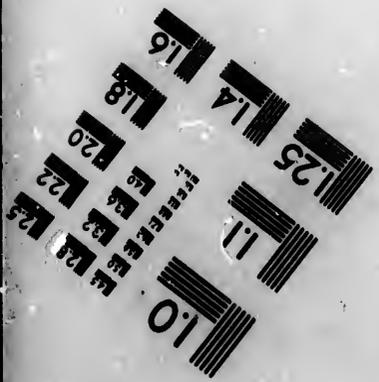
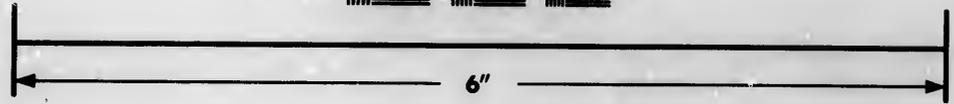
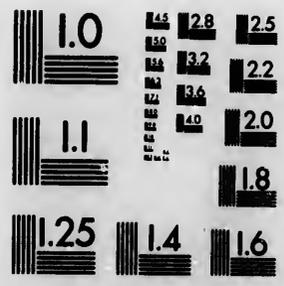


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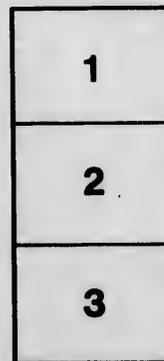
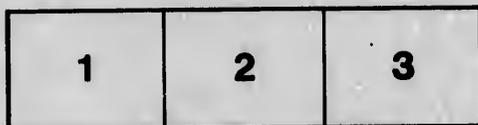
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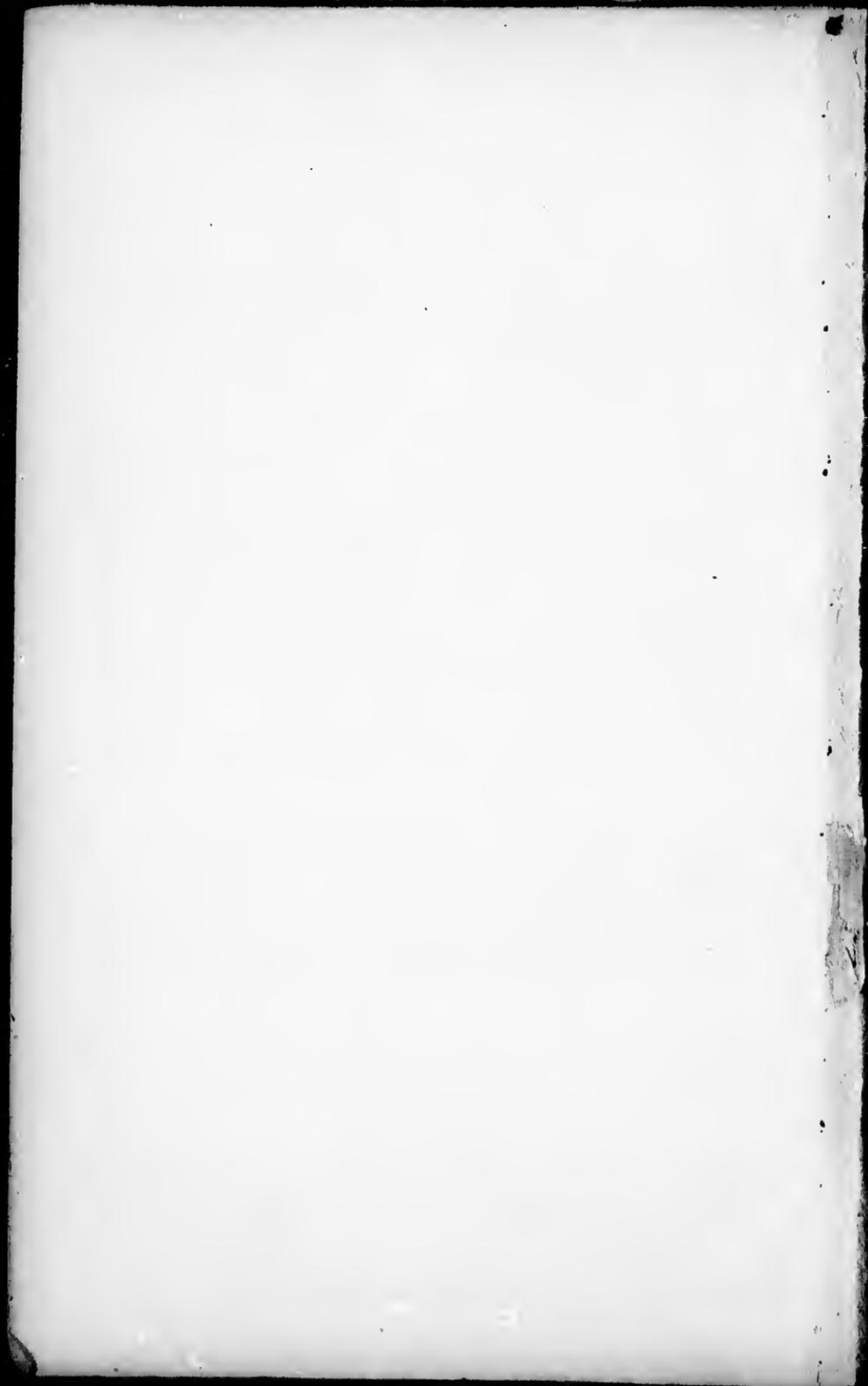
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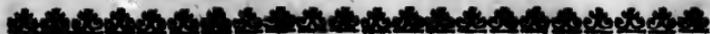
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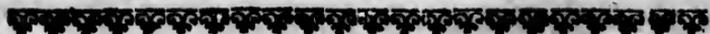
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THE
CONDUCT
AND
TREATMENT
OF
John Crookshanks, *Esq;*



U. S. DEPARTMENT OF THE INTERIOR

Geological Survey

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John Crookbanks, Jr.

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John Crookshanks, *Esq;*.

Late COMMANDER of

His Majesty's Ship the LARK;

RELATING TO

His Attempt to take the GLORIOSO, a *Spanish*
Ship of War, in *July 1747*:

CONTAINING

The Original Orders, Letters, and Papers, that
passed, in Consequence of that Affair, between Captain
CROOKSHANKS, Admiral KNOWLES, the SECRETARIES
of the ADMIRALTY, and others.

With a PLAN, shewing the Positions of the Ships.

L O N D O N :

Printed for J. SCOTT, at the BLACK-SWAN, in
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M.DCC.LIX.

THE
CONDUCT

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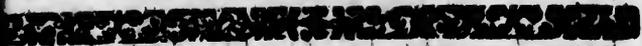
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TO THE
R E A D E R.

THE Person in whose Behalf
the following Pages are
wrote, is sensible how dif-
ficult, how irksome, a Task it is,
for any one to speak of himself. Yet
there are Occasions, when the most
moderate Man, after being cruelly
attacked, injured, and calumniated,
may urge his own Innocence, with-
out the least Violation of Modesty.
Any Apology, in this Place, is con-
ceived the less necessary; as he hopes
the following Facts will sufficiently
plead his Excuse, and justify this
Address to the Public. To this
Tribunal he would very long since
have

have brought his Cause ; but chose to seek Relief in the usual Forms, and patiently to wait for the Decision of that Power, upon whom Redress immediately depended. He never meant, he never wished, for more, than to procure a close and strict * Examination of his Conduct, in a fairer Manner, than that, under which he now stands condemned. Such, for Years, he has been endeavouring to obtain, by every decent, every earnest Solicitation : But the Door has been constantly kept shut, and he finds himself at length compelled to represent his Case to the World, to whom he appeals as to his last best Judge, always impartial, always candid. He craves the Reader's Patience to go through the

Detail.

* There are many Examples, in similar Cases,

To the READER. vii

Detail of Facts, which make up a large Sum of Oppression and Injustice. The Account, indeed, is long ; because it is circumstantial : And it is necessarily so, in order to furnish every Means of pointing out the Truth, and to obviate any false and malevolent Representations.



To the READER.

Detail of Facts, which make up a
large sum of Opposition and In-
justice. The Account is not a
long; because it is circumstantial:
And it is necessary to be written
in such every Means of pointing out
the Truth, and to observe the
and rational Reasoning.



AN
IMPARTIAL ACCOUNT
OF THE
CONDUCT
OF

Capt. CROOKSHANKS,

Late Commander of His MAJESTY'S Ship
The LARK,

Relating to his Attempt to take the GLORIOSO, a
SPANISH Ship of War, in 1747.

CAPTAIN *Crookshanks* was Commander of his Majesty's Ship the *Lark*, of 40 Guns, and 250 Men, when he received at *Spithead* the following Orders from the Lords of the Admiralty.

“ By the Commissioners for executing the Office of Lord High Admiral of *Great-Britain* and *Ireland*, &c.

WHEREAS, we have received a Petition from the Merchants trading to *Newfoundland*, requesting that a Convoy may be ordered to carry their Trade thither; and whereas several Merchant Ships, bound to other Parts of *North-America*, may be now at *Spithead* waiting for Convoy; and whereas the Ship *Beaufort*, laden with Forces, and Baggage, for *Louisburgh*, lies now in the Downs, and will sail from thence the first fair Wind for

B

Spithead;

Spithead: You are hereby required and directed to take his Majesty's Ship the *Warwick* under your Command, WHOSE CAPTAIN IS DIRECTED TO FOLLOW YOUR ORDERS, and making all possible Dispatch in getting ready for the Sea; and then making Enquiry for, and taking under your Convoy, all Merchant Ships and Vessels bound for *Newfoundland*, or any Part of *North-America*, that are ready and desirous to accompany you; you are to proceed out to *St. Helens*; and, so soon as the Ship *Beaufort* joins you from the *Downs*, you are to repair, without Loss of Time, to *Plymouth*, where you are to collect together what Trade are bound to *North-America*, or *Newfoundland*, and proceed with them under your Convoy to *Newfoundland*.

You are to send Word to the Mayors, or chief Magistrates of the Ports named in the *Margin*, to let them know the Orders you are under; that you shall call off their respective Ports for the Trade from thence; by what Time you shall probably appear in Sight, and what Signals you shall make; and you are accordingly to call off those Ports in your Way to *Plymouth*, to make the appointed Signals, and stay a reasonable Time for the Trade to come out to you, and then take them under your Care and Protection.

When you arrive at *Newfoundland*, you are to inform yourself what Force the Enemy have in those Parts, and what Danger the Fishing Ships, or the Island itself, may be in from the Enemy; and whether any of his Majesty's Ships are guarding the same: And, if you find all quiet, you are to proceed on to *Louisburgh*. But, if there be no Ship employed for the Protection of the Fishery at *Newfoundland*, you are then to remain, with his Majesty's Ships under your Command on that Service; observing the inclosed Instructions for your Guidance therein; and send the

Warwick,

Warwick, with all possible Dispatch on to *Louisburgh*, with Directions to her Commander to put himself under the Command of *Charles Knowles*, Esq; Governor of that Place, and follow his Orders for his farther Proceedings.

Given under our Hands the 5th of *June*, 1747.

Signed,

GEORGE ANSON,
GEORGE GRENVILLE,
DUNCANNON.

To *Captain Crookshanks*, Commander of his Majesty's Ship *the Lark* at *Spithead*.

By Command of their Lordships,

THOMAS CORBETT."

In consequence of these Orders, *Captain Crookshanks* sent the following Order and Signals to *Captain Erskine*.

" By *Captain John Crookshanks*, Commander of his Majesty's Ship *Lark* ;

IN pursuance of Orders from the Right Honourable the Lords Commissioners for executing the Office of Lord High Admiral of *Great-Britain*, &c. dated 5th of *June*, 1747 ; You are hereby required and directed to follow all such Orders as you shall from Time to Time receive from me for his Majesty's Service ; and you are to keep his Majesty's Ship *Warwick* under your Command, in constant Readiness, in all Respects, to sail in Company with me. Given under my Hand on Board his Majesty's Ship *Lark* at *Spithead* this 11th of *June*, 1747.

Signed,

JOHN CROOKSHANKS.

To *Captain Erskine*, Commander of his Majesty's Ship *Warwick*, *Spithead*."

S I G N A L S :

“ If I would *ſpeak* with the Captain of the *Warwick*, I will hoist a Pendant at the Main Top Maſt, and with a Lieutenant, a Weſt of the Enſign. If with a Boat without an Officer, the Weſt half Staff up.

To *chace*, I will hoist,

If you ſee a ſtrange Ship on any of the Quarters, you are to make the Signal keeping it out till I repeat it.	}	To N. W. . . a <i>Spaniſh</i> Jack, N. E. . . a <i>French</i> ditto, S. W. . . a <i>Dutch</i> ditto, S. E. . . an <i>Engliſh</i> ditto,	}	At the Mizzen Peak.
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For all other Signals I refer you to the *general printed ſailing and fighting Inſtructions*.

Dated on Board the *Lark* at *Spithead*, this 12th Day of *June*, 1747. To ſpeak with the Captain of the *Montagu Bilander*, a blue Pendant at the Mizzen Top Maſt Head.

J. CROOKSHANKS.

To Captain *Erſkine*, Commander of his *Majeſty's Ship Warwick*, *Spithead*.”

Captain *Crookſhanks* alſo gave Signals and Inſtructions to ſuch Merchant Ships as were then at *Spithead* waiting for Convoy, for their Guidance, and better keeping him Company in the *Lark*.

The *Beaufort* joined Captain *Crookſhanks*, who failed down the *Channel*, on the 15th of *June*, and anchored the 17th in *Plymouth Sound*, where he made up his Convoy, and failed from thence the 20th in Company with the *Warwick*, *Beaufort* Transport, and the *Montagu Packet*. This Packet was in the Service of the *Office of Ordnance*, and was commanded by Mr. *Connelly*, who took Orders and Inſtructions to repeat what Signals he could; and he was very active and uſeful, for his Veſſel, tho' ſmall, was an

an excellent Sailer, and expertly managed. The other Part of the Convoy, consisted of 24 Merchant Ships, bound to *Newfoundland*, and different Parts of *America*, who kept Company with the Men of War as long as their Masters pleased, or as their different Routes lay tolerably well together.

It is proper to observe, that the *Lark* was one of the worst constructed, bad sailing Ships, that perhaps was ever called a Man of War, in this or any other Country: But she was rather well manned; and would have passed, in other Respects, for a Ship well appointed. The *Warwick* was a small 60 Gun Ship, of the old Establishment, much inferior to those of the new, as to her natural Defence: She had 400 Men; but Captain *Erskine* has been heard to complain of the Badness of his Ship's Company; however, he certainly had this Advantage, that, in Addition to the usual Number of three Lieutenants, there were three others on Board his Ship as Passengers, who were going warmly recommended to Commodore *Knowles*, to be preferred to Commands, as Opportunities might happen.

This Fleet proceeded on their Voyage, without any remarkable Incident occurring, till *Tuesday*, the 14th of *July*, 1747, when, at 7 o'Clock in the Morning, as the Ships lay becalmed in the Latitude 40--38, and Longitude from the *Lizard* 21--22, they discovered a Sail to the Westward, which Captain *Crookbanks*, after some Observation, concluded was a Cruzier, and a large Ship.

About 10 o'Clock, with little Wind at West and by North, Captain *Crookbanks* gave Chace to her; but keeping as much as possible in the Track of his Voyage.

About 11 o'Clock, the *Lark* made a Signal to the *Montagu* Packet to chace, who went superlatively better than either of the Men of War, and gained fast on the Chace in Sight; the Convoy then consisting of 13 Sail, including the *Beaufort* Transport. At 9 o'Clock at Night,

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the Fleet entirely lost Sight of the Chace ; but continued the same Route. A little after 10 the *Montagu* fired Guns, and burnt false Fires ; which enabled Captain *Crookshanks* to judge that the Chace was tacked, and sailing the contrary Way from him ; and that the *Montagu* was keeping her Company : Therefore, he also ordered false Fires to be burnt ; which was an Acknowledgment to the *Montagu* that he discerned her Signals. Captain *Crookshanks* made the Night general Signal to the *Warwick* and Convoy ; in consequence of which they tacked ; the Wind being then changed to the North-East and by North ; and the Fleet chased East and by South, which was going almost diametrically opposite to the Course of their Destination, described in the foregoing Order from the Lords of the Admiralty ; so that Captain *Crookshanks*, by chasing the Enemy in such a Course, exposed himself to Danger, as will appear by the 13th Article of the Articles of War, which is Word for Word as follows.

“ The Captains, Officers, and Seamen, of all Ships,
 “ appointed for Convoy and Guard of Merchant Ships,
 “ or any other, shall diligently attend upon that Charge,
 “ *without Delay*, according to their Instructions in that
 “ Behalf ; and whosoever shall be faulty therein, and shall
 “ not faithfully perform the same, and defend the Ships
 “ and Goods in their Convoy, *without either diverting to o-*
 “ *ther Parts or Occasions*, or refusing, or neglecting to fight
 “ in their Defence, if they be set upon or assailed, or run-
 “ ning away cowardly, *and submitting these in their Convoy*
 “ *to Hazard or Peril*, or shall demand and exact any
 “ Money, or other Reward, from any Merchant or Ma-
 “ ster, for convoying of any such Ships, or other Vessels
 “ belonging to his Majesty’s Subjects, *shall be condemned*
 “ *to make Reparation of the Damage to the Merchants,*
 “ *Owners, and others*, as the Court of Admiralty shall
 “ adjudge ; and also be punished *criminally*, according to
 “ the Quality of their Offences, *be it by Pains of Death,*

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“ or other Punishment, according as shall be adjudged fit
 “ by the Court Martial.”

As the 4th Article relating to *Convoys*, in the Naval Instructions established by his Majesty in Council, speaks very explicitly to the Point in question, it is necessary to be inserted, and is as follows.

“ All Commanders, who have Merchant Ships under
 “ their Care, are strictly forbidden to chase out of Sight of
 “ their *Convoys*; but they are to be watchful in defend-
 “ ing them from any Attack or Surprize; and, if any of
 “ them shall be distressed by Weather, or other Acci-
 “ dent, to afford them all necessary Assistance.”

The *Montagu* continued frequently to burn false Fires, which were as often repeated by the *Lark*, whose People sometimes heard the Report of Guns. At 2 o’Clock in the Morning of the 15th of *July*, the *Lark* again discovered the Chace; and at 4 o’Clock, Captain *Crookshanks* was perfectly able to judge of the Force of the Enemy, who he perceived endeavoured to avoid him, and seemed as if he intended to act only on the Defensive: Therefore, Captain *Crookshanks* made a Signal to the *Montagu* to bear down nearer the Enemy; which she immediately performed; and at 6 o’Clock they exchanged some Shot. The *Warwick* was then near the *Lark*, by whom only the Signals were made, whereby the Enemy was enabled to judge and be certain, that the commanding Officer was in the lesser Ship. At 8, the *Lark* hoisted her Colours; and was then by the best Estimation, about a Mile and half, but certainly not exceeding two Miles distant from the Enemy a Stern, and somewhat to Leeward; from which Position, Captain *Crookshanks* could count her Guns, observe the Height of her Ports, and examine every outward Circumstance of the Ship; so as to be sufficiently convinced, that considering her natural Defence, she was not to be trifled with; on the contrary, that it would be requisite to exert his utmost Skill, and perhaps support it

it with a long Perseverance, unless some fortunate Shot chanced to wound the Enemy, and thereby favour the Attempt. Captain *Crookshanks* was warmed with this Opportunity to do something that might contribute to the Honour of his Majesty's Arms, weaken the Enemy, and please the Nation: He was ambitious to signalize himself; and Captain *Erskine* would have had the same Opportunity of acquiring great Reputation. If they had been successful, Captain *Crookshanks* continued to think, as he had conceived in the beginning, that this Deviation from his Orders would not have been treated with the utmost Rigour. These were his Motives and Reflections in the Instant: But, however subject they may be to Doubts, it may be boldly asserted, that from Day-break, and constantly afterwards, no Pains were spared, no common Practice of naval Art was omitted, nor a Moment neglected in the Execution, in order to get the *Lark* up with the Enemy, and to overtake him as soon as possible.

The Rigging was slacked, the Stauncheonstaken down, the Ship trimmed by running some Guns ast, a great Number of Men were kept seated on the Quarter Deck, and not one suffered to stir but on some very particular Occasion, till all Hands were ordered to their Quarters. Captain *Crookshanks* frequently examined the Trimming of the Sails himself, and stood almost constantly by the Helm's-men, instructing and encouraging them to use the utmost Care and Nicety in steering according to the Directions of the Quarter-master at the Cond. The *Lark* was appointed, in all Respects, ready for an Engagement at every Instant.

At 12 at Noon, the *English* Men of War had chased 29 Hours, 13 of which were directly out of the Course of their Voyage: And the *Warwick* was then near a Stern of the *Lark*.

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Late in the Afternoon, Mr. *Craig*, the first Lieutenant of the *Lark*, made the following Observation, addressing himself to Captain *Crookshanks*, publicly on the Quarter-Deck: "That he thought every Officer and Man in the *Lark* and *Warwick* were beholden to him, and ought to pray for him as long as they lived, for having gone so far, at such Risque, to endeavour to put a "FORTUNE in their Pockets." This Remark would have been fully sufficient, to have made Captain *Crookshanks* recollect the Thirteenth Article of War, and the Naval Instructions, in case he had actually forgot them: However, Captain *Crookshanks* replied to Mr. *Craig*, "That he did not think he merited so great a Compliment: That, if they could take the Enemy, it would certainly do them all much Honour; and, if Fortunes * were to be made, he should be entitled to a Share." He then seized that Occasion to exhort the Seamen to all possible Silence, and calm Resolution, whenever they came to an Engagement; assuring them, he had well grounded Hopes of Success, and could hardly doubt of having an agreeable Opportunity of thanking Mr. *Craig*, and every one of the Officers, for the respective good Management that might depend on them.

As we are near the Period of shewing the Manner, in which the *Lark* and *Warwick* approached the Enemy, it may be necessary to shew the Reasons why Captain *Crookshanks* did not consult Captain *Erskine*, in regard to his design and method of Attack: Because Captain *Erskine* has loudly, and with uncommon Arrogance, censured Captain *Crookshanks*, for not asking his Advice, ^C treating ^{not asking his Advice before that Action did happen}

* By this Time, the Officers and Seamen had fully determined, in themselves, that the Enemy was come from the *Havannah*, and had a Treasure on board; which was an Opinion that Captain *Crookshanks* was glad to cherish.

Is it possible that Cap. Erskine's conduct for not advising with him concerning his Action had happened, could be a reason for his treating an Officer of this Rank as he does? Vide Bar...

... put into the mouth of Prince Remyman - He...

... have advised Capt. Erskine that he intended no to
... all down of day, and to Engage no where but on the near
... were then to run of without saying a word

treating it even as a criminal Neglect. Captain *Crooksbanks* was senior Officer: And there is not any Law, Order, or Prescription, that directed such a Consultation.

But, supposing there had been a strong Injunction to the Senior, to ask the Advice of his junior Officer; or that Captain *Crooksbanks* had been diffident of himself, or entertained a great Opinion of Captain *Erskine*, and, in consequence, earnestly desirous to consult him: Yet Captain *Crooksbanks* was then so circumstanced, that he must either have resolved to act without the Advice of Captain *Erskine*, or relinquish the Enterprize. Because, it was clear, that so far from having Time to slacken Sail, to bring the Ships too, to hoist out Boats, to pass and repass, nay, even to speak to each other, that if any of the Operations and Diligences of slackening the Rigg- ing, taking down the Stauncheons, trimming the *Lark*, and other Circumstances abovementioned, had been neglected, she could not have overtaken the Enemy. For after all that Captain *Crooksbanks* had done, he overhauled the Enemy, merely by little Advantages, of having more Wind at particular Times, when the Enemy had less; which is often known to be the Case of Ships chacing each other in fine Summer Weather: But, as to any Difference of going between the three Ships, it was scarcely perceptible; nor could this fail of being observed on board the *Warwick* all that Day, and indeed during the whole Voyage; which might have served as an Ad- monition to Captain *Erskine*, not to separate from his commanding Officer, more especially in the Night, and in the Manner he did, as will be fairly represented. And here it will not be impertinent to ask, if Captain *Erskine* exerted himself, by making all the Operations and Diligences that were in his Power? for, if he did, he might have come up with the Enemy sooner than the *Lark*.

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The first Point was to get a-head of the Enemy as fast as possible, to impede or divert him, during the Night, from leading Captain *Crookbanks* farther out of his Way, and thereby making him run the Risque of totally losing his Convoy; for, at the close of Day, there were only seven Sail to be seen, at a very great Distance a-stern.

At Ten o'Clock at Night, the *Lark* drew near up with the Enemy, who soon after hauled up his Main-sail and Fore-sail; which Motion was understood by Captain *Crookbanks*, as declaratory that the Enemy would lay there to fight him. The Wind then freshened a little; and, at half an Hour past Ten, the *Lark* was very near up a-breast of the Enemy; the *Warwick* a-stern, and something to windward of the *Lark*, following her; as may be seen in the annexed Plan.

Captain *Crookbanks* intended to stretch out, just far enough a-head to gain the Wind of the Enemy, in order to return instantly, and endeavour to engage him at dawn of Day on the Weather-Bow: Nor had he any Reason to doubt but Captain *Erskine* would have followed him, as close as he had done from the first beginning of the Chace. Both Ships had then out all the Sail that could be set by the Wind, even to the Sprit-sail-Top-sails; and it could not be conceived that Captain *Erskine* should fail to see that the Intention of his commanding Officer was to pass by the Enemy: For he must have been certain that Captain *Crookbanks* kept all his Sail abroad; because, as the going of their two Ships was so equal, the least Diminution of Sail on board the *Lark*, would have obliged the *Warwick* to shorten Sail also, or have forced her a-head of the *Lark*. However, contrary to the Expectation of Captain *Crookbanks*, just at the Time that the *Lark* had got up with the Enemy's Quarter, at about 350 to 400 Yards Distance, Captain

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Erskine ordered the *Warwick* to be tacked, and stood from the *Lark* and the Enemy; in which, as junior Officer, he certainly acted extremely wrong; for no Instruction, Rule, or Practice could authorise such a Proceeding. But waving this Charge, of acting directly contrary to the visible Intentions of his commanding Officer; and regard him only as a Seaman, such strong Reasons may be offered against his Conduct, as will convince every judicious Man, that his manner of acting, and by which he laid himself open to be forced into a separate Engagement, was owing, either to an absolute Want of *Sea-Skill*, or the Effect of an unbridled Vanity, that hurried him rashly to cross the Measures of the commanding Officer, that he might appear to have begun, and thereby assume to himself the Merit of having conducted, the Action.

Cap. Crookshanks
had the Glorioso
leeward within
one Shot of
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How could Captain *Erskine* flatter himself that the *Warwick* alone was capable of undertaking a battering Fight against the *Glorioso*, at all Disadvantages, to Leeward, and a-Breast? Nothing else could have been expected, but exactly what happened; that he would be crippled, and thereby frustrate the Design of Captain

Crookshanks.
 If Captain *Erskine* intended to engage the Enemy to Leeward, his tacking, in the Position he did, was not necessary: For, if he did not judge himself able to have reached up with the Enemy, in close engaging Distance, it is next to impossible he could be ignorant, that, if the Enemy would engage lying too, with a Topsail to the Mast, or moving under a slack Sail, the *Glorioso*, being a much heavier and loftier Ship than the *Warwick*, would necessarily have dropt fastest to Leeward, and thereby their Distance would be closed.

If Captain *Erskine* intended to watch the Enemy's Motions a-stern, till he saw what Post Captain *Crook-*

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Shanks should take, and how he would engage; surely, in this Case, Captain *Erskine* could have no Reason to tack when he did; as the easiest and most proper Method would have been, to shorten and accommodate his Sail to that of the Enemy.

If Captain *Erskine* meant to get to windward of the Enemy as fast as he could, the sooner to bring on an Engagement in close engaging Distance, and to run the least Risque of losing the Enemy, should he have endeavoured still to avoid him and the *Lark*? In that Case, it may be conceived, that, independent of every other Consideration, it was the Business and Duty of Captain *Erskine* to have followed the Course of the *Lark*, as the shortest and most certain Method to gain that Point; for thereby he would have kept the Distance, closing by as much as the Enemy failed, following the *Lark* on the same Tack: Whereas, by the Method he took, he increased the Distance, so much as he failed from the Enemy and *Lark*, and all that the Enemy failed from him; a Conduct, which may be confidently asserted, was contrary to all the Rules known and practised by expert Seamen.

Upon being informed by some Person on the Quarter-Deck, that the *Warwick* was tacking, Captain *Crookshanks* looked behind him, saw the *Warwick*, and immediately gave Orders to fire on the Enemy; declaring, as it were in the same Breath, "That it was impossible " Captain *Erskine* could act so little like an Officer; " and that he was certainly caught in Stays*;" for indeed, it appeared to Captain *Crookshanks*, who then went into the Gang-way to give Directions; where he heard a Man, quartered at one of the Guns in the Wastehallow aloud, "D—n them, they are running away from us: But Captain *Crookshanks* sharply reprimanded him, and said, "It was certainly an Accident, and that

Capt. Erskine meant to get up and engage the Enemy as fast as he could, and so avoid the Lark. He would have followed the Lark. The Lark could not then bring a Gun to bear with effect to reach the Enemy, having passed him more than a mile. You had before the Warwick tacked. The Lark was not returning her former position, but she was pursuing towards the Lark. He interrupted

* An involuntary Tacking. The Senior Officer, & Caskey Wood is charge of the Lark in 10 or 12 Min. after Tacking and running. True are all proofs for demonstration.

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“ he had no doubt they would immediately wear, or tack,
“ and rejoin the *Lark*.”

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† However, this caused no Alteration in the Plan of Operation, which Captain *Crookshanks* had laid down to himself, except that he kept the Ship luffing and shaking in the Wind as much as possible, without throwing her about, in order to fire on the Enemy as he passed by him. What firing the *Lark* made, appears, by the Master-Gunner's Expence, to be as follows:

In Guns carrying 18 Pound Shot;

Cartridges 26, round Shot 29, grape Shot 22, and double-headed Shot 11.

In Guns carrying 9 Pound Shot;

Cartridges 23, round Shot 25, grape shot 18, and double-headed Shot 13.

In Guns carrying 9 Pound Shot;

Cartridges 4, round Shot 4.

From whence it is evident, that all the *Lark's* Guns on the Enemy's Side were fired twice in a very short Space; some three Times; and the Gun on the Fore-castle, thrown a-cross, fired four Times; in doing which, most of the * Breechings of the Lower-Deck Guns were broke, and one of the Guns had almost escaped down the Cockpit Hatchway. It may be proper also to observe, that the *Lark's* firing was within such a Distance,

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* The Breechings are large Ropes, so contrived, and fixed, as to prevent the Guns from recoiling beyond a certain Distance: And though spare Breechings and Tackles lay always ready, so that the Damage might be repaired in a few Minutes, when every Thing on board a Ship is quiet; it is, however, widely different when engaged with an Enemy of so superior a Force; for then it must take considerable more Time; and to lay exposed to his Batteries, without being able to return any Fire to Advantage, would be no Sign of Bravery; but, on the contrary, would be construed, by the Discerning, as a Mark of Rashness, and very great Imprudence.

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a Distance, that her Quarter-deck Guns certainly reach-
ed the *Glorioso*, since the *Glorioso's* Grape-shot reached
the *Lark*.

It might well be conceived, that Captain *Crookshanks*
should here find a sufficient Excuse for quitting † the
Enemy till these Damages were repaired: But, far from
desiring to rest upon this Plea, let us describe what he
intended; because it is avowing the Truth, on which a-
lone he should rely.

It has been mentioned, that Capt. *Crookshanks* only in-
tended to intercept, and not to engage, the Enemy, till
towards the Dawn of Day. His Aim was to have stood
far enough to gain the Wind, and to watch his Advan-
tages on his Weather-bow: By which Means he should,
or ought to, have had the *Warwick* ready to engage her
Quarter or Stern. Besides, the *Montagu* could have
molested

† This very Case happened to a very gallant and de-
servedly esteemed Officer, Sir *Edward Hawke*, in his En-
gagement off *Cape Finistere* with the French Squadron under
the Command of M. *L'Etenduer* the 14th of *October* 1747.

“ Rear-Admiral *Hawke*, in passing on to the first Ship
“ he could get near, received several Fires at a Distance,
“ till he came close to the *Severn*, whom he soon silenced,
“ and left to be taken up by the Frigates a-stern: Then
“ perceiving the *Eagle* and *Edinburgh*, somewhat disabled by
“ the *Tonant*, the *Devonshire* kept her Wind as close as
“ possible to assist them; but this Attempt was frustrated
“ by the *Eagle's* falling twice on board the *Devonshire*, ha-
“ ving had her Wheel shot to Pieces, all the Men at it
“ killed, and all her Braces and Bowlings gone; which
“ drove the Rear-Admiral to Leeward, and prevented his
“ attacking either the *Monarque*, or *Tonant*, within any
“ Distance to do Execution; however, he attempted both;
“ especially the latter; but, while he was engaged with
“ her, the *Breechings* of all the Lower-Deck Guns of the
“ *Devonshire* broke, and the Guns flew fore and aft, which
“ obliged her to shoot a-head, because her Upper and Quarter
“ Deck Guns could not reach the *Tonant*.” See *Roli's History*
of the late War, Vol. IV. p. 485.

By this passage
the whole of
Capt. Crookshanks
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molested the Enemy at a Distance, by firing at her Rig-
ging. The *Beaufort* Store-ship had been an *East-India*
Ship of the largest Size, was a stout Vessel, and carried
20 Guns; had on board, besides her own necessary Com-
plement, a Number of Officers and Recruits for the Gar-
rison of *Louisburgh*, and she would have been up with
the *Lark* at Day-light, when her Appearance might have
had its Use; nor was it to be doubted, that her Master,
and the Gentlemen on Board, would have hesitated in
giving their Assistance, when they perceived they could
be of Service.

Major *Lawrence*, who has been since promoted to the
Rank of Brigadier-General, and is now Governor of
Halifax, Capt. *Cotterell*, Capt. *Wynch*, and Lieut. *Clev-*
land, who were going to join their respective Regiments
at *Louisburgh*, were to have taken their Passage in the
Beaufort; but were then actually on Board the *Lark*:
Therefore, if the Design of Capt. *Crookshanks* had not
been thwarted, he would have made no Scruple of pro-
posing to those Gentlemen to repair to the *Beaufort*; be-
ing fully persuaded, they would have honourably exerted
themselves. However, the chief Dependence of Capt.
Crookshanks would have been on the Skill of Major *Law-*
rence; because he knew he had long served with his
Company on board the Fleet in Quality of Marines.

The Breechings of the Lower-Deck Guns on board
the *Lark* were repaired as soon as possible; and
Mr. *Crispo*, the Second - Lieutenant, came to acquaint
Captain *Crookshanks* that the Breechings were seized,
and in proper Order. A very few Minutes after this,
Captain *Crookshanks* was informed, that the Enemy was
wearing: Upon which, he gave Orders to wear the *Lark*:
But the Master alledged, "That, if the Enemy hauled
" his Wind again, the *Lark* could scarce reach to
" Windward of him; supposing the Wind remained
" as it then stood." This Reflection was very just,
and coincided with what Captain *Crookshanks* intended;
who, therefore, approved of this Advice; and then gave
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Orders to tack the Ship, which was done immediately and alertly. By the Time the *Lark's* Sails were trimmed, her People discovered that the Enemy bore away, and Captain *Crookshanks* then pursued him, keeping him just open on the *Lark's* Larboard-Bow, and rounded away after him, till the *Lark* had the Wind one Point on the Starboard-Quarter; in which Manner she followed the Enemy, and the Master himself directed the Steering of the Ship, by the Order of Captain *Crookshanks* from the Gang-way.

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During the Time the *Lark* had stood to the South-Eastward, Captain *Crookshanks* several Times asked after, and ordered a look-out to be kept for, the *Warwick*: For not seeing her when the *Lark* tacked, he immediately expressed great Concern and Surprize to Major *Lawrence*, and the other Gentlemen, who were standing by Captain *Crookshanks* on the Quarter-Deck; declaring, "That he began to suspect some Accident, or Miinagement, on board the *Warwick*; and feared the "Enemy might overtake, and engage him singly, with "many manifest Disadvantages on the *Warwick's* Side;" because Captain *Crookshanks* could not then in the least apprehend, that Captain *Erskine* had ordered his Ship to be tacked, to stand from the *Lark* and Enemy; which proved to be the Fact.

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It has been whispered, and insinuated, by some designing and evil-minded People, whose sole Merit for their Preferment was, their forwardness in censuring the Conduct of Captain *Crookshanks*, "That he lost Time in "tacking, instead of wearing." That is a doubtful Point, even as the Circumstances stood: But it is certain, that, if the Enemy had kept his Wind, Captain *Crookshanks* would have gained Time, and also secured his Intent of being to windward. It has likewise been insinuated against Captain *Crookshanks*, "That, in follow- "ing the Enemy after tacking, he did not make all the

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“Sail he might have done.” But the real State of the Case is, that, during that Time, there was very little Wind; the Sails often flapping to the Mast; the Larboard Clew-Garnet of the Main-Sail was dropt; and the Fore-Topmast Studding-Sail ordered to be set, which was not done as quick as usual, and of which Captain Crookshanks found Fault, by several Times complaining about it, particularly to Mr. Craig the first Lieutenant, upon the Main-Deck; and to the third Lieutenant Mr. Young, upon the Fore-Castle; so that, if the necessary Orders were not diligently executed, it was surely their Fault, and not the Captain's, whose Province it was to order, and theirs to see the Execution. But, supposing the Studding-Sail had not been ordered at all to be set, we should not think Captain Crookshanks in the least blameable in that Respect; because it was in the Middle of the Night, and there was then so little Wind, that the Studding-Sail could not have made the Difference of two Yards in an Hour, as to the Lark's going. Therefore, Captain Crookshanks ordered it rather out of Ceremony, than in Consideration of any Service that could be expected from it; and, if there had been a fresh Wind, the Studding-Sail would be less wanted, and perhaps thought improper; for, as the Lark's People saw the Enemy plainly, and never lost Sight of him, though the Night was obscure, they might reasonably expect to be soon up with him, as it certainly would have happened, if Captain Erskine had acted in any other Manner than just as he did; and it is submitted to the Judgment of every skilful and experienced Officer, “Whether, in the Night, a Topmast Studding-Sail, is a Sail fit to approach an Enemy, with whom you expect every Minute to enter into an Engagement?”

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The Steps taken by Captain *Erskine* were the last that Captain *Crookshanks* could have suspected him, or even an unexperienced Youth, capable of taking. It has been already mentioned that [the *Warwick* tacked, and stood from the Enemy a-stern. From such a Proceeding, it may be concluded, that if Captain *Erskine* had formed any sort of Scheme, it must have been to get to the windward of the Point, or Station, from which he tacked; and also to get to windward of the Enemy: But it is certain, he neither succeeded in one or the other. However, suppose we admit, that he wished and intended it: How came it to pass, that his Endeavours were not attended with Success? especially as no Accident or Misfortune intervened to prevent it. To what other Cause, then, can the Failure be attributed, but to some sort of bad Management?

The Time that the *Warwick* stood from the *Lark* and the Enemy, could not be exactly ascertained, till Captain *Crookshanks* came upon his Trial: But so far it is certain, that the Enemy failed to the South-East under a slack Sail, and followed the *Lark* under a press Sail, till he saw the *Lark* stretched nearly far enough a-head to weather him; which most Seamen can judge of by Inspection; and, if not, they may have recourse to their Compass. Then seeing the *Warwick* to Leeward of him, and separated from his Commanding Officer, at the greatest Distance he could reasonably hope or expect to have them; the Inferences that the Captain of the *Glorioso* must have suggested, are these: "I can now certainly bring the biggest Ship to a separate Engagement; and I shall preserve the Distance between my two Adversaries; because, I have the Proof, that I go as well as they do by the Wind: I am loftier in my Sails: There is now but little Wind; and I shall in all Probability, have the Advantage, by going

If he had been pressed that the Warwick 10 or 12 Mins. Tacking began from 10th the Enemy could not sail and be caught by that the Warwick tacked & stood the Enemy is a meditated at Salisbury.

The inference that any two ships sailing equally well in close company in pursuit of flying Enemy shows it equally in their power to get by the provided the wind the same means; for shence it simply implies large.

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"large *. If I can make him fight before the Wind,
 "though biggest, he is greatly inferior to me: I act
 "only on the defensive; and I will do what I can to
 "avoid having two Ships upon me at once." His Con-
 duct plainly shewed he acted conformable to such Rea-
 soning; which could not fail to occur to any able Officer
 in his Situation. Captain *Erskine*, in standing again to
 the South-East towards the Enemy, then bearing down
 upon the *Warwick*, tried to cross the *Spaniard* a-head;
 but he would not let him; and, to prevent it, hawled
 the Wind two or three Points. This skillful Manage-
 ment of the *Spaniard*, † greatly embarrassed Captain
Erskine, obliged him to bear round up, and he wore too,
 in such a Manner, as to find himself Midship-Beam
 and Midship-Beam a-breast of the Enemy, whom, by
 this

* The second Captain of the *Gloriosa*, had been also second
 Captain of the *Princeps*, Man of War, when taken by the
Lenox, Captain *Covil Mayne*; the *Kent*, Captain *Thomas Du-*
rell; and the *Orford*, the Hon. Lord *Augustus Fitzroy*, each
 Ship of 70 Guns, and their Commanders have always been
 esteemed very able Officers, and truly brave Men; in which
 Engagement, the said second Captain must have learnt, by
 Experience, to judge of the Difference between making a
 running Fight against three Ships, and lying to, with his
 Fore-top-sail to the Mast, to receive their Fire.

The public Account says, that the *Princessa* had 700 Sea-
 men, and 200 Marines aboard: The first-Lieutenant, and
 many of them *Irishmen*; and that she made an obstinate and
 bloody Resistance, for six Hours.

† Captain *Erskine*, at the Interview he had with Captain
Crookshanks after the Action, told him, "That, as soon as
 "the Enemy began to fire, there was so much Noise and
 "Confusion among his People, that it was not known who
 "commanded the *Warwick*." This was certainly a weak
 Declaration; since it was pronouncing himself a bad Offi-
 cer, and his Ship's Company ill disciplin'd.

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 Crookshanks being asked his reasons for not advan-
 cing in order to support the *Warwick* when she
 was being judg'd her Tacking to be accidental, and the

...ed by Capt. Erskine That the World censured
hard for not Engaging an Enemy in the Night, he
in his power when he Com. the *Locestaff*, & was
mainly concerned he [21] should give them a *com*
unity.

this Proceeding, he suffered to take the greatest Advantage, to edge down upon him, and attack him at the Distance he liked.

If Captain *Erskine* had in the least penetrated into the Enemy's Scheme, he would have put his Helm a-lee; for, at such a Crisis, we may imagine that his Officers and Men were so placed and disposed, as to be at every Moment ready to work the Ship suitably to any new Incident. Had he taken that Step, he would have opposed the strongest Part of the *Warwick*, to the weakest Part of the *Glorioso*: He might have had the good Fortune, by his Quarter and Stern chase Guns, to have wounded some Mast, Sails, or Rigging: He might have forced the Enemy to yaw his Ship, if he continued to follow large, which would have impeded his Way, and have given the *Lark* the Advantage of getting up faster in little Wind.

mention

The two Ships being then a-breast, as just now described, the *Glorioso* began to fire her Guns deliberately, and slowly, into the *Warwick*, till she carried away the *Warwick's* Main-Topmast, wounded her lower Masts, shattered her Sails, and tore her Rigging; but killed only two Men and one Boy. The *Warwick* fired Numbers of Guns at a Time, in a confused hasty Manner; and then made long Pauses: But what Damage she did the *Glorioso* was never known; though there was no Appearance at Day-Light of any; nor, indeed, could any Damage to her well happen. The Enemy, with great Address, kept so close to the *Warwick*, as to be almost secure from any essential Injury; which will be conceived, if the great Difference between the two Ships is considered; as the *Glorioso* was vastly superior in Height, in the Thickness of her Sides, and Strength of Construction, in the Number of Men, Calibre of her Shot, and Weight of Metal.

The Warwick had engaged near three Hours before the loss of her main Topmast!

X

I:

It has been observed, that the Night was obscure: But, during the Firing, the Explosions of the Powder enabled the People on board the *Lark*, to see the Hulls of both Ships at Times, as plainly as if they had been illuminated on purpose. The *Spaniard* clearly perceived his Advantages, and made the utmost and best Use of them, by keeping the *Warwick* under his Guns; while Captain *Erskine* acted as inconsistently, as if he had concurred with the Enemy in all the Operations; for, by neglecting to tack short, and by his manner of wearing, he gave the Enemy the Advantage of beginning the Engagement nearly * Midship-Beam and Midship-Beam. But, if Captain *Erskine* found himself thereby hardly pressed, and over powered; if he found he could not gain his Bow, by sailing a little better, there were other Methods to be tried, to attempt being extricated from the Difficulties in which he had entangled himself: For he might have hawled up his Fore-Sail, or lowered his Top-Gallant-Sails; he might have shivered his Top-Sails, or yawed his Ship, without appearing to quit the Engagement. If the Enemy had changed his Disposition, or altered his Course, Captain *Erskine* could, and ought to have exerted a ready Manœuvre; since his Ship was of a Size easier to be worked than the *Glorioso*; and nothing could be wanting for that End, but his quick Discernment, giving Orders in consequence, and his Officers seeing them diligently put in Execution.

Soon after Two o'Clock in the Morning, of the 17th of July, the *Lark* appeared to be so near up again with the Enemy and *Warwick*, that Captain *Crookshanks* gave Orders to the Men carefully to examine their Matches, and to be very ready; as he really expected to enter into the Engagement in ten or fifteen Minutes at most, and was then sure the *Warwick's* Main-Topmast was gone:

But,

* Both Ships, during the whole Time they were engaged, had their Top-Sails, Top-Gallant-Sails, and Fore-Sails set,

remarkable
clear Moon
shines.

It may be
shod where
the Captain
was at this
time, to
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concerned,
sailing for
the dawn of
Day. Page 11
8. 15. 16

As the wind here
was the Lark
was at least
2 Bow's length
from the War-
wick & Enemy.

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as it possible for the Warwick, after the loss
of her Main-topmast, a disabled Mainmast & Main
with all her Rigging and Sails in general cut
have prevented the Escape of an Enemy greatly
superior in force with all his Mast standing? The

But, presently after giving these Directions, he observed
the two Ships were separating from each other; and
that the *Glorioso*, in hawling his Wind to the North-
ward, fired about twelve Guns very fast. The *War-
wick* brought too, with his Head to the Southward
against his Raft, which was hanging over the Larboard,
or Off-side, from that which had been engaged with
the Enemy. Upon this, Captain *Crookshanks* immedi-
ately ordered the Fore-Tack to be got on board; and
concluded the *Warwick* had received some more material
Damage than the Loss of her Main-Topmast, as
Captain *Erskine* quitted the Action, at a Time when
the *Lark* was so nearly up with him, and must have been
observed. Therefore, Captain *Crookshanks* determined
and soon declared, that he would keep the Wind,
to have the Enemy under his Lee at Day-break; and to
have it in his immediate Power to bear down, and en-
gage, in Case it should be found expedient. The *Lark*
failed in this Position till the Dawn of Day, when the
three Men of War were visible to each other. The
Warwick then fired one of her after lower Deck Guns;
which could bear no other Construction than to be a
Signal of Distress: However, Captain *Crookshanks* asked
the Opinions of all the Lieutenants, and Master, then
on the Quarter-Deck; who all agreed, it could mean
nothing else; and, as the *Warwick* still lay with her
Head to the Southward, it was some kind of Indication,
that they could not work the Ship; for, otherwise, it
was incumbent on Captain *Erskine* to have pointed her
Head towards the *Lark*.

The Lieutenants and Master being all of Opinion
that it was a Signal of Distress, it was then to be obeyed,
though from a junior Officer, in Consequence of an ex-
press Article of War; notwithstanding which, Captain
Crookshanks declared to them, in the hearing of Major
Lawrence, and the other Land Officers before mentioned,
"That, if there was the least Doubt about the Inter-
pretation

to be 4 Miles dist
directly to
windward

The being
30 fms distance
from the Warwick
was surely a loud
call for assistance
than the accident
discharge of a
single Gun
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e-Sails set,

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Brave Cap. Crookshanks
when he was sure
he had no Enemy
to fear.

“pretation of the Signal, and the Resolution to be
“taken, he would bear down, and engage the Enemy,
“as long as he was able in his own Person, or could
“find a Man to stand to a Gun.”

+
Cap. Erskine
solemnly
declares, that
Mr. Conolly
had no orders
from him to
deliver such
a Message
* not less than
two Hours

This short Conference between Captain Crookshanks and his Officers was scarce ended, when the *Montagu Blander* came near the *Lark*; and Mr. Conolly, the Master, told Captain Crookshanks,† that Captain Erskine had called to him, and desired him to follow the *Lark*, to let Captain Crookshanks know that he was in Distress, that his Ship was a WRECK, and to request that the *Lark* would come to his immediate Assistance.”

The *Warwick* was then immediately * joined by Captain Crookshanks, who sent his first Lieutenant, Mr. Craig, to see Captain Erskine, and enquire into the State of his Damages; as also to let him know, “if he could soon put himself in a Posture of following the *Lark*, and would collect the Convoy, that Captain Crookshanks would still pursue the Enemy, who was yet in Sight, and consider if any Thing could be attempted.” Captain Erskine took a much longer Time than was needful for the Dispatch of his Answer, the Purport whereof was, “that his Ship was in a distressed Condition; that he could not follow, or take any Charge of the Convoy: That the *Lark*, in his Opinion, was no way equal to the Task of engaging the Enemy singly; and desired that Captain Crookshanks would not think of leaving him.” As Captain Crookshanks was not fully satisfied about the Distresses of Captain Erskine, he went on board the *Warwick* himself; † when the Officers, and Men, were all off the Deck, and perhaps most of them asleep; for, Captain Crookshanks only saw Mr. Hughes, one of the Lieutenants going Passenger, recommended to Commodore Knowles; and Mr. Hughes was leaning on the Gun
on

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True

* As the *Lark* approached, the *Warwick* wore, and laid her Head to the Northward.

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on the Quarter-Deck, before the Steerage-Door. As to the Condition of the Rigging and Sails, Captain *Crookshanks* had cast his Eye over them in rowing to the Ship, and observed they were greatly shattered: But, as he found a profound Quietness on Board, it more readily induced him to tell Mr. *Hughes*, "that he was surprized, how they had been so hasty in firing the Gun at Dawn of Day, as a *Signal of Distress*; especially as he could not discern they had made the least Use of their Pumps." To which Mr. *Hughes* answered, " * *he knew nothing of any Gun being fired.*" This Assertion could not greatly tend to make Captain *Crookshanks* conceive a very favourable Opinion of the Veracity of Mr. *Hughes*; who, in this very short Conversation, sufficiently convinced him that he was not Deaf: And Captain *Crookshanks* thought it next to impossible, that Mr. *Hughes* could have been in so profound a Sleep, as not to be awakened by a Gun, carrying a twenty-four Pound Shot, fired just under him. Captain *Crookshanks* then asked Mr. *Hughes*, " where Captain *Erskine* was : " And he told him, " he believed he was a-sleep." Captain *Crookshanks*, upon this, passed without further Ceremony into Captain *Erskine's* Cabbin, and found him in Bed; when Captain *Crookshanks* also repeated to him, " that he was surprized about the Hastiness of firing the Gun." Captain *Erskine* admitted, " that a Gun was fired; but that *it had been done without his Orders.*" Captain *Crookshanks* now could not fail of discovering this Equivocation, and even Malice, of Captain

E *Erskine*

* Upon the Arrival of Captain *Crookshanks* at *Louisburgh*, Mr. *Johnston*, a Midshipman belonging to the *Lark*, and Mr. *William Turner*, Captain *Crookshanks's* own Clerk, being in Conversation with Mr. *Webster* a Midshipman of the *Warwick*, and Mr. *Oiway* the Captain's Clerk of that Ship, were told by them, " that Mr. *Hughes* fired the Gun himself." And *Johnston* and the Clerk informed Captain *Crookshanks* of it immediately.

*This passage
no regard to
see Page 2*

Erskine, who had sent Mr. *Conolly* on Purpose to acquaint him he was in Distress.

he was diffident in his Duty not doing it.
Capt. Erskine was in the hand with the Commanding Officer declaring at times to him of a failure in Duty at he must expect was for it. had Capt Erskine's contrary to a discipline or any other wrong it is by probable the Officer would overlook it. the above variation.

Captain *Crookbanks* was then clear, in his own Opinion, that Captain *Erskine's* Conduct, in tacking, was unjustifiable; and, consequently, that he had the Power of suspending him: But Captain *Crookbanks* could not persuade himself to do any Thing that might carry the least Appearance of taking an Advantage. This is a Circumstance necessary to be mentioned here; because, even the Friends of Captain *Crookbanks* have censured him for this Neglect of his own Security. The Inference that his Adversaries would draw from thence, seems, to them, vastly conclusive: They say, "If Captain *Crookbanks* thought, at that Time, that Captain *Erskine* had acted contrary to Discipline, or any Ways wrong; why did he not immediately confine him, and form a regular Complaint against him as soon as he could?" To which it is answered, "That, though Captain *Crookbanks* certainly might have confined Captain *Erskine*, it would have been treating him with the greatest Rigour; and there are strong Precedents to justify the Proceeding of Captain *Crookbanks* on this Occasion: But, as he always expressed an Inclination to have the whole Affair enquired into by a Court-Martial, it may well be apprehended, that his Lenity towards Captain *Erskine*, cannot be construed, as intended, with any sinister View, of having such a Transaction hushed, or partially represented."

Notwithstanding the pretended Distresses, and wrecked Condition, of the *Warwick*; Captain *Erskine* proposed to Captain *Crookbanks* "to give him Orders to go to England, as the most expeditious Method of repairing his Ship:" But, as he advanced very trifling Reasons to induce Captain *Crookbanks* to take such a Resolution, Captain *Crookbanks* very soon finished his Conversation with him, by recommending "Dispatch in giving the necessary Orders to fit the Ship,

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“ Ship, so as to pursue their Voyage;” and, to that End, he sent him Carpenters, and all other Assistance that the *Lark* could afford.

It was then about ten o’Clock in the Morning : And, about two in the Afternoon, the *Lark* began to make a moderate Sail, and pursue her Voyage, in Company with the *Warwick*, and seven Sail of the Convoy.

Captain *Crookshanks*, on the 21st of *July*, wrote the following Orders and Letters to Captain *Erskine*.

“ By Captain *John Crookshanks*, Commander of his Majesty’s Ship *Lark* ;

YOU are hereby required, and directed, as soon as I shall hoist a *Dutch Jack* at the Mizen Top Mast-Head, and fire *TWO GUNS*, to part Company, and make the best of your Way to *Louisburgh* ; taking, under your Care and Protection, the *Beaufort* Store-ship, and *Montagu* ; as also what other Ships are bound to that Port. Upon your Arrival there, you are to put yourself under the Command of *Commodore Knowles*, or the commanding Officer of his Majesty’s Ships on that Station ; observing their Directions for your further Proceedings. But, if you don’t meet *Commodore Knowles* there, or any senior Officer to yourself or me, you are then to use such Measures as may be requisite for the most speedy getting his Majesty’s Ship, under your Command, ready and fit in all Respects for Sea ; waiting my Arrival from *Newfoundland*, which will be with the greatest Expedition, the Winds, and Service I am going on, will permit. Given under my Hand, on board his Majesty’s Ship *Lark*, at Sea, this 21st Day of *July* 1747.

Signed,

JOHN CROOKSHANKS.

To Captain *Erskine*, Commander of his Majesty’s Ship *Warwick*.”

“ To

*The foregoing Pages remain with Capt.
Erskine to Answer.*

“ To Captain *Erskine*,

Lark, 21st July 1747, at Sea.

SIR,

IF you don't meet Commodore *Knowles* at *Louisburgh*, or any senior Officer to you or me, by the Time the *Warwick* is ready for Sea; you will inform yourself of any apparent Reason there may be for your cruising on that Coast; and leave me a Rendezvous, or the best Information you can, for my ready joining you: And I am to desire you will, by all Opportunities, transmit me Accounts of your Progress to *St. John's* Harbour in *Newfoundland*; and I will send you mine, if I am necessarily detained there longer than I have now Reason to expect.

I am, &c.

Signed,

JOHN CROOKSHANKS.”

“ To Captain *Erskine*,

Lark, 21st July 1747, at Sea.

SIR,

UPON your Arrival at *Louisburgh*, you will deliver the Packets directed for Commodore *Knowles*, and the several others herewith sent you: But, if you should not find him there, you will take such Methods as you may judge proper for getting them quickest to his Hand, and the others to their respective Addresses.

I am, &c.

Signed,

JOHN CROOKSHANKS.”

Captain

Captain *Crookbanks* also sent the following Letter by the *Warwick*, and a Duplicate thereof by the *Montagu* :

“ To *Charles Knowles, Esq; &c.*

SIR,

Lark, 21st July, at Sea.

AS the *Warwick* has sustained considerable Damage by an Engagement, I judged it for the Service to give Captain *Erskine* Orders to make the best of his Way to *Louisburgh*; which I hope you will approve.

I should, at every Event, make Dispatch to get there, after having complied with my Orders and Instructions, Copies of which I herewith send you.

As our Attempt to take a large Ship of the Enemy's was attended with ill Success; I judge it must necessarily call for a public Enquiry; and, therefore, in Consequence of such Orders and Instructions, I should find myself obliged to stay at *Newfoundland*, I am to hope the Service will permit you to send me Orders, to join you as soon as possible.

I am, &c.

Signed,

J. CROOKSHANKS.”

Captain *Crookbanks*, on the 20th of *July*, met with a small Vessel at Sea, bound for *Lisbon*; and he took that Opportunity of writing the following Letter, which he inclosed open, under Cover to *Abraham Castres, Esq;* his Majesty's Consul at the Court of *Portugal*.

“ To the Honourable *Henry Legge, Esq;*

SIR,

Lark, at Sea, the 20th of July 1747.

I HAVE just Time to give you an Account, by a Ship we meet at Sea, of an Engagement with a Spanish Man of War; which, by all we could judge, was of 74 Guns. As we had the Misfortune to lose

M. Legge was one of the Lords of her, & it may might not Cap. Crookshanks have acquainted the Board of the Action & Complained

Captain

her, you may, perhaps, have the *Spanish Account* before ours: And it may, in some Measure, satisfy your Curiosity to have one from us as soon as possible. About Eleven at Night, I ran a-long-side of her, as near as the Wind would permit; and, in passing, fired; hoping thereby, though not in close engaging Distance, to embarrass her, and give the *Warwick* the surer Chance of securing a Station on her *Lee-Quarter*; designing to stretch a-head, tack, and on gaining the Wind, secure a Station on her opposite Bow*. But the *Warwick* tacking on her Quarter, and then a small Distance a-stern of us, I think was the only Means of destroying my Plan. The *Spaniard* wore, hawled the Wind for a very small Time, and edged away towards the *Warwick*, and engaged; by which she enlarged her Distance from us. We stood after them immediately: But, by having little Wind, and they going nearly before it, we were not able to get up, to sustain the *Warwick*, till we saw them draw off from each other, and the *Warwick's* Main-Top-Mast gone. We then stood towards the Enemy, proposing to have engaged her at ^{twelve} Day-light: But, on the *Warwick's* lying with her Head from us, and firing a Gun, which I was to conclude a *Signal of Distress*, I thought it indispensably my Duty to quit that Design; making the best of my Way to her Assistance, and to collect the Convoy.

I am, &c.

Signed,

J. CROOKSHANKS."

From

* By this Method, it would have been next to impossible for the Enemy to have escaped, or to drag the *British Ships* farther out of their Way: But he must probably have begun to fight them in the Morning, in the Manner that Captain *Crookshanks* should then have found it expedient to attack him.

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This Letter to Mr. Legge Capt. Crookshanks mentions
not taking the *Glorioso* as a Misfortune in which
includes Capt. Eshime by the word we & drop

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From this Letter, it plainly appears, that Captain *Crookshanks* has not varied in his Sentiments, relating to the whole Transaction; for the Letter is a concise Description of that Affair: And what Captain *Crookshanks* wrote to Mr. *Knowles* clearly shews, how delicately he acted with Respect to Captain *Erskine*; as he was not only unwilling to forestal any Opinion that might prejudice or prepossess People against him; but, on the contrary, was determined to leave every Thing to a fair, open, and impartial Enquiry. Captain *Crookshanks*, on the 23^d. of *July*, sent an Officer on board the *Warwick*, with the foregoing Order, Letters, and Packets; by whom Captain *Erskine* acknowledged the Receipt thereof; and, at the same Time, informed Captain *Crookshanks*, "That the *Warwick* was in all Respects as compleat as she could be made at Sea, and believed she might be left without Hazard." Captain *Erskine* also sent a Message to Major *Lawrence*, Captain *Cotterell*, Captain *Wynch*, and Mr. *Mauger*; inviting them to go on board his Ship for *Louisburgh*, whither they were destined. They gratefully accepted his Offer; and Captain *Crookshanks* sent word to Captain *Erskine*, "That he would put them on board the *Warwick*, before he made the Signal for his Separation."

On the 25th of *July*, the *Montagu Bilander*, at the Master's Request, and with the Consent of Captain *Crookshanks*, parted Company, to make the best of her Way to *Louisburgh*; and Captain *Erskine* seized that Opportunity of sending away Lieutenant *Hughes*, in a clandestine Manner, with a Complaint against his commanding Officer to Commodore *Knowles*; the Particulars of which will appear in course of Date: And he also forwarded his Narrative of the whole Transaction of the two Days Chace.

Nothing

Nothing remarkable occurred till *Friday* the 7th of *August*; when, at about Ten o'Clock in the Morning, they had squally rainy Weather; and, as the *Warwick* was TOO FAR TO WINDWARD of the *Lark*, Captain *Crookshanks* made a Signal, * and fired three Guns at Distances of Time, for Captain *Erskine* to bear down, and come nearer him: But no Regard was paid to this Signal, though it could not fail of being observed; and the Weather growing worse, the *Lark* entirely lost Sight of the *Warwick* towards the Evening. Captain *Erskine* can best tell, whether or no he contrived to get Company with his commanding Officer in this unjustifiable Manner: But this is certain, that he separated from Captain *Crookshanks*, without waiting for the Signal mentioned in his Order to him; and that he did not stay to take on board, the very Gentlemen to whom he himself had offered a Passage to *Louisburgh*. His Conduct, therefore, with Respect to his Separation, seems extremely suspicious; as if he intended to take the best Opportunity he could to clear up his own Character, before it could be impeached by his commanding Officer.

Captain *Crookshanks*, on the 13th of *August*, arrived at *St. John's* Harbour in *Newfoundland*, where he found his Majesty's Ship the *Panther*, commanded by Captain *Wickham*, with whom he immediately concerted Measures, in consequence of his Orders and Instructions from the Lords Commissioners of the Admiralty; and was actually preparing to put those Measures in Execution; when, on the 19th of *August*, he received the following Order and Letter from Commodore *Knowles*.

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* See Page 27. l. 14.

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Adm Knowles had the Admiralty Order to take the Newfoundland Ships all under his Command

"By Charles Knowles, Esq; Commander in Chief of his Majesty's Ships on the North-America Station, and Governor of Cape-Breton.

YOU are hereby required, and directed, to put yourself under my Command; and obey all such Orders as you shall, from Time to Time, receive from me; for which this shall be your Warrant. Given under my Hand, on board his Majesty's Ship *Norwich*, in *Louisburgh* Harbour, this 14th Day of *August*, 1747.

Signed,

CHARLES KNOWLES.

To Captain *Crookshanks*, of his Majesty's Ship *Lark*.

When Mr Knowles wrote this Letter he had sent the Towson, the Young & Penn

By Command of the Commodore,

ROBERT KIRKE."

"SIR, *Louisburgh*, August 15, 1747.

IHAVE received your Letter, of the 21st of *July*, inclosing me a Copy of your Orders from the Lords of the Admiralty: And, as I have a Complaint against you, from Captain *Erskine*, of his Majesty's Ship *Norwich*, for not assisting him in an Engagement with a *Spanish* Man of War, whereby she escaped; you are, therefore, immediately, upon Receipt of this, to repair here, and answer the same at a Court-Martial; which I truly wish you may be able to do.

to come & join which with Norwich and for being there you have a sufficient

I am SIR, *Captain to have compared Court-Martial*

Your most humble Servant,

CHARLES KNOWLES.

To Captain *Crookshanks*."

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Captain

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 or help.

Captain *Crookbanks*, in Consequence of these Orders, prepared for his Departure with the utmost Expedition. He sailed the 27th of *August*, and arrived at *Louisburgh* on the 4th of *September*; when he went immediately on Shore, and waited upon Commodore *Knowles*, who received him with great Politeness and Civility. The Commodore was then in Company with several Officers, and desired to speak with Captain *Crookbanks* in his Apartment: But, as they entered the Room at one Door, Captain *Erskine* made his Appearance at another; and Mr. *Knowles* opened the Conversation, by declaring, "the high Regard he always had for Captain *Crookbanks*; and that he was the last Man he should suspect to be charged with behaving in the Manner that Captain *Erskine* had exhibited to him." Captain *Crookbanks* answered, "that he was extremely obliged to him for his kind Expressions: But that he thought himself sufficiently able to prove very unwarrantable Behaviour against Captain *Erskine*; and that, if the Ship was to be taken, he was confident the ill Success would appear to be owing to his Mismanagement." In the Course of their Conference, the Commodore affirmed, with great Warmth, "that, if he had had the Command of the *Warwick and Lark*, he would certainly have taken the *Spanish Ship*." To which Captain *Crookbanks* answered, "that, though he might readily yield to him in Point of Skill and Judgment, he would venture to say, of himself, that no Man surpassed him, in Zeal and Disposition, for the Honour and Good of his Majesty's Service." Commodore *Knowles* was so free as to acquaint Captain *Crookbanks*, "that he had already sent his Opinion of this Transaction to the Duke of *Bedford*, and to Lord *Anson*:" Which was formed upon the single Authority of the Account brought and given by Mr.

Hughes,

Knowles denies this absolutely and appeals to those noble personages if ever they received any such Opinion from him.

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Hughes, who arrived at Louisburgh, in the Montagu Bilander, on the 9th of August, nine Days before the Arrival of the Warwick. The Commodore gave such an Opinion, without waiting to know what Captain Crookshanks could say in his own Behalf: And, towards the close of this Interview, he intimated “ a Concern “ at the Necessity he found himself under of suspending “ Captain Crookshanks;” who expressed himself in such a Manner, as to shew, “ that he was perfectly easy as to “ his own Conduct; and that it would be a great Satis- “ faction to him, to have the whole Affair enquired “ into by a Court-Martial, as soon as might be conve- “ nient.” Commodore Knowles then told Captain Crook- shanks, that “ he should be tried by Commodore Ed- “ ward Legge, who then commanded a Squadron stationed “ off the Leeward-Islands, whither he was soon going.” The Conversation being almost exhausted, Captain Crookshanks took that Opportunity of delivering to the Commodore a Letter of that Day, which he had pre- pared to acknowledge “ the Receipt of his Order and “ Letter of the 14th and 15th of August; and to repre- “ sent, that, by his Letter to the Commodore of the “ 21st of July, it might be easily perceived how tender “ he was in making the first Complaint; as he thereby “ endeavoured to avoid all Suspicion of the least sinister “ Art, in foreclosing any Evidence that Captain Erskine “ could give, in Case the whole or any Part of the “ Trial was to fall on himself; But, at the same Time, “ Captain Crookshanks declared, that his Defence would “ greatly consist in charging Captain Erskine with disobedient “ and unwarrantable Behaviour.

The Commodore read that Letter; but did not vouch- safe to give any Answer; upon which, Captain Crook- shanks took his Leave, and returned to the Lark. The next Day, Mr. Knowles came on board the Lark, sus- pended Captain Crookshanks, and gave the Command

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 it; but Com^{re}. Knowles was informed that

chosen the two Ships Company relating to
behaviour in the Action, to prevent which, he
board each Ship & turned all the men up and
down, if there were any [36] disputes or
any of his Ship to Lieutenant Hughes, without any other
Form.

own on Capt Crookshanks, on the 9th of September, re-
ceived the following Letter, which was dated the 4th,
being the Day of his Arrival at Louisburgh, and conse-
quently was delayed FIVE Days.

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And am, SIR,
Louisburgh, Sept. 4, 1747.

CAPTAIN Erskine, of his Majesty's Ship the
Warwick, having made a Complaint against you,
Commodore Knowles, for not assisting him in the
Manner you might have done, in the late Engagement
with one of the Enemy's Ships: I, therefore, send you
an attested Copy of his Complaint, which you have
here inclosed, that you may prepare for your Defence,
when a sufficient Number of Captains can be assembled
to compose a Court-Martial. I shall send you Copies of
the several Depositions when collected, #

And am, SIR,

Your most obedient humble Servant,

ROBERT KIRKE,

Deputy Judge-Advocate.

his Paragraph shows the Deputy
did not know his Duty,
with Cap. Crookshanks had
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The following is an exact Copy of the Complaint
mentioned in the preceding Letter.

Complaint against Captain John Crookshanks,
Commander of his Majesty's Ship Lark; by
" Captain Robert Erskine, of the Warwick.

" That, after the Chase of about forty Hours of a
" large Ship, in the Latitude 40. 38. and Longitude
" from the Lizard 21. 22. West, by his Majesty's
" Ship

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Capt. Crookshanks's plan erroneous to a demonstration, for had not the Warwick been considerably ahead of the Enemy when she Tacked, it would have been [37] impossible to have fetched

"Ship Lark, in Company with his Majesty's Ship the Warwick", both Ships got a-breast, and to Leeward, Distance of about a $\frac{1}{2}$ Mile of the said Chace.

"That his Majesty's Ship the Lark began the Attack, (but not in point blank Shot) by the Discharge of her Larboard Broad-side; and received the Enemy's Fire: But the Warwick, being $\frac{1}{2}$ judged to be at an improper Distance, \parallel she tacked; and in ten Minutes, came to \S close Engagement.

"That

* The Position of the three Ships at first coming up, at half past Ten, near Eleven at Night, is proved to be as described in the Plan, and not as here set forth.

\dagger The Ships are laid down in the Plan at 500 Yards Distance; in order more strongly to ascertain, and prove, a Period of Time: But the Witnesses, who were on board the Lark, have given their positive Opinion, upon Oath, that 340 or 350 Yards was the utmost Distance. One Witness, only, affirms it to be between 4 and 500 Yards; and it is well known, that 440 Yards, or a Quarter of a Mile, is point blank Cannon Shot.

All this seems with Capt Crookshanks to answer.

\ddagger What Right could Captain Erskine have, to judge for himself in so important a Step; he being junior Officer, and subject to the Orders of Captain Crookshanks?

\parallel The Lark and Warwick approached the Enemy on the Larboard Tack, standing to the South Eastward, when "the Warwick tacked." She then tacked again to the South-Eastward; by which Means the Enemy met the Warwick, who then wore. They then joined, and sailed, engaging with their Heads to the Northward. It therefore appears, that two Tackings, and one Wearing, were performed "in ten Minutes." An Instance of such expeditious Working, that the best manned Ship is incapable of executing.

an noble Misapprehension.

\S Could they come to close Engagement in ten Minutes, from being at about one Mile Distance? In that Case, if one Ship had been at an Anchor, the other must have sailed upon a direct

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“ That the *Lark* did not return to the Charge, to support the *Warwick* then engaging; which she might, and was her Duty to have done: But, on the contrary, she run from the Enemy, and never returned to the Assistance of the *Warwick*, during any part of the Engagement, which lasted from Eleven at Night, till Three in the Morning the 16th *Instant*; at which Time, the Enemy made her Escape, by the Distress of the *Warwick* in her Sails, Rigging, and Masts.

“ R. ERSKINE.

“ Dated on board his Majesty's Ship *Warwick*, in *Louisburgh* Harbour, *August* 18, 1747.”

“ A Copy,

“ ROBERT KIRKE.”

The Reason for introducing the above Complaint, in this Place, is chiefly to preserve the Order of Dates, and to shew the Time when Captain *Crookshanks* was furnished with a Copy of it: Therefore, it is proper only to make some short Notes; and to refer the Reader, for a more regular Confutation, to what has already advanced, and to what will be distinctly set forth hereafter; when the judicial Proceedings are related.

However,

direct Course, at the Rate of six Miles an Hour, to close her: For it should be considered, that the *Warwick* increased the Distance, by tacking to the Northward; and, as she had the same Quantity or Force of Wind as the *Lark*, a Judgment may be formed of her going by the *Lark's* Logg-Book, where it appears, that, “ at Ten at Night, she went “ at the Rate of four Knots, five Fathoms, *per* Hour; at “ Eleven, three Knots, two Fathoms; at Twelve, two “ Knots: And, as the sailing of the three Ships was nearly “ equal, the Absurdity and Falsity of coming to a *chase* “ Engagement, in *ten Minutes*, are manifest.”

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However, it may not be construed as Prolivity, to make this single and plain Observation. The whole Purport and Stress of the Charge consists in a malicious Insinuation, that Captain *Crookbanks* was either guilty of *Cowardice*, or *want of Zeal*; since Captain *Erskine* expressly asserts, that Captain *Crookbanks*, "run from the Enemy, and never returned to his Assistance." To this cruel Aspersion, it is only necessary to inform the Reader, that he will find an unanimous Resolue of the Court-Martial, by which, "they acquit Captain Crookbanks of the Suspicion of Cowardice, Disaffection, or want of Zeal."

Captain *Crookbanks*, on the 9th of September, the very Day he received a Copy of the Charge against him, wrote a Letter to Commodore *Knowles*; of which the following is an Extract:

"As Major *Lawrence*, Captains *Wynch* and *Cotterell*, ^{Two who know}
"and Mr. *Joshua Mauger*, were Passengers on Board ^{the Nature of}
"the *Lark*, at the Time of engaging a supposed Spanish ^{Martial Law}
"Man of War: And, as I am informed, the Time of ^{its Viva Voce}
"the *Lark's* Stay in this Harbour will be short, it en- ^{Evidence alone}
"gages me to request of you, that their Depositions ^{that can acquit}
"may be taken; and that such Means may be used, as ^{or condemn a}
"you shall judge proper to direct, to make them, to all ^{Man, but was}
"Intents and Purposes, a Viva Voce Evidence; as the Na- ^{it also would}
"ture of their Duty, and the necessary required Service ^{Mr. Knowles}
"of the Ship, may keep us asunder, when the Trial ^{not to collect}
"comes on. I beg Leave to observe to you, that those ^{order Evidence}
"Gentlemen could be but very little interested, either ^{to be collect}
"in Point of Honour or Profit, in taking, or not taking ^{for any purpose}
"a rich Prize; and the only Connection, and Attac- ^{He was to be}
"ment, they can have to me, is that which may arise ^{about March}
"from having, in the Duty of a Gentleman, shewn ^{to most of the}
"them the few little Civilities in my Power, whilst

accused, give the President the Charge and
complaint and nothing further was to
be done in.

“ they remained on Board the Ship. I commanded.
 “ The Inferences I could draw from this, I do not
 “ presume to trouble you with: But continue to beg
 “ that their Depositions may be taken; and that they
 “ may be questioned distinctly, and particularly, with
 “ Regard to Distances, Length, and Periods of Time; what
 “ Orders they heard me give, and what Replies were made
 “ to me, upon Opinions that I asked from Officers, either
 “ separately, or together.”

Captain Crookshanks obtained no Answer from Commodore Knowles: But those Depositions were taken. Though the Deputy Judge-Advocate, who was the Commodore's Secretary, had promised, by his Letter of the 4th of September, above recited, that he would send Captain Crookshanks Copies of all Depositions; yet he did not furnish him with any: And, what was still a greater Hardship, the Depositions of those Gentlemen were not produced in Court, as not being *Viva Voce Evidence*; and Captain Crookshanks was consequently deprived of the Advantage that would naturally result to his Cause from those Depositions. However, he afterwards received the entire Sense, Meaning, and Purport of them, from the Gentlemen themselves, duly legalized before *Peregrine Hopson, Esq;* Lieutenant-Governor and Commandant of *Louisburgh*.

The following Letter clearly shews how desirous Captain Crookshanks was to have a close Examination, at his Trial, of as many Witnesses, from both Ships, as the Service might admit.

“ To Charles Knowles, Esq; &c.

*Lark, in Louisburgh Harbour,
 10th of September, 1747.*

SIR,

FINDING Mr. *Hugh Hargroves*, late Gunner of the *Lark*, has delivered you a Petition, setting forth some Inconveniences that he suffers from a Shot-wound

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wound in his Leg or Thigh; therefore, praying your Leave to quit: And you having been pleased to appoint another in his Room, it lays me under a Necessity of desiring you to use your Authority in retaining the said *Hargroves* till my Trial is over; as, from the Nature of his Office, his Evidence must be material, either against, or for me, as it may happen.

I beg Leave to think it of the utmost Consequence, that * every Person that was in this Ship and the *Warwick*, in the Time of the Action, should be kept together as much as the Service will admit of, till the Trial is over; which is always submitted to your Judgment.

I am, &c."

On the 11th of September, the *Canterbury*, Captain *Hoare*, arrived at *Louisburgh*. And, on the 14th, Mr. *Knowles* hoisted his Broad-Pendant on Board that Ship; when, as Captain *Hoare* had obtained Leave to quit and return to *England*, the Commodore appointed Captain *Erskine* to be Captain of the *Canterbury* under him; and gave an Order to a Lieutenant to command the *Warwick pro Tempore*: Which should be regarded as an extraordinary Step at such a Juncture; or rather as an Instance of such Partiality as he publickly manifested, by going on Board the *Warwick* the next Day, after her

G Arrival

* Captain *Crookshanks*, upon his Arrival at *Louisburgh*, was privately informed, that the First Lieutenant and Boatswain of the *Warwick* had been discharged, and sent away in the *Norwich*, before he arrived; which he could not consider as a trifling Circumstance; because the Evidence of such Officers might be very material, either to support or condemn their Captain's Conduct, if their own was clear. This occasioned the earnest Request in this Application to the Commodore, that every Person belonging to both Ships might be kept together till the Trial was over.

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Arrival at Louisburgh, and thanking the Officers and Men for their gallant Behaviour in the Action; adding, that he did not doubt but the Lark's Company would have behaved as well, had their Captain led them to the Engagement."

On the 10th of September, Captain Crookshanks wrote the following Letter to Commodore Knowles :

S I R,

As, by being long at Sea, without Intermission, the whole Course of the War, with an Appearance of being much longer, I have been a good deal plagued with the Scurvy, keeping it under latterly only by Art and Medicine; this induces me to the Favour of you, to give me Leave to lie a-ashore, while the Ship remains at Newfoundland, to take the Advantage of walking, and such Exercise as I can benefit myself by there: And I hope you will confide in me so far, as to believe I will do nothing that is indiscreet, if this Indulgence can be granted me. I should do Injury to my own Judgment, in thinking Mr. Hughes won't shew every Civility in his Power: But, in such a Case, Caution may preclude his Inclination.

I am, &c."

This Request was granted: But it will very soon appear, that the most base and cruel Inferences were deduced from this Incident; and that it gave Occasion to a most vile Report being industriously propagated to the Disadvantage of Captain Crookshanks.

On the 14th of September, the Lark sailed from Louisburgh, and arrived at Newfoundland on the 21st; where she found his Majesty's Ship the Norwich, Captain Knowles, who came last from Louisburgh.

Captain Crookshanks went a-Shore, in Consequence of the Commodore's Permission: But was very soon credibly

reproach'd by people not belonging to the Commodore's Ship: who could not redress them

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Answers to
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bly informed, by Persons of undoubted Veracity, that Lieutenant Hughes had confidently asserted, " That the Commodore was so thoroughly convinced of the bad Behaviour of Captain Crookshanks, that he had granted his Request of going a-Shore, as the Effect of his Compassion, to give him an Opportunity of escaping, and saving his Life."

Captain Crookshanks, on the 29th of September, failed in the Lark from Newfoundland, and arrived the 10th of October at Boston in New-England, where they joined Mr. Knowles, who had his Pendant on Board the Canterbury, the Warwick Captain Innes, the Aldborough Captain Darby, the Achilles Captain Blyke, the Fowey Captain Taylor, and the Comet - Bomb Captain Leaver.

As Captain Crookshanks was constantly a-Shore at Weymouth, about fifteen Miles from the City of Boston, the same malicious Insinuations prevailed there as at Newfoundland, relating to his Intention of making his Escape: And many Calumnies were thrown out, by Captain Erskine, and others, to blast his Character, and prejudice the Minds of People against him; the Particulars whereof would be too tedious to enumerate.

Lieutenant Cleland, whom Captain Crookshanks had left at Newfoundland on his first Arrival there, was at this Time at Boston; and Captain Crookshanks wrote the following Letter to the Commodore, desiring that his Deposition might be taken.

" To Charles Knowles, Esq; &c.

Lark, in Nantasket Road, Boston Harbour, November 26, 1747.

S I R,

AS Lieutenant William Cleland, of an independant Company at New-York, but now in Boston, was on board his Majesty's Ship Lark, under my Command, when we began to attack a large Ship of the Enemy's,

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supposed a *Spaniard*: And, as he was on this Ship's Quarter-Deck, most, if not the whole Time of the *Warwick's* engaging, he must, I believe, know, and be able to judge, of many Circumstances not the least depending on Sea Skill. I am, therefore, to desire, (in order that I may be as well enabled as possible, not only to defend myself from the Charge formally given to you against me, but also to clear up many Aspersions ungenerously cast on me) that you will be pleased to direct the Judge-Advocate to take the Deposition of Mr. *Cleland*; and also that he may be examined particularly, and distinctly, with regard to positions, distances, length and periods of Time, what Orders he heard me give, and what Replies were made to me, upon Opinions that I asked from Officers, either separately or together: And that you will also direct such Methods to be taken, as may be proper, to make the Deposition to all Intents and Purposes a *viva voce* Evidence; as his Duty may not admit his attending the Trial.

I am, &c.

J. CROOKSHANKS."

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ent;
Mr. Knowles sent no Answer to this Request; but Captain *Crookshanks* received the following Letter from the Deputy Judge-Advocate.

" To Captain *Crookshanks*.

Canterbury, in *Nantasket* Road,
November 26, 1747.

S I R,

THE Commodore having communicated to me, your Letter of this Day's Date; in Answer thereto, I beg Leave to acquaint you, that I don't find, by my Warrant, I have any Authority out of the Squadron: Therefore, if you can prevail on Mr. *Cleland* to come on board any of his Majesty's Ships, I shall be at all

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Times ready to take his, or any other Gentleman's Deposition. I am apprehensive, if Mr. Cleland cannot come hither, if he goes to any of the Notary Publics, and makes a Deposition, and transmits it to me, it will be ADMITTED ON YOUR TRIAL :

I am, SIR,

Your most obedient humble Servant,

ROBERT KIRKE,

Deputy Judge-Advocate."

In Consequence of Mr. Kirke's Advice, Mr. Cleland went on board the *Canterbury* in Nantasket Road, and gave in his Deposition: But, though the Deputy Judge-Advocate was of Opinion, that even a Deposition before any Notary would be admitted at the Trial, the Event shewed, that, notwithstanding this Deposition was TAKEN BY MR. KIRKE HIMSELF, it was NOT PRODUCED at the Trial, as not being a *viva voce* Evidence; by which Means Captain *Crookshanks* was totally deprived of the Advantages his Cause might have gained by this Deposition.

Such a Proceeding sufficiently demonstrates how ignorant Mr. Kirke was of the Nature of Courts Martial, and the Duty of his Office. Nor can it well be thought that the Commodore himself was more enlightened; because as he communicated the Letter sent by Captain *Crookshanks* to his Secretary, the Deputy Judge-Advocate, it is natural to suppose the latter had the same Complaisance, in shewing Mr. Knowles what he wrote to Captain *Crookshanks* in Answer. What still rendered this Disappointment at the Trial, a greater Hardship, was, that, notwithstanding none of the Depositions of the Persons not appearing at the Trial were produced, a very long Deposition of Captain *Erskine* was publicly

*Com. Knowles
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Crookshanks
in his request*

*in respects the Court Martial however
as it a proof of his Opinion and the reason Capt.
Erskine's Deposition was read was because he was on
Spot (the Ill in his Bed with his Arm broken) and*

READ

READ in Court, though he was NOT PRESENT. It may indeed be said, that it could be of no Validity, as not being a *viva voce* Evidence: But then, to what Purpose was it read, except it was with a Design to prejudice the Court and Audience against Captain *Crookshanks*?

On the 30th of *November*, the *Canterbury*, *Warwick*, *Fowey*, *Aldborough*, *Achilles*, and *Lark*, sailed from *Boston*, and arrived, on the 28th of *December*, at *Barbadoes*, where they were joined by the *Mary* Galley, Captain *Swanton*, the *Portmahon*, and *Porcupine* Sloop of War. They were informed that Commodore *Legge* was dead; by which the Squadron, late under his Command off *Martinico*, devolved to Captain *Pocock*; and, on the 3d of *January* 1748, Mr. *Knowles*, in the *Canterbury*, with all the Ships above mentioned, sailed from *Barbadoes*. The next Day, at five in the Afternoon, they got near in off *Fort-Royal*, on the Island of *Martinico*: And, on the 6th, at four in the Afternoon, being then in sight of the Island, they were joined by Mr. *Pocock's* Squadron, which consisted of the following Ships.

The Captain,	————	Captain <i>Pocock</i> ,
The Dragon,	————	Capt. <i>Frankland</i> ,
The Sunderland,	————	Capt. <i>Cornwall</i> ,
The Sutherland,	————	Capt. <i>Palliser</i> ,

The <i>Dreadnought</i> ,	————	Capt. <i>Broderick</i> ,	} These joined them on <i>January</i> the 7th.
And <i>Ludlow-Castle</i> ,	————	Capt. <i>Piggot</i> .	

Captain *Crookshanks* was still on board the *Lark*; and, in their Passage from *Barbadoes* to *Martinico*, considered that they would soon have more than a sufficient Number of Captains to form a Court-Martial: But he observed, that no Dispositions were made towards bringing on the Trial, nor any Intimation given him relating thereto; though they had been four Weeks in their Passage

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Passage from *Boston* to *Barbadoes*, and nothing had occurred that might hinder the taking of Depositions. He therefore thought it expedient to express his Desire to have such a Court convened as soon as possible; and, for that Purpose, on the 3d of *January*, he wrote a Letter to *Robert Kirke*, Esq; Deputy Judge-Advocate, who was on board the *Canterbury*; the material Paragraphs of which were as follow.

“ By your Letter, of the 4th of *September* last, accompanying an attested Copy of *Captain Erskine's* Charge against me, you acquainted me that you would send me Copies of the several Depositions when collected. I should imagine *Captain Erskine* would not so long have neglected himself, as not to have applied to you in Form. *Four Months* are now elapsed, since I found myself in no very pleasing Situation. I shall be glad to see the Signal made to call me before Justice: Therefore, I certainly shall not offer at any Thing, that can be construed to shew a Desire of losing or delaying Time.

“ I greatly hope, and am well inclined to believe, the Witnesses for the Accuser will declare the Truth, the whole Truth, and nothing but the Truth, to the best of their Knowledge and Skill. But, suppose it only possible, weakly to tempt one, or more, into such a wicked Snare as * *Perjury*; I hope the accused

“ is

* *Mr. Craig*, the first Lieutenant of the *Lark*, had shewn, to several People belonging to this Ship, a Copy of the Deposition which he made at *Barbadoes* on board the *Canterbury*; which *Captain Crookbanks* could not help considering, as a Step that might tend to influence those who were to give in their Depositions: It was therefore natural to suspect, that his Adversaries would make Use of all Means to gain their End; and the Sequel will sufficiently shew that these Apprehensions were not ill founded.

This Application shews Capt. Erskine's ignorance of Courts Martial or of the proceeding of any Court of Justice in this Kingdom.

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“ is not to be left *unguarded*, and unprepared with
“ Means, to point it out to the Court instantly.”

The next Day, he received the following Answer.

“ To Captain *Crookshanks*.

*Canterbury, off Martinique,
January 4, 1747-8.*

SIR,

I Received your Favour of the 3d Instant, wherein
you desire Copies of the several Affidavits taken
agreeable to my Letter of the 4th of *September* last;
which I then intended to have complied with, *by way of*
COMPLIMENT to you: But, upon my acquainting the
Commodore with my Intentions, (if agreeable to him)
he FORBAD MY DOING IT; as you'll see, by the ACT
of Parliament, and that Part of the printed Instructions
which relates to Courts Martial, the Charge I then sent
you was sufficient.

As to the Accused being left unguarded, and unpre-
pared, in the Day of Justice, I hope that will not be
your Case: But was it so, *I cannot find I am to be* YOUR
ADVOCATE; but *dare believe*, Innocence and Bravery
are the best Supports at those Times; both which, I
hope, you may make appear; *as nothing could be a greater*
Satisfaction to,

SIR,

Your most humble Servant,

ROBERT KIRKE.”

Captain

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Captain *Crookshanks*, upon the Receipt of this Letter, immediately sent the following Answer.

“ To *Robert Kirke*, Esq;

SIR,

Lark, January 4, 1747-8.

THE printed Instructions are now before me. The Act of Parliament I have read: But, as it is a considerable Time ago, my Memory may have failed me; and, as I am not now possessed of it, I beg you will lend it me a few Hours only, in order that I may make an Application to the Commodore. I thank you for your very genteel Expressions. *Fear* is an Impulse I am not subject to be attacked with; and *Innocence* gives me very comfortable Hopes.

I am, &c.

J. CROOKSHANKS.”

Mr. *Kirke* was so obliging as to send Captain *Crookshanks* the Act of Parliament, with a Letter in the following Words.

SIR,

“ *Canterbury, off Martinique,*
January 4, 1747-8.

AGREEABLE to your Desire, I send you inclosed, the Act of Parliament; which I hope you will be pleased to return me as soon as convenient. I shall always be ready to render you any Services that are consistent with the Office I have the Honour to FILL:

And am, SIR,

Your most humble Servant,

ROBERT KIRKE.

To *Captain John Crookshanks.*”

As soon as Captain *Crookbanks* received the Act of Parliament from Mr. *Kirke*, he began to examine it, and the printed Instructions relating to Courts Martial, with great Attention, that he might frame an Application to Mr. *Knowles*; for which Purpose, he had desired Mr. *Young*, the third Lieutenant, to give him his Assistance. When he was thus engaged, Mr. *Hughes* entered the Cabin; which proved an Interruption; and Captain *Crookbanks* very civilly desired, "he might leave him for about half an Hour, as he was busy in an "Affair of some Consequence relative to his Trial." But Mr. *Hughes* answered, in a very abrupt and rude Manner, "That he had Orders, from the Commodore, "to PREVENT his having any private Discourse "with the Officers." This is a Circumstance that will either tend to shew the Partiality of Commodore *Knowles*; or that the Usage which Captain *Crookbanks* met with from Mr. *Hughes*, was very unwarrantable and impertinent. However, this Incident, and the general Behaviour of Mr. *Hughes*, obliged Captain *Crookbanks*, at last, to treat him in the Manner he deserved; and Captain *Crookbanks* even threatened to send a Complaint to the Commodore, concerning what he had advanced in his Name; adding, "that he hoped "he was not capable of giving such an inconsistent and "unprecedented Order." This seemed to alarm Mr. *Hughes*, and drew such paltry Excuses from him, as confirmed Captain *Crookbanks* in the Opinion, that he had indifferently blabbed an Order, that even he himself was ashamed to be the Instrument of its Execution.

It may easily be conceived, by Mr. *Kirke's* first Letter of the 4th of January, that Captain *Crookbanks* was totally deprived of having Recourse to the Depositions; and, consequently, of being able to examine them as he ought, that he might, at his Trial, detect, and endeavour to confute, whatever might be erroneously, or willfully, advanced to his Prejudice. This Disappointment

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an. low shift
deserve no
more.*

*Officers ignorant
of the nature of
the martial
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arm of procedure
in any court
Judicial and
will clamour because irregular things
are not done to their minds, is Mr. Knowles to be
blamed.*

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ment was therefore extremely unfavourable: Yet the Application that Captain Crookshanks had made to the Judge-Advocate, and his Earnestness in desiring a speedy Trial, produced this seeming good Effect, that it roused Mr. Knowles, and awakched his Attention to this Affair; the first Intimation whereof was exhibited in a very extraordinary and laconick Epistle, without Date, or Place, wrote by Mr. Hughes, which is exactly as follows:

Not at all for
Knowles's letter
was upon quite
other Object
than Poock's
all his Squads
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7 Janry
"SIR, Canterbury, Thursday Noon.

I AM commanded, by the Commodore, to acquaint you, that Monday next is the Day fixed for your Trial.

I am, SIR,

Your most humble Servant,

EDWARD HUGHES.

To Captain Crookshanks."

This Notice of Trial, ought regularly to have been given by the Judge-Advocate, or by any other Person, rather than the pro tempore Commander of the Lark; and it was sent, by the Hands of a Coxswain, on Thursday the 7th of January about Noon. The Commodore, soon after the Receipt of this Notice, made the Signal for all Captains: And, on their being assembled, sent for Captain Crookshanks, and asked him, "when he should be ready to take his Trial?" This was a Question that Captain Crookshanks could little expect, as he had been just before acquainted, by an Order from Commodore Knowles, "that the Monday following was the Day fixed for his Trial." Captain Crookshanks only answered, "that he should be ready the Instant after the Depositions were taken:" To

reasons by Capt. Swanton who was then
home from Mr Poock's Squadron.

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which the Commodore replied, "that the Judge Advocate should go on board the *Lark* to take them; and "that the Trial might begin on *Saturday Morning*." But, after some Consideration, the Commodore said, "that, as *Sunday* intervened, it was better not to begin "till *Monday*:" And to this, out of Decency, Captain *Crookshanks* made no Reply; though he was satisfied the Trial might have been brought on, even on *Friday*; and though the least Delay was very disagreeable and vexatious to him, in his hard Circumstances.

As the Trial was soon to come on, Captain *Crookshanks* wrote the following Letter to the Judge-Advocate, to acquaint Captain *Erskine*, by his Means, that he expected he would be ready to produce his original Orders, Signals, and Letters.

"To *Robert Kirke*, Esq;

SIR,

Lark, January 7, 1747-8.

I AM to beg the Favour you will write to Captain *Erskine*, that he may be prepared to produce all my original Orders, Signals, Instructions, and public Letters directed to him, between the 11th of *June*, and 21st of *July* 1747; as likewise the *Warwick's* general Muster-Book; with the original, or his counterpart, of the Gunner's Expence for the Month of *July*.

I am uninformed whether Captain *Erskine* may have required the Persons undermentioned to appear as Evidences, in support of his Charge against me: But, if he has not, I desire you would summon, Lieutenant *Harris*; the Boatwain of the *Warwick*, (whose Name I don't know;) Mr. *Webster*, and Mr. *Banks*, Petty-Officers; and Mr. *Otway*, Captain's Clerk, to attend my Trial.

I am, &c.

J. CROOKSHANKS."

On

On *Thursday* and *Friday*, the 7th and 8th of *January*, Mr. Kirke came on board the *Lark*, to take Depositions; in which he employed his own Clerk, Captain *Crookbanks's* Clerk, and a Marine. These Depositions lay open to public View; and were taken in the Hearing of those who had not yet deposed.

Several of the Witnesses did then aver, and have since confirmed it, that the Judge-Advocate rejected great Part of what they had drawn up; saying, "it was Nonsense, or foreign to the Purpose." In this brow-beating Stile he expressed himself to Mr. *Crispo*, the second Lieutenant, to Captain *Crookbanks's* Clerk, and others: And a Deposition wrote by Lieutenant *Calbourn* of Marines was entirely rejected.

Mr. Kirke so far forgot the Dignity of the Office he had the Honour to FILL, that he condescended to be extremely familiar with the People on board the *Lark*; and disclosed his Opinion, on the Subject of the Depositions, in a very extraordinary Manner.

Among other Things, he told Mr. *Young*, the third Lieutenant, in the Hearing of several others, "that Captain *Erskine* had asserted, to the Captains of the Squadron, that he was very confident of being able to prove the whole Charge against Captain *Crookbanks*; and that four or five Depositions would be sufficient, three whereof he already had." After furnishing the Company with this Hint, the Judge-Advocate gave his Sentiments upon it, "that he could not perceive, by what he had yet found in the Depositions, how Captain *Erskine* was to prove the Charge; but, if he could prove it, he was sure that all he had been about on board the *Lark* was Labour lost." Though this open Declaration has the Appearance of being much in the Favour of Captain *Crookbanks*, it was not to the Honour of a Judge-Advocate, considering him in his judicial Capacity,

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is now way &
answ^{ble} for the
ignorance or
absurdity of
any Man.
The Question
is if our Capt
Crookbanks
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ings - he aver
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On

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On Monday Morning, the 11th of January, being the Time appointed for the Commencement of the Trial, Captain *Crookshanks* was ready, and anxious, to appear before the Court-Martial: But, contrary to his Expectation, no Notice was sent him; nor did he hear any Thing relating thereto till the Evening, when the Signal was made for all Captains to meet on Board Mr. *Pocock's* Ship, the *Captain*. When they were assembled, Captain *Crookshanks* was sent for; and Commodore *Knowles* acquainted him, "That he could not be tried till he came to *Jamaica*; since the Judge-Advocate had been the whole Day busy on Board the *Warwick*, and had not yet finished."

The Shock which Captain *Crookshanks* felt by this Disappointment was easily perceived by Captain *Pocock*, and some other Gentlemen of the Squadron; who very humanely endeavoured to reconcile it, "alleging, the Situation of *Martinico*, where there was a large Fleet, which the *Leeward-Island* Squadron ought very sharply to look after; and that the Commodore had urged to them the Necessity of separating to proceed to *Jamaica*, where, in all Probability, they would soon arrive."

It is certain, that the cruising close off *Martinico* was a necessary and important Service, which ought to be regarded by Captain *Pocock*, with the Squadron under his Command: But this could be no Secret to Commodore *Knowles* from the 6th of January, being the Day he joined Mr. *Pocock*: And, as they did not part Company till the 11th in the Evening, they were consequently five complete Days together, which might have been more than sufficient for the Trials of Captain *Crookshanks* and Captain *Erkine*: But, if the following Circumstances are duly considered, the Disappointment that Captain *Crookshanks* met with, will appear still more vexatious.

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*Crookshanks how says, his trial was deferred be-
cause the Squadrons were brought under a necessity
of parting: when did they part?*

During the whole Time that the two Squadrons were
together, they constantly drove to Leeward, lying by, or
plying under a very slack Sail; by which they lost
Martinica, and got close off the Island of *Manserrat*,
where they came to Anchor on the 12th. The Reasons
the Commodore might have for thus driving to Lee-
ward are unknown: But it is plain, that from thence
arose the Necessity for the Separation of the Squadrons,
and that the Trial of Captain *Crookshanks* was thereby
deferred.

*+ This Invece
know before*

Mr. *Knowles* assured Captain *Crookshanks*, at *Louisburgh*,
that he should be tried at the *Leeward Islands*: And,
in their Passage from *Barbadoes*, it was the general
Opinion, that the Commodore intended Captain *Crook-
shanks* should be tried by Mr. *Pocock*; which he after-
wards confirmed, by the Notice he ordered Mr. *Hughes*
to send Captain *Crookshanks*, and repeated it to him on
Board the *Cantebury*, before all the Captains, whom he
had assembled for that very Purpose; though he then
must have known, that driving to Leeward was in-
compatible with keeping Company with Mr. *Pocock*.
However, the sole Reason that Mr. *Knowles* alledged, to
Captain *Crookshanks*, for putting off the Trial was, that
the Judge-Advocate had been the whole Day busy on Board
the *Warwick*, and had not yet finished. But what Reason
can be assigned for the Judge-Advocate's deferring to
go on Board the *Warwick*, till the very Day that was
appointed for the Trial? It is very extraordinary that
such Remissness should have happened; and that Cap-
tain *Crookshanks*, after four Months Imprisonment, should
be obliged to solicit and request to be tried, and then
meet with such Delays and Obstructions from those whose
Duty it was to have brought on the Trial as soon as
possible.

*by what has been
said before
Cap Crookshanks
will see he was
only a Secom-
dary Object.*

*he was the
other days on
Board the Leeward
(1753)*

*Cap Crookshanks
never was con-
fined or im-
prisoned else-
where.*

As to the Want of Depositions, that might have been
prevented; since they might have been taken on the

Arrival

*How could be necessary to finish the Depositions
before holding a Court when they could be
taken before the Court*

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Comd. Knowles were told by his Maj^{ty} Command to concert Measures wth Capt. Shirley for disbanding the Troops rais'd for the Quebec Expedition & to secure Acadia during the Winter, & then again Capt. Crookshank was only a secondary Object, even should there be any Ships sent to Boston to handly'd him

Com. Knowles never heard of this before, nor does he believe it, or care about it.

Arrival of Captain Crookbanks, at Louisburgh, in the Beginning of September; which would have been the most proper Time, as the Facts were then recent, and minute Circumstances might be better recollected; but that seasonable Opportunity was totally neglected: And, what is still more surprizing, the same Inactivity prevailed during Ninety-three Days that the Canterbury, Warwick, and Lark, were constantly in Company, from their Arrival at Boston, on the 10th of October, to their separating from Mr. Pocock on the 11th of January; though nothing occurred that could be an Impediment to the taking of Depositions.

Notwithstanding the Pains that Captain Crookbanks took to procure a speedy Trial, and the Disappointment he met with; such was the Malice of his Adversaries, that, soon after their Arrival at St. Christopher's, on the 14th of January, a strong Report was spread, that he had made an Application to the Commodore, for postponing his Trial. Upon this, Captain Crookbanks wrote a Letter to Commodore Knowles, signifying, "that he, the Commodore, could not but be sensible the real Fact was quite the Reverse." To which the Captain received no Answer; though common Civility, or the least regard to Truth, might have induced the Commodore to furnish him with the Means of confuting, and silencing, such a vile and scandalous Asperision.

The Squadron sailed from St. Christopher's, on the 10th of January, and arrived the Day following at St. Eustatia, a Dutch Island; from whence they departed on the 22d, and arrived at Jamaica on the 28th; the following Ships being in Company:

- | | | |
|---------------------|-------|--|
| The Canterbury, | _____ | } Commodore Knowles,
Captain Erskine, |
| The Warwick, | _____ | |
| The Fowey, | _____ | Capt. Innes, |
| The Aldborough, | _____ | Capt. Taylor, |
| The Achilles Sloop, | _____ | Capt. Darby, |
| | | Capt. Blyke, |

And the Lark, commanded by Lieutenant Hugbes.

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At *Jamaica* they found the following Men of War.

- The *Plymouth*, ——— Captain *Digby Dent*,
 - The *Elizabeth*, ——— Capt. *Rentone*,
 - The *Lenox*, ——— Capt. *Holmes*,
 - The *Cornwall*, ——— Capt. *Chadwick*,
 - The *Enterprize*, ——— Capt. *Graves*,
 - The *Biddesford*, ——— Capt. *Pawlet*,
 - The *Rye*, ——— Capt. *Wray*,
 - The *Worcester*, ——— Capt. *Andrews*,
 - The *Strafford*, ——— Capt. *Clarke*,
- And several Sloops :

And; on his Arrival there, Commodore *Knowles* received the Commission, whereby he was appointed Rear-Admiral of the White.

On *Saturday* the 30th of *January*, Captain *Crooksbanks* received the following Notice to prepare for his Trial :

“ SIR, *Canterbury*, in *Port-Royal Harbour*,
Jamaica, *Jan.* 30, 1747-8.

I AM commanded, by the Admiral, to acquaint you, he has ordered your Court-Martial on *Monday* next, on board his Majesty's Ship *Cornwall*.

I am, SIR,

Your most humble Servant,

ROBERT KIRKE,

Deputy Judge-Advocate.

To Captain *Crooksbanks*.”

The same Day, an Order was issued, by the Admiral, directed to Captain *Digby Dent*, appointing him President of the Court-Martial, to be held for the Trial of Captain *Crooksbanks*.

*The 28 Jan. at
Com. Knowles
and at Jamaica
where he found
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& Letters from
Admiralty, for
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 Crookshanks's
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 Cap. Erskine
 ashore with
 Arm broke and not aboard the Canterbury
 could not appear to confront his Adversary, either he
 might have done aboard the Cornwall, or that the Cornwall
 an 80 Gun Ship and the Cabin Commodious for the Men

Mr. Craig, the first Lieutenant of the *Lark*, was sent for on board the *Canterbury*, previous to the Trial, and was acquainted, "that his Deposition was mislaid, or lost; and that he must make another." This Proceeding seems extremely suspicious; since Mr. Kirke acknowledged to Captain *Crookshanks*, off *Martinico*, "that he had the Deposition in Question:" And he then compared his List of the Deponents Names, with the List of Captain *Crookshanks*, when they agreed, and the Name of Mr. *Craig* was in both Lists.

Captain *Crookshanks*, on the Day before the Trial, was informed, by Mr. *Hughes*, "That Captain *Erskine* had dislocated his Arm:" Upon which Captain *Crookshanks* said, "that he was sorry any personal Hurt had happened to him; and that he feared it might retard his Trial, as he might not be able to be present, and cross examined." To this, Mr. *Hughes* assured Captain *Crookshanks*, "he might be very easy; for the Admiral, on Account of that Accident, intended to order the Court-Martial to sit on board the *Canterbury*, instead of the *Cornwall*; so that Captain *Erskine* would be present, and might be examined." But no such Order was given: And, when the Trial came on, Captain *Crookshanks* was deprived of the Right of confronting his Accuser. He might then, indeed, have offered this Consideration to the Court, as a Plea for desiring that the Trial might be put off, till Captain *Erskine* could appear: But he waved it; as he was well convinced, that such a Step would be construed, by his Adversaries, as a mere Pretext for delaying the Trial.

On Monday Morning, the 1st of February, before the Opening of the Court, Captain *Crookshanks* sent a Message to the Admiral, by Mr. *Parker*, Surgeon on board the *Lark*, to acquaint him, "that, as his Clerk was to be an Evidence upon the Trial, he should be thereby deprived of his Assistance in taking down the Mi-

nutes; and not aboard the *Canterbury* "nutes; could not appear to confront his Adversary, either he might have done aboard the *Cornwall*, or that the *Cornwall* an 80 Gun Ship and the Cabin Commodious for the Men

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“nutes; and, therefore, desired the Favour that he
 “ might permit Mr. Gadsden, Purser of the *Aldborough*,
 “ to write for him, who had offered him his Service.”
 This Request met with such a Reception that it pre-
 vented Mr. Gadsden from assisting Captain *Crookbanks* in
 the least: For the Behaviour, and warm Expressions,
 of the Admiral, on that Occasion, were sufficient to
 deter any Person, under his Command, from render-
 ing any good Office to Captain *Crookbanks*. †

*Adm. Byall
 that's success*

About Ten o'Clock, the Signal was made, on board
 the *Cornwall*, for assembling the Court-Martial; which
 was composed of the following * Captains:

DIGBY DENT, Esq; PRESIDENT.

- | | | |
|--------------------------|---|-----------------------|
| Captain James Rentone, | — | Capt. Samuel Graves, |
| Capt. Charles Holmes, | — | Capt. Thomas Andrews, |
| Capt. Policarpus Taylor, | — | Capt. Edward Clarke. |
| Capt. Richard Chadwick, | | |

*Adm. Knowl
 had scarce a
 acquaintance
 with these
 Men except
 Capt. Taylor*

The Court being convened, the Admiral's Order for
 holding the Court-Martial was read; and then followed
 Captain *Erskine's* Complaint against Captain *Crookbanks*,
 as in Page 36 to 38.

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The * *For these Re
 fide the Adm
 Letters to the
 Lords of the
 Admiralty*

* Captain *Charles Pawket*, of the *Biddford Man* of War,
 was at the Court-Martial the First Day; but did not return;
 being sent out by the Admiral on a Cruise.

Captain *Thomas Innes*, of the *Warwick*, was sent to *Rock-
 Fort*, about two Miles from *Port-Royal*, to water, and refit
 his Ship, and did not appear at the Court-Martial, though
 within View of the Signal. It is possible, that the Orders
 he had received from the Admiral, and the Service he was
 upon, might require his constant Attendance at the Ship:
 But, if Captain *Innes* had alledged the Distance of Place,
 as a Reason for not coming to the Court-Martial, it would
 be such an Excuse, as neither Mr. *Knowles*, or any other
 Admiral,

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The first extraordinary Step, taken by the Judge-Advocate, to confirm the Charge, was to produce two Letters; one from the Reverend Mr. *Frances*, Chaplain of the *Warwick*; and the other from the Reverend Mr. *Hooper*, Minister of *Trinity Church* in *Boston*, who went Passenger on board that Ship. Those Letters, though they could be of no Validity with regard to Evidence, were publicly read in Court; which was such an extrajudicial Proceeding as may have no Precedent in Cases of this Nature.

Those reverend Gentlemen had retired, during the Time of Action, to a Place of the greatest Security; which is not mentioned as any Reproach to Persons of their Profession: But, supposing them upon Deck, the whole Time, and competent Judges of what passed, their Undertaking, even in such Circumstances, would be scandalous; because, the Letters they wrote, were stuffed with false Facts, Impertinencies, and sharp Invectives, that could tend to no other Purpose, but the wicked Design of insidiously stirring up the Cry of a Mob against Captain *Crooks*:anks.

The next Step, taken by the Judge-Advocate, was equally surprizing: For, he read a very long Deposition, made by Captain *Erskine*; and then acquainted the Court; "that, since Captain *Erskine* could not be present, he, the Judge-Advocate, had been extremely nice in stating it; and Captain *Erskine* had been so conscientious, that, on Account of some Interlineations, he twice signed, and swore to it: That he, the Judge-Advocate, for his Part, had been very exact in putting Questions to Captain *Erskine*; and, therefore, did not
"doubt

Admiral would have admitted. Captain *Wray*, of the *Rye*, was sent on a Cruize, under such Circumstances, that made it highly probable, his Appearance at the Court-Martial was not greatly desired.

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for any of
Court's pro-
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"doubt that Deposition would be REGARDED, and have its
"DUE WEIGHT."

Captain Crookshanks then addressed himself to the President, and desired to know, "if the Deposition, that had been allowed to be read, was to be considered as an additional Charge, and admitted in Evidence against him?" To which, he was answered, by the Court, "that it could have NO WEIGHT." However, Captain Crookshanks flattered himself, that, as such a Deposition had been read, it would give him a Title to read his Defence; and, accordingly he asked Leave, but WAS REFUSED; and the Reason assigned him was, "that it would be irregular, till the Crown Evidence was closed;" which might be so; and Captain Crookshanks certainly would not have made such a Request, on any other Pretence than the Proceedings just related.

As we are now going to represent the essential Part of the Evidence on both Sides, it will be necessary here, to refer to the Charge which Captain Erskine exhibited against Captain Crookshanks: And, that the Weight of the Evidence may be the more easily conceived, it is necessary to divide the Charge, as in Page 36 to 38, under six distinct Heads, by setting under each Head what the Witnesses deposed in Point.

*To form a
right judg-
ment of the
Justice of the
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like ought
have been
tried.*

C H A R G E I.

"Both Ships got a-Breast, and to Leeward, about
"a Mile of the said Chace."

P R O O F S, on both Sides.

Mr. Atkins, second Lieutenant of the Warwick, deposed:

"That, when the Lark got A-BREAST of the Enemy,
"the Warwick was a QUARTER OF A MILE A-
"STERN, and a POINT UPON THE WEATHER
"QUARTER.

“**QUARTER.** The *Lark* continued in the *same Situation*, till she fired upon the Enemy; at which Time “the *Warwick* was near a MILE distant from the “Enemy.”

Mr. *Andrew Knock*, Master of the *Warwick*, deposed :

“When the *Lark* first fired at the Enemy, the “Distance of the *Warwick* from the *Lark* was a QUAR- “TER of a Mile, and a Point and a Half upon the Lee- “Bow; and the Enemy was then a little better than a “Mile distant from the *Warwick*.”

Mr. *Cummins*, a Lieutenant, Passenger on board the *Warwick*, recommended to Mr. *Knowles*, deposed :

“That the *Lark* had all her Sail out, when she “fired at the Enemy; at which Time, the DISTANCE “of the *Warwick* from the *Lark* was about a MILE, “and a Point upon our Lee-Bow.”

Mr. *Craig*, first Lieutenant of the *Lark*, deposed :

“That at the Time we ceased firing, the *Warwick* “was a QUARTER of a Mile a-Stern, and to Windward “of the *Lark*.”

Mr. *Elby*, Boatwain of the *Lark*, deposed :

“That whilst the *Lark* was engaging a-long-side the “Enemy Beam and Beam, I saw the *Warwick* tacking; “and the *Warwick* was not A-BREAST of the Enemy; “but at a MILE DISTANCE a-Stern of the *Lark*.”

Mr. *Georges*, Midshipman of the *Lark*, deposed.

“That, at the Time the *Lark* and Enemy were firing “at each other, the *Warwick* was at about a MILE “AND A HALF, or TWO MILES, Distance from the “*Lark*.”

Mr.

Mr. Bisaker, Midshipman of the *Lark*, deposed :

“ That whilst the *Lark* and Enemy were firing at each other, the *Warwick* WAS NOT THEN A-BREAST of the *Enemy*.”

N.B. Though the above Witnesses differ as to the Distance of the *Warwick* from the *Lark*, when they first came up with the *Enemy*; they all agree, that the *Warwick* was not A-BREAST of the *Enemy*, as the CHARGE ASSERTS; and Mr. Atkins, a Lieutenant of the *WARWICK*, disproves that Part of the Charge.

C H A R G E II.

“ The *Lark* BEGAN the Attack, but not IN POINT
“ BLANK SHOT, by the Discharge of her Lar-
“ board Broad-Side, and received the *Enemy*'s
“ Fire.”

P R O O F S.

Q. to Mr. Cummins of the *Warwick*. “ What Distance was the *Lark* from the *Enemy*, when they exchanged Fires ?”

A. “ About a MILE, or a MILE AND A QUARTER.”

Q. to Mr. Craig, first Lieutenant of the *Lark*. “ How many Broad-Sides did you fire, upon your first coming up with the *Enemy* ?”

A. “ I believe, some of our Guns were fired three or four Times.”

Q. “ What Distance might you then be from the *Enemy* ?”

A. “ Between FOUR AND FIVE HUNDRED YARDS.”

Mr.

Mr.

Mr. *Crispe*, second Lieutenant of the *Lark*, deposed:

“ That when we began to fire from the *Lark*, we were
“ at about THREE OR FOUR HUNDRED YARDS Dis-
“ tance from the Enemy.”

Q. “ How many Guns did you fire ?”

A. “ About 'Twenty-one of the lower Deckers.”

Q. to Mr. *Young*, third Lieutenant of the *Lark*.
“ What Time do you judge you was a-long-side of the
“ Enemy ?”

A. “ The Gun on the Fore-Castle was fired four
“ Times.”

Q. “ What Damage did the *Lark* receive ?”

A. “ SOME, in her SAILS, by SHOT.”

Q. to Mr. *Macey*, Master of the *Lark*. “ What
“ Distance was the *Lark* from the Enemy, when the
“ *Lark* began to fire at her ?”

A. “ About one QUARTER OF A MILE.”

Q. “ Were any small Arms fired ?”

A. “ Yes, Some SMALL ARMS WERE FIRED.

Questions from Captain Crookshanks.

Q. to Mr. *Macey*. “ Acquaint the Court, if my
“ Orders to you, before we fired, were not to take
“ particular Care to *cond* the Ship well, and *keep her close*
“ *by the Wind, with a full Sail*; in Order to get up
“ with the Enemy, as soon as possible ?”

A. “ Yes; and she was kept full and by; and, when
“ we were a-long-side the Enemy, *Beam and Beam*, you
“ gave Orders to keep the Ship as much *shivering* in the
“ Wind as possible, *without the Risque of Staying her*.”

Q. “ Do you remember any Shot going through the
“ Mizzen, in the second Cloth from the Mast ?”

A. “ YES; and the Height of that Shot-Hole was about
“ eight Feet from the Quarter-Deck.”

Mr.

Mr. *Matthew M^cMillon*, Carpenter of the *Lark*, deposed :

“ That when the *Lark* first fired at the Enemy, the Distance was about THREE OR FOUR HUNDRED YARDS; and the *Lark*'s SAILS RECEIVED SOME DAMAGE.”

Mr. *Georges*, a Midshipman of the *Lark*, deposed :

“ That he was quartered at the Braces, and HEARD SHOT WHISTLE OVER HIS HEAD, and PASS THROUGH THE RIGGING SEVERAL TIMES. The *Lark* was brought up as near the Enemy, as the Circumstances of Wind and Weather would permit.”

Mr. *Royer*, Midshipman of the *Lark*, deposed :

“ That at coming up with the Enemy, he was on the Quarter-Deck, and heard Captain *Crookshanks* give repeated Orders to keep the Ship as close to the Wind as possible; and she WAS SO KEPT.”

Mr. *Hargrove*, Gunner of the *Lark*, deposed :

“ That three Broad-Sides, bating one Gun; of the Lower-Deck Guns were fired. Fifteen Breechings of the Lower-Deck Guns broke, and one of the Upper-Deck, which were soon supplied by others. Mr. *Crispo*, the second Lieutenant, was ordered to load all the Lower-Deck Guns with grape and round Shot, and; likewise, to cease firing when the Guns would not bear from the Lower-Deck. I am certain we were NIGH ENOUGH to RECEIVE GRAPE SHOT from the Enemy; being THREE HUNDRED AND FORTY; OR THREE HUNDRED AND FIFTY YARDS distant from the Enemy.”

Mr. *John Bisaker*, Midshipman of the *Lark*, deposed :

“ I was quartered at the aftermost Gun at the Quarter-Deck, and was reprimanded by Captain *Crookshanks*

“ for firing a Gun after he had told me it would not
 “ bear. One Shot from the Enemy WENT THROUGH
 “ THE MIZEN of the Lark.”

Mr. John Trebby, Quarter-Master of the *Lark*, who did actually cond the Ship when engaged, deposed :

“ A little before the *Lark* came up with the Enemy,
 “ I heard Captain Crookshanks frequently call Luff, and
 “ he ordered me to keep the Ship as close to the Wind as
 “ she would lie; in Consequence whereof, she was kept
 “ as close to the Wind as possible, without the Danger of
 “ staying, or going about.”

Q. to Mr. James Screech, Midshipman of the *Lark* :
 “ Did you observe, when the *Lark* and Enemy were
 “ firing at each other, that any of the Enemy’s Shot
 “ fell near the *Lark*, and what kind of Shot it was ?”

A. “ YES; both round and grape Shot; and so NEAR
 “ that they beat the Water against the Ship’s Side.”

Stephen Calway, Gunner’s-Mate of the *Lark*, deposed :

“ A grape Shot, as I take it, struck below the Port of
 “ the fifth Gun on the Main-Deck, where I was quar-
 “ tered; and I heard SEVERAL GREAT SHOT GO
 “ OVER THE LARK.”

John Hartsborn, of the *Lark*, deposed :

“ A Bag of grape Shot, as I judge, fell so nigh the
 “ *Lark*, as to splash the Water in at the Port, where I
 “ was quartered; and SEVERAL GREAT SHOT flew
 “ over us.”

Abraham Nichols, of the *Lark*, deposed :

“ Captain Crookshanks desired the Quarter-Master that
 “ cond, to keep the Ship as nigh the Wind as she could lie,
 “ so as not to stay her.”

John

John Crosby, of the Lark, deposed :

“ *When we came A-BREAST of the Enemy, Captain Crookbanks ordered those quartered forward to fire the Guns slowly and deliberately, into the Enemy; and, after the first Broad-Side, found Fault they fired too quick, contrary to his Orders.*”

William Lewen, of the Lark, deposed :

“ *One of the Enemy's Shot PASSED THROUGH our Mizzen.*”

C H A R G E III.

“ *The Warwick being judged to be at an improper Distance, she tacked; and, in ten Minutes, came to close Engagement.*”

P R O O F S.

Mr. Atkins, second Lieutenant of the Warwick, deposed :

“ *The Lark continued the Engagement about five Minutes; and the Warwick was not then engaged: When the Lark ceased firing, the Warwick stood after her, with her Larboard-Tacks, for about a Quarter of an Hour, with all her Sails out, except Sprit-Sail, and Sprit-Sail Top-Sail, and then tacked; when the Enemy bore two Points abaft the Beam, at three Quarters of a Mile Distance; and the Warwick was then a-Stern, and rather upon the Lark's Weather-Quarter. When the Warwick brought the Enemy upon her Beam, at the other Tack, they were at about Half a Mile Distance; they then exchanged only one Broad-Side: After which, the Warwick tacked, and was then close under the Enemy's Stern, about a Cable's Length Distance. The Warwick then fired her Larboard-Guns into the Enemy's Side: Upon which the Enemy bore up, to*
“ give

“ give us her Fire ; but we did not come DIRECTLY to a
 “ CLOSE Engagement ; for we then put in Stays, and
 “ were a-Stern of her. In about HALF AN HOUR,
 “ we tacked again, and came to a close Engagement, and
 “ fired our Starboard-Guns the whole Action.”

Andrew Knock, Master of the Warwick, deposed :

“ The Warwick tacked, when the Enemy bore TWO
 “ POINTS abaft the Beam.”

Mr. Cummins, of the Warwick, deposed :

“ The Warwick stood to the Northward, about a
 “ Mile, before she began to engage ; and, in three Quar-
 “ ters of an Hour, from our first tacking, we came to close
 “ Action. By tacking we gained Ground to Wind-
 “ ward.”

*Mr. Hughes, of the Warwick, pro tempore Comman-
 der of the Lark, deposed :*

“ I heard Captain *Erskine* say, he was too far from
 “ the Enemy ; and heard him order to tack. At our first
 “ tacking, the Lark was rather to Leeward, a QUAR-
 “ TER of a Mile Distance.”

Mr. Young, third Lieutenant of the Lark, deposed :

“ The Warwick tacked, just as the Lark BEGAN TO
 “ FIRE.”

Mr. Macey, Master of the Lark, deposed :

“ I saw the Warwick, and heard her Guns, when she
 “ first fired ; at which Time WE WERE ENGAGED.”

Mr.

Mr. *Elly*, Boatswain of the *Lark*, deposed :

“ *Whilst the Lark was ENGAGING the Enemy, Beam and Beam; I saw the Warwick TACKING, at a Mile Distance a-Stern of the Lark: If the Warwick HAD NOT TACKED; she could have PASSED NEARER by the Enemy, in Order to stretch a-head of her, than the Lark did. The Lark made no SIGNAL, as a Direction for the Warwick to TACK.*”

Mr. *Georges*, of the *Lark*, deposed :

“ *At the Time the Lark and Enemy were firing at each other, I looked over the Gun-Wale, and saw the Warwick in STAYS, at about A MILE AND HALF, or TWO MILES DISTANCE, and about a POINT upon the LARBOARD-QUARTER of the Lark.*”

C H A R G E I V.

“ That the *Lark* RUN from the Enemy, and never returned to the Assistance of the *Warwick.*”

P R O O F S.

Mr. *Hughes*, of the *Warwick*, pro tempore Commander of the *Lark*, deposed :

“ The *Lark* could have assisted the *Warwick*, by tacking.”

Q. to Mr. *Craig*, first Lieutenant of the *Lark*: “ Could you, after tacking, have joined in the Action with the *Warwick*, if you had endeavoured?”

A. “ Yes; being two Points to Windward; and, in my Opinion, Captain *Crookshanks* did not make Use of the utmost Means to get up with her.”

Questions

Questions from Captain *Crookbanks*.

Q. to Mr. *Craig*. "To the best of your Judgment, were sufficient Pains taken, the first Day, with the *Lark*, in order to come up with the Enemy?"

A. "YES."

Q. "Whether all possible Pains were not taken to come up with the Enemy, to the first of our Fire?"

A. "YES; I think there COULD NOT BE MORE."

Q. "Was the Fore-Tack close on board, after I had ordered the Studding-Sail to be set?"

A. "YES; and I heard you repeat your Orders, to keep the Fore-Tack on board."

Q. "What were we doing, when the *Warwick* and *Enemy* separated?"

A. "Standing towards them, at the Distance of a Mile, or a Mile and a Half; and, at the Rate we then went, if the *Warwick* had continued engaging, we might have come up with them, so as to engage in about one Hour, or an Hour and a Half."

Q. "What Orders, or Message, did I give you, for Captain *Erskine*, in the Morning after their firing the Gun?"

A. "To know if he wanted any Assistance of Carpenters, or Sail-Makers; in order to get his Ship ready to renew the Engagement: And desired to know the Condition he was in; and, if he thought he could take Care of the Convoy, you would PURSUE THE CHACE. To which, Captain *Erskine* answered, that you ought not to leave him, and the Convoy; nor did he think the *Lark* A MATCH for the Enemy: That he would get to work to repair his Rigging, and Masts; and would follow the *Lark*: And added, that, if he could get a long-side the Enemy: He believed he could take her; and, if his Main-Mast was inconvenient, he would cut it away."

Q. to

Q. to Mr. Crispo, second Lieutenant of the *Lark*.
 "Could you have come to Action any Time that Night, after
 "the Firing between the *Lark* and Enemy ceased?"

A. "No; we COULD NOT."

Questions from Captain *Crookshanks*.

Q. to Mr. Crispo, second Lieutenant of the *Lark*.
 "Were not all, or most, of the Breechings of the
 "Lower-Deck Guns broke in firing?"

A. "YES; some of them on the Larboard-Side were
 "twice broke."

Q. "How long, after we ceased firing, was it that
 "you came up to the Quarter-Deck, to report to me,
 "that the Breechings were refitted, and fit for Action
 "again?"

A. "About three Quarters of an Hour."

Q. "Whether or no, the Ship was TACKED, BEFORE
 "you reported to me, that the Breechings were fixed?"

A. "YES; SHE WAS."

Mr. Young, third Lieutenant of the *Lark*, deposed:

"I saw the *Warwick* when she first fired: She tacked
 "just as we began to fire; and the *Lark* stood on three
 "Quarters of an Hour to the Southward. Had the
 "*Lark* tacked, upon hearing those first Guns from the
 "*Warwick*, we should have joined the *Warwick* and
 "Enemy sooner: But we continued standing on, about
 "Half a Quarter of an Hour after."

Q. "Does it appear to you, that the best Endeavours
 "were used, after you had tacked, to come up
 "with, and succour the *Warwick*?"

A. "The Enemy bore away, six or seven Minutes before
 "we tacked. When we had tacked, the *Warwick* and
 "Enemy were on our Larboard-Bow; and, as soon as
 "the Sails were trimmed, we bore away directly, keep-
 "ing

Sails

opinion

Q. to

ing the Enemy and *Warwick* about a Point upon the
 " Lee-Bow. We had Fore-Sail, Top-Sails, and Top-
 " Gallant-Sails set: Soon after set Main-Sail: The
 " Fore-Top-Mast Studding-Sail-Boom was rigged out;
 " and hoisted up with a Turn. I was ordered to lower
 " it upon the Yard, and take out the Turn. When
 " that was done, I was called to, to let alone hoisting
 " it again, and to rig in the Boom: The Enemy was
 " then at the Distance of about three or four Miles."

Questions from Captain *Crookbanks*.

Q. to Mr. Young. " How much longer, or further,
 " do you apprehend, we stood past, and by, the Ene-
 " my, to the Southward, than was necessary to fetch
 " up to her; respecting her Position of Sailing when
 " we passed her?"

A. " I think, we stood but very LITTLE FURTHER
 " than necessary, as we passed the Enemy: Had we kept
 " on; and she kept her Wind, we should not have fetched
 " much nearer than we did."

Q. Whether a little before we had stood on the Dis-
 " tance that was necessary to gain the Wind of the
 " Enemy, you did not hear me call ready about Ship;
 " and twice, or oftener, repeat; pray Gentlemen make
 " Haste to place the Hands, that we may have a good
 " Haul?"

A. " Yes: I heard those Orders repeated; and, in
 " Consequence thereof, I believe the Ship was tacked; as
 " soon as possible."

Q. " After my ordering the Fore-Top-Mast-Studd-
 " ing-Sail-Boom to be rigged out; did not you hear
 " me complain of their slow working?"

A. " YES; and you blamed me for not getting it set
 " sooner."

Q. " When the *Warwick* and Enemy separated; what
 " Distance was the *Lark* from the Enemy?"

A. " I

A. " I judge, the Distance was *three or four Miles.*"

Mr. *Macey*, Master of the *Lark*. deposed:

" We stood to the Southward, about Half an Hour after we had passed the Enemy; and our *Guns would not bear*; in which Time, the Ship went about a *Mile.*"

Q. " How long, after you ceased firing, was it that you stood to the Enemy and *Warwick*?"

A. " About Half an Hour; and they were, at most two Miles distant from us, when we tacked. We then kept the Wind about ten Minutes; then steered from it, and kept the Enemy rather on the *Lec-Bow*, all Sail set, except Sprit-Sail, and Sprit-Sail Top-Sail. The Top-Mast Stay-Sail was set; and, when we bore away, the Weather-Clew-Garnet of the Main-Sail was hauled up. The Enemy and *Warwick* steered then the same Course that we did. *We made no Alteration in sail, till the Warwick bore away from the Enemy. After the Warwick had ceased firing, we continued steering for the Enemy about half an Hour, or three Quarters.*"

Questions from Captain *Crookshanks*.

Q. to Mr. *Macey*. " After we had passed by the Enemy, still keeping close by the Wind, did not you, or somebody, acquaint me that the Enemy had *wore?*"

A. " YES; I myself did; and it was then your Opinion, as well as my own, that we could but JUST *FETCH the Enemy.*"

Q. " Did not I immediately call ready about Ship: and said, pray make Haste to place the Hands, that we may get the Ship quickly tacked?"

L

A. " Yes:

A. " I

Q. "How long, after the Tacking, was it that I ordered the Fore-Top-Mast Studding-Sail-Boom to be rigged out?"

A. "Not quite a Quarter of an Hour; and I heard you often find fault with the slow Work they made, in getting it out, and setting the Sail."

Q. "During the Time we were steering after the Warwick and Enemy, did the Sails appear to you to be properly trimmed?"

A. "Yes; they did."

The Court asked.

Q. "Is it not your Opinion, that the Lark had it equally in her Power to get up to a close Engagement with the Enemy, as the Warwick had; provided she had used the same Means?"

ought to have done so
Warwick, 13. A.

A. "No; she COULD NOT."

Q. "Might not a Separation between the Lark and Warwick, by a Calm or very little Wind, have made it impossible for the Lark to have been of any Assistance to the Warwick in reducing the Enemy?"

A. "It was IMPOSSIBLE for the Lark to come up, with the Wind there was, in Time to assist the Warwick when she was engaged."

Q. "When they had discovered to the Lark the Distances of the Warwick, what Distance was you from the Enemy?"

A. "About two Miles."

Q. "What Means did you use, after tacking, to come up with the Enemy; and how was the Ship kept in regard to her?"

A. "We stood RIGHT DOWN to her."

Q. "Under what Sail?"

A. "Our Fore-Sail, Top-Sails, Fore-Top-Mast-Studding-Sail, Top-Gallant-Sails, Jib and Stay-Sails, all but our Fore and Fore-Top-Mast Stay-Sail, and

"the

“ the Main-Clew-Garnet of the Main-Sail was hauled
 “ aft. The Fore-Top-Mast-Studding-Sail was once
 “ hoisted with a Turn in the Head, and then hauled
 “ down and set a second Time; but would not stand;
 “ then it was hauled down on the Fore-Yard: *The Fore-*
 “ *Tack was aboard*, and the Head-Sails braced sharp for
 “ about five Minutes, and then the Weather-Braces
 “ were rounded in. Mr. Young told Mr. Craig, that
 “ the Fore-Yard, and Fore-Top-Sail-Yard, were braced
 “ sharp: And I heard the Captain order the Weather-
 “ Braces to be rounded in, and the Fore-Tack
 “ got up.”

N.B. William Robinson, *Quarter-Master of the*
Lark, gave the same Account of the Sails as in the
foregoing Answer.

Mr. Matthew McMillon, Carpenter of the *Lark*, deposed:

“ When the *Warwick* and *Enemy* ceased firing, to
 “ the best of my Knowledge, the *Lark* could have got
 “ a-long side the *Enemy* in about *three Quarters* of an
 “ Hour, at the Rate the *Lark* appeared to be then
 “ going.”

Mr. Georges, of the *Lark*, deposed:

“ About ten Minutes after the *Lark* had tacked to the
 “ Northward, Captain *Crankshanks* ordered the Fore-
 “ Top-Mast Studding-Sail-Boom to be rigged out; and
 “ I heard him *find Fault with the slow Work* they made
 “ in rigging out the Boom, and getting the Sail set.”

Question from the Court.

Q. to Mr. Georges, of the *Lark*. “ Had the *Enemy*
 “ continued in the Spot where she bore up from, and near
 “ Ship

“Ship then put to Stays, do you believe she would have fetched the Place from whence the Enemy bore up?”

A. “I believe, she WOULD NOT.”

Mr. Royce, of the *Lark*, deposed:

“The *Lark*’s Head-Sails, and After-Sails, were properly trimmed during the whole of the Chace, from the *Warwick*’s Tacking, to her Separation from the Enemy.”

Question from Captain *Crookshanks*.

Q. to Mr. Royce. “During the whole of our steering after the *Warwick* and the Enemy, was there any Sail neglected to be set, that, in your Opinion, would be useful?”

A. “NONE, that I know of.”

Mr. Hargrove, Gunner of the *Lark*, deposed:

“I heard Captain *Crookshanks* find Fault with not setting the Fore-Top-Mast Studding-Sail quick enough.”

William Robinson, Quarter-Master of the *Lark*, deposed:

“I was quartered on the Fore-Castle. When the Ship was tacked, in order to stand towards the Enemy and *Warwick*, the Fore-Tack was hauled a-board. Afterwards, Captain *Crookshanks* was acquainted the Fore-Sail did not draw: He then desired Mr. *Young* to trim it to the Wind, and the Fore-Tack was got to the Cat-Head. I assisted in raising the Fore-Tack. After the *Lark* was tacked, she steered towards the Enemy and *Warwick*, and the Head-Sails were properly trimmed after Captain *Crookshanks* was acquainted the Tacks were on board.”

Questions

Questions from the Court,

Q. "After you had fired at the Enemy, did you stand further to the Southward than was necessary to fetch the Enemy?"

A. "If the Enemy had kept her Wind, we should not have fetched her sooner."

Q. "Did you put about as soon as you saw the Enemy going away large?"

A. "Yes; as soon as we could get ready for it."

Q. "Do you believe Captain Crookshanks did all in his Power to come up with the Enemy and Warwick to engage?"

A. "I believe, HE DID."

Q. to Mr. Johnson of the Lark. "How long after the Warwick's Firing, was it that the Lark tacked?"

A. "About Half an Hour."

Q. "If the Lark had been tacked, before the Enemy wore, would the Lark have fetched to Windward of her?"

A. "I believe not."

John Hartnall, of the Lark, deposed:

"Upon the Lark's first tacking, the Fore-Tack was hauled a-board, and was afterwards rose: I let go the Tack, about half an Hour after the Ship was about."

Elias Lugg, of the Lark, deposed:

"Mr. Young, on the Fore-Castle, repeated Captain Crookshanks's Orders to trim the Sails in the best Manner, to fetch the Chace: The Fore-Tack was then rose."

Question

Question from the Court.

Q. to Mr. Cahoon, Lieutenant of Marines on board the *Lark*. "Did you observe any Backwardness, or Signs of Fear, in Captain *Crookshanks*, while running up to the Enemy; and particularly while a-long-side of her engaged?"

A. "I did not observe any, or ANY THING but what seemed to me consistent with the Behaviour of a PRUDENT and good Officer."

Mr. Turner, of the *Lark*, deposed:

"The Master told Captain *Crookshanks*, that the Enemy had wore: and he answered, then we will wear too; to which the Master replied, we could but just fetch her."

Question from Captain *Crookshanks*.

Q. to Mr. Turner. "What Orders did I then give, and in what Manner?"

A. "You took a speaking Trumpet out of my Hand, and called ready about Ship, make Haste, and place the Hands so as to have a good Haul."

Abraham Nichols, of the *Lark*, deposed:

"After the *Lark's* Tacking, Captain *Crookshanks* ordered the Fore-Top-Mast-Studding-Sail to be set, and was angry they were so long about it."

CHARGE

C H A R G E V.

“ The *Warwick's* Engagement with the Enemy,
 “ lasted from Eleven o’Clock at Night, till three
 “ in the Morning.”

P R O O F S.

Mr. *Atkins*, second Lieutenant of the *Warwick*, deposed :

“ I cannot say the Hour we began the Engagement ;
 “ but it continued till Day-Light ; which was at about
 “ Four o’Clock.”

Mr. *Andrew Knock*, Master of the *Warwick*, deposed :

“ The close Engagement lasted about three Hours.”

C H A R G E VI.

“ The Enemy made her Escape by the DISTRESS
 “ of the *Warwick* in her Sails, Rigging, and
 “ Masts.”

P R O O F S.

Mr. *Atkins*, second Lieutenant of the *Warwick*, deposed :

“ I cannot say what was the Cause of the Engagement’s
 “ ceasing ; nor how the Separation happened. There was a
 “ Gun fired from the Lower-Deck of the *Warwick*, in
 “ the Morning, after the Engagement was over : But do
 “ not know whether by Order, or Accident. I do not re-
 “ member that Mr. *Conolly*, of the *Montagu Bilander*,
 “ was hailed that Morning by any Body on board the
 “ *Warwick*. In the Morning, soon after the Engage-
 “ ment, I saw the *Lark* to Windward of the Enemy,
 “ who

“ who was then five or six Miles distant from the *Warwick*: The *Lark* was three Miles distant from the *Warwick*; and both a-Stern of the *Warwick*. The *Lark* then had her three Top-Sails, Top-Gallant-Sails, and Fore-Sail set; standing to the *Warwick*. Near an Hour before the Action ceased, the *Warwick*'s Main-Top-Mast was gone, over the after Part of the Top: The Main-Mast was Shot in two Places, and her Sails and Rigging were damaged. There was a POSSIBILITY of cutting away the RAFT, before the Action ceased.”

Questions from Captain *Crookshanks*.

Q. to Mr. *Atkins*. “ Do you know, or did you hear, that the Rudder, Tiller-Rope, or Wheel, were damaged?”
A. “ No.”

Q. “ Do you know, or did you hear, that the Helm's-Men were killed or wounded?”
A. “ No.”

Mr. *Andrew Knock*, Master of the *Warwick*, deposed:

“ Three or four Men were killed, and about nineteen wounded in all, five or six whereof lost Limbs. The Enemy shot away our Fore-Top-Gallant-Mast. The *Montagu Bilander* hailed us soon after the Action's ceasing. There was a Gun fired, from the Lower-Deck of the *Warwick*, in the Morning after the Engagement: But do not know by whom, or on what Account.”

Questions from Captain *Crookshanks*.

Q. to Mr. *Andrew Knock*. “ Do you know, or did you hear, that the Rudder, Tiller-Rope, or Wheel, were damaged?”

M

A. “ No.”

A. "No."

Q. "Do you know; or did you hear, that the *Helm's-Men* were killed or wounded?"

A. "No."

Mr. *Cummins*, of the *Warwick*, deposed :

"About an Hour before the Action ceased, the *Warwick* lost her *Main-Top-Mast*."

Mr. *Hughes*, of the *Warwick*, deposed :

"The *Montagu Bliander* was hailed from the *Warwick*, the Morning after the Action."

Questions from Captain *Crookshanks*.

Q. to Mr. *Hughes*. "Do you know that Captain *Erskine* ordered a Gun to be fired, by way of Signal, to call the *Lark* to his Assistance, after the Action?"

A. "Not that I heard."

Q. "Did a Gun go off?"

A. "Yes: But don't know who fired it."

Mr. *Craig*, first Lieutenant of the *Lark*, deposed :

"Captain *Conolly*, in my Hearing, hailed the *Lark*, and said, Captain *Erskine* had ordered him to tell Captain *Crookshanks*, that he had lost his *Main-Mast*, and was A WRECK. Captain *Erskine* told me, the Morning after the Engagement, in answer to a Message from Captain *Crookshanks*, that he would get to work to repair his Rigging and Masts, and would follow the *Lark*; and that, if he could get a-long-side the Enemy, he believed he could take her: And, if his *Main-Mast* was inconvenient, he would cut it away."

Mr.

Mr. *John Trebby*, Quarter-Master of the *Lark*, deposed :

“ The Morning after the *Warwick's* Action ceased,
 “ the *Bilander* hailed us, and said the *Warwick* had lost
 “ her Main-Top-Mast, and was like a WRECK.”

*he had exhibited
 his defence*

This is the fair State of all the Evidence that Captain *Crookshanks* was permitted to collect; whose Adversaries have constantly used all Sorts of Methods to perplex and keep his Case in a confused Light; so as to frustrate every sort of Means to which he could have Recourse for his Justification.

*his Evidence to
 Examined the
 States it
 afterwards.
 p. 87.*

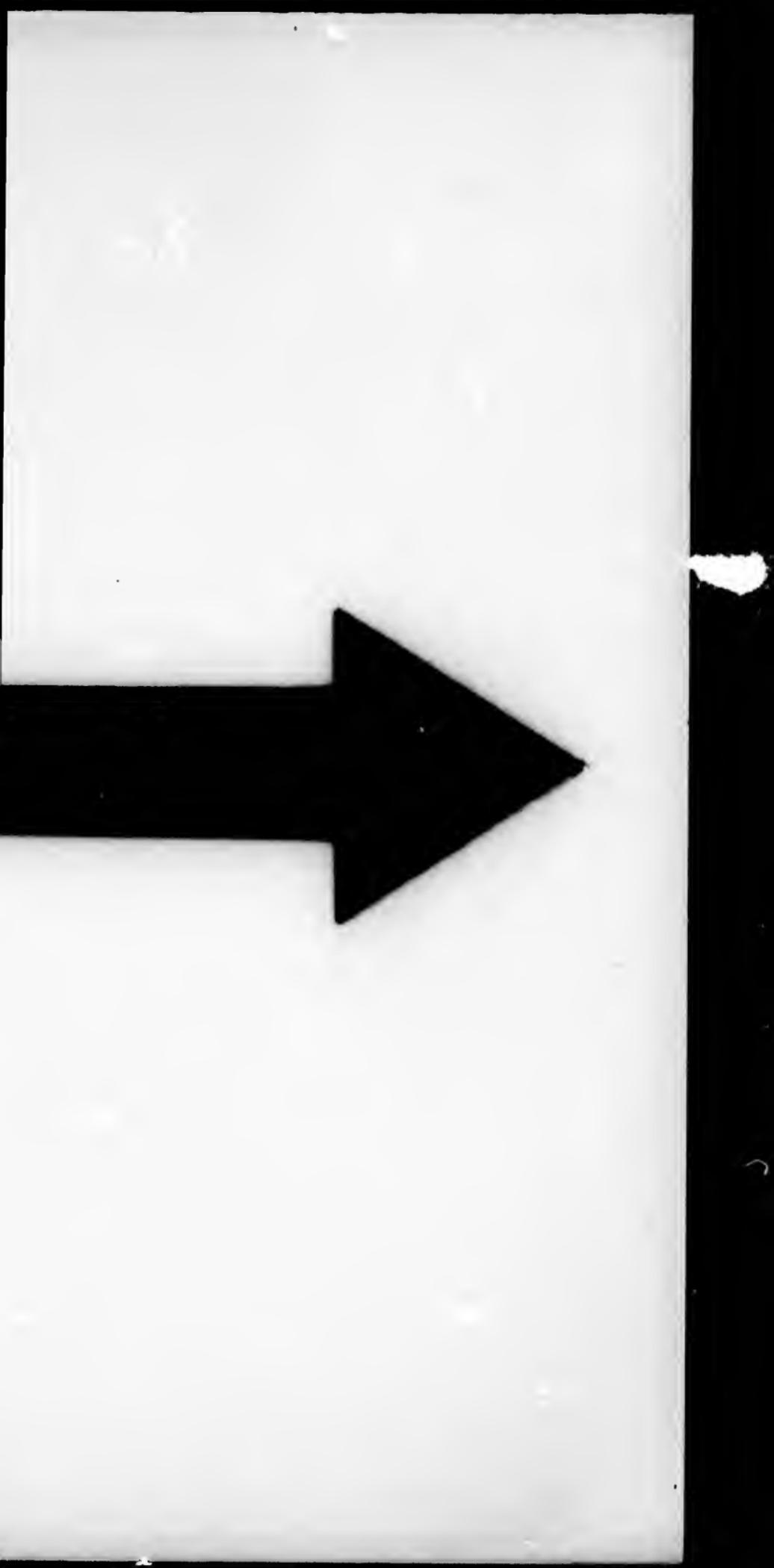
The Court sat, for the Examination of Witnesses, the 1st, 2d, 3d, and 4th of *February* 1748.

The first Day, Mr. *Parker*, the Surgeon of the *Lark* assisted Captain *Crookshanks* in writing down the Questions and Answers; but was taken ill after the Adjournment of the Court.

The second Day, a little before the opening of the Court, Captain *Crookshanks* sent a Message to Captain *Chadwick*, Commander of the *Cornwall*, requesting the Favour of that Gentleman to lend him his Clerk; which he very readily and politely granted: But, as soon as the Court entered upon Business, and the Judge-Advocate perceived that Clerk at the Table appointed for Captain *Crookshanks*, he rose up, and told Captain *Chadwick*,
 X “ that he had the Admirals's Order to borrow his Clerk;” which deprived Captain *Crookshanks* of his Assistance; though that Clerk sat by the Judge-Advocate the whole Course of that Day, without the least Employment: So that if Captain *Crookshanks* had not soon received the Assistance of a Clerk, sent him by his Majesty's Naval Store-Keeper, he must, in Addition to every other oppressive Circumstance, have fallen under the laborious Task of writing every Question and Answer himself, or

*The Judge did
 hold an Order
 for the Admirals
 was at Span
 Town.*





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1.8 13.2
2.0 13.6
2.2 14.0
2.5 14.5

101

Captain *Rentone* replied, " he thought Captain *Crookshanks* might send it, as soon as the Crown Evidence " was closed : " And Captain *Crookshanks* accordingly sent it, after the Adjournment of the Court this Day, by Mr. *Luke Macey*, Master of the *Lark*, who reported, that the Admiral, upon appearing to have read only a few Lines, flew in a Passion ; and said, " what does he mean, by FLAGUEING me with his Complaints ? he " may write to the Lords of the Admiralty : I will have " NOTHING TO DO with it."

X The fourth Day, upon opening the Court, the President declared ; " he acquainted Captain *Crookshanks* " by Order of the Admiral, that he had received his " Letter of Complaint against Captain *Erskine* : But as " he (Captain *Crookshanks*) was then on his own Trial, " upon an Accufation of Captain *Erskine*, the Admiral " could not take Cognifance of his Complaint, being an " unprecedented Thing." The President, on being re- minded by some of the Members, also acquainted Cap- tain *Crookshanks*, that " the Admiral had desired him " to tell him, that he hoped Captain *Crookshanks* would " difpatch to finish the Evidence, and call as few Wit- " nesses as poffible : That the Admiral had been in- " formed Captain *Crookshanks* had taken up a great deal " of the Court's Time, in asking frivolous Questions about " the *Warwick* ; and that the Fleet was under a Necess- " sity of failing in a Day or two *."

Captain *Crookshanks* was greatly surprized at fuch a Message ; in Answer to which, he assured the Court, " it had been, and still was, his Design to give them " the least Trouble he could ; That he heartily wished " to have his Trial over : And though he could call a " great Number of Witnesfes, several of whose Names " he had already given a Lift of to the Judge-Advocate " yet he was fo unwilling to take up their Time, that

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By the President's Order the Captain's Complaint was read & approved of from the Court & the Admiralty

* The Fleet did not sail till ten Days after.

Squadron when he came
Port.

If Courts were Oblig'd
to hear and Examine
Evidences as long as
the Prisoner could call [86]

“ he would shorten the Evidence,” and he did so accordingly.

By the Evidence already given, Captain *Crookbanks* thought he had clearly, and fully, destroyed the whole, and every Part, of Captain *Erskine's* Charge: And the only Inference he could draw, from the President's undertaking the whole of the above Message, was, that the Court were also of Opinion, that the Charge was entirely invalidated.

The Members of the Court-Martial were Strangers to Captain *Crookbanks*, in as high a Degree, as Gentlemen of the same Service could possibly be: And he could not expect any Prepossession in his Favour, from Acquaintance or Friendship: But he hoped, they would all be sensible of a known and common Maxim in all Courts of Judicature, *That the Judges are Counsel for the Prisoner*. He might, therefore, conclude, that if the Court was not then of Opinion, that he had fully defended his Life, which was certainly attacked by the Words of the Charge; and also his Reputation, as a Seaman, and an Officer; it was collectively, and separately, the Duty of the Members, constituting that Court-Martial, to have encouraged, and prompted him, to produce further Evidence in his Behalf, as long as he declared a Probability of finding it; and they certainly ought not to have prevented him from using every regular Means for his Defence.

In every Court-Martial that can be convened, provided no Arts were used, to influence or corrupt Witnesses, and dress Evidence, there would always be found a sufficient Number of able Officers and just Men, fully capable of discovering the Truth, and who would act on such Principles, as never to let the Cause of the Innocent suffer Reproach, or the Guilty escape due Censure and condign Punishment.

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words Resolved
and then bring
it in as doubtfull till after the Crown
Evidence was closed, most certainly

After the Witnesses which the Judge-Advocate the Crown Evidence, were examined, the following Answer to Captain Erskine's Charge was pronounced in Court, by Captain Crookbanks, who addressed himself to the President; and delivered a Copy thereof to the Judge Advocate, to be kept with the Records of the Court.

"SIR, it would, and had he understood the

To the introductory Part of Captain Erskine's Charge against me, I take the Liberty to say, in Answer, that it would have been as just; and equally as good Sense, to have wrote the *Warwick Company* WITH THE LARK; as her Captain was the commanding Officer. I make this small Remark, insignificant as it may appear, upon observing that some of the very few People, whom I have had Occasion to speak to on this Subject, have thought otherwise, in Places where my Accuser, or some Person for him, has nakedly appeared to have had Hopes of crushing me, in the Opinion of the World, by Investives, Insinuations, and relating *Stories* much to my Disadvantage, and foreign to the Case in Question; as can be made very apparent. But I find myself relieved, and happy, in being now brought before a Court, to whose Candour and Equity I cheerfully submit the Determination of my Cause; being persuaded that each Member is guarded against Prepossessions, and will take the Facts only as they shall hereafter be made to appear.

"We discovered, and began the Chace of, the Enemy, sometime after Seven o'Clock in the Morning of the 14th of July, bearing between the North and the West from us; appearing, at different Times, a large Sail, with her Topails only out of Water, from the Lark's Fore-Castle, where I went to look at her with my Glass, and could discover her Head laid different Ways; but whether

After

Signal was made to Chace to the NW. at the same time

whether by tacking, or wearing, could not judge. About ten I made a Signal for the *Montagu Bilander*, in the Ordnance Service, to chace to the North-West, which Mr. Conolly, her Master, very alertly observed. Between twelve and one, in the Afternoon of the 15th, I made the *Warwick's* Signal to chace, and open to the North-East, which I well remember was not obeyed. We continued following the Chace, and the *Montagu* and the *Warwick* with us, till near nine at Night; having, before the close of Day, suppos'd the *Montagu* nearly up with the Chace, as it afterwards appeared she was, and rather on our Weather-Bow. About ten, they pass'd us to the Eastward; and, being convinced of it, by the *Montagu's* Signals of false Fires, and Muskets, observing also the Difference of the Sound of the Guns, she and the Enemy fired at each other, I made the general Signal to tack; hoping, that the *Warwick* would have been instantly prepared to obey it; for she was so near on our Weather-Quarter, as to lay in our Track; which oblig'd me, in tacking first, to pay round off, and pass to Leeward of her, thereby losing the better Chance of gaining the Enemy's Wake, while the *Warwick* might have endeavour'd to gain the Reach of him, provided the Enemy had attempted to sail large, as knowing it to be the favourite Way of his Ship's going best.

" We chas'd close, hawled till Day-Light, and then again saw the Enemy, a very tall Ship, and the *Montagu* on her Larboard or Weather-Quarter. About seven, I could distinctly count fifteen lower-Deck Ports, regularly hawled up; and was so near as plainly to discover, in my Glafs, Men on her Poop, and Gang-boards; so that I was then at no Loss to form a Judgment of the Size of the Ship, and the Force she was capable of carrying. The Question that arose, for my better Government, was, whether or not, she was well appointed?

This Cap. Baskin
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Capt. Crook's shanks can plead by no
undoubted Right in judging when to begin an
Attack and what method; He must be undoubt-
edly wrong to forsake the Attack, after he saw
to ⁸⁹ ~~lose~~ ^{engaging} ~~the~~ ~~Warwick~~

appointed? In the common Prudence of an Officer, I
certainly was to think she was, and hope for the best.

“ That I did then, and always, determine, vigorously
and resolutely, with the proper Assistance of the *War-
wick*, to engage the Enemy, I do solemnly, before God
and this Court, aver; still reserving to myself an un-
doubted Right of judging, when to begin and in what
Manner. That from Day-Light in the Morning till
eleven at Night, (I speak now of the 16th of July)
the greatest Care and Pains were taken, to trim the Hull
and Sails of the *Lark* to the best Advantage, to steer
and bring the Ship up with the Enemy, is what, I flat-
ter myself, will appear from the Evidence of every
Officer and Man in the *Lark*, who was capa-
ble of making Observations. In this Manner, I led
up to the Enemy; the *Warwick* following in our Wake,
on one Quarter or the other, as small Shifts of Wind,
and common unavoidable Accidents, might occasion.
Some little Time, before we reached up with the Ene-
my, and that there was a strong Appearance of doing
it, I sent for the first Lieutenant, and gave him Orders
to stand by the foremost Gun, and to keep it pointing,
and to call to me when he found it almost growing
useless; giving him also, some few, as I thought, ne-
cessary Cautions, in Regard to managing the Men and
Battery under his more immediate Care and Direction.
I also sent for the second Lieutenant from his Quarters
between Decks, intimated the Orders I had given to the
first, and directed him to be in immediate Readiness:
that if he heard a Gun fired upon the upper Deck, it
should be a Signal to haul all the Ports up, run the Guns
out, and make the best Use of them he could; recom-
mending particularly to his Endeavours, the keeping the
Men cool, to fire slow, and their Guns so pointed as to
be in a Manner sure of doing Mischief. I was rather
then determined not to engage till I got close on the

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Page 13.

Enemy's Weather-Bow, respecting the Position of sailing he was then in. But I fired, upon observing the *Warwick*, which I thought was unluckily and accidentally caught in Stays. The Lines of Sight are frequently known to deceive the Skillful; but, to the best of my Judgment, the *Warwick* was, at the Time of putting Helm-a-Lee, a-Stern in a Parallel to the Windward of the *Lark*, very nearly the same Distance from the *Lark*, as the *Lark* was from the Enemy a-Breast.

The *Lark* then only got a-Breast of the Enemy, which the *Warwick* might have done, and considerably nearer; but, she tacked, and fired in tacking; though, I conceive, she could not fire with any Sort of good View, till after the Wind was a-Head, or rather that she paid two or more Points off, unless for Reasons I cannot enter into, and should imagine Captain *Erskine*, as late Commander of the *Warwick*, won't chuse to avow.

A Mile Standard Measure is 1760 Yards; 350 to 400 Yards, is the most extreme Distance that any Body on Board the *Lark*, (I have heard of) has judged her to have been from the Enemy, when firing at each other, a-Breast, Beam and Beam.

Distances at Sea, especially at Night, are somewhat difficult to determine to a very nice Degree; so is Point-Blank-Shot, which is commonly called a Quarter of a Mile, or 440 Yards; therefore, I can only ask Leave to offer Arguments from certain Facts, admitting Probabilities amounting very near to positive Truth. The *Lark* passed the Enemy, as tall a Ship as the *Princessa*, to Leeward of her, with all the Sail that could be sett by the Wind, which was then moderate, and, what is often termed by Seamen, just a pleasant working Gale, and the Water smooth. By this I mean to shew, the *Lark* heeled two or three Streaks. The Enemy had only her Top-Sails and Top-Gallant-Sails; I am not positive whether the latter were hoisted, or on the Caps: But, with her Superiority of Length and Breadth, I pre-

Go

thing to
Charge

I presume she was nearly upright; and it has been judged that most, if not all, of the Guns she fired at us, were from her upper Decks. Now, it is certain, we received a Shot through the lower Part of the Fore-Stay-Sail; one through the Main-Sail, a little above the Collar of the Mizzen-Stay; a Shot went through the Mizzen-Stay-Sail, a large deep Sail, a little above the Foot-Rope; another through the second Cloth of the Mizzen from the Mast, about eight Feet above the Quarter-Deck; and many others passed and dropt in a particular and observed Manner. I conceive, from all this, the *Lark* was *within Point-Blank-Shot*; (though not in a very close engaging Distance,) and she was conded, and steered, sometimes by myself, as near as the Wind would let us pass.

+ The *Warwick* tacked, when it is wished she had not; but how they reconcile coming to a close Engagement, in *ten Minutes*, from being a Mile to Leeward (the Words of the Charge) is what I cannot pretend to account for; yet, I think, I am not mistaken, when I say, it must have been *full fifty Minutes*, or more.

I used my best Endeavours to return, and support

+ the *Warwick*; and did return so near, as to have properly renewed my Part of the Engagement, in ten, at the most in fifteen Minutes, if the *Warwick* had not hawled off, to the Southward. The Enemy, at the *Warwick's* going off, fired ten or twelve Guns very smartly at her, and hawled to the Northward. Upon observing the *Warwick's* Main-Top-Mast gone, and not being able to guess what further Damage she might have sustained, I concluded it was best to hawl to the Northward, to be near the Enemy at Day-break, for the better Opportunity of discerning her Condition, as well as that of the *Warwick*. The latter, still lying in the same Position, fired a Gun; which I could not but consider as a *Signal of Distress*; and, very soon after,

Doubtless by the Senior Officer that both ships might have equally shared the Dishonour of suffering so valuable an Enemy to escape. If it is irreconcilable. Cap. Crookshank's report that'd out. A Bare face Shameless Falshood

I was confirmed in this Opinion, by Mr. Conolly in the *Montagu Bilander*, who told me, he had been hailed by the *Warwick*, and desired to acquaint me with their Condition, that she *was quite a Wreck*.

We wore, and joined the *Warwick*. And now, Sir, standing heavily accused of running away from the Enemy, which I take to imply and mean Cowardice, the most shocking and ignominious Character that can possibly be given to a Military Man, I cannot, in Duty and Justice to myself, omit declaring an Opinion, and with Confidence too, that if Captain *Erskine* had managed, or even *mismanaged*, in any other Manner than precisely what he did, the Enemy could not have taken, I say, *snatched*, such Advantages as he did, of the *Warwick*; and, in Addition to his superior Force. I then venture to think my Conduct would scarcely now have been to call in Question; I am, in the highest Degree, positive, my personal Resolution could not have suffered Suspicion.

In View, that Part of what I have now said may in some Degree prepare the Court to hear and canvas the Evidence, as well in Support of the Charge, as in my Defence; and in Consideration that my greatest and only Comfort, while I exist, depends on my clearing so base and villainous an Aspersion as has been spread about. I have depended, and am to hope, for Excuse in having trespassed on Your Time."

This was the Answer which Captain *Crookshanks* delivered to the Charge: And the following is the Sentence pronounced by the Court-Martial.

“ At

“ At a Court-Martial, held on board his Majesty's Ship *Cornwall*, in *Port-Royal Harbour, Jamaica*, this 1st of *February 1747-8*.

P R E S E N T,

DIGBY DENT, Esq; PRESIDENT.

Captain *James Rentone*, — Capt. *Samuel Graves*,
 Capt. *Charles Holmes*, — Capt. *Thomas Andrews*,
 Capt. *Policarpus Taylor*, — Capt. *Edward Clarke*.
 Capt. *Richard Chadwick*,

The Court being sat, and duly sworn, (pursuant to an Order from *Charles Knowles*, Esq; Rear-Admiral of the White Squadron of his Majesty's Fleet, and Commander in Chief of his Majesty's Ships and Vessels, employed, and to be employed at, and about *Jamaica*, dated the 30th of *January 1747-8*, and directed to Captain *Digby Dent*, of his Majesty's Ship *Plymouth*,) proceeded to enquire into the Conduct of Captain *John Crookbanks*, of his Majesty's Ship *Lark*, with the *Warwick* under his Command, in Relation to his Behaviour in an Engagement, between the said Ships and a *Spanish* Man of War at Sea, in the Latitude 40. 38. North, Longitude 21. 22. West from the *Lizard*, and to try him for the same, upon a Complaint of Captain *Robert Erskine*, late of his Majesty's Ship the *Warwick*, and exhibited by the Judge-Advocate in Behalf of the Crown. And the Court having examined the Witnesses, produced as well for the Crown, as in Behalf of the Prisoner: And having duly considered their Evidence, do unanimously agree, that the said Captain *John Crookbanks*, by his Misconduct, and imprudent Behaviour, falls under Part of the 14th Article of an Act made in the 13th Year of King *Charles* the Second, intituled an Act for establishing Articles and Orders for the Regulating

ing and better Government of his Majesty's Navies, Ships of War, and Forces by Sea; and therefore do think fit to adjudge the said Captain *John Crookshanks* to be *dismissed* from the Command of his Majesty's Ship *Lark*, and *cashiered* during his Majesty's Pleasure; and the said Captain *John Crookshanks* is hereby *dismissed*, and *cashiered*, accordingly. Given under our Hands, on Board his Majesty's Ship *Cornwall*, in *Port-Royal Harbour, Jamaica*, this 5th Day of *February 1747-8*.

Signed by the Members.

Middleton Ironknee
would not be given
Robert Kirke, Deputy
Judge-Advocate.

ROBERT KIRKE."

(A Copy.)

The above Sentence was grounded on the following Resolves.

RESOLVES of the Court-Martial held on Captain *John Crookshanks*; as wrote down immediately from Minutes taken in the Court.

First; Resolved unanimously;

"That the Court cannot be certain at what DISTANCE the *Lark* passed by the Enemy."

Second; Resolved unanimously;

"That Captain *Crookshanks* acted IMPRUDENTLY, in standing so LONG to the Southward, before he *tacked*."

Third; Resolved unanimously;

"That Captain *Crookshanks* did not ASSIST the *Warwick*, during any Part of her Engagement."

Fourth;

Fourth; Resolved unanimously;

“ That Captain *Crookshanks* was guilty of a MISCON-
 “ DUCT, in *not tacking* when he saw the *Warwick* first
 “ engaged.”

Fifth; Resolved unanimously;

“ That PART of the *Charge* is *not FULLY PROVED*.”

Sixth; Pronounced, by the President, on the Judge-
 Advocate’s Omission;

“ Sir, the Court do, by an UNANIMOUS RESOLVE,
 “ ACQUIT you of the SUSPICION of *Cowardice*, *Dis-*
 “ *affection*, or *Want of Zeal*.”

Answers to the foregoing RESOLVES.

R E S O L V E I.

“ That the Court cannot be certain, at what Dis-
 “ TANCE the *Lark* passed by the *Enemy*.”

A N S W E R.

The *Distance*, by Judgment, was sworn to by all or
 many Witnesses, in the *Lark*, who only could judge of
 it; and they swore that it could not exceed 450 Yards.
 The Weakness of this Resolve is obvious; for, if the
Distance at which the *Lark* passed by the *Enemy*, had
 been allowed by the Court to have been proved; the
Distance that was necessary to stand, to reach the *En-*
emy, would also have been known by Mathematical Pro-
 jection; by which, and by seeing the Account of the
 Ship’s Way, or Rate she went at an Hour, the Time
 would be proved; and it would plainly appear that it
 was

was not *too long*, as said in the second Resolve: But, if the *Distance* was not sufficiently proved to the Court, by any Thing they *would bear*; why would they not consent to the Proposition and Entreaty made by Captain *Crookbanks*, which was, "To let the Heighth of a Shot-Hole, through a particular Sail be measured; by which, it would have appeared, to *Demonstration*, that the *Lark* was within *Point-Blank-Shot*, or 440 Yards?"

N.B. To confirm this, it is *strongly proved*, by the Evidence, that *Grape-Shot struck the Lark*.

R E S O L V E II.

"That Captain Crookbanks acted IMPRUDENTLY in standing SO LONG to the Southward, before he tacked."

A N S W E R.

No Time is proved; because no subsequent Question was asked. Some Witnesses said, a Quarter; and others said three Quarters of an Hour. It is in Proof, that Captain *Crookbanks* stood no longer than was *necessary* to gain the Wind; so that *Time*, in Reality, is no Part of the Question; unless, the Court thought thereby to strengthen and corroborate the Proof of *Distance*, to which they paid no Attention or Regard. The real Time was about 20 Minutes; and would have been proved, if it had been sufficiently enquired into.

N.B. The Court NEVER SAW either of the Ship's LOGG-BOOKS.

R E S O L V E

*Cross-Book
no Evidence*

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RESOLVE III.

"That Captain Crookshanks did not assist the Warwick, during any Part of the Engagement."

*Allowing it
proves the
Charge*

ANSWER.

It never was advanced that the *Lark* did ASSIST the *Warwick*; but, if the Conduct of Captain *Erskine* had been at all enquired into, the *Reasons* would have appeared; and that it was owing only to his own MISMANAGEMENT, by carrying a *Press of Sail*. Captain *Erskine*, in Addition to that most extraordinary BREACH OF DISCIPLINE of separating from his Commanding Officer, did not COME to Action, in the Manner he might have done. He did not maintain the Action as long as he might, and ought to have done; for he ceased upon the Loss of two Men, and one Boy.

N. B. The Hull of the *Warwick* received no Damage, worthy of Notice.

RESOLVE IV.

"That Captain Crookshanks was guilty of a MISCONDUCT, in not tacking, when he saw the *Warwick* first engaged."

*It is only by
he did not in
to a certain
that of the
gain*

ANSWER.

As this Resolve seems to be the chief Foundation of the severe Sentence which the Court-Martial passed against Captain *Crookshanks*, it is proper to shew the ERROR of such a Resolution.

The Position of the Enemy, *Lark* and *Warwick*, at near eleven at Night, is incontestibly proved, to have been respectively to each other as laid down in the Plan annexed.

*Plan 111
1771*

When the *Warwick* tacked, she fired some Guns as she gathered Way towards the Enemy's Wake: But the Shot fell short. If the Court unanimously date the *Warwick's* first Engagement from the firing of those Guns, and that Captain *Crookbanks* was guilty of *Misconduct* for not tacking immediately, the Answer then is, Captain *Crookbanks* could not conceive Captain *Erskine* capable of such a palpable Mistake, as that of tacking to stand from the *Lark*: But Captain *Crookbanks* imagined the *Warwick* was caught in Stays: At the very Instant, he declared that was his Opinion; and often averred the same to the Court in very explicit Terms. But supposing Captain *Crookbanks* had been certain, that Captain *Erskine* had ordered the *Warwick* to be tacked, it would still have been wrong, in every Shape, for Captain *Crookbanks* to have followed him; UNLESS he had determined the *Lark* should relinquish all Engagement with the Enemy, in Consequence of the Conduct of Captain *Erskine*; for the Enemy had then his Main-Sail and Fore-Sail hauled up; but, till that time, had shewn that he endeavoured to avoid the *British* Ships. It was therefore morally certain, that, when he saw both Ships tacked to stand a-Stern to the Northward, he would immediately have made Sail, and pursued his Voyage. In such a Case, who can say when the *Lark* and *Warwick* would have been able to overtake him?

Besides, the Enemy knew positively that the *Lark* and *Warwick* were Men of War. He also saw they had the Charge of a Conyoy: but he could not know that the *Beaufort* Store-Ship, was not a third Man of War; for, at a Distance, she had full as much Appearance as the *Lark*; and, even when near, she had little less: therefore, surely, the Enemy would not wait to be attacked by three Ships; since, with the greatest Address imaginable, he seized the Advantage that Captain *Erskine* gave him, of attacking the *Warwick* singly.

had the *Wark* been alone and not the
Beaufort & Cap. *Crookbanks* Com^d her, who
 not have fought her. The *Lyon* S. P. Brett
 called the *Elizabeth* a Gun Ship & the
 and *Lyon* are both Ships of the same Dimen^s

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As the Words in this Resolve may refer to the *Warwick's* close Engagement with the Enemy, it is also necessary to answer it in that Sense; and then the Justification of Captain *Crookshanks* will consist in shewing, that the *Misconduct*, with which he was charged, of *not tacking when he saw the Warwick first engaged*, is not only void of any Support of Evidence; but that, on the Contrary, it is in Proof that the *Lark* was tacked, and steering directly after the Enemy, above twenty Minutes before the *Warwick* and Enemy came to close Engagement.

Lieutenant *Cummins*, Passenger on Board the *Warwick*, says, "the *Warwick* stood three Quarters of an Hour to the Northward, from her first tacking, before she came to close Engagement:" and the same appears by the Evidence of Mr. *Atkins*, second Lieutenant of the *Warwick*; though the Charge says, it was only ten Minutes.

Mr. *Crispo*, second Lieutenant of the *Lark*, says, "that the *Lark* was tacked in less than three Quarters of an Hour, from the Time she ceased firing on the Enemy; which did not last above five Minutes." It appears, by many Witnesses, that the *Warwick* tacked whilst the *Lark* was firing. Mr. *Atkins*, and Mr. *Cummins*, say, "that the *Warwick* stood three Quarters of an Hour to the Northward, from her first tacking, before she came to close Engagement." Then, consequently, the *Lark* was tacked at the Time the Engagement began. According to Mr. *Macey*, Master of the *Lark*; and Mr. *Johnson*; "the *Lark* tacked in about half an Hour after she ceased firing" therefore, it was a Quarter of an Hour before the Engagement began. But Mr. *Young*, third Lieutenant of the *Lark*, is still more precise; for he deposed, "that the *Lark* tacked in six or seven Minutes after the Enemy bore away, towards the *Warwick*." And, it appears by Mr. *Atkins's* Evidence, that the close Engagement did not begin till about half

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an Hour after the Enemy bore away, it will, from thence, follow, that the *Lark* was tacked *twenty-three* Minutes before the Engagement began; and *this is contrary to the Resolve*, which asserts, *that the Lark did not tack when she saw the Warwick first engaged*; unless those Words are to be explained, so as to refer to the first Guns fired by the *Warwick*, in tacking; in which Sense, it has already been answered.

It may be added, with Regard to Evidence on this Article, what Mr. *Macey*, Master, and *William Robinson*, Quarter-Master, of the *Lark*, declared on the Trial: The first said, "that though the *Lark* was kept constantly steering, and pointing, so as to regain the Enemy in the quickest Manner; it was nevertheless impossible for her to come up, with the Wind there then was, in Time to assist the *Warwick* when she was engaged." And the latter affirmed, "that Captain *Crookshanks* did all in his Power to COME UP with the Enemy and *Warwick*."

RESOLVE V.

"That Part of the Charge is not FULLY PROVED."

ANSWER.

The Charge implies COWARDICE; and nothing else is alledged against Captain *Crookshanks*: therefore, no PART of the Charge is PROVED; for, by

RESOLVE VI.

Pronounced by the President, on the Judge-Advocate's Omission,

"The Court did, unanimously, ACQUIT Captain *Crookshanks*, of the SUSPICION of Cowardice, Disaffection, or Want of Zeal."

Thus

Thus, it is evident, that Captain *Crookbanks* was laid under a very severe Sentence, when his Judges had acquitted him of the very Charge, which, in Fact, was Cowardice; and that was really what Captain *Erskine* wanted to prove, that he might escape being called to a Trial himself on a Charge that was ready to be exhibited against him by his late commanding Officer, as appears by the following Letters, from Captain *Crookbanks* to Admiral *Knowles*.

“ S I R,

Lark, in Port-Royal Harbour, *St. Vincent*,
maica, February 3, 1747-8.

I NOW offer you Articles of Complaint against Captain *Robert Erskine*, late Commander of his Majesty's Ship *Warwick*; desiring, as I conceive you will think them sufficient, that you will be pleased to order a Court-Martial to be assembled, and held, for the Trial of Captain *Erskine*, on the Articles hereafter mentioned.

First.—That, on the 15th of July 1747, between twelve and one o'Clock in the Afternoon, he did not OBEY my Signal made to him, to chace and open to the North-East; by which *Disobedience*, it is almost manifest, we were prevented from overtaking, and intercepting, some Hours sooner, a certain large Ship of the Enemy, that we afterwards engaged: Abstracted from the pernicious bad Example in Discipline.

Second.—That, on the 16th, between ten and eleven at Night, he did not proceed to ATTACK the Enemy, in the Method I had led him on, nor follow me: But, contrary to my Expectation, TACKED; and fired some Guns, in such a Manner, as almost made it a Question at what? That he afterwards came to an Engagement with, or was brought to an Engagement by, the same large Ship, in a disorderly confused Manner; giving the greatest Advantage he could do, to a superior Enemy,

and

*Adm. Knowles
acknowledges that
he rec. this
pre. of the next
following, &
that he be-
lieves he
and wither of
them for the reason
as he has
given before
viz. as the
Ship was
going in a
hurry to land
upon more material
services*

and thereby risking his Majesty's Ship; and afterwards quitting the Enemy with a very inconsiderable Loss of Men, or Damage to the Hull of his own Ship, when it must necessarily have been observed, that the *Lark* was near up with the *Warwick*, coming to support the Engagement.

Third.—*That*, on the 29th of *July*, about eleven o'Clock in the Morning, upon discovering a Sail in the North North-West from us, standing to the Eastward, I made the *Warwick's Signal to chase* the said Sail; which he observed, and chased accordingly: But, about four o'Clock in the Afternoon on the 30th, he left off chase, without Signal, or any other Direction; though there was Reason to hope, the said Chase might have been spoke with, before Night, and to believe she was an Enemy by her Built, and had shewn false Colours, which were *English*.

Fourth.—*That*, about two o'Clock in the Afternoon, on the 1st of *August*, I began to chase a Ship to the North-East; and, the Weather being obscure and hazy, I made the *Warwick's Signal for chasing* in that Quarter, chiefly to prevent the Risque of losing Sight of her. That, upon my approaching within a small Distance of the Stern of the Chase, which was an *English Merchant-Ship*, that had been lying too a considerable Time, with all his Sails lowered and clewed up, the *Warwick* run up with the *Lark's* Starboard-Bow, borrowing so near as to force her almost a-board the Merchant-Ship, whereby she at least might have been sunk a Sacrifice to this Indiferetion: And for that, upon my writing to Captain *Erskine*, to know who had directed and managed the *Warwick* in such a Manner, he wrote me a Letter in Answer, and ready to be produced, that is humbly conceived rather insolent, than an Officer-like Excuse, for the Behaviour.

Fifth.

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Fifth.—That, by my Order of the 21st of July, directed to Captain Erskine, he was to proceed to *Louisburgh, &c.* as soon as I should hoist a Dutch * Jack at the Mizzen-Top-Mast-Head, and fire two Guns; which Signal he did not wait for: But, on the 8th of August, sometime between four and six in the Afternoon, lost Sight of us, by steering differently: which was observed, and Guns were fired accordingly, for the Alteration of Course; to which he paid no Regard; whereby, after losing Masts and other Distresses, he imprudently lost the Advantage of having a Ship in Company to give him Assistance, after the abating of the Gale of Wind.

My Reasons for not exhibiting this Complaint sooner, are, I hope, sufficiently explained to you, in my Letter † of the 4th of September 1747.

I am, Sir, *Yours* sent to an Adm^l or Chief Capt. thro' *me* brought by an Officer *generally brought*

Signed,

JOHN CROOKSHANKS,

his Capt. or Lt. at least witho^t the Adm^l ever seeing the
To Charles Knowles, Esq; Rear-Admiral of the White Squadron of his Majesty's Fleet. *person that*
bring them into the
and for them into his Cabin and the Crew require an Adm^l?

N.B. This is the Letter that was delivered by Mr. *by the person*
Luke Macey, as mentioned in Page 85. *that brought them*
to this Adm^l requiring some Adm^l Knowles is confident
did receive it in some such manner, for he was
Port-Royal, in Jamaica, *his known*
Feb. 8, 1747-8.

“SIR,

AS my first Letter, of the 3d Instant, on this Subject, may be conceived to have been delivered out of Time, I now again offer you Articles of Complaint against Captain Robert Erskine, late Commander of his

Majesty's *well known*
me admitted every person that please have
to him & he will make both the new & old
sacks and so that what's sold for the *which*
over in Page 85 is an exaggerating

Fifth.

* See Page 27.

† See Page 35.

*My hands here again want to be put by
the Adm. to Comd. Squadron - Squadron of the
going to sea with the utmost Dispatch on an Ex-
pedition. I am sure the* [104]

Adm. Comd. Majesty's Ship *Warwick*; hoping that you will order a
Court-Martial, as soon as his Majesty's Service can con-
veniently permit.
Secretary at such times.

No! all things were so I am, &c.

be postponed to Cap. *Signed,*
Crookshanks's Business JOHN CROOKSHANKS.
and being you see the w

To Charles Knowles, Esq; &c."

When C. Crookshanks B. The five foregoing Articles of Complainst
del. & this are in were repeated in this Letter.

Adm. Knowles's hand, he asked his Opinion about his
service, to w. To the first Letter, Captain Crookshanks received no An-
the Adm. reply swer. But the last Letter he delivered into the Admiral's

had all the Comd own Hands, on Board the *Canterbury*: And the Admiral
been his (B's) hand gave him for Answer, "that he would consider of it;

he did not but that it would be impossible to order a Court-Mar-
think they tial till the Return of the Fleet." Captain Crook-
could have shanks then took Occasion to say, "that he found it was

could not "a prevailing Opinion, that the Admiral was going to
send by way Sea, with the Fleet, upon an Expedition, in which
him. there probably might be some particular Service; and

This is sub- "that he hoped the Admiral would give him Leave to
likely however go on Board some one of the Ships, as a *Voluntier*."

But the Admiral desired Captain Crookshanks to excuse
his not giving a direct Answer; and that, to save Mr.
Crookshanks the Trouble of coming to him again, he
would write to him; which Promise he did not per-
form. However, it could be proved, that the Admiral
could not forget the Offer that Captain Crookshanks had
made of his Service.

The Adm. Capt. Crookshanks also sent the following Letters to
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“ To Robert Kirke, Esq; Deputy Judge-Advocate.

Port-Royal in Jamaica,
Feb. 6, 1747-8.

SIR,

I AM to desire, you will, as soon as possible, furnish me with an attested Copy of the Resolves, and Sentence, of my Court-Martial.

I am, &c.

J. CROOKSHANKS.”

“ To Robert Kirke, Esq; Deputy-Advocate.

Port-Royal in Jamaica,
Feb. 7, 1747-8.

SIR,

I MUST again request you will send me an attested Copy of the Resolves, and Sentence, of my Court-Martial.

I am, &c.

J. CROOKSHANKS.”

Mr. Kirke met Captain Crookshanks in the Street, and gave him an attested Copy of the Sentence, signed by all the Members; when he told Captain Crookshanks, that, if he had a Mind to be furnished with an authentick Copy of the Resolves, he had no other Way but by Application to the Admiral; since he had ordered him to deliver only a Copy of the Sentence.”

Upon this Information, Captain Crookshanks sent the following Letter to Admiral Knowles.

“ *Port-Royal in Jamaica,*
Feb. 11, 1747-8.

SIR,

I PRAY the Favour you will order me to be furnished with a Copy of the Resolves, of my Court Martial. I imagine this my Request would not be refused by the

P

Lords.

apt. Crookshanks, how again
wants to be the first Object of
the Adm^{ls} Consideration, A
Squadron of Ships going to Sea
with the utmost dispatch
on an Expedition, to be sure [106]

Adm^l could Lords Commissioners of the Admiralty. I humbly con-
ceive You, as Commander in Chief here, have the same
Right, in this Case; and, as I am mortal, uncertain of
my Arrival in England, now labouring under many Diffi-
culties and Disadvantages, and neither intending, or do
I think it possible for me, to make any improper or bad
use of them, I hope, at least, you will not blame me
for asking; though you may judge it wrong to grant me
this Favour,

I am, &c.

J, CROOKSHANKS."

Captain Crookshanks received no Answer to the above
Letter; nor could he ever obtain, at Jamaica, the Copy
of the Resolves; but he got them, mutilated as they
were, when he came to England.

On the 25th of February, Admiral Knowles sailed with
the Fleet on an Expedition to St. Jago de Cuba and Port
Louis.

On the 2d of April, after his Return to Jamaica, Cap-
tain Crookshanks waited upon him, and offered him a Let-
ter; when the Admiral said, "he supposed it was con-
cerning the Trial of Captain Erskine:" Captain
Crookshanks said, "it was," to which he replied, that,
"he was very busy, and desired the Captain would
"come to him a few Days after." Captain Crookshanks
accordingly returned on the 7th of April, when the Ad-
miral accepted the following Letter from him.

Port-Royal in Jamaica,
April 2, 1748.

SIR,

+ IN the Duty I continue to owe to his Majesty's Ser-
vice, I must beg Leave to remind you, of the several
Articles * of Complaint I have exhibited against Captain
Erskine, in my two former Letters, one delivered be-
fore,

* See p. 102.

This Letter was brought me by Capt
Crookshanks at Capt. Clarke's House.

fore, and the other after, my Sentence was pronounced on the 3th of *February* last.

I am, as to myself, convinced, that Captain *Erskine* has acted, at least, like a *bad Officer*: Therefore, I persevere in desiring to have him brought to Trial, to answer for his Conduct at a Court Martial. His own neglecting to insist on the speediest Opportunity of endeavouring to clear himself publickly, gives some room to suspect, he may be conscious that he has been guilty of something that will not bear the Test.

I am to observe, that, great Part of the necessary Witnesses are now together, and under your Command: But, if I am to wait for the Determination of the Lords Commissioners of the Admiralty, they may be so separated as not possibly to be collected. I hope to be favoured with your Answer, and remain, &c.

Signed,

J. CROOKSHANKS:

To *Charles Knowles, Esq; &c.*"

The Admiral read this Letter, and seemed a-while to consider of its Contents; after which, he asked Captain *Crookbanks*, "if it would not be requisite to wait for the Return of the *Lark* to *Jamaica*, before the Trial came on." The Captain answered, "that it certainly would; as many of the Witnesses were on Board that Ship." Upon which the Admiral answered, "that as the *Lark* was out on a Cruize, it would be unnecessary to give Orders about the Trial, till her Return:" and he desired to see Captain *Crookbanks* again.

At the next Interview, the Admiral told Captain *Crookbanks*, that, "he had asked the Advice of the Attorney-General of *Jamaica*, who was of Opinion, that it was not in his (the Admiral's) Power to bring

and not some-
 thing be made
 this?

“ Captain *Erskine* to a Trial; however, to be more certain of what was proper to be done, the Admiral said, he would summon the Captains, and ask their Opinions.”

Some time after, Admiral *Knowles*, then acquainted Captain *Crookbanks*, “ that having asked the Opinions of the Captains, they also thought he could not bring Captain *Erskine* to Trial.” Upon which, Captain *Crookbanks* applied to the Captains, and asked their Sentiments on this Subject; desiring also to know, if they had been spoken to by the Admiral? They ALL declared, “ they had not separately, or together, been asked a Syllable about it :” and several of them said, “ that, if they had been asked, they would not have hesitated a Moment to say, that Captain *Erskine* OUGHT to answer for his Conduct at a Court Martial.”

When Captain *Crookbanks* waited on the Admiral, at another Time, the latter seemed to express a Concern, “ that he had not ordered Captain *Erskine* to be tried before; since, in case he should now order his Trial, it would be judged, that he took that Opportunity of shewing his private Resentment; as it was now publicly known, that he had great Reason to be offended at Captain *Erskine*'s Behaviour towards him.” However, the Admiral closed with Captain *Crookbanks* in Opinion, “ that Captain *Erskine*, himself, should DESIRE to be tried.”

That Captain *Erskine* might not pretend to be ignorant of the Complaint laid against him, Captain *Crookbanks* sent him the following Notice.

“ Port-Royal in Jamaica,

SIR, April 13, 1748.

I HAVE been often asked, if I had made a Complaint against you to Admiral *Knowles*; which points out to me it has been a Secret to the World, though

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though I hope it has been none to you. Yet, in fear of Accidents, I assure you, under my Hand, *I have*, and in such Terms as will *greatly prejudice* your Reputation, if you, your own self, do not solicit, and in the most resolute Manner, to be brought to a Court Martial; when, and where, I advise you to endeavour, by all just Methods, to acquit yourself.

I am, &c.

Signed,

J. CROOKSHANKS.

To Captain Robert Erskine, Commander of his Majesty's Ship *Canterbury*."

The Admiral insinuated to Captain *Crookshanks*, "that Captain *Erskine* had been the first Complainant; and "that it might, therefore, be *irregular* to try him." But as Captain *Crookshanks* could not fail to observe in Mr. *Knowles* such an undetermined, and evasive Manner of speaking, and acting, in this Affair, he resolved to commit to Writing the *Reasoning* and *Queries* here under mentioned, which he delivered into the Admiral's own Hand on the 21st of *April*, 1748.

"Mr. *Mathews* suspended Mr. *Lestock*, sent him Home, and, (as I believe,) only acquainted the Lords of the Admiralty, in *general Terms*, of his Misconduct: Mr. *Mathews* then knowing he was soon to be in *England*.

"The particular Charge against Mr. *Lestock* was not drawn, nor was he ordered to be tried, till long after the Examination before the House of Commons.

"Mr. *Mathews* was afterwards ordered to be tried, on Articles of Complaint to be exhibited by Mr. *Lestock*."

Query.

Adm^r. Knowles was on part of that unpre-
cedented memorable Trial and hopes, his
conduct so much of the Laws and Consti-

Not True to
very imper-
-nent.

Query. — “ If Mr. *Leacock* had been sentenced to Death; or other Punishment, instead of being acquitted, would it have prevented Mr. *McBrew's* being tried ?

“ Captain *Erskine* stole away a Complaint against me:

Query. — If it should be attended to, before I had Opportunity, or had been ordered, to make a particular Representation ?

“ As it was determined I should be tried first, though *Senior Officer*, my Defence absolutely required a * RECRIMINATION. It was pointed out in the strongest Manner in my Letter of the 4th of † *Septemb.*; and though it may not be the Practice in Common-Law Courts; yet, as Courts-Martial are understood to be Courts of Equity, (and Causes cognizable before them; being subject and liable to Circumstances that cannot possibly happen in Land-Disputes,) it is conceived, it may be admitted in particular Cases: However, it is presumed, that my first Letter, † of the 21st of *July*, was a sufficient general Complaint; which arrived at *Louisburgh* on or about the the 5th of *August*.

“ My Order to repair to *Louisburgh*, to answer for my Conduct at a Court-Martial, was dated the ** 15th of *August*; though the *Warwick* did not arrive till the 18th.

“ My first particular Charge and Articles of Complaint, against Captain *Erskine*, †† bear Date the 3d of *February*; which was the Day the Judge-Advocate acquainted the Court he had finished the Crown-Evidence.

* The Word *Recrimination* has been much cavilled at, and may be improper: However, the Conduct of the two Ships was so complicated and interwoven, that it was impossible to judge of the one, without asking Questions regarding the other; which was the Thing meant by the Word *Recrimination*; and it is presumed will be so understood.

† See Page 35. †. See Page 29. ** See Page 33.

†† See Page 101.

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Regard

Evidence. They were sent, under the Sanction of Captain *Renton's* Opinion, for the Regularity of the Proceeding; as he then quoted the Affair of Mr. *Mathews* and *Leslock* as a *Precedent*. The same Articles were * repeated in a subsequent Letter, and referred to in a third.

"Although it is publicly known, that Admiral *Knowles* has the most strong and just Reasons to be *angry* with Captain *Erskine*, for his *unfaithful* and *unofficer-like Behaviour*, on a certain Occasion; should the Advocates for Captain *Erskine*, say, "that Pique or Spite have engaged Admiral *Knowles* to lay hold of an Opportunity "to bring him to a Court-Martial:" may not Captain *Crookbanks*, or his Friends, more reasonably say, "the Admiral seems to *favour the Interest* of Captain *Erskine*, at the *Price* of Captain *Crookbanks's Honour*, in *not bringing him* to a Court-Martial?"

Query. — "If a Commanding Officer is to pay the least Regard to *private Opinions*, in a Case of *publick Justice*? For Captain *Erskine* is *accountable to his King and Country*, for the *ill Behaviour* with which he is charged.

Query. — "If there is an Instance of a *Military Man* that had due Regard to his Reputation, and was convinced of his own Innocence, who, after having repeated Notice, by different Methods, that his Conduct was formally arraigned, did not *strenuously solicit* and *insist* upon having the *speediest publick Opportunity* to endeavour to *acquit himself*?"

"These few Reasons, and Queries, have been suggested, and are offered to your Consideration; in Hopes to convince you, beyond the *least Suspicion for Doubt*, that I continue to wish, that I may never be drawn into a Necessity of *mentioning your Name*, but with Regard."

* See Page 103. 106.

C. E. And

The foregoing Reasons, and Queries, were read with *seeming Attention* by the Admiral, who promised "to write Captain *Crookbanks* his Thoughts and Reasons for not trying o' Captain *Erskine*, without an "Order" from Home." However, he concurred in Opinion, that *it was the Duty of Captain Crookbanks to persevere to have Captain Erskine tried*: and, according to his Promise, he sent Captain *Crookbanks* the following Letter.

S I R,

" Cornwall, in Port-Royal Harbour,
Jamaica, April 26, 1748.

I HAVE again read, and considered, your *several Letters of Complaint* against Captain *Erskine*; and give it you, as my Opinion, that I don't find the Subject-matter they contain, *sufficient* to order a Court-Martial upon; and, indeed, was the *Charge well grounded*, I cannot think I HAVE AUTHORITY TO TRY HIM, without particular Orders from the Lords of the Admiralty: however, *lest my Judgment should not be right*, I will transmit home all your * Letters to the Admiralty, and desire their Lordships Instructions upon them.

As to whatever Necessity (as you say at the End of your List of Queries) you may be drawn into of mentioning my Name, upon this Occasion; *you have my Leave*, to make such use as you think proper, being inclinable to do you the Justice to believe, you will *adhere to Truth*.

I am, S I R,

Your most humble Servant,

Signed,

CHARLES KNOWLES.

To Captain *Crookbanks*."

Captain.

* Query. Were those Letters transmitted?

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Captain *Crookshanks* returned the following Answer to this Letter.

“ *Kingston, in Jamaica,*
April 28, 1748.”

S I R,

A F T E R acknowledging the Receipt of your Letter of the 26th, it can only remain for me to desire the Favour of you, that, in Addition to my Letters you propose sending to the Admiralty, you will be pleased to order the Judge-Advocate, to transmit, by the first Opportunity, the Resolves of the Members of my Court-Martial; as likewise the several Depositions applied for by me, to be taken, in several * Letters to you and him.

Captain *Dent* has been so kind to offer me the Welcome of a Passage to *England* in the *Plymouth*; and, as, I think I ought now to embrace the first Opportunity, I ask your Commands, and am, &c.

Signed,

JOHN CROOKSHANKS.

“ To *Charles Knowles, Esq;*”

After the Delivery of the above Letter, to which Captain *Crookshanks* received no Answer, he saw the Admiral, who then acquainted him, “ that he intended to change Captain *Erskine* to the Command of the *Milford*, and send him home.” Upon this Intelligence, Captain *Crookshanks* wrote the following Letter to Admiral *Knowles*.

Q

“ *Kingston,*

* See Page 105.

Answered
48.

“ *Kingston, May 1, 1748.* ”

SIR,

I SHOULD have been better satisfied with my own Opinion, if you had esteemed yourself sufficiently impowered and authorised to order a Court-Martial for the trying of Captain *Erskine*, on the *several Articles of Complaint* as you have them, set forth, by me, against him.

As you propose very soon to send Captain *Erskine* Home, in the Command of the *Milford*; the only Method I can have Recourse to, for still endeavouring to do my King, my Country, and myself, publick Justice, is, herein to send you, agreeable to your own Desire, a List of such Evidences, as, I now can Judge, may be absolutely necessary; provided my Lords Commissioners of the Admiralty, should be pleased to order a Trial, on my Application to them after my Arrival in *England*, as you seem to think THEY WOULD, when I last waited on you.

I am, &c.

Signed,

JOHN CROOKSHANKS.

To *Charles Knowles, Esq; &c.*

N. B. The List of Names of such People that Captain *Crookshanks* required, as Evidence, was subjoined.”

The above Letter was delivered to the Admiral by Mr. *Vaughan*, who asked him, “ if, he had any Commands for Captain *Crookshanks* ? ” But, as Mr. *Vaughan* reported, the Admiral, instead of giving him an Answer, addressed himself to some other Gentlemen in

the
Letter was delivered Adm^r. Knowles in
Capt. Clark's House at Dinner where we
many of the Capt^s. who must have heard

the Room, and said, " that Captain *Crookbanks* had
 " plagued him to bring Captain *Erskine* to a Trial; and
 " Captain *Crookbanks* had now taken it into his Head
 " to apply at Home to have him tried; but that he had
 " taken Care to put a SPOKE IN THE WHEEL." — *A Lyce.*

The *Plymouth*, Captain *Digby Dent*, sailed from *Jamaica*, on the 17th of *May* 1748; on Board which Ship Captain *Crookbanks* came Home Passenger, and arrived, on the 3d of *July*, at *Portsmouth*; from whence he immediately dispatched the following Letter, to the Secretary of the Admiralty.

" SIR,

Portsmouth, July 3, 1748.

I AM to beg the Favour of your good Offices, to represent, that I should have taken the earliest Opportunity, after my Sentence, to have addressed myself to their Lordships from *Jamaica*, if I had not been led on to expect that Admiral *Knowles* would have ordered Court-Martial to be held for the Trial of Captain *Erskine*, on the several Articles of Complaint exhibited, by me, against him; which were first delivered to Mr. *Knowles*, immediately after the Judge-Advocate acquainted the Court he had finished with the Crown Evidence, on my Trial. As the Admiral pronounced this an irregular Step, I set forth the same Articles, in a second Letter to the Admiral, after I received my Sentence on the 5th of *February* last.

It was humbly conceived, that Commodore *Knowles* would have understood my first Letter, of the 21st of *July*, (Copy of which you have already inclosed, with the Abstract of my Journal, transmitted you the 16th of *August* from *Newfoundland*) as a sufficient Ground for ordering a general Court-Martial Enquiry, into the Causes of the ill Success which gave me Occasion to desire it. Previous to such Enquiry, my Objections to Captain *Erskine's* Conduct, would of Course have been drawn up, and delivered in Form. But finding, by the

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Commodore's

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 of this Court
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 C. Crookbanks
 indicative*

Commodore's Letter, dated the 15th of *August*, four or five Days before Captain *Erskine* joined him at *Louisburgh*, that he had already taken a Resolution to try me separately, on a Complaint of Captain *Erskine*, privately sent away with Lieutenant *Hughes* of the *Warwick*, in the *Montagu* Ordnance Packet; and on which Resolution he proceeded to suspend, and confine me, for that Purpose; I, on my Arrival there, the 4th of *September*, thought necessary to deliver into his own Hand a Letter of that Day; also suggesting, the Difficulties I might probably lie under, as to my Defence, on Captain *Erskine's* being admitted as *Accuser*; to whose disobedient and unwarrantable Behaviour, as I thought myself able to prove, our Disappointment was chiefly, or wholly, owing. These were Difficulties, which this Advantage given to Captain *Erskine*, actually laid me under at the Court-Martial, who thought proper to confine their Enquiry, to the SINGLE POINT of my particular Conduct; which I found myself unsuccessful in thoroughly clearing up to their Satisfaction; though I do not doubt but I should have been able to have done it, if I had been at Liberty to vindicate myself by the Proof of such Circumstances as necessarily contained a Charge against Captain *Erskine*.

From their Lordship's known Disposition to dispense the strictest Justice, I am encouraged humbly to pray;

That they will be pleased to order me a Copy of the Resolves of my Court-Martial; as also of the Minutes taken by the Judge-Advocate:

That they will be pleased to grant me a Review of my own Trial, in such Manner as they may think fit to prescribe:

That they will be pleased to order Captain *Erskine* to be tried, on the same Articles of Complaint I have exhibited against him to Admiral *Knowles*; whom I solicited, in the most strenuous Terms, within the Rules of Decency,

cercy, to order his Trial at *Jamaica*; and the more, for the Reasons I now acquaint their Lordships with :

That most, or all, of the necessary Witnesses were then together, and under his Command: That, by my being under the Necessity of waiting for their Lordships Determination, and then at so great a Distance from them, the Witnesses might be so separated, as not possibly to be collected.

That Captain *Erskine* neglecting to solicit the speediest Opportunity of endeavouring publickly to acquit himself of a Complaint against him, I conceived, might alone, give Cause of suspicion, that *he was conscious of having been guilty of what would not bear the Test of an Enquiry.*

That, as an Officer, he was accountable to his King and Country, for the ill Behaviour he is charged with; which was a sufficient Motive for persevering in my Request of having him brought to Justice: But that it was strengthened, by considering also, that it would tend to enable me, in my Endeavours, readily and obviously to exculpate myself from every Tittle in Captain *Erskine's* Charge against me.

The Admiral was pleased to say, he would shortly send Captain *Erskine* to *England*, in the Command of the *Milford*; but that he would discharge all such Witnesses as I should give him a List of; and accordingly I delivered him one.

I am, &c.

Signed,

JOHN CROOKSHANKS.

To Thomas Corbett, *Esq;*"

Mr.

Mr. Corbett wrote the following Answer to this Letter.

“SIR,

*Admiralty-Office, July
5, 1748.*

I HAVE received, and communicated to my Lords Commissioners of the Admiralty, your Letter of Yesterday's Date, desiring a Court-Martial may be held on Captain *Erskine*, for Misconduct in the late Action with the *Glorioso*, and Copies of several Papers, in Order to make good your Charge against him: And I am commanded, by their Lordships, to acquaint you, that, if you had designed to have brought him to a Trial, for Misconduct in the Action, you ought to have APPLIED ABROAD, in proper Time, to your COMMANDER IN CHIEF; but not now, after your Condemnation, which proceeds from a RECRIMINATING * Temper.

Their Lordships farther order me to let you know, that your Name is struck out of the List of Captains; and that you are not to look upon yourself to be considered as a Captain in the Navy.

I am, SIR,

Your very humble Servant.

Signed,

THOMAS CORBETT.

To John Crookshanks, Esq;”

The above Letter was sent to *Portsmouth*: But Captain *Crookshanks* had set out for *London* before it came down, so that it did not fall into his Hands till the 15th of *July*; and, on the 26th, he sent a Letter to Lord *Anson*, wherein he acquainted his Lordship,

“That

* See Page 110.

" That it was his ill Luck, and not his Fault, to have
 " survived many Friends, so as to have few left in a
 " very distinguished Light, and those perhaps little or
 " not known to his Lordship. That the Reflection was
 " alleviated upon this Principle, which he hoped would
 " never leave him, that it was only *his own Task*, to
 " acquire, maintain, and defend his own Credit; more espe-
 " cially in a public Calling. That his Character had been
 " traduced, and blackened, by the vilest Arts, and most
 " base Insinuations: And that he was, in great Measure,
 " a Sacrifice to popular Cry, raised by a few designing
 " bad Men, was what he had been too plainly con-
 " vinced of, and in the severest Manner.

" That he should be unpardonably wanting to himself,
 " not to address his Lordship, as the Means to seek and
 " obtain Redress of the *Grievances* and Misfortune he
 " had suffered, when he might be found to deserve it;
 " declaring, he should esteem it next to stabbing him-
 " self, to offer to impose upon his Lordship, or to gloss
 " or couch a single Circumstance."

And then Captain *Crookshanks* addressed himself to Lord *Anson* in these Words:

" I conceive, Mathematical Truths cannot be ex-
 " plained away by Words; and I have learnt to hope,
 " they will sooner, or later, glare through the darkest
 " clouds.

" With Regard to the Attack of the *Glorioso*, I had
 " formed a Plan of Operation, if not a good one, the
 " best that occurred to me, and which nothing but
 " Captain *Erskine's* managing in the Manner he did,
 " could possibly have prevented me putting zealously in
 " Execution. It was not in my Power to command
 " Success: But, I am confident, I should not have la-
 " boured a Minute under the Suspicion of not having
 " tried every Effort in human Power to gain it; first,
 " for the Honour of his Majesty's Arms; and next, for
 " our

“ our own Credit and Profit. Here, Reason and Inclination
 “ join and force me to request a Favour : It is, that your
 “ Lordship will be pleased to grant me, the *Indulgence of only*
 “ *a Quarter of an Hour* of your Leisure ; when I hope to
 “ demonstrate, how far I conceived myself to have been
 “ right with Regard to the Attack of the *Glorioso* ; and
 “ to furnish your Lordship with such Materials, as may
 “ more readily point out every Circumstance.

“ I have struggled against vast Difficulties, and a
 “ Torrent of Prepossession ; yet my Spirits could never
 “ be the least depressed. My Conscience was, and is,
 “ clear ; my Mind free and easy ; from a Conviction of
 “ my Intention to have performed my Duty, as became
 “ a Man, and an Officer, to the best of my Judgment.”

Captain *Crookbanks*, a few Days after sending this Letter, waited upon Lord *Anson* at the Admiralty, and opened his Representation by saying, “ he laboured
 “ under the Misfortune of being *suspended* his Majesty’s
 “ Service, *during* his Majesty’s *Pleasure*.” His Lordship instantly, and warmly, replied, “ *he believed THAT*
 “ *WOULD BE FOR-EVER* ; and that it was *VERY*
 “ *HAPPY* for Captain *Crookbanks* to have been tried
 “ Abroad ; since, if he had been tried in *England*, his
 “ Lordship was convinced, he should have met with
 “ *another Sort of Fate*.” This excited Captain *Crookbanks*
 “ to say, “ he was very *sure of the contrary* ; and that he had
 “ no Manner of Doubt of being able to demonstrate the
 “ Severity of his Sentence, and consequently that he ought
 “ to obtain Redress.” His Lordship then asked Captain
Crookbanks, “ If he expected any Favour through the
 “ Admiralty ?” To which the Captain answered, “ he
 “ did form such Hopes ; and to have his Lordship’s
 “ Countenance in particular : But only expected it, when
 “ he should be able to *clear up every Doubt* that might
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“ remain in his Lordship’s Mind relative to his Conduct; and, in such Expectation, the Captain said, “ he should wait with the great Deference and Resignation; sensible, that it might require Time, as he “ was too well informed of the *Industry* and *Pains* that “ had been taken, not only to sow private, but popular “ and general, prepossessions against him.” His Lordship then told Captain *Crookbanks*, “ that his own first “ Lieutenant had wrote against him.” And the Captain replied, that “ he very well knew that Lieutenant “ had fathered a Letter, which, he had been informed, “ had fallen into his Lordship’s Hands.”

Captain *Crookbanks* then produced to his Lordship a Draught of the Engagement, as hereto annexed; and took that Opportunity of shortly describing his Scheme of Operation. Lord *Anson* then asked him, “ Why “ he thought it necessary to get to Windward?” And Captain *Crookbanks* gave him Reasons, which his Lordship neither expressly approved or disapproved; but told the Captain, “ he had lost a very fine Prize.”

Upon the Close of this Conversation, Captain *Crookbanks* took the Liberty of observing, “ that the *Resolves* “ and *Sentence*, implied only an *Error in Judgment*.” But his Lordship said, “ there was a great Difference “ between a RASH and a CAUTIOUS *Error in Judgment*.”

Captain *Crookbanks* wrote the following Letter to Mr. *Cleveland*, Secretary of the Admiralty.

“ SIR,

London,
August 14, 1748.

IN my Letter to you, of the 3d of *July* from *Portsmouth*, I prayed their Lordships to grant me several Requests; and first, a Copy of the *Resolves* of my Court-Martial; by your Answer to which, I am instructed

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frusted that their Lordships were of Opinion, that I wanted several Papers, in order to make good the Charge against Captain *Erskine*. I beg you to assure their Lordships, that my Intent was only to be enabled to shew, from an authentic Paper, *wherein* I conceived myself to have been treated with Rigour, when they might be pleased to give me Leave.

“ The *Resolves*, I apprehend, are the Court’s Reasons for the Sentence they pronounced against me, or a Part of the Sentence; therefore, humbly beg their Lordships will be pleased to indulge me in having a Copy of them. It so nearly relates to, and affects, my Honour, that I can hope their Lordships will not blame me for this Importunity; especially, as I beg Leave to declare, that I am *morally certain* I shall be able to shew, that *the Warwick’s being sacked, to stand from the Lark, and managed afterwards in the Manner she was*, could only have been the Cause, or have given the least Opening, for my personal Resolution or Conduct being called in Question, and to have long suffered in the Manner they have: But I hope to clear this up to their Lordships Satisfaction.

Signed,

JOHN CROOKSHANKS.

To John Cleveland, *Esq;*”

Mr. *Cleveland* returned the following Answer to this Letter.

“ SIR,

“ *Admiralty-Office,*
16 *August* 1748.

I Have received, and read to my Lords Commissioners of the Admiralty, your Letter of the 14th Instant, desiring a Copy of the *Resolves* of the Court-Martial,

held

held on Board his Majesty's Ship *Cornwall*, in Port-Royal Harbour, *Jamaica*, for enquiring into your Conduct; and am commanded, by their Lordships, to send you the Copy you desire.

It was with the Court to give a Copy of these Resolves of their proceedings if they are asked for them, and that the same may be

I am, SIR,

Your very humble Servant, may not as he

Signed, *pleases*

J. CLEVELAND,

when the Prisoner delivers the Breve to him, he is to transmit it

To John Crookshanks, Esq;

Thus Captain *Crookshanks*, at last, obtained a Copy of the * *Resolves*, for which he had been so long soliciting, both at *Jamaica* and in *England*: But these *Resolves* were very different from † those made in the *Court-Martial*, and were as follow :

the Admiralty

“ COPY of the *Resolves* of a *Court-Martial* on Captain *Crookshanks*.

As the Squadron was hurrying for the Admiral had the business that to employ a Secretary in the was Judge the

“ Resolved unanimously,

“ That [it has appeared, by the Evidence given, to be doubtful whether Captain *Crookshanks* was within Point Blank Shot, when he fired at the] *Enemy*.”

vocate) he then the first Point

“ Resolved unanimously,

“ That Captain *Crookshanks* did not [relieve or] assist the *Warwick*, during the Engagement, [in the Manner he might have done:] but do not think him guilty of Cowardice, or Disaffection.”

to conduct to be guidance to be delay'd to go

“ Resolved unanimously,

by Cap. Crookshanks

“ That Captain *Crookshanks* acted imprudently [in separating from the *Warwick*, while she was engaged

R. 2.

“ with

* See p. 105.

† See p. 94.

was with the Court, to see that
the Judge Advocate fairly wrote
down their Resolves and pro-
ceeding, and it is the gene[ral] ²⁴]

Custom to make ²² with the Enemy, upon the contrary Tack, and thereby
in read them "increasing his Distance from them, so much] before he
er to the Court "tacked [to stand towards them, that he put it out of
he writes them "before the Engagem^{nt} had ceased, by the Warwick's
on This matter "losing her Main Top-Mast, and being otherwise much dis-
ent by "abled in her Masts, Yards, Rigging, and Sails, and thereby
the the Adm^l "falling to the Southward from the Enemy, w^o took the
so, will give "Opportunity of hauling the Wind to the Northward, and
Calk he never "thereby escaped: And, upon the whole, the Court unani-
them or read "mously agreed, that he fell under Part of the 14th
in, till he read "Article of the Articles of War; and unanimously agreed
as published "to dismiss him from the Command of his Majesty's Ship
this Pamphlet "Lark, and cashier him during his Majesty's Pleasure."]

It is well worthy of Observation, that not one of
those Words marked in Italicks, between the Crotchets,
is to be found in the original Resolves, as taken down in
Court, and set forth in P. 94.

It appears, that Captain Crookbanks applied * to the
Judge-Advocate by Letter, and afterwards to the Ad-
miral, to obtain an authentic Copy of the Resolves;
but was refused them, contrary to Custom. Captain
Crookbanks did not then even suspect, what could be the
Motive for such a Refusal: But, when he received the
foregoing Copy of Resolves, from the Secretary of the
Admiralty, he was no longer at a Loss to discover the
Reason, why he was not furnished with them at Ja-
maica. If a Copy of those Resolves had been granted
while every Thing was so fresh in Memory, who would
have dared to alter and adulterate the Records of the
Court? It was therefore refused, that false and spurious
Resolves might be imposed on the Lords of the Admi-
ralty, with Hopes of being undetected. By comparing
these, with the real Resolves in P. 94. wrote down im-
mediately from Minutes taken in Court, it will clearly

Reason why the Adm^l did not direct his appear,
eretary to give Capt * See p. 195. Crookbanks
his of them and the proceedings of the Court
already given on the other side.

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P. 94
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appear, that they *do not* AGREE, either in *Form* or *Substance*: But, to prove that the Resolves set forth in P. 94. are *genuine*, Captain *Crookbanks* can produce no less Authority than the President of his Court-Martial, which will be inserted in its proper Place.

Captain *Crookbanks* wrote the following Letter to the Secretary of the Admiralty:

“ SIR,

“ *London,*
August 26, 1748.

BEING favoured with your Letter of the 16th Instant, I am to thank their Lordships for granting me, agreeable to my Request, a Copy of the Resolves of my Court-Martial; *such* as have been, I presume, transmitted to your Office, by the Gentleman who acted as Judge-Advocate at my Trial. I am very *positive*, the Copy I am favoured with, is NOT, either in *Form* or *Substance*, *what was read publicly in Court*, previous to the Sentence. To the best of my Recollection, the Number of the Resolves was *Six*, comprehending *no Part of the Sentence*; but only *declaring the Court's Reasons* for proceeding to such Sentence.

“ I beg Leave to acquaint, and venture to aver to, their Lordships, because publickly and notoriously known, that the Judge-Advocate OMITTED to read ONE of the Resolves. The President CHALLENGED him upon the Omission; and then was pleased to say to me, “ Sir, “ the Court do, by an UNANIMOUS Resolve, ACQUIT “ you of the SUSPICION of Cowardice, Disaffection, or “ want of Zeal.” Most of the Members said something in Confirmation; and Captain *Rentone*, in particular, told me, in the same Instant, that I had *only mistaken in point of Time*, and stood *too long* to the Southward.

“ If I can shew, wherein the Court have *misconceived* a Point, or have been *misguided* by the Evidence, I humbly hope their Lordships will permit me; and that the

the Members, as Men of Justice and Candour, will not scruple to acknowledge it, when fairly convinced. The President is in *England*; and the other Members may arrive in Time to come.

“ With Regard to the *first Resolve*, as it stands in the Copy I have, I beg Leave to refer their Lordships to the * *Reasonings*, in my Answer to the Charge, pronounced to the Court, wrote in my own Hand; and, I am to suppose, is among the other Papers relating to the Court-Martial; the most material Assertions in which Answer, I humbly conceive, are in *Proof*. If the *Distance* at which the *Lark* and Enemy exchanged their Fires, be nearly ascertained, I humbly apprehend, the *Distance* she must stand to gain the Wind of the Enemy, may be as nearly ascertained and determined by a Trigonometrical Question. It was asked, of three or more Witnesses, if the *Lark* had been tacked sooner, could she have lain up, so as to gain the Wind of the Enemy? Answered, No; *she could not*.

“ My Plan, in the *Lark*, was to engage, if possible, on the *Weather-Bow* of the Enemy, and keep him *between two Fires*; because, I had, through the whole Chace, conceived her to be a *very large Ship*; and, as soon as it was Day-Light, I positively knew it to be so; and, that if well appointed, not to be taken by the *Lark* and *Warwick*, unless both Ships were well managed, and *resolutely fought*. I had also this View, in standing a-head of the Enemy, that I prevented him dragging me farther out of the Course of my Voyage, with a Convoy I had in Charge; and likewise, that I thereby kept the Distance closed, all that Time the Enemy followed me, upon the same Tack, till I had fore-reached far enough to cross him a-head.

“ I beg Leave to say, my Designs and Intentions were good. I meant to have promoted, all in my little Power, the

* See Page 87.

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the Honour of his Majesty's Arms, the Interest of my Country, and to have acquired Reputation and Profit to myself, and every one concerned. If the Plan was weakly and injudiciously concerted; yet, it became necessary for me to quit the Enemy's Broad-Side for some Time; because, most of the Breechings on the Gun-Deck were broke, some of them twice.

“ Their Lordships can be pleased to determine, whether an Admiral, or any senior Officer, leading a Squadron, or Division of Ships, in Line of Battle by the Wind, would be said to separate from the sternmost Ships of his Division, or they from him; provided such *sternmost Ships tacked*, to stand from the Admiral, *without Signal, or other Direction?*

“ With Regard to the *third Resolution*, in my Copy, I beg Leave to acquaint their Lordships, that, from ten o'Clock at Night of the first Day's Chace, till near eleven at Night of the second, as senior Captain, I led the *Warwick* on the Larboard-Tack, towards, and very near up to, the Enemy; both Ships carrying every Inch of Canvas that could be set by the Wind.

“ Captain *Erskine*, judging for himself, (as appears since, by his own Confessions in different Shapes) * ordered the *Warwick* to BE TACKED; in doing which, he fired *some Guns* from his Starboard-Side, whose Shot were seen to fall in the Water, and † *far short of the Enemy*. From this Period of Time, to that of their coming to Action, was *near an HOUR and A QUARTER*. The Enemy followed me under a slack Sail; while I carried a prest Sail, in Order to gain the Wind of him, in the least Time possible; untill he saw the *Lark* far enough distant,

* Without any Signal, or Direction, from me.

† In his Charge against me, he confesses the Order of tacking; and says, I fired at too great a Distance, or without Point-Blank-Shot; though it is in Proof, that he fired at a much greater Distance than me.

distant, to cross him a-head upon tacking, of which he could judge as well as myself. Then he, seeing the *Warwick* as far, or farther, distant from him, a-stern and to Leeward, wore; and, soon after, bore away; pressing Sail to meet the *Warwick*, at the greatest Extent of Distance from the *Lark*, to bring her to a separate Engagement; in which he but too well succeeded. The *Lark* was tacked, and was steering directly after the Enemy, being away full Half an Hour or more, before the Enemy met the *Warwick*. I beg Leave to observe, and am in Hopes it will appear, to their Lordships, that if the Enemy had pressed Sail after the *Lark*, on the Larboard-Tack, by the Wind, instead of wearing and bearing away to meet the *Warwick*, that he would have brought me to a separate Engagement, instead of the *Warwick*, who, by standing from the Enemy, and extending his Distance a-stern, more than I did a-head, would have put it out of his Power to have overtaken and sustained the *Lark* in Action, till, probably, after she had met the Fate the *Warwick* did, in having her Rigging and Sails hurt.

“As to the Reasons of the Enemy’s *escaping*, or the *Warwick’s ceasing Action*, I do not in the least recollect the Court-Martial made them the Subject of a close Enquiry: But, on the contrary, I received some Checks from the Court for offering to enquire into Captain Erskine’s Conduct; which I imagined allowable, as it was certainly necessary to the clearing of my own Conduct in this Affair; and I had no other View in it, than that of doing myself Justice, and setting of every Circumstance in a clear Light to the Court. Yet, I conceive, it is in Proof, that, after the Enemy met the *Warwick*, and brought her to a separate Engagement, they kept before the Wind under a Prés of Sail: And also, that, at the Time the *Warwick* ceased Action, neither her Tiller, Rope, Wheel, Rudder, or Helmsmen, had received the least Damage: It might be imagined they could therefore have steered

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steered her, and brought the Ship to the Wind, with her Head to the Northward, if it had been ordered.

I am, &c.

JOHN CROOKSHANKS."

Captain *Crookbanks* received no Manner of Answer to this Letter: And, fifteen Days afterwards, he sent the following Letter to Lord *Anson*.

" My LORD, London, Sept. 10, 1748.

I HUMBLY beg Leave to offer to your Lordship's Perusal the inclosed Copy of a Letter to Mr. *Cleveland*, of the 26th of *August* 1748, which I should have deferred sending, had I not feared Censure for being tardy; and could not learn, with Certainty, when your Lordship might return to *London*.

I can only form Hopes of succeeding, from your Lordship's being pleased to take my Case into your *Consideration*. It gives me the greatest Concern to be in Necessity to disturb your Lordship a Minute, with a Subject that I know to be of the *most unwelcome Nature*; as I firmly believe, Time will set this unlucky Affair, in a *different Light*. It is a Disadvantage to me, if I am suspected to have a Disposition fond to complain, * *recriminate*, or cast Reflection on any Person: But a *fair Representation of Facts*, such as I may unavoidably be called upon to make in my own Justification, I hope, will not be interpreted against me; when I only wish, and mean, to recover, what, by many, I am supposed to have lost.

When I had the Honour of waiting upon your Lordship, you was pleased to observe, the *material Difference between a rash and a cautious Error in Judgment*: I, therefore, ask Pardon for repeating, that I *chaced* the Enemy

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* See Page 1:8.

forty Hours; twenty-four of which were quite out of the Track of my Voyage: Sixteen or Eighteen before I came a-long side of him, I knew certainly his Force, and submitted myself to be complained of, and broke, for Neglect of my Convoy, Order, and Instructions.

Mr. *Craig*, the first Lieutenant of the *Lark*, in a very particular Manner, in the Afternoon before our overtaking the Enemy, took Occasion loudly to say to me, in Hearing of the whole Quarter-Deck, "That * he thought every Officer and Man in the two Ships obliged to me; for giving up such a Point, to take the "Risque of giving them Profit." After the Action, and even after my Sentence, his declared Sentiments are very publicly known, in Regard to the Conduct of the *Warwick*; especially in Point of Tacking to stand to the *Lark and Enemy without Signal*.

I am hopeful to obtain Leave to wait upon your Lordship, at some convenient Season; and, as I ought to be cautious to trespass on your Time, I do not venture farther at present, than to subscribe myself, &c.

J. CROOKSHANKS.

P. S. As I am uncertain if the Complaint I made against Captain *Erskine* has fallen under your Lordship's View, I have likewise inclosed a Copy.

To the Right Honourable Lord Anson."

Captain *Crookshanks* readily perceived, that the Letter wrote by Mr. *Craig*, had done him most essential Prejudice in the Mind of Lord *Anson*; and as he had immediate Intimation, upon his arrival in *London*, of the Channel through which that Letter had been conveyed to his Lordship, Captain *Crookshanks* thought it very material to ascertain the Truth thereof; for which Purpose

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* See Page 9.

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he desired a Friend to introduce him to *William Adair*, Esq: to whom he related all he knew, and had heard, concerning that Letter. Mr. *Adair* very frankly acknowledged, “ that it had fallen into his Hands; and “ that he had carried it to Lord *Anson*, as a common “ Piece of News; but without any View to do Prejudice to Captain *Crookshanks*; since he could have no personal Motive for injuring a Person who was an entire “ Stranger to him.”

Mr. *Adair* agreed, in what Captain *Crookshanks* was very sure of, that Mr. *Craig* was incapable of framing such a well wrote Letter. Captain *Crookshanks* then said, “ that, as that Letter had certainly made some disadvantageous Impression on Lord *Anson*, he should take it “ as a Favour, if Mr. *Adair* would endeavour, as far “ as might depend upon him, to remove it.” Mr. *Adair* assured him he would: But said, “ if Captain *Crookshanks* could clear up a certain Maritime Point, which “ he could not undertake to relate, as not being a competent Judge of the Subject, he believed it would entirely alter his Lordship’s Opinion in Regard to his “ Case.”

Captain *Erskine* was soon expected from *Jamaica*; therefore, Captain *Crookshanks* deferred any farther Applications to the Board of Admiralty, till his Arrival, which happened some Time in *December*; and, on the 3d of *January* 1749, Captain *Crookshanks* wrote the following Letter to the Secretary of the Admiralty.

“ S I R,

I AM under the Necessity of desiring, that you will represent to their Lordships, the repeated Applications made by me, heretofore, to Admiral *Knowles*, as set forth, in my Letter to you, dated the 3d of *July* 1748, immediately after my landing at *Portsmouth*, that their Lordships may be fully apprized, that nothing was

neglected on my Part, in Order to have a Court-Martial appointed by the said Admiral, for the Trial of Captain *Erskine*, in the *West-Indies*, whom, I did then, and do now, charge with disobedient, unwarrantable Behaviour; and by whose Mismanagement, both as an Officer and a Seaman, I think it will manifestly appear, that our Attempt to take the *Glorioso* proved unsuccessful.

As Captain *Erskine* arrived lately from *Jamaica*, in the Command of the *Milford*, it will not, I hope, appear unseasonable, that I renew my Application at present; and humbly pray, that their Lordships will be pleased to order Captain *Erskine* to be tried, upon the same Articles of Complaint I exhibited against him to Admiral *Knowles*, at *Jamaica*, posterior to the Declarations I had before made, to the same Admiral, to the same Purpose and Effect at *Louisburgh*; and of which, I had no Reason, at that Time, to be in the least Doubt, but so warrantable a Demand would be granted and performed, if not in Regard to me, at least, as I thought, in Regard to himself and Captain *Erskine*.

Their Lordships will readily foresee, that some of the Witnesses, necessary to make good my Charge against Captain *Erskine*, may possibly be absent, until the Return of the Ships they were in from the *West-Indies*; though Admiral *Knowles*, at the Time I left *Jamaica*, upon my delivering to him, at his own repeated Desire, a List of Witnesses, I intended as Evidence at the Trial of Captain *Erskine*, was pleased to say to me, "that he would take Care they should be sent to England;" which, probably, the Exigencies of the Service alone may have prevented.

I have no other Motive for this Request, than what I know, and am very sure, is perfectly agreeable to their Lordships Intentions, of holding up the Dignity of the Service, by such Enquiries as will be a constant Terror to the

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most unworthy, and a Security to those only who are truly capable, and do their Duty regularly.

I am, &c.

J. CROOKSHANKS."

This Letter was answered as follows :

" Admiralty-Office,
" SIR, January 4, 1748-9.

I Have laid before the Lords Commissioners of the Admiralty your Letter of Yesterday's Date, applying for a Court-Martial upon Captain *Erskine*, for his unwarrantable Behaviour in the Engagement; between the Ships under your and his Command, and the *Spanish* Ship of War called the *Glorioso*: And, in Return, I am ordered to acquaint you, " that, as this Matter has been " already *duly* enquired into at a Court-Martial, their " Lordships do by no Means think it proper to order " it to be done over again." And, as to what you lay to the Charge of Captain *Erskine*, their Lordships think *you should have made that appear when the Court-Martial was held*, and not solicit another Trial, *so long afterwards*; which they can only attribute to a Spirit of RECRIMINATION.

I am, SIR,

Your very humble Servant,

Signed,

THOMAS CORBETT.

To Captain *Crookshanks*."

Greatly

Greatly injured as Captain *Crookbanks* was, such a Letter, so contrary to the real Fact, could not fail of giving him the utmost Uneasiness and Impatience to clear up this Matter in the following Letter to Mr. *Corbett* :

“ S I R,

“ *London,*
January 31, 1748-9.

I Received the Letter, you did me the Honour to write me, the 4th of this Month, in answer to mine of the 3d, in which “ I applied to the Lords Commissioners of the Admiralty for a Court-Martial to be appointed by their Lordships for the Trial of Captain *Erskine*, whom I had before, did then, and do now charge with the most disobedient, unvarrantable Behaviour; and by whose Mismanagement, as an Officer, and as a Seaman, I promised, and do at this Time engage, it would manifestly appear, that my Attempt and Design to take the Spanish Ship of War, called the *Glorioso*, was SOLELY DEFEATED.”

To all which, you was ordered, you say, to acquaint me, “ That, as this Matter had been already duly enquired into at a Court-Martial, their Lordships do by no Means think proper to order it to be done over again: And as to what I lay to the Charge of Captain *Erskine*, their Lordships think, I should have made that appear, when the Court-Martial was held, and not solicit another Trial so long afterwards, which they can only attribute to a Spirit of Recrimination.”

If this was the true State of the Case in Question, it would be highly presumptuous in me to take so much of your Time in this Manner; and to expect any Favour or Redress, by such frivolous Means as this, of complaining loudly, as I am forced to do, of the most
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notorious, partial, and illegal abuse of Power, in this Instance; together with every wicked Art, that could be invented, and practised, to my Prejudice; without having the Means, also, of proving every Thing I have asserted; and of shewing, by such Evidence as would amount to demonstration, before their Lordships, the most unparalleled Injuries and Wrongs which I have most undeservedly suffered under, and therefore make this Case, as I most humbly conceive, an Object worthy of their Lordships Attention and Enquiry; not so much for my Sake, and upon my Account, as to discourage the like Iniquity and Injustice hereafter, by publishing to the whole Nation, to the great Joy and Comfort of every honest, worthy, brave Man in the Service, that there is a SUPERIOR, discretionary Power lodged in the Admiralty, to be occasionally made use of, by the Lords Commissioners, for the Redress of this, and every such, extraordinary Grievance, as can possibly happen; so as to place every Gentleman in the Royal Navy upon the same good Footing with the rest of his Majesty's faithful Subjects, free and secure at Home, from the ill Effects of false, wicked, and malicious Representations at a Distance, however artfully contrived, as in this Instance, to serve private Ends and Purposes, to wound the innocent, in order to hold up and protect the most contemptible and unworthy; and, upon the whole, to make the World sensible, by this seasonable Interposition of their Lordship's Authority, that there are no Sort of Injuries or Oppression for which the Wisdom and Foresight of our Governors have not provided suitable Remedies.

Wherefore, Sir, as an Inducement to their Lordships to shew some Regard to these Representations, (believing it possible, that something very unjustifiable may have been done, to my Prejudice, at so great a Distance as the *West-Indies*, and consequently that I had some Reason in applying for a Count-Martial for the Trial of
 Captain

Captain Erskine) I humbly beg Leave to remonstrate to their Lordships, that the Conduct, and what I lay to the Charge, of Captain Erskine, is so far from having been a Matter already DULY ENQUIRED into, that NO QUESTION WAS ADMITTED TO BE ASKED, and ANSWERED, at MY TRIAL, that had the LEAST TENDENCY to INVOLVE CAPTAIN ERSKINE; upon a Pretence, maliciously advanced, and pleaded, by the Judge-Advocate, to misguide and deceive the Members of the Court; that whereas their present Business was confined to try Captain Crookshanks only, they were to expect another Opportunity to enquire into the Conduct of Captain Erskine; and therefore to suspend all such Questions and Enquiry, until Captain Erskine had another Opportunity to make his Defence, before that, or some other, Court-Martial, which was soon be appointed for his Trial.

I will not take upon me to say how it came to pass that some Men of Virtue and Honour, Members of that Court-Martial, came to be so misled by others, and to give up their own Dignity and Judgments in the Manner they did, by yielding to the many artful Snares laid in their Way; and, at last, to suffer their Names and Authorities to be so abused, and made use of, as if they had approved, not only of the partial and unprecedented Proceedings of the Judge-Advocate, through the whole Trial; but also of the most absurd, inconsistent, and unrighteous Sentence itself, contradicted by an unanimous Resolve of the same Court, and pronounced by the President in open Court, with Indignation, upon the Judge-Advocate's attempting to sink and conceal the said Resolve, which was as follows: "Sir, the Court do, by an unanimous Resolve, ACQUIT you of the SUSPICION of Cowardice, Disaffection, or want of Zeal." Notwithstanding this unanimous Resolve, whereby I am acquitted of every Crime comprehended in the fourteenth * Article of War; yet, by the insidious Craft of a scheming, prostitute, under-

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* See the Appendix.

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Workman, the same Men had the Complaisance, for the Sake of Unanimity, to agree in the most inconsiderate, ill-grounded, and cruel Sentence, pronounced in the Face of the above-mentioned Resolve, viz. "That Captain Crookshanks, by his Misconduct and imprudent Behaviour, falls under Part of the fourteenth Article of an Act made in the thirteenth Year of King Charles the Second, intituled, An Act for establishing Articles and Orders, for the regulating and better Government of his Majesty's Navies, Ships of War, and Forces by Sea."

"I am restrained from saying, in my own Case, as much as I should wish to do, upon a like Occasion, in Behalf of any other Man of the same Service and Character in my Situation, labouring under the same Difficulties and Misfortunes, proceeding from no Mistake of mine; but the want of Honesty, Virtue, and the Love of Justice and Truth, in some; and the Want of Discernment and Experience, in others. But, as these Facts are to go before their Lordships, and this Letter to be read in their Hearing, whatever I am prepared to say more, is the less necessary, considering, as I do, their Lordships Abilities and good Intentions, which, I am fully sensible, will suggest to them better Reasons than I could offer to answer every just Purpose, either of a publick or private Nature, whenever they please to take this Affair into Deliberation, and think it a Matter worthy to be examined into with some Attention.

"I should be extremely disappointed, if, after what I have herein faithfully represented, their Lordships should continue to suppose I was under the least Influence of a Spirit of Recrimination, when I applied for a Court-Martial to be appointed to try Captain Erskine upon the Charge I exhibited against him, and of which I must observe, that, if he had ever thought himself innocent, how comes it to pass, that he has no where applied,

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for his own Sake, to be brought to a Trial, according to the constant Practice of others, who desire to be well thought of, and to live with a good Character? But, since that is not the Case, and that we think so differently, and in every Thing are so much unlike each other, *I hope their Lordships will condescend to give me such an Opportunity as is necessary, to disculpate myself with my King and Country, either before the same, or any other Court-Martial, in such Manner as may appear to their Lordships most suitable and expedient, to the only End I have, of being justly and effectually condemned, or perfectly acquitted; concerning which, I am so clear, in my Conscience and Judgment, as to have no Sort of Doubt of being able, upon a very short Enquiry, so fully to justify the whole, and every part, of my Conduct, that I wish for no Quarter, unless I shall be found, in every Respect, to have done my Duty, as an Officer, and Seaman, worthy of Commendation; instead of the Censure that was artfully cooked up, by the Judge-Advocate, to colour, and serve as a Foundation for the Sentence that was pronounced against me; of which, I suspect, there will be found, in the Copy thereof, and of the Resolves of the Court-Martial, (sent to the Admiralty, to remain as a Record in that Office) such material Difference, and Alterations made, from what was publicly read, as, in every other Court of Judicature, would, I conceive, be interpreted and deemed fraudulent, and the Party concerned be involved, and made liable, to such Pains and Penalties, as the Law directs in such Cases. I am, with all imaginable Respect,*

S I R,

Your very obedient humble Servant,

Signed,

J. CROOKSHANKS.

To Thomas Corbett, Esq;”

This

This Letter was answered by Mr. Corbett, on the 7th of *March*, as follows.

Admiralty-Office, March
7, 1748-9.

“SIR,

I HAVE read your Letter, of the 31st of *January*, to the Lords Commissioners of the Admiralty, at a full Board, exclaiming against the unjust and wicked Proceedings of the Court-Martial, that was held upon you at *Jamaica*, to enquire into your Conduct, in the Engagement with the *Glorioso*, a *Spanish* Ship of War, by which you have received unparalleled Injuries and Wrongs; and repeating your Request to have Captain *Erskine* tried; and also to have an Opportunity to disculpate yourself, either before the same, or any other Court-Martial: And their Lordships having considered the same, as also the Minutes of the Court-Martial which was held upon you, and the Sentence thereof, they command me to acquaint you, that they can see no Inconsistency between their Resolutions and their Sentence; nor can discover any Absurdity or illegal Management, upon the Face of their Proceedings; and therefore, your Request, for a second Trial, is without Precedent, or Reason: And as to your insisting on the Trial of Captain *Erskine*, and wondering that he did not solicit one for himself, their Lordships think it would have been an unnecessary Forwardness in him to have done so at *Jamaica*; and their Lordships do not find, that you applied to Rear Admiral *Knowles*, to try Captain *Erskine*, till some Days after your own Trial was over. I am, &c.

Signed,

THOMAS CORBETT.

To John Crookshanks, Esq;”

It has been mentioned, that Captain *Crookshanks* can produce the Authority of the President of his Court-Martial, to prove that the *Resolves* set forth in *Page 94.* are genuine: And this will appear by the following Letters.

London, January 25, 1748-9.

“ SIR,

HAVING Reason to suspect, that some *material Alterations* have been made in the *Number, and Sense,* of the *Resolves* of the Court-Martial appointed to try me, of which you was President: And, as I was *refused an attested Copy* of the said *Resolves,* by Rear Admiral *Knowles,* and also by the Judge-Advocate, on my repeated Application: I, therefore, inclose you a Copy of such *Resolves* as I was enabled to write down, from Minutes taken for me in the Court, and desire that you will favour me with your Opinion, declaring how far you judge they correspond with, or wherein they differ from, those *Resolves,* that were drawn up, and agreed to, under the Inspection of yourself, and the other Members of that Court-Martial, and afterwards pronounced in Court, as your unanimous *Resolves* and Opinions.

I am, &c.

J. CROOKSHANKS.

To Captain Digby Dent.”

London, Jan. 26, 1748-9.

“ SIR,

THE *sixth Resolve,* in the Copy you sent me, I do *perfectly well remember* (upon the **NEGLECT,** and **OMISSION,** of the Judge-Advocate) to have been *pronounced by myself,* in the Manner following:

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“SIR, The Court do, by an unanimous Resolve, ACQUIT you of the Suspicion of Cowardice, Disaffection, or the Want of Zeal.

“As the Hurry of the Squadron to go upon an Expedition, and many Incidents besides, might occasion me to forget to demand a Copy of the whole Proceedings of your Court-Martial; I will not undertake, from my Memory, positively to say that they are, Word for Word, all the same distinct Resolves that were agreed to by the Court, and read to you as such, upon that Occasion: Though, I do believe, they contain the SENSE and SUBSTANCE of what was drawn up, and agreed to, under my Inspection, and that of the other Members composing your said Court-Martial.

I am, SIR,

Your most obedient humble Servant.

Signed,

DIGBY DENT.

To John Crookshanks, Esq;”

The sixth Resolve, mentioned in the President's Letter, was not only attempted to be omitted by the Judge-Advocate; but was afterwards altered by him, and blended with another Resolve, leaving out the Words Want of Zeal.

If the Resolves sent to the Admiralty could be supposed genuine, would it not then be surprizing to observe, that Members of the same Court, who could brow-beat, and prevent Captain Crookshanks from asking Questions, that regarded the Conduct of Captain Erskine and the Warwick, though only to clear his own, should find out and introduce a paltry Excuse for his not continuing in the Action; when it is in Proof, on his Trial, that

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neither Helmsmen, nor any Thing regarding the Steering the *Warwick*, were hurt or damaged. The Enemy engaged the *Warwick's* Starboard-Side: The Wind was one Point, or thereabouts, on the same Quarter; therefore, Captain *Erskine* could certainly have steered her as he had pleased; unless it is determined, as he chuses to have it, *That the Loss of a Main-Top-Mast will prevent a Ship to sail before the Wind.*

Captain *Crookbanks* wrote the following Letter to Lord *Anson*.

“ London, February 2, 1748-9.

My LORD,

I HAVE been lately so out of Luck, that I am the more apprehensive, that an Answer I have prepared for the Admiralty, may happen to be read to a Board of the Lords Commissioners, when you are absent; which determines me, therefore, to take the Liberty of sending a Copy of it to your Lordship, in Hopes you will have the Goodness, in that Case, to read it when you are most at Leisure.

“ I wished to make it shorter; but found it impracticable, if I was to say what appeared to me absolutely necessary in my own Behalf, to point out *the many arbitrary, scandalous, wicked Practices, publicly authorised and countenanced*, for six long Months, during my Confinement, and afterwards through the whole Course of my Trial; to mislead and influence the Members of the Court-Martial, *collected and picked out, to follow blindly the Intentions of the Commander in Chief*, to screen Captain *Erskine*, with whom he became thus closely connected, by the false Impressions he had received, from the bare Report of Captain *Erskine* alone, *who was with him ten Days before I reached Louisburgh*, and in that Time gained such an entire Confidence as to be allowed to furnish all the Materials that served to fill up the first Letters, from thence to the Admiralty upon this Subject,

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To

without having the Prudence, or Justice, to wait to see me, tho' the Commanding-Officer, and whom he knew was to join him in a few Days from Newfoundland. By all which unprecedented and irregular Proceedings, it appears, that Mr. Knowles had so rashly embarked himself in the Support of Captain Erskine in the Beginning, that he thought it better and easier to himself, by steadily pursuing the same false Measure, to crush me in the End; rather than to expose so much Rashness and Partiality, as would otherwise have appeared in his first Account and Opinion sent over to England, condemning me unheard and unseen; and acquitting Captain Erskine, by his own Misrepresentations, whose Interest he knew it was, to misguide and deceive him upon that Occasion.

Your Lordship may depend upon the Truth of every Thing I have asserted; for I should be the greatest Blockhead upon Earth, if it was otherwise, to seek, as I do, a further Enquiry. It is, for that End, I apply to your Lordship in this Manner, *without any other Recommendation than my own Innocence, and the unreasonable Oppression I suffer.*

I am, &c.

JOHN CROOKSHANKS.

To the Right Honourable Lord ANSON."

Captain


Captain *Crookbanks*, soon after, presented the following Petition.

“ To the KING’s Most Excellent MAJESTY.

The Humble PETITION of Captain John Crookbanks, late Commander of your Majesty’s Ship the LARK ;

SHEWETH,

THAT your Petitioner, in the Year 1747, being ordered to convoy a Fleet of Merchant-Ships to *North-America*, having your Majesty’s Ship the *Warwick* at that Time also under his Command, your Petitioner discovered, chased, and, after forty Hours, came up with a *Spanish* Man of War, of seventy-four Guns, which since appears to have been the *Glorioso*. Your Petitioner, in passing her to Leeward, engaged her, and fired three Rounds of all his *Guns* ; by which all the Breechings of the Lower-deck Guns were broke. Besides the Necessity of quitting the Lee-side of the Enemy, till this Damage could be repaired, it was your Petitioner’s Plan of Operation, to stand so far a-head of the Enemy, as was necessary to gain the Wind of him, in order to engage *him* to more Advantage upon the Weather-Bow.

That Captain *Erskine*, in the said Ship the *Warwick* of sixty Guns, when your Petitioner first began to engage, tacked, and stood a-stern of the Enemy, and from your Petitioner his Commanding-Officer. The Enemy, availing himself of this Mistake of Captain *Erskine*, ran down before the Wind upon him, and brought him to a separate Engagement, which Captain *Erskine* quitted.

The *Lark*, which was of forty Guns, was then nearly got up again with the *Warwick*, and preparing to attack in Conjunction with the *Warwick* : but, upon the Enemy’s standing to the North-West, your Petitioner followed him, with a Resolution to have attacked again separately

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parately at Day-light; but was prevented by the *Warwick's* firing a Gun as a Signal of Distress, which obliged the *Lark* to discontinue the Chace, as it was done in Obedience to an *express Article of War*.

That your Petitioner, upon the Complaint of Captain *Erskine*, was tried by a Court-Martial, by the Sentence of which (notwithstanding the Court Resolved unanimously to acquit your Petitioner of the *Suspicion of Cowardice, Disaffection, or Want of Zeal*) he had the Misfortune to be cashiered your Majesty's Service, during your Majesty's Pleasure.

That your Petitioner had then served Twenty-four Years in the Royal-Navy, five of which he was Captain; was constantly employed during the late War, and always behaved himself to the entire Approbation of his superior Officers, and with the utmost Fidelity and Zeal for your Majesty's Service.

Your Petitioner most humbly prays, that your Majesty will be graciously pleased to authorise the Lords Commissioners of the Admiralty, to restore your Petitioner to his Rank in the Royal Navy.

And Your Petitioner shall ever pray, &c."

This Petition was referred, by his Majesty's Order in Council, to the then Lords Commissioners of the Admiralty, that they might duly consider, and report their Opinions thereon: But, as such Report has not been made, Captain *Crookbanks* still continues labouring under the most severe Sentence that could be pronounced on him. The Appearance of an approaching War, and the Inclination of Captain *Crookbanks* to serve his King and Country, induced him at that Time, and frequently since, to apply to Lord *Anson*, intreating his Protection, and offering to serve even as a Volunteer in any Manner his Lord-

ship might please to appoint; which has proved as unsuccessful as all former Applications. Therefore,

Having now represented this hard and extraordinary Case, with the strictest Regard to Truth and Impartiality, we shall leave the Reader to determine the following Points, either for, or against, Captain Crookshanks.

1. Whether, during the Chase of 40 Hours, Captain Crookshanks did not use the best Means to come up with the Enemy, in order to engage him ?

2. Whether Captain Crookshanks did not fire on the Enemy within Point-blank Shot ?

3. Whether, Captain Erskine's tacking, to separate from his Commanding-Officer, without any Direction, or Signal, can be justified ?

4. Whether, the Lark did not tack, and use her best Endeavours to join the Warwick, as soon as the Gloriosa bore away, towards the Warwick ?

5. Whether, the Warwick, seeing the Lark coming to her Assistance, ought not to have continued the Engagement, as she had received no Damage that could prevent it ?

6. Whether, the Plan formed by Captain Crookshanks, for attacking the Enemy to Windward, was not well concerted ?

7. Whether, Capt. Erskine's tacking, did not overthrow that Plan ?

8. Whether, the Lark was not obliged to leave off charging the Enemy, in Consequence of the Gun fired from the Warwick, as a Signal of Distress ?

9. Whether, the Warwick could have got up, & as she could not the day following to Attack alone you'd have been a surpris'd Plan was, & her Expectation of combatting the Enemy in Passing.

*is by no means clear, when you see the whole Evidence
only not of the Enemy's Shot could not reach so far as must have
is a fact
I have not read the proceeding, cant determine but I have heard
not Capt. Crookshanks would not have been condemn
reason the Enemy's Cover only, as she was not desir'd
to avoid
No.
nowery had I very unlikan Officer
nited if you please, but as it was a bad one, it is impottib
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Erskine A

10 Whether, the Proceedings of Mr. Knowles, in this Af-
fair, are not repugnant to Equity, and evidently directed
by a shameful Partiality?

He can sufficiently prove this Co

11 Whether, Mr. Knowles, by appointing Captain Erskine
Captain of his own Ship, did not induce People to be
prejudiced against Captain Crookbanks?

He dont care a straw whether it did or

12 Whether, the Behaviour of the Judge-Advocate was
not extremely partial in Favour of Captain Erskine, and
very unjust to Captain Crookbanks, especially in his at-
tempting to omit the sixth Resolve?

ident him of the Court answer the Adv. Knowles was not

13 Whether, the Resolves of the Court-Martial are con-
sistent with their Sentence?

far answer for your selves court.

14 Whether, the Resolves of the Court-Martial, as trans-
mitted to the Admiralty, are not spurious and adul-
terated?

J. J.

15 Whether, Captain Crookbanks, in being prevented by
the Court-Martial, and Judge-Advocate, from asking any
Question relating to the Conduct of the Warwick, was
not debarred of the Means to clear his own Conduct?

J. J.

16 Whether, Captain Erskine ought not to have been
tried at Jamaica, upon the Charge which Captain Crook-
banks exhibited against him to Admiral Knowles?

Knowles thought not & thinks so still

17 Whether, Captain Erskine ought not to have been
tried in England, in Consequence of the repeated Appli-
cations of Captain Crookbanks to the Admiralty?

of the Admiralty answer that

18 Whether, Captain Erskine ought not to have solicited
for a Trial, if he was conscious that his Conduct would
have stood the Test?

U 3

Whether

Erskine Answer you this.

Whether, a second Trial, upon the Case of Captain *Crookbanks*, would be inconsistent with the Rules of Martial Law and Equity, or unprecedented?

19
The Admiralty Answer this

Whether, it was not incumbent on the Board of Admiralty, to make a Report of the Case of Captain *Crookbanks*, in Consequence of his Majesty's Order in Council? *Yes* *No*

20.

Whether, there are not many Instances of Officers being restored, who had incurred severer Sentences from Courts-Martial? *Yes* *No* or who will

21.

Whether, being ten Years suspended his Majesty's Service, is not a very heavy Punishment, for an Error in Judgment, supposing it to have been an Error? *Yes* *No* and *Yes*

22.

Whether, the Amount of the Charge against Captain *Crookbanks*, is not an Accusation of Cowardice?

23.

Think little less, or give it what other Names you please

Whether, the Court-Martial did not unanimously acquit him of the Suspicion of Cowardice, Disaffection, or Want of Zeal?

24.

Answer Court for Yourself

APPEN-

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APPENDIX.

*The XIVth ARTICLE of WAR,
as in the Act made in the 13th
Year of Charles II. and in Force
in 1747.*

“**W**HATSOEVER Person or Persons, in or belonging to the Fleet, either through **COWARDICE**, **NEGLIGENCE**, or **DISAFFECTION**, shall forbear to pursue the Chace of any Enemy, or Pirate, or Rebel, Beaten or Flying, or shall not relieve or assist a known Friend in View, to the utmost of his Power, shall be punished with Death, or otherwise, as a Court-Martial shall find fit.”

TUES.

H | K | F | Course | Winds | TUESDAY, July 14, 1747.

7					Saw a Sail to the Westward. Hazy, Rain.
8					Warwick and 15 Sail in Company.
9					Out all Reefs.
10	2	1	N. by W.	W. by N.	Made the <i>Montagu's</i> Signal to Chace to the N.W.
11	2	3	N.N.W.	W.	
12	2	4			Little Wind, hazy. <i>Warwick</i> and 13 Sail in Company.

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page.]

WED.

H	K	F	C
1	3		N.
2	4	3	N.
3	4	2	
4	3		N.
5	4		
6	1	4	N.
	2	5	N.
7	4	3	
8	4	4	
9	4	3	
10	4		
11	4	3	E.
12	4	5	
1	4		
2	4		E.
3	4		
4	3	4	
5	2	5	E.
6	3		E.
7	2	3	E.
8	1		
9	1	2	
10	2	4	
11	2	5	
12	1		E.

H	K	F	Course	Winds	WEDNESDAY, July 15.	
1	3		N.N.W.	West	Saw a Sail to NW. Moderate and fair.	
2	4	3	N. by W.	W. by N.	Made the <i>Warwick's</i> Signal to chase to NE.	
3	4	2	N.	W. N. W.	<i>Warwick</i> and 13 Sail in Company.	
4	3		N. by E.	NW by W		Made the Signal; tack'd: <i>Warwick</i> repeated it.
5	4					
6	1	4	N.E.	N.N.W.		
	2	5	N.W.	N.N.E.		
7	4	3			Lost Sight of the Chace.	
8	4	4				
9	4	3			The <i>Montagu</i> made the Sig. the Chace tack'd, made the Sig. and tack'd. We burnt 9 false Fires to the <i>Montagu</i> .	
10	4					Moderate cloudy: heard the Report of several Guns.
11	4	3	E. by S.	NE. by N.		
12	4	5				
1	4		E. $\frac{1}{2}$ S.		Saw the Chace	
2	4				Little Wind, hazy: half past	
3	4		East	N.N.E.	made the <i>Montagu's</i> Signal to bear down nigher the Chace.	
4	3	4				
5	2	5	E. $\frac{1}{2}$ N.			
6	3		E. by N.	N. by E.	The <i>Montagu</i> and Chace fired at each other.	
7	2	3	E. by S.	NE. by N.		
8	1				Fired 1 of our Lower-deck-Shot: hoisted out Colours; Clear'd Ship.	
9	1	2				
10	2	4				
11	2	5				
12	1		E. S. E.		Ditto Weather: <i>Warwick</i> and 8 Sail of our Convoy and the Chace in Sight.	

THURS-

H	K	F	Course	Winds	THURSDAY,
1	1	4	SE. by E.	NE. by E.	Light Airs and Cloudy Weather.
2	1	4	SE.	E. N. E.	Still in Chace.
3	3				
4	4	3			Moderate and cloudy Weather.
5	5				The <i>Warwick</i> and 7 Sail of Merchantmen in Company and the Chace. Saw a Sail to the Southward, standing to the Westward.
6	4	4			
7	4	5	SE. by S.	E. by N.	
8	4	4			The Chace bore S. E. by S. Distance 3 Miles.
9	5		S. S. E.	East	
10	4	4	S. E. by S.	E. by N.	
11	3	2			
12	2		North		
1	3		N. W.	East	
2	2		W. N. W.		
3	2		S. S. W.		
4	2		S. by W.		
5	2		S. W. by S.		
6	up		NNW. off	NW by W.	
7					
8					
9					
10					
11					
12	up		N. NE. off	N. N. W.	

FRIDAY,

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JULY 16, 1747.

Little Winds, Cloudy Weather, still in Chace. At Five saw a Snow to the Southward, standing to the N.W. Ditto the *Montagu* bore down and spoke to us; at Dark the *Warwick* and 7 Sail of our Convoy and the Chace in Sight. At half past Ten, came up on the Lee-quarter of the Chace; having then all the Sail we could carry upon a Wind; the *Warwick* then about 1-4th of a Mile a-stern of us, and nearly in our Wake, she tack'd. In passing by the Chace, and sometimes shaking our Ship in the Wind, fired at her, and she at us. When we first begun to fire, we observed her Courses up, and that she had a Jack at her Ensign-Staff, which we took to be *Spanish*. As we were stretching a-head, she wore, on which we prepared to tack; and, on judging we could lay fairly to Windward of her, we tacked. Sometime after the *Warwick* was engaged; we then standing to them with all the Sail we could make. At about Two, we perceived the *Warwick* had lost her main Top-mast, and soon after haul'd off from the Enemy, her Head to the Southward; then the Enemy haul'd her Wind to the Northward, as we did also, keeping on his Weather-bow till Three o'Clock, when the *Warwick* made a Signal of Distress, and we bore down to her.—*N. B.* The Distance we run from the Time of Tacking, with Intent of gaining the Wind of the Enemy, to the Time of hauling our Wind to the Northward, in Consequence of her doing so at her Separation from the *Warwick*, is 7 Miles. At Three the *Montagu* came and told us, that the *Warwick* was a Wreck, and had made a Signal of Distress. At Five came up with the *Warwick*, and found her Main-top-mast gone, with her Rigging and Sails much shattered. Brought too, and made the Signal for the Convoy to come into our Wake. Found Shot-holes in most of our Sails. We fired in passing the Enemy, of 18 Pounds 26, Round-shot 29, Grape 22, Double-headed 11; of 9 Pounds 23, Round-Shot 25, Grape 18, Double headed 13; of 6 Pounds 4, Round-Shot 6. At Half past Ten, lost Sight of the Enemy bearing N. by W. Distance about four Leagues. At Noon, the *Warwick* and 7 Sail in Company. Serv'd the Ship's Company Brandy.

X

F R I

H | K | F | Courfe | Winds | FRIDAY, July 17, 1747.

H	K	F	Courfe	Winds	FRIDAY, July 17, 1747.
1	up		N N.E. off	N. by W.	Moderate and Cloudy.
	1		W. by N.	E.N.E.	
2			NW by W.		Made Sail.
3	2	6			Warw. and 7 Sail in Company,
4	2	6			
5	3	4			
6	3	3			
7	2		W.N.W.		Made the <i>Montagu's</i> Signal to Chace N.N.W.
8	1		N.N.W.	E. by S.	
9	2		N.N.E.		
10	1		NE. by N.		
11	1		N. by E.		Little Wind.
12	1	4			
1	1	4	N. E.	E.S.E.	
2	1	5			
3	2	5			
4	1	4	N.N.E.		Found the Strap of the Main- Jeer-Block gone.
5	2	3			Ditto got a new One up.
6	2	3	N. by E.		
7	2	4			
8	3	3	N. by W.		
9	3	4			
10	up		S. by E. off	S.S.W.	Brought too.
11		4	South		Made Sail
12	up		NE. by E. off	N. by W.	Moderate fair: <i>Warwick</i> and 7 Sail in Company.

H	K	F
1	up	
2	2	4
3	2	4
4	2	4
5	up	
6	1	5
7	1	4
8	3	4
9	3	
10	4	
11	4	
12	4	
1	2	5
2	2	6
3	3	4
4	4	
5	3	6
6	4	
7	4	
8	4	
9	4	
10	6	
11	6	4
12	5	

SATUR.

H	K	F	Courfe	Winds	SATURDAY, July 18, 1747
1	up		E.N.E.off	N. N.E.	Brought too; moder. and fair.
2	2	4			Half past <i>Warwick</i> made
3	2	4			a Signal for seeing a Sail to
4	2	4			the S.W. Ditto gave Chace.
5	up		S.off SW.	SE. by S.	Could not see any Sail;
6	1	5			brought too. <i>Warwick</i> and
7	1	4	NWbyW	S.E.	7 Sail in Company. Made
8	3	4			a Signal for a Lieutenant of
9	3				the <i>Warwick</i> .
10	4				
11	4		WbW $\frac{1}{2}$ W	S.E.by E.	
12	4		NWbyW		Moderate, Cloudy, Rain:
1	2	5			
2	2	6			
3	3	4			
4	4				
5	4	6			
6	3				
7	4				Ditto Fair.
8	4				
9	4				
10	6		West	S. by W.	Saw a Sail to Wd. Dit. made a
11	6	4			Sig. to the <i>Warw.</i> and gave
12	5				Chace. Set F.t.mast Stud. fail.
					Mod. cloudy. <i>Warw.</i> & 7 Sail in
					Company; we in Chace.

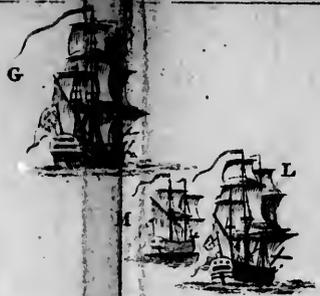
The E N D.

E R R A T A.

Page 4. Line 3. for *main-top-mast*, read *main-top-mast-head*.
P. 5. l. 28. for *cruzier*, r. *cruizer*. P. 6. l. 5. for *Mantagu*, r.
Montagu. P. 17. l. 27. for *the*, r. *be*. P. 38. l. 21. after *has*,
r. *been*. P. 67. l. 25. for *at*, r. *on*. P. 70. l. 33. instead of the
colon place a comma. P. 76. l. 1. for *main-clew-garnet*, r.
weather-clew garnet. P. 88. l. 27. dele the first comma, and
place a *lyphen* there. P. 91. l. 3. for the last *it*, r. *is*. P.
103. l. 22. for 86, r. 85.

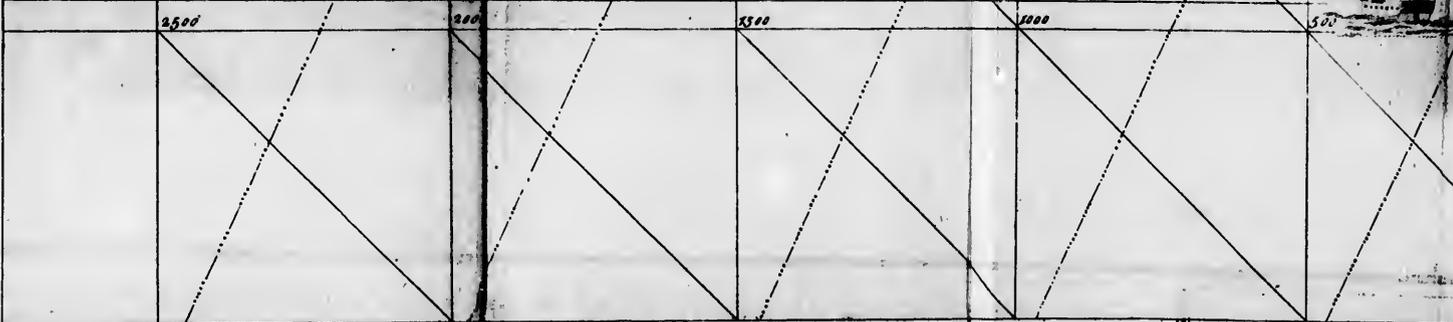
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ois,
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P.

A View of the *LARK* and *WARWICK*, when the



The Position of the Glorioso, Lark, and Warwick, at Three o'Clock in the Morning: when the Montague, immediately after the Warwick's firing a Gun, came to acquaint Capt: Crookshanks, by Order of Capt: Erskine, that the Warwick was a Wreck, and to desire his immediate Assistance.

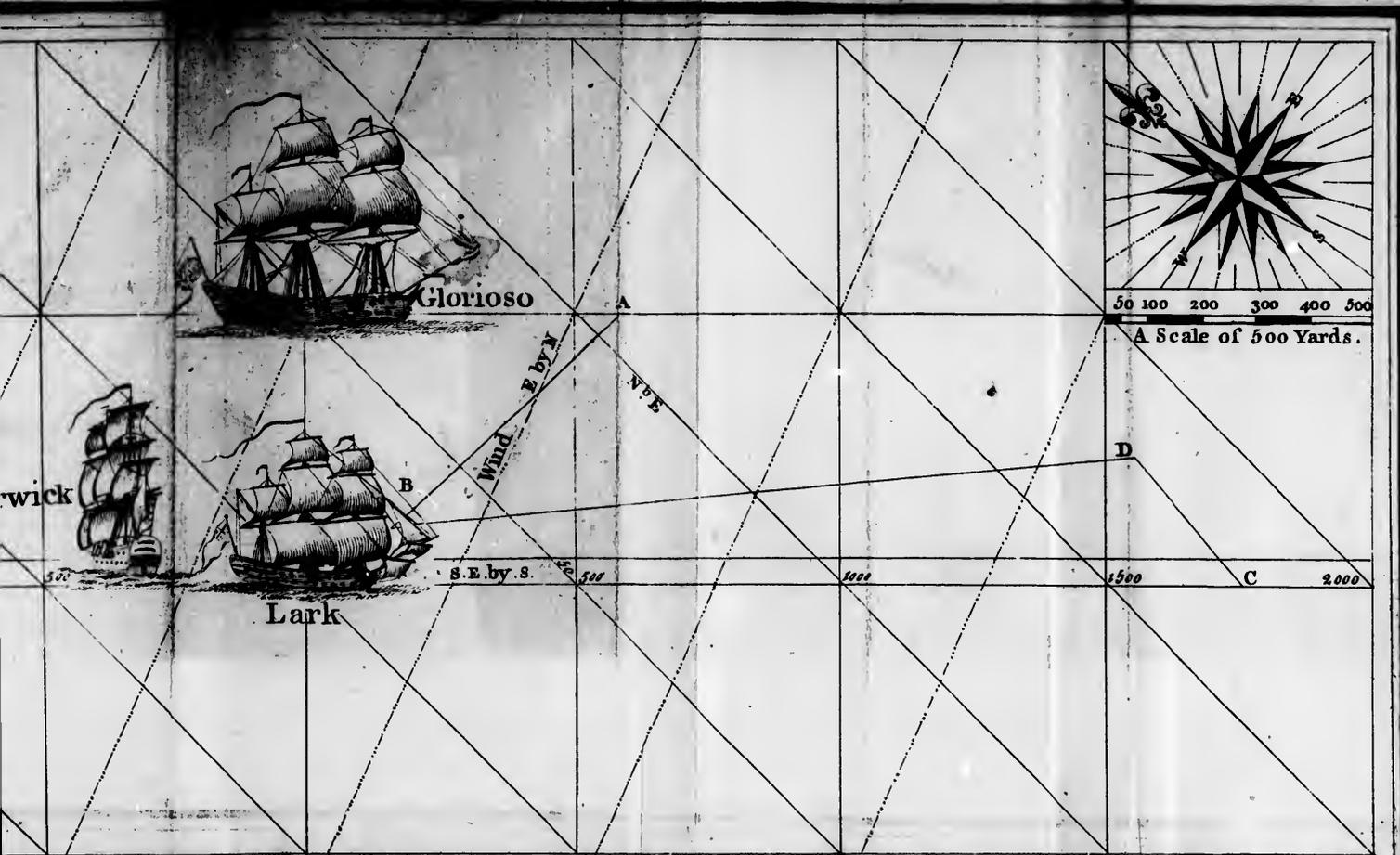
Favor



THE Lark, at 11 o'Clock at Night, being a-breast of the Glorioso, and distant 500 Yards or less, Stretch'd a-head to gain the wind of the Warwick, being about 400 Yards a-stern of the Lark, put about, & stood the Northward, at the same time the Lark & Enemy were firing at each other.

The Glorioso, keeping an easy sail, follow'd the Lark to Asthen wore Ship, & hauled to the wind a small space of time, after which she bore down on the Warwick, to meet her at the greatest Extent of Distance from the Lark, to bring her to a separate Engagement.

REFERENC



REFERENCES.

The Lark to gain the wind of the Enemy, steered a-head to C; then Tack'd, & stood after the Enemy. Note: the Lark soon after tacking at C, saw the Enemy from D to B: And notwithstanding she rounded away, and Steer'd directly after the Enemy till the wind was one point on the

Starboard Quarter, it was half an hour, or more, before the Enemy K. Warwick came to engage: it is in proof that the Warwick never got to the Eastward or Northward of the Enemy; Consequently, she must have lost much ground in working or by bad steering.

