

The Judge Advocate then read the three following Letters:

To Lieutenant General Fowke, or, in his Absence, to the Commander in Chief, in his Majesty's Garrison of Gibraltar.

S I R, War-Office, March 21, 1756.
I AM commanded to acquaint you, that it is his Majesty's Pleasure, that you receive into your Garrison Lord Robert Bertie's Regiment to do Duty there; and in Case you shall apprehend, that the French threaten to make any Attempt upon his Majesty's Island of Minorca, it is his Majesty's Pleasure, that you make a Detachment out of the Troops in your Garrison, equal to a Battalion, to be commanded by a Lieut. Col. and Major, such Lieutenant and Major to be the eldest in your Garrison, to be put on board the Fleet for the Relief of Minorca, at the Disposition of the Admiral. I am, Sir, your humble Servant,
BARRINGTON.

To Lieutenant General Fowke, or, in his Absence, to the Commander in Chief, at Gibraltar.

S I R, War-Office, March 28, 1756.
I AM commanded to acquaint you, that it is his Majesty's Pleasure, in Case you shall apprehend that the French threaten an Attempt upon Minorca, that you make a Detachment from the Troops in your Garrison equal to a Battalion, commanded by a Lieutenant-Colonel and Major, for the Relief of that Place, to be put on board the Fleet at the Disposition of the Admiral; such Lieutenant-Colonel and Major to be the eldest in your Garrison.
BARRINGTON.

To Lieutenant General Fowke, or, in his Absence, to the Commander in Chief, at Gibraltar.

S I R, War-Office, April 1, 1756.
IT is his Majesty's Pleasure that you receive into your Garrison the Women and Children belonging to Lord Robert Bertie's Regiment.
BARRINGTON.

The Secretary at War being sworn, proved the Orders.

Judge Advocate.] I suppose that the Lieutenant-General, in his Defence, will call for the Minutes of the Council of War held at Gibraltar, and therefore I do not read them.

Prisoner.] I have prepared my Defence in Writing, and desire that the Judge Advocate may read it.

Court.] Would you not examine the Secretary of War now he is here?

Lieut. Gen. Fowke.] I desire my Defence may be read now, and hope his Lordship will give me Leave to ask him such Questions as I shall think proper hereafter.

Sec. at War.] I shall stay in Court as long as this Trial is depending, and shall answer all Questions which make for the Lieutenant General with more Pleasure than those which make against him.

Prisoner's Defence was read, "That he received these three Letters together by the same Hand, and must therefore take them together. That his Orders were confused at least, if not contradictory. That if they were confused, then he could not know when he had executed them; and if they were contradictory, they could not be executed at all."

Lieut. Gen. Fowke then asked the Secretary at War, Did not your Lordship apprehend, that the second Letter of the 28th superseded the first of the 21st?

Sec. at War.] I did apprehend so.
Lieut. Gen. Fowke.] Should it not have been mentioned then in your Lordship's second Letter that the first was superseded?

Sec. at War.] I did not know that that first Letter had gone, otherwise, I might have said in my second Letter, notwithstanding my former Orders.

Lieut. Gen. Fowke.] That Word notwithstanding would have saved an infinite deal of Trouble: But is it not the Custom of your Office, when second Orders are intended to supersede the first, to mention that they do so?

Sec. at War.] I had then been but about four Months in my Office. In the Case of another Officer's Orders, where the first was gone away by a former Messenger, and the second Order, superseding it, was to be sent by another Messenger, in that Case, I remember, I did say, in my second Letter, notwithstanding your former Orders; but in this Case I did not advert to that Circumstance, as I knew that all my Letters were to be carried by the same Hand, and to go together.

Lieut. Gen. Fowke.] Your Lordship has sat at another Board; was it not the Custom there?

Sec. at War.] I cannot recollect any Thing of what passed at that Board.

* The Name forgot.

Court.] Did your Lordship send those Letters yourself?

Sec. at War.] I did not send the Letters myself, I wrote them, and delivered them to the Charge of my Secondary; he is here, or at the War-Office, to answer to what the Court may desire to know on that Head.

Mr. Sherwood was sworn by the Judge Advocate, and asked what he had done with the Letters.

Sherwood.] I delivered the first Letter, under a flying Seal, to General Stewart, while he was in Town. I sent the second Letter under a flying Seal, inclosed to General Stewart at Portsmouth, and the third in the same Manner. I delivered the first Letter into the General's own Hand. He set out for Portsmouth the 25th, and I gave it him the 24th. They all know how that Letter came to go.

The Judge Advocate then went on with reading the Prisoner's Defence. "My Orders being confused and contradictory, I called a Council of War, not to deliberate whether I should obey my Orders or not, but only to take their Sense what was the Meaning of them."

Lieutenant General Fowke then urged, and frequently repeated it during his Trial, that his Orders were not absolute, but discretionary; and that the Execution of them was left to his and Mr. Byng's Judgment; and to prove that the Secretary of War did not himself think, for a long Time after the sending them, that those Orders were absolute, he produced a Letter of his, wrote the 12th of May, which he desired might be read.

Judge Advocate.] To Lieutenant General Fowke, or the Commander in Chief at Gibraltar.

S I R, War-Office, May 12, 1756.
I WROTE to you by General Stewart: If that Order is not complied with,

Lieut. Gen. Fowke.] How could his Lordship write, if that Order has not been complied with, if he had thought it an absolute Order, and not discretionary?

Judge Advocate goes on reading — if that Order has not been complied with, then you are now to make a Detachment of 700 Men out of your own Regiment and Guise's, and also another Detachment out of Pulteney's and Panmure's Regiments, and send them on Board the Fleet for the Relief of Mahon. But if that Order has been complied with, then you are to make only one more Detachment of 700 Men, to be commanded by another Lieutenant Colonel and Major, and to send it to Mahon. And you are also to detain all such empty Vessels as shall come into your Harbour, and keep them in Readiness for any farther Transportation of Troops. I have also his Royal Highness the Duke of Cumberland's Commands, to desire that you will keep your Garrison as alert as possible, during this critical Time, and see that they strictly perform their Duty; taking Care, however, not to fatigue your Garrison.
BARRINGTON.

Sec. at War.] The fittest Person to explain that Letter, I should think, is its Author. But I must first observe that this Letter expressly supposes, that the Orders sent in my former Letters were absolute, and not discretionary.

Here his Lordship was stopped short by a Doubt being made by the Court, whether he could be regularly admitted to explain that Letter.

Lieut. Gen. Fowke.] The Letter is very plain in itself, and does not need any Explication.

President.] Every Gentleman has a Right to explain his own Letter.

Court.] If we are some of us of Opinion, that his Lordship has a Right to explain his Letter, and others, that he has not, then we must clear the Court, and debate that Matter among ourselves.

Sec. at War.] I thought that it had been strictly regular for me to explain that Letter; but if any one Member of the Court has any Doubt about the Regularity of it, that is alone of sufficient Weight with me to make me decline giving any further Explication of it.

Lieutenant General Fowke then said, that he had offered to make the Detachment if Mr. Byng thought it necessary, in the Hearing of Mr. West.

Mr. West being sworn, Lieutenant General Fowke addressing himself to him, "You remember, Sir, after the Council of War was over, I came out of the Cockpit, and went to Mr. Byng in the State-Room, and said, Well, Sir, I have shewn you the Resolutions of our Council of War, and you have read them; but, notwithstanding that, I will make the Detachment, if you think it necessary."

Adm. West.] I do not remember that you shew-

ed the Minutes, or that Mr. Byng read them, but I do remember, that there was something passed on that Head; but I rather apprehended it to be loose Talk than Business. You offered to make the Detachment if he thought it necessary; and he said, I do not believe it will be wanted, or, I do not think it necessary. — But, to do the Admiral Justice, I do not apprehend that he thought himself bound to give an Answer to that Question.

The Judge Advocate then read the remaining Part of the Lieutenant-General's Defence.

"The whole Number which I had then in Garrison was but 2700 Men, I had spared to Mr. Edgcombe's Ships 230, which, with 40 of my Men which he had left in St. Philip's, made 270. The ordinary Duty of the Garrison required in Workmen and Guards 800 Men, so that I had then only 190 Men more than three Reliefs. If I had made the Detachment of a Battalion, and put it on board the Fleet, I should not then have had much more than two Reliefs, and this at a Time when I believed the Place was in Danger of being attacked, for good Reasons, which I do not think myself at Liberty to mention."

The Lieutenant General then returned to his first Plea, of the Doubtfulness of his Orders, and said, I know very well that my Duty did not allow me to hold a Council of War to deliberate about the obeying of my Orders, and therefore I called it only for their Help in understanding of them.

Court.] Don't you read the Minutes of the Council of War?

The Judge Advocate then read, General Fowke's Letter to the Secretary of War, dated at Gibraltar, about the 6th of May, 1756.
My LORD,

I HAVE the Honour of your three Letters; upon the Receipt of them, I called a Council of War, to consider of the State of his Majesty's Forts and Garrisons in the Mediterranean; and it appearing to us that the sending a Detachment equal to a Battalion would be an ineffectual Relief to Minorca, and a weakening of this Garrison, we have determined it not to be for his Majesty's Service to make the Detachment.

Inclosed are the Minutes of the Council of War.

The Judge Advocate then read the Minutes.

"At a Council of War held at Gibraltar, May 1756, the three Letters of the Secretary of War were read, and are as follow:—"

[Here followed the three above-mentioned Letters, of the 21st and 28th of March, and first of April. The Orders of the Admiralty to Admiral Byng were also read, and are as follow:—]

S I R,
IT being his Majesty's Pleasure that Lord Robert Bertie's Regiment do serve on board your Fleet, to do Duty there, and his Majesty having issued Orders by the Secretary of War to General Fowke, to make a Detachment equal to a Battalion from his Garrison, for the Relief of Minorca; you are to conform yourself to the said Orders, and to carry that Detachment on board your Fleet, and land them at Minorca. And in Case, upon Conference had with General Blakeney, he shall think it necessary, you shall then land Lord Robert Bertie's Regiment also at Mahon, from on board your Fleet.
Signed ANSON, &c.

Resolved, "Upon Account of the Alteration of Circumstances which have arisen since the Date of the above Letter, we having received undoubted Intelligence of the French Army being actually landed in Minorca, to the Number of

"from 13 to 16,000 Men; and a French Fleet being stationed before the Harbour of 16 Ships, 12 of which are of great Force: That the sending a Detachment equal to a Battalion from hence, will be an ineffectual Supply for the Relief of the Place and the dispossessing the French

"from the Island, and will be a weakening of this Garrison. And it appearing to us to be the Opinion of the Engineer, who is best acquainted with the Place, and of such other Officers of this Garrison who have been at Mahon, that the

"Troops cannot be landed, or at least not without great Difficulty, unless the French Fleet could be dispossessed from their Station; and Lieutenant General Fowke having already consented to spare from this Garrison 140 Men, to

"serve on board Mr. Edgcombe's Ships, to supply the Place of a like Number which he left at Mahon; and it appearing to us that the French Fleet is at least equal, if not superior to the

"English; it is therefore resolved, that it is not for his Majesty's Service to make such a Detachment; because, in Case of the English

"Fleet's

Fleet's meeting any Disgrace from this Garrison will then be weakened, and be endangered through the Want of Detachment."
SIGNED

Lieut. Gen. Fowke, Stewart, Effingham, Wallis, Lord Robert Bertie, Lieut. Gen. Fowke, &c. to the Number of about Ten or

Gen. Fowke.] I called that Council of War, and their Opinion about the Meaning of my Orders. The Council, by their Minutes, appear to have had any Doubt at all about the Meaning, but rather to have determined the executing them.

Gen. Fowke.] I cannot help what the Court talked of.

Court.] Your own Letter does not contain any Doubt.

Gen. Fowke.] (Whispered to by one of the Assistant Attorneys, who stood on each side as Promoters, during the whole Trial.) Omission proceeded from the great Importance paid to his Lordship in that high Office he holds.

Judge Advocate.] (Looking respectfully to the Court) I beg Pardon; but it is my Duty to serve, as it has been often said by the Court, that he called a Council of War only to consider the Meaning of his Orders, that he had no Proof of this; and that his own Letters, Minutes of the Council, plainly implied that he had no Doubt at all about their Meaning.

As to what the General has said about Orders being discretionary, the only discretionary of them is what relates to the Distribution of Men among the Ships of the Fleet, with respect to the Disposition of the Admiral.

The Court was of Opinion that he was suspended, for the Space of one Year; and his Majesty has thought fit to dismiss him from Service.

CONSTANTINOPLE, July 24.
ON the 5th of this Month, about the Evening, a Fire broke out in this City, which continued burning Night and the next Day, and destroyed 12 and 15000 Houses, and upwards of 30000 persons perished in the Flames. About 3000 being detected in pillaging during the confusion, as soon as the Fire abated they were led, and thrown into the Sea. The Cause of this Accident is inexplicable, the Misery into which Thousands of the poor are plunged. And these afflictions are augmented by the Raging and furious Distemper. The foreign Ministers have quitted their Palaces at Pera, and returned to their own Countries.

Paris, July 26. Frequent and long Ministerial Conferences held at Court, the King being fully determined to push on his Arms, two grand Schemes are the Objects of Attention; one to be put in Execution in America, and the other in Germany. The mean Time the Preparations on the Coast of Normandy, as if an Invasion of the principal Designs. In regard to the Schemes, it is certain, that Count de Saxe received particular Instructions to treat with the Court of Madrid on a new Plan, for the Reduction of Fort St. Philip. It is thought that no less than a Project for putting them in Possession of all their ancient Forts at both in Europe and America, is one of these the principal are Gibraltar and Minorca. The Conquest of both which, it is pretended, may be easily effected by the Junction of the French and Spanish Armies.

The Count de Maillebois, Lieutenant of the King's Armies, who seconded the Count de Richelieu in the Conquest of the Island of Minorca, is made a Knight of the Order of St. Louis.

Stockholm, July 24. Yesterday Count Baron Horn, Captain Stahlwerd, and Count Puke, principal Authors of the Plot discovered in Sweden, were beheaded in the Square, at Sockholm. In the Morning Count Brahe, who is far gone with the Condition she was in, her supplicants on her Knees begged a Reprieve for her Tears and Groans, melted every Heart, and could not prevail over the

Public Good.