

THE
WEEKLY ENTERTAINER.

For MONDAY, June 25, 1792.

INTERESTING TRIALS.
GUILDHALL, LONDON.

Sittings before Lord Kenyon.

WEDNESDAY, May 30.

HANSON *versus* ROBERDEAU.

THE plaintiff is a tea-dealer, and the defendant an auctioneer. The defendant sold the plaintiff a *post-obit* bond for 2000l. on the 1st of December, 1791, at Garraway's Coffee-house, and afterwards refused to make him out a proper title. The defendant said, the two sureties to the bond were Mr. Speed (aged 24, and a Member of Parliament for Huntingdon), and Lord Belfast, aged 22, son to the Earl of Donegal; and the Earl of Sandwich was the guarantee. The 2000l. became due, either on the death of Mr. Speed's father, aged 70, if he died before Mr. Speed himself, or on the death of Sir Thomas Broughton, aged 50. The price of the bond was 645l.

This action was brought to recover a satisfaction in damages for the non-performance of this contract.

The defendant did not name his principal, who was John King, the money-lender. If he had, the plaintiff would not have purchased the bond; and, as he did not state any principal, he himself was liable. When King produced the bond, Lord Belfast's name was not in it; and Mr. Erskine said, the single

question for the consideration of the Jury was, whether an auctioneer had a right to mount a pulpit, and to sell by auction a bond, declaring that one of the sureties to that bond was a young nobleman of great expectation, when that turned out to be an absolute fraud and deception. He understood that King, who employed the defendant to sell this bond, said he would make Lord Belfast execute it over again, if the plaintiff would pay him an additional 200*l.* to the 645*l.* for which he contracted, that is, that the plaintiff should pay 200*l.* more than he had bargained for.

Mr. Shelton said, he was present when Mr. Roberdeau sold this *post-obit* bond to Hanson; and that he mentioned Mr. Speed and Lord Belfast as the two sureties, and Lord Sandwich as the guarantee; and that the bond was to become payable at the death of Mr. Speed's father, or of Sir Thomas Broughton.

He also proved, that 50*l.* deposit was paid by the plaintiff on the 1st of December, 1791, agreeably to the condition of the sale; and that the plaintiff had got a receipt for it. Mr. Roberdeau did not state that any body authorized him to sell it. He did not mention a syllable of John King, of Burlington-street.

Samuel Nailer said, he was present at Garraway's Coffee-house when the *post-obit* bond in question was sold. He read over the particulars of the sale; and, on being asked who the sureties were, he said, the Earl of Belfast, aged 22, and Mr. Speed, aged 24, and the Earl of Sandwich was guarantee. The bond was to be paid on the death either of Sir Thomas Broughton or of Mr. Speed's father. The defendant did not state by whom he was employed. If he had stated that he was employed by King, the witness was confident he must have heard it.

William Pinchbeck said, about a week after the sale, he and his brother went down to Mr. Roberdeau's, and that the defendant told them the parties would not go on with the sale of the bond. He afterwards saw King, who in the presence of Mr. Roberdeau said, if Hanson would pay 200*l.* more, Lord Belfast should execute the bond: To which Mr. Hanson replied, that it would be a very extraordinary thing indeed for him to pay for what he had already bought.

The brother to the last witness said, he would have given the plaintiff 150*l.* for his bargain, provided he would have guaranteed the bond.

Mr. Mingay, on the part of the defendant, submitted two objections to his Lordship—First, that the deposit money had not been paid; (but it turned out that it was paid)—And, secondly, that the contract ought to have been in writing;—which was over-ruled, his Lordship declaring he knew no statute that rendered it necessary to be reduced to writing.

Lord Kenyon said, if the defendant, at the time of the sale, had mentioned his principal, beyond all doubt *respondeat superior*. The purchaser must trust to somebody: Who Mr. King was, he did not know; but it was possible that no man who knew Mr. King would trust him with a farthing. Mr. Roberdeau was certainly liable; and his Lordship was exceedingly happy that he was, for the sake of the public, (having been concerned in so infamous a transaction).

Mr. Mingay said, if King was as bad a man as ever existed, if he was the greatest swindler in the world, and employed Mr. Roberdeau to sell his *post-obit* bond, without naming his principal, he was afraid he must be answerable.

Two witnesses were called on the part of the defendant, one of whom was King's clerk; but they proved nothing to the purpose.

Lord Kenyon said, it was a pity but they were all indicted for a conspiracy. In his opinion the only rule the Jury ought to go by in ascertaining the damage, was, what an annuity made by two persons of great fortune, and guaranteed by a nobleman of the first regard, was worth beyond 645*l.* the sum to be paid. The Jury would do good to the public by not abridging the damages in this case.

At the same time he did not wish them to give inflammatory damages. But if such attempts were made by the defendant and those connected with him, it was fit that mankind should make reprisals on them. There was no blame imputable to the plaintiff. He paid the deposit-money by drawing on his banker for 50*l.* The Jury would give damages up to the extent of the injury.

Mr. Erskine wished the Jury to observe, that if the contract had been kept with the plaintiff, and old Mr. Speed had died before his son, the plaintiff would have received 2000*l.*

Lord Kenyon said it seemed to him that 150*l.* had been tendered to the plaintiff, if the bond had been guaranteed that the Jury should consider it as guaranteed, and that they could not give him a less sum than 150*l.*

The Jury found a verdict for the plaintiff.—Damages 200*l.*

O'DONNEL *versus* ALRIDGE.

THIS action was brought to recover back from Mr. Alridge, the sum of 25l. The defendant kept a repository and sold a horse to the plaintiff for 25l. as found; but which turned out to be unsound.

A number of witnesses were examined on the part of the plaintiff, who deposed that this horse was jinked in the back, a disorder of which a horse never recovered.

On the part of the defendant, four witnesses swore in the most solemn manner, that the horse was never unsound; that he was found at that moment; and that if the Jury pleased, they might view him, as he was at Westminster. None of the witnesses ever rode him. He had the most awkward go of any horse in England, and could not trot six miles an hour. This horse would not go quietly, otherwise he would have been worth ten pounds more. But one of the defendant's servants said, they did not take any notice of that to the plaintiff when he bought him. They never cried stinking fish at his master's house.—Verdict for plaintiff, damages, 25l.

A Few days ago the following cause came on before Lord Kenyon at Guildhall, and deserves the peculiar attention of all those who draw bills of exchange, promissory notes, &c. for others.

SMITH, PAYNE, AND SMITH, *versus* DORSET.

This action was brought by the plaintiffs, Messrs. Smith, Payne, and Smith, bankers, as the indorsees of three bills of exchange, in all amounting to 140l. against Mr. Dorset, the drawer.

The facts of this case are shortly these: The defendant, though only the clerk of Mr. Inglis, improperly and imprudently drew these bills, in his own name, on the late Sir S. Hannay, who dishonoured them; and Inglis, on whose account the bills were drawn, having become a bankrupt, the plaintiffs sued Dorset, and received a verdict for the amount of the bills.

There was no doubt but that the defendant was only clerk to Inglis, but he was not able to shew that the plaintiffs knew his real situation.

We should think it adviseable in those gentlemen who draw bills for others, to say, *by procuracion*; or *on account of*,—and then the principals would appear.

PAYNE *versus* DUBOIS.

THIS action was brought by the plaintiff to recover a satisfaction in damages of the defendant, for having wilfully rode against his chaise, by which it was broke to pieces.

This accident happened at Hackney. The plaintiff and a young lady were in a one horse chaise, and were going at a very slow rate.—The defendant and two of his friends were riding furiously along, and the defendant's horse ran against the plaintiff's chaise, in consequence of which the plaintiff's horse ran away, broke the chaise all to pieces, and dragged the young lady, who was entangled in the reins, for upwards of three hundred yards.

The defendant's defence was, that he was upon a young unruly horse, and could not prevent the injury that happened. It was a pure accident, for which he was very sorry.

Lord Kenyon said, it was not sufficient that an accident had happened, or that an injury had been sustained; in order to maintain this action, there must be a negligence on the part of the defendant. It was for the jury to decide, whether negligence was imputable to him: If it was, he was civilly answerable for all the consequences. If the young lady had died, the defendant would not have been guilty of felony or murder. His Lordship could not help thinking that the plaintiff had made out a case for damages. Mr. Payne had a right to recover the expence of repairing his chaise, which was 6l. 10s. 6d. If the Jury added any thing to that sum, it would be for being thrown out of his chaise.

Verdict for the plaintiff.—Damages 10l.

SHAFTO *versus* FORD.

THIS was an action for slander. The defendant called the plaintiff a swindler, whom Mr. Erskine stated to have fallen into embarrassments, which persons of the fairest character will do, from levity. He had, too, the misfortune to have lost the confidence

confidence of his father, in consequence of an imprudent marriage without his consent.

Lord Kenyon wished to know the actionable word. Swindler was an expression not defined in law. A number of abusive words were suffered to remain on record which were not actionable.—To call a woman a w***e, in the city of London, was a serious offence, but that usage did not obtain in other parts of the kingdom.

Mr. Erskine said, the defendant had said, his client lived by taking in the world, and the question he would submit to the Jury was—the *Quo Animo*, or intention with which these words were uttered.

One witness was examined, who said he heard the defendant say, in a public coffee-room, that the plaintiff was a swindler, and lived upon the public.

Lord Kenyon observed, that the defendant could not prove, in mitigation of damages, unless he justified on the record, and directed the Jury to find for the plaintiff.

Verdict for the plaintiff—one penny damages.

CRAWKEY *versus* MEYER.

THIS was an action to recover a compensation for damages, for an injury sustained by the defendant's dog.

It appeared in evidence, that the defendant kept a large Newfoundland dog, which was in the habit of biting every person that came within his reach. The plaintiff was attacked by this huge animal, which dragged him a considerable way by the side, and tore his clothes almost off his back. Repeated complaints had been made to the owner, of this dog's ferocity, and on one occasion he consented to dispatch him. He hung him with a halter, and when half dead he thought he looked so innocent that he actually cut him down. The poor animal, however, did not take warning from his hair-breadth escape. He still continued his vicious habits, to the terror, not only of the children, but of grown persons, who became importunate to Mr. Meyer to take care of his dog, but who gave them no satisfaction.

When the plaintiff was so roughly handled by him, he insisted upon the defendant's killing his dog, and giving him a new suit of clothes. Mr. Meyer excused himself by saying, he

he was cognizant in the law, and too much of a lawyer to do that, or even to give an answer without a fee.

Lord Kenyon admonished the Jury to convince the defendant, who is an attorney, that

“ *A little learning is a dangerous thing.* ”

Verdict for the plaintiff—Damages 20l.

His Lordship lamented that so many frivolous actions should now be brought into a Court of Justice, not by the parties themselves, but at instigation of attorneys of low practice.—His Lordship stiled them *Pests of Society, Demons of the Law*, who stood at the elbow of the subjects, and prompted them on to contentions, which too often terminated in the utter ruin of the parties litigant.

K I N G ' s B E N C H.

SATURDAY, June 2.

BURTON *versus* BOLTON.

THIS was an action to recover from the defendant, as the proprietor of a Chester coach, the sum of 13l. 13s. being the value of several articles of wearing apparel, which were lost in their carriage to Chester.

Mr. Mingay, Counsel for the plaintiff, said, his client was a gentleman's servant; the defendant was the master of the Golden Cross Inn at Charing-cross. In December last the plaintiff sent a trunk, containing his wearing apparel, to the defendant's inn, to be conveyed by the Chester coach as directed. The trunk, together with its contents, were lost. The object of the action was therefore to recover the amount of the lost property. The defendant had resisted this demand, upon the ground that he was not responsible for the loss of any property beyond the value of 5l. unless an extra payment was made for it at the time of the delivery, agreeable to the notice he had given by public advertisements.

The question, Mr. Mingay said, for the decision of the Jury would be, “ Whether the plaintiff, when the trunk was delivered, knew, or had the means of knowing, that the defendant would not be responsible for any greater loss than 5l. without an extra payment.”

A witness proved the delivery of the trunk at the inn.

Mr.

Mr. Erskine, Counsel for the defendant, said, his client had caused hand-bills to be distributed, advertisements in the newspapers to be inserted, and affixed a board in his warehouse, announcing that he would not be responsible for more than 5*l.* unless the value of the property was specified upon delivery, and paid for accordingly.

The defendant's clerk proved the facts stated by Mr. Erskine. The sum to be paid for goods above the value of 5*l.* was 3*d.* in the pound upon the whole property.

Lord Kenyon, in his address to the Jury, said, he only spoke the same language which his predecessors had, when he declared that it was notorious to the world that stage-coaches and waggons made exceptions as to their responsibility for losses when the goods amounted to a certain value. This was a thing so settled by the common consent of mankind, that it would be the most dangerous thing in the world to alter it. If it were to be held, that stage-coaches and waggons were answerable for valuable things, unless they were paid for as such, and thereby a superior degree of attention excited, it would deprive the public of all the advantages that were derived from these conveyances. A man might send a service of plate worth many thousand pounds by one of these coaches, and book it as a common parcel; if it was lost, and the proprietor of the coach was liable, it might ruin him. An instance of this sort had actually happened: A nobleman sent plate, to the value of 2000*l.* by one of those conveyances which was taken out, but was not paid for. When a parcel was paid for as containing valuable articles, the proprietor of the coach and his servants were put upon their guard; and if they did not bestow a superior degree of attention, they were inexcusable; and if the goods by their negligence were lost, it would be no hardship to compel them to pay.

The Jury found a verdict for the defendant, and recommended it to him to put a board in the most conspicuous part of his warehouse, so that no person who came there could help seeing it.

CHANDLER *versus* GAINS.

The plaintiff is a woollen-draper, and the defendant a shoemaker.

The action was brought by plaintiff as holder of a bill of exchange for 15 guineas against the defendant as drawer.

On.

On the part of the defendant it was contended that this was an usurious transaction; that the plaintiff first of all took 3s. the legal discount for the bill, which was drawn at two months; that he afterwards gave the defendant 11l. 12s. and made him take cloth for 4l. which cloth was immediately sent to a pawnbroker's: that besides this the defendant paid 15s. 6d. to David Bland, an usurer, for recommending the defendant to the plaintiff.

Bland and his daughter were called; but the Counsel could obtain very little information from them. The learned Judge was anxious to sift this shameful business, and examined Bland himself, who admitted that the defendant had given him something for his trouble, but pretended not to recollect how much it was, although the transaction only took place on the 9th of January last. A *qui tam* action is commenced against Bland for that money.

On the part of the plaintiff, it was contended, that it was a fair transaction for the plaintiff to have said to the defendant, "I will not discount your bill; but if you will take cloth of me for so much, you shall have the rest in cash." Besides, although Bland, the usurer, took this 15s. 6d. *non constat* that it was with the privity and knowledge of Chandler. And if he could not recover this bill, because Bland had thought proper to take an illegal consideration, tradesmen would stand in a most extraordinary situation.

Lord Loughborough said it certainly was very true, that a tradesman, in discounting a bill, might insist on paying part of it in goods, if he sold them at a fair value; but this was never done through the interposition of a third person like Mr. Bland, who said he bought and sold annuities. His Lordship stated to the Jury, that it would be material for them to consider whether the plaintiff was privy to the sum of money that was taken from the defendant by Bland, and whether the sale of the cloth was not only a colourable transaction.

The Jury found a verdict for the plaintiff to the amount of his bill.

CHANDLER *versus* WEBB.

THIS action was brought by the same plaintiff, on the same bill, against Webb the acceptor.—Gains, the drawer, was examined, and among other things deposed, that Mr. Chandler had discounted several bills for him, but always made him take

a quantity of cloth in part of payment, and that this cloth was immediately sent to the pawn-broker's. Except the bill in question, the plaintiff had never discounted a bill for him in person. The witness always applied to Bland, and Bland carried the bills to Chandler. The attorney for Gains absurdly sold the cloth at public auction, to see how much it would bring, instead of producing it in Court, where the Jury might have an opportunity of judging whether it was sold at a fair value.

Lord Loughborough summed up in favour of the defendant; but the Jury having withdrawn for about half an hour, returned with a verdict for plaintiff, assigning as a reason, "that they had no means of knowing the value of the cloth."

GUILDHALL, WEDNESDAY, June 6.

The following cause was tried before Lord Kenyon and a Special Jury.

MEAD *versus* DAUBINEY.

THIS was an action for words—and occupied the greatest part of the day.

Mr. Erskine, as leading Council for the plaintiff, solicited peculiar attention of the Court to the cause, and was perfectly persuaded, that the charge he was about to state to them, would make a much deeper impression on their minds than any that had been tried at Guildhall for these many years, unless some of a similar nature had been tried in his absence.

He had occasion to remark some time ago, in a cause of a very serious nature, that he was persuaded that money was not the god of the city, though the first commercial city in the world: but honour and character were of much more importance, and without which tranquillity, happiness, and peace of mind, could not exist.

Mr. Mead, the plaintiff, was a gentleman of Ireland—was bred to the Bar, and was a person of reputation. He married the sister of the defendant in the year 1774. She being an elegant and an accomplished woman, it was a marriage of affection;—though not at first, as he understood, perfectly agreeable to her family, they afterwards consented to it. The plaintiff had the misfortune to lose her in 1788, and was inconsolable for her loss.

The defendant, Mr. Daubiney, was a clergyman. He did not depend upon the emoluments of his profession, but was a man of fortune. He was abroad with his family; and when his sister Mrs. Mead died, he confessed that every thing that could be expected to be done by a good man, had been done by the plaintiff. The defendant professed the most tender friendship for him, and solicited him to join him in his tour, assuring him that he should always meet with a most welcome reception from him. In consequence of these professions of friendship, the plaintiff went to the German Spa, and joined the defendant in 1789.—There was a Miss Barnston of the party, a young lady of an excellent understanding, and great accomplishments, and who was sister to the defendant's lady. This young lady was possessed of a fortune of 15,000*l.* and if she died unmarried, a part of that fortune would go to the defendant. It was not long before a reciprocal affection began to appear between this lady and Mr. Mead. The moment that the defendant perceived this attachment, he exceeded all the imagination even of Shakespeare, in working up characters of this sort, (when compared with the base, vile, scandalous, disgraceful artifices which this Minister of the Gospel of Truth thought fit to practise) to disturb the affection which began to exist between these people: and all this was for the sake of the lady's fortune, which would come to him, provided she never married.

There were several counts in the declaration, the most serious of which was, that by means of the words spoken, the plaintiff had lost his marriage with Miss Barnston.

The plaintiff's wife had made a will in his favour, leaving all her estate to him. And the defendant, in speaking of that will, used these words:

“The will has been examined by my brothers, and they can declare the signature is not the hand-writing of my sister. The witnesses are suspicious. It is a wonder Mrs. Mead did not chuse her confidential servant. She would have been a more proper witness. She was sent out of the room when the will was signed. She owned this. She has been questioned, and it is plain she has been tampered with. His purpose must have been to secure the whole of Mrs. Mead's fortune, who had intended to leave part of it to her own family, if she died without children.”

These words, and others of a similar import were proved by Miss Barnston, who said, had it not been for the suspicions raised in her mind by these words, and other suggestions, she would certainly have married the plaintiff, and had procured her

mother's consent before these disagreeable reports were propagated.

Mr. Pigot made a very ingenious speech for the defendant, observing, that Miss Barnston was abroad in his family, and under his protection, and that he had acted *bona fide*: that the defendant was a liberal man, and had conducted himself generously to the plaintiff: that although the young lady never married, it did not follow that Mrs. Daubiney would get her fortune, as she had two other sisters, one of whom was married, and had five children.—He said this was a confidential communication from the defendant to Miss Barnston; and that, if an action could be maintained for such a conversation, the peace of society could never be preserved. It was but too common for gentlemen to pay their addresses to young women of fortune, when affection was not always the chief motive; and if no near relation was permitted to give them his advice, it was impossible the happiness of society could be preserved. No man could give the real character even of a servant.

After a most excellent summing up from the noble and learned Judge, the Jury retired for a few minutes, and brought in a verdict for the plaintiff—Damages 500l.

COURT of COMMON PLEAS.

TUESDAY, June 12.

BEDFORD *versus* SAUNDERS.

THIS was a cause of some importance to the trading world. It was an action brought to recover the sum of 30l. 10s. upon a bill of exchange accepted by the defendant previous to his bankruptcy.

It was proved that the defendant, after he became a bankrupt and had obtained his certificate, acknowledged the debt he owed the plaintiff, and said "He shall lose nothing by me; I will pay him as soon as it is in my power."

The question in this cause was, "Whether, as the debt accrued previous to the defendant's bankruptcy, his certificate was not a bar to the present action, notwithstanding the subsequent promise of payment?"

Mr. Serjeant Le Blanc, as Counsel for the defendant, contended, that as the debt became due prior to the bankruptcy, and as his client had obtained his certificate, the plaintiff could
not

not recover in this action. The certificate, he said, was a complete bar to the action. The subsequent promise of payment was only an acknowledgment of the justice of the debt, and a declaration that he would pay it (although not compelled by law), whenever it was in his power. He had violated no promise; for the truth was, he was at present only a waiter, and incapable of paying the debt.

Lord Loughborough was of opinion that the subsequent promise of payment was a waiver of the certificate, and that therefore the plaintiff had a right to recover.

Verdict for plaintiff.—Damages, 30*l.* 10*s.*

K I N G ' s B E N C H .

WEDNESDAY, June 13.

DINNEY *versus* LORD BARRYMORE.

THIS action was brought by the plaintiff, who was a tradesman, against the defendant, for the sum of 25*l.* for building a theatre. There was very little doubt about this debt, but it was proved that the defendant was a minor when he contracted it.

Lord Kenyon said one law was to be administered to men of all descriptions. Those who were entrusted with the administration of justice, were bound by their oaths to decide according to the law—and the law said, that infants could only bind themselves for necessities.

Verdict for defendant.

DEFREN *versus* LORD FOLEY.

THE plaintiff, who is a respectable mercer in Bond-street, brought this action against the Right Hon. Lord Foley, to recover 150*l.* for goods furnished for his Lordship and his family.

Verdict for the plaintiff, 150*l.*

The noble and learned Judge was extremely sorry that the state of Lord Foley's affairs had sometimes compelled his Lordship to act contrary to the feelings of one of the most honourable minds upon earth.

Short

Short ACCOUNT of Dr. SMALL.

DR. SMALL, noticed in page 502, as the friend of Mr. Day, was the son of a minister of the church of Scotland. He was appointed Professor of Natural Philosophy in the University of Williamsburg, in Vienna, where he resided a few years. Upon his return to England, he practised as a physician at Birmingham, several years, with great reputation, and then he died, in 1775, at the age of 41.

To the most extensive, various, and accurate knowledge, in the sciences, in literature, and in life, Dr. Small joined engaging manners, a most exact conduct, a liberality of sentiment, and an enlightened humanity. But though possessed of eminent talents for the instruction of mankind, he has left no trace behind of all that store of knowledge and observation which he had acquired, and from which his friends never left him without drawing fresh information. He lives only in the memory of those friends who knew his worth, and of the poor, whom his humane skill was ever ready to rescue from disease and pain.

Mr. Day was at Brussels, when he heard that Dr. Small was seized with a fever. He flew with anxious haste to England, and arrived at Birmingham a few hours after his friend had expired. The following pathetick lines, in which he afterwards gave vent to his sorrow, will shew the sensibility with which he regretted the loss of this valuable man, whom he venerated as the friend and guide of his youth, and whose death he considered as the severest stroke that fortune could then have inflicted;

Beyond the rage of time or fortune's power
 Remain, cold stone! remain, and mark the hour
 When all the noblest gifts, which Heaven e'er gave,
 Were center'd in a dark untimely grave.
 Oh, taught on reason's boldest wings to rise,
 And catch each glimmering of the opening skies!
 Oh, gentle bosom! Oh, unsullied mind!
 Oh, friend to truth, to virtue, and mankind!
 Thy dear remains we trust to this sad shrine,
 Secure to feel no second loss like thine!

It is remarkable, that these lines contain a delineation not less exact of the character of the poet himself, than of that of the excellent person for whose memory they were intended; and as they had never been employed as an epitaph for Dr. Small, they have been happily judged by that friend who knew the poet

poet best, and most laments him, to be the justest delineation of himself, and she has therefore directed them to be inscribed on his tomb.

The History of the Life of Baron Trenck. In which is introduced a particular Account of the extraordinary Sufferings which he underwent by Command of the late King of Prussia.

[Extracted from his own Narrative.]

(Continued from Page 603.)

THE next day I observed, as the four doors were opened that they were only of wood, therefore questioned whether I might not even cut off the locks with the knife that I had so fortunately concealed; and, should this and every other means fail, then would be the time to die. I likewise determined to make an attempt even to free myself of my chains. I happily forced my right hand through the hand-cuff, though the blood trickled from my nails. My attempts on the left were long ineffectual: But, by rubbing with a brick, which I got from my seat, on the rivet that had been negligently closed, I effected this also.

The chain was fastened to the rim round my body, by a hook, one end of which was not inserted in the rim, therefore, by setting my foot against the wall, I had strength enough so far to bend this hook back, and open it, as to force out the link of the chain. The remaining difficulty was the chain that attached my foot to the wall: The links of this chain I took doubled, twisted, and wrenched, till, at length, nature having bestowed on me great strength, I made a desperate effort, sprang forcibly up, and two links at once flew off.

Fortunate, indeed, did I think myself; I hastened to the door, groped in the dark to find the clinchings of the nails by which the lock was fastened, and discovered no very large piece of wood need be cut. Immediately I went to work with my knife, and cut through the oak door, to find its thickness, which proved to be only one inch, therefore was it possible to open all the four doors in four and twenty hours.

Again hope revived in my heart. To prevent detection I hastened to put on my chains; but, oh God! what difficulties had I to surmount! After much groping about, I at length found

found the link that had flown off; this I hid. It had been my good fortune hitherto to escape examination, as the possibility of ridding myself of such chains was in no wise suspected. The separated links I tied together with my hair ribbon; but when I again endeavoured to force my hand into the ring, it was so swelled that every effort was fruitless. The whole night was employed upon the rivet, but all labour was in vain.

Noon was the hour of visitation, and necessity and danger again obliged me to attempt forcing my hand in, which at length, after excruciating torture, I effected. My visitors came, and every thing had the appearance of order. I found it, however, impossible to force out my right hand while it continued swelled.

I therefore remained quiet till the day fixed, and, on the determined fourth of July, immediately as my visitors had closed the doors upon me, I disencumbered myself of my irons, took my knife, and began my Herculean labour on the door. The first of the double doors that opened inwards was conquered in less than an hour; the other was a very different task. The lock was soon cut round, but it opened outwards; there were therefore no other means left, but to cut the whole door away above the bar.

Incessant and incredible labour made this possible, though it was the more difficult, as every thing was to be done by feeling, I being totally in the dark; the sweat dropt, or rather flowed from my body; my fingers were clotted with my own blood, and my lacerated hands were one continued wound.

Day-light appeared, I clambered over the door that was half cut away, and got up to the window in the space or cell that was between the double doors, as before described. Here I saw my dungeon was in the ditch of the first rampart: Before me I beheld the road from the rampart, the guard but fifty paces distant, and the high palisadoes that were in the ditch, and must be scaled before I could reach the rampart. Hope grew stronger; my efforts were redoubled. The first of the next double doors was attacked, which likewise opened inward, and was soon conquered. The sun set before I had ended this, and the fourth was to be cut away, as the second had been. My strength failed; both my hands were raw: I rested a while, began again, and had made a cut of a foot long when my knife snapt, and the broken blade dropt to the ground.

God of omnipotence! what was I at this moment! Was there, God of mercies! was there ever creature of thine more justified than I in despair?—The moon shone clear; I cast a wild

wild and distracted look up to Heaven, fell on my knees, and, in the agony of my soul, sought comfort; but no comfort could be found, nor religion, nor philosophy had any to give.—I cursed not Providence, I feared not annihilation, I dared not Almighty vengeance; God the creator was the disposer of my fate; and, if he heaped afflictions upon me he had not given me strength to support, his justice would not therefore punish me. To him, the Judge of the Quick and Dead, I committed my soul, seized the broken knife, gashed through the veins of my left arm and foot, sat myself tranquilly down, and saw the blood flow. Nature, overpowered, fainted, and I know not how long I remained slumbering in this state.—Suddenly I heard my own name, awoke, and again heard the words Baron Trenck! My answer was, who calls?—And who indeed was it—who but my honest grenadier Gefhardt—my former faithful friend in the citadel.—The good, the kind fellow had got upon the rampart, that he might comfort me.

“How do you do?” said Gefhardt—“Weltering in my blood,” answered I; “to-morrow you will find me dead.”—“Why should you die?” replied he. “It is much easier for you to escape here than from the citadel. Here is no centinel, and I shall soon find means to provide you with tools: If you can only break out, leave the rest to me. As often as I am on guard I will seek opportunity to speak to you. In the whole Star-Fort there are but two centinels; the one at the entrance, and the other at the guard-house.—Do not despair, God will succour you; trust to me.”—The good man’s kindness and discourse revived my hopes: I saw the possibility of an escape. A secret joy diffused itself through my soul—I immediately tore my shirt, bound up my wounds, and waited the approach of day; and the sun soon after shone through the window, to me, with unaccustomed brightness.

Till noon I had time to consider what might farther be done: Yet, what could be done, what expected, but that I should now be much more cruelly treated, and even more insupportably ironed than before; finding, as they must, the doors cut through and my fetters shaken off?

After mature consideration, I therefore made the following resolution, which succeeded happily, and even beyond my hopes. Before I proceed, however, I will speak a few words concerning my situation at this moment. It is impossible to describe how much I was exhausted. The prison swam with blood, and, certainly, but little was left in my body. With painful wounds, swelled and torn hands, I there stood, shirtless, felt an inclina-

tion to sleep almost irresistible, and scarcely had strength to keep my legs, yet was I obliged to rouse myself, that I might execute my plan.

With the bar that separated my hands I loosened the bricks of my seat, which, being newly laid, was easily done, and heaped them up in the middle of my prison. The inner door was quite open, and with my chains I so barricadoed the upper half of the second as to prevent any one climbing over it. When noon came, and the first of the doors was unlocked, all were astonished to find the second open. There I stood, a desperate man, besmeared with blood, the picture of horror, with a brick in one hand, and in the other my broken knife, crying as they approached, "Keep off, Mr. Major, keep off!—Tell the Governor I will live no longer in chains, and that here I stand, if so he pleases, to be shot; for so only will I be conquered. Here no man shall enter—I will destroy all that approach; here are my weapons, here will I die in despite of tyranny." The Major was terrified, wanted resolution, and made his report to the Governor. I, mean-time, sat down on my bricks, to wait what might happen: My secret intent, however, was not so desperate as it appeared. I sought only to obtain a favourable capitulation.

The Governor, General Bork, presently came, attended by the Town-Major, and some officers, and entered the outward cell, but sprung back the moment he beheld a figure like me, standing with a brick and up-lifted arm. I repeated what I had told the Major, and he immediately ordered six grenadiers to force the door. The front cell was scarcely six feet broad, so that no more than two at a time could attack my intrenchment, and when they saw my threatening bricks ready to descend, they leaped terrified back. A short pause ensued, and the old Town-Major, with the chaplain, advanced toward the door to sooth me: The conversation continued some time; whose reasons were most satisfactory, and whose cause was the most just, I leave to the reader. The Governor grew angry, and ordered a fresh attack. The first grenadier was knocked down, and the rest ran back to avoid my missiles.

The Town-Major, again, began a parley. "For God's sake, my dear Trenck," said he, "in what have I injured you, that you endeavour to effect my ruin? I must answer for your having, through my negligence, concealed a knife. Be persuaded, I intreat you. Be appeased. You are not without hope, not without friends."—My answer was,—“But will you not load me with heavier irons than before?”

He went out, spoke with the Governor, and gave me his word of honour that the affair should be no farther noticed, and that every thing should be exactly reinstated as formerly.

Here ended the capitulation, and my wretched citadel was taken. The condition I was in was viewed with pity; my wounds were examined, a surgeon sent to dress them, another shirt was given me, and the bricks, clotted with blood, removed. I mean time lay half dead on my matrafs: My thirst was excessive, the surgeon ordered me some wine; two centinels were stationed in the front cell, and I was thus left, four days, in peace, unironed. Broth also was given me daily, and how delicious this was to taste, how much it revived and strengthened me, is wholly impossible to describe. Two days I lay in a slumbering kind of trance, forced by unquenchable thirst, to drink whenever I awoke. My feet and hands were swelled; the pains in my back and limbs were excessive.

(To be continued.)

A Extraordinary Instance of Cruelty in Parents.

A Few days since William Matthew, of Burton-upon Trent, milwright, and Ann his wife, were apprehended by the peace officers of that place, and taken before the Rev. J. Falconer, D. D. one of his Majesty's Justices of the Peace for the county of Stafford, (then at the Three Queens Inn) being charged with "ill treating Mary Matthew, their daughter, by beating, confining, and not providing her with sufficient food and other necessaries." This charge being corroborated by the evidence of several neighbours, the poor girl (who is now 17 years old) appearing in a very forlorn and neglected situation, and it being the unanimous opinion of three gentlemen of the faculty, that her weak and debilitated state was caused by no other means than a want of proper nourishment: The magistrate, after remonstrating with much humanity and feeling against the cruelty of her parents, ordered them immediately to cloath the poor girl decently; to place her out to board at such place as should be approved by the parish officers, to pay the weekly expence of it, and to enter into a proper engagement to provide her with any medical assistance that was necessary. He also informed them, that in case of any neglect of these orders, he should, on information from the officers, immediately commit them to prison. So great was the mob assembled near the inn on the occasion, and so

exasperated were they at the unnatural conduct of Matthews and his wife, that had it not been for the interference and protection of the peace-officers, it would hardly have been possible for them to have returned to their habitation with safety. Matthew, it seems, has nine children, who, with himself, generally earn weekly, from their respective occupations, about forty shillings; and he has, he says, a small estate at Chaddefden, near Derby.—It is shocking to reflect, that human beings are capable of committing acts of such complicated cruelty and baseness!

Answer, by Amicus Crewkerniensis, to W. W.'s Rebus, inserted April 16.

WHEN your initials were plac'd right,
MALMSBURY appear'd clear to my sight.

† We have received the like answer from Alphonso, and J. B. Chivers, of St. Austell; S. Branwell, near St. Austell; T. Sparkes junior, M. Barret junior, and H. C——s, of Exon; T. Walker, Hemyock; M. Rowse, of Widecombe; R. H. of Creed; J. Bulgin, Castle Carey; Eremita, Weston Zoyland; J. K. C. near Wells; W. Baker, of Totnes; a youth of Tiverton; Peripatetic, Penzance; and R. Tucker, of Broadwinfor.

Answer, by J. Bulgin, of Castle Carey, to the Enigma, inserted April 16.

TINDER is made from linen old,
So your dark mystery I have told.

† We have received the like answer from W. Brewer, and A. Apsey, of Taunton; S. Branwell, near St. Austell; R. Hawkey, Creed; S. Shapton, Awliscombe; a youth of Tiverton; J. Collins, Uffculm; P. Lyttleton, of Tywardreath; Amicus Crewkerniensis; T. Walker, Hemyock; J. Chivers, and Alphonso, of St. Austell; A. Barret junior, T. Sparkes junior, and H. Cross, of Exon; Peripatetic, of Penzance; and J. H. of Lyme.

An ENIGMA, by J. K. C. near Wells.

HASTEN ye whose drooping senses,
 Pensive rest on vain pretences;
 Here's one ready to relieve ye,
 From the burdens which may grieve ye;
 Youth's the season to be jolly,
 I'm a foe to melancholy;
 Banish care from your dominion,
 And enjoy the same opinion;
 My delight's in mirth and feasting,
 Indian treasures daily tasting;
 See the west my vigour soften,
 Granting me assistance often;
 While the east its fire infuses,
 Thro' my veins as fancy chuses;
 Milder climes are also lending
 Their assistance, and contending
 Which shall gain the greatest favour,
 Those who're gay or those who're graver;
 Thus together mix'd and tumbled,
 All in one at length are jumbled;
 Friends, I have in ev'ry station,
 Every clime, and every nation;
 All of whom hate my existence,
 Tho' I give to each assistance;
 Some perhaps may call me rattler,
 Selfish brute, or empty prattler.
 But, believe me, all the treasure,
 That I boast is mirth and pleasure;
 Quite unknown to books or letters,
 Yet submissive to my betters;
 Not a post can be more senseless,
 Ope to all, and quite defenceless;
 Those who love to share my bounties
 Num'rous are in England's counties;
 Lawyers, aldermen, physicians,
 Bishops, deacons, all conditions,
 Own my pow'r, which is so charming,
 Ev'ry sting of care disarming;
 But alas! (pray cease from crying)
 They live best while I am dying,

P O E T R Y.

For the WEEKLY ENTERTAINER.

BERRY CASTLE: *An* ELEGY.

THE moon faint glimmering thro' the leafy vale,
Dimly reflected from yon ruin'd wall;
Whilst gloomy darkness broods around the dale,
The hoarse owl shrieks, whilst hoarser waters fall.

Solemnity and silence both conspire,
To raise a seat to contemplation here;
Sweet heav'nly maid! you greatly I admire,
For solitude to me was always dear.

But say what subject doth this gloom afford?
This falling castle, antiquated seat!
Which bears the mark of devastation's sword,
Where bloody armies erst found safe retreat.

What moral doth this moss-grown pile contain?
Whose lofty top has dared the wild storm's ire,
'Till headlong hurl'd upon the rocky plain,
By time victorious, or etherial fire.

In the damp poisonous vault what maxim lies,
Whence comes projecting sculpture thro' the thorn?
The village tale of goblins and of fays,
By fate constrain'd to fly th' approach of morn.

To contemplation, anarchy the bane,
These wrecks of grandeur moral sweets impart;
For lessons gather'd from the mould'ring fane,
In terms like these should edify the heart:

" From hence, presumptive man! your weakness know,
" Unstable like that tow'r (once firm) you'll fall,
" Nor

- “ Nor works of art remain for e’er below,
 “ The earth their grave, the verdant field their pall.
 “ Learn hence what mischiefs spring from civil strife,
 “ What evils dire from fierce contention rise,
 “ By which are lost your habitation, life,
 “ Rebellious fame ne’er reaches to the skies.
 “ Short is duration’s longest date on earth,
 “ Distress and want how liable to all !
 “ Increase not then your ills entail’d by birth,
 “ Nor madly glory in your country’s fall.”

ISAAC NEWTON.

Totnes, May 18, 1792.

A S O N N E T.

[From Mrs. ROBINSON’S VANCENZA.]

THE chilling gale that nipp’d the rose,
 Now murmuring sinks to soft repose ;
 The shad’wy vapours sail away,
 Upon the silv’ry floods of day ;
 Health breathes on every face I see,
 But, ah ! she breathes no more on me !

The woodbine wafts in odours meek
 To kiss the rose’s glowing cheek ;
 Pale twilight sheds her vagrant show’rs
 To wake Aurora’s infant flow’rs ;
 May smiles on every face I see,
 But, ah ! she smiles no more on me.

Perchance, when youth’s delicious bloom
 Shall fade unheeded in the tomb,
 Fate may direct a daughter’s eye
 To where my mould’ring reliques lie ;
 And, touch’d by sacred sympathy,
 That eye may drop a tear for me !

Betray’d by love ; of hope bereft ;
 No gentle gleam of comfort left ;
 Bow’d by the hand of sorrow low ;
 No pitying friend to weep my woe ;

Save her, who spar'd by Heav'n's decree,
Shall live to sigh, and think on me !

Oh ! I would wander where no ray
Breaks thro' the gloom of doubtful day,
There would I court the wintry hour,
The ling'ring dawn, the midnight show'r ;
For cold and comfortless shall be
Each future scene—ordain'd for me !

For the WEEKLY ENTERTAINER.

An Address to Chloe, on seeing the Lady kiss her Cat.

CHLOE, sweet girl ! in pity hear
This small request that I may live ;
Let me with your grimalkin share
The balmy kisses which you give.

And when in search of mouse or rat,
Puffs range abroad with zeal most fervent ;
Rather than wait to kiss your cat—
Kiss in her stead your humble servant.

J. K. C.

Wookey Hole, Somerset.

END OF THE NINETEENTH VOLUME.

I N D E X

T O T H E

NINETEENTH VOLUME

O F T H E

Weekly Entertainer.

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