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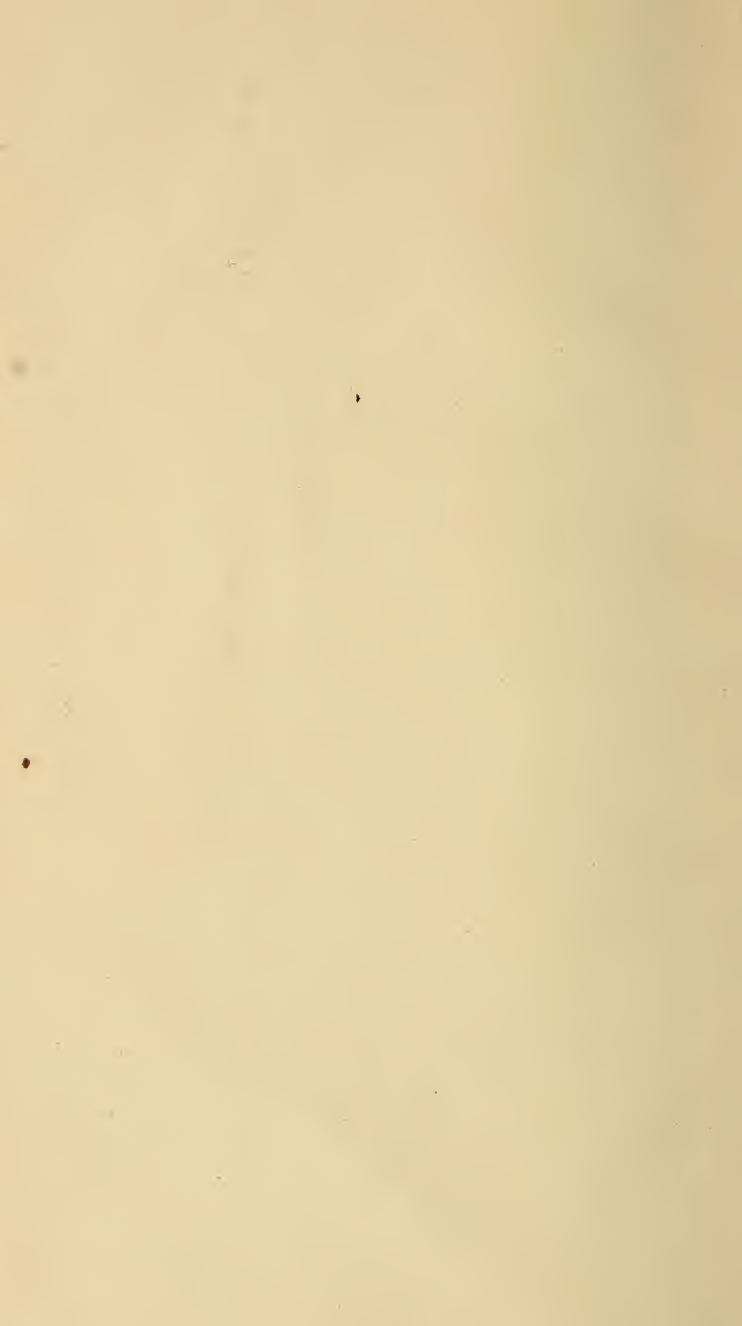
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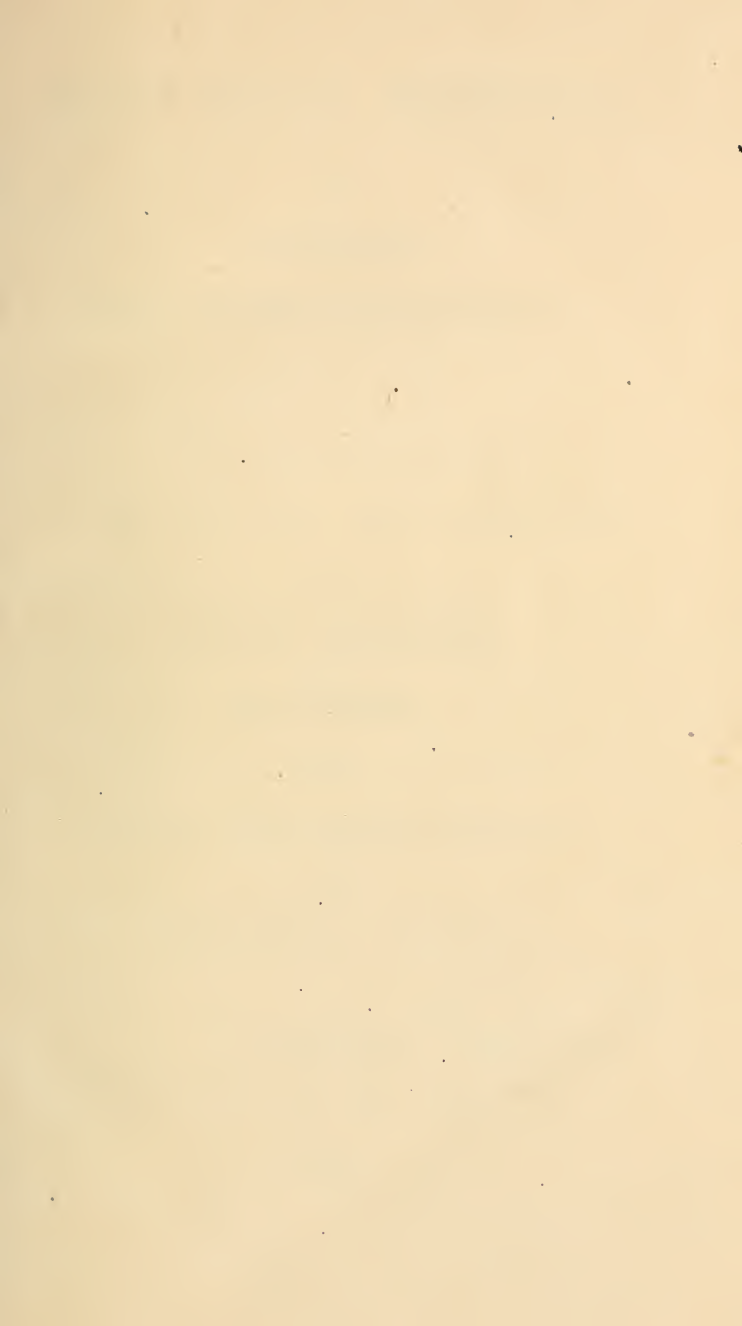
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BY

ROBERT B. LEVINE

HISTORICAL MEMOIRS

OF

ADMIRAL

CHARLES STIRLING:

EXTRACTED FROM

The Fourteenth Part of

THE NAVAL BIOGRAPHY

OF

GREAT BRITAIN,

By J. RALFE.

WITH

NOTES AND OBSERVATIONS

BY

VICE-ADMIRAL STIRLING.

LONDON:

PRINTED BY L. HARRISON, 373, STRAND.

1826.



HISTORICAL MEMOIRS

OF

CHARLES BURNETT

1847

MEMOIR

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By the Hon. Charles Burnett

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THE GREAT BRITAIN

GREAT BRITAIN

IN A BATTLE

NOTES AND OBSERVATIONS

THE NATIONAL ANTHROPOLOGICAL ARCHIVES

1847

PRINTED BY J. HARRISON AND SONS

1847

PREFACE.

MR. RALFE having some time since applied to me, by letter, for any documents in my possession which might assist him in compiling a Memoir of my professional life, my son supplied him with several written and printed statements relative to the services in which I have been engaged. These statements were drawn up on different occasions, without any view to a publication of this nature. From them Mr. Ralfe has compiled the *Historical Memoirs* given to the public in the 14th Number of his "*Naval Biography**,” making occasional additions from other sources to which he has had access.

At an earlier period of my life I always shrunk from the idea of being thus brought before the public, and refused my sanction to several applications of a similar nature to Mr. Ralfe's. But my present situation is a peculiar one; and as I have been mentioned, or alluded to, in other pub-

* Published by WHITMORE and FENN, 6, Charing-Cross.

lications relating to the navy, I thought it better to give what degree of authenticity I could to a publication which, in all probability, would have taken place whether I had sanctioned it or not, and which, if inaccurately drawn up, might augment the misrepresentations of which I have already so much reason to complain. I made no stipulation as to the tone in which the work should be written, but left Mr. Ralfe to the exercise of his own judgment, and to make such comments as he thought the facts warranted. I never desired the support of any man who was not convinced of the purity of my conduct. I ask for a favourable consideration of those errors to which human nature is subject; but I require no further favour or indulgence.

With the result of Mr. Ralfe's labours I have every reason to be satisfied, and indeed, I may say, flattered. He has been a little more profuse in his compliments than I expected, or am conscious of deserving; but to the truth of all the facts he has stated, I bear my most unqualified testimony. At the same time, I could wish he had known my desire that he should avoid all criticisms on my court-martial, and the conduct which the Admiralty have thought proper to pursue towards me. I am anxious that my

Case should be thoroughly understood, but I wish to throw no blame upon those who have misconceived my character. We are all liable to prejudice in estimating the conduct of others, and I am willing to allow, that there have been many peculiarities in the various situations in which I have been placed, which have laid my motives open to misconstruction.

What these peculiarities were, I take advantage of Mr. Ralfe's publication to enlarge upon. I have, therefore, had the "Memoirs" of my life reprinted, with such additions as I think important; and I offer the whole to the consideration of those who desire to understand the merits of my Case.

In a profession so complicated in all its details as the naval, an officer must have great interest, or great success, to derive full benefit from those talents which are not above mediocrity. It has not been my lot to have either of these useful aids; and, therefore, I should not have been surprised, if on many occasions I had incurred censure where I have obtained credit: but common honesty is within every man's reach, and I confess I never expected that my integrity or veracity would have been called in question. The state of my finances, when I began to walk the

quarter-deck, made it necessary for me to be extremely cautious in my expenditure; but this caution never extended to the desire of amassing wealth: had it done so, I might have easily gratified it by resorting to those modes which, amongst some of my brother officers, were looked upon as perfectly fair and legitimate. Perhaps these economical habits might have had some effects on my conduct with regard to the public expenditure, even unknown to me, and have been the cause of those accusations which have been made against me of cramping the operations of the service by a starving economy. I was, however, so strongly impressed with the idea of the difficulty that the government had in raising sufficient money to meet the increasing expenses of the war, that I braved the unpopularity to which I was exposed, sooner than forego a system which possessed such strong recommendations, determining that no individual should enrich himself at the public cost when I had the power to prevent it.

I had heard it stated in the House of Commons that the naval expenditure might be reduced two-thirds; and believing, as I did, that there was good foundation for the assertion, I persisted in my very unpleasant and thankless task. In

explaining some circumstances relative to this subject, and in alluding to instances in which I may fairly challenge the merit of disinterestedness, I disclaim all accusation of being influenced by vanity. I mention facts which, though not within the compass of Mr. Ralfe's information, are open to proof, and if incorrectly stated, liable to contradiction. But, in speaking of economy, it must be remembered, that I never interfered with the fair gains of any man, and that I always made allowances for errors arising from long customs or incidental oversights. By gentle means I corrected many abuses, and stopped many evil practices without the necessity of resorting to punishment. Little could I then suppose that I should be charged with having yielded to corrupt customs, and committed errors which I had been, through my whole professional life, labouring to reform.

I know allusions are often sneeringly made to the great fondness of naval men for publishing statements and explanations; and, on many occasions, these sneers are not altogether ill-founded. But in my situation I have no choice; I must either force my Case on the attention of people, or I must continue in that mortifying and penal retirement to which I have been condemned. It

adds not a little to the feelings that oppress me, when I find, as is often the case, that whilst almost every body is ignorant of the particulars of the charges against me, some attribute them to offences of a far different nature; and even some of those who are most inclined to take my part, think they offer an unanswerable defence for my character, by saying, I yielded to a bad custom, which others had been allowed to practise with impunity. I wish every body to know that the charge for which I was tried, and which the court-martial declared "*in part proved*," was, for taking money for freight improperly—that the amount of my proportion of the money so taken was *sixteen pounds*—that there was no other charge produced against me, whatever was insinuated; and I wish every body to hear my solemn denial, that I was in any way party or privy to the transaction; or either directly or indirectly yielded to the custom out of which it originated, however extensively practised such customs might have been at Jamaica, both before and since the time of my command. It is the disinclination I met with in people to go into the subject and listen to my justification, that thus forces me to appear in a character for which neither my education, nor subsequent habits of life, may be

thought to have particularly well qualified me— I mean, that of an author.

I have been no less mortified by listening to the comfort which others have imagined they were bestowing upon me, by saying that the offence with which I was charged involves no moral turpitude; that my private character remains untouched; and recommending me to sit down in quiet submission to the misfortunes in which a combination of untoward circumstances, and not guilt, had implicated me. But I cannot agree with such reasoning. The offence, whatever opinion there might be about its moral turpitude, was contrary to the rules of the service; and if I ever had sanctioned it, I am willing to allow I deserve my fate. Neither can I agree that my private character remains untouched. Be it understood, that I have repeatedly and solemnly asserted my innocence, and that I have been disbelieved. It must, then, be admitted that I am not too sensitive, when I shew myself thus anxious to embrace every opportunity that accident throws in my way for defence and explanation.

In a statement which I forwarded to the Admiralty five years ago, and which I have since had printed for private distribution, I mentioned

that I could shew the amount of all the money I had made in the navy; the whole of which arose entirely from pay and prizes, and on account of freight according to the established custom of the service. I now repeat, that if any gentleman into whose hands these pages may fall, will do me the favour of so far interesting himself about me as to be desirous of proof, I will produce satisfactory testimony of all I have received, either in my official or private capacity, from my youth up until now. It is impossible to give a more complete answer to those who charge me with having amassed wealth by any means contrary to the rules of the service and the practices of a gentleman.

I have always considered mercy as a prominent feature of the present administration. I have seen it dispensed to the high and the low, under all circumstances of guilt and aggravation. In my Case, I hear, there are great objections to disturbing the sentence of the court-martial; but feeling, as I do, conscious of innocence, I still look forward to the day when I shall obtain that favourable consideration which I have hitherto entreated in vain. The Admiralty had not a more zealous officer under their controul than myself, nor one less actuated by selfish motives, or

one who was more alive to the honour and dignity of the naval service. I must, therefore, still hope that I shall not continue for ever a victim to the prejudice that has obscured my character, blighted my prospects, and embittered my life; and, in the hope of contributing to dissipate it, I take advantage of Mr. Ralfe's publication to call attention to my Case.

CHARLES STIRLING.

WOBURN-FARM, CHERTSEY, *Sept.* 1826.

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 survey of the subject. It is divided into three
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CHAPTER I

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HISTORICAL MEMOIRS

OF

ADMIRAL CHARLES STIRLING.

SCOTLAND has given birth to many individuals distinguished for their piety, their learning, their courage, and their general abilities; and she claims the family of Stirling as peculiarly her own. Admiral Stirling is the son of Captain Walter Stirling, R. N. who was knighted for bringing home Sir George Rodney's dispatches relative to the capture of St. Eustatia. He was born April 28, 1760, and at an early age accompanied his father on several cruises. He afterwards sailed with Sir Edward Hughes to the East Indies, and on his return from thence he was made a lieutenant, June 12, 1778, being at the time only eighteen years of age. He then proceeded to North America, and in May 1780 was promoted to the rank of commander by Vice-Admiral Arbuthnot, after the capture of Charlestown. Having been appointed to the Avenger sloop of war, which had been purchased into the service, but which proved a most wretched sailer, he was stationed between Gardner's Bay and City Island, in

Long Island Sound, to protect the craft conveying fuel to New-York ; a service which became important on the approach of winter, as that article had become exceedingly scarce. He had also under his orders four galleys rigged as schooners, and having in the month of October collected twenty-five sail of vessels in Gardner's Bay, laden for the garrison at New-York, he received information that the enemy had assembled a ship of 20 guns, five brigs, and a large schooner, in Newhaven, for the purpose of attacking him. Notwithstanding their superiority, however, he proceeded in his preparations, and put to sea the following morning ; and shortly after discovered the enemy in full force, lying in his route, with an apparent determination to cut off his communication with City Island. Having directed the convoy to stand close in shore, Captain Stirling stood out in a line of battle to attack the enemy, who had likewise formed, and shortly after an action commenced ; but as the enemy kept under sail, and the bad sailing of the Avenger prevented her keeping within gun-shot, it soon terminated, when Captain Stirling edged away towards his convoy, and effected his passage to New-York without loss, although the enemy twice attempted to cut off some of the convoy. The conduct and success of Captain Stirling on this occasion were much spoken of at the time, and he was highly complimented by his superior officers for the skill and ability he had displayed : it was, in fact, considered as a fine specimen of promising talents and

genius ; and had it been on a larger scale, or had the enemy been bold enough to have come to a close action, no doubt it would have terminated in a manner highly honourable to the professional character of Captain Stirling, who was at the time only twenty years of age.

In the month of December Captain Stirling landed on the main, with the greater part of his crew, to assist a party of provincial soldiers in destroying some magazines formed for the enemy's army ; but, owing to several untoward circumstances, the plan failed, and, to effect their retreat, the party were obliged to storm a redoubt which had been thrown up ; a sharp skirmish also took place with some formidable parties of the enemy, in which three sailors and several soldiers were killed. Having removed to the Vulture, he was ordered, in January 1781, to proceed up the Rariton, to assist a detachment of the army in Staten Island, where he experienced a great deal of hard service in gun-boats ; being obliged to keep strict watch, night and day, to prevent surprise, frequently engaged in skirmishes with parties of the enemy, and the general depending upon him to land and protect the spies necessarily employed, as well as to obtain him intelligence of the enemy's movements, and to open communications with the friends of the British government in the interior : all objects of great importance ; but the duties, fatiguing and harassing as they were, were rendered doubly so by the inclement season of the year.

In the ensuing spring Captain Stirling was removed to the *Savage* sloop of 16 guns ; and as the French and American armies had encamped on the White Plains, it was considered necessary by Sir Henry Clinton to detach a force up the Hudson's river, to harass and endeavour to cut off their supplies : so urgent indeed was this object considered, that though Captain Stirling represented the impossibility of lying in any part, above the neutral ground, out of the reach of the enemy's shot, he was directed by Commodore Affleck to proceed at all events, taking with him the *Savage* and *Monk* sloops, a galley, and two gun-vessels. He accordingly got under sail, and reached the Tappan Sea the following evening, when he anchored off Tarrytown, without molestation, either from a strong fortress on the starboard side, or a battery on the other. At that moment a body of troops was encamped on a hill at a short distance from the town, and seeing that the object of the British squadron was to destroy the vessels moored near the town, they left their camp and went to their assistance. This movement was anticipated by Captain Stirling, and he accordingly made preparations to destroy the camp before he made any attempt on the vessels. For this purpose the boats left the *Savage* about eleven o'clock, and before three the whole of the tents were in a complete blaze ; the party then returned to the *Savage*, and the American troops having in the mean time hastened up to their camp, their vessels immediately became the objects of attack,

and such was the alacrity displayed, that the whole were soon enveloped in flames and completely destroyed. The country round for many miles now became alarmed, and every preparation was made to cut off the retreat of the assailants: one gun was first brought to bear on the little squadron, and as the fire could not be returned with effect, Captain Stirling shifted his anchorage. Here fresh annoyances were projected, and guns were brought to bear on the squadron; and all hands were obliged to be kept at their quarters for two days and nights, when they took shelter under a high mountain on the north side of Hudson's river, about four miles distant from Stony Point. Preparations were now made by the enemy for carrying the British squadron by boarding; but a north-west wind having sprung up, Captain Stirling again made sail down the river, having the two gun-boats in tow, the Monk sloop astern, and the galley on his starboard side. The shore was now covered with soldiers from the combined armies, and other spectators, all anxious to witness the surrender of the little squadron, which they thought was inevitable, as whenever a gun could be brought to bear from the heights it was immediately discharged. The grand attack, however, was to be made from the fortress and battery which they had passed in going up without molestation. They were now manned with the French artillery, and Generals Washington and Rochambeau were present. As soon as the squadron got within long range, a tremen-

dous firing began, both from the fort and the battery on the opposite shore. Fortunately, there was at the moment a good breeze and a strong tide, and the whole of the vessels passed this formidable fire, not without loss, but it may almost be considered as a miracle that none of them was sunk. Many of the men were killed and wounded, and the vessels were considerably damaged in their hulls, masts, and rigging; the *Savage* having had several men killed and 16 wounded, and was obliged to shift two lower masts. Such was the nature of the service performed by Captain Stirling on this occasion, and such were the dangers and obstacles which he surmounted; and when it is added, that during the five days that he was absent he never allowed himself any rest, and that he was never absent from the deck more than five minutes at a time, the fatiguing duties of his situation, and the arduous nature of the service in which he was employed, may be easily imagined. Such conduct could not fail of meeting with the approbation of all those who knew how to appreciate talents and perseverance; and Rear-Admiral Graves, who had succeeded to the chief command, was pleased to express his particular approbation of the proceedings of Captain Stirling; and as a mark of his satisfaction, having no immediate opportunity of giving him promotion, he ordered him on a cruise, at a time when every other ship under his command was employed in watching the enemy.

Having sailed on this new undertaking, Captain

Stirling first touched at Charlestown with dispatches, and having been informed that several privateers were looking out for some valuable ships daily expected to arrive from England, he determined to wait off the bar for their protection, although it militated much against his interest, as the neighbourhood of the Bermudas, whither he was ordered to proceed, was considered the most advantageous cruise on the American station, and particularly at that season of the year. These considerations were, however, of minor importance, and he determined to protect, at all hazards, the commerce of his country. On the 4th September seven sail of shipping had collected in the offing, but could not cross the bar, and on the following morning the American ship of war Congress hove in sight. She was soon made out to be far superior in point of force to the Savage, and equal in every respect to an English 32-gun frigate. Success against such a superiority was hopeless, and though the Savage might at first have escaped, Captain Stirling was aware that by so doing he would more than risk the merchant-vessels, which were valued at 400,000*l.* sterling; he therefore determined to risk the king's ship in their protection. He encountered the enemy, and maintained a most spirited and determined action, which reflected the highest honour on his courage and intrepidity, not surrendering his ship till her mizen-mast was shot away, her main-mast tottering, several of her guns rendered useless, with 8 men killed, himself, a lieu-

tenant, 3 midshipmen, and 12 of the crew wounded. The enemy likewise suffered severely, having had 11 men killed and 30 wounded, and was so cut up in her masts and rigging as to be obliged to return to port, leaving the traders to pursue their course unmolested. Captain Stirling again received the thanks of his commander-in-chief for the skill and bravery he had evinced on this occasion; and even the enemy spoke of his defence in terms of the highest admiration. He did not remain long in captivity, and on his rejoining the flag-ship, the admiral would have proved to him the high estimation in which he held his talents and conduct by giving him post-rank, had not he himself been unfortunate, and the affairs of Britain on that station begun to wear a dismal aspect. He, however, wrote a letter to the Lords of the Admiralty, stating his merits: but on his arrival in England circumstances were not more favourable; Lord Sandwich was on the point of retiring from the Admiralty, and he expressed his regret that the state of public affairs put it out of his power to grant him that promotion which he deserved. The Carolina merchants, however, expressed in very strong terms their thanks for his conduct, and for the means he had taken to preserve their property.

Shortly after the appointment of Lord Keppel to be First Lord of the Admiralty, Captain Stirling was appointed to the Termagant of 18 guns, and in May 1782, he was ordered off the Texel with dispatches for Lord Howe. At this time the influenza raged vio-

lently among the shipping in the Downs, and though the case was urgent, and there were eleven pendants flying, the admiral could only send forty men to weigh one of his anchors and trip his top-sails; the other cable was slipped, and Captain Stirling proceeded to sea with only twenty men fit for duty, and without a single officer above a quarter-master. His zeal for the service, however, would not allow him to make any complaints, or to be starting difficulties, when his duty required his utmost exertions. On the third day after his sailing, he fell in with a large Dutch frigate, which bore down apparently with a determination to bring him to action. To fight was out of the question, and to escape was equally impossible, as the Texel was under the lee of the Termagant, and an attempt to make sail was at once to expose her weakness. Captain Stirling determined to put on the best appearance, and to make at least a show of resistance. But the enemy declined an encounter, perhaps thinking she was a look-out ship from the British fleet, and after passing out of gun-shot, ran into an anchorage. In the night Captain Stirling effected a junction with Lord Howe, and his lordship was so well pleased, under all the circumstances of his joining him, that he subsequently requested that the Admiralty would confer upon him the rank of post-captain, which was accordingly complied with by Lord Keppel, his commission bearing date January 15, 1783; and it may be mentioned as a curious circumstance, that Lord Keppel

also promoted Captain Stirling's father to post-rank, after the reduction of Goree in January 1759.

After the termination of the war, Captain Stirling was appointed to the Unicorn of 20 guns, and was stationed for some time in the West Indies, which we believe was the only appointment he had during the continuance of peace. Shortly after the commencement of hostilities in 1793, he was appointed to the Venus frigate, employed in cruising in the Channel; after which he removed to the Jason, and formed part of the squadron of frigates sent to Quiberon, under the orders of Sir John Warren and Sir Edward Pellew. Whilst thus employed, he was honoured with the company of the present King of France (then Count d'Artois), in his expedition to the Isle de Dieu, and on the troops being withdrawn, landed his royal highness at Edinburgh. In 1797, he was employed in attacking some batteries near the Sable d'Olonne and other parts of the coast. In April 1798, he was ordered to reconnoitre the harbour of Brest, having the Naiad under his orders, and two line-of-battle ships in the offing ready to assist in case of necessity. Although the wind blew right in, Captain Stirling approached so near as to be able not only to see what vessels were at anchor in Brest-water, but to observe the state in which they were; and which particulars were reported to Lord Bridport. The Jason having made sail to work out, several French ships weighed and gave chase, and no doubt would have brought her to action, had not

the appearance of the ships in the offing kept them in check. Steering to the southward, Captain Stirling observed a small convoy coming through the Passage du Raz, under the protection of a remarkably fine gun-brig, the latter of which he captured in face of the enemy's ship of war, then only four miles distant. On rejoining the admiral, a French ship of the line was observed off the Penmarks; the Mars, Jason, and one or two other ships were ordered in chase. The Mars kept the lead all day; about ten p. m. the Jason made the Bec du Raz, and soon after she saw a ship at anchor in the passage. It was at the moment a matter of doubt whether the ship seen was the Mars or the enemy, but as Captain Stirling thought it his duty to ascertain it, he edged away for the entrance, and as he approached the shore, a ship was seen stretching out of Hodierne Bay, pushing for the ship at anchor, and as they approached, a furious cannonade commenced, which lasted exactly twenty-four minutes. Owing to little wind and a strong ebb tide, the Jason made but little progress, but arrived up with the combatants before the firing ceased, and received several shots from the enemy's stern. On arriving closer up a firing of musketry was heard, and seeing that both ships were on board of each other, Captain Stirling determined on boarding the enemy; but on passing ahead of the Mars, he was hailed that the enemy had surrendered: but at the same time his assistance was most earnestly desired, both ships being on fire; and seeing the

flames issue from the lower-deck ports, officers and men with buckets were immediately put on board, and by great exertions the fire was extinguished. The Passage du Raz is at all times most difficult of navigation, but at night particularly dangerous; and Captain Stirling being well acquainted with its difficulties, ventured to send his opinion to Captain Hood, when he learned with regret that that gallant officer had been mortally wounded on the coming up of the Jason. On the change of the tide, Captain Stirling gave directions for the cable of the *Hercule* to be cut, as the *Mars* hung by her, when both ships dropped out clear, and about one o'clock they were joined by the *Nymph*. Notwithstanding the presence of the Jason at the capture of the *Hercule*, the conduct of Captain Stirling was not even noticed by Lord Bridport*, probably on ac-

* It was said by an officer of rank in the confidence of the commander-in-chief, that, as the Jason did not fire into the enemy, she was not entitled to be mentioned as having assisted at the capture. The fact is, that the *Mars* was so interposed between the Jason and the *Hercule*, that I could not have fired without endangering the former; and when passing ahead of her for the purpose of boarding the enemy, we were so near the latter, that our larboard-mizen-vang hooked her jib-boom. Captain l'Heritier declared, after the action, that he had left off firing his great guns for the purpose of collecting his men to board the *Mars*; but on our coming up he abandoned the idea. What might have been the consequence of his carrying that design into effect, or how far our coming up might have influenced his surrender, must now, of course, be left to conjecture. All I contend for is,

count of Captain Hood being his relation: he was, however, allowed to share head-money, a proof of the active part he had taken on the occasion; though he put in no claim, and though the same was refused to the *Nymph* and *Ramillies*, who had put in a claim, which was successfully resisted by the officers and crew of the *Mars*.

In the month of June Captain Stirling was stationed off *Hodierne Bay*, with the *Pique* and *Mermaid* under his orders; and on the 29th, in the morning, chased a French frigate from the *Penmarks* to the *Point de la Tranche*, in the *Pertuis Breton*, where she ran on shore. About eleven p. m. she was brought to close action by the *Pique*, but the latter having lost her main-top-mast, dropped astern: at this moment the *Jason* came up, but running along side the enemy, took the ground. Captain Stirling now hailed the *Pique* to haul off, or to anchor; but Captain Milne, not hearing this direction,

that although the *Jason* did not fire, she was, from the above circumstances, entitled to be mentioned in the account of the battle. At any rate, I afterwards saved both ships from drifting on a rock that was close to them, by ordering the cable, by which they both hung, to be cut, and they were thus enabled to cast clear: a fresh breeze, with the tide setting on the rock, would have been fatal.

I may further observe, that the *Passage du Raz* was at that time considered so dangerous, that Sir J. Warren, not long before, would not enter it even by day, although in chase, but hauled off from a squadron of frigates which he had engaged at the entrance.

stood on and grounded also. In this situation the action continued for three hours, when the enemy surrendered. In the morning the prospect appeared the most dismal and discouraging ; but little hope seemed to present itself of getting either of the ships afloat ; the enemy, who had assembled in great numbers on the shore, could walk to the prize at low water, and it was clear might destroy the whole with common exertions. On the Jason first taking the ground, Captain Stirling sent orders to the Mermaid to anchor, and she was afterwards brought into a situation to heave the Jason off at high water ; but as the Pique could not be trusted to the same hawse, she unfortunately fell over and bilged. About nine a. m. the Mermaid was ordered to look out in the offing for a squadron under Captain Stopford (which the Jason had passed at anchor off the Isle de Dieu), and which she fortunately brought to their assistance. The Jason was then hove into deep water ; the prize (La Seine of 42 guns) was hove off, and Captain Milne and crew placed on board of her ; all of which took place in sight of a superior force at Rochelle, without molestation, though they, at one time, threatened to interrupt their proceedings. In this contest the Pique had one man killed, one wounded, and six drowned ; and the Jason seven killed and 12 wounded : and what greatly added to the difficulties experienced on this occasion was, a violent contusion which Captain Stirling received on the breast during the action, which obliged him to go below, and remain

for the rest of the time. We doubt whether any one unconnected with the service, or unused to the responsibility of command, is able duly to estimate the situation of Captain Stirling. Pursuing his enemy with all the ardour and enthusiasm of one anxious and desirous of naval fame; seeing the laurel within his reach, which he was prevented from grasping only by one of those freaks of Fortune which often baffle the greatest minds, and finding himself wounded and unable to make those exertions which were natural to him, and at a time when they were more particularly called for; all these circumstances could not fail of affecting the strongest mind, and they were severely felt by Captain Stirling. A short time, however, served to reinstate him in his usual health and vigour, and he was ordered by Lord Bridport to cruise as close off Brest as possible. On the 13th October, he fell in with seven *chasse-ma-rées* in Douvernenez Bay, and just as he had captured them, the *Jason*, about two o'clock p.m. struck on *la Basse Vielle*. At this time the wind was S.E. by S. blowing so fresh as to enable her just to carry her royals, and she was going about ten knots. Providentially the water was uncommonly smooth, and after the rock was in the ship's bows, she did not appear to have the least motion. The tide was rising, and for a considerable time there were doubts whether she would not slide off and go down stern foremost; and which must have been the case had the tide been falling, as she hung forward, and had thirteen fathoms aft. Sec-

ing there was no possibility of saving the ship, the boats were got out as fast as possible, and a large raft, sufficient to carry the whole of the crew, was constructed with the spare top-masts and spars; but just as the men were quitting the ship she floated, and they were enabled to keep her up till she ran two miles and reached a place that left her gunwale above water, by which means the whole of the crew were saved.

Having returned from his captivity, Captain Stirling was appointed in 1799, by Lord Spencer, to command the *Pompée*, in which he served in the Channel fleet, the Mediterranean, the West Indies, and had a winter's fag off the Black Rocks. In June 1801, he was detached under the orders of Sir James Saumarez to cruise off Cadiz; he subsequently proceeded with him to Algeziras Bay, and on the 6th July highly distinguished himself by his brave, cool, and intrepid conduct. It was at first intended that the *Pompée* should lead, but Captain Hood having some knowledge of the bay, the post was assigned to the *Venerable*. In standing in, however, she kept too far over towards the rock, was becalmed, and thrown out; but Captain Stirling, by hugging the shore on board, kept the breeze till he reached the *Formidable*, the flag-ship of Admiral Linois, having ranged under all the batteries, and passed two French ships of the line and a frigate, all of which opened their fire on the *Pompée* and *Audacious*. Having reached this situation, which to a man of ambition must be the most enviable, he let go an

anchor ahead and astern, having a hawser to each to keep his broadside to the enemy's bow, then within pistol-shot, when a most destructive cannonade commenced, which presaged the most happy result; but in a short time the *Pompée* was perceived to swing, and as her guns became useless, the French ship hauled in shore from her. In the Memoir of Sir James Saumarez we have stated, that this unfortunate circumstance was occasioned by the shear of the *Pompée* having broken by a flaw of wind; but we have since heard it attributed to the following cause: In the morning the French admiral was moored with one anchor in seven fathoms and another in four, the latter of which had been carried out in a launch; but perceiving the British squadron standing towards him, he slipped his outer cable, and having swung to his inner anchor, tailed on the mud. The *Pompée* brought up with this inner anchor abreast of her gangway, but having, on the tide falling, caught forwards, she swung with her head towards the enemy, in spite of the utmost efforts to prevent it. In this unfortunate situation she remained above an hour, without having an opportunity of firing a shot with effect, but exposed to a raking fire of the enemy; and notwithstanding the danger to which he was exposed, and that every minute increased his perilous situation, Captain Stirling refused to quit his position without orders. In this extremity one of the admiral's lieutenants came on board the *Pompée*, and seeing the impossibility of bringing her broadside

to bear either on the enemy's ships or batteries, asked Captain Stirling if he did not think himself authorized to make a retreat? Captain Stirling said, no; but that he might report the state of the *Pompée* to the admiral, and at the same time tell him, that he was determined not to quit his position without orders. The officers of the *Pompée* now became convinced that the ship could not long hold out against such a tremendous fire as was opposed to her, but still Captain Stirling persevered in his determination not to move without orders, notwithstanding the destruction of the ship seemed inevitable; every moment increased the conviction that this would take place, and catching his son (a youngster) up in his arms, was about sending him away in a boat, when his signal was made to cut, and the ship was towed out, without a rope, mast, spar, or sail that was serviceable, and with 42 men killed or wounded. On anchoring at the Mole, Captain Stirling waited on Sir James Saumarez, by whom he was received with the most marked attention and flattering approbation*. He was also complimented by the offi-

* Notwithstanding this flattering reception, I was afterwards much mortified to find that the admiral omitted to make that mention of me in his letter to the Admiralty which he had given me reason to expect. He bestowed all the praise of leading in to the attack on Captain Hood: but without meaning at all to undervalue the merits of that officer, it was evident to the whole squadron, as well as the garrison at Gibraltar, that he was completely thrown out by a failure of wind *on his opening the bay*. I therefore took

cers of the squadron, and by the governor and officers at Gibraltar, who, with the whole garrison, were spectators of the battle. Sir James Saumarez having determined to repair the least disabled ships first, Captain Stirling was directed to send every artificer and give every possible assistance to them, by which means it became impossible to get the *Pompée* in a condition to follow the enemy on the 12th; in fact not the smallest attempt was made for that purpose: but *in five days from that date*, though there were but few artificers in the yard, the hull was repaired, the bowsprit and the three lower masts were shifted, and she was in a com-

the liberty to complain of this to the admiral, observing, that he had complimented Captain Hood at my expense. But Captain Hood, as I observed to my first lieutenant, was an officer highly connected in the service, and being generally a successful man, might be considered as reposing on velvet: but if I had not gained my anchorage, I might have been ruined; and the situation of the *Venerable* made it necessary for me to incur considerable risk, by hugging the shore under the batteries a great deal nearer than otherwise I should have done.

I was afterwards informed by an officer belonging to the *Formidable* (the enemy's flag-ship), whom I subsequently captured off Cadiz, that Admiral Linois ordered his colours to be struck at the moment the *Pompée* was observed to take the ground; and it was only the hot fire, which deterred his men from going on the poop, that prevented its being done. At this time, I must observe, the *Audacious* was the only ship near me; the rest of the squadron were some distance astern.

plete state of repair; a circumstance which could not fail of being highly honourable to Captain Stirling, his officers and crew.

After the termination of hostilities by the peace of Amiens, Captain Stirling accepted the office of commissioner of the navy at Jamaica*; but in 1805 he

* As the measures which I thought it my duty to adopt with regard to the expenditure in the Dock-Yard, laid the foundation of that unpopularity from which I afterwards suffered so much, I shall take this opportunity of mentioning various instances in which those measures incurred the opposition or displeasure of the other authorities of the island. On my arrival I found many abuses existing: the government bills bore a very small premium, whilst private bills were 15 per cent. above par. I maintained that this ought not to be; and hereby gave great offence to the other constituted authorities. On one occasion there was such a strong combination against me, that no tenders of any description were made to me for bills. The admiral recommended my giving way, observing it was well known that the *yard never got the market price*, and that the public service would suffer by my holding out. I did not tell him exactly what my opinion on the occasion was; but I told him, that sooner than sanction the government bills being below the market price, I would advance 10,000*l.* out of my own pocket to meet contingencies, and trust to the Admiralty to indemnify me. As things turned out, however, there was no occasion for this advance; but I never afterwards found any difficulty in raising money to advantage.

The expense of stores in the squadron was enormous, notwithstanding the form of inserting the expenses was regular. A general expression of "Converted to yarns," or "Lost,"

solicited and obtained his rank as a rear-admiral ; and in the month of June hoisted his flag on board the *Glory*, belonging to the Channel fleet. Soon after

caused an expense of several thousands of pounds in one quarter. The captains were very angry with me for interfering, and the admiral took their part ; but as there was great necessity for a general change, although I could not effect it, I made insertions in the Expense-Books when I saw any deviations from the instructions of the Navy-Board, so that any reference might be made to them in future, should it be thought necessary. However, on my attending at the Navy-Board on my return to England, when I inquired for the Expense-Books in which I had made notes, not one of them was produced.

On one occasion some repairs were wanted in the yard, and the estimate sent in for them was about 2500*l*. But having caused timber to be purchased by the officers of the yard from vessels going to market, I procured it for half the price it sold for at Kingston, and the repairs were completed for a few hundreds. It had long been the custom for a merchant to supply the yard with various articles to the amount of 50*l*. monthly. This supply I stopped ; and we did as well without it as if the expense had been continued. In the hurricane of 1804, two of the line-of-battle ships were dismasted ; and it being expected that I should be obliged to make larger purchases and employ additional artificers, the price of every thing connected with the navy rose in the town. I set to work, however, with the common resources of the yard, and the ships were ready for service within the time which the admiral had given me, although the master shipwright and the principal officer of the mast-making department fell sick, and I was deprived of the benefit of their services ; but when it was seen that I could get on without

joining Lord Gardner off Ushant, he was ordered to take the command of five sail of the line off Rochefort; and early in July, Admiral Cornwallis having assumed the command, Admiral Stirling was directed to put himself and his squadron under the orders of Sir Robert Calder, who was cruising to intercept the combined fleet expected from the West Indies, and which he fell in with on the 22d July. In the Memoir of Sir Robert Calder* we have inserted the particulars of his subsequent proceedings, and have here only to observe, that the conduct of Admiral Stirling was such as to give him the highest satisfaction, and which he expressed by letter in the following terms: "Permit me to return you my most heartfelt thanks for your unremitting attentions, and for the very gallant support you rendered me during the whole of the action†."

assistance, things came round, and the prices fell to their usual scale.

I may here also observe, that, in a preceding command, the Queen of 90 guns had been hove down, and cost the government nearly 20,000*l.*; but the Duquesne of two decks and greater tonnage was hove down under my inspection, and cost about one-tenth part of the sum. More work was certainly required in the former ship, but not enough to account for the enormous difference in the expenditure.

* *Naval Chronology*, vol. I.

† Here again I have great reason to complain. I was altogether omitted in the public dispatch: Sir Robert Calder, indeed, apologized for the omission, which he assured me proceeded entirely from the illness of his secretary, and en-

In 1806, Sir Home Popham left his station at the Cape of Good Hope without orders, taking with him nearly the whole of his force, thereby leaving the settlement in an exposed and defenceless situation, to attack the enemy's possessions in South America; although he had been ordered to send such force as could be spared on to India, and all transports, not wanted for that purpose, to England, without delay. As this conduct was striking at the root of all discipline, it was determined to supersede him, and Rear-Admiral Stirling was chosen for that purpose. It was, however, a command which he had great reluctance to undertake: he considered that government had been *forced* to adopt measures respecting Buenos-Ayres which there was no reason for pursuing but what arose from wild speculation; and as the English had not been invited thither, insurmountable difficulties would arise either in making conquests or in keeping possession; whilst the most fatal effects would follow in the event of a failure. With this impression on his mind, he made every objection, consistent with his sense of duty, to the acceptance of the command: indeed, had it not deavoured to rectify the mistake by writing a third letter to the Admiralty respecting the battle, in which due mention was made of the assistance I had afforded him. But this was a very insufficient atonement; the mischief was already done. All people read with avidity the first news of a victory, and the names of those by whom it has been achieved cling to their memory; but an explanation, or an apology, is read by few, and remembered but imperfectly.

been his opinion that it is the duty of an officer to go wherever his country calls, he would not have accepted it. On his approach to the Rio de la Plata*, he heard

* On my arrival in the Rio de la Plata, I found that my predecessor had declared Buenos-Ayres in a state of blockade, and had seized all American vessels that had broken it. I strongly objected to sanction such arbitrary conduct, but the captains of the squadron as strongly urged me to acquiesce. I might have made a great deal of money by allowing the captains to act on their own responsibility, and could not have been a loser if they had acted contrary to law; but the whole blockade seemed to be so unwarranted, that I directed the river should be left open, until the pleasure of government, as to future operations, was made known. Two vessels were sent to the Cape of Good Hope and condemned; the others were released, on my refusing to sanction their detention.

The expenses in the Rio de la Plata would have been enormous if I had courted popularity by winking at the extravagance in which the heads of departments were disposed to indulge. But sooner than sanction such unjustifiable proceedings, I took upon myself the task of regulating the expenditure with the utmost care and watchfulness.

I constantly refused to pass any account, or to give any expenses the authority of my signature, without having satisfied myself of their correctness; and I believe many millions have been lost, from officers in power being too much in the habit of considering their signatures on these occasions as mere matter of form.

The squadron (together with a regiment of dragoons for one month, and 2000 prisoners for two months,) was supplied with soft bread, fresh beef, fruit, and vegetables, from the beginning of February until June following, when I was su-

that Major-General Beresford, with his little army consisting of 1300 men, had been captured at Buenos-Ayres by the Spaniards, and the place retaken; and on his arrival in Maldonado roads, he found about 2000 troops, who had arrived from the Cape of Good Hope, in possession of a miserable post, that could not have been held one day if the enemy had attacked it with any degree of spirit and judgment; and he further learned, that an unsuccessful attempt had been made by the troops to take Monte-Video.

Admiral Stirling now became convinced of the correctness of the opinions he had formed relative to those provinces previous to his leaving England; and seeing that the majority of the people were inimical to the interests of England, he determined to try a conciliated, without any further expense to the public than 5000 dollars, which had been put on board one of the ships by my predecessor, without leaving any particular directions for their employment. I therefore directed them to be applied, as I was justified in doing, to this purpose; and I think it will be allowed I made pretty good use of the money.

The movement of the army from Maldonado to Monte-Video did not cost government one shilling for the naval department. The troops, during the siege, had provisions and spirits from the squadron; and what was bought cost no more than it would have done in England, notwithstanding the exorbitant demands of the merchants. Every thing was prepared for moving General Whitelocke and his army to Buenos-Ayres before the arrival of my successor, Rear-Admiral George Murray, for a few hundred pounds, at least so far as the naval department was concerned.

tory plan, feeling confident, that if the British government were fully acquainted with the real situation of affairs, they would not persist in weakening the force at home, without a probability of any adequate advantage. In conjunction, therefore, with Lieutenant-Colonel Backhouse, he wrote a letter to the viceroy, the Marquis of Sabre-Monte, intending, if he could have obtained the release of the English prisoners, to withdraw from the river. An unfavourable answer was, however, returned, and a reinforcement of troops under Sir S. Auchmuty having arrived, it was determined to commence operations against Monte-Video. It was accordingly invested, but owing to the shallowness of the water the large ships were unable to approach near enough to use their guns: every assistance was, however, afforded which zeal, courage, and intrepidity could suggest; not less than 13 or 1400 seamen were landed, conveying supplies and harassing the enemy; and the flag-ship (the Diadem) was often left with only thirty men on board. Owing to the protracted defence of the enemy, the ammunition of the besiegers began to fail, and when a practicable breach was reported, only two days' powder remained; an assault then took place, which was fortunately attended with brilliant success, and the place was carried by storm. This secured to the captors the thanks of Parliament. But notwithstanding this favourable result, Admiral Stirling still retained his opinion relative to the object of the expedition, without independence was declared, or

security given for protection against the Spanish monarchy in the event of peace ; and this in opposition to almost the whole of the naval and military officers present, who were anxious to advance immediately on the reduction of the fortress. Had the admiral been actuated by mercenary considerations, self-interest would have urged him to an opposite line of conduct, to have fallen in with those sanguine expectations which were formed, and to have urged the necessity of proceeding without delay, as success, before the arrival of a successor, would have given him riches and another vote of thanks ; but he preferred the interests of his country to all minor considerations, and strenuously contended for keeping possession of a strong-hold, without hazarding failure in any further operations, until the British government should be enabled to judge what other measures should be adopted.

On the 10th May, General Whitelocke arrived, to whom Admiral Stirling freely communicated his sentiments on the state of affairs in the Rio de la Plata, and particularly urged the necessity of economy in every department ; and refused to sanction a proposal for taking up vessels and tenders, and hiring ships to carry horses, &c. up the river, when the army moved, considering the ships of war and transports sufficient for that purpose. On the 14th June, Admiral Murray arrived off Monte-Video, and assumed the chief command of the squadron ; when those preparations which had been made for attacking Buenos-Ayres were con-

centrated, and a day fixed for carrying the object into effect. Admiral Stirling was then left with four dismantled ships of the line to assist in defending Monte-Video, which was left in a very exposed situation. It is here almost needless to observe, that the attack under General Whitelocke completely failed*, and that he was glad to purchase a retreat by undertaking to withdraw the British forces from both banks of the river, after having lost 3000 men in killed, wounded, and prisoners.

Admiral Stirling now proceeded to the Cape of

* From the disastrous termination of the affair at Buenos-Ayres, I am not inclined to say more of General Whitelocke than what is intimately connected with my own conduct. The general was of opinion that we should get no prize-money unless the place was taken by force of arms: but I thought every advantage contemplated by the government would be obtained by negociation; though I perfectly agreed that, without fighting, we should not get possession of three millions of dollars, which were understood to be deposited in the town. Had I been influenced by mercenary views, I should have urged the general to advance before the arrival of my successor, as I had all to gain and nothing personal to hazard: I preferred, however, that line of conduct which I thought most conducive to the good of my country, and thus neglected an opportunity of greatly adding to my fortune. Had Buenos-Ayres been taken, the shipping and public property at Monte-Video would immediately have doubled in value, to say nothing of the additional prize-money I should have received from the capture of so rich a city.

Good Hope*, to which station he had at first been appointed, and where he continued till 1808, when he returned to England. In July 1810, he was promoted

* On my arrival at the Cape of Good Hope, I found that all the fuel had been bought up on speculation, and the squadron was very short of it. The price demanded for it was most exorbitant, coals being 30*l.* a chaldron. Those pursers who could not afford to furnish their ships had hitherto been allowed a certain sum for this purpose, which amounted, in the last year of the late war, to 10,000*l.*; but I had no intention to sanction the extravagant imposition. Just as it was thought distress would make me comply, I found some wood at a distance on government ground, and with this I supplied the squadron, when the price of wood immediately fell 300 per cent. Another imposition attempted to be practised, consisted in the extravagant prices demanded for fruit and vegetables, at a time when the scurvy had risen to such a height, that half the crews of some ships were disabled. In this extremity I fortunately discovered a field of wild asparagus, which was found effectually to answer the purpose; and the scurvy vanished without the loss of a single man, and without costing the government a shilling.

The Naval Hospital had also been a great source of speculation. Many thousands of pounds had been squandered there. I called for vouchers to send to the respective Boards; and not being satisfied with what was done, I refused to allow men to be sent on shore, resolving to shut up the hospital altogether: but I left the station so soon afterwards, that this resolution was not carried into effect.

I may mention another instance in which I was the means of saving a large sum of the public money:

An estimate was made just before my arrival for repairs:

to the rank of vice-admiral, and in the following month was presented with the freedom of the city of London, as a testimony of the high opinion entertained of his

for the naval yard (which was in great danger from inundation), and 3000*l.* was the sum thought necessary to preserve the public buildings from destruction. Having consulted with people competent to give advice, and ascertained the mode of accomplishing the object, I landed a certain number of seamen (who were employed in picking stones, and doing the other necessary work); and the result was, that the government got this job done at the trifling expense of sixpence per diem to each man, and the purchase of a few casks of lime.

Again: When the squadron was ready for sea, there was great want of some articles, which had, in expectation of this demand, risen very high in the market. A prize, in which I was entitled to share, had on board some of the articles most immediately wanted, and had I allowed them to be purchased out of her at the market price with the government money, I should have realized 200 per cent. more by the produce than I afterwards did; but wishing to prevent the public money from being squandered, I would not allow the agent-victualler to make any purchases in the then state of the market, and got what was requisite out of some Indiamen at a very moderate price.

The rate of exchange, too, was very disadvantageous to government whilst I was at the Cape, and I got much ill-will from the part I took in my endeavours to improve it. I confess, however, I was not so successful here as I had been at Jamaica and Monte-Video. At Rio Janeiro government bills were at 20 per cent. discount, whilst the bills of individuals were taken at par. To avoid such impositions, I ordered Captain Cumming, of the ship where my flag was fly-

public services. In October 1811, he was appointed to the chief command at Jamaica ; but in 1812, Sir John Warren having been appointed to the chief command on the coast of North America, the two stations were consolidated, and Admiral Stirling became only second in command. The command at Jamaica was always, during the war, considered a place of great emolument and patronage ; but from the moment Admiral Stirling became second in command, his authority and consequence were of course diminished, and, as is often the case, people shewed a disposition to thwart

ing, to take out of one of the public boxes the sum wanted to pay for fresh beef and the few things I would allow to be purchased, which had the desired effect.

At the termination of my command in the southern hemisphere the amount of all bills sanctioned by me did not, I believe, exceed 20,000*l.* for the year ; whilst in the preceding year, in a state of service precisely similar, more than 100,000*l.* had been expended.

In speaking of the Cape of Good Hope, I may be allowed to mention another circumstance, which, for the time, made me little less unpopular amongst the captains than the system of economy I have before alluded to. I caused all the captains of the squadron to make a return to me monthly of the punishment they inflicted on their crews. A violent clamour was raised hereupon, and I was told that I exceeded my authority. I persisted, however ; and the plan which, I believe, I am correct in saying, was first adopted by me, was so far approved by the Admiralty, that it has since formed a part of their official instructions.

and attack him, who before kept at a respectful distance.

In June 1813, he was superseded by Rear-Admiral Brown, but was not brought to a court-martial till May 1814, when he was charged with having let out his Majesty's ships as convoy, for the purpose of putting money into his own pocket, and convicted upon the slightest evidence that, we believe, was ever offered to a court of justice. It would greatly exceed our limits to insert the minutes of the proceedings, but we shall give every part that bears directly on the charge, and also such parts of the defence as are necessary for the admiral's vindication.

The court having met on the 7th day, an order from the Lords of the Admiralty was read, setting forth that Sir John Warren had, in a letter to them dated Bermuda, June 1, 1813, transmitted a copy of a letter which he had received from Commissioner Wolley at Jamaica, dated the preceding February, "stating the disrespectful manner in which his Majesty's naval service on the Jamaica station had been publicly spoken of, in regard to the hiring of ships of war as convoy to vessels going to the Spanish Main; and that the same was done very frequently, and without fear of public notice, as the money contracted to be paid on a convoy being granted was said to be on account of freight of a specific amount in specie, which the petitioners for convoy engaged should be shipped on the Main; and whether shipped or not, that freight, at the rate of 2½

per cent. should be paid on a stipulated sum previously agreed upon, so as to make the voyage a sure one; which money was divided amongst the captain of the ship, the admiral, and his secretary:" and reporting an occurrence of that kind which then had recently taken place, in the words following: "A Mr. Pallachi, of the house of Moravia and Co. merchants in Kingston, made a bargain with Bogle and Co. Vice-Admiral Stirling's agents, for the hire of his Majesty's sloop Sappho, to convoy two British schooners, laden with dry goods, to the Havannah. I am informed that Bogle and Co. insisted that the sum of two thousand dollars should be paid down before the Sappho proceeded to sea; that the two thousand dollars were accordingly paid to them, and a receipt demanded by Mr. Pallachi for the same; that a receipt was given for the full sum by a clerk from the house of Atkinson, Bogle, and Co. (who are Captain O'Grady's agents), who was sent to give such receipt, and in return received from Bogle and Co. a receipt for Vice-Admiral Stirling's and his secretary's proportions, the amount of which was previously deducted from the sum received. I have reason to believe that the business was completed without Captain O'Grady's knowledge and concurrence, and that the money was paid to his agents by the agents of the vice-admiral *before* Captain O'Grady knew of it."

Such was the nature of the charge brought against Vice-Admiral Stirling, in support of which were produced affidavits from Pallachi and a clerk in Atkinson,

Bogle, and Co.'s house, proving that "the two thousand dollars were paid to Bogle and Co. the admiral's agents, for the convoy of a schooner that was to sail under the protection of his Majesty's said sloop Sappho, and of which sum one-third was detained by Bogle and Co. as the proportion or share thereof of Vice-Admiral Stirling, and 5 per cent. further on the other two-thirds, as the share of Vice-Admiral Stirling's secretary."

At the commencement of the proceedings, Admiral Stirling was persuaded, against the suggestions of his own judgment, to object to the jurisdiction of the court* to try a charge arising from a transaction that took place on shore; and also against the affidavits being received in evidence; "a person accused of crime having, by the law of England, a right to see the witnesses whose evidence is brought against him, and to cross-examine them; and their affidavits or depositions can in no case be received against him, except only where it is so permitted by particular statutes, in cases where the witnesses are dead, where the depositions have been taken, under the authority of those

* It was the opinion of Mr. Sergeant Blossett that the prejudice against me at Portsmouth was so strong, that it was an object to get the trial removed into another court. Undoubtedly, as the event turned out, great advantage must have arisen to me from being tried before a tribunal which would admit only that evidence which was, strictly speaking, legal. I was very reluctant, however, to take the objection, and in the result I believe it did me much harm.

statutes, for the purpose of trial and in the presence of the prisoner." These objections were, however, overruled, and the affidavits were read. But the *only witness* who was brought forward on this occasion was Captain O'Grady, a party implicated, and who, we think, ought rather to have stood in the situation of the accused, than of the witness. He gave the following evidence :

" On or about the 1st February, 1813, the *Sappho* was refitting at Port Royal ; I was acquainted by Lieutenant Roberts, the first lieutenant, that a signal had been made by telegraph to go to the Penn by way of Kingston, and to call at Mr. Bogle's, Admiral Stirling's agent : I did so ; when Mr. Bogle informed me that Admiral Stirling intended to give me a freight, and that if I called the next morning he would let me know more about it. I said I was thankful, and that I was going to the admiral's if he had any commands. I then went to the admiral's (Stirling) at the Penn : he asked me if I had seen Mr. Bogle ; I answered, yes. After some conversation not connected with this business, I returned to Kingston. The next morning I called on Mr. Bogle ; he told me he was not able to settle the business yet, not having seen the Spaniard, but did not mention his name. He also said he would endeavour to have it settled, as he knew the Spaniards were not always inclined to do justice, having had an instance of that before. I then left him, and went to Port Royal, where I found the admiral mustering the

crew of the Seahorse : he called me aside on the quarter-deck, and asked me if the freight was settled ; I answered, no ; that Mr. Bogle had not seen the freighter. I then told him the Sappho would be ready to sail the next morning, being the time I was ordered to be ready for sea. He then said, ‘ You will not sail till the day after, as I am not ready for you.’ He said, ‘ You need not say any thing about the freight.’ The admiral then left the ship.”

The following day Captain O’Grady dined with the admiral, and after dinner the admiral drove him in his carriage towards Kingston, where his boat was ; but on getting out of the carriage, “ the admiral told me he was going to Mr. Bogle’s, and asked me if I wished to see him or not before I went. I answered, yes ; that I should like to see Mr. Bogle before I sailed. I again got into the carriage, and drove to Mr. Bogle’s, who received us in the hall. After some conversation usual on salutation, Mr. Bogle mentioned to me the two thousand dollars he had got, and that my agent, Mr. Adams, had consented to receive thirteen hundred and odd dollars, I think ; I am not exact as to the sum. Shortly afterwards the admiral went away with his party ; I went up to Mr. Bogle whilst he was getting the chaise ready, and when ready, went to my agent, Mr. Adams, *respecting this business.*”

2. Was the admiral present, and in the hearing of what Mr. Bogle said to you on the subject of the two thousand dollars received ?

A. The admiral was present, *but I cannot say that he heard* : Mr. Bogle stood close by me, and the admiral was about a couple of paces from him. My belief is, that he must have heard : his face was towards Mr. Bogle, and he appeared to be attending to what Mr. Bogle said ; but he did not say a word, and no one spoke but Mr. Bogle. I made some trifling answer myself—yes, or very well, or something of that sort. I sailed the next morning ; I had no freight or money on board ; and on my return from the Bay of Honduras, having been nearly six months absent, I wrote to my agent, directing him to return what he had received from Mr. Bogle for me. He was afterwards informed by Mr. Adams, that the person who had paid the money refused to take part, and wished to know whether he should oblige Mr. Bogle to refund what he had deducted as the admiral's and secretary's shares ; but he desired, if the person to whom the money belonged refused to receive a part, that it should be counted into a bag and thrown into his counting-house.

2. At what time did it strike you there was some irregularity in the proceedings ?

A. When I met the admiral on board the Seahorse ; *as he was not more communicative, I had an idea of it, which idea was confirmed by Mr. Bogle's communication.*

2. Is it consistent with your knowledge that Vice-Admiral Stirling was privy to the communication made to you by Mr. Bogle ?

A. I am induced to think so by what I have already stated to the court, *but by nothing else.*

2. When the vice-admiral told you that you had better not say any thing about the freight, what did you suppose was his motive for that observation ?

A. I before stated, that I had some idea that things were not correct from his saying so ; at the same time, *I knew things of that sort were often said concerning transactions where there was no irregularity.*

2. Did you make any inquiry of Mr. Bogle how the freight was to arise, as you had no money shipped ?

A. No, I did not.

2. Did you ask Mr. Bogle, when he said that two thousand dollars had been received, for what purposes they were paid ?

A. *I asked no question whatever, either of Mr. Bogle or any one else.*

2. Did any conversation pass in the presence of Admiral Stirling, which could lead to a suspicion or disclosure of the purposes for which the money was paid ?

A. I have already stated what passed in the presence of Admiral Stirling ; nothing more passed in his presence.

2. Did you suppose that the money paid was for the hire of the king's ship ?

A. I have already stated, that I drew that conclusion from what I have stated to the court. If Mr. Bogle, or the admiral, or the person who paid the sum in

question, had mentioned to me that that sum was received for the hire of the ship I commanded, I should not have had the smallest hesitation in mentioning my opinion of the circumstance to the admiral.

Q. Did you believe that the sum was given for the convoy the *Sappho* afforded?

A. Yes, I believed it was: Mr. Mitchell, a gentleman of the *Havannah*, informed me that the Spaniards found fault with the ship coming down with me, as the money was paid for the schooners.

Q. Did you not receive on board any large quantity of dollars at *Truxillo*?

A. Yes; I think about thirteen thousand; and after that, I received some at the gulf of *Dulce*, which I took to the *Havannah*.

Q. Was that before you returned to *Jamaica*?

A. Yes; in the execution of the admiral's orders, being directed to communicate by the *Havannah*.

Having now stated the charge, and the means by which it was attempted to be supported, we shall insert such parts of the admiral's defence as relate immediately to the subject. Respecting the assertions contained in Commissioner *Wolley's* letter, the admiral said, "In support of this statement of a practice stated to be so frequent as to be the subject of general conversation, and so disgraceful as to bring the whole naval service into disrepute, one instance only is specified. It is somewhat extraordinary, that a gentleman writing upon a subject with which he ought to be well

acquainted, and upon an occasion affecting the honour and character of a brother officer, should express himself in a manner so loose and equivocal as Commissioner Wolley has done. As I understand the charge, it is, that I or my agent was in the practice of receiving freight beforehand, as a colour for corruptly letting out his Majesty's ships for convoy, when no specie was intended to be put on board, either on sailing or on the return voyage. This seems to be implied in Commissioner Wolley's accusation with regard to the Sappho, though it is not expressly stated. My answer to that charge is, that if there were any thing in that transaction fraudulent, or colourable, or differing in any respect from the usual application for convoy, from a representation of a shipment of specie, I was entirely ignorant of it. The charge against me substantially rests upon Captain O'Grady's evidence, from whence it is to be seen whether I have been proved guilty of corruptly letting to hire his Majesty's ships for convoy. He positively declares that he never knew of any such bargain or hire; but he states that, from certain circumstances, he suspected the transaction to be irregular, and ultimately ordered the money to be returned. The court, I am sure, will see that I am not bound by Captain O'Grady's suspicions, but by my own actions; and will constantly keep in view the point I have already stated, carefully examining how far the evidence applies to it. It is necessary for this purpose to examine the circumstances Captain O'Grady

speaks to, and also *his conduct*: first, to see what impressions they really made upon *him*; and, secondly, how they are connected with *me*.

“ It appears from Pallachi’s own affidavit, that the whole transaction respecting the convoy passed between himself and Mr. Bogle. From my knowledge of Mr. Bogle’s character, and from the instructions I uniformly gave him, I cannot bring myself to believe that he would make a corrupt contract, either on my account or his own; and I can, and do most positively state, that he never had any authority from me to make such a contract, nor ever made any communication to me that he had done so. The *Sappho* was at that time intended to sail on public service to the Bay of Honduras, with orders, as Captain O’Grady has expressed it, of a very extensive and complicated nature. Mr. Bogle was a merchant resident at Kingston; he was in constant communication with other merchants resident there, as well as with captains of king’s ships, to many of whom he was agent. From motives, therefore, of personal convenience to others, rather than to myself, I did not object to his communicating with parties interested in the sailing of convoys. I had no reason to suppose that the application by Mr. Pallachi for convoy to the Havannah was made under any improper circumstances. I understood that a freight for specie was to be paid for by him: I was glad that Captain O’Grady, for whom I had a personal

regard*, was to have the benefit of that freight; but I did not interfere farther in the detail of the business, which rather belonged to the merchant who was to pay the freight, and to the captain who was to receive it, than to myself. It was under that impression that I asked Captain O'Grady, on board the Seahorse, whether the freight was settled; it was under the same impression on his mind that his answer was returned: 'No, Mr. Bogle had not seen the freighter.' It is evident from this answer, that he was in communication with Mr. Bogle on the subject of the freight, and that he considered it as I did, a concern of his own. The same idea remained on his mind the following day, when, upon my asking whether he wished to see Mr. Bogle before he went, he said, yes; and that *he*, and not *I*, then conversed with Mr. Bogle, and that Mr. Bogle wrote to *him*, and not to *me*, upon the subject of freight. Whether Mr. Pallachi had or had not in his contemplation the shipment of specie at the Ha-

* I extract this and the following note from the "Case," to which allusion is made in the preceding pages, and which contains the "Minutes" and every particular of my Court-Martial:

"Mr. Bogle had told me that Captain O'Grady was distressed for money, and as I had every reason to believe there was a considerable sum ready for shipment at the Havannah, which he would take up when he called there on his return from Honduras, the service was done him by sending him on such a voyage, and not by assisting him to get money improperly before he sailed."—*Case*, p. 34.

vannah, it was impossible for me to know. There was nothing unreasonable in the supposition that he had. It was well known, and the documents before the court prove, that his house was in the habit of shipping large quantities of specie at the Spanish Main. What representation he made to Mr. Bogle does not appear in evidence, nor am I acquainted with it. From facts which have since transpired, it appears he had no such intentions; but I cannot persuade myself that he was not duped by his representations. The convoy appears to have been an object of value and importance to him, and we have already seen to what artifices persons of his description would resort, to accomplish their objects.

“ Captain O’Grady states, that, *before he sailed*, his suspicions were awakened by my desiring him not to talk about the freight, and by his not finding that any specie was on board. Almost in the same breath, he disposes of both these causes of suspicion; for he admits that specie is never shipped *from* Jamaica to the Spanish Main, and that I frequently admonished my officers not to be too free in their conversation respecting particular matters of duty. He is quite correct in his statement. The obtaining of freight in the West Indies is a matter of some anxiety amongst the captains, and, in my opinion, was too frequently made the subject of their conversation; and there were many reasons why I should endeavour to repress it. It is plain, therefore, that neither of these circumstances

gave him just grounds for surprise, much less for suspicion. And what was his conduct before he sailed? If he had seriously suspected some impropriety, he might easily have ascertained whether or not his suspicions were well founded; but from the 2d February, when he pretends that his suspicions were first excited, until the 4th, when he sailed, he neither stated them to me nor to Mr. Bogle, notwithstanding the interview on the 3d, for the express purpose of his talking to Mr. Bogle on the subject. It is also very remarkable, that he does not state himself to have suspected any thing from the conversation with Mr. Bogle during that interview at which I was present, and where he says that Mr. Bogle declared to him that he had got 2000 dollars, and that Mr. Adams, his agent, had consented to receive two-thirds of them. I do not expect that my declaration will be received to contradict testimony given upon oath, but upon a subject upon which Captain O'Grady cannot take upon himself to speak with certainty, I may be permitted positively to assert, that I did not hear those words, which, according to the evidence, were addressed to Captain O'Grady alone. But supposing that they had been heard by both of us, to what did they amount, more than to an intimation that the freight had been paid in advance? If it raised no unfavourable impression on his mind, how could it be evidence against me of a corrupt and guilty knowledge of having let out his Majesty's ships for hire or convoy?

“ Let me now examine what circumstances arose

after Captain O'Grady left Jamaica, which raised, according to his statement, a farther suspicion in his mind. Upon his arrival at the Havannah he received no specie on board, and he had a conversation with two persons of the name of Mitchell, from whom he collected their opinion that the transaction was irregular. I need not state that this conversation of persons entirely unknown to me, and never communicated to me, proves nothing against me; but I apprehend that it was Captain O'Grady's duty to communicate these facts to me. The conversations of the Mitchells, and the circumstance of no specie being shipped at the Havannah, undoubtedly raised a strong presumption that a fraud had been practised. But Captain O'Grady, in the interval between that time and my removal from the station, wrote me three letters on service, which are before the court, and in none of them took the least notice of what he had discovered at the Havannah. He had the opportunity, by the same conveyances, to write to his agents, to disclose the same facts to them, and to order the money to be refunded to Pallachi. *He took no step whatever for this purpose;* but two days after his return to Jamaica, long after I had left the station, without calling for any explanation from any of the parties concerned, he insisted upon the money being returned; and then, for the first time, adopting the view of the transaction which had been given of it by my enemies in that island, broadly stated in his letter, that it had been obtained by me, or my agents, contrary to the

rules of the service. It is not difficult to collect from these circumstances at what time Captain O'Grady's opinion was first formed. So late as January 1814, he provided himself with the two affidavits mentioned in the charge, the chief object of which was to discharge him from any suspicion of knowledge or privity in the business; and Commissioner Wolley concludes his letter by stating, that he had every reason to believe that it was completed without his (Captain O'Grady's) knowledge and concurrence; and that even the money was paid to his agents by mine before he knew of it: whereas, from his own evidence and Mr. Bogle's letter, it appears he knew as much or more than I did from the beginning. He had the same access to Mr. Bogle as I had, and there is no fact in the case which it is proved, or can be pretended, that I was acquainted with, which it is not also proved that Captain O'Grady equally well knew; and I have a right to complain, that when he came to the knowledge of that of which I was ignorant, he did not immediately consult his own duty and my honour in communicating it to me. But I am at a loss to conceive how it is that the suspicions of Captain O'Grady, arising from facts communicated to him at a distance from me, unknown to me, and never related to me, can be evidence against me of having let to hire his Majesty's ships for convoy.

“ With respect to the charge of my having acted in this transaction from any corrupt motive, it is not only unsupported by any evidence, but it is disproved by

every circumstance in the case. The ultimate benefit of it, for the most part, belonged to others. From the very statement of the charge, Captain O'Grady was to have received two-thirds of it; and Commissioner Wolley has omitted the fact of my then being one of five junior admirals under the command of Sir J. B. Warren, and consequently entitled to only one-tenth of the remaining third, being about *sixteen pounds sterling!*

“ It cannot be answered to this observation, that this decision would be avoided by the matter being kept secret; for the *publicity* with which it was done is stated in aggravation of my offence; and that it was also taken in the name of freight, which of itself entitled other admirals to call upon me to account for it. So that the court is seriously called upon to believe, that an officer of the rank which I have the honour to bear, for the consideration of sixteen pounds, in a place where persons hostile to my interests were watching all my actions, let out one of his Majesty's ships of war for the convoy of a merchant-vessel; and that this bargain was publicly made and acknowledged; that the matter was discussed in Mr. Bogle's hall in the presence of my first lieutenant, my secretary, and the captain of the king's ship; and that afterwards clerks were sent for to witness the transaction and give receipts for the money, specifying how much fell to the share of the captain, and how much to that of the admiral. And lest the matter should by any possibility

escape a public disclosure, it is even suggested, that offence was given to the parties from whom the bribe was extorted!! I ask, where in the whole body of this evidence the court see the character of fraud and corruption? Corruption and peculation are secret and selfish; innocence is always open and undisguised. Had a dishonest peculation been my object, I might easily have obtained it. Had I been capable of perverting my public duty to private interests, I might have done so by means which would have at once concealed all evidence of my crime, and secured to myself the whole advantage of it. But my accuser was aware that every thing that was done was publicly done; that nothing was behind the curtain; that the facts to be proved were notorious to every one who desired to know them: he was aware that no private transaction was to be brought to light, no secret practices to be disclosed against me; and he, therefore, with a singular dexterity, boldly lays to my charge even the openness of my conduct, and attempts to establish and to aggravate my crime by what is considered in all cases as the surest test of innocence.

“ Were the observations arising from the evidence less strong in my favour than they are, I hope I might safely rely on the character I have acquired and maintained during forty years of active employment in his Majesty’s service, to repel a charge supported by no stronger proofs. I have been selected to command on stations where purity, integrity, and honesty were at

least as essential as personal bravery and professional skill; and in the execution of my duty on those stations, I have the happiness to reflect, that I have obtained the thanks of both Houses of Parliament, and the approbation of those who sent me on those services. If in a court of British officers the word and honour of a British admiral deserve regard, permit me to conclude by the most solemn assurance, that neither on this, nor on any other occasion, am I conscious of having wilfully deviated, in the slightest degree, from the path of honour or of my duty."

Notwithstanding this powerful appeal, notwithstanding this clear exposition of the case, notwithstanding the weak and loose nature of the charge in Commissioner Wolley's letter, and notwithstanding the unsatisfactory nature of Captain O'Grady's evidence, the court decided that the charge had been *in part* proved; and did adjudge that Vice-Admiral Stirling should remain on the half-pay list, and not be included in any future promotion! a sentence which, we must confess (notwithstanding the high and respectable names of those officers who composed the court), does appear to us unsupported by the evidence produced. Courts-martial are by some persons held in very high estimation; and we must own that upon the face of them they appear to be well calculated to attain the end in view—to administer fair and impartial justice: they are composed of men of the same profession as the accused; they are in general possessed of the same feelings, and

animated with the same desires, the same anxieties for the honour and reputation of the country, and are well calculated to make every allowance for the difficulties of situation and the weakness of human nature. And yet in talking upon this subject with a gentleman who had sat upon upwards of forty courts-martial, he said, "Whatever may be brought forward in favour of courts-martial, I never sat down with one in my life where I thought the whole of the members were perfectly impartial; I could see some kind of prejudice rankling in their breasts. Without regard to the *proof* of the charge, they got hold of something upon which suspicion might hinge, and which they thought sufficient to satisfy their own consciences, without thinking sufficiently of the legality of their proceedings." This appears to be somewhat the case in the present instance, and is pretty clearly pointed out by Mr. Const, whose opinion was taken on the occasion.

"It is unfortunate," says he, "for the vice-admiral, that the charge was not more precise, as it involves all the detail of the information transmitted from, as well as the impression made on the minds of the public in, Jamaica, described pretty forcibly by Commissioner Wolley, as well as the substance of an affidavit, and some letters from other persons, all of which I should have ventured to doubt the propriety of admitting in evidence, if it had not been for the solemn decision of the court (on the subject taken), that they were admissible, that is, *that they were legal evidence*; for on nothing short of it, I must presume, *would such a sentence have been*

pronounced. In looking at Captain O'Grady's evidence, I cannot perceive which part of the charge was proved: his testimony establishes the fact of the admiral having, in the technical phrase used, 'given him a freight,' for which he professed himself thankful; that money was paid on account of this freight; and that he afterwards discovered that no money had been put on board by the *freighter*, as Mr. Bogle emphatically termed him. This, with the information of Mr. Bogle's letter, the signature of which was acknowledged, seems to contain all the *facts* of the evidence. He, however, deposes to two conversations, the first on board the *Seahorse*, when the vice-admiral said, 'he need not say any thing about the freight;' which words he acknowledges were often used when nothing irregular could be intended: yet it gave him *some idea that things were not correct.* It is a pity that this idea was not sufficiently strong to have induced him to make some inquiry, or to have produced some intimation to the vice-admiral of his suspicion; but instead of so doing, he goes to sea, and is absent six months: but neither from Honduras nor the Havannah did he make any report of the irregularity, which, at least, he must then have been acquainted with; and yet, on his arrival at Jamaica, it operated so strongly on him, that he ordered his share to be thrown into the counting-house of the person entitled to it. I do not see what this proves, either against the vice-admiral, or in favour of Captain O'Grady; because at that time the

former had left Jamaica, and was consequently prevented from doing the same thing when he was aware of the irregularity ; and the latter could do no less as a man of honour, for at that instant it was a public topic of conversation in the island ; and this seems to have been *the first moment he thought restitution necessary.*

“ The other conversation took place between Mr. Bogle and himself, at which the admiral was present : but *he cannot say he heard it* ; and the little weight the words alluded to had with him, seems estimated by his making some trifling answer, ‘ *yes, or very well, or something of that sort.*’ Looking, therefore, at the account of the trial for the PROOFS of guilt, I am not capable of perceiving them, so as to know what *part of the charge* was proved ; and I have been in the habit of hearing, that, *for the purpose of conviction,* THAT which is not *proved* is as if it did not exist. I am aware that the most honourable minds are most obnoxious to strong suspicion in certain cases : Captain O’Grady’s evidence proves that he had imbibed strong suspicions, but I cannot feel that it goes farther. I need not advert to the points which the defence places so ably, and indeed I am sure I should only weaken them by attempting it ; and can only regret, that unless the evidence should be considered by the legal crown officer as imperfect, I am incapable of giving any advice on the subject.”

In 1821, Admiral Stirling submitted the case to the Lords of the Admiralty, in hopes of getting the sen-

tence reversed ; but without success. In this statement (which the admiral has since printed), he has entered more into detail ; but it would greatly exceed our limits to state all the particulars there brought forward. He has accounted for the hostility of Commissioner Wolley by stating, that the principal part of the traffic of Jamaica consisted in the illicit commerce with the Spanish Main, British manufactures being sent thither, and a vast importation of gold being received in return ; from whence arose a very important branch of the Jamaica trade—its money-market. “ The holders or consigners of specie may convey remittances to Europe by two channels : they may supply the wants of government in the West Indies, receiving bills on the British Treasury ; or they may ship money directly for England. The disadvantage to them from the first mode is, that from the influx of specie, and the perfect security of this way of remittance, the government bills are often at a high premium, and seldom, if ever, need be under par. The disadvantage of the second mode is, the payment of insurance against the danger of sea and capture, and the expense of freight.”—“ It was my constant object to keep up the credit of government bills ; whilst Commissioner Wolley and others unhappily took a different view of their respective duties, and *gave a premium for money when I was convinced it was not necessary*. I fairly and openly gave my opinion on the subject to the commissioner, agreeably to the orders we had received to confer mu-

tually with each other on any improper practices supposed to exist in our respective departments. I was in my turn charged with being actuated by motives of personal interest, and throwing impediments in the way of his public measures. The merchants very naturally took the part of the commissioner; and the means I had conceived it my duty to adopt, to further the objects I have mentioned, were openly canvassed and publicly censured."

The commissioner had also been on the very worst of terms with Admiral Rowley, and had, on the most trifling occasions, sent home complaints against him. The commissioner had also publicly declared, that he would be the ruin of Admiral Stirling; and farther evidence of his machinations against the admiral was contained in a letter from Captain Carter, detailing a conversation with a Mr. Hyslop, whose name the commissioner had mentioned to the Navy-Board, in a transaction which, however, did not answer the purpose of calling down censure upon the admiral.

The principal cause of the admiral's unpopularity in Jamaica appears to have been on account of freight. Specie being for greater safety always conveyed in the king's ships, is subject to a reduction for freight of $2\frac{1}{2}$ per cent. unless it belongs to his Majesty, who allows only one-half per cent. which is shared between the admiral and captain of the ship, in the proportions of prize-money; and though, during the period of Admiral Stirling's command at Jamaica, there was a difference of opinion as to whether the admiral had any

right to share, that question has been since settled by an order in council, which confirms the admiral's claim.

Previous, however, to Admiral Stirling's appointment to the Jamaica station, a custom prevailed respecting freight which was open to great objection. "The troubles in South America had so much opened the trade to that island, that more frequent convoys had been found necessary for the protection of the traders to the Spanish Main; and in consequence of the difficulty of sending men of war so often, for the purpose of answering the desired end with a less number of vessels, and as a means to make the traders consistent in their demands and regular in the times of sailing, the custom had originated of insuring a return of freight of 80,000 dollars, at the rate of $2\frac{1}{2}$ per cent. *whether bullion was shipped or not.* In my first conversation with Mr. Bogle, my agent, after my arrival, he informed me of this custom, and strongly urged its expediency. *I disapproved of it in the most decided terms, and positively declared I would not sanction it. This disapprobation I do most solemnly assert I never afterwards withdrew, either directly or impliedly.* For the few first months of my command, the captains who returned from the Spanish Main with freight were in the habit of paying the flag-proportion to my agents in London. The greater part, however, did not do so. But it was not until the Jamaica station was blended with the American command, and I became *one of five* junior flag-officers, that any opposition was made to the right of the flag to share. This opposition was

even then far from general, and, to the best of my recollection, there were but four instances. The first was during a conversation at my table, when Captain Sherriff, of the *Barossa*, loudly exclaimed against the right of admirals to share freight; and I felt myself called upon to reprove the expression of which he made use. The two next instances were those of Captain John Boss of the *Rhodian*, and Captain Thomas Dundas of the *Vengeur*; both these officers made an unsolicited acknowledgment of my right before they sailed, but both afterwards changed their opinion, and refused to pay the flag-proportion. *As a present they both would have given it*, but this I indignantly refused; it was only as a freight that I looked upon myself as entitled to make the demand, and as such alone would I receive it. The last instance was in the case of Captain James Walker of the *Bedford*, who fairly expressed his doubts, and proposed that the question should be settled by arbitration. I objected to such reference: yet, notwithstanding, he did so submit it; and, unknown to me, he appointed my agent, Mr. Bogle, as one of his arbiters. The decision was in favour of the flag, and Captain Walker expressed himself satisfied; but, like others, he afterwards changed his opinion, *and not a dollar was paid on my account!*

“ Another circumstance which brought a load of prejudice and ill-will against me was, the unpopularity of my agent. Mr. Bogle was a distant relation of mine by marriage, and in his friendship I had the full-

est confidence. But let me not be misunderstood, but clearly mark the distinction I make between public and private confidence. I never in my life thought myself justified in delegating to another any part of that public trust with which I was honoured by the government. Neither Mr. Bogle nor any other agent ever had any authority to act for me in any public capacity, even on the most trifling occasions; and I am not aware that he ever did so act, although I understood he wished it to be believed he might do so; and he certainly very frequently complained to me of my not reposing in him that confidence with which some commanders in chief were accustomed to treat their agents."

Respecting the circumstance which ultimately formed the charge on which Admiral Stirling was tried, he says, "An application was made to me in January 1813, by a Jew merchant named Pallachi, to give him a convoy to the Havannah. The man had been ill used by one of the captains a short time before, and as his feelings seemed hurt by it, I told him that I would comply with his wish, if I could do so consistently with the regulations I had made; adding, that the *Sappho* was expected shortly, and if he called at the Penn, or on board the flag-ship, he would hear when she sailed: but wishing to save him trouble, I said he would most likely get his information at Mr. Bogle's office, where, for the accommodation of the merchants, I usually sent notice when a king's ship would give convoy. On the arrival of the *Sappho*,

Captain O'Grady was directed to take such vessels as were bound to the Havannah under his convoy, and after seeing them in safety off that port, to proceed forthwith to Honduras, to convoy the trade to England, calling in his way again at the Havannah for such vessels as might be ready to accompany him, and *where it was expected he would get a very good freight.*

“ Very shortly after the sailing of the Sappho, I accidentally heard it reported that Mr. Pallachi had paid my agent a sum of money, by way of freight, for the convoy he had obtained. I immediately demanded an explanation of Mr. Bogle, who assured me there was no truth in the report; that no money had been received; that he knew it was contrary to my orders that any should be received, and he would on no account commit me in any such transaction. With this I was unfortunately satisfied, as at that time I had the fullest confidence in his word, and no motive then occurred to me which could have induced him to betray my best interests*.

* “ It has been asked, what could have been Mr. Bogle's motive in thus demanding money on my account, if I had not directed him. To this I was always ready to answer—that it would be difficult for me to supply other people with motives for their conduct, to avoid being myself implicated in their errors; and that my positive denial of all participation in the transaction alluded to was certainly equal, in absence of all proof, to Mr. Bogle's assertion that I sanctioned it. But if I must, to vindicate myself, suggest motives that appear to me likely to have influenced him, I will endeavour to do so with a conscientious regard to truth. From

“ A great deal has been said respecting my anxiety to make money. However great this anxiety may be supposed to have been, it certainly was not evinced in

my first arrival at Jamaica as commissioner in 1803, it was always the great wish of Mr. Bogle's life to be agent to the captains. The consequence of Mr. Waterhouse, who then acted in that capacity, was the object of his ambition; and he not only repeatedly urged my intercession to get him agency, but was always hurt at my refusal. On being appointed to the command, I took him out with me in the *Arethusia*, in return for his kindness to me when I had the yellow fever. Some of the captains appointed him their agent on his arrival, and I was pressed to ask the others to do so; but I invariably declined interfering with their patronage. When Captain O'Grady was ordered to the Bahamas, at the commencement of the American war, Mr. Bogle repeated his request; and it became more and more evident that he was desirous to ingratiate himself with the captains, and thereby get the whole agency into his hands. He knew the general desire amongst the captains to get freight; and told me that I should become very unpopular with them, if I denied them those opportunities of making money which my predecessors had allowed, and which, he has said in one of his letters, 'he never considered improper, or he would have advised me against it.' He was personally interested, moreover, in other ways to carry this plan of freight, as it was called; for he was more deeply engaged in traffic with the Spanish Main than I was aware of; and every attempt was made at Kingston to have it thought he could obtain the grant of a convoy, although he never succeeded in any one instance. Besides this, Mr. Bogle hated Mr. Pallachi; they generally quarrelled when they met; and when he was arranging, as he says, for Captain O'Grady, that the 2000 dollars were to

my actions. It is well known that I *repeatedly* refused to accede to the earnest solicitations of the merchants at Kingston to send over ships to the Spanish Main for specie, because I thought it would interfere with the defence of the island; and that so tenacious was I of sparing ships to carry specie to England, that the merchants at Jamaica applied, through their agents in England, to the Lords of the Admiralty, to instruct me to send home a frigate whenever 100,000*l.* sterling was ready to be shipped to Britain. *I constantly refused the freightage of one-half per cent. which is allowed on all government money, although it was voluntarily offered to me on several occasions; I refused a share of freight offered me by Captain Maples of the Pelican, because he was acting under Admiralty orders; I refused a present of five hundred pounds, which the merchants of Kingston wished me to accept, as a token of their good-will, on my leaving the island**; and in

he paid before the Sappho sailed, and found himself thwarted by the Jew, he got into a passion, and most unwarrantably swore the convoy should not go if the money was not paid. When the thing was done, he was ashamed of himself, as appears evident to me from his denying it, and persuading me he had not done it. When Admiral Brown arrived, he wanted to be his agent, which was refused; and when he was spoken to on some person being employed to collect evidence against me, he implicated me, probably to save himself from the imputation of having acted so contrary to the best interests of his employer."—*Case*, pp. 30, 33.

* Mr. Ralfe, in his *Memoirs of Lord Nelson* (*Naval Biography*, Part viii.), mentions the active part his lordship, as

1815, I proposed to Sir John Warren that it should be referred to the arbitration of two flag-officers to determine, whether all the money I had received for freight should be returned to the respective captains, or

captain of the *Boreas*, took, at the close of the war in 1783, in preventing the Americans from trading with our West India Islands. I was at the same station in command of the *Unicorn*; but though I agreed with Captain Nelson, that the Act of Navigation gave us the power to seize, we ought not to do so for our own emolument, if the purpose in view could be answered by warning the American vessels from the islands. This latter course I preferred to adopt as most consistent with the scope of the act, and thereby neglected an opportunity of improving my very slender fortune; though some of the captains of the squadron, by a different line of conduct, considerably increased theirs. Indeed, during the whole time I only libelled one vessel in the Court of Vice-Admiralty; and this was as much in consequence of the obstinacy of the master, as of a general desire that the question should be tried in a suit at law. The American was condemned; but in all other instances I found the method of warning the vessels off quite sufficient for the purpose.

Captain O'Grady might himself supply one instance, which will shew I did not seize *every* opportunity of making money. When he was down at the Havannah, the *Variable* schooner, under his orders, committed, what I conceived to be, a breach of the laws of neutrality, in having seized an American vessel, and sent her to New Providence. I was excessively displeased with what was done on the occasion; but being willing to attribute it to a mistake, I took no official notice of it; but, on the contrary, wrote a letter of explanation, on Captain O'Grady's behalf, to the Spanish vice-

not. It was so referred, and Sir C. Pole and Lord Exmouth deciding against its being returned, the whole of the money I had received for freight during the time I was under Sir John Warren's command was paid to his secretary. And if this anxiety was not evinced in my actions, neither was it shewn in the amount of the money I actually realized at Jamaica.

roy, Admiral Don J. Apodaca. The American was afterwards condemned and sold; but having disapproved of the transaction, I refused to share the prize-money.

I will mention only one instance more in which I refused to avail myself of an opportunity of making money; and that was, when, on my return from the Cape of Good Hope, I declined to apply for the present of 500*l.* which the India Company always made to the senior officer who convoyed home a fleet of their ships.

I trust those who may read these pages with a view to the understanding of my professional character, will give me credit, when I declare how extremely painful it is for me thus to intrude myself upon public attention, or to dwell upon those instances in which I have solely been guided by a sense of duty. I do not wish, by so doing, to extol my own character, or to assert that I am superior to all consideration of the value of wealth, or insensible to the consequence it brings with it. But I feel so much the injustice that has been done me in the reports respecting my anxiety to enrich myself on all occasions, to which reports I must attribute the idea that I could be guilty of the paltry act for which I was tried, that I surely am justified in taking this opportunity to mention examples, which evince that money was never my leading object; but that, on the contrary, I shewed a more than common inattention to the opportunities of amassing it that fell in my way.

In 1815 I shewed my accounts to Sir Joseph Yorke, who expressed himself astonished at the difference between them and the reports he had heard. All the money I received whilst I held the *chief command* on the station was about four thousand pounds; and what I had afterwards, besides pay and prize-money, was 980*l.* being the tenth part of 9802*l.* paid to Sir John Warren's secretary.

“ To this one act relating to the Sappho, Mr. Bogle wishes it to be believed I gave my sanction; but he confesses it astonished him that I did so. In every other transaction, he expresses himself surprised at my disinterestedness and want of eagerness to make money. Is it, then, to be credited that I should only once in my command have lost sight of this restraining principle, powerful as it must have been, which guided me, and astonished him? and for what consideration? for 150*l.*! and even this would have been further reduced to somewhere about *sixteen pounds!* after paying the proportions to the commander-in-chief and the flag-officers under my command. Is it credible? Men do not break through settled habits, or forsake the usual tenour of their lives, for paltry motives. No weakness could have induced me to consent to this, and the call of interest was not strong enough to lead the most ignoble-minded man to the hazard of his reputation.

“ There is one consolation which my feelings have experienced since the unfortunate period of my court-

martial, which is, the testimony that I understand is now borne to the purity of my conduct by the people of Jamaica. I have had occasion to allude to the unpopularity of my command, and to the great prejudice that existed in the island against me. That prejudice seems now to have subsided, and men are at least disposed to acknowledge I have been misunderstood and misrepresented. This welcome intelligence was conveyed to me in a letter from Admiral Douglas, who succeeded to Admiral Brown in the command at Jamaica; and with an extract from his letter I will close my statement, corroborating, as it does, so many of the assertions I have advanced in the preceding pages:

“ ‘ From the information I have received in this country, I have no hesitation in saying, that I believe the particular transaction upon which you were principally, if not wholly, condemned, *was entirely the act of your agent, AND DONE WITHOUT YOUR KNOWLEDGE.* People here, generally speaking, seem to *acquit you of all unfair practices*; but are by no means disposed to let your agent off so easily; and whilst they believe that you are innocent of having sanctioned any irregular proceeding, they cannot help regretting your having placed that unlimited confidence (which it appears to them you did) in the hands of persons who did not at all times act in a manner becoming people intrusted with such power. I have thus given you the opinion of those who appear to me most capable of giving it without prejudice.’ ”

Admiral Stirling concludes with the following de-

claration: " I have nothing to add, except that *I am ready to verify by oath the truth of every word I have asserted; and to repeat the solemn declaration that I have at other times made, that ON NO OCCASION DID I EVER, FOR ONE INSTANT, SWERVE FROM THE STRICTEST LINE OF MY DUTY, OR THE SEVEREST DICTATES OF HONOUR.*"

From the above summary of Admiral Stirling's life, it will be seen that he is what may be termed an unfortunate officer, not exactly in that department of his profession which calls for the display of certain qualities and naval talents—bravery, coolness, intrepidity, and skill—nor in opportunities to display them in encounters with the enemies of his country—but in the less brilliant and more thankless duties which pertain to the civil department of the naval service. Every profession has its dangers, troubles, and difficulties; every member of society is exposed, as he is more or less elevated, to the attacks of open enmity or insidious friendship. By a strange anomaly in human nature, the best meaning are frequently the most obnoxious to unworthy imputations; and those who, in the exercise of their duty, have been most anxious to acquit themselves with honour and reputation, and who have passed their lives in zealous endeavours to defend the interests of their country, are often not only disappointed in their object, but find themselves the victims of calumny and neglect. It is difficult to say why this should be, but experience confirms the melancholy

truth. Perhaps it arises from a too great confidence in their own integrity, and a reluctance to impute bad motives to others, by which they unconsciously tolerate or encourage the misconduct of persons under them; or perhaps they are too constant in looking only at the high object of their ambition, and disregard the difficulties, the irregularities, and minor details of the road that intervenes, thereby giving free course to the machinations of the artful, the designing, and the unworthy. If the confidence of such men is sometimes unworthily bestowed, it is less to be wondered at, and more to be regretted: because, in the first place, it proceeds from the best feelings of our nature; and, secondly, its consequences to the individual are, generally, complete and irretrievable ruin. This is somewhat the case with Admiral Stirling, who, though he possesses that degree of courage which has enabled him to combat danger with serenity and perseverance, and that portion of professional skill which has borne him triumphantly through the active part of his duty, appears to possess a too confiding disposition, which, whilst it may account for a great deal of the unpopularity under which his character has suffered, led him at last into an inextricable difficulty.

Admiral Stirling was always a strict advocate for economy in the public expenditure: he had witnessed the successful efforts made with this view by Lord St. Vincent, at a time when it was the opinion of many that the salvation of the country was only to be effected by strictly following that course; and it was

always his anxious wish to pursue that salutary system. On this principle he acted when commissioner at Jamaica and during his command in the Rio de la Plata, at the Cape of Good Hope, and in the West Indies. He saw the abuses which prevailed in the expenditure of the public money, and he laboured with unwearied perseverance to correct them. In many instances he was successful, and received the approbation of those by whom he was employed ; but the success was purchased by the sacrifice of his popularity. To this we may reasonably trace the opposition he encountered, the enmities with which he was assailed, and the slanders which have been cast upon his character. It was not to be believed that a man was economizing for the public good alone, but, with the narrowness of conscious selfishness and their own little minds, some persons could only attribute the wholesome frugality with which the admiral regulated the naval expenditure under his controul to motives of personal avarice. Hence the reports, which have been spread on all sides, of his anxiety to obtain money, and of the wealth which he has amassed in his successive commands. But did we not know from the best authority that such reports are untrue, reason and common sense would prevent our giving ear to them. In his defence, Admiral Stirling has pointed out his disinterested conduct towards several captains in the navy, his constant refusal of one-half per cent. on all government money, although voluntarily offered to him on several occasions, and also his declining to receive five hundred pounds which the

merchants of Kingston wished him to accept as a token of their regard. Can we then believe that any man possesses such opposite traits in his character, as to refuse that which he might honourably take, to decline a mode which he might with propriety adopt, and then resort to unworthy and contemptible means to accomplish a similar end? It is a contradiction in nature, and is absolutely incredible, unless accompanied with the most irrefragable proof. So much for the *reports* which have been spread to the admiral's discredit: With regard to the charge on which he was tried, we can add but little to the clear and explicit statement which he has given. There is, however, one circumstance which he passed by without notice. It is stated by Commissioner Wolley, that his Majesty's naval service on the Jamaica station was *publicly and disrespectfully spoken of* (unconnected with the Sappho). But not the smallest attempt was made to prove this assertion at the trial; not a question was put to the only witness brought forward relative to its truth; and it must therefore be treated as a chimera, as undeserving the least consideration. With respect to that part which is of a more tangible nature—the being privy to extorting money from Mr. Pallachi, and sharing in the profits—we will venture to say, that if the same evidence had been offered in a court of law, it would not have been listened to; that it was totally inadequate to support so serious a charge. In this view of the case, we are happy in being joined by officers who do not coincide in our opinion relative to the whole of Ad-

miral Stirling's conduct. It is, however, on this account the more valuable, shewing, as it does, that even those who are somewhat inimical to him, think that he has been hardly dealt with, and has been condemned without sufficient proof. It is said that justice should never be administered by surprise; that the party accused should have every opportunity of preparing for his defence; that they should not only not suffer wrong, but that the proceedings should be free from suspicion, in order that the world may be satisfied of justice being done; that the end of justice is not to condemn, but to expose the truth. Reason and humanity, therefore, join in pointing out the necessity of affording to the accused every advantage that can be fairly given to him for his justification. The most rigorous cannot refuse him permission to conduct his cause upon equal terms with his prosecutors; and in order to do this, he should have early information of the particulars of the charges brought against him, that he might collect his witnesses and arrange his proceedings. It is also an axiom in law, that, to prevent unjust accusations, the accused should be confronted with the accusers and the witnesses, and that the latter shall be subject to the punishment due to false testimony. But were these maxims and principles adhered to in the case of Admiral Stirling? Not in the least. *He was recalled from his command without any intimation of such a step being about to be taken, and he sailed from Jamaica in utter ignorance of the accusation made against him.* Not even Admiral Brown, who super-

seded him, gave him the least information on the subject ; but, on the contrary, after Admiral Stirling had left the station, a dispatch arrived from Sir John Warren, inclosing Commissioner Wolley's statement of the transaction, and a private letter of Sir John's, calling upon Admiral Stirling to enter into an explanation of the subject. But instead of forwarding both these papers after Admiral Stirling, Admiral Brown only sent the private letter of Sir John ; so that he was required to enter into an explanation on a subject, the particulars of which he had no means of ascertaining ! Had Admiral Stirling been (as he ought to have been) informed of the nature of the charge brought against him, he would have had opportunities of collecting materials for his defence, from which he was afterwards utterly precluded ; and he was obliged to go to trial, to meet an accusation which had been coolly and, we may say, secretly got up against him, in a hurried and unprepared state. No accuser appeared at the trial, and the only witness that was brought forward was implicated, deeply implicated, in the transaction, who had received two-thirds of the bribe, kept it for six months, and then, finding it had become public, made a virtue of necessity, and returned it to the proper owner ! This evidence was bolstered up by some voluntary affidavits ; but as the assertions they contained would not, if proved to be false, subject the deponents to any punishment, they can never be considered as legal evidence. But even these made no attempt to implicate Admiral Stirling in the transaction, and only went to prove that

the money had been paid to his agent. Is this sufficient evidence to destroy the honour and reputation of an English admiral? Is it sufficient to destroy the character of any man? Is it meting out that degree of justice that we wish to have measured to ourselves? Looking at the names of the officers composing the court, we confess we are surprised at the verdict; we perceive that there were individuals present whose names stand high as possessing every manly virtue; we are constrained to believe that their verdict was founded on their anxiety to keep untarnished the reputation of the British navy, and that they considered the characters of officers should not only be free from blame, but also free from suspicion. It is, however, carrying the doctrine to the extreme, and might tend to involve themselves in one common state of degradation and ruin. There have certainly been many strange and anomalous trials by courts-martial; acquittals taking place where guilt was apparent, as in the case of Admiral Duckworth, and condemnations where guilt was at least doubtful, as in the case of Admiral Byng; and to these anomalies we must add that of Admiral Stirling*.

* This allusion to anomalous trials will, I hope, justify me in mentioning three instances, in which I was near losing my life, on grounds fully as slight as those on which my court-martial pronounced sentence against me. At Philadelphia, in 1781, when I was taken in the *Savage*, I was tried by the council of war on a charge, made by a renegade, of having flogged two American sailors to death at New-York. Most fortunately for me I never commanded either

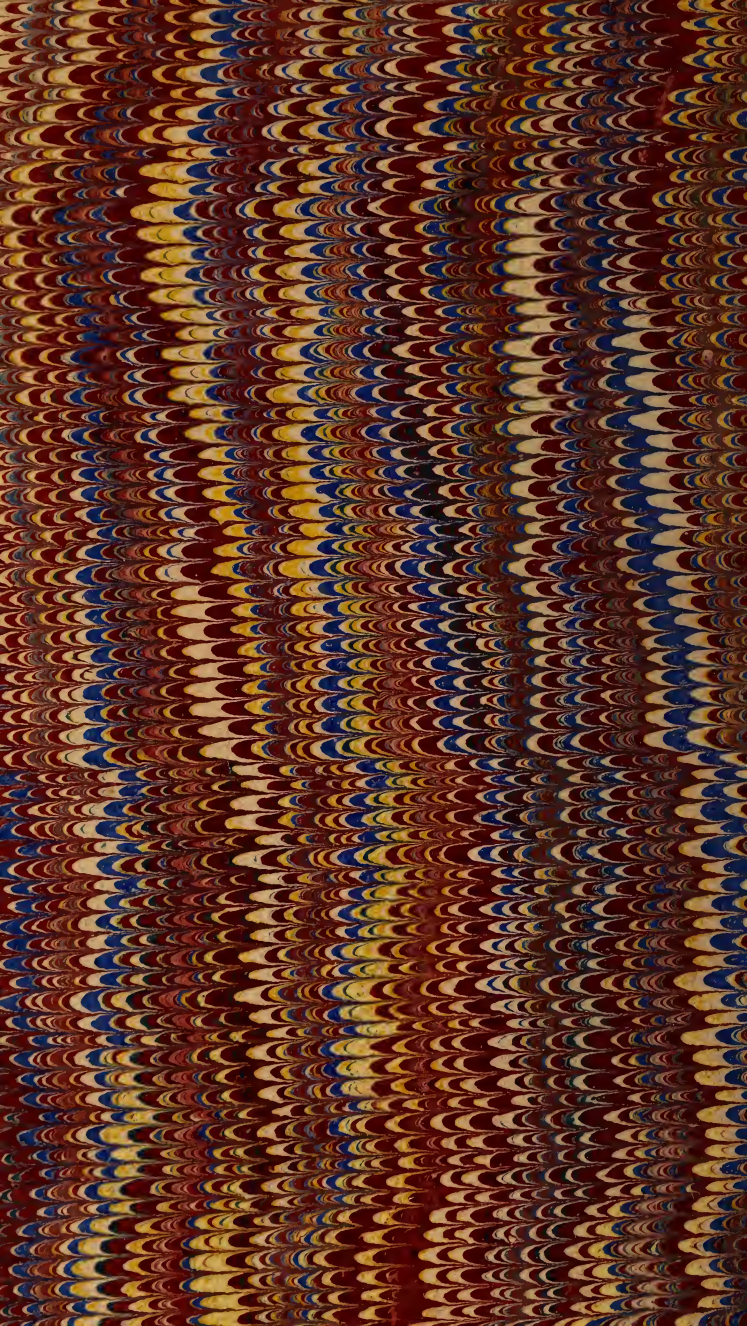
The admiral married Charlotte, second daughter of the late Andrew Grote, Esq. of Blackheath; and by that lady, who died in March 1825, he has four sons and a daughter.

of the ships in which it was said the transactions took place; and the witnesses having got drunk before the trial was over, they so contradicted themselves, that I was acquitted. I was afterwards told, on good authority, that had it not been for the contradiction, I should have been sentenced to the same kind of death I was accused of having inflicted on others. In 1786, when I commanded the Unicorn, I was near being tried at the Old Bailey as an accessory in a murder. It had been represented by Mr. Parry, the governor of Barbadoes, that I had secreted the boatswain of the Boreas, who had shot a man on the impress service; when, in reality, I had expressed myself against impressment without authority, and so positively refused to receive the culprit on board my ship, that a quarrel with my old friend Lord Nelson, who then commanded the Boreas, and other captains concerned, was the consequence. When I was a prisoner in France in 1798, a fellow-passenger in the diligence died in the next room to the one in which I slept at Lisle; and a late act of the National Assembly rendered me, as the last person seen in his company, liable to account for his death. The municipal officer, however, who took the *procès verbal*, happened to be a humane and intelligent man, and saved me from the awkward dilemma in which a more zealous minister of the laws might have placed me.

THE END.

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