

# THE EXAMINER.

No. 83 SUNDAY, JULY 30, 1809

## THE POLITICAL EXAMINER.

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

No. 83.

### NEWSPAPER PRINCIPLE.

I do not know, whether the present wretched state of the Journals is a satire or a panegyric upon the good sense of the nation. If on the one hand, it is surprising how people can tolerate them; on the other, it may be matter of congratulation, that party can find no better advocates; and we should recollect, that one of the natural consequences of war in these times, is an overflow of miserable papers, which take advantage of our curiosity for news to pursue the worst ends of party and profit. Those who are acquainted with the private history of these publications, well know how to despise them; but as the public in general have not this advantage, I have thought it prudent to present them with an explanation or two on the subject, that worthy persons may no longer be less informed than a printer's devil, or become objects of pity to the sagacious company of newsmen:

When a person wishes to establish a daily paper, he looks about for a set of patrons; and as the state for years past has been divided into Pittite and Foxite, it has hitherto been the custom to apply to one or other of these parties for their custom and recommendation: the choice was determined in some small measure by inclination; but principally by connection and chance, and from that moment the fidelity of the proprietor to his employers was to be altered by no change either of measures, or ministers, or public opinion,—in short, by no change but one,—that of private interest. As the fidelity therefore was too willfully blind to the errors of its party to get a character for disinterestedness, so the alteration was too sudden and violent to do away the character for selfishness; and in every change, whether of interest or of proprietor, the alteration regarded nothing but the objects of praise or blame: there was no change in obstinacy, in scurrility, and in want of principle: the dog had altered his cry or his master, but he would still go any length and fetch and carry any rubbish for the sake of a picking; he was still a servile and a selfish beast. Such have been the origin and the system of the leading papers for the last forty years; and such is their general conduct at present. When people fancy they are reading the real opinions, and gaining by the experience, of the periodical writers, they little imagine that the writers have nothing to do with the matter; that it is the profits only, and not the opinions, which belong to the proprietor and his hirelings; and that the men who are the constant praise of the writer, are in point of

fact, the writers of the praise. When these gentlemen are in place, their paper abuses every body out of place, aggrandizes our successes by sea and land, makes light of our disasters, and enjoys in return the publication of the Government advertisements, and the first fruits of what is called official intelligence, that is, the first chit-chat about plans which are probably never put in execution; the power of uttering falsehoods "upon authority;" and the means of delaying the publication of "unpleasant" foreign intelligence:—when the patrons are out of place, the paper abuses every body in place, aggrandizes our disasters by sea and land, makes light of our successes, and acts altogether the part of a *political Methodist*, sending every body who differs with it to the devil, and denying that there is any salvation for the world, except in the adoption of its own opinions. People read this positive disputation, they hear of the great circulation of the papers, and imagine that it is owing to the mere force of the politics: this is a great mistake: the curiosity of the quidnuncs does much for a daily paper, but advertisements do a great deal more, and the display of politics is nothing but an advantage taken of the sale of these advertisements. The reader will hardly suppose; but it is nevertheless very true, that one or two of the principal daily papers would not be able to proceed at all; but for these public-spirited paragraphs. It is the eloquence, not of the politician, but of the perruquier, the *Money-lender* and the *Quack-doctor*, which keeps their patriotic energies in motion; and the indiscriminate eagerness with which such advertisers are welcomed is of itself a sufficient proof of the insufficiency and profligacy of these national politicians. Advertisers not only fill up a quantity of room, but furnish them with money and with readers: if the Pittites or Foxites ever owed any thing to their respective newspapers, they should have thanked Mr. ROSS, Mr. KING, Dr. SOLOMON, and the other regular puffers, who give them their currency:—at the back of a bitter invective against those who "palsy the country's energies," you shall find all sorts of diseases fixed upon you "between the hours of 12 and 1;" behind a philippic upon Mr. WARBLE's treatment of Mrs. CLARKE, will be an assignation with "the Lady signed X. Q.;"—and at the bottom of a paragraph respecting the Secret Expedition, you shall be entrusted with "the Grand Arcanum, equally safe and expeditious." Thus, to mount up philosophically to first causes, and to trace the services of the newspapers to their real means, it will easily be seen of what use the Money-lenders have been to my Lord CASTLEREAGH, how much Mr. PERCYVAL is indebted to all sorts of quackery, and what great good has arisen to the nation from the quantity of those who "Want Places:" and upon this principle, there cannot be a more public-spirited character, and one who contributes more to

the strength of the nation, than the aforesaid Dr. Solomon; or a Patriot more impartial and disinterested than the egregious Mr. HARE, who for years past has been dispensing his favours to all parties and mixing his mole's fur with beaver "in consequence of the very great complaint of late of the bad quality of hats."—In fine, there is scarcely a single daily paper, which if stripped of it's advertisements, would be able to keep itself alive upon the strength of it's present style: and on this account, a new print which to the usual advantages mechanical and pecuniary, should unite a sound original style of thinking and writing, would leave all it's cotemporaries behind in a very short time. This too would beget an emulation, as the *Edinburgh Review* has already done with the Reviews; for in the present state of Newspapers, the same causes of circulation have produced pretty nearly the same effect upon all party intelligencers, and the Leading Article, as it is called, fortified by rumours and advertisements, is dismissed with as much carelessness, or with as much ignorance of style, as if it were to be read no where but in the alehouse or the court. The most independent papers, the *Times* and *Statesman* for instance, are written with the best spirit, and the public will be pleased to hear that in proportion to their independence they have risen and hurt their rivals. But the Saturday and Sunday papers, which are not exposed to the same corruption as the daily, particularly the *Political Register* and the *Weekly Messenger*, excel every one of them in every respect. The Proprietor of a daily paper would as soon think of getting money by sheer independence, as he would of writing an article for the love of good letters or of literary morals. And here again must come the inevitable recurrence to the necessity of uniting private and public virtue; not that I mean to say, that these men really possess public virtue, but that some of them, while they make a shew of possessing it, do not hesitate to practise an utter contempt for all decencies of a private nature. Mr. COBBETT has been attacked for his low origin and his coarse manners: his low origin does honour to his elevation in the scale of politicians; and it is great pity that his coarse manners are left to give his antagonists the least weight in so wretched a charge; but if the public knew the origin and habits of the founders or writers of some other papers, they would not know how to admire sufficiently the impudence of such accusers. It cannot but be acknowledged, that one great cause of Mr. COBBETT's success is the forcible style of his writing and thinking; but shew me a single Proprietor of a Daily Paper who has succeeded upon any such ground: Mr. COBBETT has had neither place, pension, nor other connection with ruling men, but shew me the Daily Paper of any notoriety, that is free from such charges. Mr. COBBETT swears, and is otherwise vulgar, and so far wants the habits of a gentleman; but from what I can learn, he neither games, nor drinks, nor passes his leisure in the vilest company, like many of his brother Proprietors and Editors: these men are of the true rabble of stage-

players, who after declaiming about their Country and their God, retire to their tap-room, their oaths, and their contempt of morals, as if neither Country nor God existed. There is a scribbler about town at this minute, who thinks himself qualified to talk about virtue and to call those who differ with him all the rascals of ancient and modern time—and yet, all the while, this fellow is leading a scandalous life with one of the most notorious prostitutes in England. The infamy of his pen does not render it necessary to publish his name, and indeed I am unwilling to pollute these pages with it, or to deny him in his misfortunes any reserve that may help him to oblivion: his Paper, like his genius, goes downwards; and why will he persist in struggling against the bent of his talent and the forbearance of decent men?

Such are Party Papers and their connexions, laughable when they talk of their virtue, and despicable when they inveigh against that of others. For the proofs of their boasted talent they show you wretched common-place; for proofs of their principle, a contempt of all candour and dignity; and when they boast of their "character for truth," you may believe them just so far—that whenever they do boast of it, their character gives them the lie.

(To be continued and concluded next week.)

FOREIGN INTELLIGENCE.

TWENTY-SEVENTH BULLETIN OF THE FRENCH GRAND ARMY, Znaim, July 12.

On the 10th the Duke of Rivoli beat the enemy's rear-guard before Hollabrunn.

At noon on the same day, the Duke of Ragusa, who had arrived on the heights of Znaim, saw the enemy's baggage and artillery filing off towards Bohemia. Gen. Bellegarde wrote to him that Prince John of Lichtenstein would repair to the Emperor with a mission from his Master, for the purpose of treating for Peace; and in consequence desired a suspension of arms. The Duke of Ragusa replied, that it was not in his power to accede to such a proposition; but that he would acquaint the Emperor with it. Meanwhile he attacked the enemy, took from him an excellent position, made some prisoners, and took two colours.

On the morning of the same day, the Duke of Auerstadt had passed the Taya, opposite Nicolsbourg, and Gen. Grouchy had beaten Prince Rosenberg's rear, taking 450 men of Prince Charles' regiment.

At noon on the 11th inst., the Emperor arrived opposite Znaim. The battle had begun. The Duke of Ragusa had attacked the town; and the Duke of Rivoli had taken the bridge, and had occupied the tobacco manufactory. In the different engagements this day, we had taken 3000 men, two colours, and three pieces of cannon. The General of Brigade Bruyere, an officer of very great promise, has been wounded. The General of Brigade Guiton, made a fine charge with the tenth cuirassiers.

The Emperor, informed that Prince John of Lichtenstein, who had been sent to him, was arrived within our posts, ordered the fire to cease. The annexed Armistice was signed at midnight, at the Prince of Neufchatel's. The Prince of Lichtenstein was presented to the Emperor in his tent, at two o'clock in the morning.

SUSPENSION OF ARMS BETWEEN HIS MAJESTY THE EMPEROR OF THE FRENCH AND KING OF ITALY, AND HIS MAJESTY THE EMPEROR OF AUSTRIA.

ART. I. There shall be a suspension of arms between the

armies of his Majesty the Emperor of the French, King of Italy, and of his Majesty the Emperor of Austria.

II. The line of demarcation shall be on the side of Upper Austria, the frontier which separates Austria from Bohemia, the Circle of Znaim, that of Brunn, and a line drawn from the frontier of Moravia upon Raab, which shall begin at the point where the frontier of the circle of Brunn touches the March, and descending the March to its conflux with the Taya; from thence to St. Johann and the road to Presbourg; Presbourg and a league round the town; the great Danube to the mouth of the Raab; the Raab to the frontiers of Stiria; Stiria, Carniola, Istria, and Fiume.

III. The citadels of Brunn and of Gratz shall be evacuated immediately on the signing of the present Armistice.

IV. The detachments of Austrian troops which are in the Tyrol and the Vorarlberg, shall evacuate those two countries, and the fort of Sachsenbourg shall be given up to the French troops.

V. The magazines of provisions and clothes, which shall be found in the countries to be evacuated by the Austrian army, and which belong to it, may be emptied.

VI. In relation to Poland, the two armies shall take the line which they at present occupy.

VII. The present suspension of arms shall continue for a month, and fifteen days notice shall be given before hostilities shall re-commence.

VIII. Commissaries on either side shall be named for the execution of the present articles.

IX. From to-morrow, the 13th, the Austrian troops shall begin their evacuation of the countries marked out by the suspension of arms, and shall retire by daily marches.

The fort of Brunn shall be given up to the French army on the 14th of July, that of Gratz on the 16th.

Made and concluded between us the Undersigned, charged with full powers from our respective Sovereigns, the Prince of NEUFCHÂTEL, Major-General of the French Army, and M. Baron WIMPFEN, Major-General of the Etat-Major of the Austrian Army, at the camp before Znaim, July 12, 1809.

TWENTY-EIGHTH BULLETIN OF THE FRENCH GRAND ARMY.  
Vienna, July 14.

The Danube has risen six feet. The bridges of boats which had been constructed before Vienna, since the battle of Wagram have been broken by the effects of this rise; but the bridges at Ebersdorf are solid and permanent; none of them have suffered. Those bridges, and the works of the Island of Lobau, are the admiration of the military persons of Austria. They avow that such works are without example since the time of the Romans.

The Archduke Charles having sent Major-Gen. Weissenvof to compliment the Emperor, and since that, the Baron de Wimpfen and Prince John of Lichtenstein having come upon the same courteous errand in his name, his Majesty has thought proper to send to the Archduke, the Duke of Friuli, Grand Marshal of the Palace, who found him at Budweis, and passed part of yesterday at his head-quarters.

The Emperor left his camp at Znaim yesterday, at nine o'clock in the morning, and arrived at the Palace at Schoenbrunn at three in the afternoon. His Majesty has visited the environs of the village of Spitz, which forms the tete-de-pont of Vienna. Gen. Bertrand has been charged with the execution of different works, which must be marked out and begun this day. The bridge of piles at Vienna will be re-established with the least delay possible.

His Majesty has named as Marshals of the Empire, General Oudinot, the Duke of Ragusa, and Gen. Maedonald. The number of Marshals was eleven; this nomination will make it fourteen. There still remains two vacancies. The places of Colonel-General of the Swiss, and Colonel-General of the Chasseurs, are also vacant. The Colonel-General of the Chasseurs, according to our Constitution; a Grand Officer of the Empire.

His Majesty has testified his satisfaction with the manner in

which the Surgery has been served, and particularly with the services of the principal surgeon Heurteloup.

His Majesty passing through the field of battle on the 7th, caused a great number of the wounded to be taken off; and left there the Duke of Friuli, Grand Marshal of the Palace, who remained there all day. The number of wounded Austrians in our hands amounts to 12 or 13,000. The Austrians have had 19 Generals killed or wounded. It has been remarked as a singular fact, that most of the French officers, whether of old France or of the new Provinces, who were in the Austrian service, have perished.

Several Couriers have been intercepted; and among their letters has been found a regular correspondence of Gentz with Count Stadion. The influence of this wretch in the leading determination of the Austrian Cabinet, is hereby materially proved. Such are the instruments which England employs, like a new Pandora's box, to raise storms and spread poisons on the Continent.

The Duke of Rivoli's corps encamps in the Circle of Znaim; that of the Duke of Auerstadt in the Circle of Brunn; that of the Duke of Ragusa in the Circle of Korn-Neubourg; that of Marshal Oudinot before Vienna, at Spitz; that of the Viceroy on Presbourg and Gratz. The Imperial Guard returns to the environs of Schoenbrunn. The harvest is very fine, and abundant every where. The army is cantoned in a beautiful country, rich in provisions of all kinds, wine particularly.

AUSTRIAN BULLETIN.

The enemy, after a severe battle, at last succeeded in causing the left wing, which was at Margroff Neusiedel, to retreat; but the right wing had defeated the enemy, and taken several eagles and 10 cannon, besides some of the enemy's Generals and many privates. As the current of victory has been suspended, his Imperial-Highness caused the army to fall back in the best order in the road to Znaim, whither they proceeded without being disturbed by the enemy, to take a position behind the Besamberg.

PROCLAMATION.

His Majesty the Emperor and King has been most graciously pleased to communicate to me the following intelligence on the late military operations on the Danube, and directed me provisionally to make it known to the public.

The right wing of our army, which had completely routed the enemy, and driven him to the very last line of communication, took on that occasion several eagles and pieces of cannon, and made several thousand of the enemy's troops and some Generals prisoners of war, was checked in its victorious career in consequence of the enemy's having at length succeeded, after two days hard fighting, to turn the left wing of our army near Marekgrafen Neusiedel, and compelled it to retreat.

The Archduke Generalissimo conducted accordingly the army in the best order to the road of Znaim, on the 6th in the evening, where our army, without being in the least molested by the enemy, took a position near Mount Zisam. A detailed account of this battle, which cost us much less than that of Aspern, is to follow as soon as possible. In this position, when the grand Imperial Royal Army is perfectly able effectually to oppose the enemy, his irruption into this province is not probable; but should this case happen, I implicitly rely on the zeal and courage of the inhabitants of this city, who on so many occasions have displayed the most convincing proofs of their manly conduct and unwearied readiness to prosecute and support the measures adopted by myself and States of the Country, that they will conduct themselves as becomes good and loyal citizens, at the same time, satisfying the demands of the enemy with order, and without opposition, agreeably to the arrangement, which in that case I shall deem it my duty to make. I am strictly charged by his Imperial Majesty, in no case whatever to abandon this city, and to endeavour, by all possible means, to alleviate the sufferings which may await the inhabitants, in case of a hostile invasion; and I will discharge

in a manner to entitle me to the confidence of the worthy inhabitants of this city.

Znaim, July 8, 1809.

PROKOP, Count LAZANTZKY,  
Governor of Moravia and Silesia.

WARSAW, JULY 10.—The general orders issued at the Polish head-quarters at Pulaway contain the following:—His Majesty the Emperor Napoleon has commissioned Prince Poniatowski to express his entire satisfaction with the brave Polish army. Prince Poniatowski received orders to take possession of all Galicia, in the name of the Emperor of France, until the re-establishment of peace; and to place the French Eagle in the room of the Austrian Eagle. All the civil magistrates of Galicia are to administer their functions in the name of the Emperor Napoleon; and take the oath of fidelity to him. The Polish army now forming is to be organized on the French footing; and receive French pay.

### PROVINCIAL INTELLIGENCE.

#### ASSIZES.

YORK.—David Pardon, jun. of Beverly, butcher, was charged with the wilful murder of Robert Gardener, of the same place, on the 10th of April last; by stabbing him in the side with a knife. This trial excited much interest; the prisoner was much respected, and the particular circumstance under which the deceased came by his death, powerfully interested the feelings of the Court in his favour. It appeared that the deceased was suspected by the prisoner, and not without sufficient reason, of a criminal intercourse with his wife. A few minutes before this unfortunate event took place, he found his wife, at a very unseasonable hour, in company with the deceased, in the street, which so irritated him, that he declared he would stab him, if ever he came into his house or premises. The deceased unfortunately persisted in accompanying the woman into the house, and the prisoner immediately said to the deceased, "D—n you, Gardener, I will stab you; you have huddled my wife in the street," and immediately made a thrust at him with a knife he had snatched from the table, and wounded him mortally. The unfortunate man languished until the 16th of April, and then expired. Previous to his death he admitted that the suspicions of the prisoner were well-founded. The JUDGE said, that if a man should kill another in the act of a criminal intercourse with his wife, it would not be murder, but manslaughter; but if a person who had received such injury should deliberately contrive the death of the person who had so injured him, it would doubtless be murder; his Lordship, however, thought, that any circumstances which fell short of the actual crime, and yet should strictly indicate such an intention, might come within the meaning of the law. The Jury, without a moment's deliberation, acquitted the prisoner of the murder, and found him guilty of manslaughter only, to the satisfaction of a very crowded Court.

NOTTINGHAM.—James Wilkinson was arraigned for having uttered two forged Leicester bank notes. A whole family were involved in the charge—a father, mother, son, and daughter. James Wilkinson was the son, and he pleaded guilty. The Learned Judge very humanely placed before the prisoner the futility of any hope he might derive from this conduct. The unfortunate man persisted in pleading guilty, although repeatedly admonished to consider the awful consequences. The prisoner seemed occupied only by the most sincere conviction. He said he was guilty of uttering the notes, although not of the forgery; and he could not, in conscience, do otherwise than plead guilty. He was, after a considerable time thus elapsed, withdrawn from the bar, and John Wilkinson (the father) was arraigned. He pleaded not guilty; Mr. Serjeant VATHAN stated the case. The prisoner was charged with being an accessory before the fact to the uttering of these notes, knowing them to be forged, and being concerned and connected with the

persons who did utter them, and being interested in the profit arising from the said uttering. Wilkinson, the son, on the 20th of May, gave two of the notes to Mr. Hartwell, a watchmaker, of Nottingham, in payment for a watch; and on being asked for his address, wrote—James Wilkinson, Loughborough. The young man, however, lived in Lancashire, and the father in Cheshire. The prisoner at the bar, it seems, sent some time back for his son, and gave him 250 of one pound forged notes to circulate. James Wilkinson first uttered some of them at Derby, and then passed about fifteen of them in Nottingham. The forgery being discovered, the parties were apprehended; most of the property obtained for the forged notes was found on the premises of the father; and 90 of the forged notes were found in a road, near the prisoner's house; and on his being examined, he denied having been at Birmingham, and it would be proved that he had been there a little previous to this transaction. The prisoner had acted with peculiar caution throughout the whole affair, to escape danger himself; but it would be found that he was the contriver and promoter of this scheme of plunder, in which he had involved his whole family. This being the case against the prisoner at the bar, Sir SIMON LÉ BLANC said, he had listened with attention to discover if the indictment could be supported, but there was nothing in this case to bring the charges home to the present prisoner. He must, therefore, instruct the Jury to acquit the prisoner. This was accordingly done.—The mother and daughter were then put to the bar. Both wept bitterly, and the poor old woman frequently pressed the hand of her daughter, with an expression of indescribable anguish. The former pleaded guilty, but was prevailed on by the JUDGE to take the chance of a trial. At this instant Mr. Serjeant VATHAN said, he was instructed by the prosecutors to state, that this was no vindictive prosecution on their part; they only wished to establish one case, and that was in justice to themselves and the public. This being done, they had relieved him (the Learned Serjeant) from the painful necessity of pursuing this melancholy transaction any further, and no witnesses would be produced against the prisoners at the bar. James Wilkinson was now brought up to receive judgment. Never, perhaps, was a Court agitated by more awful sensations. The penitence of the young man, his condition, and the knowledge of the nature of the connection which brought him there, naturally excited those sensations.—The Learned JUDGE passed sentence with a solemnity correspondent with the general feeling. Having remarked upon the nature of the offence, and certainty that it must prove the path of ruin to the offender—his Lordship adverted in a very pathetic manner to the origin of the prisoner's present calamity. If, he said, there was present in Court a person whose sacred duty it was to educate the prisoner in principles that might have saved him from this crime, that ought to have preserved his footsteps from error, but who was himself the tempter, and had led him into this path of destruction—if, in a word, there was present in Court a parent who had himself brought his son to receive the extreme sentence of the law, his situation was more deplorable than that of the prisoner, and his feelings must be more acute. The prisoner must prepare himself to suffer the extreme sentence of the law, which it was his duty to pronounce. The Learned Judge then passed sentence of death on the prisoner, in a tone of voice that justly expressed the painful nature of his duty on this occasion. The prisoner's tears flowed rapidly. There was, notwithstanding, an expression of patience and resignation in his countenance that rendered his fate still more to be lamented. The deportment and conduct of the father, present all the time, was a strong contrast to all this.—What a scene! It will be long ere its effect be lost in that place. A petition was handed to his Lordship, who said he would peruse it with attention.

STAFFORD.—SEDUCTION.—CLARKE v. RAILSTONE.—This was an action brought by Mr. Thomas Clarke, of Wolverhampton, against Mr. Thomas Railstone, of the same place, to recover damages for the seduction of the plaintiff's daughter.—

The principal circumstances, as given in evidence by the daughter, who is between 18 and 19 years of age, were, that

the defendant, a near neighbour of the plaintiff, became acquainted with her in consequence of her visits to Hannah Taylor, who resided with the defendant as a servant. It appeared that the defendant's wife had eloped with Col. Bedingfield, for which he had received from the Colonel 1000*l.* damages; and the defendant, in order to insinuate himself into the good graces of the young lady, represented himself as willing to marry her at the death of his wife, which he stated as likely to happen very shortly. By these promises he seduced her. After the seduction had taken place, she was desirous of giving up the connection, but was induced to renew it in consequence of the defendant threatening to make her sister and a person of the name of Ellis, who paid his addresses to her, acquainted with her conduct, unless she repeated her visits. The consequence was, that she did repeat them and proved with child. She afterwards went to her friends at Birmingham, who applied to the defendant to give his bond, engaging to marry her at the death of his wife, which he refused to do. Another witness was called, to prove the refusal of the defendant to enter into any engagement to marry the girl after his wife's death; and that he had admitted that he was much to be blamed.

Mr. JENVIS addressed the Jury on behalf of the defendant, particularly adverting to the improper acquaintance of the plaintiff's daughter with Hannah Taylor, whom he stated to be an unfit person for her to associate with; to the neglect of the plaintiff in giving his daughter a religious education; and his suffering her to visit the defendant, whom he knew to be a married man, having separated from his wife.

The JUDGE, in summing up, observed that there was no evidence to shew that the plaintiff was acquainted with the defendant's attentions to his daughter; and he gave it as his opinion, that the girl's mind was not debauched previously to her seduction by the defendant; and that it by no means appeared that her father had neglected her religious education.

The Jury consulted for a few minutes, and returned a verdict for 300*l.*

There were many curious circumstances which were brought forward at this trial. The Counsel for the defendant attempted to shew that it was a custom in Wolverhampton for women to be taken on leases, and that the plaintiff had offered his daughter to the defendant on these terms. This, however, was not proved. Miss Clarke appeared an interesting and well-dressed girl, and gave her deposition in tears.

LINCOLN.—On Monday *Ann Gibson*, the wife of Joseph Gibson, of Torksey, farmer, was indicted for the murder of her daughter, three years of age, on the 6th of April last. Joseph Newby deposed, that he lived as servant with Mr. Gibson; that his master had four children; he remembered that on Thursday, the 6th of April, about nine o'clock in the morning, he heard a child scream, as if distressed, and thought the sound proceeded from a well near the house; he looked in, and saw two of his master's children in the water, upon their backs; the well was eight yards deep to the water, and four yards more in the water; both the children were alive and floating, when he discovered them; a person of the name of Mary Noble, who had been employed in the house, came to him, with a view of assisting to save the children, and she let down the bucket a little way, when suddenly she perceived Mrs. Gibson, the prisoner, run to throw herself into a pond; whereupon she let go the windlass, and the bucket falling down upon one of the children, struck it on the head; the witness afterwards descended, and recovered both the children from the water; but one of them, Ann, three years old, was dead, he had no doubt in consequence of being struck by the bucket, as there was a strong mark on her forehead; but he could not tell whether her skull was fractured or not.

The JUDGE here said, the death of the child was clearly not caused by drowning and suffocation, in consequence of being thrown into the well by the mother, as stated by the Inquisition: but was occasioned, however unintentionally, by Mary Noble letting the bucket descend with velocity when she ran from the well to take care of her mistress; the indictment,

therefore, was defective. The Jury accordingly acquitted the prisoner.

*Jane Pygot*, charged with the murder of her infant son, a year old, by drowning him in a pond, was satisfactorily proved to be subject to fits, and to have been insane at the time of the melancholy catastrophe. She was therefore ordered to be imprisoned during his Majesty's pleasure. The wretched woman, it appeared by the evidence, took her two children from her home, and proceeded to a ditch, or pond, some distance in the fen, where she attempted to drown both them and herself; and when taken from the water, they all appeared to be dead; the woman and one of the children, however, were recovered.

HERTFORD, — JULY 24. — At these Assizes there was only one case of importance, which related to the right of Fox-hunting.

THE EARL OF ESSEX v. THE HON. AND REV. — CAPEL.

This was an action of trespass, in which the Noble Earl complained that the defendant (who is his brother), in company with divers other persons, entered the Park of Cashobury, with horses and dogs, and destroyed his herbage, and broke down his fences. To this the defendant pleaded, that he had started a destructive animal called a fox, and that he was in pursuit of him, as the most effectual way to kill him. To this plea the plaintiff had replied, that the trespass was not committed with a view of killing the animal, but for the pleasure of the chase.

Mr. Serjeant SHEPHERD said, the defendants were Members of the Berkeley Hunt, who kept a subscription pack of hounds, and they claimed the right of pursuing their game over every man's inclosure; and as Mr. Capel put himself at the head of this Club, the Noble Earl brought the action against him as the most prominent person of the party. The Jury, without doubt, knew, that, in the neighbourhood of Cashobury, land was divided into much smaller divisions than it was in more remote parts of England, and was also in a much higher state of cultivation. There were gentlemen's plantations, nursery-grounds, garden-grounds, and small farms, of high cultivation, yet all the property of these persons would be at the mercy of a mob of London huntsmen, joining a subscription pack of hounds, if the law were to be as it would be contended on the other side. He would submit it to the Jury, whether the plea of the defendant was not perfectly ridiculous. He fancied there were many more effectual remedies for destroying foxes than by hunting them with a large field of sportsmen. — Among the members of the Berkeley Hunt there were several clergymen, who descended from their pulpits—bankers, who left their shops in London—and brewers, abandoning large concerns—all, as they would fain persuade the good people of Hertfordshire, for the patriotic motive of destroying these noxious animals, the foxes, in this country. But he would ask the Jury this question: supposing any rustic should shoot one of these foxes while the hunt was in full pursuit, though that would be a far more effectual method of destroying the animal, did they not believe that such a man would meet with *lenten entertainment* from the members of the hunt? — The doubt was, whether he would not meet with a good horse-whipping for his pains. He should clearly prove the trespasses; and as to the question of damages, it was not the wish of the Noble Lord either to put money in his own pocket, or take it from his brother; all he asked were nominal damages, to settle the question of law.

Two witnesses were then called, who proved the facts of the Berkeley Hunt, with a subscription pack, frequently during the season, hunting over the estate of the Noble plaintiff; and Mr. Hollingshead, the plaintiff's keeper, proved that the defendant had desired him not to destroy the foxes.

Lord ELLENBOROUGH said, it was useless to go further in this case. The only question on the record was, whether the defendant had the game with the sole view of exterminating noxious animals, with the desire of sportsmen. And could any man enter the subject? It was said in the old cases, that destroying noxious animals was justifiable for the benefit of the common weal; would that author-

total disregard to the interests of the landed proprietor? Indeed, the case would not bear argument; no man could for a moment suppose that the defendants had any thing but their own pleasures in view.

The Jury found a verdict for the plaintiff—Damages One Shilling, which carries costs, as there was a justification. It was agreed to take similar verdicts in the other actions.

### TUESDAY'S LONDON GAZETTE.

#### BANKRUPTCIES ENLARGED.

- H. Nordish, Meopham, Kent, butcher, from July 29 to September 9.  
A. McCulloch, Upper Grosvenor-street, navy-agent, from Aug. 8, to Aug. 29.

#### BANKRUPTS.

- J. Hawksley, Arnold, Nottinghamshire, merchant. Attornies, Messrs. Seymour and Co. Margaret-street, Cavendish-square.  
R. Swain, Liverpool, confectioner. Attorney, Mr. Blackstock, St. Mildred's-court, Poultry.  
T. Dixon, Bath, ginaman. Attornies, Messrs. Shephard and Adlington, Bedford-row.  
J. Russell, Altham-Mills, Lancashire, miller. Attorney, Mr. Battye, Chancery-lane.  
T. Hart, Bristol, wharfinger. Attorney, Mr. James, Gray's-Inn-square.  
C. Purcell, Lymsham, Somersetshire, coal-merchant. Attornies, Messrs. Blakes, Cook's-court, Carey-street.  
S. T. Custins, Bishopsgate-street, glover. Attorney, Mr. Barrow, Threadneedle-street.  
T. Newstead and J. O. Cooke, Kingston-upon-Hull, soap-manufacturers. Attornies, Messrs. Exley and Stocker, Furnival's Inn.  
G. W. Landbeck, Old Bethlem, broker. Attorney, Mr. Wilson, Devonshire-street, Bishopsgate-street.

#### CERTIFICATES—AUG. 15.

- J. Moore, Manchester, cheesemonger.—H. Holland, Dawlish, Devon, brick-maker.—J. Munn, Market-street, Hertford, straw hat manufacturer.—W. Wells, Boston, Lincoln, grocer.—J. Fell, Whitby, York, rope-maker.—R. At Hullah, Moorfields, auctioneer.—W. L. T. Robins, Bartlett's-buildings, Holborn, scrivener.—T. Sherratt, Birmingham, carrier.—T. Stokes, Tookay-street, cabinet-maker.—J. Harris, Rathbone-place, goldsmith.

### SATURDAY'S LONDON GAZETTE.

This Gazette contains an account of the capture of the French schooner *Le Beau Narcisse*, of 8 guns and 55 men, by the Moselle sloop, Capt. Boys.

#### BANKRUPTS.

- W. Foxall, Edmonton, coach-master. Attornies, Messrs. Phillipson and Brewer, Staple's Inn.  
R. C. Bury, Salford, Lancashire, merchant. Attorney, Mr. Hewitt, Manchester.  
J. Mitchell, New Sleaford, Lincolnshire, grocer. Attorney, Mr. Cope, Boston.  
J. Gough, Exeter, dealer. Attorney, Mr. Pidsley, Exeter.  
W. Ratcliffe, Exeter, baker. Attorney, Mr. Bowring, Exeter.  
J. Anderson, Cannon-street, merchant. Attornies, Messrs. Swain, Steyens, and Co. Old Jewry.  
W. Blackburn, Aldersgate-street, London, watch spring-maker. Attorney, Mr. Bond, Leadenhall-street.

#### CERTIFICATES—AUGUST 19.

- G. Singleton, Pancrass-lane, merchant.—W. Lawson, St. Catharine's-street, biscuit-baker.—W. Peaty, Bristol, straw hat manufacturer.—J. Hall, Stafford, baker.—J. Osment, Yeovil, Somerset, victualler.—G. Hart, Stamford-street, London, painter.—T. Compston, Birmingham, Lancashire, grocer.—M. Fairless, Boston, Westmorland, cooper.—R. Thomason, Staining, Lancashire, Liverpool, corn and flour mer-

chant.—T. Wilkinson and J. Wightou, Cateaton-street, woollen-draper.—P. Mark, Plymouth Dock, linen-draper.—J. Colgrave, Red Lion-street, wine merchant.—J. Bayley, High-street, Shadwell, ship-breaker.—J. Morgan, New Compton-street, St. Giles, victualler.—C. Fortnum, Berkley-street, Portman-square, dealer.

#### PRICE OF STOCKS ON SATURDAY.

Consols... 67 $\frac{1}{2}$  | Red. Ann. 68 $\frac{1}{2}$  | Omnium... 1 prem.

#### TO CORRESPONDENTS.

AN ANSWER TO THE NEW TAX, and PUBLIC ECONOMY, shall appear, if possible, next week.—Owing to the length of Lord GAMBIER'S Trial, various Communications are necessarily postponed.

## THE EXAMINER.

LONDON, JULY 30.

AT the beginning of the past week the Ministerial Papers were employed in treating the French advantages as so many dreams, and vowing, that there never was a better prospect, or perhaps so good a one, for Austria as at that moment:—the Opposition Papers, as their friends are not in power, in vain happened to be on the right side; and one or two other Papers in vain begged leave to think, that a retreat just now, from all points of the field, was an unlucky thing for the Archduke; every body who thought so was a Jacobin and Conspirator; Austria, which had been beaten in every pitched battle but one for many years past, could not have met with any serious reverse; and the *Morning Post* insisted, that the farther BONAPARTE made way into his enemy's dominions, the more hopeless was his cause; so that it seems, he was literally conquering himself; and that the moment you run your sword as far as possible into your antagonist's bosom, you are a dead man. In the midst of these original pieces of logic, on Wednesday morning, the Twenty-seventh Bulletin arrives in town with an account of an Armistice granted by the FRENCH EMPEROR, and concluded at midnight before Znaim on the 11th instant between the Austrian General WIMPFEN and the Prince of NEUCHATEL. By this armistice, there was to be a suspension of arms for a month, the Tyrol and Voralberg are to be evacuated, the fortresses of Brunn and Gratz to be given up to the French, and in short, BONAPARTE has gained twenty times as much as he would by another victory, for he has saved another loss of his present and his future subjects, has won back the charm of invincibility by consent of his enemies, and may dictate what he pleases in a tone of dignified instead of angry superiority. The day after this treaty, General BERTRAND, the Danube engineer, was charged with the execution of different works, "which," says the Bulletin of the same date, "must be marked out and begun *this day*." Contrast this instantaneous mode of action with our Expedition, and see who is most likely to succeed. In the mean time, the Archduke CHARLES, who had just before been calling BONAPARTE "the sport of Fortune," sends two General Officers and a Prince to

compliment the Frenchman, who in acknowledgment of "the courteous errand" returns his good wishes by the Duke of FRIULI. A charming consideration for the thousands of wretches who are now twisting their limbs and gnashing their teeth on sick beds; and for what?—To clear the road for the French comedians on their way to Vienna, and to enable two little men in regimentals to send their compliments to each other. Such are the results with which the all-wise, but mysterious Providence, baffles the schemes of nations. The ministerial Editors however see nothing in all this to justify the abandonment of hope for an instant; they are persuaded, that it is BONAPARTE who is in greatest want of the armistice, and who contrives, of course, to get a petition for one from his enemies: and they insist, that his invincibility must still be a theme of mockery to all the peasants (great geniuses, those peasants!) in Germany. The *Morning Post*, with its usual eagerness to be insane, says further, that if things are not so, people ought to write and go smirking about as if they were, purely to encourage the Austrians. The *Morning Post* encouraging the Austrians! The Ministerial Editors seem just now to be in the condition of HOGARTH'S rake, who after running mad in consequence of his obstinacy in corruption, is represented, at the most melancholy crisis of his fate, as laughing in all the delight of idiotism, while the persons about him are lamenting the evils that brought him to such a condition.

The Expedition has sailed at last, and has most probably made it's attack by this time on Walcheren. They say, that we shall be able to keep that Island—for a short time perhaps. Would to Heaven we had kept our men.

#### THE EXPEDITION.

A Messenger reached town on Friday with intelligence that two Divisions of the Expedition had sailed from the Downs with a favourable wind. The following is said to be a correct statement of its force:—

##### FIRST DIVISION, UNDER LORD CHATHAM.

Cavalry,	2,600
Artillery,	3,900
Staff,	100
Waggon Train,	120
Guards,	2,878
Infantry of the Line,	30,000
Detachment of the R. V. Battalion,	30
Total,	38,748

##### SECOND DIVISION, UNDER THE MARQUIS OF HUNTLEY.

Six regiments,—the 6th, 50th, 91st, 9th, 38th, and 42d, amounting to 4,982 men.

The last division of the Expedition, under the command of Admiral OTWAY, sailed from the Downs at five o'clock on Saturday morning, with a favourable wind. The former divisions must before this time have reached the place of their destination. The whole of the land force embarked amounts to rather more than 44,000 men, including 3000 artillery and 2000 cavalry. All the marines belonging to the ships of war will act with the land forces, and a considerable number of sailors will be landed, to assist in working the guns; so that

the whole force employed on shore will not be less than 50,000 men.

By the last accounts from Holland, it appears that the Expedition has excited the greatest alarm both in Holland and Hanover. It is expected there that the Isle of Walcheren will be the first attacked, where the enemy have already assembled 6000 troops, and made every preparation for a vigorous defence. At Middleburgh, the capital, as well as at Flushing, the pavement has been removed, in case of bombardment. It is said that there are but two points at which the island can be attacked at once by the navy and army.—The following is said to be the intended Plan of Operations:—"The operations will commence by landing the numerous gun-boats on board the fleet, either in the West Put, at the entrance of the Scheldt, or Sluy's Roads, comprehending the coast of Cadsand, where the men of war are to anchor. The intention is to embark on board the boats the troops destined for the main attack of the Island of Walcheren, in the West Put; the first attack, however, will be made upon Cadsand: and South Beveland will immediately after be assailed. The possession of Cadsand being necessary to the future operations, it is to be attacked by a strong brigade led on by the Marquis of HUNTLEY. Schoewen, Dayveland, and North Beveland, will at the same time be attacked by a brigade of Guards. The brigade of General HOPE is destined either for Domburgh or the Veer Gat, as circumstances may deem expedient. One of the brigades is to be in readiness to land below the Nolte Battery, in the event of the enemy sending a large force to Zoutland to repel our force. The principal attack on Walcheren is to be made by General COOTE. The rowing boats are to precede the flat boats, and when they are within reach of grape shot from the shore, they are to open upon the enemy, drawing off in equal divisions to the right and left, making room for the flat boats to push in, and covering them till the field artillery is ready to move forward."

Portuguese Papers have arrived to the 9th and Spanish to the 4th. Dispatches have also been received from Mr. DUFF, at Cadiz, and from Sir ARTHUR WELLESLEY. The former are dated on the 6th, and they are said to inform Government that the whole of the French troops in Spain had formed a junction, that they were near Madrid, and that JOSEPH BONAPARTE was at their head. About 4000 French are reported to have been surrounded at Val de Pena, by a large body of Spaniards, and the whole (one man excepted) put to death. Sir ARTHUR WELLESLEY having joined CUESTA, is on his march to Madrid. He was at Placentia the beginning of this month. It is probable that the enemy, having concentrated their force, will give battle near the capital. Galicia is cleared of the enemy. A division of the Marquis ROMANA has already entered Corunna, and in the vicinity of Ferrol a detachment of English troops has disembarked.

The report of the unfortunate, and, as it is termed by General BLAKE, disgraceful battle of Belchite, was received yesterday morning in an Extraordinary Gazette of the Spanish Government, of the 3d of July.—After stating the dejected state of his mind in consequence of the disastrous event of the battle, and referring to his former hope, that in case of being attacked by the enemy he should be able to beat him, the General states, "that Fortune might have been so adverse to him as that he might have been defeated by the enemy, but that he never could have expected that the troops under his command should have taken to flight

without fighting—and that, in consequence of a few cannon shot being fired, they would abandon a position, in which they had nothing to fear from the enemy's horse, nor from those advantages which, at times, strike armies with a panic terror, and induce them to fly without knowing why."—The position taken up by the Spanish army (which is expressly stated to have wanted neither ammunition nor provision) is then accurately described.—One column of the French then advanced with two pieces of cannon, from which four or five shots were fired, and two or three grenades, which disabled four or five men. The Spanish artillery returned the fire, "when one regiment was thrown into confusion by one of the enemy's grenades, and fled in the utmost disorder, without firing a shot! This was followed by another, and a third—all flying without having discharged a gun—and in a few moments the whole position was abandoned." In plain English, the whole Spanish army, at the first discharge of the enemy's artillery, *took to their heels*. What was the behaviour of the newly-raised French troops in the war of the Revolution?—Did they take to their heels? So far from it, they volunteered services of actual slaughter. That revolutionary or insurrectionary masses may be beaten, slaughtered, and even annihilated by regular armies, it is easy to conceive—but that any thing like enthusiasm in the cause of their country can exist in the breasts of men who run away at the first discharge of the enemy, is impossible.

A Gottenburgh Mail arrived yesterday morning. By a declaration, dated Stockholm Castle, the 14th of this month, his Swedish Majesty has proposed to the Diet Prince CHRISTIAN AUGUSTUS of Schlesvic-Holstein-Sonderburgh-Auguntzenburgh, as Prince Royal of Sweden, and his successor on the Swedish throne; and the States have already acceded to the King's proposal.

An article from Petersburg, which mentions the capture of Kola by three British frigates, adds, that this is the first attack made by the English upon the Russian Territory.

In the late battle, the Archduke CHARLES was slightly wounded with a musket ball.

At the battle of Abensberg, BONAPARTE had just received a contusion from a musket-ball under his right foot, when Baron D'ALBANI, Secretary to the Prince Primate, whom he had sent for, came up to him, to whom he said, *C'est ma faute, J'étois trop curieux*.—"It is my fault; I was too inquisitive."

COL. WARDLE.—THE LORD MAYOR will hold a Court of Common Council on Tuesday next, at Guildhall, in consequence of the following Requisition, numerously signed, which was presented on Friday:—

"MY LORD,—We, the undersigned Members of the Court of Common Council, deeming it highly improper and derogatory to the character of the Court, to suffer the notice of a motion to stand over, which proposes 'to rescind a vote, passed on the 6th day of April last, after the fullest discussion, expressing its thanks and gratitude to GWYLLYM LLOYD WARDLE, Esq. for his zeal, intrepidity, and patriotism, in exhibiting and substantiating serious charges against the late Commander in Chief,' do hereby request your Lordship to call a Court of Common Council upon an early day, for the purpose of considering the same."

Since the late trial of the Duke of York, Lord ERSKINE, that distinguished Whig, has been a constant visitor at all his Royal Highness's dinners.

The Theatre Royal, Covent-garden, will open on the 11th of September, with *Macbeth*.

Terrified as the enemy is stated to be at the approach of our formidable Expedition—what will be the panic in Holland—when it is made known that the redoubted and terrific Sir WILLIAM CURTIS has, to render "assurance doubly sure," made a tender of his services. The importance of this magnanimous offer the British Admiral justly appreciating, has graciously accepted; and the pleasure yacht of the Civic Warrior has been reinforced with a detachment of twenty seamen, headed by a Lieutenant of his Majesty's Navy.—That this daring Alderman may survive the Expedition will be the sincere wish of every convivial Citizen.

During the disputes between the Jansenists and the Jesuits, Pope INNOCENT X. was urged to interfere and decide the controversy. "I was bred a Lawyer," said he, "and therefore have nothing to do with Divinity."—Mr. PERCEVAL, when he raised the hypocritical cry of "No-Popery," differed widely with the Sovereign Pontiff.

Last Saturday week, a young lady of an independent fortune of 20,000l. left by an aunt, daughter of an eminent merchant near Broad-street, eloped with her father's footman. They immediately set out in a post-chaise and four, in order to be married; but were missed some hours after, pursued, and found at an inn in Huntingdon, just going to resume their journey. The young lady at the sight of her father and servant entering the inn, advised her lover to make his escape, which he accordingly did; she was brought back to her father's house.

A duel was fought on Lee Common, near Hythe, on Thursday last, between Mr. CAWDOR, of turf celebrity, and a Capt. JONES, in consequence of an insult, or rather too much levity on the part of Mr. CAWDOR, to a young lady under the protection of the Captain, at a ball at Dover. The parties fired without doing injury; and in the second fire the dispute was terminated by Mr. C. being slightly wounded in the hand.

A duel, the result of which it is feared will prove fatal to Major S——, of Nottingham-street, was fought betwixt that Gentleman and a Mr. Sneath, at Crawley Common, on Tuesday, and in the second fire the Major received a wound on the left side, which it is feared will prove mortal, although the ball did not lodge. The combatants met in consequence of a dispute on Brighton Race Course, on Monday, respecting a riding bet, each having claimed the winning horse, and the consequence was a menace with a horsewhip on Mr. Sneath. The wounded man was removed in a post-chaise to a house two miles from the common, where every assistance is rendered him.

Sir JAMES INNES KER, Bart. was unanimously served heir to the Dukedom of Roxburgh, in the Parliament House last week at Edinburgh, by a respectable Jury, at which his Grace the Duke of Gordon was Chancellor.

## THEATRICAL EXAMINER.

No. 49.

HAYMARKET.

Mr. DIMOND's new play, the *Foundling of the Forest*, relates the mysterious adventures of a foundling and his mother, who were separated from each other and from their family by the villainy of one of her husband's relations who thirsted after the family possessions. This man, named *Longueville*, had taken advantage of the husband's absence



in war to admit the Hugonots into his castle, which was set on fire; in the bustle however the lady contrived to escape with her infant son, lost him in a forest, and lived for some time in dens like a wild beast, but on the renewal of the villain's inquiries and persecutions, is afterwards induced to reside with a poor woman in another part of the country: In this neighbourhood resides the Count her husband, who had been given out as dead, but who on returning from the wars had almost gone distracted at the loss of his wife and child, had picked up his child in the forest without recognizing it, removed with him to his present habitation, brought him up to manhood, and made him a soldier. The youth now excites the enmity of the kinsman in a new way, by gaining the heart of the Count's niece, and on returning from his first campaign through the forest in which his mother resides is attacked by three assassins, the chief of whom was employed on the former occasion: he escapes to a hut, is hospitably received, followed there by the ruffians, and saved from death by the appearance of a lady, who with the attitude and aspect of a supernatural being terrifies the principal assassin into agony and flight. This man, who at first took the appearance for a spectre discovers that she is the living person, whom he was once an instrument in persecuting, and whom he had considered as murdered by himself: he repents, as he had indeed for some time attempted to do, and though he has taken a dreadful oath to perform his master's pleasure and hitherto saw no method of getting rid of it, yet he now takes a contrary one with great devotion, and accordingly contrives to tell the Countess that her retreat is discovered and must be changed: he prevails on her to trust him as her protector, and is about to lead her away, when they are intercepted by *Longueville* himself, who after a series of unnatural shifts to keep her from meeting her husband, though the servant to all appearance had nothing to do but inform him of the whole matter at once, resolves to work her final destruction. In the mean time, however, the Count, who has heard much of a mad woman that disturbed his neighbourhood, is informed of the real matter by the poor woman with whom the Countess had lately resided: he almost loses his senses, and after tremendous ravings about revenge can just manage to give his family an idea that they must search after his relation and the strange female: the Foundling accordingly sets out at mid-night for the place where she is confined by *Longueville*; she sees him and begs his protection from murder in a manner apparently frantic: the appearance of *Longueville* however at that time of night, and the coherent miseries of the lady, naturally rouse his suspicion; she suddenly gazes on his hand, recognizes her son, and faintly discloses herself; this determines him, he fights *Longueville*, is disarmed, and sees his mother given up to the ruffians: he throws himself at the villains feet, lights from the castle approach the spot, and *Longueville* hesitates for a moment, but finally orders his men to plunge their daggers into the Countess's bosom: the dagger is plunged, not into her bosom, but into the ruffian's who held her, for the penitent hireling is there in disguise, and had brought the rest over to his purpose: the Count arrives, receives his lost wife, and his unknown son, and the villain is dismissed to punishment.

These incidents are calculated to produce great effect, and they did so, to a degree that has been rarely felt in the

Theatre. But the author's praise is confined to stage-effect. Mr. DIMOND's genius is in fact altogether German, that is to say, altogether childish. When he was a lad he published a volume of poems, an enterprize, which like all other lads or their parents rather, he had much better have let alone: the thing is generally done in a bad taste, and when the author becomes a man, he is ashamed of it if ambitious, and fixed in its errors if vaip. The latter has been Mr. DIMOND's case; his poetical first love was meretricious, made him proud of her, and has ruined him. His book was in the worst of all tastes, the *Della-Cruscan*, so called from the signature of one Mr. MERRY, the most affected blockhead that was ever bedizened with flowers, or

"Died of a rose in aromatic pain."

This petit-maitre of poetry, and a herd of imitators, male and female, were for some time the gods and goddesses of the town rhymers, and met with so much amorous worship, and were hung with so many garlands, that they resembled the Termini, and other ancient deities, who had very smiling faces, and were adored in the same manner, but when stripped of their flowers, presented an almost entire block. The whole vermin were crushed by the foot of WILLIAM GIFFORD; but as the smaller an insect is, the more likely it is to escape in such a predicament, Mr. DIMOND survived his brothers and sisters, as St. FRANCIS used to call the grasshoppers, and became in time the representative of the whole set, and the first of stage-butterflies. Mere floweriness, however, was found to be too inefficient for the stage: the dews, and the sunbeams, the roses of modesty, and the lilies of innocence, could not beguile the old common-place road of its native dullness; and a little tempest must be called in, purely to variegate the prospect. An improved taste would have applied, on this occasion, to natural passion and to the human heart; but Mr. DIMOND was fated never to arrive at years of discretion; the utter childhood which he had exhibited in his gentle moments, he exhibited also in his impassioned; and plunged at once into all the horrors of stories about ghosts and midnight assassins. I am aware of the reply to this charge. What? say they, do you quarrel with some of SHAKESPEARE'S best scenes? He talked about ghosts and midnight assassins: see his *Macbeth*.—Well; I do see his *Macbeth*, and I see in *Macbeth* not only the starter at shadows, and the midnight assassin, but a struggle between good and evil thoughts, between ambition, and fear, and pity, and conscience; in short, a display of most inventive fancy and of human knowledge, a combination of the pathetic, the terrible, the argumentative, the didactic, nay the descriptive itself, introduced in the midst of passion without injuring the one or the other. Now where do you see all this, or any part of it, except what depends upon the mere dagger or player before you, in such pieces as the *Foundling of the Forest*? Mr. DIMOND opens no new combination of passions, no new insight into the human heart: he neither teaches nor creates. His characters in the present play have not an atom of novelty: the penitent hireling, the gallant foundling with a spirit above his birth, the heroine in love with pure merit, the persecuted lady, the melancholy *philomisanthropie* recluse, and the kinsman who becomes a villain to gain an estate, are as well known to the stage as any part of its transformable furniture. A woman is going to be assassinated at midnight; one man declaims about blood and revenge; another is seen watching him;

and two or three others skulk about, cherishing their chins in cloaks, and slouching their hats with great effect: these incidents deeply interest one, provided they are kept on this side of the ridiculous, without any other merit than a knowledge of stage effect; but the interest is precisely of that nature, which takes away the breath of the gaping auditors during a trial of murder; and if there is nothing to recollect, except the bare facts and the stage-play of the actors, what has genius to do with the matter? The language was not quite so profuse in floweriness as usual; the assassins could not in decency talk like fine gentlemen; but wherever the gentler beings became impassioned, then woe betide the "fair face of nature." There was a humorous scene or two, one full of *ribaldry* and another of worn-out puns, in which a soldier who kisses his mistress is made to talk of *It-salve* and *saluting*. Thus the author wanders from MERRY to DIBDIN, and preserves that consistency of fancy and that unity of nonsense, so essential to a modern play. But if there is a nonsense that awakens contempt, there is also a nonsense that provokes indignation. A Weekly Paper has commented with very just severity on the awful imprecations which are put in the mouth of the recluse, who calls upon God to *blast with his hottest lightning, &c. &c.* If the author's object in such scenes is to shock us, he does shock both our common feelings and understanding; for who can hear with patience the very Deity called upon, in the midst of his awful dispensations, to the *assistance of stage-effect*? It is only in the acme of despair, and in the despair of a madman, that SHAKESPEARE calls upon the elements for imprecation; and even then, it is upon the elements, and not upon their sacred author, that he calls. This alarming style is the effect, not of extreme feeling of the subject, but of pure want of real passion, and of the involuntary despair of knowing what to do with the subject: it is an extreme into which all flowery writers are apt to run, and what HORACE said in allusion to PROMETHEUS, *Calum ipsum petimus stultitia*, "we attempt heaven itself in our stupidity," may be well applied to these German declaimers, and to the contemptible MERRY, who on one occasion, impatient, if I recollect, at *not seeing his mistress awake*, becomes as frantic as the most raving bedlamite, and says, in *so many words*, that he is determined to become impious and *blasphemous*. The passage may be found in GIFFORD'S *Baviad*, but is too disgusting to quote on a subject not directly against the writer.

## LYCEUM.

A new opera, attributed to Mr. SIDDONS, called the *Russian Impostor*, or *Siege of Smolensko*, has been produced at this Theatre. It is founded on the story of an adventurer named PUGATSCHOFF, who personates the wretched ALEXIS, son of PETER the First, and aims at the Russian crown. The music, by Mr. ADDISON, is in a style of pleasing common-place, and of course little calculated to advance the reputation of the English opera: however Mrs. MOUNTAIN used it so as to recall her best powers, and to eclipse her formidable rival Mrs. BISHOP; and Mr. PHILLIPS gave an additional specimen of his taste and feeling in the ballad department. I was going to say, that it is a pity Mr. BISHOP was not requested to compose for the piece; but the *poetry* comes across my mind, and I congratulate him. However calculated his talents are to do honour to his country, I would rather see him writing for dances, than for dramas like these—rather see him giv-

ing grace to bodily elegance, than to mental deformity. The opera itself is indeed below criticism. Fancy a common spectacle at the Circus, a tyrant, an escape, and a battle, with words and songs added by one of the Circus poets, and you have a complete idea of the production. It is a pantomime with its tongue cut. One circumstance struck me very forcibly in the midst of the speeches and sentiments, and this is, that in knowing one half of any sentiment in such dramas, you infallibly know the remainder; and I am confident, that the manager would save a great deal of time, and the audience be quite as well informed, if one of the candlesnuffers were employed to stand, like the ancient Greek chorus, by the side of the actors, and cut short the speeches, particularly the sentimental ones, by one half; as thus—when an army, that is to say, a dozen of men, lift up their swords and cry, We swear to—, the chorus or candlesnuffer will say, as pithily as possible, *et cetera*, and thus the author will at once gain in conciseness, and the audience comprehend all that might have followed respecting freedom and one's country, sentiments that require the merest hint in a mind of the least generosity. A musical instrument might be employed with equally explanatory powers, in a song; as for instance, a flute might play tweedle-dee after every two lines in which the words *heart* or *woman* is used; a bassoon follow up a tyrant's resolutions by a groan; and a trumpet burst forth at the end of every line concluding with *charms*, as the audience are then fully prepared for *alarms*. Thus, one of the songs in the present piece relates the story of a lover, whose corpse is thrown up on shore at the feet of his mistress, who—etcetera;—and another says, that the heroine's bosom is as pure as ice, but alas, it is also—etcetera. In one or two instances, however, it may be dangerous to interfere, where, for example, instead of having the whole meaning in half a sentence, there is no meaning at all, as in the case of one of the Russian lovers before us, who talks of snow being *enrolled* on a temple, a word of which it is impossible to discover the significancy till you come to the rhyme *cold*, when you find it perfectly "convenient, greable, and apropos," as FOOTER says.—All this is highly entertaining; but then it is truly lamentable to reflect, what an absolute dearth of *sound study* and *sound ambition* there is, even amongst the best educated dramatists of the present day.

## CLERKENWELL METHODISTS.

MR. EDITOR,

I am truly glad,—and I thank you,—that you are again at the *Methodists*. When we see, at every Quarter Sessions, such a set of scarecrows with black coats, eluding enrollment in the Militia by obtaining Licences to teach and to preach, it is truly lamentable to think, that there is not one of these ignorant pretenders to sanctity, who will not in time have his flock,—but it is still more lamentable to think, that however these Dissenters may differ in their tenets one from the other, in one thing all are agreed, namely, to have the Government of every thing in their own hands, and bear down all who are of the Established Church. I am much elated, that your *Pentonville*\* Correspondent has promised to follow up his last letter, Jan.

\* *Pentonville* is in the Parish of St. James, Clerkenwell, of course, part of the Dominions of the Republic of Methodism.

20, with some more anecdotes "of their Evangelical Labourers in this part of the Vineyard,—and of the Effect of heir Labours."

Indeed, Sir, Clerkenwell seems to be their land of Canaan, where they are determined to domineer with uncontested sway; nay, they do not scruple openly to avow their determination, that no person shall hold any office of trust or emolument in this parish—who is not of their party. No matter for the honesty or dishonesty—the ability or stupidity—the fitness or unfitness of the person recommended—if he is of the Established Church, he cannot be chosen;—if he frequents a Gospel Shop,—no matter whether Whitfield's or Westley's, Spasfields Chapel, or the Carpenter's Shop† at Newington Butts, blasphemously called "the House of God"—he is a proper Candidate, and is sure to succeed against an opponent professing to be of the Established Church.

Among many other instances of this shameful exclusion of all who are not of their way of thinking, a very glaring one occurred lately.

A vacancy in the office of Apothecary to the Workhouse lately happened, by the resignation of the Gentleman who held that situation, and there were three or four Candidates started for the appointment. The first man to whom one of these Candidates applied, being one who has some influence among the Saints, the following dialogue took place:—

*Cand.* I mean to offer myself, &c. May I request your vote, if not engaged.

*Saint.* Hum—no—I cannot say I am engaged to any one.—Pray did not you vote against Mr. Foster, last election for Minister of our Parish?

*Cand.* I never voted for or against any person since I have been in the Parish—I keep clear of all Parish Politics.

*Saint.* That will never do.—Whoever comes into Clerkenwell, must be of a party.—I do not see you among our "Associated Friends."

*Cand.* Who are they?

*Saint.* O—why, a Society of persons of our way of thinking, who meet at certain times, at such a public-house, to regulate the business of the Parish, and keep down the too great power of the Church People.

*Cand.* I never go into any public-house, except to visit sick people, and belong to no Club.

*Saint.* Do you go to Church, or to a Chapel?

*Cand.* I have not been either to a Church or a Chapel since I came into the parish. I thought my Medical Qualifications and testimonials were the things to be inquired into, and not my religious tenets.

*Saint.* My good friend, it is an established rule with us of the Dissenting Party, that they who are not with us, are against us; and therefore, unless you join our party, you will stand no chance whatever of succeeding as Apothecary to Clerkenwell Workhouse.

One of the same party, however, rather more liberal than his neighbour, began a canvas in favour of another Candidate, a young Gentleman every way perfectly well qualified for the office:—

*Saint.* Why, Mr. ———, I am truly astonished to see you, what are one of us, canvassing for this person.

*Canvasser.* I go upon the great merit of this young man in his profession, and the advantage the Poor will reap from his skill and close attention.

*Saint.* He is not one of us.

*Canvasser.* He minds his business—he meddles with no Parochial contests.

*Saint.* But his Father voted for Lendon.—

† Query. Is it a fact that it is a Carpenter's Shop on Week Days?—The writer has only hearsay knowledge.

*Canvasser.* His father did not vote either way, and never meddles in any Parish party affair—

*Saint.* Aye—well, you know our maxim—"Them as is not for us, is against us"—so that young chap will stand no chance.

But, a worse way of insuring success to a favoured rival is this. Many of the stamp alluded to are far less candid than those above described—and gave *absolute* and *positive* PROMISES to the same Candidate, on purpose that, building on having a majority, may consider himself as sure, and thus slacken his canvas when the day of election approaches—

"Be these juggling fiends no more believ'd

"That palter with us in a double sense,

"That keep the word of promise to our ear,

"And break it to our hope."—SHAKESPEARE.

Afterwards they apologize for their tergiversation, by saying they thought Mr. ——— was of *their* way of thinking, but finding on enquiry it was not so, they hoped he would excuse their voting in favour of a Gentleman who was of *their* side—"as it is a rule among *our* friends, that we all go one way."—A good many, however, voted plump contrary to their promise, without thinking it necessary to make any apology at all. And thus, although aided by most respectable interest, this young man lost the election, which went in favour of a Candidate, who is certainly very much a Gentleman, and whose skill and professional abilities may possibly be as great, or even greater, than those of any of his opponents—but he has not lived long enough in the parish for any of the inhabitants to know much about him:—This Gentleman, however, was brought forward by his predecessor in office; who, though no more of a Methodist than I am, knew, that as to be a SCOTCHMAN is a very good trade in Jamaica—so to be a Methodist, or to side with the Methodists, is a very good trade in Clerkenwell, and therefore found his account in embracing that side of the question, when he first became a resident in the Parish.

AN INHABITANT OF CLERKENWELL.

## NAVAL INTELLIGENCE.

### TRIAL OF LORD GAMBIER.

PORTSMOUTH.—FIRST DAY, JULY 26, 1809.

This morning the trial of Admiral Lord Gambier commenced on board the *Gladiator*, in Portsmouth Harbour. The following Order was first read:—

#### ORDER FOR THE COURT MARTIAL.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c. &c.

WHEREAS Admiral the Right Hon. Lord Gambier has, by his letter to our Secretary, of the 30th of May, 1809, requested, that his conduct, as Commander in Chief of the Channel Fleet employed in Basque Roads, between the 17th day of March and the 29th day of April, 1809, may be enquired into by a Court Martial:

And whereas by the log-books and minutes of the signals of the *Caledonia*, *Imperieuse*, and other ships employed on that service, it appears to us that the said Admiral Lord Gambier, on the 12th day of the said month of April, the enemy's ships being then on shore, and the signal having been made that they could be destroyed, did, for a considerable time, neglect or delay taking effectual measures for destroying them: We, therefore, in compliance with his Lordship's request, and in consequence of what appears in the said log-books and minutes of signals, think fit that a Court Martial shall be assembled for the purpose of examining into his Lordship's conduct, and trying him for the same. We send you herewith his Lordship's said letter, and also his letter of the 10th of the said month therein referred to, together with an attested copy of a letter of our

Secretary, dated the 29th of last month, and addressed to Lord Cochrane, and his Lordship's reply thereto, with the log-books and minutes of signals above-mentioned; and we do hereby require and direct you to assemble a Court Martial on Monday, the 12th day of this month (if the witnesses shall be then ready, and if not then ready, as soon after as they shall be so), to try the said Admiral the Right Hon. Lord Gambier for his conduct, in the instance herein before mentioned; and also to enquire into his whole conduct as Commander in Chief of the Channel Fleet employed in the Basque Roads between the 17th day of March and the 29th day of April, 1809, and to try him for the same accordingly.

To Sir R. Curtis, Bart. Admiral of the White.

MEMBERS OF THE COURT.

Admiral Sir ROGER CURTIS, Bart. President.

Admiral Young.	Vice Admiral Duckworth.
Vice Admiral Sir H. Stanhope.	Vice Admiral Douglas.
Vice-Admiral Campbell.	Rear-Admiral Sutton.
Captain Irwin.	Captain Hall.
Captain Dickson.	Captain Dunn.

M. GREATHAM, jun. Esq. Judge Advocate.

[A number of Official Letters were then read.—One of them detailed, at great length, Lord Gambier's proceedings in Basque Roads.—A Letter from the Admiralty Secretary to Lord Cochrane, required the grounds of his Lordship's objection to the proposed Vote of Thanks to Lord Gambier, which was answered by Lord Cochrane, who stated, "That the log and the signal log-books of the fleet there employed at the period alluded to, contain the particulars of that service, and furnish premises whence accurate conclusions may be readily drawn."—Lord Gambier's Letter of Application for a Court Martial was also read. His Lordship observes,—“I had flattered myself that I should have received some signification of an approbation of my conduct, and have had the gratifying task of conveying to the officers and men under my command, the estimation in which the gallantry and discipline displayed by them upon that occasion were held by his Majesty and the Country. Understanding, however, that there are some doubts whether the fleet is to be so honoured; and feeling that even a doubt upon such a subject cannot be entertained consistently with my reputation as Commander in Chief, I request that you will be pleased to move the Lords Commissioners of the Admiralty to direct a Court Martial to be assembled, as early as possible, for the purpose of enquiring into my conduct as Commander in Chief.]

The various orders which Lord Gambier received from the Admiralty were then read. After which the Masters of the Caledonia, Imperieuse, Cæsar, and Beagle, were examined. Their evidence went merely to the correctness of their various log-books.

Lord Cochrane was next examined.—His Lordship described the situation of the French and British Fleets in Basque Roads, the strength of the enemy's defence, &c. &c. The French had nine sail of the line, one of three decks, the Calcutta of 50 guns, four frigates and a store-ship. The British had 11 sail of the line, nine frigates, &c. &c. The position chosen by Lord Gambier was a very good one for blockading the enemy and observing his movements, but the destruction of the enemy could not have been effected while in that position. The enemy's squadron were eight or nine miles off. The wind varied: at eight P. M. of the 11th of April, it was due N. the tide at the same hour ran S. E. the frigates and smaller vessels were very judiciously placed.

Q. It appearing by the signal log of the Caledonia, that your Lordship had by signal acquainted Lord Gambier that seven of the enemy's ships were on shore, and might be destroyed, was it your Lordship's opinion at the time of the first signal, that it would have been expedient for the Commander in Chief to have sent in half or any number of his ships, &c. and if so, was there a probability that such ships could have got out again in safety?—A. I did make the signal. It is my opinion that a much smaller force than half the fleet would have been sufficient. The signal was directed by the Caledonia to be repeated. I ordered the signal to be made that two sail of the

line were enough, which I have since understood was not made, but that the Officer repeated the previous signal. The fact was, he thought it would be an insult to make that signal, and therefore repeated the former, leaving it to the discretion of the Commander in Chief to send what force he thought proper. From the time the first signal was made in the morning until eight o'clock, it was ebb-tide; the tide was going to windward; at eight o'clock it was low water. There is an anchorage for at least six sail of the line at any time clear of shot and shells. The Imperieuse passed in going in close to the Buoyart. It was then nearly high water, at half past one o'clock in the day; coming out it was also high water: in both of these courses there was sufficient depth of water for vessels of any size. The impression upon my mind is, that there is water enough at any time; but having been there only at high tide, I cannot swear to that. Provided the tide does not rise and fall more than 12 feet, there is; and this is mentioned in a French chart now in Court. I have no other means of judging.

Q. Did the Commander in Chief in consequence of the signals afterwards weigh with the large ships, and at what time come to anchor off the isle of Aix.—A. He weighed I think at 11 o'clock, and anchored about half an hour afterwards, having both wind and tide in his favour.

Q. Was the position then taken the most advantageous for carrying into effect the object of the signals made by his Lordship; and might that position have been taken at an earlier period with advantage to the service?—A. It was a good position to observe the enemy; but it was not a position for attack. That position might have been taken at day-light, when an attack might have been made with advantage to the service.

Q. It appearing by the log-book of the Imperieuse that having previously sent in a man to take soundings, you weighed at half past eleven A. M. on the 12th April, and ran into the harbour, in company with the Etna bomb and a gun-brig, the enemy making sail up the Charante, and at 2 P. M. anchored, and shortly after came to close action with the Ville de Varsovie, did you weigh and advance to the enemy by a signal from the Commander in Chief, or did you do so without orders, by signal or otherwise?—A. I think it necessary, if I am permitted by the Court, to read, as an answer to this question, remarks which I threw together in consequence of a letter I received from the Secretary to the Admiralty, stating to me that a Court Martial was to take place. These remarks contain all the transactions which took place in Basque Roads, and are expressly in answer to the above question.

[This Lord Cochrane was not permitted to do, and the question was repeated.]

A. I did so in compliance with what I considered the spirit of the orders I received; the doing of it was my own act. The entry in the log of the Imperieuse, that I weighed at half past eleven, is not correct, I weighed at one o'clock.

Q. It appears also by the logs before the Court, that you made signals of distress. What was the nature of the distress of your ship, and did any and what ships come to your relief by signal from the Commander in Chief, and was there any unnecessary delay in that respect?—A. I enquired by hailing, what attack was intended to be made on the enemy. The Commander replied, he was ordered to bombard them; I directed him to go close and that we should protect him; it was then one o'clock; the French three-decker swung upon her hawsers, and the last of their ships began to move. I had the charge of the fire-ships; they had failed in their expected purpose. I knew what the tongue of scandal was capable of, and though I admit that the feelings of my Lord Gambier, for the honour and interest of his country, were, and are, as strong as my own, yet personal considerations were not enough. The expectations of my country, the hopes of the Admiralty, and my own prospects were about to vanish. I weighed anchor and ran in, and went beyond the possibility of returning. I ordered sail to be made after the sternmost ships of the enemy, and standing in, I made the signal that the chase was superior to the chasing ship, because the Ville de Varsovie and Calcutta were both afloat, and immediately afterwards made signal

that we wanted assistance, which signal was absurdly coupled with the words "being in distress." When we got up to the Buoyart, we opened our fire upon the Calcutta, and the Ville de Varsovie. The Calcutta was broadside on; the Ville de Varsovie lay stern towards us, she being under sail; and the Aquilon was in the same position: the latter did not fire for a long time; they were employed clearing away their stern to get guns out. When we anchored it was about two o'clock. Some brigs had anchored for the protection of the bomb, and were firing, but too far off to be of any use. I made the signal for these to close; but as there is no flag to express brigs only, without frigates or larger vessels, most of which were commanded by my seniors, I explained as far as lay within my means that this signal was intended for them, by firing upon them from the main-deck; for the quarter-deck shot, which I elevated myself, did not reach them. This signal, I was afterwards informed, gave considerable offence, and as soon as I learnt this from Sir H. Neale, I declared to my Lord Gambier that it was not my intention in the slightest degree to hurt his Lordship's feelings; I had then no time to express, by a tedious telegraphic communication, what I meant to convey. We were all busily employed; when it was reported to me that several sail of the line and frigates were coming to our assistance. The Revenge, I believe, was the first line-of-battle ship. About three several ships came within hail; I hailed them to anchor, or they would ground, we having taken our birth on the edge of the shore. It was then falling tide; several that had anchored opened their fire upon all the ships that were within reach, to wit, the Ville de Varsovie, Aquilon, and Calcutta. I made the signal that the Calcutta had struck, and sent a boat to inform those who were firing at her, that our boat was then on board of her. Upon which the Indefatigable, and one other, turned their fire upon the Ville de Varsovie and Aquilon. I ordered our people to cease firing; there were then ships enough to destroy the enemy without the Imperieuse. Our people were much fatigued, and therefore rested themselves, with the exception of those stationed to repair the rigging. The other ships continued to fire on the Ville de Varsovie and Aquilon, until they struck, which was I think at about six o'clock. The Calcutta was set on fire, and the Aquilon and Ville de Varsovie were employed shifting the prisoners. The French were deserting several of their ships, with every boat that belonged to them, and pulling and sailing for the Rochefort river. An attempt was intended to have been made to burn the Ocean. Captain Bligh volunteered his services; Captain Maitland regretted that on account of Capt. Bligh's previously having undertaken it; he was denied that opportunity to distinguish himself. I was too much fatigued to undertake it myself; I could scarcely stand from excessive fatigue. They were not so much fatigued. The reason why it was not done I only learnt since seeing the public dispatch in the papers. As the French had taken their boats to land their people, they were all ashore that night, and the next morning there were two or three chasse-marees, in their stead, lightening the enemy's ships by receiving various articles on board. There was no delay whatever, to the best of my belief, after the signal for assistance was made, upon the part of my Lord Gambier, in ordering vessels to our assistance; but had the attack been made in the morning, when the tide was falling, until past eight o'clock, and the enemy's ships were all, with the exception of two, fast aground, the three-decker and two others, as shewn in chart No. 2, lying close together to the windward, with their masts and yards apparently locked, it is my opinion that seven sail of the enemy, including the three-decker, might have been destroyed with great facility by two sail of the line, assisted by the frigates and smaller vessels; and it is my opinion, that after the hour of half past eleven, when the enemy's two ships had remained at anchor until the British fleet weighed, that the frigates alone, assisted by the smaller vessels, might have destroyed the whole of the above-mentioned ships, the rear of which afterwards were attacked.—Adjourned.

SECOND DAY—JULY 27.

Lord Cochrane in continuation.—He thought that unnes-

sary delay had occurred, from day-light of the morning of April 12, when he made the signal that half the fleet could destroy the enemy's ships. Only two sail of the enemy were capable of resistance, and he did expect that an attempt would have been immediately made to dislodge them, by an attack of two or three sail of the line, which would have been quite sufficient. From eleven o'clock to one, the frigates alone were capable of destroying the enemy's ships, as they were aground, in a very helpless situation, and the risk was exceedingly small.

Q. by Sir R. Curtis.—If the frigates alone were sufficient to destroy the enemy's ships between half past eleven and one, why could they not have performed that service as well between any period of the morning and half past eleven?—A. At eleven the British fleet weighed and stood towards the enemy, whereupon the two ships at anchor cut and ran aground. The British fleet brought up about half past eleven o'clock; I was ignorant what my Lord Gambier's plan might be, and though I perceived that the fire from him had long previously ceased, yet I imagined that this might possibly have been to give the seamen something to eat and drink previous to going into action; and though I regretted the time that appeared in my mind to have been already lost, as well as what we were then losing, by even half an hour's delay, in making some kind of an attack by a couple of sail of the line, or by the frigates only, yet I consoled myself in the supposition that his Lordship intended a grand blow on the island and on the ships at once, although I thought this highly unnecessary in order to effect their destruction or to destroy the whole fleet. I could not in any other way account for a proceeding that thus enabled the helpless French ships to endeavour their escape undisturbed into the river Charante. Twelve o'clock arrived, no signal made to weigh. Half past twelve, still no signal.

[Here Admiral Young suggested to the Court the impolicy of suffering the Noble Lord to proceed in a line of evidence wholly irrelevant to the question asked, and only calculated to make an impression unfavourable to the prisoner.—Lord Cochrane said he wished to tell the whole truth, and nothing but the truth. He conceived the gentleman who put the question was ignorant of the nature of the answer it was his intention to make. If improper, the Court could expunge it.—Admiral Young thought that a direct answer should be given, and that the time of the Court should not be taken up with unnecessary comments. The Court was here cleared for half an hour: on re-admission, the President said that the Court had resolved not to interrupt Lord Cochrane; but it was their wish that he would confine himself to the question, and not digress in future. The President also observed on the word *ignorance* used by Lord Cochrane.—Lord Cochrane disclaimed any intention of disrespect, and the examination proceeded.]

The Etna bomb passed, and I inquired by hailing if any attack was intended, and was answered from the Captain that he was ordered to bombard the enemy. I desired him to go close. The impression upon the mind was, having seen no signal made to indicate an attack about that time, that no other attack was intended, except that of throwing shells. The Calcutta, Varsovie, and most of the other ships, were pressing sail to force them on towards the Charante, and out of our reach. The Imperieuse, though we did not commence to fire upon the enemy until two o'clock, was then wholly in time, by firing upon the Calcutta, to cut away; or to cause them to break, from the confusion into which they were thrown. The same cause, the confusion of the enemy, was forcing the Varsovie on shore, and thereby prevented the escape of these two ships, which were the last, with the exception of the Aquilon, which vessel, though near, was a little further up, and they on board the Aquilon were in such confusion, that it was upwards of an hour before they could get one single gun out of the stern ports of that vessel. The whole of the enemy's ships of war were, at two o'clock, in a position shewn in Chart No. 3, which I shall present to the Court; and the British fleet are there put down, as it appeared from the Imperieuse, from the anchorage which she took up, and in which anchorage she continued until one o'clock, close to the Buoyart shoal, just within the longest drop of the shells. The Aigle, though nearest, did not fire at

all.—[His Lordship then produced the Chart No. 3.]—The reason why the frigates might not previous to the hour of half past eleven have attacked the enemy, will be found in the preceding narration, wherein it appears that two sail of the line still continued at anchor until the hour of half past eleven, which two ships it appeared to my mind it would have been better to attack by opposing to them two or three sail of the line, instead of a great number of frigates, although it was my opinion that the frigates themselves would have been quite equal to the task. The enemy were employed all the morning attempting to get their topmasts up, which in the course of six hours, from day light in the morning, I do not think they had quite effected at the time they made sail on the approach of the British fleet, and ran aground in the middle of the channel leading to the Charante. I think in about half an hour after the British fleet anchored.

Q. It being stated in the log-book of the Imperieuse, that at four P.M. of the 13th April, a signal was made to the in-shore squadron to work out, the ebb-tide having made, and there not being water enough for the bomb to lay afloat; and it being noted in the signal log of the Imperieuse, that the same afternoon your Lordship answering signal of recal; and not appearing in the log of the Caledonia that any such signal was made, I wish to know whether such signal was made to the Imperieuse, and whether the vessels in shore came out in consequence thereof; and what was the purport of the telegraphic signal your Lordship made to the Commander in Chief?—A. On the morning of the 13th April the ships of the line, one of them bearing the flag of Admiral Stopford, weighed, and worked out of the inner anchorage, by order, to the best of my belief, from Admiral Stopford, whose ship shewed some lights, which I understood was a signal for that purpose to the line of battle ships, most of these having continued until low water in situations in which it was known by the chart that there was not water enough. The signal of recal was reported to me to have been made by the Caledonia about five o'clock; and I answered by telegraphic signal, that the enemy could be destroyed; and I was further confirmed in this opinion by a letter, which I hold in my hand, demi-official, directed on service to me by his Lordship, ordering out the Imperieuse, together with the bomb, and dated on the 13th, written, to the best of my belief, in his Lordship's own hand; which I beg may be read to the Court.

The letter was then read, as follows:—

MY DEAR LORD, *Caledonia, 13th April.*

You have done your part so admirably, that I will not suffer you to tarnish it by attempting impossibilities. You must therefore join me as soon as you can with the bomb, &c. as I wish to have some information from you before I close my dispatches.—I am, &c. GAMBIER.

P. S.—I have ordered three brigs and other vessels to join you in the attempt; but I don't think it will succeed. You must come to me on the turn of the tide, as I want to send you to England as soon as possible.

To which I replied by the following letter, also dated the 13th April:—

MY LORD,—I have just received your Lordship's letter. We can destroy the enemy's ships on shore, which I hope you will approve.—I am, &c. COCHRANE.

On the morning following I also answered a signal of recal, which I saw myself made on board of the Caledonia, by an interrogatory signal, to know if we should unmoor, by which, without any repetition of the former signal, I did conclude that his Lordship would have understood what was intended. The signal of recal was repeated, which was answered by the Imperieuse. We unmoored, hove short, and as the tide was down, were permitted by his Lordship to remain until the ebb tide began to set in, and I received the letter which now I hold in my hand from his Lordship, directing me to proceed to the outer anchorage, and stating that Captain Wolfe was to relieve me in the service.

The Letter was then read—

On the 14th, I am convinced I did not make a signal that

the enemy could be destroyed, having conveyed to his Lordship my firm opinion on the subject, both by signal and by letter; I thought a repetition, though I continued in the same way of thinking, would have appeared to his Lordship disrespectful. I therefore made the interrogatory signal, conceiving his Lordship would understand it, "shall we unmoor?" and was answered as I have already stated, in the affirmative, or I think by the direction to weigh.—I have now also to call the attention of the Court, that had the frigates, upon the morning of the 13th, instead of leaving the inner anchorage in company with the ships of the line, remained, full opportunities offered that day to destroy several sail of the enemy, and I have seen no cause to alter my opinion. Capt. Seymour of the Pallas, gave hail in passing the Imperieuse, to know if he should remain in the inner anchorage, and was directed by me to do so if he had no orders to act otherwise; for I did imagine it possible, though not likely, that the signal of recal had been made without our seeing it. Here we lay out of the reach of shot or shell, in 5 and a quarter fathoms water at the dead of ebb, and there was anchorage for at least six sail of the line. I wish also to call the attention of the Court to my reason, after the Imperieuse was refitted on the evening of the 13th, and after the receipt of the letter marked A,—for not, during the evening of that day, or on the morning following, previous to the signal of recal being made,—for not having, with that ship and the Pallas only, attacked the enemy. I found that a very heavy responsibility would lie on my shoulders in case of any disaster, which in cases of military operations, are probable, and sometimes unavoidable. I think there is nothing else that I recollect except the orders given to Capt. Wolfe, who superseded me in the anchorage with full powers, by the means which I had adopted, or any other he might think expedient, to effect the destruction of the enemy.

Q. When did your Lordship first discover that in the inner road of Aix there was an anchorage sufficiently capacious to hold six sail of the line to ride without the range of shot or shell?—A. I had been in possession of the French charts, which I had not found defective in any material point, for a number of years, and from these charts I have at all times drawn my conclusions with respect to the depth of the water, or other circumstances which relate to navigation upon that coast of the enemy; and on them in this case; as in all others, I placed my dependence. I went in, and on my way I found them correct. I knew by the chart, when in pursuit of the Calcutta, I was to find a bank; we found it and anchored upon it, and this I did knowing what I was about. And in fact I placed the utmost confidence in the chart; by which it has long appeared to me that this anchorage might, if any object was in view, be safe and advantageous.

Q. When you found by experience upon going into Aix Roads, that the soundings as set down in the chart you made use of were correctly set down, and that from thence you drew a conclusion that there was safe anchorage for six sail of the line, did you make any communication of that important fact to the Commander in Chief?—A. The Commander in Chief had the same chart, I believe, as I was in possession of. He had also French Pilots on board, in whose reports, from previous experience, I knew the Commander in Chief to rely above all other authorities. On reconnoitering the fleet the first day, when so near as to induce the enemy to open a fire from almost its whole line, I reported to the Commander in Chief the ruinous state of the Isle de Aix, it having the inner fortifications completely blown up and destroyed, which I not only ascertained from the deck with perfect precision as to the side towards us, but also to the opposite side, from the top of the ship; there were only 13 guns mounted upon that side, on which I had formerly seen, to the best of my recollection, about 50. In making these observations to his Lordship for his information, he stated his perfect reliance upon the opinion of the pilots, and assured me that the Isle de Aix was exceedingly strong; and that it had three tiers of guns mounted towards the shipping. I then observed to his Lordship, that the circumstances to which I alluded fell within my own observation. This did not alter his Lordship's opinion. I noticed at

so the little confidence that was to be placed in these pilots, and said to his Lordship, as well as to Sir H. Neale, that I never had a pilot, particularly a French pilot, who did not find a shoal whereon there was a gun; and his Lordship, on the day of my leaving Basque Roads, which was on the 15th or 16th, still continued in the same opinion as he had expressed on a former day, notwithstanding my assurances then, when I had full time to make my observations. The whole of the frigates, with the exception of the Pallas and another, had returned, and it was with the knowledge of every one of their Officers, as well as his Lordship, that they might have continued where the Imperieuse and Pallas then were. I held, that being placed in that situation, a matter for his Lordship's decision. I naturally conceived, that as he knew they were not ordered to return, that he did not require any information of which he was not possessed.

Q. Is it necessary, in order to arrive at the anchorage, to pass the shoal of the Palais?—A. The shoal of the Palais bounds the anchorage towards the East, and the Island towards the West.

Q. Can ships of the line arrive at that anchorage at all times of the tide?—A. By following the track, which I judged best to be taken by the Imperieuse, that being furthest from the fire of the enemy, I do believe, as I have already stated, that ships of the line may pass in at any time of the tide. I sat upon the netting attending to the lead during the time we were going in; it was then high water, and I remarked that the rise and fall of the tide was ten feet. The impression upon my mind was, that I should not wish a ship of the line to hesitate to go in. I think the impression on my mind at that time was, that it would be possible to take a very heavy ship of three decks through at the dead of the ebb, which I conceived could not be deemed requisite. I think I could have thrown a penny piece upon the Buoyart from the Imperieuse.

Q. You have said that ships of the line had been brought to with their heads to the N. E. near the Buoyart shoal, and might have engaged the two French ships that remained at anchor without danger from shot or shell. Would they have been nearer to those ships than they would have been to the Isle of Aix?—I should not have thought of bringing any ships broadside to an enemy, when at a distance so great as from the Isle of Aix to the Buoyart, but should have continued in the same course that ships would do on going to the inner anchorage, until the enemy's shot began to tell, and then I should have brought the broadsides of the ships to bear, having their heads towards the N. and E. Or if their shot did not tell so as materially to injure, I should possibly have proceeded to bring the larboard guns to bear, by passing upon the side opposite the Isle of Aix, until I had placed my ship in such a situation as not only to capture or destroy these, but those which were laying as in Chart No. 2.

Q. Your Lordship having stated that if two or three sail of the line in coming in had bordered close upon the Buoyart, and had laid their main and fore topsails aback, and then having taken the tide under your lee, so as to enable you to bear round up under the lee of the enemy's two line of battle ships then afloat, was their space enough for either one, two, or three sail of the line to have taken up an anchorage, with even part of their broadsides to bear on those two ships, without taking the ground?—A. I do not consider that the tide under the lee, is a point essential to bearing up under the lee of the enemy's ships. There was sufficient room for the Imperieuse, when working out from the position which we occupied; tacked repeatedly and traversed all the space between the shoal of the Buoyart and the buoys of the enemy, where they had anchored in line. I should not have stood so far forward, had it not been that the enemy seemed little inclined to disturb us, which I not only attributed to the ruinous state of their works, but concluded they were in want of powder and other military stores. I should not have chosen, however, any distant station, but should probably have brought up alongside of them, and on that side directly opposite the Isle of Aix. The three-decker and the other ships which were on shore, two of which appeared to have their masts locked together, would have given

no material disturbance in such a position, and these three might have been destroyed or filled with water by one 74, had she been sent to attack them, or even by a frigate or two, while the two French line of battle ships were occupied at their anchorage, as I suppose. When I arrived at the outer anchorage, I mentioned to my Lord Gambier that as there could be no jealousy with respect to Admiral Stopford, that it would be a matter essential to the service to send the Admiral in with the frigates and other vessels, whichever his Lordship thought best, as his zeal for the service would accomplish what I considered yet more creditable than any thing that had been done. I apologized for the freedom I took with his Lordship—that I took that liberty as a friend; for it would be impossible, things remaining as they were, to prevent a noise being made in England about it. I said, my Lord, you have desired me to speak candidly to you, and I have used that liberty; I have no wish but for the advantage of the service. To which his Lordship replied, that it would appear a little arrogant claiming all the merit to myself. I said, I had no such intention, and mentioned to him at the same time, that it was not my desire to carry the dispatches, or to go to London with Sir Harry Neale upon the occasion. His Lordship immediately after delivered to me an order stating the above. When I weighed, I had the satisfaction to have it reported to me, that the signal had been made to Admiral Stopford, which I concluded to be for the purpose of going into the inner harbour with the frigates; but whether this was the case or not, I do not know from my own knowledge.

The Court then asked Lord Gambier whether he had any questions to ask Lord Cochrane?—His Lordship replied he had not at present, but probably should on a future occasion.

Lord Cochrane then withdrew.

Admiral Stopford was the next witness called.—The Admiral said, that viewing all the circumstances of the case, in every point of which he was capable, and giving to the Commander in Chief the exercise of that discretion for which he is alone responsible, he did not think there was any delay or deficiency on the part of Lord Gambier in executing the service in Basque Roads.—He recollected the signal made from the Imperieuse, "that seven sail of the enemy's ships were on shore; that half the fleet can destroy them."—No signal of two ships being sufficient was made to him.—The Revenge, Theseus, Valiant, and Caesar, went into the Road of Aix, in the night.—Part of them were recalled by the Commander in Chief; the remainder by himself, on account of the imminent danger they were exposed to by remaining there, as also the certainty they could not be employed with effect in the further destruction of the enemy's ships. The danger arose both from the enemy's batteries and the badness of the road: the evening before, when the Caesar was going in, she got on the Buoyart shoal for three hours, within range of the enemy's shot; and this contrary to his expectations, as the Pilot said there was plenty of water; The Theseus and Valiant had also been aground. Had it been daylight, he should have despaired of getting the Caesar off.—Previously to the frigates going in, he did not know that in the Road of Aix there was an anchorage for six sail of the line out of the reach of the enemy's batteries. Had he known of that anchorage, he should have expected to derive little good from going there, as it was quite out of the line of annoying any of the enemy's ships that were on shore. In his opinion, the dislodgement from the anchorage of the enemy's ships by fire-ships, removed but a small portion of the obstacles. This was also the opinion of others.

Q. When the signal was made by the Imperieuse, that half the fleet could have destroyed the enemy, would you have conducted half the fleet for that purpose, with the wind and weather as it then was?—A. With the wind as it then was, and the broadside of their ships still commanding the passage, we should have been so crippled in going in and working out a passage a little more than a mile, I think I should not have risked the ships had they been under my command.

Q. When the Imperieuse made the signal of distress and want of assistance, were any ships immediately sent?—A. I will not pretend to say whether the frigates were ordered in before or afterwards by the Commander in Chief; but there

were several ships near at that time. I do not recollect any signal being made immediately in answer to the Imperieuse.—  
Adjourned.

THIRD DAY.—JULY 28.

Lord Cochrane was called in and asked a question respecting the charts he had produced, which he said were fac-similies of the Chart No. 1.

Admiral Stopford again examined in continuation.—In reply to a question on the subject, he again said, that at the time the fleet anchored, for the reasons he stated yesterday, he did not think it would have been prudent to have sent in half the fleet to destroy the enemy.—On the evening of the 11th, the weather was extremely bad, the wind high from the N. a high sea, and the night dark. The boats could not act with the fire-ships, and at his suggestion they remained with the *Cæsar*. The fire-ships were employed with great hazard. The Explosion blew up near one of them, killed two men and damaged the boat in which the men were coming away. The men were so much crowded and fatigued, that two men died of fatigue at the bottom of the boat. The *Lyra* gun-brig drifted so near the enemy, that she was obliged to cut her cables.—The fire-ships seemed all to have answered the purpose of harassing the enemy, though some of them were set on fire too soon.

Mr. Spuffing, Master of the Imperieuse, examined.—At the time a signal was made by the Imperieuse for the ships to come up, there was a good birth for three or four sail of the line to anchor in five and a half or six fathoms dead low water: the marks for such anchorage he took himself.—In tugging out from their anchorage the Imperieuse was within half point-blank range of the Isle of Aix batteries. They were at anchor within the Isle of Aix from two o'clock of the 12th until three or four o'clock of the 14th. There were on the Isle about 20 or 24 pieces of cannon; but these guns could do very little execution to a ship passing that chose to make any opposition, as they were placed on an open platform: as you run along the Buoyart shoal, the works on the flanks of the Isle of Aix are much damaged.

Q. by Lord Gambier.—Did the Imperieuse ground on the night of April 12?—A. Yes, on the tail of the Palais shoal, at an anchorage where we had been firing at the French ships; but not until the last quarter ebb.

Q. Was it known on board the Imperieuse before you went in, that there was such an anchorage?—A. Only by view of the French chart, as we had no French pilot on board, nor ever took any.

Captain Wolfe, of the *Eagle*, examined.—He knew nothing of the inner anchorage but from the pilot's information: at the time of attack, after they had got in, he thought if the ships had remained there without removing to the second anchorage, they must all have been destroyed by the enemy's batteries. At the second anchorage, he thought four or five sail of the line might have lain clear of the enemy's batteries, if moored short and close. It did not appear to him that the Commander in Chief at any time neglected or delayed taking effectual steps for the destruction of the enemy on the 12th April; nor had he any recollection that any blame whatever could attach to the conduct of Lord Gambier during his command in Basque Roads. He thought every thing possible was done to destroy the enemy.

Captain Rodd, of the *Indefatigable*, examined. He agreed with the last witness as to the Commander in Chief's exertions and conduct. Every thing consistent with the safety of the fleet was done; if they had gone further up the Charante, he thought every ship would have been lost. As it was, they were aground upwards of an hour, and were for some time nearly dry.

Q. On going in, did the Captain of the Imperieuse hail the *Indefatigable*, and propose she should go on one quarter of the Ocean, while the Imperieuse went on the other?—A. Yes; but what Lord Cochrane said, I could not make out. I told him I was ordered out. He asked me if I had been a-ground? I replied, yes. He said, he should like to take our ground. Had he sent a boat, and proposed a thing of the kind, I could not have done it without orders from my superior officers; nor

do I know that it was possible for the *Indefatigable* to have got near the Ocean.

Q. When you were called out, could you by remaining have destroyed more of the enemy's ships?—A. I don't think we could.

Q. Had any of the line-of-battle ships struck to the Imperieuse before you commenced action?—A. Most assuredly not: several broadsides were sent at the *Calcutta* by the *Indefatigable*. Lord Cochrane, or some one from the Imperieuse, hailed, and said the *Calcutta* had struck. I could only see her at intervals through the smoke.

Here the President informed Lord Gambier that the Evidence for the Prosecution was closed, and that the Court would meet to-morrow merely for the purpose of knowing when his Lordship would be ready with his defence. Lord Gambier replied, that he hoped to be quite ready on Monday.—Adjourned.

### ACCIDENTS, OFFENCES, &c.

On Monday, as T. Hyslop, a labourer in the West India Docks, was working in the hold of a ship, one of his legs was jammed between two casks, and broken. He was taken to the London Hospital; where he had been but a few hours before his child, about three years of age, was brought in almost burnt to death, having been left in a room by itself where there was a fire.—They are both in a very dangerous state.

On Tuesday night a shocking accident occurred to Miss S. Beville, at her mother's house, Winfred Green, near Colbrook. Mrs. Beville had entertained a party of friends in the evening, and after they had retired, a violent shriek was heard on the second floor, and on one of the servants going up, it was discovered that Miss Beville was locked in the water-closet, which was apparently on fire. The door was immediately forced open, and a shocking scene presented itself, the young lady having, as it was supposed, set fire to her garments, which were burnt off her back. She was found senseless, and so dreadfully scorched, that she survived only two hours. The deceased was 25 years of age, and on the point of marriage to a gentleman in Sloane-street.

On Friday se'night as Sir John and Lady Lade were going down Hampstead Hill, in their way to Hendon, in a curriole, the pole came out of the splashing-leather, and falling against the horses, set them kicking and running at full speed. In this perilous situation Lady Lade jumped out of the curriole and fell, but received little hurt; Sir John kept his seat until the foot-board was kicked off and the harness broke, when, finding that he had no command, he leaped from the curriole, and was much bruised from the fall; the horses continued running furiously to Sir John's house with the curriole, a distance of near four miles, and entering the yard, got into a pond, from which they were got out with difficulty, very much cut about the legs, but not otherwise hurt.

### BIRTHS.

On Friday se'night, the Duchess of Richmond, of a daughter. This is the fourteenth child. The accouchement took place in the Vice-Regal Lodge, in the Phoenix Park, Dublin.

### MARRIAGES.

On the 13th inst. at Rossory Church, near Enniskillen, Ireland, by the Rev. Mr. Irwin, A. Rennick, Esq. late in the service of Doulet Row Scindea; to Miss Frith; niece to Col. Richard Frith, of the Hon. East India Company's Cavalry; on the Bengal Establishment, and also to the late lamented Col. Robert Frith, of the same service.

### DEATHS.

In Dublin, on Wednesday se'night; Lord Viscount Powerscourt. His Lordship was one of the few great proprietors who not only enjoyed a very splendid fortune, but was not ashamed to spend his income in his own country.

Printed and published by JOHN HUNT, at the EXAMINER'S Office, 15, Beaufort Buildings, Strand.—Price 8½d.