

In January 1782, the French having a superiority in the West-Indies, invested the Island of St. Kitts, and succeeded, notwithstanding the spirited and able efforts of Sir Samuel Hood, (afterwards Lord Bridport), in taking it. Montereau fell next, and on the 6th April the French Fleet under Comte de Grasse sailed from Martinique with the intention of joining a Spanish force, and proceeding jointly against Jamaica. By this time Sir George Rodney had reached the West-Indies with a reinforcement, and the British fleet, now equal to the enemy's, sought an opportunity of bringing it to action. On the following day, the 9th, the van of our fleet had a partial, but indecisive encounter with the French, who having the weather-gage, were enabled to withdraw, and to keep at a distance during the whole of the 10th and part of the 11th. On the 12th, however, of the latter day, one of the French ships being disabled by the force of falling into our hands, their fleet bore down to protect her. This brought the hostile squadrons very near each other, and next morning the 12th, the firing began about half-past 12. There was but little wind, and the British ships ranged slowly along under the lee of the enemy's line, thus—

A B. fig. 1, the French line passing on. C D the British fleet, (the leading ships having fought the first battle from the enemy's van) bearing up, in succession, to the position represented. Lord Rodney's ship, the Formidable, E, fig. 1, bore up in her turn at the point; and was following her leader, the Duke C, going off, as presented, along the enemy's line, and the Duke Douglas, on board the Formidable, observed an opening in the French line, from one of their ships being somewhat damaged in her sails and rigging. No general signal had been made, indicative either of an intention to break the enemy's line, or to cut off any of their rear ships. Had such an opportunity been discussed, or pre-determined, and arranged for execution accordingly, as must have been the case, the plan of attack being formed up on Mr. Clerk's idea, or any other preconceived manoeuvre of this nature, the Duke, of 98 guns commanded by Captain Gardner, had done the happy deed.

"Of the character and talents of Sir Charles Douglas, then Captain of the Fleet, the service large cannot be ignorant; yet it may not generally be known, that to him, by passing through the enemy's line, are we indebted for the fortunate result of that day. Lord Rodney had at first proposed it, by directing the helm to be put to starboard, when Sir C. Douglas had ordered it to be put 'a-port'; and the master, seeing the inconvenience likely to arise from this difference of opinion, caused the helm to be kept amidships; and, after, Sir C. Douglas, urging it a second time, the Chief said, 'I then do as you please.' "

"Having stated mere matters of fact just as they occurred, and within my own knowledge, I leave any man to draw what inferences he pleases; but I would ask him, supposing the Admiral had had such a conversation, either jointly or separately with Mr. Clerk, previous to his going to England, would he so greatly and gallantly offend, as ever consulted to me on the subject of breaking the enemy's line, would such a difference of opinion have existed, or such a kind of controversy, as I have related have taken place? I say no. I am most clearly convinced, and my mind is most thoroughly satisfied, that the idea of breaking the line never entered into the imagination of even your gallant Father, till the moment of his leaning on the hammocks, and looking towards the enemy's ships. His deep thought at that instant—his sudden raising his head from his hand, as if he had just then settled something in his mind—the quick way of turning round, and the anxious look he gave when he said, 'Dash where?' Sir George's 'I will convince me that the idea of breaking the line first entered his mind at that moment, and that he seized it with avidity.'"

"About—minutes past seven o'clock yesterday morning our van ships began firing; but the enemy had the weather-gage. The *Formidable* was in the centre of our fleet, and the *Duke* ahead of us, the *Namer* astern. The *Duke* went to leeward, as the rest of the head-most ships did; but the *Formidable* cut through the French line, and Sir Sam. Hood, who was in the rear, when he saw the bow of the *Formidable* open through the French line, gave three cheers, and said the day was ours."

"Sir Charles maintained his opinion, and again called out to the helm 'to luff!'"

Letter from Admiral Sir James Saumarez, dated Guernsey, Sept. 19, 1829.

The writer of the *Memoirs of Prince Eugene*, a brightly and ingenious book, published in French, nearly twenty years ago, remarks that it often happened to the Prince to find, in the course of his reading, that other military men had conceived the same manoeuvres as had been practised by him. Naval men, we may be assured, had more than once conceived the plan of breaking an enemy's line, and that the object of the manoeuvre was readily comprehended on the 12th of April even by officers at a distance, is evident from the orders given by Sir Samuel Hood, and the general shouts of our fleet. But in these days our naval superiority was not so decisive as to justify, except under favourable circumstances, a manoeuvre which admitted of no recall. Like Nelson's attack at Aboukir, or Buonaparte's getting into the rear of his enemy at Uman and Jena, it implies a close and immediate conflict; it suits only a fleet that is confident of superiority, and could not at any time have been so effectually recalled, even by our countrymen, as during the present age. The close fighting at Camperdown lasted only three hours; and at Trafalgar the same short interval put us in possession of nineteen sail of the enemy; and on the 12th April 1782, the French had signed the action during six hours after we had crossed their line. Their force on that glorious day was 32 sail of the line, ours 36, but their ships were larger. Their loss consisted of one ship of the line sunk in the action, and five taken, including the *Ville de Paris* of 112 guns; the rest got off in the night; but two sail of the line and two frigates were taken soon after near St. Domingo.—*London paper.*

This view of the matter is completely confirmed by a variety of documents published by Sir Howard Douglas, and among others by a very remarkable letter from Capt. Sir Charles Dashwood.

WEST INDIES.

Charge of the Chief Justice of Dominica to the Jury in an Action against the Sugar-planters

been devoted to the argument of this case, and the greater part of that time has been occupied by the

The whole of the defendant's argument upon this point, is founded upon a supposed unerring analogy between the House of Commons and the House of Assembly—and for argument's sake it may be granted, that such an analogy upon these points, in almost every point, it may for present purposes be admitted that all the powers and privileges of that branch of the Imperial Parliament are vested in the House of Assembly of Dominica, still I come to the same conclusion, because by the Laws of England the only mode of setting rid of an execution is by the payment of the debt, and the whole will be accepted for good, by having the writ superseded by a writ of *habeas corpus*. There is no possibility of setting aside a legal process but by a legal process.

Here then is clearly recognized by two judges, who rank among the greatest of English lawyers, the right, not indeed of interfering with acts within the jurisdiction of the House of Commons, but of examining whether such acts come really within the jurisdiction or not; and if they do not, then, in the words of Lord Ellenborough, "of acting upon them as Justice may require."

in the event of a greater decline in the population of the Colony, the House of Assembly may, at some future period, be filled with men the very opposite of those who ought to fill it—men, ignorant of the law, self-willed, and insolent in proportion to that ignorance; and how dangerous to the liberty of the subject in such hands, would be an uncontrolled unexaminable power.—I am still further inclined to doubt whether it was ever consistent with reason or the intention of the Crown, that such a body, liable to such changes, should possess such extensive powers.

a actual operation here. But it is to be said that a body which cannot bind a subject with a law which is repugnant to the law of the land, nevertheless, by virtue of privilege, commits contrary to the law of the land?—that they virtually annul the law by depriving the subject of his right under it? The rescue of a debtor from execution, is a violation of the process of the King's Court of Justice, to which process the law of the land has guaranteed the subject's right, whether in England or Dominica, as sacredly as any right he can possess in a state free through the responsibility of its laws. If, then, the fact of a charge of a violation of the law of the land is charged, and a declaration be proved to your satisfaction, the Spanish plea has exceeded the scope of his jurisdiction—he has made himself amenable in his private character to that Court whose process he has violated, and liable to the party injured by his wrongful act,

earned assistants admitted this to be the law ; and that, not only the fear of commitment by the House of Assembly, but even the apprehension

may with equal certainty assure you that it is

Mr. Hatsell, formerly Clerk to the House of Commons, from which it has been inferred that the House of Commons, and therefore of course the House of Assembly, can discharge a person brought before them by Writ of Habeas Corpus.

As to the means which the law has provided for the discharge of a member of Parliament during the absence of his privilege, it is shortly and clearly laid down by Judge Blackstone in his Commentaries. He says, "the only mode by which the Courts of Justice could anciently take cognizance of Privilege of Parliament, was by Writ of Privilege in the nature of a Supersedeas, &c. but since

So says the great constitutional Lawyer, who during so many years previous to his elevation to the Bench, was himself a Member of the House of Commons, and well he knew its history, its privileges and its jurisdiction: he knew too, that the House with the exception of the freedom of its Members from arrest, had no privilege which, to use his own words, "derogate from the common law in matters of civil right"—he was as well acquainted as any Gentleman in the Assembly of

With respect to the evidence of the fact upon which issue is joined, it is so short and in my opinion so conclusive, that I have little room for any observations upon it. The whole of the defence indeed is a justification of the fact, and no attempt has been made to impeach the evidence on which the fact is proved.

I have stated to you, Gentlemen of the Jury, what I believe to be the law upon the subject—whatever shall be your verdict, it may be given with the most perfect confidence that it will be

Mr. Justice Corlet,—Mr. Foreman and Gentlemen of the Jury, not having a professional education it is not in my power to deliver you an

edman; they still hold the execution secured by mortgage on Mr. Redman's property, which has been proved in slaves alone is more than sufficient to pay the execution.—I beg to inform you,

Mr. Justice Nesbit,—I concur entirely in the sentiments expressed by Mr. Justice Corlet, and have further to call your particular attention to

The New-York Gazette says of the report of a windfall to Capt. Finch, which is alleged to have been communicated through the British Minister at Washington, that he (the minister) knows nothing about it.

Schr. Potomac recently arrived at Halifax
from Alexandria in *fifty-seven* days passage.
luckily her cargo was bread and beans.

Commerce of New-York.—The Mercantile Advertiser of 1st inst. contains a list of 4 vessels arrived at New-York from foreign

Progress of the City.—Twenty years ago (says the New-York Courier) when the City Hall was built, every old fellow of the firm

Steam Boat Disaster.—The boiler of the steamboat Caledonia burst on the 22d of April, while the boat was near the mouth

that place. The number of British subjects resident in the Province is estimated at 4000—and 1000 or 1200 British Sailors.

Mr. Guide, late President of Buenos Ayres, has purchased 4000 coffee trees, and presented them to one of the interior Pro

COMMUNICATIONS.

the Echo Insurance case, cited by the Director

ced at her departure, as then too no occurrence preceding it could justify a breach of the warranty of seaworthiness, and as she had at this time, from the loss of another of her anchors, be-

[FOR THE COURIER.]
CHEAP BREAD!!!

clearly breathes forth a spirit of partiality.

AN OBSERVER.
John, N. B. 22d May, 1830.