

SIR JOHN MORDAUNT acquainted the Court, that he should not trouble them with the Examination of any more Witnesses, but delivered a Paper containing a few Observations, which he desired might be read.

COLONEL WOLFE being made acquainted with Lieutenant Colonel *Murray's* Evidence, in regard to Troops seen on the Isle of *Rhé* from the Poop of the *Ramilies* on the 23^d September, which Circumstance is not mentioned by Colonel *Wolfe*, who is said to have been in Company; as also in regard to Vessels being seen to pass from the Isle of *Rhé* to the Continent, or from the Continent to the Island,—said, that he does recollect seeing some Troops through Glasses, and thinks likewise Colours; but did not attend to the Matter sufficiently to be so particular, as Lieutenant Colonel *Murray* has been.

THEN the Paper delivered by Sir *John Mordaunt* was read, agreeable to his Desire, in Words following;

My LORD,

‘ Before I put a final Conclusion to the Trouble
‘ I have given the Court, I hope you will excuse my
‘ detaining you a few Minutes longer; in order to
‘ make some Observations that have occurred, and
‘ which I have ordered to be put together, during
‘ the Course of my Proofs.

‘ By a Question asked one of my Witnesses by the
‘ Judge Advocate, it seems, as if he thought, I could
‘ have called a Council of War upon the 24th; but
‘ I dare say it will be remembered, that the Time of
‘ calling a Council of War was not prescribed by my
‘ Instructions, and therefore I can be guilty of no
‘ Act of Disobedience in calling it at that Time,
‘ which I thought most proper for obtaining the
‘ End proposed by it. It cannot have escaped the
‘ Court, that it is proved, that the Afternoon and
‘ Evening of the 24th were employed in en-
‘ deavouring to gain Intelligence necessary for our
‘ Actions, or Deliberations. And the Court will al-
‘ so remember, that the Members of the Council of
‘ War