
 G. Pritchard, St. Paul's Church-yard, chinaman.
 J. Bidgood, Swallow-street, cork-cutter.
 J. Phillips, County-terrace, New Kent-road, dealer.
 C. Brandligi, Lime-street, merchant.
 M. Redman, St. Martin's-le-Grand, widow, dealer.
 S. Matthews, Manchester, shopkeeper.
 J. Johnson, Great Alie-street, wine and porter merchant.
 J. Sees, Pelmingion-street, cooper.
 J. Parker, Mortimer-street, Cavendish-square, goldsmith.
 G. Matthews, Hythe, Kent, hatter.
 J. Gould, Plymouth, builder.
 J. Blythe, Bristol, merchant.
 J. Austin, Lamb's-Conduit-street, linen-draper.
 J. Bugby, Henrietta-street, Brunswick-square, coal-merchant.
 H. Oghun, Crown-street, Finsbury-square, fringe-maker.
 H. Watson, Weymouth Mews, coach-maker.

G. Hitchcock, Bull-stairs, Christ-church, boat-builder.
 P. Luscombe, Gravesend, taylor.
 J. Ganton, Earl-street, Blackfriars, victualler.
 C. King, Piccadilly, bill-broker.
 H. Goodfellow, St. George's in the East, mariner.
 E. Dobson, Brompton-Mills, Huntingdonshire, miller.
 J. Poolton, Bilston, Staffordshire, iron-dealer.
 E. Toller, Godmanche-ter, Huntingdonshire, corn-buyer.
 J. Kendall, Exeter, statuary.
 J. Bell, Limehouse, boat-builder.
 R. Pickering, Liverpool, wine-merchant.

The LETTER to Mr. PERCEVAL, on the most efficient Mode of settling the CATHOLIC CLAIMS, with Historical Illustrations,—next week.
 Other Communications are also delayed for want of room.

THE EXAMINER.

LONDON, NOVEMBER 3.

FRENCH Papers have arrived, bringing the enemy's accounts of the late operations in Spain. They contain some facts and more falsehoods.—“I proposed to Gen. DONSENNE,” says the Duke of RAGUSA (MARHONT) “to join him with part of my army, in order to raise the siege of Ciudad Rodrigo,—to supply it with provisions for a long time,—to take the entrenched camp of the enemy, his magazines and park of besieging artillery,—and, in short, to give him battle, and pursue him as far as was compatible with the general plan of operations which your Highness communicated to me in your last letter in cypher; a plan which embraces all these regions. I have now the satisfaction of announcing to your Highness, that *our arms have been completely successful.*”—After this broad assertion of success, who would not suppose that the French General had accomplished the several objects above enumerated?—But no; even from his own subsequent admission, it will be seen, that the raising the siege and the consequent revictualling of Ciudad Rodrigo, with the temporary occupation of an abandoned position, were all that he effected.—Lord WELLINGTON neither lost his artillery nor his magazines, nor was he compelled to give battle. It is true, he was forced to retreat, for he was much too weak to venture upon a general engagement; but notwithstanding the charge brought against him, by a *disappointed* enemy, that he was very nearly “caught in a flagrant fault,” it is pretty evident that the British Commander evinced much judgment in his retreat before so superior a foe.—The recent advantages,—for advantages they certainly are,—which the French have obtained, seem to have revived their national infirmity, and they cannot refrain from the most boastful anticipations respecting “the catastrophe of the English,”—“the driving the English from the Peninsula.”—It is now indeed every day more apparent that such will be the final result of this terrible struggle; but, after all the occurrences of the war, it would be infinitely more becoming the French Generals were they to perform more and promise less.—Whatever may be the event, it

is the opinion of very competent judges that Lord Wellington is a good soldier, and that his inability to cope with the enemy must in common fairness be attributed rather to his want of means than want of skill.—If it were not a mere farce to talk about *Ministerial responsibility*, our Rulers, by their pertinacity in continuing a contest now so utterly hopeless, would be putting themselves into a situation of the utmost peril.—Every account from Portugal is filled with the most painful details of the frightful progress of disease. "I am sorry," says the writer of a Letter from Lisbon, dated Oct. 17, "to state, that THIS COUNTRY IS A SECOND WALSCHEREN, with regard to sickness. There are from 10 to 11,000 sick now in and around this place. Every convent and church is crammed with sick and wounded men, and they are dying like rotten sheep.—The weather is extremely sultry at this place; and when the hot weather goes, we shall be drenched with heavy rains, which will be equally as unfavourable for the recovery of the sick. In fact, the whole country, from end to end, is one scene of desolation and ruin. The whole of the subsistence not only for the army but for the wretched inhabitants, must be drawn from England or other foreign markets.—We are in daily expectation of the arrival of further reinforcements, among them some horse artillery and artillery drivers from your port. Every person here wishes for a speedy termination of the contest; but that period appears quite as far distant as it did the first hour of our landing in this country."—That the troops of France are suffering, if not in an equal proportion with ours, at least to a considerable extent, must be admitted; but when the great superiority of its population to that of England is considered,—when it is recollected, too, that we have distant colonies to protect, and an immense navy to supply with men, who does not see that the contest is most unequal and hazardous? Men who gain 30,000*l.* a-year *by the war*, may indeed think the risk worth the advantage, and marvel much how any one can possibly find fault with so profitable a system; but the people, who pay all and suffer all, must be permitted to question the perfect propriety of measures, which the experience of nineteen years of unsuccessful war has pronounced both rash and ruinous.

Dispatches from Lord Wellington, dated the 16th ult. were received on Saturday by Government. They will be seen to contain nothing of importance. The army remains in the same position.—A Lisbon Mail arrived on Saturday morning. The letters and papers are to the 20th of last month. Our head-quarters remain at Freinada, and the army in those cantonments which they occupied at the date of the preceding advices. It is supposed to be MARMONT'S intention to proceed towards Badajoz, where pontoons are said to be preparing, as if some attempt were to be made in the Alentejo. Elvas has in consequence been strengthened.

His Majesty's ships Dover and Chichester have been lost in a great storm at Madras. The Dover is a 38 gun

frigate, and commanded by Capt. E. TUCKER: the Chichester is a frigate of 32 guns, converted into a store-ship, commanded by Mr. W. KIRBY, Master.—Several merchant vessels are also lost.

A Letter dated Brighton, October 31, says, "Between twelve and one o'clock this day, the PRINCE REGENT came from the Pavilion to inspect the 10th Dragoons, at their barracks, about a mile from hence, on the Lewes road.—His Royal Highness was dressed in richly laced scarlet regimentals, with French grey trowsers, close down to the ankle, the seams covered with broad gold lace. He rode his favourite white charger."

Tucker, the mock Parson, was convicted at the Middlesex Sessions, yesterday, of fraud, at the suit of Mr. Edgeworth. The particulars are before the public.

Yesterday, another of the privates in the 2d Tower-Hamlets Militia was flogged for the crime of desertion.—He was sentenced to receive 500 lashes; but the poor wretch, who is an old man, was unable to bear more than 150. Major FORSTEEN, however, humanely told him, that when he was able, to bear the rest, he should receive them! The cries of the sufferer were truly pitiable. Is there never to be an end to this disgraceful system?

There has been for some days the rumour of an offer of marriage by an illustrious Duke to the beautiful heiress Miss TYLNEY LONG. The gallant lover has paid his suit to the Lady with the magnificence and ardour of an English Tar; and it is said that he has proposed to apply to Parliament for a Bill to alter and amend the Royal Marriage Act, which the present state of all the dynasties of Europe would, perhaps, make it advisable to do. Certainly it would be a most promising means of securing the lineal succession of the Crown in the present august family.—*Morning Chronicle.*

Lieut. Gibbons, who put a woman on one of the mooring-boys in August last, for using abusive language to him, has been brought before a Court of Inquiry, at Plymouth; the result of which is, that he is sentenced to be dismissed from the command of the Alpha schooner.

THE KING'S ILLNESS.

MEDICAL BULLETINS

"Windsor Castle, Oct. 27.

"His Majesty remains in the same state."

BAD BEER.

SIR,—I wish to draw your attention to a subject which deserves the notice of the Legislature, inasmuch as it should be, in a great degree, the guardian of the public health and comfort. The subject I allude to is the present abominable trash we are supplied with at inns and public-houses by way of beer. The cause is, I am aware, that rich brewers have bought up all the public-houses, and furnish the tenant with what they choose to send by way of beer: thus the labourer and the traveller are compelled to drink almost poison. Should not the Legislature prevent the licensing any houses the property of brewers, or tax them higher? In this neighbourhood we have a man acting as a Magistrate, who is a brewer by trade, and has power to licence his own houses. What think you of that? And what will you think, when I tell you the Lord Lieutenant of the County, Lord Radnor, refused to put a Clergyman of property into the Commission of the Peace,

and then put in this man, who cannot read or write English like a gentleman. The way these brewers do is, they purchase a house, put a man in, send him beer, as they call it, allow him so much per quart for drawing it out, get him in debt, and then the public must drink that or go without.—Your's, &c.

Newbury.

MILITARY STOPPAGES.

MR. EDITOR,—I am the brother of a soldier, who died in a military hospital, and have his wife and child left to me for a legacy. During the time he was in the hospital, ten pence a day was stopped from his pay under pretence of extraordinaries. He was blooded, bathed, purged, and vomited, so abundantly, on his first admission, that after he had passed through all the medical experiments, he was left in so weak a state, that nothing but a generous diet could have ever rendered him fit for service. This was denied him, and the surgeon said, if he allowed a pint of beer, he must pay for it out of his own pocket. Instances of the same kind are abundant, and some say a complaint against these prodigious stoppages is left at the War-Office.

On a moderate calculation, Sir, near 100,000*l.* must have been deducted from the sick soldiers pay, by this measure of the Army Medical Board; but I believe the measure did not originate with the present Gentlemen, but with the late Inspector-General. My wish, Sir, is to know if this deduction is strictly legal—that is, whether my brother was to pay for comforts, and to be denied them when his weak state demanded them? and I would next desire to know where this accumulated fund is deposited, in what public office the account is to be found?

The Commander in Chief, who is said to be the soldier's friend, will surely make an inquiry into this, if it comes to his hearing, and the Secretary at War will willingly assist him.—Your very humble servant,

BENEVOLENS.

GUINEAS—THE BANK.

MR. EXAMINER.—Having felt a good deal of interest in the question, which has for a long time past engaged so much of the time and talents of a little host of writers upon the Bullion Question, and the present state of our currency, I should have imagined, it were hardly possible to place the matter in a new point of view; yet in all the pamphlets and letters I have read, relating to this important subject, I have met with nothing to satisfy my mind, or correspond with the ideas and sentiments I have formed respecting it.—It appears to me, that almost all the writers upon the subject of our currency, (and I must also include the gentlemen of the Bullion Committee) take their data from a period too near that at which they write or report, without a sufficient retrospect of the past, or prospect into the future; for I can hardly conceive it possible, had they done either the one or the other, such a mass of absurd reasoning, and equally absurd and impracticable recommendations, would have appeared before the public eye. Let us in reference to this truly important subject, see how the case really stands, and surely we need not puzzle ourselves about the exchanges of Amsterdam, or Hamburgh, or Petersburg, or Venice, or any other place, for this purpose; but sim-

ply look at home, to discover a sufficient cause for the evils we complain of, and the effect of which, we have but too much reason to dread.

The interest on the National Debt (with the ordinary charges of government) is at this time about thirty-six millions of pounds per annum, all which must be furnished by taxes laid on, in every possible way, till even ingenuity itself is puzzled to conjure up something new. This thirty-six millions, however, it must be observed, can only constitute a fourth, or at the most, a third of the whole currency of the country,—as even taxation itself must have some limit, and cannot possibly exceed that proportion of the floating currency of any country:—taking it therefore at one third, it makes the circulating medium amount to more than 100 millions;—and here let us pause for a moment, to enquire what proportion gold and silver bears to the above 100 millions. If I am not much mistaken, the last Report to the House of Commons on this subject, stated the amount to be about 20 millions; thus we see that the quantity of Specie, even if the whole were in the country, bears but a small ratio to the Paper, and unfortunately, the latter, while the war continues, must go on increasing every year, while the former will vanish from our sight almost entirely, especially during the continuance of Lord Stanhope's Bill, which goes to compel the unnatural union of gold and paper at an equal value. Now of this 20 millions of Specie, what proportion shall we allow the Bank of England to possess. I wish to be liberal on this point—I will say three millions, for we must recollect that the whole of England, Scotland and Ireland, with the Colonies, must also have part, and although Guineas are gone out of circulation, yet there can be no doubt that in all these places there are vast numbers of them, ready to come forth the moment their value above paper is properly estimated and consented to:—if we add to this statement, then, the immense quantity that has been exported to France to pay for corn, wine, brandy, &c. within the last eighteen months, (not less, I believe, than five millions) and of which, comparatively, not a guinea has returned back to us again; and if we go on, and further add the large sums that are continually sent to Spain and Portugal, to pay and support our armies in that quarter,—and of which also none can return but with the return of peace, or a revival of our commerce with the Continent,—what, under these circumstances, shall we say or think of the understandings of those persons who can seriously propose and recommend that the Bank should be compelled to pay its Notes in Specie, if demanded?—They ought to have known, that the thing was impossible, and that the attempt would only tend to pull the whole Paper system instantly to destruction. It will perhaps be said, that the Bank Directors, every now and then, favour us with a statement of the quantity of their Notes in circulation, and that the amount appears comparatively moderate. I admit it does so; but I really am uncharitable enough to suspect, that there is great manœuvring, in this part of the business easily managed, Mr. Examiner, as the Bank act as Bankers for the Government, and receive all they collect in taxes, and which at some periods must be very enormous, and all, remember, in their Notes; for although I hold the Bank Directors individually in the highest respect, yet we know, that Bodies of Men, (however honourable personally) can do many things which separately they would revolt at. However, of this I am persuaded, that they

will never furnish the Public with the amount of their circulation, at the period when Navy and Exchequer Bills,—which, *by the way*, are nothing more than Government *Promissory Notes*, issued when the Treasury is exhausted, to be redeemed when, by a new Loan, it is again replenishing, are deluging the market. But independent of the *Bank Notes*, we must add, in our calculation of the Paper Currency, all the *Country Bank* issues, which I apprehend amounts to the full average of that of the Bank of England, and which I conceive cannot be less than forty millions. Thus we find that our Paper Circulation amounts to the enormous sum of *eighty millions*, whilst our gold and silver currency will not reach to more than about ten millions at the present time. Can we then wonder that the former is in a state of continual depreciation, which must by necessity go on, as new loans require increasing issues of Paper to pay the interest upon them; and with these views of the subject, I need not, Mr. Examiner, acquaint you with my sentiments as to the fate which awaits the Paper system and the Fundholder who entirely depends upon it. We have seen Paper Currency in other countries, and we have witnessed their downfall,—it is true, their systems were not calculated to last so long as that which we adopt, but the termination of ours is not the less certain on that account, and the events of each passing day, which brings to our knowledge the difficulties which the public experience from the want of a specie circulation, (giving rise to the emission of thousands upon thousands of Tokens, as they are called, many of which are not worth one fourth of what they are issued at, the evil of which will very soon be most severely felt, and what, under different circumstances, a watchful Government would take care to prevent) seems to warrant the apprehension that danger is approaching very near. I could say much more upon this subject to alarm the fears of those who depend for support upon fixed incomes derived from the funds, by convincing them that those incomes, which ten years ago would enable them to live in all the comforts of life, must very soon, if the present system is continued, cease to procure them even the necessaries:—for let them not be deceived—this will not arise because every thing, by a sort of fatality, as they are apt to conceive, is becoming dearer, but because the paper money they receive, (although it will always nominally be the same) must, by the continued progression of depreciation, ultimately arrive at a period when it shall scarcely be worth their receiving it at all. Should this letter fall under the notice of your correspondent, A *Guinea Man*, I shall be very glad to see his sentiments respecting the opinions it contains, upon a subject which I confess he appears to me not to have duly considered.

Oct. 20th, 1811.

AN OBSERVER.

THE COUNTRY.

TO THE EDITOR OF THE EXAMINER.

Non alia magis est libera, et vitio carens,
Ritesque melius vita quæ prisca colat
Quam quæ relictis manibus sylvas amat.

SEN. HIPP.

SIR,—Your correspondent *Londinensis* has taken infinite pains to convince us, that we happy Londoners are the very best people in England, and in one sweeping clause, simply modified by the term generally, marks every unhappy village as the victim of immorality and lost to every unwor-

thy pursuit. It is not my intention to enter into any discussion of the comparative proportion of vice existing in the metropolis and country villages; but I may venture to assert, that where there is greater opportunity of concealment, and more frequent opportunity of transgression, there will be the greater proportion of vice; and the same impertinent curiosity to which London is a stranger, and the publicity to which the actions of all people in the country are exposed, do in a great measure check the progress of vice.

I have lived many years in the country, and own, without vanity, that I have often felt, in different situations, that enthusiasm which is produced by the varied beauties of nature; and without stepping into the ale-house to seek for the drunkard, I have often found the father of a family in the humble enjoyments of his cottage and his garden. In short, Sir, in the neighbouring villages or the most remote hamlets, I trust that virtue and honesty and sobriety and worth are no rare qualities to be met with; and if the manners of the country are in some measure debased, let the cynic recollect, that the vices of London are contaminated by London pride and City luxury.

The town has ting'd the country, and the stain
Appears a spot upon a vestal's robe.

I am, with the greatest respect, your obedient servant,
D.

TO THE EDITOR OF THE EXAMINER.

SIR,—A *Cockney* Correspondent, in your last Number, under the signature of *Londinensis*, amuses himself with a dissertation “on the Country.” The character he gives of the inhabitants of villages and country towns, he professes to have deduced from facts and experience; but how he possessed himself of one or the other, most of your readers, I apprehend, will be at a loss to surmise.

Londinensis seems, for the first time in his life, to have ventured beyond the sound of Bow Bell, with just such notions of the country and its inhabitants as the fictions of poetry and the legends of romance are calculated to inspire; and finding himself, as might reasonably be supposed, deceived in his calculations, like Trudge in his Travels, he sighs for “Threadneedle-street” again! for, alas, he now, for the first time, discovers that

“Auburn and Eden can no more be found.”

Thus cruelly disappointed, he cannot rest, till, like other Travellers, he has given the world an account of his notable discoveries!—The women, it seems, are fond of little-tattle and cards; the lawyers encourage litigation; the doctors drench their patients with physic; and the “clods of the valley” delight in moistening their clay!

“An impertinent curiosity,” moreover, “pervades all ranks.” This fact *Londinensis* might probably derive from personal experience; still, however, great allowances ought to be made; for, judging of the Traveller by the account he has given, he must doubtless have been a curious subject for their contemplation.

London, it seems, is a stranger to this species of impertinent curiosity; and although it is admitted that the metropolis has its vices in common with the country, yet has the “moral eye” of *Londinensis* discovered that it may lay claim to certain virtues and refinements peculiar to itself, which serve to palliate its vices!

“Oh, Threadneedle-street.”

Oct. 30, 1811.

COMMON SENSE.

TO THE EDITOR OF THE EXAMINER.

SIR,—Have the goodness to correct an erratum in my Paper on the Country. For "the surrounding rivers," it should have been *its meandering rivers*.—You have also printed "*occasions offer*" for *occasion offers*; as also, "a truly philosophic poet *says*," for *sings*, which last verb I thought read better, and is, I believe, equally good sense, though modern poets do not sing their verses.

LONDONERIA.

THEATRICAL EXAMINER.

No. 103.

LYCEUM.

On Friday a comedy was produced, by an author whose name has not transpired, under the title of the *Kiss*. The prologue told us, in very good prose, that the under-plot of the play was taken from BEAUMONT and FLETCHER, and indeed it is their *Spanish Curate*, scene for scene.—The whole of the play is cast into a similar mould of blank verse and antique phraseology; but the author has shewn himself no adequate master of either: his lines are mere measured prose, and his language imitates that of an old comedy, by a clumsy quaintness, which will pass for antiquity only with the superficial. The main plot of the play is of a too serious cast, and Mr. PUTNAM was not equal to the personation of its hero, the *Count Almeida*, who, embued with the deepest jealousy of his wife (Miss DUNCAN) from a *Kiss* which he overheard given by *Leandro* (Mr. DECAMP) to his mistress *Amaranta* (Mrs. ORGER) in the *Count's* bower, and which he fancied was given to his wife, confines her to two apartments, some fourteen feet by twelve. This *Leandro*, a gallant, newly arrived in Seville, lodges next door to the *Count*, and takes advantage of breaking through an ancient communication between the two houses, to present himself before the *Countess*, her faithful knight-errant. The *Countess*, although stung with her husband's ill-treatment, preserves her honour; and commissions *Leandro* to tell her wrongs to her brother, presenting her messenger with a ring as a token of her gratitude. *Leandro* has business of his own on his hands, and in order to get into the house of a lawyer (Mr. DOWTON) the uncle of his mistress *Amaranta*, applies to a *Curate* (Mr. LOVEGROVE) and his *Sexton* (Mr. KNIGHT) to introduce him as a pupil to the lawyer. Money wins his way here with all parties; for the lawyer is avaricious, and the curate and sexton are poor. The *Count* has business with this lawyer, and upon his new pupil's presenting him with papers relative to a divorce with his wife, the husband recognizes his lady's ring on the band of the lawyer's clerk. This supplies new fuel to his jealousy, and he repairs in a state of frenzy to his wife to require her ring. *Leandro* is beforehand with him, and had returned it to the *Countess*; so that she surrenders it to her husband in triumph. The *Count* declares that all his suspicions are removed; but we believe that the *kiss* rings in his ears yet, and that it is not till the explanation of that circumstance at the masquerade which the *Countess* attends with her brother, that the husband's jealousies are thoroughly extirpated. But the disapprobation of the audience was so clamorous towards the close of the play, that we can-

not vouch for the accurate unravelment of this part of the plot. The lighter scenes of the piece are afforded by a sudden vow which the Lawyer has taken not to quit his house, and the stratagem of the Sexton to draw him thence by feigning to be in a dying state, and wishing to dispose of his *great* wealth to the Lawyer as executor and residuary legatee. It was not material to the plot that this farce of will-making should be acted before the audience, and as it excited great displeasure, it had better be omitted. There was something too broad in the sick man's jumping from the coach, after he thought he had gained *Leandro* time enough with the Lawyer's niece, and claiming to hold the will-maker to all the engagements he had entered into for the testator. The *dénouement* takes place at the masquerade to which we have before alluded, where the audience found their own noise; here the Lawyer enters with alguazils and denunciations against *Leandro*, we suppose, for cartying off his niece; but *Leandro's* pupilage had taught him to outwit his preceptor, and he talks of papers that he had discovered in the Lawyer's custody, which would convict him of mal-practices. Mr. DOWTON's high tone here, the audience took for rivalry with their lungs, and the play might in other times than the present be said to have been damned. Miss DUNCAN failed to restore good humour by an epilogue, in which she promised us all a kiss at Drury-lane in no long time; and, upon the strength of that, came forward and gave out the play, with a "*Gentlemen*, will you permit us to repeat this play?" The *noes* had it, however; and we pitied the actress who could be prevailed upon to lend herself to the arts of the Lyceum Manager, Mr. ARNOLD, a man who has imposed upon the credulity of the public, by underwriting the play bills with more barefaced lies, than any manager on record. Other managers have always husbanded their falsehoods better: Mr. ARNOLD's *announces* are becoming a bye-word in the house; and he will soon find that he deceives nobody but himself.

We know not by what rule the *Kiss* can be called a good play: its blank verse is not poetry: its character is completely unoriginal, whether BEAUMONT and FLETCHER's or not: its dialogue has not a single point. *Leandro*, indeed, talks a good deal of the wit and raillery of his friends (Messrs. RAY and another); but we confess we heard none. The scenes in which the Curate and the Sexton figure, are the best part of the play; but they are expressly copied, and, like every thing else in the piece, are dwelt too long upon, and made too much of. The *Kiss* may benefit by curtailment and fair hearing; but we can never think it will prove attractive from its own merits.

Mr. DECAMP became his part well; but it had not *stuff* in it to warrant his vivacity: Miss DUNCAN did all she could for her character; and Messrs. LOVEGROVE and KNIGHT were quite happy in their parts, which, dressed and looked with admirable comic humour, communicated an equal satisfaction to the audience.

REBUILDING DRURY-LANE THEATRE.

The second Meeting of the Subscribers to the rebuilding Drury-lane Theatre took place on Wednesday, at the Crown and Anchor Tavern.—Mr. Whitbread in the chair.

The CHAIRMAN, after reading the principal part of the last Report, proceeded to read the present one, from which it

appeared, that to the 191 persons who had before acceded to the arrangement, were to be added five others, making 196 but of 234. The adjustment with the remaining few would be proceeded in with all diligence. Of the old Renters, three more had come in. The class under Mr. Adams' trust-deed stood as before; considerable progress in adjustment had been made with the Patent Annuity Class, and ultimate success was not to be doubted; and with Lacy's Annuity a satisfactory arrangement would also take place.—The claims of 35,519l. 2s. 3d. and of 14,914l. were settled before the last meeting. The adjustment with the Proprietors remained as it did, but it would be necessary to go a little more into this subject, as a misconception had prevailed, alike injurious to the Proprietors, the Committee, and the New Theatre. The bargain was made with the persons entrusted to manage the affairs of Mrs. Richardson, for the purchase of her interest for the sum of 6000l. The Committee, in valuing the property of the other Proprietors, and setting a value upon that which the Act of Parliament enjoined them to purchase, and which those Proprietors said should be sold at their own price, thought they could not proceed more equitably than to adjudge the same proportional payment to them, as had been concluded upon for Mrs. Richardson; but it was a great mistake to suppose, that the whole of the sum so allotted for that property could pass undiminished into the hands of the Proprietors.—Many claims were to be satisfied out of that fund, which did not fall upon the theatrical property; and, after the satisfaction of the sum of money awarded to the Linley family, there were other sums to be defrayed which were known, and other claims recently made, which, if established, could be satisfied out of that fund alone. Of the first, were the Debentures, in the hands of different persons, for monies advanced by them, to accommodate Mr. Richardson. These Debentures must be satisfied out of the Proprietors' Funds, upon whatever terms could be agreed upon between the parties. Of the last, was a claim of considerable magnitude, preferred by the Proprietor of the King's Theatre in the Haymarket. This claim was known to the Committee before the last General Assembly, but had been considered by them as not available upon the theatrical property; and so the claimant had been informed. It had been again preferred, and the matter did not appear to them in any other light than that in which they before viewed it; but the Proprietor had offered to submit the whole case to arbitration. (Approbation.)—There were other claims which must be satisfied out of this fund; and the Committee felt, that when the whole was adjusted, the sum remaining to be paid over would be far from considerable, bearing no proportion at all to the sum they had named as the value of the property. The Proprietors had entered into agreements, which had been executed, to convey their property to the new Subscribers absolutely, for the sums named by the Committee, or such portion thereof as the Committee should, after all, be able to adjudge for their use, such sums being liable to the claims and contingencies above stated: and whereas, according to the terms of the Act of Parliament, they, as well as all other claimants, were to be paid before the building of the Theatre; they waived that right, and desired that they might not be considered, in case of any difficulty in making the payment according to the terms of the statute, until the Theatre shall have been built. (Loud approbation.)—The Committee trusted they had satisfied the General Assembly, that they had proceeded with diligence in obeying the commands of the first General Assembly, specified in their resolution respecting the adjustment of claims, and that they had removed some erroneous impressions. The Report then proceeded to state what the Committee had done in the rebuilding of the Theatre. An agreement had been entered into with Mr. Rowles, for the execution of the design of Mr. Benjamin Wyatt. Mr. Rowles binding himself to the execution of the whole, ready for representation, by the first of October next, provided the stipulated payments should be made with regularity by the Committee, in penalties of 20,000l. Mr. Wyatt bound himself to the due performance of his duties in the sum of 5000l. The Committee had thought it advisable to avoid all expence of exterior decoration. De-

sirous as they were that the capital should derive ornament from every public building erected within its limits, they did not feel justified in laying out the money of the subscribers where no profit could be expected to be derived from it. The whole of the money to be expended, including the furniture to the boxes, the decorations of painting and others, lamps, stores, and architect's commission, would amount to 125,000l. The payments to Mr. Rowles, for which he specifically contracts, would be 112,350l. The balance to provide the articles above stated, and to pay the architect's commission, 12,750l. making together 125,000l., and leaving a residue of 25,000l. to provide properties and scenes, &c. ready for immediate representation, making altogether the sum estimated by the Committee in their last Report. The Committee ordered the building to be begun, which had actually been done. For the purpose of carrying on the works, a part of the money deposited in the Insurance Offices had been released, and arrangements were made for the application of that fund, which would last until application could be made to Parliament for the ratification of the agreement made with the new Renters, according to the stipulations made by them to that effect. Till that ratification, the Subscription Fund would not be touched. It was at present wholly untouched, and the sum of the deposits increased by the interest accruing upon the Exchequer Bills bought by the different Bankers. Notwithstanding the confirmation of the Subscriptions by the last General Meeting, the Committee had not thought it right to pay the most trifling incidental expence of any description, until the Resolutions of that day should have been approved of by the Meeting on this. The Committee had only to add, that more than 11,000l. were subscribed in the course of yesterday, and deposits paid thereon, and that the Subscription, under all the disadvantages with which it had had to contend, of open hostility and apparent difficulties, which the public might have thought it would be impossible to subdue, had reached the amount of 125,000l. and upwards, exclusive of the names of many persons who had pledged themselves to subscribe, but who had not yet determined upon the amount.—Intimation had been given of intention to subscribe that very morning, to the amount of the sixth part of that sum. They closed their Report in the hope, as they had endeavoured to deserve, they should find they had retained, the confidence of the Subscribers.—(Loud and continued approbation).

Mr. LEWIS then moved two Resolutions, approving of the 1st and 4th Resolutions of last General Meeting; which were unanimously carried. He also moved, that the Thanks of the Meeting should be given to the two Mr. Sheridans.

The Hon. DOUGLAS KINNARD said, that after the injurious aspersions which had been thrown out against those Gentlemen, it was certainly incumbent on the Meeting to come to some such Resolution as the one proposed to them. Calumnies had been carried into the most remote corners against Mr. Sheridan, and it had been most industriously propagated, that he was the only person who would derive any benefit from the rebuilding of Drury-lane; but these illusions were now completely dissipated. It was now seen, that Mr. Sheridan was completely at the mercy of the Committee, who would act on no motives but what were fair and honourable, and what they could boldly and openly avow. A conveyance of the whole property had been made over to the Body Corporate. They had a lease from the Duke of Bedford, and a monopoly for 99 years, burdened only with an annuity of 8000l. It was well known, that Mr. Sheridan was offered a few years since 19,000l. a-year for his interest in the property. Taking every thing, therefore, into consideration, it was impossible not to see that the present was as good a bargain as ever was entered into; and not to be convinced, from the great public character of the Chairman, that the most correct appropriation would be made of the funds of the subscribers.—(Approbation.)—He would say as a Banker, if any of his customers were to ask him if he thought the present a good speculation, that it was in reality a most advantageous speculation.—(Applause.)

Mr. PETER MOORE said, as a friend to the Proprietors, it was impossible to let pass the present opportunity, without bearing some little testimony, from his own knowledge, to the

desire of accommodation, the prompt liberality, and the utter self-denial of the two Honourable Gentlemen whose names had been mentioned, who, without looking to recompence, had made a most exemplary sacrifice to the shrine of public accommodation. With respect to the future prospects of the subscribers, he had no doubt that by economy, under the direction of his Hon. Friend (Mr. Whitbread), that it was impossible to do otherwise than to succeed.

The Resolution was then moved and carried unanimously; and Lord HOWLAND having taken the Chair, Mr. LEWIS moved the thanks of the Meeting to Mr. Whitbread, for the luminous and satisfactory Report which he had that day laid before them; which was carried with unanimous approbation.

Mr. WHITBREAD said, he would detain them one minute only, to assure them he had laboured hard to merit their approbation, and that all his interest in Drury-lane Theatre was their good will, which if he obtained, he should consider himself rich in his Drury-lane property. Against no man in any prominent situation had ever fiercer attacks been directed than against himself, for his conduct throughout this business. It had, however, been circulated that he had a great interest in the property of Drury-lane Theatre; but he would again assure them, that the whole amount of his property in that concern was theirs and the public confidence.—(Loud applause.)

[As Mr. Whitbread has talked of *misconceptions* and *mistakes*, and the Honourable Douglas Kinnaird of *injurious assertions* and *calumnies* against Mr. Sheridan; it may be proper to offer a word or two in reply.—If misconceptions have occurred, they are to be attributed solely to their own former Report.—On reference to that, the reader will perceive that the Sheridans were to be paid forty thousand pounds for the surrender of their interests in the concern; while the creditors were to receive five shillings in the pound.—This proposition appeared altogether so unjust, that it naturally excited the astonishment of those who recollected that to Mr. Sheridan alone was to be attributed all the mischief which had arisen to the concern. Now, however, an explanation is given, that the Sheridans will not receive a sum bearing any proportion to that named, for many claims are to be satisfied out of the money to be paid to them.—Why was not this stated at first?—Or, is it an *after arrangement*, suggested by the “injurious aspersions and calumnies against Mr. Sheridan?”—And even now, there is much mystery on this head. It is not hinted what is the amount of the debts to be paid by Mr. Sheridan, nor is it stated that the Committee pledge themselves to see that they are paid by him.—In short, the justice or injustice of this plan still remains to be shown. If the Sheridans finally put into their pockets a sum any thing like the forty thousand pounds first proposed, while their lawful creditors get no more than one-fourth of their demands, it will not be Mr. Whitbread's character for integrity, high as it deservedly stands, that will shield the adjustment from being characterised as one of great injustice.—In respect to the panegyric of Mr. Peter Moore, nothing need be said, for the “*self-denial*” and “*liberality*” of which he so fondly speaks, are notoriously the leading principles in the conduct of his friends; and as to the Honourable Mr. Kinnaird's *opinion*, as a banker, that it would be a good speculation to purchase shares in the new concern, he may be assured, that opinions of gentlemen quite as capable of giving sound ones, and much more likely to be impartial, are in direct opposition to his.—It is the wish of all true lovers of the drama, that Drury-lane Theatre should not only be rebuilt, but that a third Theatre should be raised, and the dramatic monopoly utterly broken up; but in sur-

therance of these ends, it is proper that justice should be administered to all parties; and surely Mr. Whitbread will not impeach the right of the press to examine with due vigilance any plan which is believed to originate with Mr. Sheridan.]

CITY.

On Monday a Court of Common Council was held at Guild-hall. The Committee for General Purposes presented a Report upon a conference with the Right Hon. the Chancellor of the Exchequer, in relation to building (in the form of an Amphitheatre, leaving a space of four acres) on the vacant ground in Moorfields; and the purchasing of other ground for building a new Prison between White-cross-street and Red-cross-street, which was read, and after considerable debate; it was referred back to the Committee to carry the same into execution. A Petition of Lucy Blackburn was presented, stating, that she had purchased a share in the late City Lottery, which was drawn a prize; and that she made repeated application for the payment thereof without effect. Referred to the Temple Bar Committee, to examine and report.

FASHIONS FOR NOVEMBER.

The comet hat and mantle, made of coquelicot velvet, or fine Merino cloth, claim a place amongst the most novel articles; the hat is made something in the form of those turbans worn by the Moorish peasantry; it is trimmed with a very narrow silver galon; with a delicate silver flower in front, forming a cluster of small stars, with light and elegant sprays issuing from them; representing the tail of the superb and awe-inspiring stranger. The mantle, trimmed with long tassel fringe, is peculiarly elegant, and falls in starry points over the form.—Tippets *a-la-pelerin* are still much worn; few in fur have made their appearance at present, except some light Chenilla and Angola; white satin, either plain or quilted, and trimmed with swansdown or Mechlin lace, are most in requisition.—The small scallop-shell mantle, trimmed with a rich tassel fringe, and thrown quite behind a spencer of the same colour as the mantle, like the ancient Spanish cloak, seems much in favour.—There is but little variation in the mode of the Gowns; they are still buttoned behind, with either the frock or military front; when the latter, the stripes across the waist and bosom are composed of stripes of lace and needle work, alternately let in.—For receiving friends at home, or for social dinner parties, jaconot muslins, made quite plain, or with only a narrow trimming of fine lace round the sleeves, bosom, and bottom of the gown, are generally adopted; and the Merino crape, which is much worn also on these occasions, has little other trimming than a neat chain gimp, the same colour as the gown.—The Hair is generally worn parted on the forehead, with round light curls on one side the face, and a few longer ringlets on the other. Some of our elegantes wear their hair in curls on the neck; but in general the neat smart crop, with the hair easily dressed on the top of the head, seems to prevail over the Sappho and Cleopatra style of head-dress. Some ladies who have fine hair, twist it in a long plait, and round it on the back of the head *a-la-Chinoise*.—In Jewellery, coral and red cornelian have taken place of the white, of pale sapphires, and even of pearl. Different coloured gems set in four distinct rings of gold, with a spring to vary the form at pleasure, are a new and elegant article in jewellery; to these may be added an ornament of a very novel kind, forming at once a small bouquet and a brooch; it is composed of a cluster of the small Sicilian strawberry, beautifully coloured and enamelled from nature, with leaves and stalks of gold. The watches are something larger than they were last season, and are worn in the sash or belt, with a light Lisbon chain of gold, formed in scallops or festoons, according to the fancy of the wearer. The seals are very small, and generally composed of white cornelian, the best Brazilian topaz, and an unengraved Ceylon ruby.—Flowers

are still in favour.—The variegated carnation, the grouped corn-flowers, the geranium, and England's pride, oak leaves with acorns, have now succeeded to the rose or maiden blush, the jessamine and mignonette, and are generally worn in small bunches under the straw cottage bonnet, which has no other ornament than the white satin ribband, with which it is tied; it is worn backward, and not unfrequently the face is covered with a black or white lace long veil.—Regency Boots, with hussar heels, are sported by some dashing belles; but the prevailing fashion is half-boots of purple kid, and the *demi-broquin*, or quarter-boot, with lacing of the same. In full-dress, white satin shoes, with a very small buckle of gold, or plaid slippers, or blue kid, with a buckle, are adopted.—The prevailing colours are fawn colour, amber, and willow green; ribbands of amber colour, richly brocaded. Regency purple and plaids seem to be the only coloured ribbands worn at present.—*La Belle Assemblée*.

THE NAVY.

COURTS-MARTIAL.

On Thursday, October 17, a Court-martial was held on board his Majesty's ship *Gladiator*, on Captain Robert Preston, of his Majesty's ship *Ganymede*, of 22 guns, which was continued by adjournment till the 23d:—

MEMBERS OF THE COURT.—Capt. Paterson, President; Captains Bissett, R. Hall, Phillimore, Rushworth, R. Browne, Halliday, the Hon. Capt. Rodney, Captains R. Elliott, Lumley, and Sneyd.—M. Greetham, Esq. Judge Advocate:—Upon charges exhibited by the Admiralty of Cruelty, Tyranny, and Oppression, contained in the following letter, which had been forwarded to their Lordships by the ship's company of the *Ganymede*:—

“*Portsmouth Harbour, Sept. 23, 1811.*”

“For the Right Hon. the Lords Commissioners of the Admiralty, the PETITION of the *Ganymede* Ship's Company,

“Humbly sheweth,

“That your Petitioners, from grievances which they labour under, through the cruel treatment they receive from the Captain and Officers belonging to the said ship, we, your Petitioners, humbly solicit your Lordships, that you will be pleased to remedy the same, by a change of ship or officers; as your Petitioners wish to be true to their King and Country, and are willing to serve in any ships your Lordships may think proper. Honourable Sirs, in granting this your Petitioners will ever pray. Your Lordships most obedient humble servants at command.”

It appeared to the Court, that, upon the receipt of the above letter, the Lords of the Admiralty directed a Court of Inquiry to be held on board the *Ganymede*, to ascertain the authenticity of the letter. This Court consisted of Admiral Hargood, Captains Otway and Halliday. Upon turning up the hands, the letter was unanimously declared to have been written with the consent of the whole ship's company; and a seaman (*Mac Gourie*) delivered another letter to this Court, which was to the same effect.

The Court of Inquiry expressed a wish, that any twelve of the crew would step forward as prosecutors in the charges.—This, however, they declined; and, in a letter they afterwards wrote to Admiral Hargood, signed by nearly all the ship's company, they stated their wish to prosecute in a body.

John Mac Gourie, Wm. Lawrie, George Townsend, and 17 other seamen, were examined in support of the allegations contained in the above letter. Their evidence went to prove, that Capt. Preston was more in the habit of adopting the summary punishment of *STRIPPING** than the witnesses had known to have ever prevailed on board other ships; and to have frequently uttered very intemperate language.

Capt. *Senhouse*, being ordered to proceed to sea, was ex-

* Starting is ordering a boatswain's mate to take a rope's end, and lay on the party until ordered to stop by the Commanding Officer.

mined, and deposed, that Capt. Preston had been his most intimate friend and messmate; that he was possessed of gentlemanly manners, not habituated to blasphemous expressions, not inclined to cruel, or oppressive, or tyrannical manners.

Sir Home Popham sworn.—Capt. Preston asked, As you have commanded several of his Majesty's ships, and been several years in the Navy, I would beg leave to ask, whether you have not found it generally both expedient and salutary to the service, in the exercise of your own discretion, as a summary punishment, to give four dozen lashes, and sometimes more, and to what extent, at the gang-way, for offences contrary to the discipline and subordination of your ship; and whether such punishments have not been essentially necessary for the good of his Majesty's service?

The Court was cleared, and agreed, that as the information required by questions like the above was irrelevant to the charges, and contained matters of opinion unnecessary to the Court for the purpose of forming their judgment, that the above question should not be put to the witness.

The prosecution being closed, Capt. Preston begged the indulgence of the Court till the next day, to make his defence: when Mr. WENDALL, a Solicitor, read it. Capt. Preston lamented that the Lords of the Admiralty should have brought him before the present Court, upon charges which were anonymously asserted, and equally directed against his officers as himself. When he assumed the command of the *Ganymede*, he found his crew in a bad state; he had to restore them to that degree of discipline and subordination so essential in ships of war; he had certainly practised a summary mode of punishment (that of starting), but there was no degree of severity mixed with it; and he conceived he was justified in the practice, by the custom in all other ships, and by the salutary effects it produced in all delinquents: he never punished from caprice, nor from any feeling but that of the good of the service. When men properly conducted themselves, he was their friend and benefactor: in sickness, they often had had his personal attention, were fed from his table, and participated in all the indulgencies the service would admit of.

Lieut. Sparshott, Mr. Telfer, surgeon; Mr. Rian, boatswain; Lieut. Waring, R. M. and several other officers, were sworn, who deposed that they knew of no instance in Capt. P.'s conduct which could be designated tyrannical or oppressive.

The Court, after deliberating some considerable time, agreed, “That the charges had not been proved against the said Capt. R. Preston, and did adjudge him to be acquitted; but the Court, however, further agreed, that they could not help feeling it their duty, to express their sense of the singularity of punishment, in many instances, on board the *Ganymede*, and to strongly recommend to Capt. Preston a future change of conduct in that respect.”

Saturday week, a Court-martial was held at Portsmouth, on *Lieut. James Symonds*, (2) of his Majesty's ship *Vestal*, for disobedience of orders and neglect of duty, in having suffered *Mr. Wm. Nicholls*, Master of the American brig *Alert*, to go on shore and be at large, contrary to the express directions of Capt. Berkeley, when the said *Mr. Wm. Nicholls* was under detention on a charge of a serious nature; namely, having, after the brig *Alert*, which he commanded, had been detained and ordered to Plymouth, overpowered the midshipman and seamen, and put them into a boat, ninety miles distant from the land; they, providentially, ultimately landed at Brest, and were made prisoners. The charge being clearly proved against *Lieutenant Symonds*, he was for this offence sentenced to be dismissed from his Majesty's service.

LAW.

COURT OF KING'S BENCH.

The case of *RUCKERS* and *AINSLE* was brought to issue, before Lord ELLENBOROUGH and a Special Jury, at Guildhall, on Wednesday. The action was against the Underwriters of a Policy on the ship *Fortuna*, from London to Riga, with goods consigned to Russian merchants there. The vessel sailed

under a licence from the British Government.—The ATTORNEY GENERAL contended that the plaintiffs were entitled to recover, on the principle that the Russians were neutrals. The underwriters resisted the claim, on the ground of Russian merchants being Alien Enemies.

Lord ELLENBOROUGH said, the question was, if, in the existing state of things between this country and Russia, the subjects of the latter power were to be regarded as neutral merchants? Now, if Russia was a country into the ports of which no British ship would, on any account, be admitted, his Lordship had no hesitation in saying, according to his view of the matter, that she could not be regarded as a neutral country *quoad* Great Britain, nor her subjects as neutral merchants.—His Lordship could not go the length of the doctrine contended for by the Attorney-General, and agree that non-hostility on the part of one of two countries caused the country which had resorted to hostilities to be considered as remaining in a state of neutrality; on the contrary, he was satisfied that flagrant acts of hostility on the part of any country towards all the vessels of another country, by denying to all the vessels of that country admittance into her ports on any terms, were sufficient of themselves, without any reciprocal acts of hostility on the part of the other Power, to deprive the country practising such uniform system of hostility of the character of a neutral in relation to the Power against whom the aggression was practised. At the same time, there were limited acts of confiscation, which any country might find it necessary to resort to against the subject of another country, without thereby breaking down the relations of amity previously subsisting between the two States.

The Jury gave their verdict for the plaintiffs. Thus, it should seem to be the opinion of our Merchants, that Great Britain is not at war with Russia.

Friday, Nov. 1.

CHARGE OF LIBEL—THE KING v. WHITE.

The Jury, consisting of six special and six common Jurors, being sworn,

Mr. RICHARDSON stated, that this was an information, charging the defendant *Henry White*, with printing and publishing a seditious libel in the *Independent Whig*, on the 16th of Sept. 1810, to which he had pleaded not guilty.

Sir VICARY GIBBS observed, that he should have been guilty of a great neglect of duty, had he not filed an information against this defendant for a most mischievous libel. After the splendid achievements of our army at Rolsia, Vimiera, Talavera, and Corunna, his Majesty had directed that, out of gratitude to the troops, medals should be worn by all the officers of a certain rank, as low as Lieutenant-Colonels. Now the object of the libel in question was, to hold out to the common soldiers that the grant of medals was made for the purpose of creating an odious distinction between the officers and the men,—to attribute all the merit to the officers,—and to insinuate that the men were treated with neglect and contempt. There was the *favorite comparison*, too, on these occasions,—how much better Bonaparte's soldiers were treated than our own. No man who respected order and security, but must wish to discourage such publications as these, for their manifest tendency was to excite disgust and disaffection in the minds of the soldiers. Could the Jury believe that the common soldier would feel a jealousy in beholding his superior with a medal at his breast? No; he would rather exult and exclaim, "See how we are honoured: see how our leader carries about with him the trophy which he and we won." Another part of the libel was directed against his Majesty's Ministers. He (Sir Vicary) did not mean to say that the measures of an administration should not be discussed with freedom: he had always been a friend to such discussion, always ought to be—and always would be;—but that did not justify a man in lavishing abuse upon Ministers merely because the writer did not think them fit for their situations. The publication before the Court said, that the character of the present Administration was infamy,—that their conduct was held in universal abhorrence,—and that their every act was influenced by corruption. Was this fair discussion? Was it any thing like discussion? No; it was mere general slander, such

as should not be permitted to pass with impunity.—Upon these grounds he should rest his case; his Lordship would say, that it was a libel both on the army and on the Administration.

Here the article from the *Whig* was read. It consisted of comments upon the Order in the *Gazette* relative to the medals, some of which were as follow:—"That such a mass of ignorance and despotism as is furnished by the King's present servants, should lead them to advise their Sovereign to issue such an Order." &c. &c.—"Why is this reward to be confined to the services of the Officers? Why is this insulting,—to the army at large,—this unjust and injurious distinction, made?" &c. &c.—"Must corruption and fatal inefficiency manifest itself in every even the slightest movement of our imbecile Cabinet," &c. &c.—"Bonaparte, through his military career, has avoided all mischievous distinctions. Merit finds promotion in his army—merit only receives reward; and hence arises that enthusiasm which in so distinguished a manner prevails among the French troops," &c. &c.

The usual proofs of printing and publishing being put in,

Mr. LAWES, jun. said, that the defendant meant to conduct his own defence, but had requested his legal advice.

Lord ELLENBOROUGH consented; but said the assistance must only go to legal objections.

An objection was made by Mr. LAWES as to the swearing of the affidavit; but it was over-ruled by the Court.

Mr. WHITE then proceeded to read his defence. He said he had followed the example of that great literary genius, Gilbert Wakefield, who was long immured in the very walls from which he had just emerged. Mr. Wakefield did but just live to taste of liberty after his confinement in Dorchester jail; but he was perhaps reserved for a worse calamity, from which he had no prospect of escape, but in the mercy and truth of the jury. In the first place, he took an objection as to the place of publication, which was erroneously set forth in the information. The alleged libel was not printed in St. Mary-le-bow, as stated, but in the parish of Christ-Church; and therefore the Jury had a right to say that the Defendant had not published the libel as in the information, especially as it was the criminal intention which constituted the crime, and no criminal intention could possibly be proved upon him, as he never saw the alleged libel till it was printed, being confined in Dorchester, a distance of 120 miles from London. The article was not written by him. It was written so close upon the publication, as to preclude all possibility of his previously inspecting it; and when it did reach him, he disclaimed all knowledge of it. He had been borne away, by the heavy sentence of the law, from the scene of his employment; his only alternative was to continue his Paper under the care of others, or be ruined by relinquishing his only support. He neither counselled nor sanctioned the appearance of the article: the actual writer was willing and had offered to answer for it; but this proposition had been rejected, for the sake of bringing the Defendant once more to punishment.—He might indeed have suffered judgment to have gone by default; but this would have been confessing the criminal intention imputed. For resisting so mean a proposal, he hoped he should meet the approbation of the Jury. He might be told, that his absence from the scene of business was no excuse, and that he was the person liable in law. But his was a singular case. He had been banished to a distant jail by the law, and it was from the operation of this sentence that he was now called upon to answer for the imputed offence. How far was his agency to extend? Suppose, in a fit of lunacy, an agent was to insert a paragraph which amounted to high treason;—would the Jury, therefore, send him to the scaffold? The Jury were judges of the law and the fact; and if moral guilt was not clearly established, they condemn. In Hilary Term, 1729, a woman was prosecuted as the publisher of a treasonable libel, who had long been bed-ridden, were bound to acquit him. This was done in the case of Reeves, and others, in which the Jury found the publications were improper, but denied the criminal intention.—There was no subterfuge in this case, but much to allow for and little to but who served in the shop. It was held by the Chief Justice that she did not know of the libellous intention; and the At-

Attorney-General withdrew a Juror. Mr. White concluded by pressing upon the Jury, that his life would be dependent upon another imprisonment; and instanced a late example of the effects of that species of punishment producing first despondency, despair, and delirium, and ending in premature death. It might be urged against him, that he continued the publication of his Paper from motives of lucre;—that might be attributed, with equal justice, to the soldier, or indeed to the plender. If he had acted upon that motive he had not met with success; for the heavy hand of the law had wrested from him the greatest portion of his hard-earned profits. He recommended his case to the sympathy and to the justice of the Jury; and added, at the request of his legal advisers, that the exception in point of law, which he had taken to the information, was not done at their instigation.

The defendant then called his son, *John White*, who said that he visited his father in prison every day, and acted as his amanuensis. To the best of the witness's belief, his father never knew of the libel till after it was printed. The defendant had not been employed in writing or reading any such article, to the best of the witness's belief.

Upon his cross-examination by the ATTORNEY GENERAL, he said, he did not know who was the author of the libel. When asked whether he had not heard his father say whose it was, he asked Lord ELLENBOROUGH if he was bound to answer that question.

Lord ELLENBOROUGH.—Certainly.

The defendant interposed, and Mr. E. LAWES objected to the question.

Lord ELLENBOROUGH refused to hear the Counsel, who, he said, had volunteered himself into a situation perfectly new; and the Court expected that the Bar would set the public an example in preserving the order of justice.

The defendant here complained of injustice; and Lord ELLENBOROUGH cautioned him not to injure himself by such unfounded complaints.

The witness said, he might have heard his father say the libel was written by an elder brother. The libel was never contradicted in the paper, which had changed its proprietor, the witness's brother having become so since his father came to town. The brother conducted the paper while the father was in prison.—Upon his re-examination, he knew that his brother had a discretionary latitude as to articles under the head *London*, as the libel was. Such articles were written the latest in the week, and must be left to an agent's discretion.

The ATTORNEY-GENERAL replied. The objection, he said, as to the supposed error in the information, was altogether ill-founded. The Defendant had not disputed the libel, nor did he deny its pernicious tendency; he only said, "It is not my fault, but the law's." But let the defendant recollect, that the offence he had been guilty of called for the sentence of the law; that he placed himself in Dorchester Gaol; and nothing was more unjust than for him to impute to the law a confinement which he brought upon himself. Having brought himself into prison by one offence, was he to be permitted to send out firebrands, and then say, I am not answerable for the mischief they may occasion? When the Attorney-General asked the witness who was the author of this libel, he knew from the defendant that it was his own son; and from that time to this had no contradiction or disapprobation of it appeared in his paper. This, then, was a mere pretext; or, if not, why did not the very next Sunday produce the antidote to the poison? His Lordship would tell the Jury, that, by law, he who gave his name to the Stamp-office as responsible for a publication, was answerable for every thing that appeared in that publication.

Lord ELLENBOROUGH summed up at some length. The objection made by the defendant, he said, had been wholly removed by the course he had himself taken. It was no defence in law to say that he was not the writer of the libel; he was equally responsible if it were inserted by his authorised agents. He who does a thing by the hands of another, is as responsible as if he had done it himself. If that were not the law, what mischiefs might not every proprietor of a newspaper commit

with impunity? He might employ a machine which should be constantly at work to infect and poison the public mind with his own malignity; his types might be always ready to disseminate libels and calumnies; and yet he himself might shut his eyes, and be determined to see nothing or know nothing of the mischiefs he was doing. He might swear, and get others to swear, that he had never seen the libel for which he was prosecuted. This, however, would not satisfy the law. He would still be responsible for all the mischiefs done either by himself or his authorised agents. This was a doctrine upon which there could be no doubt. The defendant had pressed strongly upon the Jury the length of his imprisonment, and the consequent impossibility of superintending the articles in his paper. It might, however, have been expected, that so long an imprisonment would have served as a caution to him to abstain from the publication of libels. On the contrary, it seemed that he left the management to his son, with a discretionary power to insert whatever he might think proper. If, however, a libel had found its way into a paper which was directly contrary to its usual tenour, and an apology had been speedily made, the case would not then, in all probability, have been selected for prosecution. If the present defendant had really disapproved of the article in question, as he now professes to disapprove of it, why did he not take some means of manifesting his disapprobation in his own paper? As to the defendant's objection, that the indictment had falsely charged him with a criminal intention, the rule which prevailed the criminal as well as the civil law, was, that a man is responsible for the acts of his agents. The law collects the intention from the act itself. If any man with his eyes open were to strike and wound his Lordship with a deadly weapon, it would be no satisfaction to him for the man to say he did not intend it. Such a man would be as mad as the cobbler of Messina, who went about shooting every man whom he thought mischievous to the State. Men must generally be presumed to intend what they do. A man, therefore, who chuses to conduct a newspaper, and sets up somebody else, who circulates libels through its means, must be presumed to intend the circulation of such libels; and he must be considered as having done that which he has so caused to be done. As to Mr. Reeves's case, that stood upon very different ground. The Jury thought the publication of Mr. Reeves a very improper one, but acquitted him on the ground of his not writing it with the criminal intention imputed to him. In this opinion of that publication he entirely coincided. Mr. Reeves had been charged with writing his book with the intention of vilifying the Houses of Lords and Commons; but it appeared to him that he had no such intention; and that what gave offence was nothing but *metaphor run mad*. Mr. Reeves had got hold of a metaphor,—the trunk of a tree; and he called Monarchy that trunk, and the two Houses of Parliament the branches, which might be lopped off without destroying the trunk.—Now, as to the question which of the parts of our Government was the original stem, and which were to be considered the adjuncts, was a question more of antiquarian research than of real importance; and Mr. Reeves was a great antiquary.—As to the law of libel, he did not seek, nor ever had sought, to abridge the privileges which the Constitution gave to Juries. He must say, however, that he could hardly conceive that any sensible man could entertain a doubt but that the article now prosecuted did tend to disgust our soldiers, upon whose valour and good conduct the defence of the country, and every thing dear to us, now mainly depend. He should wish to know by what law it was that the very lowest officer in the State may be protected from calumnies, but that those who fill the highest are to find no similar protection? He by no means wished to abridge the privilege of discussing temperately the measures of any Administration; but such discussion ought to be conducted innocently and decently. To charge the Members of the Administration generally with corruption was clearly libellous; and to do so on an occasion where corruption could not enter, was foolish. It was most evident in the present case, that granting medals to all officers of a certain rank, who had seen a certain service, could not answer any purpose of corruption; and that extending them to

every soldier in the army would have made the distinction of no value. Every soldier participated in the glory of those Commanders under whom he had fought; and we find in history, that all armies have felt themselves honoured with the elevation of the General under whom they have fought. The defendant had also spoken of "the drooping energies and wasted resources of this country." His Lordship would wish to know, for what period of time the energies of the people of this country have been declining? Was it during the career of Lord Nelson's victories?—was it when Captain Hoste lately conquered in the Mediterranean a hostile force of double the number?—or was it the other day, when he himself heard with his own ears the cannon of our cruizers that repulsed Bonaparte's flotilla under the eyes of that great commander, and took one of his praams? The telling the army that they were insulted by their Government appeared to him a libel of the most dangerous tendency; and the calumnies against the Members of the Government were equally libellous. Character is of the utmost importance to every man in high trust; and those in the highest situation have a right to the protection of their characters from those coarse, brutal, and calumnious misrepresentations which were so often poured out against them. The principal danger of those foul calumnies was, that it was apt to make men callous to public censure, and to generate a sort of indifference as to any thing which might be published with respect to their public conduct. In this manner the abuse of the press prevented that public good which might be expected from the fair exercise of it. To tell the army "they were insulted," appeared clearly to him to be a dangerous libel; and from this commiseration of the situation of the English soldiers, the writer (as is the custom in such articles) proceeds to compliment Bonaparte.—"With him, merit is always rewarded, and the situation of the soldier attended to." He could not conceive what greater mischiefs the emissaries of Bonaparte (if there are any in this country) could do, than disseminate such doctrines among our soldiers. He knew that it was within the province of the Jury to determine on the whole of the case; but it was his duty also, to state to them his opinion of the article before them; and that opinion was clearly that it was a libel. If the Jury coincided in that opinion, they would of course find the defendant guilty.

The trial lasted from nine o'clock in the morning till one in the afternoon. The Jury retired from the box immediately that Lord ELLESBOROUGH had concluded his charge, and continued in consultation till five o'clock. At about half-past four, his Lordship left the Court, and at five o'clock the Jury brought in a verdict of *Guilty*, but recommended the defendant to mercy, on account of his absence from the scene of his business. This verdict, Mr. LOWTEX declined to receive, when the Jury again retired, and shortly after returned with a verdict of *Not Guilty*.

OLD BAILEY.

Friday, Thomas Waters was indicted for the wilful murder of Henry Griffin, a child two years old, at Somers-town. It appeared that the prisoner was driving a coal-waggon through Wilsden-street, when the child was crossing the street, a very few yards before the horses. The prisoner was on the shaft, with his back turned to the horse, talking to a woman then riding on the fore part of the waggon. One of the fore wheels passed over his thigh, which it fractured in a desperate way. The prisoner jumped from the shaft—appeared much concerned for what had happened—said he should make any amends to the child's parents, and even pay for his maintenance if it survived. The child died in a fortnight afterwards.—The Jury found him guilty of manslaughter.

James Hughes, aged 26, was capitally convicted of a criminal assault on Susan Bratchard, aged 23.—It appeared that she was servant to a Mrs. Oliver, of Winchmore-hill, and with the leave of her mistress, she went in the afternoon to the last Edmonton Fair. Walking about there, she met with her brother-in-law, in company with the prisoner, who was coachman

to Mr. Bacon. After leaving the show, she proposed to go home by the highroad; but the prisoner said he would take her by a path through the fields, a nearer way. Suspecting no harm, she went with him, and at the end of three-quarters of a mile, he forcibly effected his purpose.—The Jury, after having retired for three-quarters of an hour, found the prisoner Guilty, but recommended him to mercy, on account of the good character given him by several witnesses.

ACCIDENTS, OFFENCES, &c.

The female who was found in the buildings at Pimlico, about whom so much sympathy has been excited, turns out to be the cast-off mistress of a Capt. M. She lately was an Irish barrow-woman, and none of the sisterhood excel her in St. Giles's rhetoric.—*Times*.

Thursday afternoon, as a post chariot, in which were a gentleman and lady, with two children, was travelling towards London at a quick rate, the vehicle was met by a cart turning out of a lane, in the Fulham road, and was upset with such violence that it was smashed to pieces. Not one of the passengers escaped unhurt, a fine boy about five years old had his leg broke and shoulder dislocated, besides other bruises, which renders his recovery very doubtful. The lady was severely wounded in the face, and the other two sustained considerable injury.

Late on Saturday night, or early on Sunday morning, the house of Mr. Stephenson, the banker, in Great Ormond-street, was broke open, and robbed of silver plate to the value of between 5 and 600*l*. The robbers left behind them an iron crow, a centre-bit, a gimblet, and turn-screw. They entered by the back of the house, and in a way which is rather mysterious, as the house is surrounded in a square of streets, so that the thieves must have come from a house, either in Ormond-street, Powis-place, Guildford-street, or Queen-square.—Townsend, and some other Bow-street officers, attended there on Monday. They were of opinion it was done by old thieves, and that it was a *put-up* robbery; meaning, that the thieves had been informed by some person where the property was, as it was kept in a very concealed and secure place.

Wednesday night, about half-past eleven o'clock, as Mr. James Palmer, of Queen's-row, Pimlico, was passing through Charles-street, St. James's-square, he was stopped by four stout men, who knocked him down, and robbed him of a pocket-book, which was in his inside coat-pocket, containing two bank notes for 5*l* each, and one for 1*l*, a promissory note, and other papers, with which the villains made their escape, running across St. James's-square.

On Wednesday evening, about nine o'clock, as Mr. Thomas, linen-draper, in the Borough, was going along High-street, he was hustled by two or three shabby-looking fellows, and immediately a man, apparently passing by, seized him, and charged him with attempting to pick his pocket. A gentleman fortunately coming up at the time, who knew Mr. Thomas, the person on being told who he was, loosed his hold and apologized to him. The hustlers in the mean time were gone, and Mr. Thomas soon after discovered that his watch, and his pocket-book, in which were notes to the amount of 20*l*., were gone also.

On Friday week, early in the morning, the house of Dr. Saunders, of Russell-square, was robbed of plate and other articles.—On the same morning an adjoining house was robbed by the same persons; they were traced from an unfinished house in Montague-place, which afforded them a ladder, by which they entered both houses.—Another house in Russell-square, about two months ago, was robbed.

DEATHS.

On Wednesday, after two days illness, — Hughan, Esq. M. P. Mrs. Hughan was brought to bed during the fatal illness of her husband. They had not been married a year.

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