

The Honorable Chief Justice Boutton—availing himself of the privilege of claiming reparation for injury at the hands of a jury of his country—has taken an action against Patrick Morris, John Kent and John V. Nugent, Esqrs., Members of the House of Assembly, for an alleged libel on his judicial character, contained in a speech delivered by Mr. Morris in the Assembly in moving for a Committee on the Administration of Justice, and which speech was printed, by order of the House, and has since been published. The writ is returnable in the Supreme Court 4th December next—damages laid at £2000.—*Ibid.*

BATTLE OF ANDOAIN.

SAN SEBASTIAN, SEPT. 16.—From the varied accounts of yesterday evening, it was impossible to form an idea of our loss. However, what I then stated is, alas! too true, though not to the extent I then feared. Our defeat was complete. To hear the details of those who have escaped are frightful. Never did a body of brave men act with more gallantry than the remnant of the devoted Legion did on this day. Their acts of personal prowess, devoted affection to each other, and heroism, were brilliant, both as men and soldiers. The recollection of the Durango deeds was sufficient to man them to great exertions, and it did so.—Many of our poor fellows who had been disabled were immediately bayoneted, and their cries for mercy, and screams of agony, still ring in the ears of many who have escaped.

After defending themselves in the square for some time, being surrounded on all sides, they retired into the church, where the provisions and ammunition were stored. This they defended from the steeple, from every loop-hole and crevice which would permit the passage of a musket, keeping their enemies at bay, and playing dire and dreadful havoc amongst them below, the Carlists firing shells and round shot into the church.—During the night a battery was raised upon a field of Indian corn opposite, and which opened with a dreadful fire upon them. A shell being thrown into the body of the building, communicated with some of the ammunition, which exploded. It was now 2 o'clock in the morn., they were exhausted, and capitulation being offered, it was accepted.

This afternoon a flag of truce was sent by the brigadier O'Donnell, requesting an exchange of prisoners; this was agreed on with respect to the Spaniards, but refused for the English. O'Donnell immediately returned a reply, that if one Englishman should suffer after the capitulation, the whole of the prisoners now in the castle of St. Sebastian should be shot, commencing with the officers of the highest rank. In reply to this, we have as yet received no answer.

The town of Andoain lies on the road from Hernani to Tolosa, between a range of hills which flank it on both sides.—Below is the river, Orera, which is met by a small stream, which divides our position from that of the enemy, with three guns and three companies of Scotch. Behind the church, on our right flank, is a hill, on which we had a battalion of Spaniards, and on which we could not be well attacked. Below the town, in a village, we had another breast-work, facing the bridge, with three companies of Spaniards and two of Rifles. These are the same companies which defended themselves in the church, retreat being cut off. On the left flank was a range of heights, at the foot of which was a defile, the only place open to attack. Knowing the weakness of the position on the heights, we had three batteries and breast-works, and the Garona regiment, that of O'Donnell and the Infanta in reserve. Here, then, we were attacked; the Carlists coming up the defile for some way before they were discovered, were beaten back, and followed down the defile, with much slaughter, by the Garona regiment, who were ordered round to form behind the third battery. That of the Infanta (the regiment which played us the same trick on the 16th March) was ordered up to replace them. Without firing a shot, without being attacked, the enemy being far distant, they all took to their heels and fled, making for the road. It would be useless going into the details of the flight of the Spanish companies. It is sufficient to say that in a moment all were running. The Carlists came in on all quarters, a body of them gaining a height, and pouring a volley into the town. Col. Clerk, with two companies of Scotch, charging up the hill, drove the enemy from the three batteries, and then returned to his position; but in the meantime was cut off on all sides, cutting his way through the enemy, they regained their place. Many of the Rifles and Scotch, seeing themselves by this time surrounded, attempted to make a passage, which they did most gallantly, hewing their way down

on each side—the Carlists, falling back with fear, firing volleys at them, yet offering quarter, which they refused.—Every man's escape was a miracle, and with a separate string of adventures of misery and of danger.

Never was a flight more disgraceful than that of the Spaniards, they were upwards of 6,000 men—the enemy could not have been more. Many of our men charged upon them, thinking to stop them. The brave Chapelgorrie stood in the road, and beat them with the butt ends of their muskets. They could have turned, and swallowed the men that followed them—not above a few hundreds. O'Donnell begged and prayed that they would turn and fire one volley. He was tearing his hair, and crying with passion, without a horse or sword; he had been prisoner, but hewed two fellows down, and escaped. The sroundrels had thrown away their ammunition, and shewed empty pouches for an excuse. Our own Lancers, not above thirty men, did prodigious havoc amidst the Carlists, charging to give the guns times to escape.

Six weeks' pay of the Spanish troops, the whole of the tents belonging to the British marines, lent to the Spaniards, to the number of 150, one million of English cartridges, six weeks' provisions and stores, all the baggage, upwards of 1000 stand of arms, one rocket-car, with 250 rockets, were captured. The little remnant of our own force lost more men than the whole of the 6,000 Spaniards.—O'Donnell has not yet returned. O'Donnell has requested a court-martial to sit upon him. This will clear up a little of this disgraceful affair. The men say they have been taken out and butchered for the purpose that they may be weakened, or the Government may be saved their pay and expenses; they are not mutinous against their officers, but they refuse to serve any more with the Spanish cowards.

The loss of the Queen's troops is about 750 killed and wounded. Of these upwards of 500 belong to the Legion! and it is said, in more than one communication I have seen, that twenty-five officers have fallen. Col. Clarke, commanding the Scotch regiment, fell, towards the close of the day, covered with glory. To his heroic conduct Gen. O'Donnell owes his liberty. The General, far in advance, was thrown from his horse, and actually set upon by a party of some forty Carlists. Colonel Clarke, seeing his risk, hastily called a few of his men to follow to the rescue, and, sword in hand, achieved his General's liberty. To him, again, it is said, is attributable the safety of all the Legion artillery. He covered their retreat with a small body of his men, although the Carlists, seeing what was about, attacked him front and flank. Unfortunately, towards the close of the day, he fell regretted as honoured.

The Bayonne letter of the London Times states, that it is the determination of the remnants of the British Legion to return to England, and never serve again in the cause of the Queen of Spain. No fewer than thirteen British officers were killed in the engagement; forty Spanish officers also fell; not, however, by the fire of the Carlists; but by the bayonets of their own soldiers, whose flight they attempted to prevent. The companies of the British Legion and two companies of Spaniards, who took refuge in the Church of Andoain, capitulated on the night of the 15th.

LORD MELBOURNE AND THE QUEEN.—The following extraordinary fact (says the Edinburgh Advertiser) was told by Major Cumming Bruce, at the Conservative dinner given to him and Mr. M. Kenzie, younger of Seatwell, at Forres, on Friday week: Major Cumming Bruce said he rose not only to tell a tale but to crave a bumper. The circumstance alluded to by the chairman was not a tale but a fact. Lord Melbourne, the prime minister, in the course of his official duty, lately waited upon the Queen at Windsor. After the business was concluded, the noble lord said there was a subject which he felt called upon to press upon her Majesty's attention. It was whether there was any individual for whom her Majesty entertained such a preference that she might wish to have associated with her in the cares of that sovereignty with which Providence had blessed her. The Queen, no doubt felt a little surprised at being thus addressed by a person who acquired some notoriety, not very creditable, in matters of state policy, that he asked the question; for, if it was, she would endeavour to give him an answer. His lordship replied, that under no other circumstance would he have presumed to put such a question to her Majesty. "Then," said the Queen with that seriousness & dignity with which she well knows how to discharge her high duties, "there is one individual for whom I entertain a decid-

ed preference, and that individual is the Duke of Wellington." Gentlemen, (added Major Cumming Bruce,) I leave you to figure the length of Lord Melbourne's face on receiving this answer. For the correctness of the statement I give the guarantee of my name.

LONDON, Sept. 22

The Paris papers of Wednesday contain an account of some riotous proceedings which took place on the 14th, 15th and 16th, inst. at Angouleme of a rather serious character. It appears that under the restoration the Missionaries or Jesuits erected at that place one of those huge crosses which every person who travelled in France at that period will recollect having seen in vast numbers by the roadside in every direction. At the revolution of 1830 most of these monuments of the restoration were removed—that which existed at Angouleme among the rest.—Within the last few months the Bishop and the devotees of that place believed they might venture upon restoring the cross, and did actually in the night of the 13th inst. erect one on the site of that taken down in 1830. It would seem however, that the spirit of the revolution only slept, for early on the morning of the 14th a crowd repaired to the spot, and demanded that the cross be uprooted and given to them. Having for form sake declared that the cross stood on the ground the property of the parish, and not of the church, and that it was consequently public property, the Mayor and other authorities caused the cross to be taken down. The mob (singing at intervals "La Marseillaise") insisted on its being delivered over to them, which, as the armed force was insufficient to control the multitude, the Mayor felt himself obliged to comply with. The cross was broken into pieces the "Marseillaise" in full chorus accompanying the operation, and was ultimately committed to the flames. The subsequent arrival of a reinforcement of troops enabled the authorities to restore order. Several arrests of parties implicated in the riot took place, but after examination and a brief imprisonment, they were all discharged. The affair thus terminated, but had left an uneasy impression, because of the recollections which certain incidents of the *emeute* had recalled to the public mind.

The Tartare steamer, from Tunis, arrived at Toulon on the 12th inst., with intelligence that the fleets of Admirals Gallois and Lalande had effected their desired junction in the port of Tunis, and that the Turkish squadron, under the Captain Pasha, after landing some troops at Tripoli, was supposed to have proceeded on its return to Constantinople. Admiral Gallois was dangerously ill at Tunis. Immediately on its having been announced that a French squadron had been despatched with orders to prevent "by force" the landing of any troops or warlike stores at Tunis from on board the Turkish ships under the Captain Pasha, Count Pahlen, the Russian Ambassador to the Court of France, officially communicated to the French Minister for Foreign Affairs, that the first shot fired by a French at a Turkish ship would be considered by his (the Russian) government as a declaration of war by France.

We have great satisfaction in stating that the Government have instructed Mr. Canning, the British Charge de Affaires at Hamburg, to make full enquiry into the case of detention and firing of the steam ship *Severn*, Captain Knocker, of Hull, by the Hanoverian authorities.

Mennier the assassin was taken to L'Orient, there to be put on board the brig of war *Lapeyrouse*, for New Orleans. All the American Captains at Havre having refused to take him as a passenger.

THE STAR

WEDNESDAY, NOVEMBER 8, 1837.

The Editor of the *Times*, in that paper of the 1st inst. thought proper to notice in a laudatory way, some remarks we made the week before last, respecting certain measures at present before the Assembly; and states, that he is pleased to observe that his contemporaries in the out-ports see the absolute necessity of "buckling on their armour" in the support of those principles, for which he thinks himself placed "in the forefront of the battle."

In the article in question, of which the *Times* has taken notice, we expressed surprise, that the Liberals in this country, who are opposed to the principles involved in the resolutions of Lord John Russell respecting the Canadas; should show so little opposition to the directions of Lord Glenelg for appropriating a portion of the revenue of this country for the expenses of the Customs. If a Colonial Secretary have power to appropriate any portion of the revenue of the country to any particular purpose, the House of Assembly would become a mere farce.

We regret that the point was not contended for; because we must feel galled, in common with many other natives of this country, to see ourselves taxed, that strangers and foreigners may come and fatten upon our vitals. This is particularly so, as it respects the Customs, the patronage connected with which, being altogether confined in its operation in favour of foreigners.

We do not wish to be identified with the *Times* in its present course of politics. The writers in that paper, in deprecating the course pursued by the *Patriot* paper, in attempting to weaken the public confidence in the administration of justice, forget that they are, at the same time, attempting to throw contempt on the head of the executive, which as far as we have observed, is certainly a gratuitous contumely, that the head of the executive do not deserve.

Do the writers in the *Times* wish His Excellency the Governor, suddenly to throw down the gauntlet of defiance to one half of the population over which he is called to govern? particularly at a time when the Parent Government is under the control of a Whig Ministry, that scruple not to commit acts of constitutional violence that would if that ministry were Tories, call for their instant removal.

The following extract from the *Times* of the 25th ult. is, to us, perfectly inexplicable; and would, we should hope, on mature consideration, meet with something like an apology. "If His Excellency had had one-tenth part of the firmness of a junior warrant officer, or one-half of a petty constable's sense of the responsibility at-

tached to official not have &c."

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We understa day served on suit of B. G. G for a libel on t Gentleman said Speech delivere bly by Mr. M. afterwards priu by order of th at £1000.—*N* ber 2.

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Port

- Oct. 26.—Unio dries.
- 27.—Carteretta, ter, flour.
- Doughlastown.
- Amy, Crowell, stores & troop
- Egyptian, Diat flour.
- Selina, Hicks, Christiana, Lav 28.—Lady You bread, flour.
- Fame, Figgel, Catherine & An Ann, Retley, bread.
- 31.—Jane, Pot dries.