

gence of the Court, to permit his friend, Mr. Erskine, to read the paper which he had prepared in his defence.

Permission being granted, Mr. Erskine was desired to take his station near the President, Lord Howe, and read in a distinct and impressive, but manly and unaffected tone, a paper of the following is an outline. In the whole of this paper the admiral appears as the first person; and for the sake of precision, we shall observe the same method in our report.

"I am now called upon, after a long and laborious life, to answer charges brought against me from a quarter of high authority, which, if well founded, would go at once to deprive me of the merit of that assiduity and zeal, which I trust I have ever testified to discharge the duties of my profession, and to promote the public service. A charge is brought against me by the board of admiralty, that I denied my services at a moment when they were wanted for the public, and called for by those who indisputably had a right to command them. If this charge be true, the consequences to me must be serious indeed. I am, therefore, deeply anxious that all the circumstances, on which this charge is founded, should be properly investigated, and the motives which guided my conduct on the occasion thoroughly explained. My anxiety is increased, not merely from personal feelings, but from the higher consideration of the dignity and independence of the navy, which I cannot but regard as implicated in the issue of this case. If my honour should, in the present instance, be destroyed, the honor of those respectable personages who compose this Court, whose character forms the highest ornament, and the best security of their country, may be tarnished by the same means, which will then have been successfully employed against mine. Early in February I was appointed to the command of a squadron destined for Barbadoes. My state of health had for some time, been so precarious, that had I been disposed to shrink from the service, I might have declined the command without any fear of reproach. No difficulty would have been found to supply the appointment, as it was a situation of honor and emolument which many are naturally desirous to fill. The state of the West Indies was then extremely critical. From the inclemency of the winter and autumn, the ships destined for that quarter had been prevented from sailing for a considerable space of time, and it was reasonably to be concluded, that ministers would be desirous to take the first opportunity to expedite the necessary supplies. The urgency was not pointed out to me, under which my services were particularly required, nor was any communication made, that I should be required to take upon me the Chief command. A superior officer was at that time on the station for which I was destined. Under those circumstances I accepted the appointment. I never conceived that it was intended that I should supersede another. I received no intimation that admiral Sir John Laforey would deliver up his command to me, nor was I entrusted with any immediate message to that Command. In this situation I could not be sensible of the urgency which has since been alleged of my presence on the station; I conceived myself to be chiefly employed for the conduct of the convoy. Their expeditious dispatch, and their safe arrival were the first objects of my solicitude and attention. Such was the impression under which I sailed. The accident which befel the Royal Sovereign, at an early period, has been already detailed in the journal which has been read to the Court. On the 5th March the ship had suffered so severely from the consequences of that accident, that she could neither lie at anchor in security, or keep the sea with safety; it was then, that knowing her to be totally unfit for foreign service, I formed the determination to return to port. There was then no proper ship near me, to which I could transfer my flag. I should have thought it criminal to deprive my country of any resource applicable to its service by employing it under circumstances, in which it could not possibly be available. Still, however, so much was I impressed with what I conceived to be the original and chief object of my appointment, that previous to my return, I resolved to carry on the convoy beyond the latitude wherein they would be most exposed to danger. This object being accomplished, I delivered the convoy to Capt. Lewis, of the Minotaur, and returned to port. I am blamed for not shifting my flag to another ship. In answer to this I have to remark, that the Squadron under my orders was parted. The Alfred, the Udaunted, and the Prompte, had been separated from the Royal Sovereign. The other three, the Mars, the Minotaur, and the Quebec, independently of their instructions to accompany me along with the convoy, had other secret orders under which they were to act. So little was it then the intention of the admiralty, that all these ships should compose my Squadron, or be employed for any immediate service on the station in which I was destined to act that I had even no communication with them on the subject. I admitted, that I had the power to have superseded their secret instructions, and to have employed them for any purpose of the service, if any strong and imperious necessity had called for the adoption of such a measure. I might therefore have removed my flag to either of those ships, and thereby have interfered with the operations of the secret orders. Unquestionably I might so have acted, if either necessity demanded, or experience sanctioned the propriety of shifting my flag; but by such a step, I should have rendered myself liable to a Court Martial, for an inquiry into my conduct; and it is surely extremely hard, that an officer by following his own judgment, should be subject to the very proceeding, which most have been the consequence, if he had adopted a diametrically opposite line of conduct. Besides, the ships were not fitted for foreign service, nor were they sufficiently provided with stores and provisions. I had, twelve months ago, in an official capacity, stated to ministers, that the Minotaur had defects in her bottom, that she was boxed; and I have since learned that she had been two or three times ashore. If, in shifting my flag to another ship, I had merely transferred my person at the risk of my health, and my life I should not have long hesitated how to act, nor do I flatter myself that I should have felt much reluctance to have

made a sacrifice, which was required by my duty. But as an officer, it was not my business to throw myself into another ship, where I was sensible my exertions could be of no service. It would have been unworthy of the honest pride of a British seaman to have given up his real duty, for the appearance of an ostentatious and fruitless zeal. It would have been inconsistent with naval custom, and certainly not beneficial to the public interest, to have given up officers, whose fidelity, from the long experience of their trial worth, had ensured my confidence, and whose useful services merited my grateful esteem. It surely could not be expected, that in the precarious state of my health, I should embark in an arduous and critical service, with officers to whom I was entirely a stranger, and without the assistance of those whose character I approved, and in whose talents I could safely repose the execution of my orders. On the other hand, to have made the regular change of officers and crew, would have retarded the convoy, whose voyage it was of so much consequence to accelerate, and would have exposed them to all the dangers of delay. Besides, was it considered what length of time must be consumed, and what inconveniences incurred, in moving stores and provisions, to ships not intended or equipped for service. If, during that period, the enemy had made their appearance, not only the convoy would have been exposed to the most imminent hazard, but even his majesty's ships would have been endangered, and the consequence might have been extremely fatal to the naval interests of this country. Really in this point of view the plan adopted must appear to be the best that could have been pursued for his majesty's service. I entreat the Court always to hold in remembrance the difficulty and embarrassment which he must experience who has to form his decision from the impulse of immediate and pressing necessity. If in this predicament I have not formed the best decision which an unerring judgment would have adopted, for the honour and advantage of those who are placed in the same situation with myself, I claim the exercise of a fair and reasonable discretion. By custom, superior officers are never made responsible for petty mistakes, or slight differences of opinion. In the present instance I have to observe, that the command was not pressed upon me by authority, it was not only undertaken voluntarily, but accepted after such a series of illness, as might have sufficiently justified me in declining it. It was pursued at a considerable expence of equipment; it was followed by extreme anxiety and unremitting activity for the attainment of that object, with which I conceived myself to be chiefly entrusted. Under those circumstances, it would be uncharitable to ascribe my conduct to a willful abandonment of the service. It would be absurd to impute it to a deliberate purpose to sacrifice the credit acquired by a long and laborious life. I do not believe that it is possible to impute to me a base and disloyal intention. If my judgment is pronounced criminal, it will only be on the ground that it has been weak and ignorant. But I entreat the Court to beware how they countenance the dangerous precedent of allowing the solid claims of tried service to be weighed in the fluctuating scale of speculation, how they reduce the character of a superior officer, invested with a great responsibility, to be tried by nice shades of opinion. It is one thing to decide on the spur of the occasion, it is another to deliberate after the event has actually taken place. The conduct of a superior officer is entitled to be examined by fair and candid rules of interpretation, making every allowance for slight differences of judgment, and even for those accidental errors which are inseparable from human frailty. On the first charge I cannot but remark, that even after my return to Spithead; I was continued in my command, and even honoured with fresh marks of confidence. This manifestly shews, that though my judgment was disapproved, still I was not charged with the imputation of any neglect of duty. Had I complied with the first orders, and failed in the Africa, I should unquestionably not have been brought before this Court Martial to answer for my conduct on board the Royal Sovereign. An officer, strongly suspected of labouring under a charge so atrocious, would not have been employed in a station so arduous and critical, while so many skillful and meritorious men could readily have been found to fill the appointment. My answer to the second charge is so essentially involved in the first, that I shall not detain the Court further on that head. I now proceed to the third charge, that of disobedience. In the case of positive orders, I certainly had neither judgment to form, nor discretion to exercise. I had only to obey. I trust that it forms no part of principles, nor has it been the tendency of any action of my life, to shake the influence of subordination. I solemnly and firmly deny that I have been guilty of disobedience of orders. When I received the order to go on board the Africa, the object could no longer be the convoy. It must be with a view to act in the Leeward Island station, and such a commission could not be lightly accepted, under circumstances by which I was deprived of all the assistance on which I was most accustomed to rely. If the abridgment of my own convenience, and the sacrifice of my health had been the only evils to be dreaded, I might have braved the worst. But I was in no situation to accept of so serious a responsibility. The state of my health was such as gave me no reasonable assurance, as an honest man, of being able to discharge my duty properly to the public. Had I gone out in the Africa, I should have been a sifter object for an hospital, than for the management of an important command. In my answer to Lord Spencer's letter, I mentioned my readiness to go out, as soon as the Royal Sovereign was refitted. I did not expect that such an offer would have been treated in the light of a mutinous refusal. I mentioned the precarious state of my health as the reason why I could not go aboard the Africa. But on the rejection of my petition, there is no evidence that I would have refused to obey a positive command. After having stated the difficulties which I found in the way of compliance, my conscience would not have been relieved, and I should have felt less difficulty to obey a repetition of the order, whatever might have been the result. My letter contained only a proposition; if that was negatived; if the original order had been renewed, &

I still had declined to obey, the Court would then have only had to consider the single point, whether or not I was in a capacity to go? The Noble Lord at the head of the Admiralty, mentions in one of his letters, the example of a commander who went out in a frigate to the West-India station, in a former instance. The frigate, however, was expressly fitted out for the purpose, and the officers selected by the Commander himself. In a subsequent letter Lord Spencer ordered me to continue my flag hoisted at Spithead. It is impossible therefore to charge me with disobedience to the first letter, till the second came in answer to my proposition, which put a complete negative upon the first. If it had been intended to me that such a construction would have been put upon my proposition, as I now find to have been the case, an opportunity would then have been afforded me for explanation. But no such intimation was given me till I received the notice of this Court Martial. I do not at all stand in the situation of an officer justifying disobedience. The intimate connection in which I stand to a Noble Person high in office, and the principles which I have uniformly supported, will prevent me from being readily considered in such a light. I did not set up my precarious state of health as an ultimate bar to the service on which I was ordered; I only submitted to my superior officers, as a reason why I was less qualified to undertake it in the particular circumstances in which I was placed. If any rule be adopted to render this conduct criminal, I shall be the first victim; and the present will afford the first instance in which such a rule has been adopted.—The whole system of British law is calculated, not to entrap men in snares, not to entangle them with insidious sophistry, but to afford to all a system of candid interpretation and liberal protection. It is built on the eternal principles of justice; it is tempered by the mild spirit of humanity. Having now refuted the charge of disobedience, I must just remark upon the construction put upon my letter by the first Lord of the Admiralty—a construction entirely foreign to my intention, and, I trust, not obviously to be deduced from the expressions in which the letter is couched. If, in those expressions there is any thing faulty, I should have been happy to have afforded an explanation. Those in our profession ought surely, least of all others, in the mode of expression they may adopt, to be subjected to nicety of criticism, or puzzled by subtlety of distinctions. The noble lord imputes to me, not only my return, but insinuates that I was ever averse to the service. If a superior officer, in the exercise of that discretion with which he is supposed to be invested, is to be exposed to such insinuations, the higher his rank the more painful is the task imposed upon him. The duty of a captain is comparatively easy; he has only to obey a few simple and explicit orders. Those in a higher rank, who receive greater latitude of instruction, and have a more ample field of discretion, have to encounter the evil of ambiguity, of innocent mistake and imputed neglect. With respect to the command of an expedition there are many different judgments. The situation of an officer is peculiarly critical.—He is called to a painful duty, to a dangerous eminence. His character suffers from question as well as commendation. Yet the service brings along with it many arduous toils, many severe sacrifices; nor are those wounds which assail his character the least of those evils which he is exposed to suffer. On this subject I feel much—more than I can express, and you whom I now address will feel along with me. My conscience acquits me of blame, and if your verdict shall be found to confirm its testimony, my satisfaction will be proportionate to the anxiety which I feel for your approbation."

The paper, of which we have here attempted to trace an outline, was distinguished by the most admirable ingenuity and closeness of reasoning, and the greatest neatness and felicity of expression. It was read in the most impressive manner by Mr. Erskine.

Admiral Cornwallis was very cheerful and quire collected during the whole of the trial. He appeared both from his behaviour and language to have no doubt of being honourably acquitted. All the members of the Court behaved with the greatest candour and politeness, and Lord Howe in particular deserves high praise for his attention and impartiality. Sir Roger Curtis asked most of the questions which were not put by the President or the accuser.

Admiral Cornwallis's flag was flying on board the Royal Sovereign during the whole of the trial. It never has been struck.

Philadelphia, June 14.

COMMUNICATIONS.

The translations from French papers, which abuse the Government of the United States, ought to be read with extreme caution by our Citizens; they are entitled to no credit or influence. It is well known that Paris is the grand centre of attraction to a number of persons calling themselves Americans, who hate civil liberty, law, and government, as much as every regenerated son of France adores them. As all real Americans, who are friends to the freedom and independence of the United States, rejoice in the independence and freedom of France, so, all true Frenchmen who love their country, rejoice in our peace and prosperity. Frenchmen therefore can never be supposed to be the authors of calumny on the character of our government and the political Savior of his country, WASHINGTON. No—the Independence of the United States is assailed thro' the medium of the Paris papers, by renegades; men who really have no country; but who like crows, "wherever the carcass is, there are they gathered together." Men who have proclaimed eternal war with justice, honor and faith; to whom laws and government are a terrible scourge, and who therefore will never be at peace till they get beyond their reach.

THEATRE.

The bill of fare for To-morrow Evening's Entertainment consists of a rich variety. The performers, for whose benefit the night is assigned, have in their respective lines that merit which will, it is hoped, attract the attention of the patrons of the Theatre.

The little airy Gillespie, who has so often delighted the audience, appears for THE LAST TIME. Her connections which are respectable, mean to transplant her budding Genius to a scene where we trust she will make improvements that will capacitate her to act her part on as useful, if not so public a Theatre.

An occasional address spoken by Miss Solomon on the Night of her Benefit in the Character of LITTLE PICKLE.

Written by Mrs. Rowson.
DEAR me what shall I do I'm in a fright,
I fear I've play'd a foolish trick to night;
But pray now don't be angry, pray excuse me,
'T would break my little heart should you refuse me,
I'm a spoilt child. Mamma who dearly loves me,
Whate'er I do kisses me and approves me,
And you my generous friends when I appear
And strive with all my power to please you here;
Are so indulgent to my want of merit,
And by your plaudits so elate my spirit—
That I forgot you had been used to see
A better Little Pickle far than me;
Then do for once at least forgive my errors,
Make some allowance for my childish terrors;
And tho' at all times candid and impartial,
Forget for this one night the Charming Mrs. Marshall.

MARRIED.—Last evening by the Rev. Doct. Ewing, Mr. PHINEAS MILLER of Georgia, to Mrs. CATHARINE GREENE, widow of the late Gen. GREENE.

GEORGE HYDE,

HAS removed to No. 149 Chestnut Street, between 4th and 5th streets, where he is prepared to continue the business of

Bookbinding,

Extensively in all its various branches. ACCOUNT BOOKS, of all kinds, RULED and BOUND to any pattern, in the best and most approved methods. June 14. \$1001

Wm. HOLDERNESSE,

No. 76 High Street.
HAS received, by the latest arrivals from Europe and the East Indies, a well selected assortment of Silk Mercery, Linen Drapery and Haberdashery Goods; which he will sell, Wholesale and Retail, on the lowest terms;

AMONGST WHICH ARE,
Some fine India muslins embroidered with gold and silver
Superfine Book, Jaconet, and Mulmul ditto
Do do do do Handkerchiefs
Some extra black satinetts, lute strings and colored Petticoats
Bandana Handkerchiefs
Long and short Nankens
English Mantuas of the first quality
Damask table linen and napkins, very fine
Silk Hosiery, an elegant assortment
Thread and cotton do
Umbrella—green silk, oil'd do, and do cloth
French cambrics, very fine
Irish Linens, do. &c. &c. June 14 5

New Theatre.

Mr. BLISSETT, Mrs. DE MARQUE, and Mrs. BATES'S NIGHT.

ON WEDNESDAY EVENING, June 15, Will be presented (never performed here) an interesting DRAMA, in four acts, called

The School for Soldiers.

Major Bellamy, Mr. Green.
Bellamy, Mr. Moreton.
Colonel Valentine, Mr. Beate.
Captain Valentine, Mr. Warrell, jun.
Mr. Hector, Mr. Francis.
Frederick, Master Warrell.
Mrs. Mildmay, Mrs. Harvey.
Clara, Mrs. Marshall.

Preceding the Play, a humorous PROLOGUE, in the character of a COUNTRY BOY, by Mr. Blissett.

End of the Play, (for that night only)

A Peep behind the Curtain;

Or, Whimsical Structures on Acting.
As taken from Colling's Brush—By Mr. Bates.
Prefaced by an introductory SONG,—"The Striking Actor, or a Story of Jack Sly and John Bull,—Spouters and Spouting Clubs displayed,—An Anecdote of Mr. Garrick and a Tragedy Tailor—An Audience taken by Surprise, or the Prince of Denmark and a Scotch Pedlar—A Butcher of Blank Verse cutting up King Lear—Monotonizing and Lipping, displayed by Bajazet and Tamerlane—And a humorous Vocal Parody on Shakespeare's Seven Ages.

After which, a PASTORAL DANCE, (composed by Mr. Francis) called

LES DEUX SEOURS;

Or, The Lover Metamorphosed.
By Mr. Francis, Miss Gillespie, and Mrs. De Marque. To which will be added, a MUSICAL DRAMA, in one act, called

THE PURSE;

Or, Benevolent Tar.
The Music composed by Mr. Reeve.—The Accompaniments and new Airs by Mr. Reinagle.

Baron, Mr. Green.
Theodore, Mr. Moreton.
Edmund, Mr. Darley, jun.
Will Steady, (first time) Mr. Bates.
The Page (first time, and being her last appearance on any Stage) Miss Gillespie.

Sally, Mrs. Oldmixon.
Tickets to be had of Mr. Blissett, No. 15, Apple-Tree Alley; Mrs. Demarque, No. 72, N. Eighth Street, and of Mrs. Bates, the corner of Seventh and Chestnut Streets.

ALL persons indebted to the Estate of ROBERT STEVENSON, deceased, or to the late partnership of Robert and Cornelius Stevenson, are requested to make immediate payment, and those having any demands against the same, will bring them in for settlement. CORNELIUS STEVENSON, Administrator, and surviving Partner, No. 122, Spruce Street. June 14. 3awif

UNION STATES, Pennsylvania District, } ff.

NOTICE is hereby given, that in pursuance of a writ to me directed, by the honorable Richard Peters, Esquire, Judge of the District Court of the United States, in and for the Pennsylvania District, will be exposed to public sale, at Jesse and Robert Wain's wharf, on Saturday the 18th day of June inst. at 2 o'clock at noon,

Sundry Casks of Wine, and Articles of Tackle and Furniture.

The same having been saved from the brigantine Cassader, libelled against, prosecuted and condemned for salvage in the said Court.

WILLIAM NICHOLS, Marshal. Marshal's Office, the 20th day of June, 1796. 5