

Sir Hew Dalrymple and Sir A. Wellesley were present as on the preceding day, as were also the Dukes of Cambridge, Cumberland, Lord Kinnaird, and several Officers.

The business commenced by Sir A. Wellesley stating his wish to deliver in a paper confirmatory of his statement on the preceding day. Sir Arthur read the paper, which stated in substance the same as his declaration on Thursday, that he was not ordered, much less compelled to sign the Armistice—that no authority was given by him or any of his relations or friends, to any of the publishers of Newspapers, to make a contrary statement. He also repeated that he agreed in the principles of permitting the French to evacuate Portugal, only differing with the Commander in Chief respecting some points of detail.

The Paper containing this statement was delivered by Sir Arthur to the President.

Sir Arthur also expressed his regret that an expression in one of his letters, read on Thursday, should have gone forth to the Public, as conveying a reflection upon the Commissariat employed in the army in Portugal. He never meant to state that the individuals employed in the Commissariat were wanting in zeal or deficient in exertion—his only object was to shew generally the expediency of making some alteration in the mode of conducting the Commissariat Department.

A Paper containing this statement was also delivered by Sir Arthur to the President.

The Judge-Advocate then read some dispatches from Sir Hew Dalrymple to Lord Castlereagh, one dated the 3d September, which was published in the Gazette; others stating that the terms of the Armistice had been communicated to the Portuguese General, but who had not objected to them until after the conclusion of the negotiation, and the Convention had been signed. A letter in French, from the Portuguese General, objecting to the terms of the Convention, and an answer from Sir Hew Dalrymple, stating that the good faith of the Country was pledged to carry these conditions into effect. Some other letters were also read, relating to points of detail.

The Judge-Advocate having finished reading the official dispatches, another person commenced reading, in a very low tone of voice, a series of correspondence relating to several minor details connected with the army of Portugal.

A variety of Documents were read, written by Sir H. Dalrymple and General Freire, principally relating to the plunder which the French had embarked.

In one of these letters, Sir Hew Dalrymple expresses his surprise that so large a sum as 40,000*l.* mentioned in the Protest, should have been carried off, and declares his intention of ordering restitution.

Then followed a Proclamation, signed by General Freire, against the Convention. It states that there could not have been a measure entered into more favorable to the French, or more hurtful to the cause of Europe; that the English army was to be considered in no other light than as auxiliary to the Portuguese; that the stipulations therein contained were such as never could be agreed to, unless it were that Portugal was a conquered Country. It concludes with protesting strongly against the conditions of the Treaty.

#### FOURTH DAY.

CHELSEA, NOVEMBER 21.

The Court assembled this morning a few minutes after ten o'clock, but was not open to the public until a quarter before eleven o'clock.

Sir Hew Dalrymple rose to explain the cause of the difference which existed in the dispatch relative to the negotiation of the Armistice, and the copy which afterwards appeared in the London Gazette. As it appeared in the Gazette, it was liable to the construction that Sir Arthur Wellesley solely negotiated that preliminary treaty. He believed that the mistake arose from an incorrect copy being sent to England; and as the duplicates were not sent together, it was probable that the incorrect one was copied in the Gazette.

The Judge-Advocate General then stated, that in consequence of what occurred on the last day respecting this alleged difference, he had since had a communication with the Secretary of State's Office, and, on inquiry, found that the duplicate there was the paper from which the dispatch in the London Gazette was taken.

Sir Hew Dalrymple next observed, that, as he had made out his narrative under this impression that there would be produced certain dispatches of his to Lord Castlereagh, and which, he since found, by his Lordship's letter to the Judge-Advocate-General, it was not intended to lay before the Court, he trusted he should be excused, if in his narrative, there should appear an allusion to such dispatches. He then produced certain returns of Artillery and stores, made to him by the Commanding Officer of Artillery in the British army in Portugal; and also a letter which he received from the Russian Admiral, Siniavin, on his march to Torres Vedras, together with his answer. They were placed on the table, but were not read.

The Judge-Advocate General then addressed the public as follows:—"I am directed by the Board of General Officers, assembled by his Majesty's Warrant to inquire into the causes and circumstances which led to the Convention of Cintra, to ask, whether there is any person or persons now present, who have any information to communicate to the Board on this transaction, in order that having given in their names and address, they should withdraw, with an assurance, that at a convenient time they shall be fully heard?"

General Ferguson, Colonel Torrens, Major Campbell, and Captain Tucker, immediately rose, and, having made their obeisance to the Court, withdrew.

The narrative of Sir Arthur Wellesley was then read by the Judge-Advocate to the Court.

Sir Arthur Wellesley then stated, that if the Court should conceive there was any difference between his narrative and the various dispatches of his, which were before the Board, he was ready either to give evidence himself on such points or to procure witnesses.

The Judge-Advocate next read a number of questions which had been sent to Sir Arthur Wellesley, by order of Sir David Dundas, and which the former Officer had re-

turned, with his answers annexed. It was stated, that he first was advised of his appointment to the command of the expedition at Cork, by a communication from his Royal Highness the Commander in Chief, dated the 14th of June, and afterwards by the Secretary of State, on the 30th of the same month; that he had sailed from Cork on the 12th July; that the instructions he had received were before the Court, both in his narrative and in the dispatches to Sir H. Burrard. The principal object was to attack the French force in Portugal, but a discretionary power was vested in him to take such other steps as would best promote the success of the Spanish and Portuguese cause. In his march from the landing at Mondego-Bay, his army was supplied with fresh meat and wine from the country. There was a contract for slaughtered cattle for the army, with a Mr. Archer at Figueras, and with Mr. Walsh at Oporto. There were only 200 cavalry embarked at Cork, 180 of which were mounted. The brigades of ordnance were served with the necessary quantity of ammunition. On the 20th of August, the army had consumed five days out of the fourteen days bread, but by the arrival of the fleet, the army had received a supply of two days more. Three days of the salt provisions was consumed, but there was an increase of one-third to the original number, who received rations. There were other questions, but not of an important nature.

Earl Moira felt it due to the respectable officers, to the Sovereign, and to the public interest, to have substantial justice obtained for all, by the fullest inquiry. He therefore wished to put questions to the gallant Officer, Sir A. Wellesley.

#### Interrogatories by Earl Moira.

Q. What information, if any, did you receive from any persons of authority in Spain, beside the Junta of Galicia? A. I was informed, at Corunna, by Sir Thomas Dyer, that he had held out to the Junta of Oviedo hopes that my army would disembark at St. Andero, and expel from thence the French. To this object he particularly urged me. In consequence of which I applied to the Junta of Galicia, which I conceived particularly interested in the French position at St. Andero, to obtain their acquiescence, but was assured by them that efficient steps were taken for that purpose, and which subsequently proved successful.

Q. Did you think the force under your command, on the 10th of August when you wrote a letter to Sir Harry Burrard, was sufficient to drive the French armies out of Portugal? A. I did consider the force under my command sufficient to drive the French out of Lisbon and the forts of the Tagus.

Q. What alteration took place afterwards, to make you change your opinion. A. None whatever, as to the strength of the army, and of its being able to accomplish that purpose.

Q. Is the statement that has been read, respecting the supply of provisions to the troops, from the produce of Portugal, just? A. The country could afford us no provision, except fresh beef and wine; and, I believe, from the time the troops landed, until the 20th of September, when I left the army, they only received biscuit from the ships, as stated in my narrative, except a small quantity of bread and flour, left by the French, while I commanded the army; this bread supplied the Portuguese troops, consisting of 1650 in number, who were with me; afterwards the Officers of the army received some baked bread from the Commissary; but I am of opinion, upon the whole, that no exertion could have drawn from Portugal a supply of bread sufficient for the troops, which had been explained by my letter, and the explanations of that letter, to the arrangement and distribution of supplies, as well as the collection.

Q. To what extent were the supplies of fresh beef and wine? A. Wine was procured at almost every place, in sufficient quantity for one or two days consumption; but I had seen in villages, where the army had halted for more than one or two days, the wine exhausted in more than one instance. I believe latterly the Commissary was not always able to supply the troops with wine. As long as I commanded the army there was no want. For beef there could be no actual want, for the carts of the country were drawn by bullocks, and the draft cattle might have been killed for food for the troops; but without resorting to that resource, it was very soon found that the supply of cattle for slaughter was not sufficient for a large army in Portugal; and, in point of fact, before I quitted the army, a very large proportion of the troops, near half, was fed upon salt provisions, and I believe the whole since. The cattle with which the army were fed, while under my command, were supplied under the contract of Mr. Archer and Mr. Walsh, and they all came from the north of Portugal, excepting about twenty received at Calvas. I do not recollect that the part of the country which was the immediate seat of operations ever supplied any.

Q. Did you understand that the people of Spain were averse from the co-operation of the British troops in Spain? A. I did understand that the Junta of Andalusia was not desirous of having the co-operation of the British army with their own troops, under the command of General Blake. But they were not averse from their landing in the country, as they consented to my landing at Vigo, if I found it convenient, it being the only port that could afford protection to our transports, on the west coast of the Peninsula, except the Tagus. I also understood that the Junta of Seville had no great desire that General Spencer's corps should co-operate with General Castanos's, although they were desirous they should land at Fort St. Mary's, and eventually cover the retreat of Castanos's, in case he should have been defeated by Dupont. This opinion was formed from communications which I had with the Junta of Andalusia, as far as respects them, and in these communications they expressed the most anxious desire that we should carry on our operations in Portugal, and drive the French out; and that afterwards the British army should be as a point of connexion between the North and South armies of Spain.

Q. Did you receive any encouragement from any of the other Juntas in Spain? A. None.

Q. If the British force had first landed in Spain, would it not have been able to have rendered more service in that

country? A. I conceived the driving the French out of Portugal the greatest object to the Spanish nation. There was no doubt whatever, if the apprehension of the employment of the disposable force of Great-Britain in Portugal had been removed from the mind of the French General in Portugal, but he might have moved a large proportion of his army into Spain.

The examination of Sir Arthur Wellesley closed here, Captain Malcolm, of the Royal Navy, was then called, and interrogated as follows:

Q. Captain Malcolm, were you not employed in assisting Sir Arthur Wellesley in the landing of his force on the coast of Portugal? A. I was, the whole of the time.

Q. What were the difficulties in landing the troops from the Tagus to Oporto? A. There was always a great difficulty in landing on the coast in these months, owing to a swell, which causes a considerable surf upon the beach. At Mondego there is a river, at the mouth of which there is a bar which causes considerable surf. During the time I was at it, there were only four or five days that common boats could pass without danger; but at Mondego they got a supply of large boats and schooners, particularly adapted to that coast, which had facilitated very much the landing of the troops. There was no other place where boats of the country could be procured, except at Maceira. I never was there, but I understood they might be procured; I believe also there were boats to be procured at Peniche, and that the landing was pretty good; I had seen boats there in the possession of the enemy. They experienced great difficulties and dangers during the time they were employed at Mondego; many of the boats were swamped.

Q. Could the boats at Mondego have been brought to the South, so as to be of use? A. No: they could not land upon an open beach.

Q. Was there, between Mondego and the Tagus, any port in which transports could ride with safety? A. No, the anchorage is bad, and they would be exposed to westerly winds; the prevalent winds are northern; but, at the end of August, they are frequently south-west, as we experienced.

Q. Put by Sir Arthur Wellesley. Do you recollect, that one night in the month of August, I was forced to sea from the road of Maceira, and that I made a signal to the transports to get under weigh, and follow me, and that many of their anchors were lost, and how many? A. On the 30th of August, wind south-west, he weighed anchor and made signals to the convoy, which consisted of about 240 transports. About one half of them only succeeded in getting under way, the others were obliged to remain at anchor.—The next day the wind shifted, and they returned to Maceira. I found that 60 of the transports had lost their anchors; I had no doubt, if the fresh breeze had increased to a common gale, many of them would have been lost. They were reduced to their last anchor; the anchorage was bad, and the bottom rough. The transports belonging to Sir John Moore's troops were very badly found, and not calculated to beat off a lee-shore; they were common colliers, I believe that, under the Burleys, a few ships might be anchored, but it is not good anchorage; they would be sheltered from the south-west winds. Vessels not drawing more than eleven feet can lie in Mondego-Bay.

Q. Do you recollect how many boats were swamped in the surf, and particularly whether there were not some flat-bottom ones, and how many were lost? A. The boats in landing at Maceira were constantly filled with water from the surf; I suppose there were about twenty entirely lost, and six or seven men drowned. The day before I left Maceira, the 30th of August, I could only find thirty or forty boats fit for service, although the carpenters had been constantly employed in repairing them.

Sir Arthur Wellesley then observed, that he had other questions to put to Captain Malcolm, but they would come in better in the subsequent proceedings of the Court.

The Court acquiesced, and Capt. Malcolm withdrew.

Sir Hew Dalrymple then rose and read a written narrative, stating, that he commenced from the 3d of August, the time he received the official letter of Lord Castlereagh, at Gibraltar, appointing him Commander in Chief of the Army. The vessel that brought out his official appointment as Commander in Chief, also brought dispatches to Lord Collingwood, directing him to appoint a suitable vessel to be at his command; Lord Collingwood appointed the *Phœbe* frigate. He embarked on board of her. His instructions were to take command of that part of the army he thought would be most advantageous, and at all events he must expel the French out of Spain. He begged leave to remark here, that the word *expel* authorized him to do it by any means. It even warranted the Convention; Lord Collingwood informed him of the defeat of Gen. Dupont, and all apprehension of Junot moving towards Seville was done away. He also heard of the evacuation of Madrid by Joseph Bonaparte, without any force on the part of the Spaniards, which made him believe that the whole British army could act most beneficially in Portugal. Lord Collingwood had also informed him, that Sir Arthur Wellesley had disembarked his troops at Mondego-Bay; he felt that Sir Arthur Wellesley would have contended with the whole of the French force; he went to the Tagus, and saw Sir Charles Cotton, who had a very imperfect account of the number and situation of the enemy, he having stated them only at 9000, and they scattered. Sir Arthur Wellesley seemed to be engaged in an enterprise of his own planning, and he did not think it would be right for him to take the responsibility of it, or that he should snatch the laurels that Sir Arthur was likely to gain; particularly so, as he had received a private letter from Lord Castlereagh, which he had kindly allowed him to make public, expressing the confidence that Ministers had in Sir Arthur's bravery and talents as Commander, and recommended to him, Sir Hew, on all occasions, to consult with him, as he, having been on the spot in England, was in full possession of the sentiments of Ministers respecting Portugal; from these circumstances he saw the fairness and expediency of not interfering with Sir Arthur Wellesley. He heard a report from some fishing-boats of an action having taken place on the 17th, which was much exaggerated in favor of the British troops. On the 21st, he sent his Aid-de-Camp on shore, to learn the