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## COURT OF INQUIRY.

(Continued from our last.)

## SIXTH DAY.

CHELSEA, NOVEMBER 23.

The Court resumed its sittings this morning, at half past ten o'clock.

The Judge-Advocate communicated to the Board, that in consequence of some observations which, on a former day, had fallen from Sir Hew Dalrymple, relative to a supposed letter written after the conclusion of the Armistice, to the Bishop of Oporto, by Sir A. Wellesley, he (the Judge-Advocate) had conceived it his duty to make an application to the Office of the Secretary of State, in order to ascertain whether there was any copy of such document.—The result of this inquiry was, that no such letter existed there.

Sir Hew Dalrymple stated in explanation, that his object, in alluding to this supposed letter, was to prove from the tenor of that communication, and from the answer which was returned to it by the Bishop of Oporto, that that person had a different opinion of the Armistice on the 24th of September, to that which he subsequently expressed on the 28th.

The Judge-Advocate then proceeded to read the reply of Sir Arthur Wellesley to the narrative of Sir Hew Dalrymple; of which a full report was given in our last.

Sir Arthur Wellesley signified his intention to the Board of examining Col. Torrens, Capt. Malcolm, and Col. Tucker. Col. Torrens was first called in, and examined to the following effect by Sir Arthur Wellesley:

Sir Arthur. Col. Torrens, do you recollect my having a conversation with you, either on the night of the 22d of August, or on the morning of the 23d, relative to my having signed the Armistice?—A. At day-light on the morning of the 23d, Sir Arthur Wellesley mentioned to me the occurrences that had taken place the evening before, and said, that he had signed the Armistice, by the desire of Sir Hew Dalrymple, although he totally disapproved of many points in it, and of the tone of the language in which it was drawn up.

Q. Did I state to you the part of the Armistice of which I disapproved?—A. Sir Arthur principally stated, that he disapproved of the article that provided for the neutrality of the Russians, and of the forty-eight hours suspension which had been granted to the enemy from the termination of the armistice, before hostilities should recommence.

Q. Do you recollect my having expressed to you great uneasiness on the 22d of August, on finding that I did not possess the confidence of the Commander in Chief.—A. I do recollect that Sir Arthur Wellesley did express, after he had a meeting with the Commander of the Forces on his landing at Maceira, that he, Sir Arthur, had to regret that it was apparent he had not the confidence of the Commander of the Forces, or words to that effect.

Q. Did I state to you my reasons for forming that opinion.—A. Sir Arthur did state to me his reasons. Is it the wish of the Court that I should state them?

The Court. State them.—A. Sir Arthur told me, that on the landing of Sir Hew Dalrymple, he had gone to him to represent the necessity of the army advancing, at the same time stating his reasons for thinking such advance necessary. That Sir Hew Dalrymple's reply was, that he had but just arrived, and was consequently unable to form any judgment on the matter. Upon which an Officer of the Staff spoke apart to Sir Hew, and then followed Sir Arthur Wellesley, and told him, that it was the desire of the Commander of the Forces, that he, Sir Arthur, should make preparations for the march of the army, and give what orders he thought necessary for it.

Q. Was that Officer of the Staff Colonel Murray?—A. It was Colonel Murray.

Q. Do you recollect that I told you that Col. Murray had spoken to the Commander of the Forces, upon the necessity of marching, in consequence of my having urged that necessity to Col. Murray after the Commander of the Forces had declined to attend to my recommendation?—A. I certainly did understand from Sir Arthur that Col. Murray had urged the necessity of an advance to the Commander of the Forces, in consequence of having had a conference with the Colonel on that subject; but I cannot recollect to my recollection whether or not Sir Arthur Wellesley told me he had this conference with Col. Murray after he had urged this matter himself to the Commander of the Forces.

Sir Hew Dalrymple declining to put any questions to Col. Torrens, that officer withdrew.

Captain Malcolm, of the Navy, was next called, and examined by Sir Arthur Wellesley.

Sir Arthur. Do you recollect my waiting on the Commander in Chief in company with you, on the morning of the 25th of August?—A. I do.

Q. Do you recollect my having recommended to the Commander in Chief to announce to General Junot the termination of the suspension of hostilities in forty-eight

hours, without reference to the detail which had been received of the sentiments of the Admiral, respecting the article of the Armistice which referred to the Russians; leaving Gen. Junot to renew the negotiation if he thought proper?—A. I do.

Q. Please to state what passed.—A. On my going into the room Sir Hew Dalrymple informed Sir Arthur Wellesley that the Admiral would not agree to that part of the Armistice that regarded the Russian fleet. Sir Arthur replied, that he thought as much. Sir Hew then asked Sir Arthur Wellesley for his opinion of what steps ought to be taken. Sir Arthur thought it most advisable to inform Gen. Junot, in general terms, that the Admiral disapproved of the armistice, as he, Sir Arthur, saw no necessity for pointing out the particular article of which Sir Charles Cotton disapproved. Sir Arthur also proposed that General Junot should be told that the suspension should be at an end in forty-eight hours, as agreed upon by the Armistice, leaving it to that General to propose terms of negotiation anew.

Sir Hew Dalrymple not wishing to put any questions to Capt. Malcolm, that officer then withdrew.

Sir Hew Dalrymple next produced the paper of interrogatories, which on the last day he had received from the Board for the purpose of his affixing written answers. The answers were, for the most part, anticipated in the narrative of his proceedings from the time when he took the command of the British army in Portugal, and which has constituted a part of the proceedings of the Board. The general tendency of his answers was to establish the following facts:—That on his landing, on the 22d, at Maceira, he repaired to the quarters of Sir Harry Burrard, and fixed the head-quarters in the same house. That he had passed the day engaged in conversation with that Officer, principally upon the details of the action of the day before, which that Officer had witnessed. He did not receive any reports from him of the state of the artillery or commissariat, nor of the supposed strength of the French garrisons in the various forts of the Tagus, or in the vicinity of Lisbon. He was told of the debilitated state of the horses attached to the brigades of artillery; but he at first supposed their exhausted condition arose from fatigue, and not from their total unsuitness for the service from the beginning.—He also learned, that there was a scarcity of military stores, and that the army depended upon the victuallers for supplies, and the victuallers upon the weather. When he saw Sir Arthur, in the course of the same day, that Officer gave him, as far as he could recollect, no new information. An advance of the army was recommended by Sir Arthur to take place in the morning. In the mean time General Kellerman arrived at the out-posts. He sent Colonel Walker of the 50th regiment to bring him in. He believed that Kellerman produced his full powers to treat. Sir Hew called in Sir Harry Burrard and Sir Arthur Wellesley, to assist in the negotiation. Sir Harry did not appear to take an active part; but Sir Arthur did; and most cordially concurred in the propriety of treating for the evacuation of Portugal by the French. The discussion of the treaty was short.

The benefits to be derived, and the difficulties to be avoided, by agreeing to the Convention, were detailed at length. His reason for acceding to an unlimited suspension of hostilities was, that in the mean time the army under Sir John Moore should effect its debarkation, an object so very much at heart. When the articles of the armistice were arranged he certainly did get up to sign it, but he trusted the Court would do him the justice to believe, that he would not sign without previously reading and convincing himself that the document squared with the agreement. When subsequently the Convention, as agreed upon by Colonel Murray and General Kellerman, was sent for ratification, he did assemble the Lieutenant-Generals of the army, but not to constitute a council of war. He did not think the case required that measure, although he was always anxious to render the abilities and knowledge of such excellent officers subservient to the great interests of their country in exigent cases, but particularly in the arduous and unexpected situations in which he found himself. But, by acting so, he never fancied that he was not subject to the sole responsibility, or was inclined to give up his own conviction, by a servile submission to the opinions of others. He next described the particular movements of the army, from the 22d of August to the 5th of September. The country from Torres Vedras to Lisbon, in the road which he marched, was open, but the heights were difficult of ascent, particularly for ordnance, and therefore made it necessary to have strong forces. It was so open that every movement of cavalry was discernible, and cavalry could consequently fully act. The garrisons of Elvas and its dependencies consisted of 1400 men. He had received no returns of the garrisons in the other forts. The situation of the Castle of Lisbon is commanding, but the old works were of no great strength; the new were constructed by the French, and were directed against the town itself. Lisbon was, he understood, well supplied with provisions. The contractor who provided for the

French had, previously to Sir Hew's departure from Lisbon, contracted to supply the British army on its march towards the Spanish frontier; and the contractor did not apprehend any impediment to exist against the fulfilment of his contract.

The Earl of Moira then put several questions of minor importance to Sir Hew Dalrymple, explanatory of the answers he had given to the written interrogatories.

Sir Arthur Wellesley asked permission of the Board to put the following questions to Sir Hew Dalrymple, which was granted:

Q. Did you ever communicate to me the contents of the Secretary of State's letter to you relative to me, which you read to the Board? A. Certainly not.

Q. What were the lines of communications and positions left in the hands of the enemy, in consequence of my adoption of the line of advance to Lisbon by the sea coast? A. Of this great measure I had formed my opinion before I landed in Portugal, and consequently, the Members of this Board, who are much better judges than I am, may well know what degree of weight is attached to the observation.

Q. Do you recollect my giving you any statement on the 23d inst. relative to the memorandum I gave Lieutenant-Colonel Murray. A. I refer you to my former answer. I do not recollect that you did; but I know Lieutenant-Colonel Murray got the memorandum from you.—If you are anxious, I will admit I did receive the statement from you, although my memory does not tell me I did.

Q. Do you recollect the proposition made by General Kellerman on negotiating the armistice respecting the Russian fleet being allowed to return to the Baltic? A. I cannot say that I remember such a proposition being made by General Kellerman, on negotiating the armistice, but I am sure it was not strongly urged, or long discussed, for if it had, it would have made an impression on my memory.

General Ferguson was next called into Court, and the following written interrogatories were put to him; his answers were also written, which he read:

Q. On the 21st of August, had you the means of knowing what were the forces and resources of the enemy?—A. His duty being confined to his own brigade, he had not the means of knowing correctly—it appeared to him they had 14,000 men in the field of battle, and that the resources of the country were very few.

Q. Do you know the strength of the castle of Lisbon? A. I do not know the nature of its fortifications, as I never had an opportunity of examining it, but it did not seem to me as if it could make any great resistance.

Q. Do you think, from the character of the French Commander, he would have surrendered before Lisbon was destroyed? A. I suppose he would have done as other Generals, in similar circumstances, would have acted.

Q. If Lisbon suffered a siege, do you suppose much property would have been destroyed? A. All cities that are besieged must suffer; but I do not see why Lisbon should be more unfortunate than any other, or, why it would suffer more.

Q. How did the enemy appear after the battle of the 21st of August? A. Completely dismayed and disheartened.

Q. What train of artillery had Sir Arthur Wellesley attached to his force? A. Nine-pounders were the heaviest.

Q. Were those of sufficient weight to be used against forts? A. Certainly not; but that would depend on the strength of the fortifications.

Q. Could not the force of Sir John Moore be used to advantage? A. If Sir John Moore had been at Santarén, after the battle of the 21st, the French would have been completely cut off in their retreat to Almeida.

Major-General Ferguson then retired.

Sir Hew Dalrymple was again called up, and the following questions were put to him by the Board:

Q. When did you first transmit the articles of the Convention to this country? A. On the 4th of September I transmitted the Definitive Treaty.

Q. Did you send two copies of it; one in French, and the other in English? A. In French only; it was discussed and executed in French.

Major-General Spencer was then called; when the President handed him several written interrogatories, which he read, and informed the Board he would give in written answers to them.

The Board adjourned at a quarter past three o'clock, until ten o'clock, on Saturday morning.

The Hall was more crowded than upon any previous day.

SEVENTH DAY.

The Court was assembled this morning a quarter before eleven o'clock.

Brigadier-General Ackland was called in, and proceeded to read to the Board his written answers to the list of questions given to him on the former day by the President.—The questions were similar to those which were put to Major-General Ferguson. Brigadier-General Ackland stated that he joined Sir Arthur Wellesley's army on the morn-