



AND NEW-BRUNSWICK ADVERTISER.

Vol. 2.

SAINT JOHN, MONDAY, APRIL 3, 1809.

No. 66.

Printed and Published by JACOB S. MOTT, Printer to the KING'S MOST EXCELLENT MAJESTY, at the Sign of the BIBLE and CROWN, Prince William-Street; where Subscriptions, Advertisements, &c. will be thankfully received.

COURT OF INQUIRY.

FIRST DAY.

CHELSEA, NOVEMBER 14, 1808.

The Members of the Board, convened by virtue of His Majesty's Warrant under the Sign Manuel, assembled this morning in the Great Hall, Chelsea Hospital, to inquire into the causes and circumstances of the late Treaty of Amistice, and Convention of Cintra.

General Sir David Dundas, on observing that all the Members were present, proceeded to the Chair appropriated for the President, and requested the rest of the General Officers to take their seats at the Board, which they immediately did, in the following order:

President, General Sir DAVID DUNDAS.
Generals—EARL MOIRA,
PETER CRAIG,
LORD HOATHFIELD,
Lieut. Generals—EARL PEMBROKE,
Sir G. NUGENT,
OLIVER NICHOLS.

The Board being constituted without any formality, the Hon. R. Ryder, Judge-Advocate, read His Majesty's Warrant, of which the following is a correct copy:

"G. R.

"Whereas we were pleased, in the month of July, 1808, to constitute and appoint Lieutenant-General Sir Hew Dalrymple, Knt. to the command of a body of our forces, employed to act on the coast of Spain and Portugal, or in such other part of the Continent of Europe as he might hereafter be directed to, and the said Lieutenant-General did, pursuant to our instructions transmitted to him, proceed to Portugal, and did on the 22d of August, 1808, land in that country; and take upon himself the command of the said body of our forces accordingly. And whereas it appears that on the same 22d of August, and subsequently to his having assumed the command, an Armistice was concluded as follows:—(Here is recited the Armistice as stated in Sir Hew Dalrymple's dispatch.)

"And whereas it appears, that on the 30th day of August, 1808, a Convention was concluded as follows:—(Here is recited the Convention as stated in Sir Hew Dalrymple's dispatch.)

"We think it necessary that an inquiry should be made by the General Officers hereinafter named into the conditions of the said Armistice and Convention, and into all the causes and circumstances (whether arising from the previous operations of the British Army or otherwise,) which led to them, and into the conduct, behaviour, and proceedings of the said Lieutenant-General Sir Hew Dalrymple, and of any other officer or officers who may have held the command of our troops in Portugal; and of any person or persons, as far as the same were connected with the said Armistice and Convention, in order that the said General Officers may report to us touching the matters aforesaid, for our better information. Our will and pleasure therefore is, and we do hereby nominate and appoint the General Officers of our Army, whose names are respectively mentioned in the list annexed, to be a Board, of which we do hereby appoint General Sir D. Dundas, K. B. to be President, who are to meet accordingly for the purposes above-mentioned. And you are hereby required to give notice to the said General Officers when and where they are to meet for the said examination and inquiry, and you are hereby directed to summon such persons as may be judged necessary by the said General Officers (whether the General Officers employed in the expedition, or others) to give information touching the said matters, or whose examination shall be desired by those employed in the said expedition. And the said General Officers are hereby directed to hear such persons as shall offer to give information touching the same, and they are hereby authorized, empowered, and required strictly to examine into the matters before-mentioned, and to report a state thereof as it shall appear to them, together with their opinion thereupon, and also with their opinion, whether any or what further proceedings should be had thereupon; all which you are to transmit to our Commander in Chief, to be by him laid before us for our consideration; and for to doing this shall, as well to you as to our said Gen. Officers, and all others concerned, be a sufficient Warrant.

"Given at our Court at St. James's, this first day of November, 1808, in the forty-ninth year of our Reign.

"By His Majesty's command,

"JAMES PULTENEY.

"To our right trusty and well-beloved Counsellor, the Hon. Richard Ryder, Judge-Advocate-General, or his Deputy."

The Judge-Advocate next read an Official Copy of the Armistice agreed upon between Lieutenant-General Sir A. Wellesley and General Kellerman, the definitive Convention for the evacuation of Portugal by the French Army, and of the other documents which appeared in the London Gazette of Friday the 16th of September last.

After a short consultation among the Members of the Board, the President observed that in obedience to his Ma-

jesty's Warrant, it was incumbent upon them to proceed with all convenience to the examination of witnesses, and in order to make the necessary arrangements, it would be proper for them to deliberate in private.

The President, then turning to the auditory, intimated, that as it was probable there would not be any more business of a public nature transacted this day, it was the pleasure of the Board that strangers should withdraw. The Court was accordingly cleared.

Strangers were not re-admitted, and at half past one the Court adjourned till eleven o'clock on Tuesday morning. What passed while the doors were closed is of course unknown, but it is supposed to relate merely to the arrangement of ulterior proceedings.

The adjournment is probably intended to allow time for the preparation of the necessary papers and documents, the summoning of witnesses, &c.

Neither Sir H. Dalrymple, nor any of the Officers who served in Portugal, were present, and the spectators were by no means numerous. Mr. Harrison, the Counsel, who conducted General Whitelocke's defence, was in attendance on the part of Sir Hew Dalrymple.

The Duke of Cumberland was present, and after remaining some time in conversation with the Earl of Moira, his Royal Highness took a seat near the Board of Gen. Officers.

The Hall is fitted up in the same manner as upon General Whitelocke's trial, with the exception of some apartments being boarded off at the upper extremity, for the accommodation of the Members of the Court.

SECOND DAY.

CHELSEA, NOVEMBER 17.

The business of the day was begun by the Judge-Advocate reading letters from Sir Hew Dalrymple to the Judge-Advocate, explanatory of his conduct in Portugal. Among others a letter from Sir Hew Dalrymple to Lord Castlereagh, requesting the production of the correspondence between his Lordship, as Secretary of State, and the Portuguese Ambassador, respecting the line of conduct to be pursued with respect to regaining possession of Portugal. Lord Castlereagh's answer was then read, agreeing to produce the correspondence alluded to, with the exception of some communications with the Bishop of Oporto.

After making considerable progress in these details, a pause took place, and after a short conference among the Members of the Board,

The Judge-Advocate, addressing himself to the audience, stated that the Board, influenced by a wish to promote the ends of public justice, were extremely anxious to prohibit any thing that had a tendency to defeat that desirable object. It was therefore his determination not to suffer the publication of any part of the proceedings pending the investigation. The Board wished it likewise to be distinctly understood, that their prohibition should extend beyond the termination of the present Inquiry, on the result of which would depend his Majesty's pleasure whether any further investigation of a military nature should take place. It was, therefore, expedient to require the suppression of the publication of all proceedings, until the general result should be known.

The copy of a letter was produced, written by Sir A. Wellesley to General Burrard. The former objected to its being publicly read, because he had written it in confidence, and it contained free opinions on the characters of several Portuguese Officers, who, not being subjects of our Government, ought not to have their actions examined by any Court belonging to this Country.

Lord Moira perused the letter, and said that its contents certainly did not refer to the subject of investigation; and as the practice of publishing letters of a confidential nature, abounding with free opinions on persons not subjects of our Government, would lead to most unpleasant consequences, he should move that it should not be read publicly. The other Members of the Court concurred in his Lordship's opinion, and the letter was read by the different Members of the Board, but not in the hearing of strangers.

Sir Hew Dalrymple then came forward and addressed the Court. He stated that before he gave in the narrative of his proceedings, which it was his intention to lay before the Court, he felt himself called on to say a word or two in vindication of his character, which had been grossly aspersed in the public Papers to serve, as it should seem, the cause of a more favoured Officer. The Convention had been generally reprobated in this country, but he had no doubt that in a short time it would be more favorably, because more justly appreciated. By the publications in question, however, be the Convention calamitous or otherwise, he was represented as the sole author of it; that from the moment of his arrival he had the stupid presumption to act in opposition to the plan or proceedings previously agreed on, and to order it to be changed; that he had dashed the laurels from the brow of the victor! and that Sir A. Wellesley had protested against, or, at all events, had strongly disapproved of the terms of the Convention! For himself he had carefully abstained from stating any thing in the public Papers; although he was not ignorant that, previous to his quitting the

army in Portugal, there were persons at work there with similar imputations to those thrown out against his character in this country! He had purposely abstained from any Newspaper appeals, reserving himself for this day, when he could with confidence, and with the candour and openness becoming a British Officer, state his case. He now pledged himself to that Court, and to his Country, that Sir H. Burrard, Sir A. Wellesley, and himself, were all present with General Kellerman when the preliminaries of the Convention of Cintra were discussed and settled.—Sir A. Wellesley bore that prominent part in the discussion, to which the important situation he held in the country, the glorious victory he had lately gained, and the important information more particularly of a local nature which he possessed, so well entitled him to assume. He, therefore, had discussed, and assented to, not only the principle of the Convention, but the general details of it; and so far from its being correct that Sir A. Wellesley had signed the Preliminaries by the order, or rather by the compulsion, of him (Sir H. Dalrymple,) as had been insinuated, the fact was that he himself was stepping up for the purpose of putting his own name to the preliminary Articles, when he was put right by General Kellerman in point of form, who reminded him that he, as Commander in Chief, could not sign a Preliminary Treaty, where the officer on the other side was only a General of Division! Sir A. Wellesley then signed the Preliminary Treaty, without any order from him (Sir H. Dalrymple). The Convention, he agreed, was carried on in the French language, and it might be true, he believed it was, that General Kellerman took minutes of it. As already said, however, he had never inserted his own representations or his own wishes in the public prints. He had not, as was stated in his name, insisted on a Court-Martial. He was happy that he should meet a Court like the present, where his case would be fully gone into, and would not be checked by the trammels of legal proceedings. He was not afraid of an inquiry, being convinced that his cause and that of truth would be found to go hand in hand. He assured the Court that he should not avail himself of the privilege of declining to answer any question, lest it should criminate himself; on the contrary, he should feel pleasure in the business being sifted to the bottom, and he himself should be ready to give every satisfaction which might be demanded of him, or which it was in his power to give. He had not, as already stated, demanded a Court-Martial, and one reason for his not doing so was, because no charges of a distinct nature had been urged against him. If his conduct had been so called in question as to have rendered it necessary for him to insist on a Court-Martial, it would have been incumbent on him to have called in his defence all the Officers of note engaged at present in Spain and Portugal. He was happy to say, however, that at present no Officer was absent from his duty on his (Sir H. Dalrymple's) account! These facts he had found it necessary for him to explain in vindication of his character, before he entered on the narrative of his proceedings after he joined the army in Portugal.

Sir Arthur Wellesley begged to say a few words in answer to what he had just heard. He regretted exceedingly, that any thing should have appeared in any of the public prints, which could be supposed to have the effect of serving him at the expense of the conduct or character of Sir H. Dalrymple. He declared most sincerely, that no such statement had ever been inserted with his knowledge or approbation; and he could equally pledge himself, that none such had ever come through the knowledge or concurrence of any of his friends or relations. He agreed in what he had just heard; that he had been present at, and taken a part under the Commander in Chief, in adjusting the Preliminaries of the Convention. He had signed these Preliminaries in consequence of the desire of the Commander in Chief, but not in consequence of any command or compulsion exercised over him on that occasion. He had agreed with the Commander in Chief on the principle of these articles though he had differed from him in some of the details.

Sir H. Dalrymple sat at the side of the Court.—He was accompanied by General Sir Charles Green, and three Officers of his Staff. He looked extremely well, is a soldier-looking man, and seemed to be in good spirits.

Sir A. Wellesley sat behind the President. He was accompanied by Major Tucker, and another Officer of his Staff.

The Duke of Cumberland sat within the Bar. A number of Ladies were present, some of them very elegantly dressed. Among the auditory were Generals Sir T. Trigge, Phipps, Sir J. Graddock, the Hon. Capt. Legge, and many other Naval and Military Officers.

The Court adjourned till to-morrow morning.

THIRD DAY.

CHELSEA, NOVEMBER 19.

The doors were not opened till eleven o'clock. A considerable crowd had consequently collected by that time, and a great rush took place on opening the doors.

The Court took their seats in a few minutes after the opening of the doors.