V. Sir Gilbert Tulbot's Narrative of the Earl of Sandwich's Attempt upon Berghen in 1665: Communicated by Henry Ellis, Esq. in a Letter to the Right Honourable the Earl of Aberdeen, K. T. President.

Read 14th December 1826.

British Museum, December 14, 1826.

MY LORD,

ON the last evening of the Society's meeting I had the honor to communicate to your Lordship a Narrative of the Venetian tender of Assistance to King Charles the First in his Civil Wars, written by Sir Gilbert Talbot. I have now the honor to lay before the Society another Narrative by the same hand, relating to the unfortunate Attempt upon the Dutch Ships in the Harbour of Berghen in Norway, by a Detachment from the Earl of Sandwich's Fleet, in 1665. A copy of it is preserved in the Harleian Manuscript, No 6859. It shows very distinctly with whom the scheme of seizing the Dutch ships originated, and gives the true history of a defeat which has been represented in different lights by our Historians, of whom Hume is probably the most at fault. He ascribes to the King of Denmark a larger share of perfidy than was his due.

Even Pepys, the Secretary of the Admiralty, does not appear to have been informed of the circumstances which led to, and caused the failure of the Attempt. He merely says in his Diary, under August 19th 1665, "I saw a letter from my Lord Sandwich to the Duke of Albemarle, and also from Sir W. Coventry and Capt. Teddiman, how my Lord having commanded Teddiman with twenty-two ships (of which but fifteen could get thither, and of those fifteen but eight or nine could come up

to play) to go to Berghen; where, after several messages to and fro from the Governor of the Castle, urging that Teddiman ought not to come thither with more than five ships, and desiring time to think of it, all the while he suffering the Dutch ships to land their guns to the best advantage. Teddiman on the second presence, began to play at the Dutch ships (whereof ten East Indian men), and in three hours time (the Town and Castle, without any provocation, playing on our ships,) they did cut all our cables, so as the wind being off the land, did force us to go out, and rendered our fire-ships useless; without doing any thing, but what hurt of course our guns must have done them: we having lost five commanders, besides Mr. Edward Montagu, and Mr. Windham." a

Bishop Burnet, however, had certainly seen Sir Gilbert Talbot's Narrative. He has made use of as many particulars from it as fill a page and a half of the History of his own Time. The full detail of this Narrative is not unworthy of preservation in the Archæologia.

I am, with great respect,

My Lord,

Your Lordship's faithful and obliged servant,

HENRY ELLIS.

To the Right Hon, the EARL OF ABERDEEN, K. T. President of the Society of Antiquaries.

*** The transcriber of the Narrative in the Harleian Manuscript, has made a mistake in copying the name of Sir Thomas Teddyman, whom he, throughout, calls Sir Thomas Fiddleman: this, in editing the Narrative, has been corrected.

a Pepys's Diary, vol. i. p. 360.

A true Narrative of the Earl of Sandwich's Attempt upon Berghen with the English Fleet on the 3d of August 1665: and the Cause of his Miscarriage thereupon.

When his Majesty employed Sir Gilbert Talbot to the Danish Court, that King was pleased oft-times to discourse very freely with him; and particularly on the 14th of June 1665. Amongst other matters, he took occasion to complain of the sad condition wherein the Hollanders by their treacherous proceedings had involved him, by drawing the Swedish war upon him, on purpose that he might be necessitated that he might have recourse to them for supplies of money and shipping, that thereby they might get into their hands the Customs of Norway and the Sound, for their security.

Sir Gilbert told his Majesty that if he would give him leave he would point him out a way whereby he should not only free himself from the bondage, but plentifully repair his condition. But withall he said, that he spoke as a private person devoted to his interest, not as a public Minister.

His Majesty conjured him to tell him what he meant. He then said, that his Majesty had it in his own hands if he would make use of it; but he still seemed not to understand, and desired Sir Gilbert to explain; who then told him, that the Smyrna fleet, worth many millions, was within his net at Berghen; that there were many rich West India ships besides; and that they staid there in expectation of a double East India fleet, and De Ruyter, who was returned homeward with a very great spoil, having swept the Coast of Guinea.

Sir Gilbert asked his Majesty why he would not make seizure of those ships within his harbour, before the Convoy came which they expected? His Majesty answered that he wanted strength to do it. Sir Gilbert very well knew that, but expected it from his own mouth, that he might have occasion to lead him to his point; for having now in a

manner discovered that it was only want of power, that hindered his Majesty, he the more confidently replied that he doubted not but that the King his master would lend him forces to effect it; but it would be reasonable, if his Majesty reduced them by his power, that he should participate equally of the profit.

The King replied, that he would be content with all his heart to share equally with his Majesty. Sir Gilbert thereupon asked him if he would give him commission to propose the matter to the King his Master? He said yes, most willingly: and desired him to do it with all speed and secrecy.

Wherefore, on the 17th following, he proposed it in cypher to the Lord Arlington; who in his answer, dated the 30th of June, told him that he had imparted it to his Majesty, who very well approved what he had done, and commanded him to pursue it, promising that his Fleet should be ready to put it in execution.

This letter came to Sir Gilbert on the 10th of July, and the same minute that he received it, he went to the Court and told the King that the King his master embraced the proposal, and gave him order to proceed to an agreement with his Majesty about the particulars.

Hanibal Sested (Grand Treasurer), General Sback, and the Premier Minister Gabel, were appointed Commissioners to concert with him the agreement and method of putting it in execution. But no Articles were to appear in writing, in regard of the tender nature of the affair, which was justifiable in the King of England, but not to be avowed by his Majesty of Denmark.

All this while there were no news of De Ruyter, or the East India fleet, which was ordered to come home round Scotland. But on the 20th of July the King of Denmark received several letters out of Norway, which brought intelligence that De Ruyter was upon the coast, and some ships came into Copenhagen which had spoken with him at sea.

His Majesty sent presently to Sir Gilbert Talbot to acquaint him with the news, and desired him to transmit it with all speed to the Eng-

lish fleet; thereupon he immediately wrote to the Earl of Sandwich, and within two hours despatched his Secretary towards him. cause he had no cypher with his Lordship he was forced to acquaint his Secretary with the whole matter, and refer his Lordship to his relation: but he, instead of finding his Lordship upon the Dogger-bank, fell into the Dutch fleet, and was carried away prisoner into Holland: yet dissembling his condition, and pretending that he was going to study at Leyden, he was released; and came back overland to his master on The same day that the King received the first news of De Ruyter, his Majesty wrote to his Vice-roy Guildenleu and General Alefelt (Governor of Berghen), advising them to use all fair means to keep the Hollanders still in their harbours, and that they should by an express understand the reason of it, in cypher, and withall receive instructions how they were to proceed in order to his service. The Envoy likewise wrote to the Commander in Chief of the English.

On the 24th his Majesty despatched the express with the Orders, and Sir Gilbert Talbot sent by the same express two letters, the one to be left with the Viceroy at Christiana, the other with General Alefelt at Berghen, to be by them conveyed to the Commanders in Chief of the English frigates as soon as they should arrive in either of their respective Ports, and under pretence of the Governor's enquiry what their purpose was; and desiring them not to act any hostility in their harbours, these letters were to be slipt into their hands, and by them they would know what was capitulated betwixt the Danish King and him, which was, that the English should boldly assault their enemies in port (forasmuch as the Danes would make no resistance against them) under pretence of fear that the English, if provoked, might destroy their towns, and carry all away as their prize: but that a just account was to be kept in regard that the whole might not be diminished. For the King of Denmark was to have an equal share, for which he would rely on the King of England's justice; and since, for his honour's sake, he would not openly assent to the seizure of them in his ports, the Commanders (to blind the world) should storm high and pretend to be

greatly offended, but should equally seem to dread the provocation of a victorious Power (such as the English then was).

On the 26th of July Sir Gilbert Talbot received a letter from the Earl of Sandwich by Mr. Worden (dated the 17th), wherein his Lordship desired Sir Gilbert to send him word by the same messenger how they had agreed the matter, that he might act accordingly.

Sir Gilbert Talbot found by his Lordship's letter that he had acquainted Mr. Worden with the whole design, although it was earnestly desired that (for the honour of the King of Denmark) it might be imparted to as few as the nature of the employment would bear. The Earl's excuse for that communication was that he had no cypher with Sir Gilbert Talbot, and durst not intrust the matter to paper. But by his Lordship's favour, if he had well considered, he might have had a counterpart of the Envoy's cypher with either of the Secretaries; and it was no less strange that he should forget to ask, than for the Secretaries to offer the cypher in such a tender case; but this was not the greatest of his Lordship's miscarriages. For the same minute that Mr. Worden left him, his Lordship weighed anchor, and stood over for the coast of England to meet a squadron that came out to join him, and as soon as he met that squadron, he steered his course for Berghen.

The Catch that landed Mr. Worden in the Elbe was commanded back (as soon as she had put him on shore) to follow the Fleet (an ill sign that the Earl expected to understand the articles by the return of Mr. Worden), and where then was the necessity of acquainting him with the main design?

Hereupon, Sir Gilbert Talbot went immediately with Mr. Worden to Elsineur in hopes to waft him from thence, but could meet with no opportunity to send him in quest of the Earl; for no Danish vessel would adventure upon a wandering undetermined voyage to seek a fleet at sea; nor could Sir Gilbert Talbot buy a small vessel in all that part, although he employed an industrious English merchant about it.

At length, on the 2d of August, Captain Motham's frigate, having lost the fleet, came by chance into the Sound, and dropped anchor under

Cronenburg Castle. Sir Gilbert Talbot sent for the Captain on shore, and told him that it would be an acceptable service to the King if he would speedily convey Mr. Worden to the fleet. He presently took him on board, and weighed anchor the next morning. But the same day that the frigate set sail out of the Sound didthe English fleet assault the enemy's ships at Berghen, according as Mr. Worden had before told Sir Gilbert Talbot that the Earl intended to do, and that he would not stay for an answer from him, but fall on it, if he found the Dutch fleet there.

This was so contrary to the advertisement that Sir Gilbert received out of England (that the Lord Admiral was commanded not to stir from the Dogger-bank with his fleet till he understood from Sir Gilbert in what manner it was resolved he should proceed); so contrary to what his Lordship wrote he was ordered to do (and therefore desired Sir Gilbert to speed his messenger back to him); so contrary to vulgar reason, that since he understood that the convoy had articled the method with the Danish King's Commissioners, he should rush upon the design before he knew what the agreed terms were; nay, so contrary to duty, that he should dare to act contrary to his Majesty's precise orders, whereof he could not pretend ignorance, for he confessed them in his letter to Sir Gilbert Talbot; and there was then so great a necessity that he must speedily understand from Sir Gilbert the terms of the agreement; that Mr. Worden (then a very young man) must needs be made a participant of the whole affair, wherein the honour of the Danish King was so nicely concerned. Yet did his Lordship contradict himself apparently when he commanded the immediate return of the shallop, which ought to have been left to bring Mr. Worden back to him.

From hence it was apparent that his Lordship had a mind to seem to pursue orders (therefore Mr. Worden was sent), but a resolution to disobey them (because Mr. Worden was not expected back).

When Sir Gilbert Talbot saw this proceeding of the Admiral's, he prognosticated to Mr. Worden the miscarriage of the whole affair, because the orders which went away in cypher from Copenhagen on the 24th of

July could not possibly be so soon arrived at Berghen, in regard that the journey is ten (at the least), and usually twelve days by land.

But the Viceroy, who resided at Christiana, received his orders sooner, and in obedience thereunto sent out two galliots to find the English Fleet and advertise them what agreement was made by the Envoy, &c. but missed them: for they had shaped their course for Berghen.

The Governor of Berghen, when he heard the English fleet was riding without the rocks, began to fear least they might hastily fall upon the Dutch, before his orders and instructions came how to govern himself in that weighty affair. He therefore sent one Mr. Tolner to them (a gentleman of great trust and confidence, and one who spoke English), to desire them not to offer any violence to the port yet, for reason which they might easily conjecture, but to stay the arrival of the post, which was expected within two or three days at the farthest; till when he could not receive his particular directions: and in the mean time to disguise their stay, they might pretend to want fresh water and provisions from shore, wherewith he would give order they should be furnished.

In return to this Sir Thomas Clifford was sent presently into the town to discourse the Governor who laid the matter plain before him. At his return to the fleet the Earl called a council of war to advise what was to be done. Therein the Envoy's first letter to the Commander in Chief was produced and read, in which the whole concertation betwixt the Danish Commissioners and him was in plain terms expressed, and a signification of the orders which were upon the way to the Governor, directing how he was to govern himself when the English fell on. The Captains, animated with some froward councils, and the expectation of rich booties, were unanimously for falling upon the Dutch without any delay. They prefigured to themselves the facility of the enterprize, and disdained to wait the arrival of the Governor's orders.

Sir Thomas Tiddiman thereupon went in with his squadron under the favour of a full gale: but when he came to the entrance of the port, the wind chopt about, and he was forced to drop his anchor under the citadel, within half a musket-shot of their great guns. He there begun to pour out his great shot against the Holland ships in the harbour, and did much spoil amongst the houses in the Town, and slew some of the inhabitants.

The Castle seeing this hostility offered in the King's Chamber, and not having as yet received the particular directions from his Majesty how to behave themselves, discharged fiercely upon the English, disabled divers frigates, and killed many officers and mariners.

The frigates had dismounted all the guns upon the small fort that stood above, but the citadel stood too low and close upon the water, that it made no shoot in vain, the Holland gunners being taken in to their assistance.

Tiddiman having with this obstinacy ruined his squadron, and ready himself to sink, was forced at length to slip his cables, and fall off to the fleet, which lay still without the rocks.

The Governor, under pretence of expostulation with the Admiral, why he would thus violate his master's peace, sent Mr. Tolner to the fleet again, to tell them he had ruined their business by precipitation, and had forced him to do what was as much against his inclinations as he believed it to be against the mind of the King his master. But, if they would yet stay within the rocks, he would fish up all their anchors for them, furnish them with new cables for what were cut, and whatsoever provisions they should want.

When the whole work was (upon the 3d of August) thus destroyed by the impatience and rashness of the English Commanders, upon the 4th of August the post came and brought the capitulated instructions. The Governor thereupon sent once more to Sir Thomas Clifford to come privately on shore, which he did; and the Governor, to demonstrate the real intentions of the King his master, showed him his orders decyphered; which were, that when the English fleet assaulted the Dutch ships in the harbour, the Governor should seem highly concerned, and storm; yet not make any resistance from the Castles, but suffer the

quiet seizure of them by the English, under pretence of fear that if the forts shot, the English might be provoked to fire the town, which was not able to defend itself against them. But, withal he told him, that as it would have cost him his head if he had consented to the delivery of the Dutch into the English hands before his particular orders came, so, the case being now altered by the unwarrantable violence of the English, he could not, without the like danger of his head, execute the first orders till he had certified the alteration of the case, and received a confirmation of orders, which he did in no ways doubt but would in a short time come, if the English would have the patience to expect them; and if the whole fleet did not think fit to stay, he desired them to leave but six frigates at the mouth of the harbour, and he would engage that the Dutch should not stir out till the fleet returned back to take them. But they were sullen, and went away without giving the Envoy a word or syllable of their miscarriage, or complaint against the Danish Governor. Nor did the King of Denmark or Sir Gilbert Talbot know any thing of the arrival of the English or East India fleet at Berghen, but by the same express which brought news of the disaster, which so afflicted his Majesty of Denmark, that, for a month together he lookt like death, as well he might; for it is not probable that he will ever meet with such an opportunity to repair his condition.

Thus much Sir Gilbert held himself bound in justice and honour to say at his return to the English Court for a vindication and proof of the King of Denmark's real intentions in that affair.

As for the Envoy's own part, it was such a fall of his hopes, and such a heart-breaking to him to find his beloved design so fatally defeated, that he thought he should not have been able to have out-lived it; as despairing ever to meet with an occasion to render so eminent a service to his King and country. For, the loss of those several fleets and vast mass of wealth (such as no age ever saw together upon the sea) had brought the proud States upon their knees, and France would then have had small encouragement to undertake their support.

Nevertheless, after all this, Sir Gilbert, by express command from

the King his master, was enjoined (much against his conscience) to expostulate with the King of Denmark and his Minister, first, why the orders were not sent sooner than the 24th from Copenhagen; and secondly, why they were not executed when they came.

To the first they answered, that they could not consult and conclude a matter of that nicety, and put the whole method of it into cypher sooner than they had done, and for that, they referred themselves to the English Envoy himself. They farther added, that the proper question ought to be, why the English Commanders were so precipitate, and not why the Danish Ministers were so slow?

To the second, they replied, that as the King should have required the head of Gen. Alefelt if he had acted without express orders (as the English very much importuned him to do), so likewise he could not justify himself upon his orders, after the English had battered the Town and Fort, without new authority from the Court, because the case was now quite altered by the hostile invasion of the English; there being 2,000 Hollanders landed in the town, and some put into the Citadel, nor would the inhabitants probably be induced to receive an enraged enemy, for now they could hardly account the English friends. And the Court pleaded that their Governor had pressed the English Captains to leave but six of their frigates (as hath been said) at the mouth of the haven; and he engaged to keep the Hollanders in, against the power of the whole Dutch fleet, till new orders came from Denmark; and that the English fleet might in the mean time refresh and refit itself, and return again to put the matter yet in execution.

This (said the Danish King) was an offer bold enough to evidence the sincerity of him and his. But your English (said he) being conscious to themselves that they had destroyed the design, and fearing least they might be called to an account for it, went away in high discontent, as if they meant to charge the miscarriage (which was due to their rashness alone) upon the failure of my officers.

And most evident it is, that they used means at Court to have it so

believed, and this begat the severe Remonstrance which was afterwards published against the Danes.

For His Majesty, taking the narrative from those that were most culpable, and had reason to make their own story fair, never examined Sir Gilbert Talbot at his return from Denmark concerning the matter, who (if examined) must have told his Majesty plainly that the Danes observed no less than four gross miscarriages in the Earl of Sandwich (which must be charged on the Commander in Chief, whatsoever inferior officer or instrument committed them) in the management of that affair.

The 1st, that knowing the particulars agreed on betwixt the Danish King and the Envoy (or not knowing them), departing from the Dogger-bank contrary to express order before he did know them, and when he came before Berghen, not to be perswaded to suspend the assault till the Governor was authorised tamely to suffer them to be seized and carried away out of his master's harbour, under pretence of fear that the English, if resisted, might be provoked to force, and fire the town.

And 2dly, that if he was resolved to violate the agreement, why did he not at first go in with greater strength when the wind stood fair for him?

Or 3d, why did he not land four or five thousand men on the back of the town, while Sir Thomas Tiddyman was engaged, which was easy for him to have forced, and necessary to have effected, because the Hollanders when they saw Tiddyman press so obstinately against them, began to shift all their money, jewels, richest and finest goods out of their ships into the town, with design to send them over land to Fleckero?

The 4th, that he would not expect the return of the post, with a repetition of orders from Copenhagen, as the Governor had with very great importunity begged of him to do.

But there was another consideration opposed this, for had the busi-

ness been retrieved by the after-compliance of the Danes, the first precipitation of the Admiral, and his bold advisers would have been laid open to examination and censure, and the pretence of the Danish treachery would have vanished, whereon they were resolved to fix the miscarriage; although it is most apparent to all men, that had the earl been so happy as to have avoided any one of the afore-mentioned oversights, he could not, probably, have failed to carry his point; but either ambitious or covetous ends, or disobedience to his Majesty's orders, or breach of faith with the Danes, obstructed the success, and would not suffer the success to prosper.

Sir Gilbert Talbot upon his return into England, expected every day when his Majesty would require from him an Account of that Affair; but his Majesty was silent, and for him to have started it would have looked like a persecution and charge upon those persons whom his Majesty was pleased not only to acquit, but to hold in high esteem.

The Lord Chancellor, indeed, was pleased to ask Sir Gilbert one day what he thought to be the true reason of the miscarriage of the design of Berghen?

He told his Lordship it was easier for those to answer that question who were in the councils of the Sea Officers; as, for his own part, he was kept in ignorance of the complaint of their proceedings, except what he heard from the Danes, and the relation of Mr. Tolner who came some time after to Copenhagen. For not any one of the fleet took notice of him, to arm him with matter of complaint against the Danish Governor, or justification of their own proceedings.

Yet, if he might be allowed the liberty of conjecture, he had very good reason to believe that avarice and emulation were two main causes of it (as he hath already intimated).

The 1st, because if they took the prizes upon the Treaty, the Danes would inspect the bills of lading, and require a strict account of the whole cargoes, because the two Kings were to share equally, and there would then be no room for the Captains to plunder, whereas if they took it by storm they could give in what account they pleased.

The 2d, because if the fleet were to be delivered up to them upon the treaty of the Envoyé, they should lose the honor and reward of the service, which he apprehended some men thought too much for him to pretend to.

The Chancellor conceived that those words were aimed too close at his Lordship, for he was conscious to himself that he endeavoured more than once, upon other occasions, to put Sir Gilbert into his Majesty's ill opinion, and probably was not desirous to have him merit too much in this; for he made no reply, yet drew up the remonstrance against the Danish King, which was published without Sir Gilbert Talbot being so much as examined upon the particulars (very severely) charged upon the Danish King.

When the Earl of Sandwich, or those at least who advised that fatal assault at Berghen (wherein his Majesty suffered as great damage both in his ships and men as in any one single fight with the Dutch), had procured the publication of the remonstrance against the Danes, they thought their own innocence sufficiently cleared by that bold recrimination, and all further discourse of it was laid asleep till the Danish Embassador, Guldenlieu, came into England, who demanded private audience of the King to vindicate the reputation of his Master in the carriage of the design of Bergen, who lay under an obloquy by the English Remonstrance.

The King told him he was content to hear him upon that particular, provided that Sir Gilbert Talbot might be by, to controll his assertions if need were; a day and hour were accordingly appointed to the Ambassador, and Sir Gilbert was ordered to attend.

The Ambassador discoursed at large, and gave a just and full Account of all Circumstances from the 1st to the last projection and consultation of the design, to the unhappy miscarriage of it.

When the K. had heard him out he seemed to be much surprised at his relation, and asked Sir Gilbert what he could say to all that. Sir Gilbert answered that the best and safest Account that he could give was the notes which he had taken in writing from the 1st entrance into the dis-

course of that matter betwixt the K. of Denmarke and himself, to the fatal end of it, for he durst not trust a matter of that consequence to memory, whatever should be the issue of it; since it was to pass through other hands, he thought fit to have his Notes for the justification of his care and conduct, and presented to his Majesty the preceeding narrative, which he commanded him to read.

When his Majesty had heard it, and found the Envoy's papers to agree in all circumstances with the account that the Ambassador had given of the whole business, he said, "I find that Tiddyman hath been very much to blame in this matter, and that I have wronged my brother of Denmark. But, by the grace of God, I will make him satisfaction."

It has been observed that the Danish King, in his serious Debates upon this affair, hath very much wondered what arguments were used (and by whom) that could have the proper power to induce His Majesty of England to assert the publication of so unkind a Remonstrance against him, since, in all probality, it must beget a reply, and such a one as must either, point blank, contradict the matter charged, or discover so much of the Design as might turn to the dishonour of both Kings.

If, said he, His Majesty's end was to excuse the violation of the Danish port, by showing to the world, that it was done with the King's privacy and consent, the matter might have been better palliated than by discovering the combination; for either the Earl of Sandwich acted expressly against His Majesty's orders, or Sir Thomas Tiddyman against his Lordship; or the one or the other had commission to proceed as they did. In the first case, their disobedience would have deserved the most severe punishment that could be inflicted; on the other hand, although His Majesty had directed the Earl to proceed as he did, or the Earl Sir Thomas Tiddyman, or either of them had a latitude left, to them at least to proceed; yet since they both were unsuccessful through rashness, or other ill conduct, His Majesty might fairly have

disavowed them, and have counterfeited a short displeasure against them which would have saved the Honour of both Kings. And no subject is too big to suffer (although undeserved) his Prince's seeming discountenance, when reason of State and good policy require it.

As to the loyalty of the Design, which some men have undertaken to censure, His Majesty of England was excusable before the whole World, if he made use of any politic means to humble his insolent and ungrateful enemies.

Peradventure, it may not be altogether so easy to justify the King of Denmark, although it may be argued to be a just retaliation of fraudulent design upon the encroaching Hollanders, who had (as hath been said) by wile, engaged that King in a War with the Crown of Sweden, and got the seizure of all his revenues in Norway and the Sound into their hands, (which are the chief, nay almost the sole branches of the Crown revenue,) for a security of what they had furnished him withal to maintain it. And so entirely were the Hollanders in possession of all this, that it depended almost upon their courtesy, whether or no they would be brought to any liquidation of accounts.

As for the Envoy's own excuse, for the first proposal of the matter, he hath this to say,

"Dolus an Virtus, quis in hoste requirat?"

Nothing could make it unlawful but want of success.

GILBERT TALBOT.