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COURT OF INQUIRY.

(Continued from our last.)

Question to Sir H. Burrard by the Court. Was the high road to Torres Vedras on the right nearer than that which must have been taken by the enemy who had been engaged on the left?—I cannot answer that question at present; the map now shown to me gives a different idea of it from what I had in viewing the ground.

Same question to Sir A. Wellesley. Was the high road, &c.?—A. I think it was. The enemy must have gone round about to Torres Vedras, while our right could have marched by the direct road from Vimiera.

Court to Sir Arthur. Had our troops followed up their first success, could the left wing have been employed to pursue those troops which had been engaged with our right? A. The enemy's left, which was engaged on our right, retired by a road which leads along the heights towards Lisbon, on a different side of the valley from that on which our left stood, and began to retire at much about the same time that the attack began with our left wing; and consequently the left could not have been immediately employed to pursue those troops which had been engaged with our right.—Those troops, I believe, continued in confusion, in the woods which were on their side of the valley during a considerable part of the day, and this confusion was considerably increased, and its duration lengthened, by the attack made by our cavalry.

Q. By General Nichols. Was there, in your opinion, a probability of intercepting any part of the enemy's forces, if our troops had advanced?—A. I certainly think that if the left wing had followed up its advantages as I proposed, not only many would have been taken belonging to the left wing of the French army, but likewise belonging to the right. The whole French army seemed to me in such confusion, that giving them full credit for great facility and discipline in forming, after having been broken, it would have been very difficult, if not impossible, for them to have formed again.

Q. By the Court. When did you propose to Sir H. Burrard to advance on the 21st?—A. When the enemy were beaten on the left, I went to Sir H. Burrard, and proposed to him to pursue the enemy; I did it in the way of a continuance or a renewal of a discussion which I had had with him in the Brazen on the preceding evening, and I told him that this was his time to advance, and that he ought to move the right wing to Torres Vedras, and to pursue the beaten enemy on the left; that we had twelve days provisions, plenty of ammunition, &c. But Sir H. Burrard was of opinion that our advantages ought not to be followed up, much for the same reasons as he had stated the night before, and he desired that I would halt the troops on the ground then occupied. By this time the 71st and 82d were in advance, the 40th and 36th immediately in their rear on the side of the valley, and the other troops formed in succession for their support. Very shortly afterwards the last attack was made by a body of the enemy's infantry on the 71st and 82d, which was repulsed, as I stated in my report to Sir H. Burrard, and it was after that, as well as I recollect, that General Ferguson sent his Aid-de-Camp, Capt. Mellish, to inform me of the great advantage which might be derived from the continuance of our advance, and I sent Capt. Mellish to Sir H. Burrard, to endeavour again to prevail with him to allow us to continue our advance.

Sir Arthur Wellesley went on to state, that he considered the two propositions made by him to Sir Harry Burrard, on the evening of the 20th and on the 21st, on the field of battle, to continue in pursuit of the advantages already gained by the British, as having in contemplation the same plan of operations. He certainly, in making the second proposition, did not mean to recommend the pursuit of the French as of a fugitive army, though they undoubtedly were in a state of great confusion.

Q. If our army had followed the plan proposed in pursuing the enemy, must not the French have gained ground on them in retiring in very loose order; and if our infantry had been broken in the pursuit, would not the enemy have had a good opportunity of acting against them with their cavalry? A. In order to answer that question, I must state to the court what I conceive would have been the operations of the two armies if the plan proposed had been adopted. If the enemy had marched to Torres Vedras, they would have been cut off from Lisbon by the nearest road to that place. If they had retired on Torres Vedras in a state of confusion, they would have been between two bodies of our troops. If they had chosen to go round to Lisbon by Villa Franca, it was true they might have done so; but I conceive an army in that situation, followed, even at a slow rate, by a victorious enemy, absolutely incapable of forming, or appearing again in the shape of an army. There is no doubt but that our army must have kept in order, and preserved the connection between one corps and another in the proposed pursuit; but by keeping in order, I do not mean that they must at all times have been formed in line.

Q. How many cannon did the enemy carry with them in their retreat? A. According to the order of the enemy's battle, they had but 21 pieces of artillery in the action, of which we took 13. If their order of battle was correct, which I believe it is, they had 8 pieces left.

Q. Do you know if the Reserve of the infantry of the enemy were engaged? A. I do.

Q. How do you know that? A. From several circumstances: First, I myself saw them in the battle. 2dly, Several prisoners of the Reserve were taken, and corroborated the fact. 3dly, General Kellerman commanded the Reserve, and informed me they were engaged. 4thly, Gen. Junot, who commanded the army, told me he attributed the loss of the battle to the impetuosity of the Reserve, who could not be restrained. And lastly, I heard from many French Officers, that every corps of infantry in their army had that day been engaged.

Q. Did you know it in any other manner? A. I knew it from the period at which they were introduced into the action. I knew it also from the circumstance of the line of march by which they approached, which was that of raw troops, and by comparing what I saw with the accounts given me by the French officers of the line of attack adopted for that corps of the French army.

Q. Might there not have been a second line of infantry, as well as a reserve, in an attack of that sort? A. Such was the situation of the country, that any number of troops might have been concealed, who might have been destined to take part in the attack; and it would have been difficult, if not impossible, for us to see them: But I had seen nearly if not the whole of the French troops on their march in columns in the morning; and judging by the number I saw, and comparing them with what I conceived to be the number of troops fit for action, I did not conceive that they had any such troops, besides the reserve: Although it might have been possible to conceal such body of troops in the hills. I must also mention, that I saw the tails of their columns.

Q. Can you say what distance the right of Gen. Hill's brigade was from the left of General Ferguson's at the conclusion of the battle? A. I should think not less than two or three, or it might be three miles. I must observe, that from the nature of this action, the right and left wings of both armies were disconnected; and that a valley ran from the point, near where the action finished, to Vimiera, which separated the left wing of the British army from the right, and also disconnected the two wings of the French army. At the same time, such was the nature of the country, that it was so completely occupied by the troops which were on it, which troops were so completely supported by those on their rear, that we could feel no inconvenience from this circumstance.

General Spencer was then called in and examined by Sir H. Burrard:—

Q. What was the distance between the right of Gen. Hill's brigade and the left of Gen. Ferguson's, at the close of the action? A. From two and a half to three miles, I believe.

Q. Had the enemy, when they attacked Gens. Anstruther and Fane's brigade, time to regain their order before the left was repulsed? A. The enemy were in order in two lines immediately on their retreating from the centre and left of our position, about three miles off. One line I distinctly saw.

Q. Had you reason for knowing that the reserve of the enemy's infantry were engaged that day? A. Not particularly of the reserve.

Q. Were the whole of the enemy's infantry engaged that day? A. I cannot positively say.

Q. Were our artillery horses of sufficient strength to have been usefully employed against the enemy as far as Torres Vedras, or to seize and keep possession of a height distant from the main body of our army, the column separated being liable to be attacked by the cavalry or infantry of the enemy? A. The horses performed the previous journey from Mondego Bay to Torres Vedras, and as to any particular prefs or push, every exertion would have been made to overcome the difficulties which might have presented themselves.

Q. Did you hear that the French at Torres Vedras had been joined on the evening of the 21st by a body of infantry? A. I did: About three or four thousand men.

Q. Had you any reason to suppose that the enemy had retreated with some cannon? And what number? A. They did with seven or eight pieces, I understand.

Q. If the British army had resolved to pursue the enemy on the 21st, what body of men would it have been necessary to leave behind, to collect and take care of the wounded, and such stores as the army could not have done without? A. I conceive that would depend entirely on the judgment of the Commander of the Forces, who was also competent to decide on that subject.

Q. Do you know what was the distance, by the road near to which General Hill's brigade was placed, to Torres Vedras? A. About eight or nine miles.

Q. Do you know the distance by the other road, at the

time, by the left of our position line? A. About three miles farther.

Q. Have you any knowledge of the ground between that and Torres Vedras? A. I believe nothing except the general features.

Q. Do you think, if part of our army had marched forward, they might not have found the French force which had been repulsed by Generals Anstruther, &c. in good order, with their cannon, and a body of cavalry; and the two parts of our army thus getting separated, our right might not have been severely handled? A. I think the enemy would have endeavoured to take their position at Torres Vedras; but in regard to the separation of the columns, that must rest with the Commander of the Forces, according to the disposition he judged proper to make.

Q. Did you not see the French in their retreat take their ground, immediately rally, and get into good order? A. I saw one line distinctly formed about three miles off, as I have already said, in front of the centre of our position, where they remained upwards of an hour.

Q. At what time did you first see this line? A. After the retreat.

Q. How soon after? A. After the attack on our centre and left had ceased; I cannot say immediately, but very soon after.

Sir A. Wellesley.—Was the time you mention after the attack had been repulsed by our left, or immediately after the attack had been repulsed by Generals Fane and Anstruther's brigades? A. The time to which I allude was after the attack on Generals Anstruther and Fane's brigades, and after the whole had ceased.

Q. Was that line formed on the road to Torres Vedras, or on a part of the scene of action to the northward? A. It was towards the northward, near the road to Torres Vedras.

Q. General Spencer mentioned that he heard of a reinforcement of infantry having joined the French in Torres Vedras on the evening of the 21st; Did he learn that from authority, or only from common rumour? A. I did not learn it from authority, but it was the report in the camp.

Q. Was you present when I recommended it to Sir H. Burrard on the field of battle on the 21st, to continue to pursue the advantages we had gained over the enemy. A. I was not.

Q. Did you, as second in command to me in that action, consider the defeat of the enemy to be so decided as to warrant the pursuit of the enemy? A. I considered the enemy to be so completely beaten in the centre and left, that I should have supported Sir A. Wellesley in that measure.

Question by Earl Moira. If you had had artillery horses for conveying cannon, was the nature of the roads such as would have enabled you to have brought up your artillery? A. I think it would have been with great difficulty they could have got on.

General Ferguson was then called and examined by Sir A. Wellesley.

Q. Was you present, on the field of battle, on the 21st of August, when I recommended to Sir H. Burrard to continue the pursuit of the advantages we had gained over the enemy. A. I was not present, I was with my brigade.

Q. Do you recollect after having received orders to halt, that you sent a message to me by your Aide-de-Camp, Capt. Mellish, informing me, that, if allowed to continue to advance, you would gain important advantages? A. I did send such a message.

Q. Describe to the Court what those advantages were? A. A column of the enemy completely broken, and consisting of from 1500 to 2000 men, had, in their confusion, got into a hollow, and were thereby placed in that situation that they might be cut off from the main body by a movement of part of the corps under my command.

Q. Did you consider that part of the enemy with which the troops under your command had been engaged, on the 21st of August, to be so beaten as to render the continuance of the pursuit of importance? A. As they had lost all their artillery, and were in the very utmost confusion, it certainly was my opinion that it was of importance that our army should continue to advance.

Q. Did you see any troops formed at the end of the action? A. None properly formed. Some battalions of their infantry occasionally halted, in my opinion, to cover and carry off the booty.

Q. In what numbers did you observe any corps of the enemy? A. In small bodies, generally not more than 200 or 300 infantry. The greater part of their cavalry appeared to be opposed to our centre.

Question by Earl Moira. Under what circumstances did your orders to halt find you? A. One part of my battalion was on the village of Daringrusa, and the other in the rear to support it. The village was the last place where the enemy had made a stand, and from which they had been driven by the brigade under my command. The enemy were then retreating in the greatest confusion. The roads were so bad, that he hardly thought, had there been a sufficient number of artillery horses, they could have brought the artillery forward.