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COURT OF INQUIRY.

(Continued from our last.)

FIFTH DAY.

CHELSEA, NOVEMBER 22.

The Judge-Advocate-General commenced with reading the narrative of Sir Hew Dalrymple. The Court was occupied in hearing it until half past twelve.

Sir Hew Dalrymple then delivered to the Board returns made to him by the superior officer of the Commissariat in the British army in Portugal on the 21st of August, in consequence of certain interrogatories put to that officer, as to the quantity of provisions, of forage, and of the means of carrying them with the army. The returns stated, that there were on the evening of the 21st with the Commissariat, 64,000 pounds of salt provisions, 35 puncheons of rum, 865 loads of hay, together with three days provisions of bread, amounting nearly to 31,700 pounds. On the evening of the 21st, there were with the Commissariat 360 carts full and 40 empty. There was also a return of the number of the French army embarked, in consequence of the Convention. It amounted to 20,735 men, 213 women, 116 children, and 759 horses, with the exception of the fortresses of Elvas and Almeida.

Sir Arthur Wellesley stated to the Court, that he would then avail himself of the opportunity of which he had on the first day given notice, namely, to offer a written statement of his remarks on some parts of the narrative of Sir Hew Dalrymple, in which he was particularly implicated. It was asserted by Sir Hew Dalrymple, in his narrative, that he (Sir Arthur) in pursuing the line of operations on which he had acted, whilst in the command of the army in Portugal, had undertaken a task of uncommon difficulty and hazard. It was then for the first time that he had heard Sir Hew Dalrymple deliver such an opinion, or infer such conclusions. In addressing a Board composed of such military characters as those whom he addressed, it was by no means his intention to extenuate the difficulties or dangers of the operations necessary to the attainment of the object which, as Commander of the British army, he pursued.—He was convinced that the Board, when made acquainted with those operations, would be at once capable of appreciating the nature of the hazard, and the doubt which would accompany their execution. There were two questions, in-to which, in order to ascertain the propriety of his conduct, when in possession of the command, the subject branched.—The first question was, whether his means were adequate to the object which he pursued? And next, whether, with the adequacy of means, he had adopted the line of operation calculated to produce a successful exertion of his resources? His own conviction was, that with the force he had with him, and the reinforcements he had no doubt of momentarily receiving, he ought to have promptly advanced after his debarkation at Mondego-Bay. It was by no means his wish to have his conduct judged by the result of these exertions on the 21st of August. He relied their defence upon their intrinsic propriety. He had with him 13,000 British troops, together with the promised assistance of 6000 Portuguese; a promise in which he was, in part, disappointed. But he would ask that Court, what opinion it and the country would have pronounced upon him, if he had retreated from a French army, the greatest amount of which, as communicated to him, did not exceed 16,000 men; and which to him, when he himself saw them in the battle of Vimeira, did not appear to be more than 14,000, with the exception of their cavalry, which were not suffered by the British disposition to be brought into action? It was from such circumstances he was led to conclude, that he had in his power the means, and was also employing them so as to lead to a fortunate termination. The second question was, whether, having the necessary means, he had pursued the proper and best method of giving them effect? Sir Hew Dalrymple had stated, that all the strong positions, along the line which the British army had taken, were in possession of the French. It would be difficult, he (Sir Arthur) presumed, to find any strong military position throughout the whole of Portugal, whatever line of march might have been taken by the British army, of which the French had not possessed themselves. Two lines of march presented themselves for his selection; either along the banks of the Tagus, or by the coast, to Lisbon. In adopting the latter, which he did as the most preferable mode, he gained two very material advantages; he insured constant supplies from the fleet, and rendered the enemy's cavalry useless. Had he adopted the line of the Tagus, he would not have been able to keep his own army collected, and the superior number of the enemy's cavalry would have had full opportunity to act against him.—There was no position of the enemy of which he could have been apprehensive of not depriving him; and he was inclined to believe, that if his determination on the 21st of August was fully carried into effect, the position of the French at Torres Vedras would have been turned. It was under these impressions that he was convinced, notwithstanding the accusations of temerity and rashness which had been excited against him, that he

had means for the object which he had undertaken; and that, with the instructions he had received, he would ever have blamed himself if he had not carried into effect such operations. Thus far in the campaign of Portugal he was solely responsible. He should next advert to the part he had taken in the arrangement of the armistice, and to the observations made in the narrative of Sir Hew Dalrymple on that point. To explain himself fully to the Board it was necessary for him to state what the advice was, which he had given on the principle of the evacuation of Portugal by the French, and the objections he had made to the details. His reasons for advising the principle of the French evacuating Portugal arose from his conviction of the many powerful advantages which at that moment the French army had in Portugal. It was in possession of every position, which, in a military view, could be considered. It had garrisons in various forts, particularly a strong one in that of Elvas, which may be designated a fort of the second order, in the description of strong fortified situations. There was every facility for the enemy to throw in provisions for the supply of those garrisons. There was also the facility to the enemy of taking advantage of the Russian squadron, and the boats which it had in the Tagus, to have crossed that river.—Whether the ulterior object of the expedition to Portugal would not be considerably retarded by such a contingency, he would leave to the consideration of the Board.—Thus far as respected the operations in the power of the enemy. I was next to consider the state and prospects of the British army. The state of the weather off that coast was at all times precarious. On the 22d of August, there was only eleven days bread for the army. None could or had been got in the country, except a small quantity left behind by the French in some positions from which they had hastily retreated. The army of Sir John Moore could not have completed its debarkation before the end of August, and it was not probable that the British army would be able to turn that of the French, in any of its positions, before the lapse of at least ten days. But even if it were possible for the British army to have crossed the Tagus, and to have invested the fortress of Elvas by a regular siege, it must, during the period of the investment of that place, have depended for its supplies on a situation sixty miles distant, whilst it could not expect to be in possession of Elvas before the end of December. Concluding, therefore, that the anxious desire both of his Majesty's Government and of the Spanish people was, that a prompt and zealous co-operation between the British troops and the Spanish armies should take place, he did conceive that a measure, which afforded 30,000 British soldiers, and released to their country's cause 10,000 Spanish troops, possessed such advantages as more than compensated for the return to France of 20,000 men, even though that force should be forwarded at no very remote period to the Pyrennees. He might have been mistaken in his speculations; but what were the facts? That the Spanish nation enjoyed these very advantages. It had the co-operation of a British army, and 10,000 native troops restored. Besides these benefits, it had the co-operation of the army of Estremadura, consisting principally of cavalry, equipped from the stores which were found on the evacuation of the French from Elvas, whilst not a single man of the French army, which, under Junot, had evacuated Portugal, has or can yet have entered Spain.—But even if such consequences had not immediately followed the evacuation of Portugal by the French, was there not a parallel case in the Convention between Dupont and Gen. Castanos, by which the French defeated force were not prevented from serving again against Spain, on their return to France? It was certainly desirable, on all occasions of capitulation between hostile armies, that the enemy should be forced to lay down their arms; but in order to apply that principle to every particular case, it was necessary to take a view of the history of all armies which have been compelled to submit to that necessity. Such armies, it would be found, were either surrounded by numbers, in possession of commanding military positions, or were actually without provisions, or the possibility of receiving supplies. But in Portugal, the French were in possession of the strong positions. They had their magazines, and were in no want of provisions. Let the situation of the garrisons of Alexandria and Cairo, at the time a British Commander had concluded a similar Convention, be contrasted, and it will be seen that the French army in Portugal, at the period of this negotiation, had numerous advantages which these garrisons had not. He stated these as his reasons for coinciding and advising the principle of the evacuation. In the details there were some differences of opinion, particularly on the duration of the time for a suspension of the hostilities, and on the arrangement with respect to the Russian ships in the Tagus. In stating these points of difference, he premised, that although the narrative of Sir Hew Dalrymple adverted to the high character he entertained, and the peculiar confidence he was anxious to place in him (Sir Arthur), he had still reason to believe, and indeed he presumed the Court would form the same opinion from other parts of Sir Hew's narrative, that that Officer was prejudiced against him from

the time of his landing in Portugal. Perhaps, to this prejudice he might attribute their not coinciding on particular stipulations of the treaty. It was true, that on the moment of General Kellerman's advancing towards the British army, an alarm existed in the camp, in consequence of a Portuguese Officer having reported that the advance of the French Officer's escort was the advance of the whole French army. When General Kellerman arrived, Sir Hew Dalrymple communicated the object of that Officer's mission both to him and to Sir Harry Burrard. They all had attended the discussion of the arrangement. It was particularly recommended by him (Sir Arthur Wellesley,) that the suspension of hostilities should be limited to forty-eight hours, and that the general words private property, as introduced by General Kellerman, should be considered extending only to military baggage and equipments. The great point of discussion was the stipulation which referred to the Russian fleet. The main argument with him was not to allow the interference of the French at all as to the disposal of that squadron. It was the proposal of Gen. Kellerman, that it should be allowed a start of four hours, to sail unmoored out of the Tagus. The result was, that for the present that article was withdrawn, but was afterwards reintroduced by General Kellerman, with the acquiescence of the Commander in Chief, under the provision that there should be a reference to the British Admiral. Of this treaty he (Sir Arthur) was called the negotiator. The advice he had given constituted the crime, if it was any, and for that alleged crime was he then before the Board. He however was forced to observe, that if the advice which he had given subjected him to disgrace and punishment, it was impossible to overlook the strange dilemma in which he, a subordinate officer, was placed, for affording that advice and counsel which he was called upon by his superior officer to give.—Sir Hew Dalrymple had, in his narrative, stated that Gen. Kellerman had observed, as a reason why he (Sir Arthur) should sign the armistice, that his name was inserted in the title. He was afraid that the recollection of Sir Hew did not serve him on that point; because if it was the fact that his (Sir Arthur's) name was inserted in the title of the armistice, there could exist no reason why Sir Hew Dalrymple should get up from the table for the purpose of signing that document. If there was any other inference, it must be, that he got up to sign a treaty which he did not read. The fact was, that he (Sir Arthur) was in an outer room; that General Dalrymple entered that room with the armistice, and handed it to him; that he read it, and returned it with this observation, that it was an extraordinary paper.—In compliance with the desire of his superior officer, he did sign; but he never could be deemed the negotiator; nor was his signature to it ever considered by him more than a matter of form. Indeed not one article of the armistice was ever carried into effect save the duration of the suspension of hostilities until the conclusion of the definitive treaty.—At three the next morning, he marched with his division of the army for Almalia, and as Colonel Murray was deputed to have an interview with Sir C. Cotton, he gave to the Colonel a draft of the provisions which he recommended for the refusal of the Admiral. It referred to the almost immediate surrender of the respective fortresses, and the prompt embarkation of the French army—that it should be conveyed either to the ports of Rochefort or L'Orient, the most remote to Spain—that security should be given for the return of the transports, particularly as fifty had been detained by the French when their troops were conveyed from Egypt—that all the Church plate stolen by the French army should be restored—and that as there were no horse transports, there should remain in Portugal French Commissioners, to arrange, at their expense, the conveyance of their horses to France. He was then, as he is now, of opinion that, with respect to the Russian squadron, the preferable course of proceeding was to leave them in the Tagus, under the protection of the neutrality of Portugal. Was that course followed, the Russian sailors would not now be enabled to engage in active hostility against the King of Sweden—besides, when the Convention was negotiated on shore, the British Admiral could not have made a hostile attack in the Tagus against the Russian squadron; as, the moment the British army, by that Convention, entered either the forts on the Tagus, or the city of Lisbon, the Portuguese colours would have been hoisted, and consequently the Russian squadron would have availed itself of its neutrality with the nation. From the moment of the departure of Col. Murray to negotiate the Definitive Treaty, he (Sir Arthur) was anxious to have it arranged, that the French army should leave Lisbon forthwith, in order to have all the advantages to the common cause, which it was obvious the free navigation of the Tagus would afford. In these two points he was over-ruled, and a stipulation was proposed, limiting the French army to two leagues round Lisbon. In the narrative of Sir Hew Dalrymple, there was a reference to a meeting of the Lieutenant-Generals of the army, which he had convened. This meeting was not convened as a Council of War, but was composed of such officers as the Commander in Chief thought proper to attend.