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PROCEEDINGS

OF A

GENERAL COURT MARTIAL.

PROCEEDINGS
OF A
GENERAL COURT MARTIAL

HELD AT THE HORSE-GUARDS,

On the 24th and 27th of March, 1792,

FOR THE TRIAL OF

Capt. RICHARD POWELL, Lieutenant CHRISTOPHER
SETON, and Lieutenant JOHN HALL,

On several Charges preferred against them respectively

BY WILLIAM COBBETT,

Late Serjeant-Major of the said Regiment,

TOGETHER WITH

SEVERAL LETTERS

*Which passed between the said WILLIAM COBBETT and Sir CHARLES
GOULD, Judge-Advocate General;*

AND

Various other LETTERS and DOCUMENTS
connected therewith, in Order
of their Dates.

“ If my accusation is without foundation, the authors of cruelty have
not yet devised the tortures I ought to endure. Hell itself, as painted
by the most fiery bigot, is too mild a punishment for me.”
*Cobbett's Letter to Sir Charles Gould, Judge-Advocate
General, 11th of March, 1792.*

“ The said several Charges against those Officers respectively are, and
EVERY PART thereof is, TOTALLY UNFOUNDED.”
Sentence of the Court Martial.

LONDON:

PRINTED FOR SAMUEL TIPPER,

LEADENHALL-STREET,

By William Flint, Old Bailey.

1809.

PROCEEDINGS

of a

General Court Martial,

&c. &c.

Salopian Coffee House, February 5, 1792.

SIR,

I UNDERSTAND that an accusation of seventeen charges, preferred by the late Sergeant-Major of the 54th regiment, against me as commanding-officer of the regiment while in America, has been laid before the Secretary at War, and by him presented to his Majesty.

I have been further informed that several of the charges thus exhibited against me have been suppressed.

With submission to you, I think the whole, and not a part of these charges, as far as they relate to me, ought to be brought forward, as they will altogether evidently shew the ill founded motives upon which the accuser grounds his accusation.

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I have the honour to be, &c.
RICHARD POWELL,
Captain 54th Regiment.

Sir C. Gould.

Friday Night, 10th February, 1792.

SIR,

It may not, I presume, be unknown to you how indispensably my whole time has been employed this week, and my not having returned an answer to your letter, will not therefore have been imputed to inattention. With respect to the contents of that letter, I have now only to say, that the point in question by no means depends upon the Judge-Advocate General. The Secretary at War, it is true, does me the honour, sometimes, of asking my opinion; which, as becomes me, I give him freely and honestly: but I have nothing to do with it officially in that stage of the business. Such charges as are contained in the King's warrant it is my duty to lay before the Court Martial when convened, whether they accord with my private sentiments or not. I do not, however, wish to make a secret of my opinion. I certainly do think that the sending such a variety of charges, totally distinct in their nature, to be tried all together, may be very inconvenient, and is moreover open to much objection.

I understand from your letter that your

wish is in opposition to this. I am sorry for it: such is my decided opinion. I do not mean by this that any charge should be suppressed. If after disposing of some of the principal, it shall appear to answer any purpose of justice, I think the others should be investigated also.

I am, &c.

Captain Powell,
of the 54th Regiment.

CHARLES GOULD.

Horfe-Guards, Tuesday Evening, 21st Feb. 1792.

SIR,

I have this moment received your letter of this day's date. I was hopeful I had before explained (I certainly meant to do so) that no part of the business, concerning which you are naturally anxious, depends upon me, until the King's warrant comes to my hands, which is not the case; and I have reason to believe it has not yet received his Majesty's signature.

When the warrant is transmitted to me, it will be my duty, as soon as conveniently may be, to state to the parties concerned the import of the charges therein recited,

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and to inquire from them what witnesses may be necessary to be officially summoned for proving or for repelling the charges; and after receiving an answer from them respectively, then, and not till then, the place of the court's assembling, and the probable time, will be fixed.

I trust you will give me credit for attending to and expediting this business whenever it comes before me, as far as various other official business, which at this time presses, will admit.

I am, &c.

CHARLES GOULD.

Captain Powell.

Horfe-Guards, 23d Feb. 1792.

SIR,

Having now received his Majesty's warrant for convening a General Court-Martial for your trial, and also for the trial of Lieutenants Seton and Hall, of the 54th regiment of foot, I take the earliest opportunity of sending you a copy of the charges which respect you, and desire you will, as soon as convenient, inform me if there are any witnesses whom you wish to be officially summoned.

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When I shall have been favoured with your answer, and shall have received an answer to the like question from the officers above named, as also from the person who has preferred the charges, I shall be able to form a judgment respecting the place, and probable time of the court's being assembled.

I have the honour to be,

Sir,

Your most obedient

And most humble servant,

CHARLES GOULD.

Captain Richard Powell,
of the 54th Regiment of Foot.

Horfe-Guards, 23d Feb. 1792.

SIR,

Having received his Majesty's warrant for convening a Court-Martial for your trial, and also for the trials of Captain Powell and Lieutenant Hall, of the 54th regiment of foot, upon charges exhibited against you and them respectively, I take the earliest opportunity of sending you a copy of those charges which respect you, and am to desire, if there are any witnesses whom you wish to be officially summoned, as material for your de-

fence, that you will transmit to me their names and addres. I am, Sir,

Your most obedient
And most humble servant,
Lieutenant Christopher Seton, CHARLES GOULD.
of the 54th Regiment of Foot.

SIR, Horse-Guards, 23d Feb. 1792.

Having received his Majesty's warrant for convening a Court Martial for your trial, and also for the trials of Captain Powell and Lieutenant Seton, of the 54th regiment of foot, upon charges exhibited against you and them respectively, I take the earliest opportunity of sending you a copy of those charges which respect you; and am to desire if there are any witnesses whom you wish to be officially summoned as material for your defence, that you will transmit their names and addres.

I am, Sir,
Your most obedient
And most humble servant,
Lieutenant John Hall, of the CHARLES GOULD.
54th Regiment of Foot.

SIR, Horse-Guards, 23d Feb. 1792.

Having received his Majesty's warrant for convening a General Court-Martial for the

trials of Captain Richard Powell, and Lieutenants Christopher Seton and John Hall, of the 54th regiment of foot, upon several charges, which I am given to understand have been preferred by you against those officers respectively, as specified in the paper hereunto annexed, I am to desire you will inform me whether there are any witnesses necessary to prove those charges, whom you wish to be officially summoned.

When I shall have received your answer, and the answers of the officers to be tried to the like question, I shall be enabled to form a judgment of the probable time of the court's meeting, which is proposed to be holden at Portsmouth or at Hilsa barracks.

I am, Sir,
Your humble servant,
CHARLES GOULD,
Judge-Advocate General.

Mr William Cobbett,
late Serjeant-Major of the
54th regiment of Foot, No. 11
—, Felix-street, Lambeth.

SIR, Horse-Guards, 23d Feb. 1792.

I take the earliest opportunity of acquaint-

ing you, that his Majesty has signed a warrant, by which you are appointed President of a General Court-Martial, which is proposed to be holden at Portsmouth, for the trial of three officers of the 54th regiment of foot, upon fundry articles of charge which have been exhibited against them. I shall take care that you have convenient notice, when a day can be fixed for the meeting of the Court-Martial, and will also send you a copy of the respective charges. The present intimation is intended only to apprise you of the intention, that you may not, from want of knowing it, remove to a distance from Portsmouth less convenient than Chichester.

Can you have the goodness to recommend a proper person to assist as Judge-Advocate upon the occasion, and who may be acceptable to you?

I have the honour to be,

Sir,

Your most obedient

And most humble servant,

CHARLES GOULD.

Major-General Crosbie,

at Chichester.

To Sir Charles Gould, Judge-Advocate General.

SIR,

I am honoured with your letter, dated Horse-Guards, 23d February, 1792, with part of my charges against Captain Powell, and Lieutenants Seton and Hall, of the 54th regiment.

I should here insert the names of the witnesses I wish to be officially summoned; but the very unexpected and alarming circumstance of its being proposed to hold the Court-Martial at Portsmouth or Hilsea, prevents me from doing this at present.

I have placed myself in London, Sir, and have continued here ever since the 26th December last, for no other purpose than the prosecution of this affair; never imagining it possible that charges of such importance, and such general concern, would be investigated any where else; and as it certainly is not his Majesty's desire to embarrass those who come forward in a public action, and appeal to his justice, I hope, upon reconsideration of the matter, the court will be ordered to assemble in London.

I have no other views, Sir, in this undertaking, than such as arise from a desire to

render my country, and the army, a service; and being well convinced of the goodness of my cause, all I wish for is a fair and impartial trial. But this I freely declare I cannot expect at Portsmouth or Hilsa: there the regiment is quartered; there the accused must have formed connections, and there all the witnesses I may call upon will be totally in their power. I certainly am entitled to his Majesty's protection on this occasion. In London I should think myself perfectly safe, and should give my evidence without fear. At Portsmouth I shall be a friendless unsupported individual, surrounded with an host of enemies, and I should look upon my life as being in danger.

I therefore desire, Sir, you will be pleased to submit to his Majesty my humble request, that the Court-Martial, for the trial of Captain Powell, and Lieutenants Seton and Hall, of the 54th regiment, may be held in London.

If it be improper, Sir, for you to lay my request before his Majesty, I beg you may inform me of it as soon as may be convenient, in order that I may apply through another channel.

When I shall receive information, that this my request has been submitted to the King, and shall hear his Majesty's final determination, I shall immediately send you the names of my witnesses.

I am with the greatest respect, &c.

WILLIAM COBBETT.

London, 25th Feb. 1792.

Horfe-Guards, 28th Feb. 1792.

SIR,

I take the first opportunity of acquainting you that from an earnest representation from the prosecutor there is reason to believe that the Court Martial of which you are appointed to be president, and whereof I apprised you in a former letter will be held in London, in which case I shall endeavour to give my personal attendance as Judge-Advocate.

As soon as I shall have an opportunity of receiving his Majesty's further commands, I shall trouble you again upon this subject.

I have the honour to be,

Sir,

Your very faithful

and obedient servant,

CHARLES GOULD.

Major-General Crosbie.

Horfe-Guards, 25th Feb. 1792.

SIR,

I was favoured with your letter by yesterday's post in answer to mine, wherein I asked whether you wished any persons to be summoned by me. It is not at all necessary that you should furnish me with a list of such witnesses, for whom you do not think an official letter of summons will be requisite. It was in contemplation to assemble the Court Martial, either at Portsmouth or at Hilsa Barracks; but the prosecutor is urgent that the trial should be had in London, and has offered some reasons which it will be my duty to lay before the King. If you will favour me with any observations respecting those articles of charge which appear to you to be too general, for enabling you to arrange your defence, I will write to the prosecutor, and endeavour to obtain from him such specifications as may enable you to form a competent judgment with respect to the witnesses, upon whom it may be necessary for you to call, as it may be very inconvenient as well to you as to the Court Martial, to have their proceedings interrupted

and stayed by reason of the absence of material witnesses.

I have the honour to be,

Sir,

Your most obedient

and most humble servant,

CHARLES GOULD.

Captain Powell.

Portsmouth Barracks, 1st March, 1792.

SIR,

I am favoured with yours of yesterday's date, and you'll forgive me expressing my surprize at the prosecutor's wishing the Court Martial to be held in London. I cannot conceive what sufficient reason he can assign, all evidence which I imagine he or we can call upon, being with the regiment. For our part we find it will be necessary to call upon almost every officer, non-commissioned officer and private, who came home with us from America, so you must consider the expence and inconvenience attending so many people travelling at a distance from the regiment. We are soldiers of fortune,

but not men of fortune, and the expence attending such a measure may prove very fatal to our circumstances. You are pleased to request my observations on the articles of charge which appear to be too general.

I submit to you if we should not be furnished with the names of the men whom the 1st and 2nd charges accuse us of falsely and improperly mustering. I am accused of misapplying work-money, earned by the non-commissioned officers and men. I would wish to know the particular misapplication alluded to. Such is the nature of the above and the other charges, that in the course of the defence and in justification of their honours and characters, it may be necessary to call upon several witnesses who at present do not occur to us, but as they will all be on the spot, if the Court Martial is held in the vicinity of the regiment, there can be no interruption to the proceedings, which would unavoidably be the case, if it was held at a distance from this.

I have the honour to be, &c.

RICHARD POWELL.

P. S. Mr. Hall the Adjutant is accused

of making unlawful deductions from the men. He would wish those to be particularly specified.

Sir Charles Gould,
Judge-Advocate General.

Horfe-Guards, 2d March, 1792.

SIR,

I have judged it necessary to make the defendants Captain Powell and Lieutenants Seton and Hall acquainted with your earnest request that the Court Martial should be held in London, which they very strongly deprecate; Captain Powell in particular, who states the great inconvenience and expence which will attend the calling of many witnesses that may be indispensably necessary for his defence from Portsmouth, where the regiment is at present stationed, to London. He adds also several particulars which he wishes to be particularly stated previous to the trial, and which you will find recited in the enclosed extract from his letter. I must confess it appears to me not unreasonable that he should be furnished with a specification of these particulars be-

fore the trial, that no interruption may be given to the proceedings by the absence of necessary witnesses; and if the Court-Martial should be held at a distance from the regiment, the specification of the instances intended to be produced in evidence, will, for that reason, be particularly desirable.

I am, Sir,

Your most obedient,
humble servant,

CHARLES GOULD.

P. S. Any particulars you may furnish me with, I will take care to transmit to Captain Powell, and Lieutenants Seton and Hall.

Mr. William Cobbett.

To Sir Charles Gould, Judge-Advocate General.

SIR,

I have received your letter of the 2nd instant, and had I been in town when it arrived, I should have answered it immediately.

I have considered of what Captain Powell says concerning being furnished with a spe-

cification of particulars; but, Sir, unless his Majesty shall annul his warrant and require me to frame my charges anew, I am persuaded Captain Powell will find it a very difficult matter to get any such specification from me. I am sorry, Sir, I am obliged to differ from you in opinion upon this point; I suppose it is because I am better acquainted with the characters of the accused than you are. You think they wish to be previously furnished with further particulars, that they may be enabled to make their *innocence appear*. Whereas the fact is exactly the contrary: it is for the purpose of being enabled to *hide their guilt*.

I am glad to observe, Sir, that you do not seem to coincide with them in opinion concerning the *place* for assembling the court. Inconvenience and expence in bringing up the witnesses is certainly a most ingenious objection! Indeed it may bring a little inconvenience and expence upon the *publicans* on whom the witnesses are quartered in their march, but I can not see how it can bring either upon any body else. I know extremely well what Captain Powell wishes the court to be held in Portsmouth for; and his ea-

gerness for it is a sufficient argument against it, if there were no other. It has quite confirmed me in the opinion that I can expect no justice at Portsmouth or Hilsa barracks, and that I ought not to go to either on any consideration, unless his Majesty, after having my request fully and fairly submitted to him shall positively require it.

I must beg leave, Sir, once more to request that you will be pleased to lay my representation of this matter before the King, and that as soon as possible.

I am with the greatest respect, &c.

WILLIAM COBBETT.

London, 4th March, 1792.

Horse-Guards, 8th March 1792.

SIR,

I am sorry to acquaint you, because I know you wish it otherwise, that his Majesty judges it to be most proper, all circumstances considered, that the Court Martial should be held here for your trial, and the trials of Lieutenants Seton and Hall. The Secretary at War will probably have made you acquainted with the same; but lest his time should not have admitted of it,

I trouble you with this short letter, that you may have as early notice of it as possible,

I have the honor to be,

Sir,

Your most obedient

humble servant,

CHARLES GOULD.

Captain Powell.

Horse-Guards, 9th March, 1792.

SIR,

As the time pressed when I wrote yesterday, I could only make you acquainted with his Majesty's determination respecting the place where the Court Martial should be held for your trial, of which, though contrary to your wish and representation, I imagined you would be desirous of receiving early information.

I did not fail to apply to Mr. Cobbett for a specification of particulars mentioned in your letter to me of the 1st instant, as material towards your defence. He has objections to it, and refuses to furnish it. I am not disposed to enter into any argumentation with him upon the subject, rather

choosing not to inquire more concerning the business in question, than the charges themselves point out until the time of trial.

I do not at present know of any circumstance which may prevent a Court Martial being convened for this purpose, as soon as certain trials now depending shall have been finally disposed of. I should guess it might be convened on the 22d or 23d of this month.

I have the honour to be,

Sir,

Your most obedient
humble servant,

CHARLES GOULD.

P. S. May I beg the favour of you to make the purport of this letter known to Lieutenants Seton and Hall.

Captain Powell.

Judge-Advocate General's Office, Horse-Guards,
9th March, 1792.

SIR,

I have now to acquaint you, that I have had the honor of laying before the King the representation set forth in your letter to me of the 25th of last month, and that a general Court Martial will be held *here* for in-

vestigating the charges stated in his Majesty's warrant (of which I before gave you notice) against Captain Powell and Lieutenants Seton and Hall of the 54th regiment, as soon as conveniently may be, after some trials, which are now pending, shall have been concluded.

If there are any witnesses for whom you think an official summons may be necessary, you will make application to me for the purpose; otherwise it is not necessary, nor is it my desire, that you should furnish me with a list of them.

As to the specification of particulars which Captain Powell represented to me to be material for his defence, and which I communicated to you, because it appeared *to me* to be what in justice he might reasonably expect, I shall not enter into a discussion with you upon the subject; I have done my duty, and no more than my duty in making the same known to you. I certainly do wish (as you suggest) that the defendant's should be enabled to make their innocence appear; but with regard to their acquittal or conviction, I have no other wish or presumption, than I must entertain with

regard to every person accused, until he is proved to be guilty. I don't know, that I ever saw either of the three gentlemen, nor am I acquainted with the connections of either of them.

I am, Sir,

Your most humble servant,

CHARLES GOULD.

Mr. William Cobbett.

To Sir Charles Gould, Judge-Advocate General.

Sir,

I am happy to understand by your letter of the 9th instant, that my request is granted. I am now upon a fair footing, and have a full assurance that the cause I espouse will meet with a decision founded in justice.

The most momentous part of my evidence, Sir, will consist of books and papers, some of which I must apply to you to demand from the proper offices. These are, Sir, 1st, all the muster rolls of the 54th regiment from June 1787 to June 1791; 2ndly, all the annual certified accounts of that regiment for the same period; 3dly, all the distribution accounts for that period;

4thly, clothing returns for the years 1789, 90, and 91, with clothing certificates for the same years; 5thly, two lists of the non-commissioned officers and men who were paid for the clothing of 1789 and 1790, signed by Captain Powell: (the agent for the regiment can produce all these papers, except the review returns and the muster rolls,) 6thly, all the regimental and *companies* books containing accounts from 1st Sept. 1787 to 1st Oct. 1791. By the regimental book, I mean the review book, the description book, the register of appointed and reduced, &c. non-commissioned officers, the monthly return book, the orderly book, the distribution and annual account book, the abstract book, the two monthly state book, and the quarter-master's book. By *companies* books, I mean the books of every company in the regiment, where the particular accounts of the non-commissioned officers and men are kept.

It will be necessary for the present and the former agent for the regiment to attend the court as witnesses; and there is, Sir, a Mr. Jacob Margas (an out-pensioner) whom I would wish to have called up as a witness

for the crown. He lives at Colonel Crofbie's at Sunning Hill, Berks. He is a very principal witness; and I would be glad to be informed by you as soon as convenient, whether his not being an effective soldier exempts him from being obliged to attend your summons; because in that case I will endeavour to prevail on him to attend; but I should be glad to be informed by you, whether if this should be the case, I may assure him of having his expences on account of his attendance defrayed: as it is most likely he would not leave his home without such an assurance.

The names of the witnesses from the regiment, Sir, I shall send you as soon as I know the day of trial: and my reason for not doing it now, is, that I should perhaps thereby expose the poor fellows to the most unmerciful of treatment, a thing that nothing could prevail on me to do. The strenuousness with which I have every reason to believe the commanding officer of the regiment espoules the cause of the accused officers will, I hope, Sir, justify this caution.

I take this opportunity, Sir, of inform-

ing you, that I shall think it my duty to point out to you as persons not proper to sit on this Court Martial, *any officers belonging to regiments that have served lately in British North America, those of the 57th regiment in particular.* I can give very particular and substantial reasons for this, but I trust you will render that unnecessary, as it would undoubtedly be very unpleasant.

Give me leave, Sir, to trouble you a moment in reply to the latter part of your letter. Sir, I had not the least reason to suppose that a person of your exalted rank could be swayed by a natural partiality towards men who stand accused of such heinous crimes; but having good reason to believe that every method had been taken to represent my accusation as malicious and groundless; and fearing that your mind had received the ill-impression, I felt myself a good deal hurt, and thought it incumbent on me to act as became an honest man in the cause of justice.

If my accusation *is* without foundation, the authors of cruelty have not yet devised the tortures I ought to endure. Hell itself,

as painted by the most fiery bigot, would be too mild a punishment for me!

I come forward, Sir, in this business with the best grace that can possibly accompany a man's actions: if I were not always a steady asserter of the soldier's rights; if I were not always an opposer of the depredations on the soldier and the public, and if my practice did not always agree with my profession, if any man can prove that I ever cheated him of a farthing, or ever winked at such practices in any one else, I will say that I am villain, and that the officers I accuse are good and virtuous men.

I am,

With the greatest respect, &c.

WILLIAM COBBETT.

London, 11th March, 1792.

Horfe-Guards, 15th March, 1792.

SIR,

Having understood it to be your wish, that an investigation of the charges exhibited against you should take place, as soon as possible, and having reason to suppose the attendance of the necessary witnesses may be

had upon a short notice, I purpose to convene a General Court-Martial here for your trial, as also for the trials of Lieutenants Seton and Hall, upon Friday in the next week, the 23d instant, or on Saturday at the latest.

I have the honor to be,

Sir,

Your most obedient

humble servant,

CHARLES GOULD.

Captain Richard Powell,
54th Regiment of Foot.

Horfe-Guards, 15th March, 1792.

SIR,

Having understood it to be your wish that an investigation of the charges exhibited against you should take place as soon as possible, and having reason to suppose the attendance of the necessary witnesses may be had upon a short notice, I purpose to convene a General Court-Martial here for your trial, as also for the trials of Captain Powell and Lieutenant Hall, upon Friday in the

next week, the 23d instant, or on Saturday at the latest.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Lieutenant Seton,
54th Regiment of Foot.

CHARLES GOULD.

Horfe-Guards, 15th March, 1792.

SIR,

Having understood it to be your wish that an investigation of the charges exhibited against you should take place as soon as possible, and having reason to suppose the attendance of the necessary witnesses may be had upon a short notice, I purpose to convene a General Court-Martial here for your trial, as also for the trials of Captain Powell and Lieutenant Seton, upon Friday in the next week, the 23d instant, or on Saturday at the latest.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Lieutenant Hall,
54th Regiment of Foot.

CHARLES GOULD.

Horfe-Guards, 15th March, 1792.

SIR,

I have to acknowledge your letter of the 11th instant, and shall make official application for the production of the papers and books, which you have represented to be material for proving the matters of charge against Captain Powell, Lieutenant Seton, and Lieutenant Hall, of the 54th regiment, except that you will permit me to observe, that the production of any books of anterior date to the matters stated in the charge, seems to be unnecessary. The inquiry, I conceive, is neither intended by the King's warrant for holding the Court-Martial; nor can it, consistently with the provisions of the mutiny act, be extended to any matters more than three years antecedent to the date of the said warrant.

As to your question concerning Mr. Jacob Margas, I cannot entertain a doubt of his giving his attendance pursuant to a letter of summons; but with regard to government's making allowance to him, or to any other witness, for the expence of his attendance, I am not enabled to give you any assurance.

I expect the Court-Martial will meet about Friday in the next week, the 23d instant.

I am, Sir,

Your most humble servant,

CHARLES GOULD.

Mr. William Cobbett.

Horse-Guards, 15th March, 1792.

MY LORD,

I believe your Lordship was informed that his Majesty had deemed it necessary, all circumstances considered, that the intended Court-Martial, for the trial of Captain Powell, Lieutenant Seton, and Lieutenant Hall, of the 54th regiment, upon the charges exhibited against them respectively by Mr. Wm. Cobbett, should be held in London, which, so far as respects myself personally, I had abundant reason to wish might have been assembled at Portsmouth.

Having reason to suppose that all the witnesses necessary for supporting or repelling the charges can be had upon a short notice, I now propose to convene a General Court-Martial, the latter end of next week, Friday the 23d, or Saturday the 24th, at the latest.

And in consequence of a formal applica-

tion made to me in writing by the prosecutor, the said William Cobbett, stating those several papers and books to be necessary documents, I am to request that your Lordship will give such orders as may ensure their production at the trial, under the direction of the Court-Martial, of "all the regimental and companies books, containing accounts from the 1st September, 1797, to the 1st October, 1791."—By the regimental books the prosecutor explained "that he means the review-book, the description-book, the register of appointed and reduced, &c. non-commissioned officers, the monthly return-book, the orderly-book, the distribution and annual account-book, the abstract-book, the two monthly state books, and the quarter-master's books:" by companies books he means the books of every company in the regiment, where the particular accounts of the non-commissioned officers and men are kept.

I have the honour to be,

My Lord,

Your Lordship's most faithful

And most obedient servant,

CHARLES GOULD.

Major Lord Edward Fitzgerald,
of the 54th Regiment of Foot.

Portsmouth, 16th March, 1792.

SIR,

I have to acknowledge the receipt of your letter of the 15th instant, and am much obliged to you for your politeness and attention to me.

I shall be ready to meet my trial at the Horse-Guards on the 23d or 24th instant, which ever day the Court-Martial may be ordered to assemble; at least, as far as I can at present see into the nature of the charges.

I hope there will be no delay upon this occasion, as it is very much my wish to avoid it.

I have the honour to be, &c.

RICHARD POWELL.

Sir Charles Gould,
Judge Advocate General, &c. &c. &c.

To Sir Charles Gould, Judge-Advocate General.

SIR,

I agree with you that the production of any books of anterior date to matters stated in the charges are unnecessary; and my requesting you to cause them to be produced, has originated in my not having, until this

minute, looked attentively at the copy of charges sent me from your office; imagining that, as far as they went, they were true copies of what I had given in. I now find, and I confess to my astonishment, that the greatest part of my charges, under the head of false musters, is left out. I know the *mutiny act* tolerably, but I find nothing in it to authorize the excluding of those parts of my accusation that I allude to. I told the Secretary at War that I could give sufficient reasons for not making my complaint sooner, which would most undoubtedly entitle me to a hearing now. But this I shall not contend for at present, being as much unwilling as any one can be to delay the assembling of the court.

I am sorry, Sir, that you have not given me a more categorical answer with respect to Mr. Margas. If I made myself understood by my letter of the 11th instant, I wished to be informed whether he was *obliged* to attend your summons or not; and that in case he was *not obliged*, whether I might assure him of having his expences defrayed. You say,

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Sir, that you cannot entertain a doubt of his giving his attendance, but you do not tell me *that he is obliged to attend*. I am left in an uncertainty here; I am not assured that he *will* attend your summons, nor am I impowered to request his attendance myself. I repeat, that he is a very material witness for the crown, and I wish to be informed, Sir, if he be *obliged* to attend your summons or not; and if not, I request that you will have the goodness to inform me to whom I must apply for an assurance that his expences will be defrayed, that I may be enabled to *ask* his attendance with some probability of obtaining it.

I am with the greatest respect, &c.
WILLIAM COBBETT.

London, 16th March, 1792.

Horse-Guards, 17th March, 1792.

SIR,

I have the favor of your letter by this day's post, and as I learn from it that your evidence will then be ready, I shall appoint

the General Court-Martial to assemble here on this day se'nnight, at ten o'clock.

I am, Sir,
Your most obedient
humble servant,
CHARLES GOULD.

Captain Powell.
Lieutenant Seton.
Lieutenant Hall.

Horse-Guards, 17th March, 1792.

MY LORD,

In the letter which I had the honor of addressing to your Lordship by Thursday's post, I mentioned (pursuing the terms of the application made to me from the informant William Cobbett) that some of the regimental books, &c. were desired, from 1787; I have now satisfied him that nothing can be brought into question *antecedent* to the year 1789, which I think it proper now to explain.

I have now to acquaint your Lordship, that the Court-Martial for the trial of Captain Powell, and Lieutenants Seton and

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Hall, will be summoned for Saturday morning next (this day se'nnight) at ten o'clock.

I have the honor to be,

My Lord,

Your Lordship's most obedient

And most humble servant,

CHARLES GOULD.

Lord Edward Fitzgerald.

Judge-Advocate's Office,
Horse-Guards, 17th March, 1792.

A General Court-Martial being appointed to be held here on Saturday next, the 24th instant, at ten o'clock in the morning, for the trial of three officers of the 54th regiment of foot, upon several charges respectively preferred against them by Mr. William Cobbett, late Serjeant-Major of the said regiment; and your testimony having been represented by him as material upon the said trial, I am therefore to desire you, and you are hereby summoned to give your attendance, in order to your being examined as a witness.

CHARLES GOULD,
Judge Advocate-General.

Mr. Jacob Margas.

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The like letter, dated the 20th March, to
— Hackett, late of the 6th regiment of foot.

Horse-Guards, Saturday Morning, 17th March, 1792.

SIR,

It was not till the evening that I received your letter of yesterday's date.

With respect to your question concerning Mr. Jacob Margas, I supposed that I had in my former letter given you a satisfactory answer; I certainly meant so to do. I told you that I could not entertain a doubt of his complying with a summons from me. An absolute and *categorical* answer whether he will attend in consequence of my summons, I cannot give you; I can only *presume*, that he will do his duty. My opinion is, that he and every subject in the kingdom is equally under an obligation to attend and give his testimony before a court-martial as if the cause was depending before any of the ordinary courts of justice. A person who does not belong to the army certainly is not punishable by authority of a court-martial as

for a contempt; but it does not follow that there are not other means of getting at those who neglect the duty which they owe to society, and by their default impede the course of justice: and I have to add, that although I have had the honor of holding the office of Judge Advocate-General some years, I do not recollect a single instance of any witness having refused his attendance when summoned; and I cannot but suppose Mr. Margas, being in receipt of the out-pension, would be an additional tie and inducement to him to give his attendance, if he wanted any.— But if you still have a doubt whether he will consider himself as bound to pay attention to such summons, I know not what should impede your soliciting his attendance for the purpose of giving his honest testimony concerning any matters which may have come to his knowledge. With regard to an allowance for any expences which may attend his coming to town, I before intimated to you my doubts whether government would give you any assurance of their being allowed.— The natural application on that head appears to me to be to the Secretary at War, as it

seems to be a matter of contingent army expence, from whom you may possibly not obtain the allowance looked for, but I dare say you will receive a prompt and candid answer.

You acquainted me in a former letter that you should send me the names of some witnesses for whom you wished to be furnished with an official summons. I desire to repeat that I do not wish to know the names of any, unless you think such summons to be requisite for enforcing their attendance; but in case you are desirous to avail yourself thereof, I must desire to have early notice, not only for the convenience of the witnesses themselves, but because I have at present much other public business upon my hands. I expect the court-martial will be convened on this day se'nnight, the 24th instant.

I am, Sir,

Your humble servant,

CHARLES GOULD.

Mr. William Cobbett.

Sir Charles Gould can now acquaint Mr. Cobbett, that Jacob Margas will attend the General Court-Martial as a witness.

Horfe-Guards, 19th March, 1792.

N. B. The foregoing letter and note are those which Mr. Cobbett acknowledges to have received in his letter of the 19th.

To Sir Charles Gould, Judge Advocate-General.

SIR,

Yours of the 17th instant I have had the honor to receive, and (since I have now your note of this day) I have only to observe, by way of answer to that part of it which Mr. J. Margas is the subject, that I am sorry you have had so much trouble about it.

With respect to my witnesses from the 54th regiment, I should have sent you a list of them on the day I received your letter, had I not been obliged to alter it an account of my not having till now examined the charges against Lieutenants Seton and Hall with sufficient attention. I now send you a list of them, Sir, and I have reduced the number as low as I possibly can, without endangering the prosecution. You will please to observe, Sir, that I have now mentioned one man, as a witness, whom I have not mentioned before, and who does not belong to

the 54th regiment. I have made out a list of the whole of the witnesses I wish to be summoned for fear of mistakes.

LIST OF WITNESSES.

- | | |
|---|-------------------|
| The former Agent of the 54th regiment | Charles Rennil |
| | William Divers |
| The present Agent of the 54th regiment | Joseph Bunyan |
| | John Thompson |
| Mr. Jacob Margas, an out-pensioner | William Gofs |
| | William Murray |
| — Hackett, late of the 6th regiment of foot, now in St. George's Hospital | Thomas White |
| | Robert Hewitt |
| Major Lord Ed. Fitzgerald | James Ailcock |
| John Austin | John Goodhall |
| John Christie | George Fieldhouse |
| Samuel Body | James Mures |
| Alexander Cameron | Richard Erlifs |
| Robert Smaller | John Wright |
| James Moore | Thomas Church |
| William Manlove | Abraham Baker |
| William Philpot | George Norton |
| William Gosling | William Dodman |
| William Cornish | Hugh Gallacher |
| Robert Chapman | Rice Allen |
| John Jordan | Owen Dunagan |
| Richard Wright | George Cornell |
| John Bisho | Richard Egleton |
| James Melton | Nicholas Vice |
| William Bestland | Samuel Howard |
| Robert Orford | Thomas Beale |
| James Filby | James Mitchell |
| Thomas Lambeth | William Norton |

Of the 54th regiment.

G

I have prefixed the rank of none of these people to their names, as I cannot tell what changes may have taken place since I left the regiment. It will be necessary to observe, Sir, in the order for bringing these people up, that no persons are meant but those who have been with the regiment in America. This caution is necessary, because there may be men of the same name, who have joined since the regiment has been at Portsmouth.

I think it my duty to inform you, Sir, that a private concern obliges me to go into the country, from which I cannot conveniently return 'till about Friday next; but any commands you may have for me will be forwarded, if left where your letters to me have hitherto been, and will, upon reaching me, be immediately attended to.

I am with the greatest respect, &c.

WILLIAM COBBETT.

London, 19th March, 1792.

Horfe-Guards, 20th March, 1792.

MY LORD,

I have the honour to acquaint your Lordship that I received yesterday evening a let-

ter from Mr. William Cobbett, who has preferred the charges against Captain Powell and Lieutenants Seton and Hall, wherein he points out your Lordship as a material witness, and whose attendance I am therefore to request.

I trouble your Lordship also with a list of many persons belonging to the 54th regiment, whom he states to be material witnesses, together with an extract from his letter, wherein he makes requisition for their being summoned, and explains, that he means only such as have been with the regiment in America.

I expect an order or route will be sent to the regiment from the War-office by this night's post respecting the men, who are to be examined as witnesses upon the occasion.

I am sorry for the trouble which will accrue to others from this business, at the same time, that no inconsiderable share of it will fall to my lot.

I have the honour to be, &c.

CHARLES GOULD.

Major Lord Edward Fitzgerald,
or Commanding Officer of the
54th Regiment of Foot.

Extract from Mr. William Cobbett's Letter to the Judge-Advocate General, dated 19th March, 1792.

I have prefixed the rank of none of these people to their names, as I cannot tell what changes may have taken place since I left the regiment. It will be necessary to observe, Sir, in the order for bringing these people up, that no persons are meant, but those who have been with the regiment in America. This caution is necessary, because there may be men of the same name, who have joined since the regiment has been at Portsmouth.

LIST OF WITNESSES.

- | | |
|-------------------|-------------------|
| John Aulin | William Murray |
| John Christie | Thomas White |
| Samuel Body | Robert Hewitt |
| Alexander Cameron | James Ailcock |
| Robert Smaller | John Goodhall |
| James Moore | George Fieldhouse |
| William Manlove | James Mures |
| William Philpot | Richard Ellifs |
| William Gosling | John Wright |
| William Cornish | Thomas Church |
| Robert Chapman | Abraham Baker |
| John Jordan | George Norton |
| Richard Wright | William Dodman |
| John Bishop | Hugh Gollicher |
| James Milton | Rice Allen |
| William Bestland | Owen Dunagan |
| Robert Orford | George Connell |
| James Filby | Richard Egleton |

- | | |
|----------------|----------------|
| Thomas Lambeth | Nicholas Vice |
| Charles Rennil | Samuel Howard |
| William Divers | Thomas Beale |
| Joseph Bunyan | James Mitchell |
| John Thompson | William Norton |
| William Gofs | |

All of the 54th regiment of foot.

Horfe-Guards, 20th March, 1792.

SIR,

A general Court Martial is appointed to be held here on Saturday next the 24th instant at 10 o'clock in the morning, for the trials of three officers of the 54th regiment, and as it has been represented that your testimony will be necessary upon some points, which will then be brought into question, I am to desire you will be pleased to give your attendance, and that you will be pleased to bring with you the papers, of which I lately furnished you with a minute.

I have the honor to be, &c.

CHARLES GOULD.

Edmund Armstrong, Esq.
Agent to the 54th regiment of foot.

Horfe-Guards, 20th March, 1792.

SIRS,

A general Court Martial is appointed to be held here on Saturday next at ten o'clock

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in the morning, for the trials of three officers of the 54th regiment, and as it has been represented that your testimony will be necessary upon some points, which will then be brought into question, I am to desire you will be pleased to give your attendance in order to your being examined at the said Court Martial.

I have the honor to be, &c.

CHARLES GOULD.

Messrs. Rofs and Ogilvie,
late Agents of the 54th Regiment of Foot.

Horse-Guards, 20th March, 1792.

SIR,

A general Court Martial is appointed to be held here on Saturday next the 24th inst. for the trials of three officers of the 54th regiment of foot, upon one, if not more of which trials I am given to understand a production of the cloathing certificates for the said 54th regiment, for the years 1789, 1790 and 1791 will be necessary. I take this early opportunity of acquainting you, and of desiring that you will give direction for some proper person to be in readiness to

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attend the Court Martial therewith when wanted.

I have the honor to be, Sir,

Your most obedient

humble servant,

CHARLES GOULD.

Thomas Fauquier, Esq.
Secretary to the Cloathing Board.

Horse-Guards, 20th March, 1792.

SIR,

A general Court Martial is appointed to be held here on Saturday next the 24th inst. for the trials of three officers of the 54th regiment of foot, upon one, if not more, of which trials I am given to understand, a production of the muster rolls for the said 54th regiment, for the years 1789, 1790 and 1791 will be necessary. I take this early opportunity of acquainting you, and of desiring that you will give directions for some proper person to be in readiness to attend the Court Martial therewith when wanted.

I have the honor to be, Sir,

Your most obedient servant,

CHARLES GOULD.

Thomas Bowlby, Esq.
Commissary General of Musters.

Salopian Coffee-House, 21st March, 1792.

SIR,

Not having any information of the Court Martial being ordered, we have to request, if not incompatible with the service, that the Court may be composed of such officers who have served abroad, and are acquainted with the service in America. As this is for the good of the service as well as our advantage, we doubt not you will comply with so reasonable a request.

We have the honor to be, &c.

RICHARD POWELL, Capt. 54th Reg.

CHRISTOPHER SETON, Lieut. 54th Reg.

JOHN HALL, Lieut. 54th Reg.

Right Hon. Sir George Yonge,
&c. &c. &c.

Horse-Guards, 21st March, 1792.

SIR,

In consequence of your desire that — Hackett, late a private of the 6th regiment, should be summoned as a witness at the intended Court-Martial on Saturday next, for the trial of the three officers of the 54th regiment, I directed a letter to be accordingly wrote to him, the answer which the

messenger brought, who delivered the same to him, is, that he is ill in bed, and not likely to be able to attend, as there is much fear, that one of his legs must be amputated in the course of next week.

I am, &c.

CHARLES GOULD.

Mr. William Cobbett.

Sir Charles Gould sends this note to acquaint Mr. Cobbett, that the meeting of the Court-Martial to be held here remains fixed for to-morrow morning ten o'clock. Inclosed herewith is a list of the officers who are appointed to compose the Court.

Horse-Guards, 23d March, 1792.

COURT MARTIAL.

At a meeting at the Horse-Guards on Saturday the 24th day of March 1792, of the undernamed officers convened in pursuance of a special warrant from his Majesty, bearing date 15th day of February 1792, for the purpose of composing a general Court Martial for the trials of Captain Richard Powell, Lieutenant Christopher Seton and Lieutenant John Hall of the 54th Regi-

ment of Foot, upon sundry charges therein expressed.

MAJOR GENERAL CHARLES CROSBIE,
appointed to be President.

- | | |
|--|--|
| Major General Wynter Blathwayt. | Major General George Morgan. |
| Colonel John Watfon Tadwell Watson, of the 3d Regiment of Foot Guards. | Colonel Anthony Farrington, of the Royal Regiment of Artillery. |
| Lieutenant Colonel George Nugent, of the Coldstream Regiment of Foot Guards. | Lieutenant Colonel Aubrey Earl of Burford, of the 34th Regiment of Foot. |
| Lieutenant Col. John White-locke, of the 13th Regiment of Foot. | Lieutenant Col. John Bridges Schaw, of the 68th Regiment of Foot. |
| Lieutenant Colonel William Mansfell, of the 29th Regiment of Foot. | Major John Elford, of the 51st Regiment of Foot. |
| Major Charles Green, of the 31st Regiment of Foot. | Major John Blake, of the 24th Regiment of Foot. |
| Major James Wiseman, of the 53d Regiment of Foot. | Major William Browne, of the 14th Regiment of Foot. |
| Major Edward Madden, of the 15th Regiment of Foot. | Major John Thomas Buller, of the New South Wales Corps. |
- Sir Charles Gould, Judge-Advocate General.

His Majesty's Warrant in this behalf, was read.

Upon enquiry made, whether the prosecutor and defendants were in readiness, it was announced that Mr. William Cobbett, late Serjeant-Major in the 54th Regiment, but now retired from the service, who had preferred the several charges against the said

Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, respectively, and who had undertaken to support them by proper evidence was not yet arrived. After waiting more than an hour in expectation of his coming, a messenger was dispatched to his wonted lodgings in quest of him, which messenger on his return made report that the said William Cobbett was not to be found, and that the answer obtained at the house where he had lodged was, that he had removed from those lodgings on Wednesday evening last, since which he had not been seen or heard of, nor was it known where he now resided.

Upon receiving this unexpected intelligence, the Judge-Advocate General forbore to swear the members of the Court Martial, and requested their assembling again on Tuesday morning next, thinking it advisable that the trial should be deferred till that time, to afford opportunity for enquiring into the cause of the said William Cobbett's not attending in pursuance to the notice given him. And the several persons who had been summoned, as witnesses at the requisition of the said William Cobbett, were

directed to give their attendance on Tuesday morning next at ten o'clock, in expectation that the trial would then take place.

Horfe-Guards, 24th March, 1792.

SIR,

You are hereby acquainted that a general Court Martial has been held here this day, agreeable to the intimation which had been left for you at your lodgings, for the purpose of investigating the several charges which had been preferred by you against Captain Powell and Lieutenant and Paymaster Christopher Seton, and Lieutenant and Adjutant John Hall, of the 54th regiment of Foot, when to the great astonishment of the several officers who were to have composed the Court Martial, you did not appear to make good those charges, and upon enquiry, it was found that you had removed from the lodgings to which you had desired me to address any letters I might have for you. I now give you this further notice, having taken pains to get this letter to your hands, that the Court-Martial will again meet here on Tuesday next at ten o'clock, that there

you may, if you have any thing to offer to them, give your attendance.

I am, &c.

CHARLES GOULD.

Mr. William Cobbet,
No. — Felix Street.

Judge-Advocate's Office, Horfe-Guards, Saturday,
24th March, 1792.

SIR,

You are hereby acquainted that the officers who were appointed to compose a general Court Martial were convened here this day at ten o'clock agreeable to notice which had been addressed to you, and left for you at your lodging in Felix Street, near Westminster Bridge, in addition to that which I had before given to you in a former letter, and they waited here considerably more than an hour in expectation of your appearing to make good the charges which you had preferred against Captain Richard Powell and Lieutenants Christopher Seton and John Hall of the 54th regiment of Foot, nor did they separate until a messenger who had been dispatched to you at your said lodging to acquaint you that the Court-Martial were waiting for you, had returned

and brought word that you was not to be found, I now give you this further notice that the said general Court-Martial will be re-assembled here on Tuesday morning next at ten o'clock in the forenoon precisely, when if you have any thing to offer you will be heard, and when you are hereby required to give your attendance.

CHARLES GOULD,
Judge-Advocate General.

Mr. William Cobbett,
No.— Houndfitch.

Mr. William Cobbett who had preferred sundry charges against Captain Powell and Lieutenants Seton and Hall of the 54th regiment, for the investigation whereof a general Court-Martial was convened here this day, having failed to appear and make good his charges, inquiry was made for him at his late lodging in Felix-Street near Westminster Bridge, where information was had that he had quitted the said lodging on Wednesday evening last without saying where he might afterwards be found. As it is desirable, if possible, to give him notice that the

Court Martial will meet again on Tuesday morning next at ten o'clock, and his said landlady has mentioned Captain Lane, as a person who had frequently called upon him of late, the Judge-Advocate General takes leave to ask whether Captain Lane or his servant can point out the most probable place of finding out the said William Cobbett, or where he may be heard of.

Horse-Guards, 24th March 1792.
Captain Lane,
of the 54th Regiment of Foot.

Horse-Guards, 25th March, 1792.

MY LORD,

Upon consideration it appears advisable that all the witnesses or supposed witnesses who have been ordered from Portsmouth at the requisition of William Cobbett, which I had the honour to communicate to your lordship, should give their attendance here on Tuesday morning next, at ten o'clock, the hour fixed for the meeting of the Court Martial, and I take leave to request your lordship will give orders for that purpose.

I have the honor to be, &c.

CHARLES GOULD.
Major Lord Edward Fitzgerald.

COURT MARTIAL.

At a general Court Martial held at the Horse-Guards on Tuesday the 27th day of March 1792, by virtue of a special warrant from his Majesty bearing date 15th day of February 1792.

MAJOR-GENERAL CHARLES CROSBIE, President.

Major General Wynter Blathwayt.	Major General George Morgan.
Colonel John Watfon Tadwell Watfon, of the 3d Regiment of Foot Guards.	Colonel Anthony Farrington, of the Royal Regiment of Artillery.
Lieutenant Colonel George Nugent, of the Coldstream Regiment of Foot Guards.	Lieutenant Colonel Aubrey Earl of Burford, of the 34th Regiment of Foot.
Lieutenant Colonel William Manfell, of the 29th Regiment of Foot.	Lieutenant Col. John Brydges Schaw, of the 68th Regiment of Foot.
Lieutenant Col. John White Locke, of the 13th Regiment of Foot.	Major John Elford, of the 51st Regiment of Foot.
Major Charles Green, of the 31st Regiment of Foot.	Major John Blake, of the 24th Regiment of Foot.
Major James Wiseman, of the 53d Regiment of Foot.	Major William Browne, of the 14th Regiment of Foot.
Major Edward Madden, of the 15th Regiment of Foot.	Major John Thomas Buller, of the New South Wales Corps.

Sir Charles Gould, Judge-Advocate General.

The Court being duly sworn.

The Judge-Advocate General (also sworn) stated to them, that he had caused diligent but ineffectual inquiry to be made after

William Cobbett, who was pledged to make good the charges preferred against Captain Richard Powell, and Lieutenants Christopher Seton and John Hall respectively, not only at his former lodging, being the first place where he had desired that any official letters might be left for him, but also at such other places, where there seemed to be a chance of obtaining intelligence, and that he had likewise caused a written notice of the trial being deferred *till this day*, to be left at his said former lodging, to be delivered to him in case of his calling there, and a duplicate of the same notice to be left at an house in Houndsditch, where information was obtained from the postman of that walk (or district) that post-letters were to be delivered for him, although he did not reside there.

The Judge-Advocate General also stated that upon intelligence being given at William Cobbett's former lodging, from which as before-mentioned he had removed on Wednesday evening last, that Captain Lane of the 54th regiment had sometimes visited the said William Cobbett, a note had been addressed to the said Captain Lane at his house in Sloane-Square, Chelsea, requesting

the favour of information from him or from his servant (if they could furnish it) where the said William Cobbett was removed to, or was likely to be found or heard of; to which enquiry Captain Lane had returned answer, importing that neither he nor his servant could point out where Mr. William Cobbett was to be found, at the same time expressing surprize that he had not attended at the Court Martial that day when the trial was expected to come on.

The Judge-Advocate General also informed the court, that Elizabeth Wools, at whose house William Cobbett had lodged, had been prevailed upon to give her attendance, and is now in waiting in case the Court may wish to make any further enquiries from her personally, respecting the said William Cobbett.

She was thereupon called in, and, in answer to several questions proposed to her by the Court, gave an account (upon oath) that she is the wife of John Wools, an Hoop-Maker, and resides at No. 3, Felix Street, southward of Westminster Bridge; that William Cobbett had lodged at their house near twelve weeks; had he remained there two

days longer, he would have completed that period; that he had removed from his said lodging on Wednesday evening last, when he told her that he was going to his father, who was very ill, but that he should see her again in two or three days, not meaning again to lodge there, but merely to call upon her; that since that time she had neither seen nor heard of him, nor does she at all know where he is; that the postman had been desired to take charge of his post-letters, and have them conveyed for him to some house in Hounsditch; that the said William Cobbett had been visited by three persons only, whilst he was lodger at the house, namely, by a Mr. Green who had used to bring him pamphlets and books to read, by Captain Lane, and a person of the name of Austin, whom she had understood to be a serjeant of the 54th regiment. Being asked, whether Captain Lane used to be frequently with William Cobbett, and whether he had been lately there in particular, she said not frequently, that the last time she had heard of Captain Lane's having been there, was on the Monday next preceding the Wednesday on which William Cobbett

quitted the lodging; she mentioned having heard it, as she was not herself at home at the time.

Being asked where William Cobbett's father resides? She said she has understood that he keeps a public house, known by the sign of the "Jolly Farmer," at Farnham.

She produced three letters addressed to William Cobbett, which had been left at her house since he quitted the lodging, and which remained unopened: they were three letters addressed to him from the Judge Advocate's office, and being now opened were found to be a letter dated 21st March instant, to inform him that — Hacket, late of the 6th regiment of foot, one of the witnesses whom he had desired to be summoned, was so ill in St. George's Hospital that he would not be able to attend the trial on Saturday (the 24th). A letter dated 23d instant, inclosing a list of the officers who were appointed to compose the Court Martial, and reminding him that the trial remained fixed for the next morning at ten o'clock. The third letter was of last Saturday's date, written after the separation of the members of the Court-Martial, to inform him that the

rial had been put off by reason of his non-attendance, until the Tuesday following (this day) at ten o'clock, when, if he attended, the court would hear him, and proceed on the trial.

As expectation could no longer be entertained of William Cobbett's appearing to make good the charges which he had preferred, and as there was on the contrary much reason to suppose that he purposely absented and secreted himself, the Court Martial now thought it proper to put the defendants upon their trial, inasmuch as their witnesses had already been detained three days; and accordingly

Captain Richard Powell (being in arrest) was now called forward, who admitted that he is and was at the time in question a captain in the 54th regiment of foot, and the following charges were exhibited against him, namely, a charge of false and improper musters and returns in three instances, viz.

1st. In making a false muster of seven men on the muster rolls, from June to December, 1789; of seven men on the roll from December, 1789, to June, 1790; of seven men on the roll from June to December,

1790; and of one man on the roll from December, 1790, to June, 1791.

2dly. In mustering persons as soldiers, who at other times did wear a livery (or cloathing different from military uniform) and who did not at other times do their duty as soldiers, but who were employed in the capacity of servants in the regiment, or who were permitted by him to hire themselves as servants to the inhabitants in New Brunswick. Twenty men of this description were mustered on the roll to June, 1789; twenty-four on the roll to December, 1789; twenty-four on the roll to December, 1790; and twenty-four on the roll to June, 1791.

3dly. In making twenty-five false returns to the Brigadier-General commanding in New Brunswick, between the 4th of October, 1790, and the 18th of April, 1791, of the state of the part of the regiment stationed at Frederick Town, in order to deceive the General with respect to such men as were employed as servants, or were absent from their duty in the service of the inhabitants;

And a charge under the head of "abuses and irregularities, in regard to the monies,

" &c. belonging to non-commissioned officers and soldiers," in five instances, viz.

1st. In misapplying work-money earned by the non-commissioned officers and men of Frederick Town, between May, 1789, and May, 1791, after having received it from the Deputy Paymaster-General on their account.

2dly. In unlawfully deducting large quantities of fire-wood from the allowance which was issued from the public stores for the non-commissioned officers and men of the regiment, between May, 1789, and June, 1791, and disposing of it for his own purposes: and further, giving in accounts to the Governor of wood supplied to the public stores, when the wood so pretended to be supplied was deducted from the men without their consent, and even against their intreaties, while they were suffering greatly from want of fuel.

3dly. In disposing of two years cloathing belonging to the non-commissioned officers and men, for the years 1789 and 1790, without their approbation or consent; and obliging them (while they were cloathed in rags)

to accept of an inadequate sum in lieu of the said cloathing.

4thly. In signing false certificates (and procuring the same to be signed by Brigadier General Carleton) at the reviews of 1789 and 1790, specifying that new cloathing for the regiment for these years had been duly issued out, and put upon the men, and that they appeared completely clothed in it on the day of the review in each year, which certificates were to be transmitted to the agent, to be by him produced to the Cloathing-Board in London, and making reports of the regiment's cloathing for the years 1789 and 1790, purporting that six hundred and eleven suits had been issued out to the non-commissioned officers and men in those years, although not one suit then had or since has been issued out to them for those years.

5thly. In being interested in the sale of bread sold to the soldiers in the barracks at Frederick Town, by taking into his hands the baking for the regiment there, from September, 1789, to April, 1791, by receiving the men's flour from the public store, by supplying the men with less bread than he might

have done, and by selling the rest for his own emolument.

Which said several recited charges had been preferred by William Cobbett, and which he had undertaken to prove.

The Judge-Advocate General having, before the exhibiting of these charges, stated that William Cobbett had, by a letter dated the 19th of this instant March, pointed out the several witnesses, whose testimony he considered to be material in support of the prosecution; and that in consequence of the said William Cobbett's requisition, such persons had been directed to attend, and also, that with an exception of three, or at most four, who were sick, and of Serjeant Austin, who being absent from the regiment upon leave, had not received a summons, were now in waiting, and such care had been taken that such several persons should be present in the court-room during the exhibition of the charges; and it was publicly announced that Captain Richard Powell was now upon his trial, and that if any person had any evidence or information to offer in support of any of the charges, he would be heard, and would receive all due protection from

the court: and in reading the said charges, a pause or rest was made at the end of each, to give an opportunity for any such interposition: the persons so attending, in consequence of the aforesaid requisition, being in number *forty*, namely—Lord Edward Fitzgerald, Major of the 54th regiment of foot; the Agent to the said regiment; Jacob Margas, now an out-pensioner of Chelsea Hospital; Cameron, Smaller, Moore, Manlove, and Golling, Serjeants; R. Wright, Melton, Bestland, Thompson, Murray, Hewlett, Nares, Erlifs, J. Wright, Baker, and Morton, corporals; Cornish and Jordan, drummers; Bishop, Filby, Lambeth, Rennie, Divers, Bunyan, Gofs, White, Ailcock, Goodall, Dodman, Gollocher, Allen, Dunnagan, Connell, Egleton, Vice, Howard, and Beale, private soldiers, all of the 54th regiment.

A further pause was also made when all the charges had been recited, to afford a further opportunity for any person to come forward in support of any of them, but no person tendered himself for that purpose.

Captain Powell perceiving that no evidence was adduced against him, desired only a short space of time might be allowed him to con-

sider of any observations which might be proper in his defence.

Lieutenant Christopher Seton was then arraigned, and put upon his trial in like manner in presence of the same persons (amongst others who attended the trial spontaneously) and the like notice having been announced, as in the instance of Captain Powell, the following charges were distinctly exhibited against him the said Christopher Seton, who admitted that he is now and was at the time in question a Lieutenant and Paymaster of the 54th regiment, namely, false and improper musters in two instances, viz.

1st. In making a false muster of seven men on the roll to December, 1789; of seven on the roll to June, 1790; of seven on the roll to December, 1790; and of one on the roll to June, 1791.

2ndly. In mustering persons as soldiers who at other times did wear a livery (or cloathing different from military uniform) and who did not at other times do their duty as soldiers, but who were employed in the capacity of servants in the regiment, or were permitted to hire themselves as servants to inhabitants in New Brunswick.

Twenty-four of this description were mustered on the roll to June, 1789; twenty-four on the roll to December, 1789; twenty-five on the roll to June, 1790; twenty-five on the roll to December, 1790; and twenty-four on the roll to June, 1791.

Both of which charges William Cobbett had preferred, and had undertaken to prove.

The like silence was observed during and after the reading of these charges, no person tendering himself to give evidence or offering any information to the court respecting any part thereof.

In like manner also, and with the same public notice,

Lieutenant John Hall was afterwards arraigned, and put upon his trial, who admitted himself to be, and at the time in question to have been a Lieutenant and Adjutant of the 54th regiment, and the following charges were distinctly exhibited against him, namely; 1st. Making a false muster of seven men on the roll to December, 1789; of seven men on the roll to June, 1790; of seven men on the roll to December, 1790; and of one man on the roll to June, 1791.

2dly. Mustering persons as soldiers who at

other times did wear a livery, (or cloathing different from military uniform) and who did not at other times do their duty as soldiers, but who were employed in the capacity of servants in the regiment, or were permitted to hire themselves as servants to the inhabitants of New Brunswick. Twenty-four men of this description were mustered on the roll to June, 1789; twenty-four on the roll to December, 1789; twenty-five on the roll to June, 1790; twenty-five on the roll to December, 1790; and twenty-four on the roll to June, 1791.

Making unlawful deductions from the subsistence of the non-commissioned officers and men of a detachment under his command at Frederick Town, between February and May, 1789.

Which three charges William Cobbett had preferred, and had undertaken to prove.

The like silence being observed in this case during and after the reading of these charges, and no person tendering any evidence or information concerning them,

The three defendants obtained permission to withdraw, and after a short absence returned into court, and Captain Powell, in the joint

names of all three, offered the following address:

GENTLEMEN,

Permit me for myself and the two other gentlemen now appearing before you on the same account, to make a few observations on the very singular and unfortunate predicament in which we now stand; we do not mean to complain, although we have great cause to lament, that after an absence of many years in the service of our country, returning with the fullest approbation of our conduct from the station we have been so long upon, we should, upon the representation of a non-commissioned officer of our corps, which he did not dare to bring forward till after he had obtained his dismissal, and which he has not ventured to appear in support of, have been brought to a Court Martial without a previous inquiry into our conduct. We lament also, that upon the false suggestion of this man we have been put to a great expence, and the enquiry has become more public by being put upon our trial in this place, and not at Portsmouth as we requested.

We do not however complain of these un-

fortunate circumstances, because we are convinced it was never imagined any man could be so abandoned and profligate to prefer an accusation from a malicious design alone.

Having devoted the greatest part of our lives to the service of our country, and for the last sixteen years on foreign duty, we cannot but consider ourselves peculiarly unfortunate in having our characters, (hitherto unimpeached) held out to the world accused of crimes which we detest.

Conscious of our innocence, we have not shrunk from investigation, and to you we look up, we hope with just confidence, for such an honourable acquittal as may in some measure do away the pain and anxiety we have suffered from such cruel and unjust accusation; and that this court will, at the same time, mark the conduct of the prosecutor in the strongest terms of displeasure and reprehension.

THE COURT MARTIAL

having regard to the circumstances of this extraordinary case, and especially to the entire dereliction of the prosecution by the person who alone preferred and had solemnly pledged himself to prove the several charges

against the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, is of opinion that the said several charges against those officers respectively are, and every part thereof is, totally unfounded; and the court does therefore most honourably acquit the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, of the same.

(Signed) CHARLES CROSBIE,
Major-General.

Horfe-Guards, 2d April, 1792.

DEAR SIR,

Having had the honour of laying before the King the proceedings of a General Court Martial, held here on Tuesday the 27th of last month, for the trials of Captain Powell, and Lieutenants Seton and Hall, of the 54th regiment, I can now acquaint you that his Majesty has been pleased to approve of the honourable acquittal of those officers, and that the Court Martial is in consequence dissolved.

I did not fail to submit the idea and wishes of the Court Martial respecting the circu-

lating of the sentence in public orders, which did not appear to his Majesty to be necessary; but I have reason to think something more effectual towards vindicating the character of the officers will be attempted, if upon consulting the crown officers it shall appear practicable in this case, namely, a prosecution of Cobbett, who as far as in him lay, made a mockery of public justice, and has availed himself of a judicial process for the conveyance of the most gross slander.

I hold myself much obliged by your procuring, through your brother, Cobbett's letter to Margas, which I wished to be forthcoming.

And am, with very sincere regard,
Sir, &c.

CHARLES GOULD.

Major-General Crosbie.

Horfe-Guards, 2d April, 1792.

MY LORD,

Having had the honour of laying before the King the proceedings of the General Court-Martial, held here on Tuesday the 27th of last month, for the trial of Captain Richard Powell, and Lieutenants Christopher

Seton and John Hall, of the 54th regiment of foot, upon several charges which had been preferred against them respectively, I am to acquaint your Lordship that his Majesty has been pleased to approve of the opinion of the said Court-Martial, whereby those officers were most honourably acquitted, and which opinion is expressed in the following terms: videlicet,

“ The court having regard to the circumstances of this extraordinary case, and especially of the entire dereliction of the prosecution by the person who alone had preferred and solemnly pledged himself to prove the several charges against the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, is of opinion that the said several charges against those officers respectively are, every part thereof, totally unfounded; and the court does therefore most honourably acquit the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, of the same.” I have the honour to be,

CHARLES GOULD.

Major Lord Edward Fitzgerald,
or Commanding Officer of the
54th Regiment of Foot.

SIR, Horse-Guards, 2d April, 1792.

Having had the honour to lay before the King the proceedings of the Court-Martial held here on Tuesday the 27th of last month, for your trial upon several charges which had been preferred against you, I am to acquaint you that his Majesty has been pleased to approve the opinion of the said Court-Martial, whereby you are most honourably acquitted, and which is conceived in the following terms, viz.—“ The Court Martial having regard to the circumstances of this extraordinary case, and especially to the intire dereliction of the prosecution by the person who alone preferred and undertook to prove the several charges against the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, is of opinion that the said several charges against those officers respectively are, and every part thereof is totally unfounded; and the court does therefore most honourably acquit the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, of the same.” I am, Sir, &c.

CHARLES GOULD.

Captain Richard Powell,
Lieutenant Christopher Seton,
Lieutenant John Hall,
respectively, } 54th. Regiment of Foot.

Horse-Guards, 2d April, 1792.

SIR,

Having had the honour of laying before the King the proceedings of the General Court Martial held here on Tuesday the 27th of last month, for the trial of Captain Richard Powell, and Lieutenants Christopher Seton and John Hall, of the 54th regiment, upon several charges which had been preferred against them respectively, I am to acquaint you that his Majesty has been pleased to approve the opinion of the said Court Martial, whereby those officers were most honourably acquitted; and which opinion is expressed in the following terms, viz.

“The Court Martial having regard to the circumstances of this extraordinary case, and especially to the entire dereliction of the prosecution by the person who alone preferred and had solemnly pledged himself to prove the several charges against the said Captain Richard Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, is of opinion that the said several charges against those officers respectively are, and every part thereof is, totally unfounded; and the court does therefore most honourably acquit the

said Captain Powell, Lieutenant Christopher Seton, and Lieutenant John Hall, of the same.”

I have the honour to be, &c.

CHARLES GOULD.

The Right Hon. Sir George Yonge, &c.
His Majesty's Secretary at War.

Bath, 5th April, 1792.

DEAR SIR,

I am greatly obliged to you for your letter, and sending me a copy of the sentence of the Court Martial on Captain Powell and the two Lieutenants of the 54th regiment. It is a great satisfaction to me that this very extraordinary affair has ended so much to the honour of those officers; not that I had the least doubt of their acquitting themselves, and that the intended prosecutor would not have been able to have substantiated any one of the charges he had alleged against them.

I have the honour to be, &c.

MARISCOE FREDERICK.

Sir Charles Gould, &c. &c. &c.

Memorandum of Sir Charles Gould.

I was, from the time of the warrant being transmitted to me, referred by the Secretary

at War to William Cobbett, as the person who would manage the prosecution, and would point out the necessary witnesses, and had pledged himself to make good the charges, and I was furnished from the War-Office with his address and place of abode.

According to that direction I sent a letter to him as soon as the warrant came to my hands, namely, on the 23d February, acquainting him therewith, and desiring him to furnish me with the names of such witnesses as he wished to be officially summoned.

According to that address or direction, the messenger delivered my letter, which produced an answer dated the 25th February.

Several letters were afterwards exchanged between him and me upon the subject of the trial, and particularly as to the place at which the Court Martial should be convened. Cobbett urging that London was the most proper place, and the defendants rather wishing it to be holden at Portsmouth: his arguments prevailed, and a Court Martial has in consequence been assembled here.

My several letters to him in the course of this correspondence were sent to him at the same lodging, and that he received them

daily appears from their being regularly answered.

In a letter of the 11th of this month (March) written in answer to one of mine, wherein I had recommended a more accurate specification of one or two of the charges, the better to enable the defendants to arrange their defence, and which he had declined to furnish; conceiving from what I had urged that I might entertain some doubts of the fairness and rectitude of his conduct, he made a strong asseveration, the only part of his correspondence which seemed rather unnecessary and rather eccentric. (See letter 11th March).

On the 17th of March I again reminded him of furnishing me with the names of such witnesses as he wished to be officially summoned; which letter concluded with an intimation that the Court-Martial would be convened on Saturday the 24th instant.

Of this letter (left at the same lodging) he acknowledged the receipt in a letter of the 19th, furnished me with the names of his witnesses in consequence, and tells me he is going from home until Friday, but that in the mean time any commands I may have

for him, if left where my letters to him had hitherto been left, would be forwarded, and would, upon reaching him, be duly attended to. (See letter of the 19th.)

Accordingly on Wednesday evening, the 23d, a letter was left for him *there*, to inform him that a witness whom he had represented to be a soldier of the 6th regiment, and who was then a patient in St. George's Hospital, would not be able to attend the Court-Martial on Saturday, by reason that the surgeons deemed it necessary that his leg should be amputated.

And another letter was left for him there on Friday the 23d, containing for his information a list of the officers who were appointed to compose the Court-Martial, and particularly reminding him that the Court-Martial would meet on the morrow morning at ten o'clock.

It now appears that William Cobbett having absented himself from the Wednesday evening, these two last mentioned letters have not been received by him, and still remain unopened.

The steps since taken to get at Cobbett are, sending repeatedly to his lodging, getting

intelligence from the postman where post-letters were to be sent to him; sending to that place in Houndsditch, and leaving a letter for him to let him know the Court-Martial would meet again on Tuesday morning; also leaving the like notice for him at his former lodgings; and lastly, making enquiry after him from Captain Lane, of the 54th, with his answer.

Copy of the Case submitted to the Attorney and Solicitor General upon the Conduct of Cobbett, with their Opinion thereupon.

Mr. William Cobbett, late Serjeant-Major of the 54th regiment, in or about the month of January last, exhibited an information, containing several very serious charges, against Captain Richard Powell, and Lieutenants Christopher Seton and John Hall, all of the said 54th regiment, and undertook to prove the same before a General Court Martial. Several charges of a similar nature were, at the same time, preferred by the said William Cobbett against the said Lieutenant-Colonel of the said regiment,

whose death, which took place much about the same time, renders it unnecessary to make further mention of that part of the case.

The said William Cobbett several times attended the Secretary at War, pressing an investigation of his said charges against Captain Powell and Lieutenants Seton and Hall; and from the knowledge he appeared to possess upon the subject, from the situation he had held in the regiment, and from his earnestness, obtained a certain degree of credit for being able to develop the abuses if such really existed; and the defendants at the same time urging an inquiry for the purpose of proving their innocence, a selection was made of the principal charges so preferred by the said William Cobbett, and his Majesty's warrant was obtained for the trial of those three officers by a General Court Martial.

In consequence thereof a regular official notice was given to the said William Cobbett, that a General Court Martial would be held for the trial of the said three officers respectively at his instance, and he was called upon to point out such witnesses for whom he judged an official summons would be neces-

sary, in order to his being enabled to substantiate the several charges.

It was at first proposed that the trial should have taken place at or in the neighbourhood of Portsmouth, where the said 54th regiment was then stationed; as not only the defendants themselves, but the principal part of those who might naturally be expected to be called upon as witnesses, were there upon the spot. But an urgent remonstrance and request of the said William Cobbett, supported by arguments which he offered, prevailed for holding the Court Martial in London, contrary to the wishes and representations of the defendants.

With this measure the said William Cobbett declared himself perfectly satisfied, and then proposed the names of such witnesses for whom he wished an official summons, fifty-two in number; all of whom were summoned or received orders to attend, with the exception of one serjeant of the 54th regiment, who as having been absent from the regiment on leave, it has since appeared did not receive any summons; and, with an exception of about three or four soldiers, who were prevented from giving their attendance

by illness, all of them did actually give their attendance on the day of trial, when the Court Martial met for the purpose of proceeding upon the trial, and most of whom were called from Portsmouth to London, expressly in obedience to that summons, besides those who were cited as witnesses on the part of the defendants.

Notice was also given to the said William Cobbett of the day appointed for the fitting of the Court Martial, and repeated notice was left for him at his usual place of abode, and where he had by letter expressly desired letters upon this business to be left for him, but which last mentioned notice it has since appeared did not come to his hands, the said William Cobbett having, in the mean time, withdrawn himself and absconded.

Several letters from him to the Judge Advocate General, relative to the business during the period which intervened between the times of the issuing of the warrant, and of his absenting himself, will shew clearly that he had pledged himself to prosecute the charges with effect, and that it was incumbent on the defendants to be prepared to repel the same by every proper means in their power.

On the day which was appointed for the business, a General Court Martial, consisting of seventeen officers of distinct corps, none under the degree of a Field Officer, was purposely convened, and together with the several persons who had been summoned as witnesses, waited more than an hour in expectation of the prosecutor's attending to offer proofs in support of his charges; a messenger was then dispatched to his usual place of abode, where letters had been used to be addressed to him, and where he had particularly desired that letters on other business should be left for him; which messenger returned with intelligence that the said William Cobbett had left his said place of abode two days before, not meaning to reside there any longer, and that he had not since been seen there or heard of.

The trial was thereupon put off until the Tuesday following, at ten o'clock, and every means which could be thought of were used for the purpose of giving notice to the said William Cobbett of the trial being deferred until that day, when, if he would give his attendance, he would yet have an opportunity of being heard, and of making good his

charges: but the said William Cobbett did not then appear, nor has any thing been since heard from him: not one of the several persons who had been summoned at his instance, as witnesses, offered a single syllable in support of any one of the articles of charge, although they were distinctly read in the presence of all of them; and it was expressly announced to them that they would be heard; and as many of them were of a subordinate character, they were also assured of every just protection the court could give them. The defendants were consequently acquitted.

There is every reason to suppose that the accusation was destitute of foundation, and wilfully and maliciously set on foot for the purpose of calumniating the characters of the three officers in question, and of putting them to expence, the accuser not hesitating, in order to obtain this end, to deceive the crown, and make a mockery of public justice.

The opinion of the Attorney and Solicitor General is desired, whether under the circumstances above stated, Cobbett can be criminally prosecuted for his conduct, and if he can, what is the most advisable mode of

proceeding against him, in order to deter others from the like attempt.

OPINION.

We think that Cobbett, unless he could be proved to have conspired with others wilfully and maliciously to prefer these charges, could not be criminally prosecuted. The parties injured by his conduct, which is certainly most highly blameable, might maintain actions upon the case against him.

JOHN SCOTT.
JOHN MITFORD.

25th May, 1792.

FINIS.

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OPINION

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John ...

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