

THE
SENTENCE
Admonitory OF THE *Simpson*
COURT-MARTIAL,

Held at the HORSE-GUARDS,

For the TRIAL of

The Hon. Lieut. Gen. *James Murray*,

Late GOVERNOR of MINORCA,

ON THE

TWENTY-NINE ARTICLES exhibited against him by
Sir *WILLIAM DRAPER*.

With His MAJESTY's Order thereon.

TO WHICH ARE ADDED,

The WHOLE of the EVIDENCE on the Two ARTICLES
of which the General was found Guilty ;

And likewise upon the FOUR ARTICLES of Complaint of Personal
Wrong and Grievance.

Taken in SHORT-HAND by JOSEPH GURNEY.

With an APPENDIX, containing Gen. MURRAY's Defence and Answer to every
Article of the Charge,—all the Correspondence between Gen. MURRAY and Sir
WILLIAM DRAPER,—the several Councils of War,—and the subsequent Proceed-
ings of the Court-Martial relative to the private Dispute between Gen. MURRAY
and Sir WILLIAM DRAPER ; with all the Correspondence upon that Subject.

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*A COURT-MARTIAL, or A Scene at the Seven Bishops
Recently introduced in the Court of Chancery.*

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WILLIAM ALEXANDER SORELL.

MAJOR-GENERALS.

JAMES PATTISON.
JAMES BRAMHAM.
SAMUEL CLEVELAND.

SIR CHARLES GOULD, JUDGE-ADVOCATE GENERAL.

Lieut. Gen. MURRAY having been tried by a Court-Martial, on Twenty-nine Articles exhibited by Sir WILLIAM DRAPER, the following is the Sentence of the Court-Martial.

S E N T E N C E

OF A

GENERAL COURT-MARTIAL,

Held at the HORSE-GUARDS, in the Months of *November* and *December* 1782, and *January* 1783, upon several Articles of Charge and Complaint preferred by Lieut. Gen. Sir WILLIAM DRAPER against the Hon. Lieut. Gen. MURRAY.

[*As delivered by Sir CHARLES GOULD, Judge-Advocate General.*]

HAVING maturely considered the Evidence which has been produced, as well on the part of the Prosecutor as of the Defendant, with their relative observations,—and the sense of each Member having been taken distinctly upon the various matters of Charge,—

The Court are of the opinion herein after expressed concerning the same respectively, as classed under the several general heads of accusation :

AS to the matter comprehended under the general head or description of *Flagrant Misbehaviour and Culpable Neglect*, particularised in the following instance of

A—Bad Conduct before the Siege,

The Court are of opinion, with regard to the *FIRST* Article,—“ Suffering the troops in garrison at Fort

“ St. Philip to be without their Officers, who lived at Mahon or George-Town, in the Month of February, 1780, although there was, and had for some time past been, an expectation of an attempt upon the Island; the fortrefs of Fort St. Philip’s being then also, from a variety of defects, in a very bad condition to sustain the Enemy,”—

That Lieut. Gen. Murray is NOT GUILTY; and do therefore acquit him.

Upon the *SECOND* Article,—“ Suffering the offices of the house called Stanhope’s Tower to continue undermined, which gave the Enemy the great advantage of immediately taking post there, to the no small detriment and annoyance of his Majesty’s troops,”—

The

Edw. Gould 29 September 1783

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the THIRD Article,—“ Re-
pairing the Great Road from Mahon
to St. Philip’s, by which the Enemy’s
artillery were brought up to their
batteries with the utmost ease; and
this, after he had repeatedly told the
garrison, that they would be at-
tacked,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the FOURTH Article,—“ Ne-
glecting to withdraw the troops and
stores from Citadella and Fornello in
proper time, although he had re-
ceived strong information from his
Majesty’s Minister at Florence, and
from others, that the Enemy’s de-
scent would speedily take place;
whereby those troops and stores were
intercepted and lost,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the *First Part* of the FIFTH
Article,—“ Neglecting, on the descent
of the Spaniards, on the 19th of Au-
gust, 1781, to order the naval and
other stores in the marine arsenal to
be set on fire; whereby those impor-
tant and valuable magazines fell into
the hands of the Enemy,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the *Second Part* of the SAME
Article,—“ Omitting to station vessels
to prevent their rapid approach to
Mahon, so that even his own goods,
plans, and papers, were seized; and
the troops retired into the Fort with
great confusion, loss, and disgrace,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the SIXTH Article,—“ Suf-
fering the Enemy to carry on a Sap,
and erect their batteries behind some
weak stone walls; although it was
obvious, that a proper and vigorous
exertion of artillery would either have
prevented, or at least greatly retarded,
their approaches and construction,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the SEVENTH Article,—“ Suf-
fering the Enemy’s barbet battery at
the Russian hospital to stand unde-
molished for weeks together, although
it might have been demolished by the
heavy cannon and howitzers of the
garrison,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the EIGHTH Article,—“ Giv-
ing out an Order, dated October the
15th, 1781, in words to the follow-
ing effect:

‘ NO gun, or any piece of ordance,
‘ hereafter to be fired in day-light,
‘ without orders from the Com-
‘ manding

“standing Officer of Artillery, who
“can upon the smallest notice com-
“municate with the Governor, who
“is ever watchful;”

“which Order tended greatly to invite
“and facilitate the Enemy’s approach,
“and numerous opportunities of ob-
“structing their movements were there-
“by lost,”—

The Court are of opinion, That
Lieut. Gen. Murray is GUILTY;
—although it does not appear to
the Court, that the Order was is-
sued with any intention of invi-
ting the Enemy’s approach;

And the Court do adjudge, That, in
respect of his misconduct in this
instance, he be reprimanded in
such manner as his Majesty shall
think fit to direct, for having
given out an Order, which was de-
trimental to his Majesty’s service,
and excluded the Lieutenant-Gov-
ernor from an authority with
which a junior Officer was in-
vested.

Upon the NINTH Article,—“ Or-
“dering several ships, and their con-
“tents, to a great amount, to be sunk;
“among others, the Minorca, a new
“frigate, which might have escaped in
“safety with only thirty-five hands,
“and the General Murray privateer,
“with twenty hands; which vessels
“might have been usefully employed
“for the King’s service,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

B—As to the Instances of Bad Conduct during the Siege,

FIRST, The Court are of opinion
upon the FIRST Article,—“ Giving
“out in public orders on the 8th day of
“January last, (being the third day of
“the siege) That the Enemy’s battering
“train was such as had never before
“been brought against any place of
“the first magnitude, since the inven-
“tion of gunpowder; and that the
“garrison might be assured, that the
“defence of Fort St. Philip had little
“or no dependance upon its Artil-
“lery—which order tended to aug-
“ment the terror of the Enemy’s at-
“tack, and to cool the zeal and ardour
“of the Artillery-men of the garrison,
“and from the date of which order, the
“fire from the place became almost
“extinct, in the day time, and the
“Enemy redoubled their efforts”—

That Lieut. Gen. Murray is NOT
GUILTY, and do therefore acquit
him;

And the Court think it incumbent
upon them, to remark, that this
Article of Charge contains a par-
tial quotation from the order in
question, the whole whereof, al-
though injudiciously worded in
the part alluded to, collectively
taken, bears a very different con-
struction.

Upon the SECOND Article,—“ Aban-
“doning, and blowing up, all the
“places of arms, and communications
“of the Inner Covered Way, the night
“after he had given out, in public
“orders, that in case of alarm, he
“should be found in the part of the
“Inner

" Inner Covered Way defended by the
 " Fifty-First Regiment, and be the last
 " man to retreat from it ; the Enemy
 " at that time not being in any part
 " within three hundred yards of the
 " Outer Covered Way, and no work
 " having been taken, or even at-
 " tempted,"—

The Court are of opinion, That
 Lieut. General Murray is NOT
 GUILTY ; and do therefore acquit
 him.

Upon the THIRD Article,—“ Order-
 " ing the Officers in the Out Posts, to
 " invite the Enemy into them, with a
 " view, as he said, to blow them up.
 " with the works,"—

The Court are of opinion, That
 Lieut. General Murray is NOT
 GUILTY ; and do therefore acquit
 him.

Upon the FOURTH Article,—“ Sur-
 " rendering the Fortrefs and Garrison,
 " at a time when the Enemy, in the
 " nearest point of approach towards the
 " Covered Way of the Queen's Re-
 " doubt, was still at the distance of
 " two hundred and fifty yards ; and had
 " opened no battery nearer than five
 " hundred yards ; when no work
 " had been taken, or once assaulted
 " except by cannon and shells, and
 " not one of the numerous mines had
 " been sprung ; when the mortars for
 " throwing stones, and the fougasses
 " were prepared ; and when there was
 " no breach in any work below the
 " Cordon, nor a possibility of it, un-
 " less the batteries of the Enemy had
 " been advanced nearer,"—

The Court are of opinion, That
 Lieut. General Murray is NOT

GUILTY ; and do therefore acquit
 him.

Upon the *First Part* of the FIFTH
 Article,—“ Desiring (with a view to
 " magnify the sickness of the garrison,
 " which it is admitted was sickly, and
 " thereby to justify his surrender) that
 " the respective Commanding Officers
 " would march out their corps as weak
 " as possible,"—

The Court are of opinion, That
 Lieut. General Murray is NOT
 GUILTY ; and do therefore acquit
 him.

Upon the *Second Part* of the SAME
 Article,—“ Suppressing, in his report
 " to the Secretary of State, the men-
 " tion of the Marine Corps, which
 " alone consisted of four hundred and
 " thirty fit for duty, with one hundred
 " and twenty-five Artillery-men, be-
 " sides Greeks, Algerines, and Cor-
 " sicans,"—

The Court are of opinion, That
 Lieut. General Murray is NOT
 GUILTY ; and do therefore acquit
 him.

C——*As to the Instance of Bad Con-
 duct after the Siege,—viz.*

“ Suffering the Spanish General to
 " turn him out of the Fortrefs, before
 " the Articles of Capitulation were
 " signed ; and not taking any hostages
 " for the security of his Garrison,"—

The Court are of opinion, That
 Lieut. General Murray is NOT
 GUILTY ; and do therefore acquit
 him.

WITH

WITH regard to the matters comprehended under the general head or description of

D—*Shameful Profusion and Misapplication of the Public Money and Stores, particularised in the following Instances,—*

FIRST, The Court are of Opinion, upon the FIRST Article,—“ Expend-
“ ing nine hundred pounds in the pur-
“ chase of some wool, to make about
“ seven traverses, on the top of the
“ Castle, although with the common
“ materials of cask and canteen stones,
“ four or five pounds for each would
“ have sufficed,”—

That Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the SECOND Article,—“ Mis-
“ applying the Mafons, Artificers, and
“ Labourers, by causing them to work
“ on the offices of Stanhope's Tower,
“ for his own emolument,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the THIRD Article,—“ Buy-
“ ing, or being concerned in several
“ Privateers, under pretence of esta-
“ blishing Packet-Boats to go to Italy
“ for Letters; the Crews of which Pri-
“ vateers were chiefly taken from the
“ service of the Fort, and paid and
“ victualled from the Public Money
“ and Stores, and the Garrison's Am-
“ munition sent and expended on
“ board the said Privateers,”—

The Court are of opinion, That

Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the FOURTH Article,—“ Un-
“ necessarily purchasing the Hannah
“ Privateer, on the Public Account, at
“ the expence of between Three and
“ Four Thousand Pounds,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

Upon the FIFTH Article,—“ Un-
“ necessarily bringing a considerable
“ charge on the Public, by making
“ Two Colonels, Four Lieutenant-
“ Colonels, Two Majors, and a great
“ number of other Officers, who re-
“ ceived the pay of their new appoint-
“ ments, although the Four Battalions
“ in Garrison were at low numbers,
“ and all their Field Officers present
“ (one excepted;) besides several Bre-
“ vet Majors,”—

The Court are of opinion, That
Lieut. General Murray is NOT
GUILTY; and do therefore acquit
him.

WITH regard to the matters com-
prehended under the general head
or description of

E—*Rapacity and Extortion, particularised in the following In-
stances,*

The Court are of opinion, upon
the FIRST Article,—“ Obliging the
“ Troops and Inhabitants to receive
“ in payment a Guinea as Four and
“ Twenty Shillings; at which rate the
“ Fifty

“ Fifty Thousand Pounds sent by Government for Contingencies were issued, to the great discontent and detriment of the Troops and Inhabitants,”—

That Lieut. General Murray is NOT GUILTY; and do therefore acquit him.

Upon the SECOND Article,—“ Exacting a large Sum, by an arbitrary Imposition on all Auctions, to the great loss of the parties concerned in them; and notwithstanding he agreed to take a fixed Allowance from Government, in lieu of all Perquisites,”—

The Court are of opinion, That Lieut. Gen. Murray is GUILTY—and do adjudge, that he be reprimanded in such manner, as His Majesty shall think fit to direct, for having taken a perquisite improperly, and contrary to the apparent intention of Government, when a fixed allowance was made for satisfying all contingencies:

And the Court, inasmuch as it has been suggested by Lieut. General Murray, in the course of his defence to this Article of Charge, that his receiving, as a perquisite, a moiety of the fee of one and half per cent. paid to the Auctioneer upon the sale of prize goods, is conformable to the practice which obtains at Gibraltar, think themselves indispensibly obliged to observe, that there has not been laid before them any evidence, nor do they see any ground whatever to suppose, that any such perquisite is taken, or claimed, by the Governor of Gibraltar.

WITH regard to the matters comprehended under the general head or description of

F—Oppression and Cruelty, particularised in the following Instances,

FIRST, The Court are of opinion upon the FIRST Article,—“ Wantonly incensing the minds of the principal Gentry of the Island against His Majesty’s Government, by most violently disarming and disgracing them, because a Deserter had not been discovered, and given up,”—

That Lieut. Gen. Murray is NOT GUILTY; and do therefore acquit him.

Upon the SECOND Article,—“ Personally beating several Spanish Prisoners, who were standing at the door of their prison, breathing a purer air,”—

The Court are of opinion, That Lieut. General Murray is NOT GUILTY; and do therefore acquit him.

Upon the THIRD and last Article,—“ Imprisoning a man of good character, named Goya, for many weeks, without sufficient cause, and without bringing him to any trial, or examination; under which confinement Goya destroyed himself,”—

The Court is of opinion, That Lieut. General Murray is NOT GUILTY; and do therefore acquit him.

Upon the whole, it appears to the Court, from the evidence, That

That Lieut. General Murray did conduct himself with great zeal, courage, and firmness, in the defence of Fort St. Philip,—That the place was not half garrisoned,—had not any prospect of relief,—and was not given up, till it was become, from the enfeebled state of the Garrison, no longer tenable; And that several of the Articles of Charge, which have been preferred against Lieut. Gen. Murray, are frivolous and ill-founded.

WITH respect to the matter of Personal Complaint exhibited by Sir William Draper, who represents, That he has been personally aggrieved and wronged by Lieut. Gen. Murray, in four several instances,—

As to the FIRST Article of Complaint,—“ That Lieut. Gen. Murray “ issued an order on the 15th day of “ October last, tending to dishonour “ and disgrace him, and to prevent “ him from doing his duty as Lieutenant Governor,”—

The Court is of opinion, That Sir William Draper is founded in this Article of Complaint, as it does appear to them, that the order to which the Complaint refers, did tend to dishonour and disgrace him.

As to the SECOND Article of Complaint,—“ That Lieut. Gen. Murray “ falsely charged him with an attempt “ to take the command from him, the “ Governor in Chief,”—

The Court is of opinion, that Sir William Draper has not sustained the grievance which this Article

supposes, as the words contained in Gen. Murray's letter of the 16th of January, 1782, which has been adduced as evidence of the fact, do not, in their judgement, import a charge of any actual attempt made to take the command from him; but, in unison with the rest of the letter, express strongly Lieut. Gen. Murray's sense of Sir William Draper's conduct, which appeared to him calculated to enervate his authority and command.

As to the THIRD Article of Complaint,—“ That Lieut. Gen. Murray “ superseded him in his command, as “ Lieutenant Governor, without just “ cause,”—

The Court is of opinion, That Sir William Draper was not aggrieved or wronged in this instance, the supercession being no more than Sir William Draper appears to have expected, in case Lieut. Gen. Murray did not think it proper to assemble a Council of War, nor than his letter to Lieut. Gen. Murray warranted and called for.

As to the FOURTH Article of Complaint,—“ That Lieut. Gen. Murray “ gave out, that the said Lieutenant “ Governor had advised him to surrender the place sooner than he did,”—

The Court is of opinion, That Sir William Draper is not founded in this Article of Complaint, the fact of Lieut. Gen. Murray having at any time expressed himself to that effect not being supported by evidence.

C

The

The Court, before they quit this subject, conceive it to be a duty absolutely incumbent upon them, to point out some very offensive words, which have appeared before them in evidence, contained in a letter from Sir William Draper to Lieut. Gen. Murray, viz.—“ Your insinuation that I am attempting to take the command from you, is *false and infamous* ;” and also an expression contained in an answer

to the said letter; from Lieut. Gen. Murray, viz.—“ As to the personal abuse, I shall do justice to myself, you may be assured, when the proper time arrives :”—and humbly to submit the same to his Majesty’s consideration, that his Majesty may, if in his wisdom he shall think fit, interpose his royal authority and injunction, to prevent the most serious consequences between the parties.

ON the 30th of January, the Court-Martial being re-convened, pursuant to an Order from His Majesty, Lieut. Gen. Murray and Sir William Draper were called into Court; when the Judge-Advocate General read to them the foregoing determination of the Court-Martial, upon the several matters of charge and complaint which had been referred, by His Majesty’s Warrant, for their decision; together with His Majesty’s pleasure thereon, as follows; namely,

- “ THAT the King had declared his Royal Approbation of the opinion of the
 “ Court-Martial, upon every point; but that, in consideration as well of
 “ the zeal, courage, and firmness, with which Lieut. Gen. Murray appears
 “ to the Court to have conducted himself, in the defence of Fort St. Philip,
 “ as of his former long and approved services, His Majesty had been graciously
 “ pleased to dispense with any other reprimand, in respect of the
 “ misconduct whereof he has in two instances been found guilty, than that
 “ which the Sentence of the Court-Martial in itself virtually conveys :
- “ And that His Majesty had, at the same time, expressed much concern, that
 “ an Officer of Sir William Draper’s rank, and distinguished character,
 “ should suffer his judgement to be so far perverted, by any sense of personal
 “ grievance, as to view the general conduct of his superior Officer in
 “ an unfavourable light; and, in consequence, to exhibit several charges,
 “ which the Court-Martial, after a diligent investigation, have deemed to
 “ be frivolous, or ill-founded.”

The following TWO ARTICLES, on which Lieut. Gen. MURRAY was censured, with his DEFENCE, and the EVIDENCE on both Sides thereon, are submitted to the Public.

ARTICLE I.

*" Giving out an Order, dated October the 15th, 1781, to the following Effect: That
" no Gun, or any Piece of Ordnance, hereafter to be fired in Day-Light, without
" Orders from the Commanding Officer of the Artillery, who can upon the smallest
" Notice communicate with the Governor, who is ever watchful" —*

Gen. Murray. **I** BEG leave to observe to the Court, that this Order is not perfectly stated—it is mutilated.

Judge-Advocate. Sir William Draper may state the order in his charge as he pleases; and he is to make it out as he can: but when it is produced in evidence, the whole order must be read.

Sir W. Draper. May I take my oath to this business myself? Is it usual, as I am the prosecutor?

Judge-Advocate. It is not illegal; Sir William Draper certainly is competent to give his evidence: I am glad he tenders himself so openly at the outset, before he has called in the evidence to it.—If any member has a doubt about it, he has only to rise, and have the Court cleared, while we consider of it.—Does Gen. Murray take any objection?

Gen. Murray. It is in the breast of the Court, certainly, to do as they please.

Court. If you have any objections, Gen. Murray, you will please to state them; the Court will then have the room cleared, and take the matter into consideration.

Gen. Murray. I think it is unusual: the charge is against me for issuing that order: I shall not deny the order if it is produced entire.

Court. As I said before, if you have any objections, you will state them; and the Court will immediately take those objections into consideration.

Gen. Murray. It is unusual—I never heard of the practice before.—I wish to be tried, as other men have been tried.

Court. If the order is read, and Gen. Murray will admit it, it will save Sir William Draper the trouble of giving evidence.

Judge-Advocate. I suppose Sir William Draper does not mean to prove the order by his evidence, but what is alledged concerning the order.

Gen. Murray. I think, that Sir William Draper, who is my accuser (and not a very mild one) ought not to give evidence as to the consequences of the order. The order is clear.

Judge-Advocate. Sir William Draper tenders an information to the Crown; which the Crown, upon advising with its proper officers, is of opinion, ought to be sent to trial by a Court-Martial.—

Does

Does it strike any person, that the person giving the information, is precluded from giving evidence?—How far it may be suspicious, how far it may be desirable, are all circumstances for the Court to consider. The question is now, Whether he is a competent witness? I rather wish to speak my sentiments upon it in public.—If you choose to have the court cleared, it is my duty to attend you; and you sometimes do me the honour to call for my opinion, and then it is my duty to give it; but it does not strike me at present, that the situation of Sir William Draper, as the accuser, can effect his competency, as a witness. If we apply it to the ordinary courts of law, suppose the case that frequently occurs:—Does not the person who is robbed, who tenders the information, and who conducts the prosecution, always give evidence?—If there appears, from the whole of the case, any thing like rancour, ultimately the Court will give less credit, to be sure, to a witness under those circumstances, than if he were not under such circumstances: but we are only now speaking to the competency; and I submit my opinion to the Court, that Sir William Draper is competent to give evidence.

Sir W. Draper. To prevent any disputes hereafter, I wave being sworn.

Judge-Advocate. That is more desirable, to be sure.

Col. ACKLON, of the Sixty-First Regiment, called in, and sworn.

(The order read from the orderly book.)

“ No officer, for the future, on guard,
 “ is to quit his post, on any ac-
 “ count whatever; neither, here-
 “ after, in day-light, is a gun,

“ or any piece of ordnance, to be
 “ fired, without orders from the
 “ commanding officer of artillery,
 “ who can, on the slightest no-
 “ tice, communicate with the
 “ Governor, who is ever watch-
 “ ful. The pusillanimity of the
 “ Enemy is sufficiently conspi-
 “ cuous to the most undiscerning
 “ person in this garrison; the me-
 “ thod which can be devised to
 “ make them brave, is by accus-
 “ toming them to an ineffectual
 “ fire from us.”

Sir W. Draper. Whether you ever observed opportunities of annoying the Enemy, and checking their progress, lost, by the order that has been just read?

A. I think I have seen opportunities, where the Enemy might have been annoyed, if the Artillery Officers had had the liberty of firing.

Sir W. Draper. I beg you will mention any instance.

A. To the best of my recollection, one instance I do remember. There was a *sortie* made to destroy a strong sentry-box, which was pretty near to the Quay-guard, the place where we usually kept a guard before the siege. I was on the top of the Castle, with my perspective glass, in order to see the movements of the *sortie*; I observed the Enemy come down in numbers behind the walls that were between the Quay-guard and George Town; I counted one hundred and sixty Grenadiers behind one wall, besides many that had taken post behind other walls: I remarked to some that were about me, that it was a shame the Artillery did not fire, because the Enemy were near enough to be annoyed by them; and,

and, to the best of my recollection, I addressed myself to Capt. Fead, of the Artillery. I don't swear it was Capt. Fead; but, to the best of my recollection, it was him. I shewed him the Enemy; I gave him my glass, and he counted pretty nearly the same number I had done: I told him, it was a shame the cannon did not fire, and some of the mortars, because I was very sure, if they did, the Enemy must be much annoyed by them.

Court. Do you know the day of the month?

A. No: I think it was in August that the *sortie* was sent out upon that occasion: the orderly book will shew.

Sir W. Draper. What was the reason given you for not firing?

A. Capt. Fead, or the Gentleman I addressed myself to, said he could not fire without an order; and he said he would go immediately to Major Walton, to receive his orders.

Sir W. Draper. Did the Artillery fire in consequence of any orders upon this occasion?

A. To the best of my recollection they did; but it was then too late, because the Enemy, we had seen, were then moving off: they did not fire at the time; they might have taken an advantage of the Enemy; but, to the best of my recollection, a few did fire.

Sir W. Draper. Did you observe any other opportunity lost, in consequence of the order?

A. I did.

Sir W. Draper. Did you, by this order, judge that you yourself was incapacitated to give orders to fire, without Major Walton's leave?

Court. The words of the order itself, I should think, would explain this question.

A. I did not think I had any authority to order the Artillery to fire.

Sir W. Draper. Did you judge that I myself was incapacitated by that order?

Gen. Murray. This is all matter of opinion.

Sir W. Draper. I am obliged to ask this question, from what I saw in the news-papers this morning.

Court. It has been proved, over and over again, in evidence, that the Artillery should not fire without a command from Major Walton.

Sir W. Draper. The question is, Whether he thinks I am comprehended in that order, as Lieut. General and Lieut. Governor?

Court. The next in command is as much so as the youngest officer. It goes to include every person, to be sure.

Sir W. Draper. Did you ever observe any marks of insanity, or insufficiency, in me, so as to think me incapable of giving orders?

A. I never did, but thought the contrary.

Gen. Murray. Can you ascertain at what distance from the works of the garrison the wall was that you saw those Grenadiers behind?

A. I cannot ascertain the real distance; I should judge, from the eye, the wall was about eleven hundred, or twelve hundred yards, that they were behind, from the top of the Castle where I was; they might be a good deal nearer some of the outworks. The wall they were drawn up behind, was nearer a good deal than George Town.

Gen. Murray. Mention to the Court what other works these Grenadiers, that

D

were

were posted behind the wall, could be seen from.

A. I should imagine, from all the works on the north and north-west sides of the garrison: I think they might plainly be seen from them.

Gen. Murray. Whether or not the Artillery, that fired upon those troops, did not fire immediately after the *sortie* came in?

A. There was some little firing; I think it was after the *sortie* returned into the garrison.

Court. Was it soon after?

A. I cannot ascertain: I think the *sortie* had returned into the garrison; I think it was much about, or just at the time the *sortie* returned into the garrison.

Gen. Murray. You said other opportunities had been lost; I desire you will mention those opportunities to the Court.

A. I cannot particularise the opportunities; but I have seen many instances where parties of the Enemy have passed from one post to another, that I thought might have been annoyed by the Artillery, if the Artillery had been made use of against them.

Gen. Murray. Whereabouts, and at what distance from the forts, did you see those parties?

A. I can't pretend to judge the distance; but I have seen them moving towards Col. Mackellar's; I have seen them moving towards Stanhope's Tower; and I have frequently seen parties in arms passing towards Turk's-Mount.

Gen. Murray. Did these parties remain any considerable time in our sight?

A. Sometimes they were hid by their own works: then they would appear in openings as they were marching

along: sometimes I have had a view of them for three, four, or five minutes; I have seen them passing where no works have been thrown up—through the fields.

Q. Were those passing through the fields, within the distance of being annoyed by the Garrison?

A. I think they might, both by shells, and by artillery too.

Gen. Murray. I wish you could ascertain the distance these men were from us, which you saw in the fields?

A. Those men I saw in the fields, passing from one work to the other, might be at the distance of fourteen or fifteen hundred yards; I mean, from the top of the Castle: I have seen them in several places, some places nearer.

Gen. Murray. I understand that the Colonel thinks, at fourteen or fifteen hundred yards men passing in file might be annoyed by the Artillery?

Court. That is the purport of his evidence.

Sir W. Draper. I beg to ask, what is the distance of the space between the top of the Castle and the outworks?

A. The situations of the outworks were at different distances: the doubts of the outward line, I should suppose the farthest of them to be about four hundred yards or more; but I cannot attempt to ascertain any certain distance.

Sir W. Draper. From whence?

A. From the top of the Castle the Marlborough was a great deal farther; I cannot pretend to ascertain the distance.

Gen. Murray. Whether you think they could have been seen from the Marlborough?

A. I am very sure they might, in several places.

Court.

Court. At what distance were they from Fort Marlborough?

A. I cannot pretend to form any idea: there was a cove run up to the right side of the Marlborough, and then a gully between where the men were and the Marlborough.

Court. You cannot ascertain the distance from Fort Marlborough?

A. No, because there was a gully between the Fort, and the fields they were marching over.

Gen. Murray. It is a barranca.

A. A barranca; that is the same thing.

Court. Whether the *sortie* would have been in danger if the Garrison had fired sooner?

A. I am very sure it would not.

Court. Can you ascertain nearly the distance of the Marlborough from Stanhope's Tower?

A. No, I cannot form the least judgment of the distance.

Gen. Murray. I wish to know how often you was at the Marlborough during the blockade, and at what time of the day?

A. As I had no duty there, I was not in the Marlborough, I believe, during the blockade, above twice. I believe I might be twice; I am not positive whether it was during the blockade. I was there once during the blockade, and at the commencement of the siege:—I think I was twice there.

Court. Was you there once during the siege?

A. That I am not quite clear of: I think I was once there during the blockade, and I think once after the siege opened; I am not positive.

Court. You are sure you was there once during the blockade?

A. Yes.

Court. At what time of day?

A. I cannot say: towards the afternoon; between one and three o'clock, I think it was.

Court. What period do you call the beginning of the siege?

A. When the Enemy opened their batteries; it was, I think, on the 6th of January.

Gen. Murray. I wish to know if you saw any parties from the Marlborough when you was there?

A. No, I cannot say *parties*: I did see some Men moving behind the wall that leads up to Turk's-Mount; but I cannot call them *parties*.

Gen. Murray. Had they arms?

A. I saw their arms with them.

Gen. Murray. I wish to know at what distance that road of communication up to Turk's-Mount was from the Marlborough?

A. I cannot pretend to say the distance of the road from the Marlborough.

Court. Were they upon that road?

A. They were not in the road. Where I saw them, was behind a wall which they had thrown up, leading towards Turk's-Mount. An angle of that wall came opposite to the salient angle of the Marlborough, which I judge to be about the distance of three hundred yards, or between two and three hundred yards.

Gen. Murray. I wish to know what number of pieces from the Marlborough could be brought to bear upon that last wall that you have described?

A. I cannot pretend to say. I think some few might have been brought to bear upon that part.

Gen. Murray. I suppose you mean, brought to bear through the embrasures. Whether you think any cannon could

could be fired upon that spot, through the embrasures?

A. I mean through the embrasures. I think, to the best of my recollection, there was a grafshopper in the salient angle, which could have commanded it; but I am not sure whether it was a grafshopper or wall-piece that was in the salient angle.

Court. Then you don't say any thing about the grafshopper in your evidence?

A. No. I am not sure whether it was a grafshopper, or a wall-piece.

Sir W. Draper. The wall-pieces are upon the salient angles.

Major JOHN ELFORD, of the 51st Regiment, called in, and sworn.

(The Order of the 15th of Oct. 1781, read.)

Sir W. Draper. Did you observe any inconvenience to arise from that order?

A. I cannot say I did.

Court. Where did you command?

A. I commanded in Fort Marlborough.

Sir W. Draper. You observed no inconvenience from that order?

A. I did not.

Sir W. Draper. Did you lose any opportunities by it of firing at the working, or other parties of the Enemy?

A. No, I did not.

Sir W. Draper. Did you not look upon yourself as comprehended in that order?

A. No, I did not. I saw an order from Major Walton to the Artillery, not to fire; but I could not obey that order; I did not look upon it as directed to me. I had a discretionary power from Gen. Murray to fire as I should see occasion.

Court. Then the Officer of Artillery was to obey you?

A. Yes, of course.

Sir W. Draper. Whether the Artillery-Officer at Fort Marlborough at this time had not an order from Major Walton not to fire?

Court. He says the Artillery were to obey him; therefore Major Walton is out of the case. Whether Major Walton did, or not, order them to fire, cannot affect the Governor.

A. Every one of that Fort was under my command; and doubtless were to obey my orders. No order from Major Walton could affect me. There was an order from Major Walton to the Artillery not to fire.

Capt. DIXON, of the Royal Artillery, called in.

(This Witness was sworn on a preceding Day.)

Sir W. Draper. You commanded the *lunettes* of the left wing?

A. Yes, I did.

Sir W. Draper. Do you remember the order of the 15th of October?

A. I beg to hear the order read.

(The order was read.)

A. I remember it well.

Sir W. Draper. Did the order alluded to deprive you of a discretionary power?

Court. It certainly did deprive him of a discretionary power.

Sir W. Draper. Did you observe any inconvenience arising from it?

A. For some days.

Sir W. Draper. Did you lose any opportunities by it of firing at the working, or other parties of the Enemy?

A. Yes, during those days that I before mentioned.

Sir W. Draper. Can you name the particular instances?

A. I often have seen a groupe of men, six, seven, or eight, together; I can-

I cannot say what number, because they were behind the walls; sometimes more, sometimes less.

Sir W. Draper. Could you have annoyed those men if you had had the immediate use of the artillery?

A. Yes.

Sir W. Draper. What time would it have taken to have reported this to Major Walton, and to have had an answer?

A. I suppose, from ten to fifteen minutes, provided he was in the Castle-square, at his quarters.

Sir W. Draper. Whether you could have repelled any sudden attack of the Enemy during that time, unless you had broke your orders?

A. I certainly should have broke through the orders rather than let the Enemy come upon me.

Sir W. Draper. Does not that shew the inconvenience of the order, which would subject a man to be tried by a Court-Martial?

Court. That is an observation in the shape of a question.

Sir W. Draper. Did you omit to fire on these people in consequence of that order?

A. Yes, until such times as I received an order.

Sir W. Draper. Did you ever receive an order to counteract that, till you had pointed out to you the batteries of the Enemy?

A. Yes.

Sir W. Draper. Please to ascertain the time when?

A. I cannot recollect the time; it was in a few days after the order was given out.

Sir W. Draper. Was it revoked in public orders?

A. No.

Sir W. Draper. By a private order; a regimental order?

A. It was from Gen. Murray's own mouth.

Sir W. Draper. Can you ascertain the time when he gave you that order?

A. Gen. Murray gave me a discretionary power to fire at the Enemy according to my own judgement.

Sir W. Draper. The time you cannot ascertain?

A. I cannot.

Sir W. Draper. It is very material; I wish you could?

A. It was soon after the order of the 15th of October was given.

Sir W. Draper. That order still standing unrevoked in public?

A. Yes, as far as I know.

Court. You had a verbal order from Gen. Murray's own mouth, to fire at the Enemy according to your own judgement?

A. Yes.

Court. Whether there was any application to you; or on what occasion was the order given?

A. Gen. Murray and I were walking together when he gave me this order.

Sir W. Draper. Of his own accord?

A. Yes. He said to me,—“Dixson, as you are a good Duty-Officer, you have power to fire when you please; and take care that the ammunition is not idly expended.”

Sir W. Draper. Do you recollect ever communicating that counter-order to me, who commanded that outline?

A. I did not.

E

Lieut.

Lieut. JOHN BRADBRIDGE, of the Royal Artillery, called in, and sworn.

Sir W. Draper. Do you remember the order of the 15th of October?

A. Very well.

Court. Where was you stationed?

A. At the south-west *lunette*, the former part of the siege; the latter part of the siege, at the

Court. Where during the blockade?

A. At the south-west *lunette*.

Sir W. Draper. Whether you lost any opportunities of firing at the working or other parties of the Enemy, in consequence of this order?

A. I lost a great many.

Sir W. Draper. Can you name any particular instances?

A. At a time when a party of the Enemy way-laid a party of our people who used to gather greens upon the glacis, there were twenty or thirty men very near the Fort, in a place of concealment: in their retreat I could have galled them very severely, had it not been for the order, as I had three guns which bore upon them.

Sir W. Draper. They were in their retreat very wary?

A. They had concealed themselves in a cave, to way-lay our people. I saw twenty or thirty of them running away in the morning.

Sir W. Draper. They concealed themselves to way-lay our people?

A. Yes: to fire upon our party as they went out.

Sir W. Draper. Whether you know of any other instances?

A. I do. At the time the Enemy were erecting a battery at Turk's-Mount, I think my shells at the south-

west *lunette* might have retarded their progress.

Sir W. Draper. Can you recollect the time; what month it was?

A. It might have been the beginning of October, I think.

Court. All the questions of this kind are supposed to be subsequent to the order.

A. I think it was the beginning of October the Enemy were raising that battery.

Sir W. Draper. Do you recollect any thing that happened in consequence of this order, not previous to it?

A. I have many times perceived many strong parties, at different times, behind a thin wall leading from Stanhope's Tower down to the Barranca, down to the head of the Cove, that, I am sure, might have been annoyed.

Sir W. Draper. Did you observe any other instance of the order being improper?

A. In the course of my walking round the garrison at different times, I perceived several instances where the enemy were not annoyed in the manner they might have been.

Court. Are the Court-Martial to understand this as subsequent to the order; and that the opportunity was lost in consequence of the order?

A. Yes.

Sir W. Draper. Did you ever report any observations to Major Walton, in consequence of this?

A. I have.

Sir W. Draper. Had you orders to fire, in consequence of that?

A. I had not: for Major Walton several times insinuated the penalty I was liable to, if I disobeyed any orders.

Gen.

Gen. Murray. Whether you was not under Capt. Dixon's command?

A. I was.

Gen. Murray. Whether you did not take your guns from the embrasures, reverse them, and fire them over the parapet?

A. I never did. I could not see the wall of Stanhope's Tower, which the General means.

Gen. Murray. Whether at one certain time, when they were ordered to fire incessantly, you did, or not, reverse your guns, and fire over the parapet, I do not know at what object?

A. I never did.

Capt. SIMON PARRY, of the Royal Artillery, called in.

(This Witness was sworn on a preceding Day.)

Sir W. Draper. Do you recollect the order of the 15th of October?

A. Yes, perfectly well.

Sir W. Draper. In the part where you commanded, did you observe any opportunities lost of annoying the Enemy, in consequence of that order?

A. I did.

Sir W. Draper. Can you point out any instances to the Court?

A. To the best of my recollection, near the Old Road I saw some of the Enemy coming to work: they were carrying some stones, as I suppose, to make a breast-work across this road, which was then open, to cover themselves in carrying their fascines, &c. I sent a man up to the Castle, to report the same to Major Walton: that man remained, to the best of my recollection, near two hours. On his returning I asked him what he staid so long for: he informed me that Major Walton had employed him about some

business. At this time I could but barely see the heads of the Enemy, as they passed by, in making their works, in the time the man was absent; and I had no orders to fire. If it is proper to mention the man's name, it is Timothy Racket.

Sir W. Draper. At what distance might these people be from you?

A. I cannot say exactly; I should imagine between four hundred and five hundred yards, or thereabouts.

Sir W. Draper. I beg to know, if you recollect any other instance.

A. Not in particular: I have frequently seen the Enemy coming down, and I could not fire: I have been often made application to, by my own men, for that purpose.

Sir W. Draper. Whether this general order, not to fire, was ever countermanded by any private order given to you, to fire?

A. I do not recollect that the general order was countermanded.

Capt. GEORGE FEAD, of the Royal Artillery, called in, and sworn.

Court. Where was your command?

A. At the Cumberland battery. I had six or eight batteries to command. I went from battery to battery. I had not an officer to assist me.

Sir W. Draper. Did you ever decline firing, when ordered by me to fire?

A. Yes, I did.

Sir W. Draper. What was your reason?

A. My reason was, I received orders from Gen. Murray, when I went out of the Castle Square, not to fire without his, or Major Walton's orders.

Lieut.

Lieut. CHARLES NEVILLE, of the Royal Artillery, called in, and sworn.

Sir W. Draper. You commanded at Charles Fort?

A. Yes, I did.

Sir W. Draper. Do you recollect the order of the 15th of October, 1781?

A. Perfectly well.

Sir W. Draper. Do you recollect any opportunity of annoying or checking

the Enemy, lost, in consequence of that order?

A. There certainly were several lost.

Sir W. Draper. Can you name any instances?

A. No, I cannot immediately name any instances, from having lost my book, in which I had made many observations.

Sir W. Draper. I shall not call any more witnesses to this article.

D E F E N C E.

Lieut. Gen. MURRAY delivered into Court the following Paper; which was read by the JUDGE-ADVOCATE.

THE order of the 15th of October is not fairly transcribed by my Accuser, as has been shewn to the Court; and I must again beg the whole order may be produced, and read.

The young Officers of the garrison began to be tired of their inactive confinement: they wished to fire the cannon at single men, or imaginary objects; some went so far as to fire at Bugats, or figures dressed like men, which the Enemy had exhibited in ridicule of our ineffectual firing. To indulge the young Officers in this propensity, I ordered wall-pieces to be fixed on the salient angle of the outworks, which I permitted them to use at discretion for some time; but finding all animadversions ineffectual, I issued the order in question.

Had it not been for this order, great part of our ammunition would have been uselessly expended, before the Enemy began their batteries (and even

with this precaution, it has evidently appeared that we should have been deficient in powder, had not an unforeseen sickness shortened the time of our defence): besides, as I have observed in my answer to the Sixth Charge, the embrasures and merlons of the batteries would have been destroyed by our own idle firing. The order, however, did not extend to firing in the night, when the operations of the Enemy were chiefly carried on, nor to the detached work of the Marlborough; and I besides explained the intent of it, and gave a reasonable latitude to those officers who were not within its spirit.

As to Capt. Parry, he was among those who were most wanton, and least controulable in the direction of his fire. It was upon a complaint from Major Walton that he was trespassing against my orders in this respect, that I threatened to bring him to a General Court-Martial: but as to treating him in the indignant

indignant manner he has represented*, I deny it, as has been proved by Lieut. Douglas, who was present. Capt. Parry has given evidence, that at the Bourgeois battery, opposite the Queen's, there was a discontinuance of firing for some few days; although it has been proved that this battery was not begun until the night between the 9th and 10th of December, and Capt. Parry acknowledges he went to the Hospital on the 5th of December, and I shall likewise shew that he did not return from thence until the 8th of January following. Another part of this gentleman's evidence is, the saying he fired upon carriages in the road from the Guard-house to Stanhope's Tower, when I shall shew it was shut up by the traverses; besides the improbability of the enemy's using a road entirely exposed to our fire, when they had another, in the rear of their batteries, more convenient, and properly protected. Col. Acklom's evidence goes to prove our not firing, on the day of the *sortie*, at men not interrupting our operations whom I wished to invite nearer. I hope the Court will be sufficiently convinced of the propriety of my conduct in reserving our fire on that occasion; and I

shall shew that only two or three guns could bear on that place mentioned by the Colonel, where the Enemy was assembled. And here it is remarkable, that when Col. Acklom is called upon to summon all his reflection, and particularise any other instances when and where he saw the omission of firing that might otherwise annoy the Enemy, he mentions a time when he crossed the water and visited the Marlborough, from whence many of the Enemy were seen who might have been destroyed; but the next Evidence who appears (Major Elford) the officer who commanded at the Marlborough, tells the Court without hesitation, that he never was restrained from killing his Enemies by this order, and that he fired at all times when he thought proper.

I shall make no further remark on this evidence, than Col. Acklom's own acknowledgement, that he never saw a siege before; a remark which is not only a sufficient answer to similar evidence from other officers, but affords the strongest support to the order, the propriety of which has been questioned, since, in pointing out such instances as omissions, they shew the necessity of the restraint.

* Capt. Parry swore, that Gen. Murray raised his cane over him in a menacing manner, at the time he threatened to bring him to a Court-Martial;—Lieut. Douglas, who was present at the time, swore, that no such circumstance happened.

EVIDENCE for Lieut. Gen. MURRAY.

Lieut. SHAND, of the Artillery, called in.
(*This Witness was sworn on a preceding Day.*)

Gen. Murray. Do you recollect at what time the Bourgeois battery was begun?

A. No.

Gen. Murray. I beg the witness may withdraw.

[*The witness ordered to withdraw.*]

Gen. Murray. I believe Lieut. Douglas proved when that battery was begun.

Court. The time of beginning the masking wall to that battery, is proved to be on the 9th of December.

Gen. Murray. Yes, and the Enemy began the battery, I believe, immediately after.

[*The witness called in again.*]

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Gen.

Gen. *Murray*. The battery I allude to, was that in front of the Queen's redoubt. Do you know when the masking wall to that battery was begun?

A. No.

Gen. *Murray*. Do you recollect whether there was, or not, a heavy fire kept up, upon that wall, as soon as it appeared?

A. I was ordered, by the Commanding Officer of Artillery, to fire upon it, with an eight-inch howitzer, for part of two days.

Gen. *Murray*. Do you recollect whether there was any fire upon it from the other batteries?

A. One of the two days, in particular, I recollect there was a very heavy fire kept up upon it, from the West Counter-Guard: the howitzer was in the line of fire from the West Counter-Guard; which makes me remember it very particularly.

Gen. *Murray*. Do you recollect what the effect of that very heavy fire was?

A. I can only answer for the effect of the howitzer; many of the shells from the howitzer sunk so deep in the battery, that I did not perceive any effect from them; they appeared to me, at that distance, to be sand-bags.

Sir *W. Draper*. Do you recollect what month this firing was in?

A. I imagine, some time in December; I cannot say positively.

Court. How many shells did you fire from your howitzer in twenty-four hours?

A. Major Walton ordered me there; I was only there partially, part of either day, being sent by the Commanding Officer upon different duty. During the time I was at the howitzer, there were forty or fifty shells fired: there were, I believe, betwixt twenty and

thirty shells fired from it in two hours. Court. How does this apply to the charge relative to the order of the 15th of October?

Another Member of the Court. You know the order of the 15th of October continued in force a great while.—How long was you there at a time?

A. Betwixt two and three hours of a day: I believe I might be there about six hours in the whole.

Court. Did many, or any of these shells take effect?

A. I said before, several did go into that battery; but that they sunk so deep in the sand-bags, that I could not perceive any breaches from them.

Court. Were there any other pieces of ordnance on that battery where the howitzer was?

A. No.

Gen. *Murray*. Was, or not, that howitzer brought on purpose to the *capotire*, to increase our fire upon that?

A. I carried it up myself, and posted it there for that purpose.

Gen. *Murray*. Did Major Walton continue the fire from that howitzer after you had left it?

A. I can't say, because I was sent to other parts of the garrison.—I left Major Walton at the howitzer when I went from it.

Gen. *Murray*. I beg leave to observe to the Court, that this evidence is not foreign to the purpose.—This order was in force till after the position of the Enemy's batteries was known; then there was a fresh order given out, to fire upon those batteries, with all possible vigour: the time Mr. Stand has been examined to, was preceding that order.—I produce this evidence to shew that we were attentive to fire upon objects that were proper to fire at.

Liput

Lieut. DE LINSING, of Prince ERNST's Regiment, called in.

(This Witness was sworn on a preceding Day.)

Gen. Murray. Where was your post in the garrison after you was appointed to act as an Officer of Artillery?

A. At the Queen's Redoubt.

Gen. Murray. Do you recollect at what time Capt. Parry returned from the Hospital to the Queen's Redoubt?

A. I think it was on the 8th of January, 1782.

Sir W. Draper. Did you ever fire at the Enemy's relief, in passing by the reeds near the battery of Savoya?

A. Yes.

Gen. Murray. Do you know whether the Enemy raised any traverses on the Mahon road, a little beyond the place where the Old Ball Court stood, so as to prevent carriages from passing to the town of Mahon, and from thence, by the Old Road, to Stanhope's Tower?

A. Yes: when I was ordered out, on the 4th of February, I saw there were two traverses upon this place.

Gen. Murray. Whether those traverses could be seen from the Garrison?

A. I don't think they could; at least, I never saw them.

Sir W. Draper. Can you tell when those traverses were erected?

A. No, I cannot.

Sir W. Draper. Can you tell when Capt. Parry fired in the night upon the carriages which he heard upon this road?

A. No: that must have been before the time I came to the Queen's Redoubt.

Court. When did you go to the Queen's Redoubt?

A. On the 15th of December.

Capt. GEORGE DON, of the 51st Regiment, called in.

[Capt. DON was Secretary to the Governor, and Adjutant-General to the Garrison.]

(This Witness was sworn on a preceding Day.)

Gen. Murray. Do you know whether

the Enemy raised any traverses on the Mahon road, a little beyond the place where the Old Ball Court stood, so as to prevent carriages from passing to the town of Mahon, and from thence by the old road to Stanhope's Tower?

A. There were traverses constructed across the road, a little beyond the Old Ball Court; which prevented any carriages from passing towards the garrison.

Gen. Murray. Did these traverses prevent any carriages from passing upon the Old Road, from the Ball Court to Stanhope's Tower?

A. Of course: if they would prevent carriages passing towards the Glacis, they would towards Stanhope's Tower; for they were on the same road.

Sir W. Draper. Do you know when those traverses were constructed?

A. I do not: I conjecture they were constructed when the Enemy formed the line of communication.

Sir W. Draper. Can you prove that they obstructed Capt. Parry's firing?

Court. Capt. Don has not said that: he said that he did not know when they were erected; but he conjectured they erected them at the time when they formed their line of communication.

A. Yes: they ought first to have done it, because it would have prevented a *sortie*, from the garrison, upon the road.

Sir W. Draper. Where did you collect your experience—because Gen. Murray attacked Col. Acklom, and said he was never in a siege?

Court. Then you had better ask Capt. Don if he was ever in a siege.

Sir W. Draper. Then I ask him that question.

Court. Was you ever concerned in any siege before this?

A. No:

A. No: the reason why I said that was, because all the books I have read and studied, upon the subject of attack and defence, all of them point out that.

Court. In what part of the road was this Ball Court that has been mentioned?

A. Between the hollows: it was about one hundred and fifty yards from where the *arroval* of St. Philip's formerly stood: I can point the place out upon the plan.

Court. Did they stand upon the crest of the hill, or in the hollows?

A. In the hollows: there was a passage, but so small that I could not turn my horse in it—it was with some difficulty I got through it—the two traverses were, in fact, a continuation of the line, only leaving a space for men on foot, or for one horse, to pass.

Court. Gen. Murray, do you produce this evidence to invalidate the evidence of another witness, or otherwise?—It does not go to the charge.

Gen. Murray. I mean to prove, that there could be no carriages upon the road which Capt. Parry described, and which he said he had fired at.

Court. That is just the reason of my asking the question, because that goes to invalidate Capt. Parry's evidence: but it does not apply to the charge now under the consideration of the Court; for the charge is, giving out the order of the 15th of October.

Gen. Murray. Capt. Parry said in his evidence, that he was restricted from firing on carriages upon the road. In answer to that, I conceive it is now a proper time to shew the Court the impossibility of carriages being on that road.

Court. If it is to contradict Capt. Parry's evidence, then Capt. Parry's evidence should be read, and be particularly attended to by the Court.

Gen. Murray. I don't believe Capt. Parry spoke what he did not think; but I believe he mistook the place from whence the sound came. Sounds are in the night very deceitful: he might imagine those sounds to proceed from the Old Stanhope's Tower Road; therefore all I mean by calling this Evidence, is to shew that Capt. Parry was mistaken.

Court. Then we ought to have reference to Capt. Parry's evidence.

Gen. Murray. The evidence lies before the Court. The Court are certainly the best judges of that; but it is natural for me to vindicate myself, and to give the Court a reason why I would not suffer an Officer to fire at sounds.

Court. Captain Parry's main examination was upon the Sixth Article.

Gen. Murray. I think the Sixth and Eighth Articles are so interwoven, that it is hardly possible to separate them: but I beg not to take up a minute's time of the Court about it; I shall be satisfied that you may do as you please. I can make no distinction myself between the Sixth Article and the Eighth: they are both to the subject of firing, though they are separated into distinct charges. I had scouts out every night; and by them I was informed, that the carriages were not upon that road, but behind it, in the barrancas; and at the times the scouts were out, it became necessary to order them not to fire that way. If I am to account for every shot, I am ready to do so, as far as it lies in my power. I beg the Court will excuse me for taking up so much of their time; but I am trying for my reputation, and it is very natural for me to be anxious to take care of it: I have studied every thing in my power to make the Trial short.

Lieut.

Lieut. DOUGLAS, of the Engineers, called in.

(This Witness was sworn on a preceding Day.)

Gen. Murray. Do you recollect the Order of the 15th of Oct. 1781?

A. I do.

Gen. Murray. Did you ever hear Major Walton complain of the idle expenditure of our ammunition, previous to the 15th of Oct. 1781?

A. I have heard Major Walton blame the idle firing; I can't be positive whether I ever heard him complain to Gen. Murray.

Gen. Murray. Were the embrasures much damaged by the explosion of our own guns?

A. They certainly were.

Gen. Murray. Did you ever know any bad consequences arise from the order of the 15th of October, with respect to annoying of the Enemy?

A. No.

Gen. Murray. Do you recollect a *sortie* made near the Water-Tower, commanded by Capt. Boothby?

A. I do.

Gen. Murray. What orders were given, the preceding night, to the Commanding Officer of Artillery?

A. There was an order, in the general order, for him to prepare to cover that party?

Gen. Murray. What did you think the guns would be loaded with, to cover that party, in consequence of that order?

A. Those in the outline with grape; the rest, I should suppose, with round.

Gen. Murray. Did you see the party of the Enemy's Grenadiers which assembled near George-Town?

A. I saw the Grenadiers' caps.

Gen. Murray. Do you think it would

have been proper to have fired cannon on that party of Grenadiers, in the situation in which you saw them?

A. I should think not.

Gen. Murray. At what distance do you judge they were from the Garrison?

A. They were above thirteen hundred, I believe fourteen hundred yards.

Gen. Murray. Was that party annoyed by shells from the Garrison?

A. They were.

Gen. Murray. Do you recollect whether there were any wall-pieces fixed upon the salient angles of the lunettes?

A. There were.

Gen. Murray. Do you recollect the reasons I assigned at the time for fixing them there?

A. No.

Sir W. Draper. Whether the Officers who are constantly stationed upon works are most capable of seeing opportunities of annoying the Enemy, or those who only go there casually?

A. In some cases they are; but in general the top of the Castle was the best place to perceive every motion of the Enemy.

Sir W. Draper. Could the Officers in the outworks fire till an order had been sent from the Castle?

A. Not that I know.

Sir W. Draper. Might opportunities of firing be lost in consequence?

A. Opportunities might certainly be lost of firing upon moving parties.

Gen. Murray. Did you ever hear of any parties of the Enemy that were within point-blank shot, or that were nearer to the Garrison than seven hundred or eight hundred yards?

A. There were one day a few lurking men, that wanted to cut off the people

G

people that were out gathering vegetables: I never saw any other nearer than the reeds, which I look upon to be above seven hundred yards from the Garrison.

Gen. Murray. Whether you ever heard of the Artillery Officers taking the coins from under the guns, in order to fire at small parties at a great distance?

A. I remember their firing at small groupes of four or five men passing on the farthest ridge of the neck that joined Cape Mola to the main land; I did not observe whether they took out their coins or not.

Gen. Murray. Please to ascertain the distance of that neck from the Garrison?

A. It is very little short of a mile.

Court. Did Major Walton blame the Artillery-Officers for idly expending the ammunition; or the Infantry-Officers that might occasionally command in the batteries, who desired them to fire?

A. I understood him that he blamed the Officers or men of the Artillery.—Except Sir William Draper in his outline, and the Commandant in the Marlborough at his own work, I do not understand that the Officers of the line commanded the great guns.

Court. How long would an order be carrying from the top of the Castle to Kane's Redoubt?

A. I have carried an order in less than five minutes.

Court. You have mentioned that the embrasures were damaged.—Were they damaged before the order of the 15th of October was issued?

A. Some of them were.

Court. When the embrasures were damaged by your own guns, were they repaired from time to time?

A. Orders for that purpose were sent to the Chief-Engineer.

Court. Were the greatest part of the embrasures injured before the order of the 15th of October, or afterwards?

A. I think the greatest part were afterwards; but there were many, I dare say thirty of them, obliged to be repaired, to be clamped with iron, before the 15th of October.

Gen. Murray. Can you recollect nearly the number of masons we had in the Garrison during the siege?

A. I can't give a positive answer to that question; six were the utmost, but I believe there were less.

Gen. Murray. Whether we repaired the damaged embrasures with fascines?

A. Two in Kane's Redoubt were.

END of the EVIDENCE to this ARTICLE.

ARTICLE II.

“Exacting a large Sum by an arbitrary Imposition upon all Auctions, to the great Loss of the Parties concerned in them; notwithstanding he agreed to take a fixed Allowance from Government in lieu of all Perquisites.”

Sir W. Draper. **T**HIS and the next Article I withdraw, because they stand as part of a charge against Gen. Murray in a civil capacity: as there is a complaint lodged in a civil Court, I drop it as a military charge.

Gen. Murray. Sir George Howard, as these two charges affect my honour as a Military Man, and as a Gentleman, I think, in as great a degree as any other that has been exhibited against me, I do beg it may be investigated by this Court, and that their opinion may be given upon it: I shall think myself much injured, indeed, if it is not.

Court. Does what you have said go to both the articles?

Gen. Murray. Yes: I shall beg every thing that has been alledged against me may be investigated by the Court.

Sir W. Draper. All I have to say, is, I look upon it as a civil matter, and therefore drop the two charges entirely. The Court will put what interpretation they please upon it.

[The Court was ordered to be cleared.

After some time, the doors were again thrown open, and Sir William Draper, Gen. Murray, and the audience, admitted.]

Judge-Advocate. The Court has taken these matters under consideration, and they have stated two questions, which they have directed me to propose to the parties for their information. The first is, Is any suit already commenced in any of

his Majesty's ordinary Courts of Judicature?

Sir W. Draper. I do not know.

Gen. Murray. Nor do I, relative to those two points.

Judge-Advocate. I understood Sir William Draper to say there had.

Sir W. Draper. A complaint had been lodged before the Privy Council: that Gentleman, Mr. Sayer, I believe, knows it, and can give an account of it.

Judge-Advocate. It will still be necessary, perhaps, for the Court to be resolved, whether a prosecution is going on of any kind; but the other question is, If any suit is depending in any of his Majesty's ordinary Courts of Judicature, the Court wish to be informed, whether it be a civil action at the suit of the party for damages, or in the nature of a criminal prosecution?

Sir W. Draper. I myself only know that there was a complaint lodged to his Majesty's Privy Council while I was in the island of Minorca; that I know very well, because I have here copies of the complaints.

Judge-Advocate. Cannot the Court be satisfied, by some means, whether there is any process going forwards?

Sir W. Draper. I do not know. I know that these were complaints from the inhabitants of the island, and that Mr. Sayer was concerned for Gen. Murray.

Gen. Murray. There certainly were complaints lodged before the Privy Council

Council prior to the island being taken.

Court. The Court desire an answer to the two questions the Judge-Advocate has mentioned.

Sir W. Draper. I know of nothing more than I have mentioned, that there was a complaint to the Privy Council, from the inhabitants of the island of Minorca, to these two very articles; and it was for that very reason I wished to drop them.

Court. Both parties, I think, said they did not know.

Sir W. Draper. I do not know that there is any thing now.

Court. You hear, Gen. Murray, Sir William Draper has said he does not know there is any thing now; we shall be obliged to you to favour us with a precise answer to this question.

Gen. Murray. At this moment I do not believe that there is any prosecution against me for those two articles of complaint to the Privy Council; because, the island being taken, I imagine the process is dropped; and therefore, if I have not an opportunity now of vindicating myself from those two accusations, I shall have none whatever of doing it.

[The Court cleared.—After some time, Sir William Draper, Gen. Murray, and the audience, were again admitted.]

Judge-Advocate. The Court has taken this matter under consideration, and I have received their direction to inform both parties, that, although the matter alledged by these two articles of charge may be within the cognizance of his Majesty's ordinary Courts of Judicature, yet, as it does not appear that there is any process in any of his Majesty's ordinary Courts of Judicature, and as they tend to affect the character of Gen.

Murray, they have for these reasons, and more especially as the Defendant has requested that the Court will take cognizance thereof, determined to proceed in the investigation of both the articles of charge.

Gen. Murray. I most unfeignedly thank the Court.

Sir W. Draper. I beg to call Mr. Gibbons, a merchant, of Mahon.

ARTHUR GIBBONS called in, and sworn.

Sir W. Draper. Whether you and your partner were concerned as Agents for any prizes?

A. Yes, we were.

Sir W. Draper. Upon the sales of such prizes was there any duty imposed?

A. Yes, we paid one and an half per cent. as auction fees.

Sir W. Draper. Who was that duty paid to?

A. To Mr. Bayne, as Auctioneer appointed by Gen. Murray.

Sir W. Draper. Can you recollect what sums you may have paid at times?

A. I don't recollect the precise sum; the last was a pretty considerable sum: the whole was a large sum.

Gen. Murray. How much was the usual commission or fee paid to the Court of Admiralty before my establishing an Auctioneer?

A. I think it was two and an half per cent. we used to pay to the Admiralty Court.

Gen. Murray. Was any security given by the Admiralty Court to the captors?

A. None that ever I recollect.

Gen. Murray. What other charges was the sale of captured goods liable to, in the Court of Admiralty, before my establishment of an Auctioneer?

A. I

A. I recollect no other charge for auction fees but that two and an half *per cent.* I mentioned before.

Gen. Murray. Did they not charge something for the keeping the money which was the produce of the goods?

A. I don't recollect any.

Gen. Murray. Did you find any inconvenience from the establishment of an auctioneer, according to my proclamation?

A. We found no other inconvenience than paying that one and an half *per cent.* We have had it transacted for less than one and an half *per cent.* prior to the last establishment.

Gen. Murray. If you was not obliged, prior to that establishment, to have all prize goods sold in the Court of Admiralty?

A. We did not think ourselves obliged, because some agents appointed another person as an auctioneer, to sell their prizes, and the Admiralty found no fault with it.

Gen. Murray. Did those other auctioneers give any security to the captors?

A. None that I recollect; but most of the agents employed others, and not the auctioneers, to collect their money.

Gen. Murray. Did these private auctioneers keep a regular register of what they sold, so that every one concerned might have recourse to it whenever he thought proper?

A. The auctioneer kept a regular book of sales; most of the agents kept a counter-book.

Gen. Murray. Don't you think the establishment I made, was a check upon the agents of privateers?

A. A check; in what respect?

Gen. Murray. By keeping a register, to which all men concerned might at all times have recourse?

A. It was certainly useful for that purpose.

Sir W. Draper. Whether you did not think the imposition of one and an half *per cent.* a great check upon your trade?

A. We thought it too much.

Gen. Murray. I suppose the witness means, that he and his partner thought it too much.

A. Yes.

Court. Was the two and an half *per cent.* paid to the Admiralty after the auctioneer was appointed by Gen. Murray, who had one and an half *per cent.*?

A. No, never.

Court. Then, when Gen. Murray appointed an auctioneer, and imposed a duty of one and an half *per cent.* the duty of two and an half *per cent.* paid before to the Admiralty, ceased?

A. It did, unless for what things they actually sold.

Court. Then in what did the inconvenience consist; in laying the duty of one and an half *per cent.* when an auctioneer was appointed, instead of two and an half *per cent.* to the Admiralty, before the appointment of an auctioneer?

A. Because we could have got it done for less than the one and an half *per cent.*

Court. I think you said, before the appointment of the auctioneer by Gen. Murray, some agents employed another person.

A. Yes.

Court. Was any duty paid to the Court of Admiralty when they employed another person?

A. None paid to the Court of Admiralty upon what that person was employed upon.

Court. Were any complaints made of paying the two and an half *per cent.*

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to the Admiralty before the appointment of the auctioneer?

A. I don't know whether any complaints were made in writing, but they thought it a hardship.

Court. And they thought it an hardship, likewise, when they paid one and an half *per cent*?

A. They thought that an hardship likewise.

ALEXANDER BAYNE *called in, and sworn.*

Sir W. Draper. Was you appointed auctioneer by Gen. Murray, for the sale of captured goods?

A. I was.

Sir W. Draper. What duties were exacted upon sales, in consequence of your appointment?

A. One and an half *per cent.*

Sir W. Draper. Can you tell how much this duty amounted to, in the course of a year?

A. I cannot: the Duc de Crillon seized all the papers and books relative to the auctions.

Sir W. Draper. Can't you make any guess at it?

A. I can't.

Sir W. Draper. Could you guess, if you saw your own paper of the account?

A. If I saw them all, I could.

Sir W. Draper. Then here is your own paper; look at it.

A. In six months I received two thousand eight hundred and sixty-one dollars.

Sir W. Draper. How much does the duty of one and an half *per cent.* amount to, one year with another, upon an average?

A. I cannot say; it might be more, or it might be less.

Gen. Murray. Was it, or not, the

universal practice, before the auctioneer was appointed by me, to have all the captured goods sold in the Court of Admiralty?

A. The Court of Admiralty sold a good many: my predecessor sold some, before I was appointed.

Court. What are we to understand by your predecessor; was there another auctioneer established by Gen. Murray, prior to you?

A. Yes; that is the predecessor I speak of.

Gen. Murray. Did the Court of Admiralty, before I established an auctioneer, claim the right of selling the captured goods in the Court of Admiralty?

A. They did.

Court. What was paid to the Court of Admiralty?

A. Five *per cent.* upon the first hundred pounds, and two and an half *per cent.* for all the rest.

Court. Do you know how that two and an half *per cent.* was appropriated?

A. I believe the Court had it amongst them.

Court. How was the one and an half *per cent.* appropriated?

A. General Murray had one half, and I had the other.

Q. How much did you receive in the year? You said you received in the half-year 2861 dollars?

A. I don't know.

Mr. WILLIAM ALCOCK *called in.*

(*This Witness was sworn on a preceding Day.*)

Sir W. Draper. Whether General Murray ever took any nett sum out of the public money remitted for the use of the island, out of the King's revenues, for his own salary as Governor?

Court.

Court. Sir William Draper, does that apply to this article of charge?

Sir William Draper.— It does, for explanation. The last part of the article is, that Gen. Murray agreed to take a nett sum in lieu of all perquisites. I want to know if that sum was taken out of this money?

A. None, that I know of, out of the revenue. In regard to the other, I have an exact state of the whole money that Gen. Murray took out; I have a warrant for every sum that I delivered.

Sir W. Draper. By whose warrant?

A. By Gen. Murray's warrant.

Sir W. Draper. What was the sum?

A. Here are some contingencies paid to the Quarter-Master General.

Sir W. Draper. I want to know if he had any nett sum for his own use?

A. Some of this money is issued in different names; the Quarter-Master-General's name, and other names.

Court. Are there any standing in Gen. Murray's?

A. Some, issued to the office of Ordnance, stand in Gen. Murray's name.

Court. Have you any warrant from General Murray, ordering you to issue a specific sum to him for his own use?

A. I have some standing on the account of Gen. Murray. Here is one to the Ordnance service.

Court. You was Store-keeper to the Ordnance?

A. Yes.

Court. I apprehend Sir William Draper means to ask you whether you paid any specific sum to Gen. Murray for the General's own use, independent of the public service?

A. For his own use I did not.

Sir W. Draper. I beg to know how Gen. Murray was paid his two thousand guineas?

Court. You mean, whether the wit-

ness knows of Gen. Murray's having any established pay?

Sir W. Draper. I do.

A. Yes.

Sir W. Draper. What was it?

A. Two thousand guineas, or two thousand pounds. I paid it regularly, once a month, with the subsistence for the troops, and charged it to the Paymaster-General's account.

Sir W. Draper. Did you understand that that nett sum was in lieu of perquisites?

A. I understood it was the pay allowed by Government.

Court. But did you understand whether it was in lieu of perquisites?

A. I do not understand it under any other head than as pay from Government: I do not know any thing whether it was in lieu of perquisites.

Capt. GEORGE DON called in.

Sir W. Draper. Was you Secretary to Gen. Murray in the beginning of the year 1780?

A. I was.

Sir W. Draper. Do you know whether Gen. Murray received any nett sum from Government in lieu of perquisites?

A. I understood he had, as Governor, in lieu of the revenues of the Arrol of St. Philip's: I do not know whether it extended to any other part, because that is only mentioned in the King's warrant.

Court. Do you know what that specific sum was?

A. I think the Governor's salary was three thousand and thirty-five pounds a year, or thereabouts; I cannot be exact; but I have understood it as such.

Gen. Murray. Do not you understand that to be the whole sum I received as Governor of the island, including my pay?

A. Yes, as Governor.

Sir W. Draper. I have now done with this article.

DEFENCE.

D E F E N C E.

Lieut. Gen. MURRAY delivered into Court the following Paper, which was read by the JUDGE-ADVOCATE.

IT had been usual in Minorca, for the Officers of the Court of Admiralty to sell the prizes condemned in that Court, for which they charged three and an half *per cent.* and other high fees, for holding the money, &c. without keeping any regular accounts, where all persons concerned might have recourse, to know the nature, value, and amount of the goods sold, and establish their claims on the proceeds accordingly.

The Proprietors, and others concerned in Privateers, represented to me the necessity of appointing a Public Auctioneer for this purpose, on the same footing with the one established at Gibraltar, who could give sufficient security, as the Officers at the Admiralty Court at Mahon were represented, by them to be indigent men, and not fit to be trusted with large sums of money, without security.

It therefore became my duty, as Vice-Admiral, to examine into this matter. I first wrote to Gibraltar for information, and regulated the sales and public auctions accordingly, as appears by the proclamations; by which the captors saved two *per cent.* and it has been proved, by one of the Agents, Mr. Arthur Gibbons, who was dissatisfied with the regulation, because it exposed his transactions, that the parties actually saved one *per cent.*

In this I imitated the Governor of Gibraltar, who is on the same footing

with the Governor of Minorca, with regard to having a fixed salary, which is to be considered as the perquisite of the Vice-Admiral, and not the Governor; and, when the Court looks at my commission as Vice-Admiral, and considers the trouble I had in that department, I am sure they will not think a perquisite incident to war, and a separate office, affecting transient people, as any breach of my agreement with Government; especially as I had the example of Gibraltar to vindicate my conduct; and when, by such regulation, a very considerable saving was made to the Captors, and others concerned. My Accuser has always called this a duty; but I hope the Court will regard it as a moderate commission.

The Agents and Captors were evidently better, in all respects, under my regulation, and neutral disputed property was secured and forthcoming.

I dare say my Accuser will do me the justice to acknowledge, that I very early acquainted him of this perquisite, and told him I looked upon it as a right to my successor in the command; and therefore, if I had had the inclination to give up that right, I did not think I could do it, in justice to him. Mr. Bayne, the Auctioneer, will declare he was ordered to lay before Sir William Draper his accounts, that he, Sir William, might be thoroughly master of what

what he had a right to, if my solicitations to quit the command had been assented to: this shews there was no mystery in the affair. The Court, after what I have candidly said and avowed, are to judge whether the half of the Auctioneer's fees was not a fair and ostensible perquisite of the Vice-

Admiral of Minorca and Gibraltar: if I had not thought it such, I certainly would not have claimed it. I do not think it proper, at present, to say how I disposed of it: it is sufficient to assure the Court, I did not put it into my own pocket.

EVIDENCE for Gen. MURRAY.

Capt. GEORGE DON called in.

Gen. Murray. I beg Capt. Don will point out in the book the copy of a letter written by my Secretary, Mr. Johnson, to Mr. Raleigh, Gen. Elliott's Secretary, at Gibraltar, and Mr. Raleigh's answer.

Capt. Don. These are the copies of the letters.

[They were read by the Judge-Advocate.]

" Mahon, Dec. 3, 1778.

" SIR,

" AS Mr. Sutherland, the Judge of our Vice-Admiralty Court, has been taken by the French, on his passage from Nice to this place, we are entirely at a loss how to act in point of fees, &c. on the commissions granted to the privateers, as well as the manner in which the Auctioneer's business is carried on; you will therefore infinitely oblige us, in answering the following questions, his Excellency intending to follow the mode established at Gibraltar: *First*, What is paid for the warrant issued by the Governor to the Admiralty? and to whom does the

fee belong? *Secondly*, What are the fees of the Court, for issuing the commission, condemnation, &c. And, *lastly*, Whether the Auctioneer appointed by the Governor does not sell all such prizes as are put up to public sale? and what are his fees?—The spirit these people have for privateering is incredible: we have fitted out to the number of twenty, most of which have been particularly fortunate in making many very considerable prizes: they send them in daily. We have now a French Consul, some fine ladies, and other gentlemen, passengers, in sight, on board a rich prize, laden with silk, cotton, and wool: there is another, that keeps company, laden with wool also.

" As we are very much at a loss for the information I beg of you to give us, the sooner I receive your answer the better.

" I have the honour to be, &c.

" RICH. JOHNSON."

" To John Raleigh Esq;
Secretary to the Rt. Hon.
Gen. Elliott, at Gibraltar."

I

" Answers

" *Answers to Mr. Secretary JOHNSON'S Queries.*

" *Query I.* WHAT is paid for the Warrant issued by the Governor to the Admiralty Court; and to whom do the fees belong?

" *Answer.* A Doubloon of fifteen Mexico Cobs, paid to the Governor's Secretary, at His Excellency's disposal—the same fee which we understand was paid last war for a like warrant.

" *Query II.* What are the fees of the Court, for issuing the commission, condemnation, &c. &c.?

" *Answer.* The fees on issuing commissions, it is presumed, ought, at least, to be as much as is paid in England, which is said, by some of those who have obtained Letters of Marque there, to cost about Fifteen or Sixteen Guineas. What has been paid at this Office, on this occasion, is three Quadruples, besides what has been paid at the Secretary's Office.

" The Officers of the Vice-Admiralty Courts having no salaries whatever, they are not circumscribed to the fees, on business that occurs, or may occur; but it is in most cases left to custom, and the discretion of the Officers, to charge for their trouble, according to the nature of the business: and the usage here is, rather to be very moderate than otherwise; but the Court has never been furnished with a table of fees; neither is it probable they will, unless the Officers were allowed salaries.

" The fees on condemnation of prizes is by Act of Parliament limited to Ten Pounds on a vessel under one hundred tons, and Fifteen Pounds on one of one hundred tons, or upwards. Yet it is not rightly known here, how those fees, nor those on issuing commissions, ought

to be divided among the Officers of the Court, *viz.* The Judge, Registrar, and Marshal. There are, it is true, additional charges in Prize Causes, for Proctors, Translators, and Interpreters' fees, which the Court hath no interest in, and which vary, more or less, according to the nature of the business. There are also other fees, on entering claims, securities, &c. particularly with regard to Neutral Vessels; but we are so far unable to give a table of fees for others, that we have found it necessary to write to our Friends in England, to procure us some information, with respect to their bills of costs there, for our own Government.

" Answered by the Registrar of the Admiralty-Court.

" *Query III.* Whether the Auctioneer, appointed by the Governor, does not sell all such prizes as are put up to public sale; and what are his fees?

" *Answer.* He does sell all such prizes, and has one and a half *per cent.* fee.

" Answered by the Auctioneer."

Gen. Murray. Here is the security given by Mr. Bayne, the Auctioneer, in twelve thousand pounds, if the Court will please to have it read.

Court. I apprehend the security is not under the consideration of the Court.

Gen Murray. The Court are the best judges of what is under their consideration: I conceive that is one reason to prove the propriety of the regulation; it is called an arbitrary impost and charge: Neutral property might suffer greatly, if there was no security given; as was the case prior to my regulation.

Court. I conceive the jet of this charge, is relative to what was supposed to be your share arising from the sale of the prizes:

prizes : if the charge had concluded by saying, without taking security of the Auctioneer, then it would more particularly apply.

Gen. *Murray*. If you please, I will call Mr. Bayne:

Mr. BAYNE was called for; but was not attending.

Capt. DON called in again.

Gen. *Murray*. Will you please to give an account to the Court, of what fees were taken by me as Vice-Admiral of Minorca?

A. None but the half of one and an half per cent. arising from the sale of prize goods by public auction.

Gen. *Murray*. Do you know whether the Agents of Privateers were dissatisfied with my regulation relative to the sale of prizes?

A. I have heard that some of the Agents to the Privateers were dissatisfied with it.

Gen. *Murray*. Can you tell the reasons why they were dissatisfied?

A. I have heard it said, it was on account of their being restrained from selling the prize goods without public notice; by which means they were deprived of purchasing them at a lower rate than they otherwise would have done.

Gen. *Murray*. Did you ever hear that the Proprietors of the Privateers were dissatisfied with the regulation?

A. I never did, unless that some of the Jurats, who were Agents themselves, complained of it; and I believe it was one of the articles of complaint, but am not certain.

Gen. *Murray*. Was it evident that the Proprietors of Privateers were secured in their property by the regulation?

A. I judged it was.

Gen. *Murray*. The charge states that I had a fixed salary, and was to take no perquisites: I conceive it will not be improper to shew to the Court, what the agreement between Government and me was.

Court. Certainly not.

Gen. *Murray*. I will now produce a copy of the King's regulation, giving me two thousand pounds in lieu of the revenues of the Arroval of St. Philip's. Prior to this regulation, the Governor's salary arose from the perquisites of this Arroval, which were very extraordinary: I complained of it, and would not take them, because I thought they were always the cause of feuds between the Governor and the people, and produced much disorder among the Troops; for the more wine they drank, the greater was the Governor's profit; therefore I obtained this establishment, in lieu of those perquisites from the Arroval, and in lieu of them alone.

I took this auction-fee, thinking I had a right to it as Vice-Admiral; and, as I shall answer to God at the last day, I did not pocket it, but gave it away, among other things. The Vice-Admiral has a great deal of trouble in time of war; and I did not think I ought to give up a perquisite from my successor.—Here is my commission as Vice-Admiral.

It was read by the Judge-Advocate.

[The commission was in the usual form, giving to Gen. Murray the full powers of Vice-Admiral of the Island of Minorca, and entitling him to all the emoluments arising from that office.]

Gen. *Murray*. I wish to call Mr. Bayne, to prove, that I told him to shew the account of the fees arising from the auctions

auctions of prize goods, to Sir William Draper; that he might know what he had a right to receive, when I left the Island. Sir *W. Draper*. I admit it.

[*Mr. JOSEPH ALLCOCK, from the Treasury, produced the following copy, from the office-books, of the warrant of the appropriation of the revenues in the Island of Minorca, dated the 3d of September; which was read by the JUDGE-ADVOCATE.*]

“GEORGE R.

“WHEREAS it is represented unto us, that the method heretofore practised, of raising an income for the Commandant of our Island of Minorca, hath been found to be burthensome and grievous to Our Troops, and to the Inhabitants of St. Philip's, in the said Island, and attended with many inconveniencies to Our Service: And whereas it hath been proposed unto Us, in order to prevent such inconveniencies, and to put the Government of the said Island upon a more respectable footing, that the Commandant of Our said Island shall receive, without deduction, the annual sum of One thousand nine hundred and ninety-nine pounds seventeen shillings and eleven pence, inserted on the establishment of the said Island, to defray the contingent expences arising therein; that the payments which have heretofore been made out of the said sum granted for contingencies, shall be paid out of the revenues of St. Philip's, which shall consist of old and new duties on wines, and Estangue money of the Arroval, and the revenues of weights and measures, lately granted in farm to Theodore Alexiano; and that the deficiency, if any, shall be paid by warrant under Our Royal Sign Manual, countersigned by Our Secretary at War, and laid be-

fore our Parliament, as a service incurred, and not provided for: Now We being graciously pleased to condescend thereto, Our Will and Pleasure is, that from and after the twenty-fourth day of June, 1775, the revenues arising from the monopolies of shops, canteens, corn, oil, tobacco, fines, &c, which formerly composed part of the emoluments of Our Commandant at Minorca, be abolished: And that out of such monies as shall arise from the old and new duty upon wines, and the Estangue money of the Arroval, together with the revenues of weights and measures lately granted, in farm, to Theodore Alexiano, you do, from time to time, cause payment to be made of all contingent expences of Our Fort at St. Philip's, in the said Island: And in case the said revenues be not sufficient to satisfy and pay the whole of the said contingent expences, that you do, from time to time, certify to Our Secretary at War, the amount of the deficiency thereof, in order that he may take Our pleasure touching the payment of such deficiency. And for so doing, this shall be, as well to You, as to all others Our Officers and Ministers herein concerned, a sufficient Warrant. Given at Our Court at St. James's, the third day of September, 1778, in the eighteenth year of Our Reign.

“By His Majesty's Command,

(Signed)

NORTH,
C. W. CORNWALL,
PALMERSTON.

“To Our Governor, Lieutenant Governor, or Commandant, of Our Island of Minorca, and the Receiver of Our Revenues there, for the time being.”

Gen.

Gen. Murray. I beg Mr. Bayne may be called, to prove the bond.

Mr. BAYNE called in again.

Court. Please to look at that bond.

A. This is my bond, which I gave to the Governor in the penalty of twelve thousand pounds.

The bond was read by the JUDGE-ADVOCATE, as follows :

"Bond of ADAM WILKIE and ALEXANDER BAYNE, for the Office of Auctioneer.

"KNOW all men by these presents, That We Alexander Bayne, and Adam Wilkie, of the Town of Mahon, in consideration of his Excellency the Honourable Lieutenant General James Murray, Governor in Chief of the Island of Minorca, &c. &c. having been pleased to appoint the above-mentioned Alexander Bayne to the place or office of Public Auctioneer of this Island; and directing him, the said Alexander Bayne, to observe and follow certain conditions annexed to the warrant, appointing him to the said office; We do, by these presents, bind ourselves, our heirs, and assigns, jointly and separately, to the said Governor, or his Successors in the Command of this Island, in the penalty of twelve thousand pounds sterling, for the due payment, and accounting for, to each person by whom the said Alexander Bayne may be entrusted, the sum or sums of money that he, the said Alexander Bayne, may receive for such goods as may be put into his hands, and as may be sold at public auction.

"Given at Mahon, this 1st day of March, 1779.

ADAM WILKIE,
ALEXANDER BAYNE.

No stamped paper to be had.

Given in presence of
Richard Johnston,
John Lewis Lariviere."

Sir W. Draper. How much *per cent.* was taken at the auctions upon household goods?

Court. I thought Mr. Bayne was only appointed auctioneer for prize goods.

Sir W. Draper. My charge is, taking a sum of money upon all auctions.

Court. Are we to understand, from Mr. Bayne's former evidence, that he spoke of other goods than prize goods?

A. No.

Sir W. Draper. If household goods were taken at sea, what *per cent.* was taken upon them?

A. One and an half *per cent.* they then are prize goods.

Court. Was Mr. Bayne auctioneer, not only for prize goods that might be taken at sea, but for the sale of other goods that might be sold in the Island?

Sir W. Draper. Yes, for all auctions.

Court. It has all along been understood as applying to prize goods.

Sir W. Draper. I ask what the price was upon all household goods that were prize goods? His paper was produced before: I beg the account may be referred to.

Court. If household goods were taken at sea, they paid the same as others?

A. The same.

Court. Supposing an inhabitant wanted to sell his furniture, did you sell it for him?

A. Yes.

Sir W. Draper. How much *per cent.* was taken upon all household goods sold at auctions?

A. Five *per cent.* for household furniture that were not prize goods. I never sold above thirty pounds worth of household furniture in my life.

Gen. Murray. What was the established fee of the auctioneer, upon household goods, before this proclamation of mine?

K

A. Five

A. Five per cent.

Gen. Murray. Was not there always a public auctioneer appointed by the Governor in time of peace?

A. Yes.

Gen. Murray. How much had he per cent. for what he sold?

A. Five per cent. I made but one auction of household furniture during the time I was employed. *Gen. Murray* never claimed any thing upon the sale of household furniture.

Court. Had *Gen. Murray*, or not, any part of that five per cent.?

A. He had. It was credited to him in that account by mistake, being mixed with other articles: *Gen. Murray* never claimed it, nor no other Governor; only what arose from prize goods.

Sir W. Draper. It is impossible for me to ask *Mr. Bayne* any more questions. I hope that article in that account of *Mr. Bayne's* will be read.

Court. *Mr. Bayne*, do you admit this account to be authentic?

A. Yes; the sum in that article is, I see, 844 dollars; it being on household furniture, is to be reckoned at five per cent.

Court. Was the auctioneer in the island established by the Governor?

A. Yes.

Court. Then every thing was sold by you; houses, or lands, or any thing taken in execution?

A. No; the island had an auctioneer of their own, that sold lands and houses.

Court. I understood you, that the whole sum did not amount to more than thirty pounds?

A. No; I think not.

Sir W. Draper. The account there is 844 dollars; 500 dollars make 100l.

Court. How does that accord with what you said before?

A. I did not read this account; it had slipped my memory: I believe that

is right; but I know. I sold very little household furniture.

Court. Is 844 dollars the profit, at five per cent. upon what you sold, or the gross sum?

A. The gross sum: the five per cent. is to be reckoned upon that sum. The nett sum that I received is the last sum in the column.

Court. Did the household goods you sold, sell for 844 dollars?

A. Yes.

Court. And then you was to have five per cent. upon that?

A. Yes: it is about forty dollars; between eight and nine pounds sterling.

Court. When you said you never sold more than thirty pounds worth, did you mean the sum the goods sold for, or your commission for selling them?

A. It did not amount to more than thirty pounds.

Court. I took down the witness's words, "that he never sold more than thirty pounds worth."

A. But in that I was deceived: I see it is 844 dollars.

Gen. Murray. Did you ever sell any others than those?

A. No: I lost my books, and I could refer to nothing but this paper. I should not have made the mistake, if I had seen that paper.

Court. You say the five per cent. upon these goods amounted to eight or nine pounds sterling?

A. Yes; at most.

Court. Had you that nine pounds sterling?

A. It being, by mistake, mixed with the other accounts, *Gen. Murray* had a moiety of it; but the General never claimed it.

Gen. Murray. When you brought these accounts to me, did I ever look at them?

A. No; only at the sum total at the bottom.

END of the EVIDENCE to this ARTICLE.

ARTICLE I.

Under the Head of Personal Wrong and Grievance.

" That Lieutenant-General MURRAY issued an Order on the 15th Day of October last, tending to dishonour and disgrace him (Sir WILLIAM DRAPER), and to prevent him from doing his Duty as Lieutenant Governor."

Sir W. Draper. I Beg the Commission, appointing me Lieutenant Governor of Minorca, may be read.

[*The Commission, appointing Sir WILLIAM DRAPER Lieutenant Governor of the Island of Minorca, dated May 3, 1779, was read by the JUDGE ADVOCATE.*]

Sir WILLIAM DRAPER sworn.

Sir W. Draper. The day preceding the order complained of, having observed a large three-masted vessel of the Enemy brought down to a Cove near George Town, I ordered the Commanding Officer of Artillery, who commanded in the Queen's Redoubt, to apply for some shells in order to try to sink her; they were brought, and applied accordingly: the vessel was sunk in consequence; about fourteen shells sent her to the bottom, with all her contents. It was known soon afterwards that she had twenty-four pieces of cannon on board, besides many other implements of war. Upon my return to the Castle from that service, I met Gen. Murray upon the Horn-work, he said he believed the vessel was sunk; I answered, I hope so. The next day the order of the 15th was issued. By that order I was deprived of a discretionary power to fire a gun, unless by leave obtained from the Commanding Officer of the Artillery; although this

very order was afterwards privately revoked in favour of two Captains, who were acting immediately in my department; which made me conceive the affront to me more pointed and personal to me; I complained to the Adjutant General, Capt. Don, of the injury done me, and told him I must certainly bring the affair before a General Court Martial. Capt. Don informed Gen. Murray of this; but Gen. Murray would not revoke the order, and the General told me so by letter. I beg Capt. Donne may be called.

Court. In respect to the order, we are to understand it to be the same the Court are in possession of.

Sir W. Draper. Yes; of the 15th of October. I beg Capt. Don may be called.

Court. Is this all you have to offer, by your own evidence, upon this part of the charge? Because, any thing you have to give as evidence the Court would receive of you before any other witness is called.

Capt. Don called in.

Sir W. Draper. Whether I did not complain, on the 11th of November, to you, of the injury done me by this order of the 15th of October?

A. Sir William Draper did.

Sir W. Draper. This is, I believe, a message to me by you upon that occasion?

A. B.

A. It is a message I carried to Sir William Draper from General Murray.

[*The Message, dated the 11th of November, and Sir William Draper's Answer, were read by the Judge-Advocate.**]

Sir W. Draper. Whether the order was revoked, with regard to me, upon my complaint?

A. No; it continued in force.

Sir W. Draper. Whether you ever saw any thing in my conduct that made me deserving of such an order?

A. I have heard Sir William Draper express, at times, things that he was dissatisfied with of General Murray, and reprobated his conduct.

Court. The question is, Did you observe any thing prior to that in Sir William Draper's conduct, which made him deserving of such an order?

A. I don't know that that order was pointed particularly to Sir William Draper; it was a general order.

Sir W. Draper. It comprehended me?

A. Yes; and so it did the whole Garrison.

Sir W. Draper. Whether I had not, a very few days before, given you my earnest advice as to a position the General wished to have taken on Turk's-Mount side?

A. Sir William Draper did. On the 9th or 10th of October, Gen. Murray and myself reconnoitred the ground between the mouth of St. Stephen's Cove and Turk's Mount. At that time, Gen. Murray was of opinion that the Enemy's battery, which they were constructing beyond Turk's Mount, might be annoyed by stone mortars, made in the rocks near the mouth of St. Ste-

phen's Cove; in consequence of which, he intended next morning to send a party of Miners to make these mortars, and a detachment to cover the working party; the position that this detachment was to take, he pointed out to me. On the evening of the same day, General Murray desired me to wait upon Sir William Draper, and to communicate to him his intention relative to this business, and to request that he would superintend the execution of it. Sir William Draper then told me, that he doubted very much of the utility of the mortars in question, and that he thought the enterprise dangerous with respect to the covering party; but that the next morning, before day-break, he (Sir William) would examine the ground, which he did, and was still of the same opinion which he entertained the preceding evening; all which was communicated to the Governor, and the whole of that enterprise dropp'd.

Sir W. Draper. Whether I did not give you my best advice with regard to the enterprise at Cape Mola?

A. I must beg Sir William Draper to specify some time or place; for I don't immediately recollect it.

Sir W. Draper. When I spoke to you on the Horn-work, the evening preceding the attack.

A. On the evening of the 10th of October, General Murray and Sir William Draper were together on the Curtain, between the two Horn-works; they continued in conversation for some time, and frequently pointed at Cape Mola: (I don't know what the conversation was :) after which they parted, and I think Sir William Draper turned to me, (but in this I am not positive) and

* All the Letters and Messages, produced and read, will be seen in the Correspondence, inserted in the Appendix.

and said that the way to cut off the Enemy's parties

Court. Are you positive that Sir William Draper said that ?

A. I cannot answer that positively ; I remember he turn'd about to me, and he said something about the Enemy's parties and Cape Mola : but what it was I cannot recall to my recollection ; for it was a thing of a moment ; and, I am sure, not of the least consequence at the time ; for it has made no impression on my memory : and if he had said any thing material, I certainly should have recollected it.

Sir W. Draper. I only wished to ask that, to convince every body I had done to the utmost of my power upon every occasion.

Capt. Don. I don't recollect that he gave me any advice of any importance, it having made no impression upon my memory.

Sir W. Draper. Whether a general order does not comprehend all individuals ?

A. It certainly does.

Court. You said you look'd upon that order, of the 15th of October, to be a general order ?

A. I did.

Court. Do you know any thing that gave occasion to that order of the 15th ?

A. I do. The Governor had frequently perceived that the young Officers of Artillery had fired at small parties of the Enemy in relieving their posts and sentries, at the distance from nine hundred to a thousand yards from the Garrison, and likewise at small, little breast-works, partially raised to cover the sentries, and even at a few men without arms : he said he judged this firing to be ineffectual, and that it only

tended to accustom the Enemy's troops to fire, and give them courage. The General said, at that time, that the Enemy's army he considered as raw and undisciplined, and therefore that it was not our business to make them brave by firing at them at a distance. The General mentioned several other circumstances, which I do not recollect. The General talked much upon this subject, and frequently in my hearing reprimanded the Artillery Officers upon that subject. Upon this he founded the order, but I was not present when the order was issued. One of his motives was with respect to the ammunition ; he said it was wantonly or uselessly expended.

Sir W. Draper. Whether the Enemy's troops work most under fire, or when there is no fire ?

A. Undoubtedly they work most when there is no fire.

Sir W. Draper. Whether I had made any wanton use of my command, in firing wantonly or injudiciously ?

A. I can't say that I ever observed it ?

Sir W. Draper. Did you ever observe any marks of insanity in me ? I have a reason for asking that question.

A. I suppose Sir William Draper means, have I, since I have had the honour to be acquainted with him, seen any marks of madness about him : As to inconsistency of conduct—

Sir W. Draper. Have you seen any marks of insanity about me, that would unfit me for my duty as an Officer ?

A. I have never discovered any marks of insanity in Sir William's behaviour since I have had the honour to know him.

Gen. Murray. Whether Sir William Draper patiently heard the whole message

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sage out, which I sent to him the evening of the 11th of November?

A. He did not; he stopped me before I had finished it, as appears by what you have already read.

Gen. Murray. I desire Capt. Don may repeat to the Court every word which Sir William Draper said upon that occasion, which he desired him to communicate to me.

Court. The minute we have was taken down at the time.

Capt. Don. When I returned with the message, the General wrote a letter to Sir William Draper, and inclosed that minute in it. I wrote down Sir William Draper's message before I saw the General; and I then delivered it to Gen. Murray, and said, There is an answer from Sir William. The General immediately called for a pen and ink, and said he would write to Sir William on the subject; and he wrote either that night or next morning to Sir William, and sent that paper inclosed in it.

Court. The General wishes you would inform the Court of any thing that passed, besides what you have written down upon that paper.

Court. You are desired, by Gen. Murray to repeat to the Court every word Sir William said to you at that time.

A. Sir William Draper reprobated Gen. Murray's conduct in very harsh terms during that conversation. I thought it unnecessary to communicate that conversation to Gen. Murray, or any person; which I never have done. I thought it would have created an opener breach than there then was between the Governor and Lieutenant-Governor, and that it was my duty to conceal it.

Court. This order was upon the 15th of October; and this is an *ex post facto* business; this is upon the 11th of November. Supposing the order improper, it could not arise from any thing subsequent to it.

Gen. Murray. I certainly would have revoked the order, when I found it displeasing to Sir William, had it not been for the harsh terms in which he expressed himself of me.

Court. But the Witness says, he never communicated that.

A. I never mentioned to any man what passed between Sir William and me, but what I have wrote down upon that paper: Sir William was excessively warm at that time.

Sir W. Draper. I had reason.

Gen. Murray. Did I send any answer to the conversation expressed in that minute?

A. You did.

Gen. Murray. Will you produce it?

A. I have a copy of the letter which was wrote, in which this paper was inclosed.

Gen. Murray. I desire that may be produced.

Capt. Don. This is a copy from the original in my own hand-writing.

[*The Letter, dated St. Philip's Castle, Nov. 12, 1781, was read by the Judge-Advocate.*]

Sir W. Draper. Have you my answer to that letter?

A. There is a copy of it here: I have the original at home.

Gen. Murray. Did Sir William Draper return an answer to the first message, relative to the sentries in the Covered Way?

A. Among other words Sir William Draper said to me, was, that " he was

was deprived of all command, by the order of the 15th of October:" Sir William gave no answer to the message I was sent on; never said a word concerning it. I did not chuse to mention all that happened upon that occasion.

[*Sir William Draper's Answer to Gen. Murray's Letter, dated Oct. 12, 1781, was read by the Judge-Advocate.*]

Court. You said Sir William Draper was very warm: did you inform Gen. Murray that Sir William Draper was very warm?

A. No; I avoided that.

Gen. PRINGLE called in.

(*This Witness was sworn on a preceding Day.*)

Sir W. Draper. If you saw any thing in my conduct which made it improper for me to be intrusted with the power of ordering a gun to be fired at my discretion?

A. I never did.

Sir W. Draper. Did you ever discover any marks of insanity in my conduct?

A. Very far from it; a very sound understanding, always exerted for the honour and safety of the garrison.

Sir W. Draper. Whether you thought me disgraced by the order of the 15th of October?

A. I thought, from the circumstances which I understood had happened the day before, of Sir William giving directions for the sinking of a ship, that Sir William was personally restrained and disgraced by it. I was not in the garrison at the time.

Court. Was you informed of the circumstance that happened the day before the order was given, before you arrived in the island, or after?

A. I arrived the 11th of November: I was informed of the circumstance after I arrived in the island.

Court. Was it general report; or did you hear this affair of the shells sinking a ship from any particular person?

A. I heard it from all the Officers of the Garrison; and I heard it particularly, all the circumstances of it, from Sir William Draper.

Court. What reasons did you hear assigned, if any, for the order of the 15th of October?

A. That was matter of common conversation. I have heard it said, that it was owing to that circumstance that happened the day before; and the reason why it appeared to me so is, that it stands in the order, not only not to fire cannon; but any piece of ordnance, which seemed to advert to the shells.

Sir W. Draper. Did you hear no other reason assigned for it?

A. I could see no good reason for the order; and no other occurred to me.

Sir W. Draper. Did you hear any other reason assigned for that order?

A. I heard no other as a good one; they might talk of sparing the ammunition; I might possibly in conversation have said so, that Gen. Murray wants to husband the ammunition; possibly those that would excuse the order might think so; but I did not think that a good excuse.

Sir W. Draper. I drop this Article, and proceed to the next cause of complaint.

ARTICLE

ARTICLE II.

" Falsely charging him (the Lieutenant-Governor) with an Attempt to take the Command from him (the Governor in Chief)."

Sir *W. Draper*. I BEG to call Mr. Riddle, my Aide-camp.

Lieut. WALTER RIDDLE, of the 51st Regiment, called in, and sworn.

Sir *W. Draper*. I beg Lieut. Riddle will authenticate this book of my letters, which he transcribed.

Mr. Riddle. It is my writing.

Sir *W. Draper*. I beg the favour that a Letter wrote by me to Gen. Murray, of the 14th of January, may be read.

Mr. Riddle. I copied that Letter from Sir William's hand-writing at the time.

[*The Letter, dated 16th of January, 1782, directed to Gen. Murray, Governor, was read.*]

Sir *W. Draper*. Here is a copy of the General's Answer.

Court. We should have the original Letter.

Gen. Murray. I admit that is an authentic copy of it.

[*Gen. Murray's Answer, dated 16th of January, 1782, read.*]

Sir *W. Draper*. These expressions are the things I hold to be exceedingly derogatory to my character as an honest man, and in every other light. Attempting to take the command from my superior Officer, I take to be a charge of the first magnitude: Gen. Murray, I hope, will give his proofs upon that head.—I beg the Court will proceed to the next Article.

ARTICLE III.

" Superseding him (the Lieutenant-Governor) without just Cause."

Sir *W. Draper*. I COMPLAIN that Gen. Murray refused the request I made to him, in his Majesty's name, to call a Council of War to consider the situation of the Garrison. I told him, by letter, that I meant no more than to have justice done to the place and garrison. I told him that, if he refused to do this justice to the place and garrison, by not calling a Council of War, I must decline acting any longer.

No Council was called; and I was superseded in my command.—I beg the Letter I wrote may be read.

Lieut. RIDDLE called in.

Sir *W. Draper*. Do you recollect that Letter? (*showing the Witness the copy of it.*)

A. Perfectly well; I copied it from the original.

Gen. Murray. I admit the Letter.

[*Sir*

[*Sir William Draper's Letter to Gen. Murray, dated 16th of January, 1782, read.*]

Sir *W. Draper*. Gen. Murray would not order a Council of War; and, in consequence of that, Col. Pringle superseded me in my command, by an order of the 17th.

Gen. PRINGLE called in.

Sir *W. Draper*. Did you take the command of the whole outline in my room?

A. I did, by Gen. Murray's order in the general orders of the day.

Sir *W. Draper*. When?

A. I don't recollect the particular day.

Sir *W. Draper*. Were not all reports afterwards made to you, in consequence?

A. They were, I believe, the very same as had been made before to Sir William Draper.

Sir *W. Draper*. I now dismiss this Article.

ARTICLE IV.

"Falsely giving out that the said Lieutenant-Governor had advised him (the Governor) to surrender the Place sooner than he did."

Gen. PRINGLE called in.

Sir *W. Draper*. IF you ever had, either directly or indirectly, any authority from me to advise Gen. Murray to give up the place?

Court. Would it not be better to begin with the proof that Gen. Murray had said it?

Sir *W. Draper*. I beg Gen. Pringle will inform the Court whether he ever heard Gen. Murray say that the Lieutenant-Governor advised him to give up the place sooner than he did?

A. I don't recollect that I ever did.

Sir *W. Draper*. Did you ever hear that such discourse had been?

Court. That can't be evidence against Gen. Murray. You must produce some person who did hear the General say it.

Sir *W. Draper*. I can swear that the Duc de Crillon, and almost all the Officers of that Army, told me

that Gen. Murray had made that an excuse for giving up the place; and said I advised him to surrender the place sooner than he did; and that, by my advice, they would have had the Fort sooner than they had.

Court. That is not evidence to fix it upon Gen. Murray.

Sir *W. Draper*. Whether you did not yourself write a letter of complaint to Gen. Murray upon this head?

A. Col. De Hagar, and I, did write a letter to Gen. Murray, intimating that such a report was abroad; but we did not at that time take upon ourselves to say that we understood he was the author of it. Though we understand he was the author of it, yet we did not think proper to mention that, as we thought our letter would put a stop to Gen. Murray's continuing to spread such a report, without our entering into any altercation with Gen. Murray upon the subject.

M ,

Sir

Sir *W. Draper*. Can you produce a copy of that Letter which you wrote to Gen. Murray?

A. I believe I have a copy of it.

Court. Had you any answer to that letter?

A. I had none.

Gen. Murray. I desire to know whether Sir William Draper's name was mentioned in that letter?

A. I am pretty sure it was; but I have the copy of it.

Gen. Murray. I have the original. Do you recollect giving me a paper in Sir William Draper's hand-writing, when you brought me the opinion of the first Council of War, which was, I think, on the 18th of January?

A. When Gen. Murray had read the opinion of the Council of War, he expressed a very anxious desire to know what Sir William Draper's opinion would be of their ideas. I told him, that, from the critical situation of things that day, I thought that Sir William Draper would not reasonably object to them. Gen. Murray replied, "Did he ever tell you so?" I said, 'Sir, since you are so anxious upon this subject, I will venture to tell you, in confidence, Sir William has said something like this.' The General still seeming anxious to be further informed, I got up and shut the door, and said to him, 'Sir, as I think this is a matter of great importance to the King's service, to your honour, and that of the garrison, you should have every information in my power to give you: I will therefore go further, and, confiding in you as a man of honour, who will not betray me, I take upon me to show you some loose sentiments of Sir William

Draper's upon this subject, upon paper, which I have in my pocket.'—Upon Gen. Murray's promising me solemnly, upon his honour, that no person whatever should know it, I showed him the paper.

Gen. Murray. Will you repeat to the Court the contents of that paper?

Court. Have you any objections to declare the contents of that paper?

A. I have no objections to any thing the Court propose.

Court. Because you said that it was confided in you.

A. The contents of that paper is no secret now, because it was known to every body soon after I returned the paper to Sir William Draper. I took no copy of it; therefore I can't repeat it.

Gen. Murray. Did not the paper advise, to propose to the Duc de Crillon a Cessation of Arms for a limited time; and to capitulate upon honourable terms, in case no succours arrived during that limited term?

A. The paper advised nothing; it contained some ideas relative to that subject, upon some certain suppositions. One day, when I entered Sir William Draper's room, he had several papers on his table relative to the siege, proposing different sorts of methods that would conduce to the King's service, considering the situation Great-Britain was in at that period: one of them, I think, was, whether it would not be more conducive to the interests of England to risk an assault, and of the being prisoners at discretion; as an assault was an event which at that particular period might be reasonably supposed to happen soon. Sir William had put down upon a piece of paper other ideas, different from this. Sir William Draper

Draper said to me, "Col. Pringle, though Gen. Murray has treated me in such a manner that I think he does not deserve that I should furnish him with any ideas to get him out of this scrape which he has got into, yet, as the King's service, and all our honours, are concerned, I have been throwing some thoughts together upon the state that we are in; which, as I may happen to be knocked on the head or killed, you may take and read." I did so; and, when I had read them, Sir William Draper said, "You may put that paper into your pocket, and think of it." He gave me no authority to show it to any person, or to talk to any person; and I never did show it to any person but to Gen. Murray.

Gen. Murray. I wish to know the contents of the paper.

A. It was something to the purpose of what Gen. Murray has said.

Court. Gen. Pringle's answer is, that the paper did not advise any thing.

A. It was a thing for consideration, upon certain suppositions.

Gen. Murray. Whether you told me, that, if I would agree to the opinion of that first Council of War, you would deliver up to me that paper, by Sir William Draper's consent?

A. I did not: but some days after, Gen. Murray and his Aid-de-Camp came to my apartment, in the Subterraneans, about two o'clock in the morning. He asked me "to let him see the paper again," and seemed very anxious that I should deliver it up to him. I told him "I was afraid I had already done too much, and could not give that paper up without Sir William Draper's consent; that I was persuaded Sir William

Draper had no ideas that he would be afraid or ashamed to avow, and that he might send to him for that paper or another; and that I believed Sir William would give it him." I told Sir William Draper what I had done; who said to me, "Colonel, though you meant well in what you have done, yet you will find Gen. Murray will make a bad use of it." He took the paper from me, saying, "You shall not have it; I will not trust him."

Gen. Murray. Whether you did not say that night, before Capt. Don, when we went into your quarters, "that you were very sure Sir William Draper would give up the paper, if I would consent to the opinion of that Council of War"?

A. I said, "I was pretty sure that Sir William Draper would give the paper, if he was asked for it:" but I am almost certain that no such condition was annexed, of Gen. Murray's consenting to the Council of War; and my reason for being pretty sure it was so, is, that before this period the opinion of the Council of War had been objected to, and the affair was decided.

Gen. Murray. Was it not in my power, at that time, still to have assented to the opinion of the Council of War?

A. Certainly: it was the opinion of that Council for him to put them in execution whenever he thought proper; but he had decidedly rejected them before. He was left sole master of putting them into execution, or not, and of the time; and that, by their order, I told him, when I went to him with Gen. De'Sidow with it.

Gen..

Gen. Murray. Do you recollect the date of that paper?

A. The garrison was all under arms at night, expecting an assault; that was, I think, the 13th of January; and this was the day after. There was no date, I think, upon the paper; but I think I marked a date upon it; and those thoughts, I apprehend, were thrown upon paper from what was expected to have happened that night.

Sir W. Draper. Whether the advice I gave was not this: Supposing the Engineer was of opinion the place could hold out three weeks, let us ask six, to prolong the time?

A. Sir William Draper did say to me, "That double the time the Engineer thought the place would be able to hold out, should be demanded, if it should be thought fit to put that expedient into execution;" and he added, "he would deal with the Enemy as Jews do, who generally ask double of what they may get;" and he added, "he would propose to ask leave to send an Officer from the garrison to England."

Gen. Murray. Do you mean whether this latter conversation was in the paper which I saw?

A. It was not: that paper only contained general heads, for reasoning upon.

Court. What was the date of the first Council of War by the General's order?

A. I think, the 18th of January.

Court. For what purpose was that Council of War summoned? what were they to consider?

A. The enfeebled state of the garrison. There were many articles.

Gen. Murray. The Councils of War shall be laid before the Court in my Defence.

Court. How did Gen. Murray signify his decision with regard to the Council of War?

A. By a letter to the members of the Council, in the evening of that day.

Sir W. Draper. Mr. Harris, the naval Officer, is unluckily absent; therefore, if you please, I will call Major Savage, of the 51st Regiment.

Major CHARLES SAVAGE, of the 51st Regiment, called in, and sworn.

Sir W. Draper. Whether Gen. Murray ever told you, that I advised him to surrender the place sooner than he did?

A. No.

Sir W. Draper. Did you know of this advice of mine by any other means?

A. I have said I never heard Gen. Murray say that Sir William Draper had advised him to give up the place.

Sir W. Draper. As Mr. Harris, the naval Officer, is not here, I cannot proceed upon it; but I will not give the Court any further trouble upon my account; and there let the matter rest.

Court. You close the whole here, do you, Sir William Draper?

Sir W. Draper. Yes.

D E F E N C E.

Lieut. Gen. MURRAY delivered into Court the following Paper; which was read by the JUDGE-ADVOCATE.

THE Court has already heard my reasons for issuing my order of the 15th of October. I certainly did not mean to aggrieve Sir William Draper by that order. If he conceived it in that light, it was his duty to have stated it to me in a respectful manner; and I should certainly have altered it so, as to have given satisfaction to him. On the contrary, I never heard that this order had given the least offence to the Lieutenant Governor, until the 11th of November, when I sent a message by Capt. Don, which has been stated in evidence. The contempt with which that message was received, and the irregular behaviour of Sir William Draper upon the occasion, made me write the letter of the 12th of November, which has been produced, together with Sir William's answer. After this behaviour, it was impossible for me, without diminishing my authority, to retract or alter the order in question, which was strictly military. I shall, by my correspondence, prove that it was at all times my inclination to satisfy even the jealousies of Sir William Draper; and that my instructions were to the Officers of my family to keep us well together, by every attention to him. It appears, by subsequent letters which passed between us, that the ideas of Sir William Draper and myself, concerning our respective authorities, are very different indeed. Which of us is right, the Court must determine, and they will from thence judge where the probable cause of difference lay. It was impossible for the Lieutenant Governor to entertain any respect for me as a man, from the charges

he has exhibited against me. If he saw them in the same light when the transactions were fresh in his memory, as he has since represented them to his Majesty, I apprehend that those unjust suspicions, which I have severally disproved, may have so wrought on the mind of Sir William Draper, as to induce him to forget the relative situation between us, and sink, in his contempt for me, the respect he owed to his Governor.

At all times, but more especially in a Town besieged, the command of a Governor in a military fortress is absolute; and the inferior Officers are not only bound to obey his orders punctually; but they are to do so with cheerfulness, and without shewing discontent themselves, or generating discontent in others. On the other hand, a Governor is certainly accountable for the due exercise of his authority. I declare to this Court, as a man of honour, that if Sir William Draper had accused me of murder, I should not have been more surprised than at the reason assigned by him and Col. Pringle for issuing that order, namely, the skill or good luck of Sir William Draper in sinking a vessel, by a shell, the day before the order was issued. I do declare I never heard of it 'till it appeared in Court; and I am utterly at a loss to conceive how such an opinion could possibly be formed, or any such report prevail in the Garrison, where the truth of any circumstance of that kind was so easily discovered; when it was proved by Major Walton, that the vessel in question was sunk by shells in consequence of his order.

N

EVIDENCE

EVIDENCE for Lieut. Gen. MURRAY.

Capt. DON called in.

Gen. Murray. What orders did I give you with respect to maintaining friendship and harmony between Sir William Draper and me?

A. General Murray frequently desired me to do every thing that lay in my power to that end.

Gen. Murray. Did you ever hear in the Garrison, that the reason why I gave out the order of the 15th of October, 1781, was because Sir William Draper had sunk a ship by firing some shells at her the preceding day?

A. I never did.

Gen. Murray. What was your reason for concealing from me the latter part of the conversation that passed between you and Sir William Draper, when I sent you with a message to him on the 11th of November?

A. It was agreeable to Gen. Murray's own directions. Besides, I was still in hopes, that before the end of the siege all that animosity would have subsided, and every thing have been amicably settled betwixt them. I thought, if I had said any harsh thing on one side, or the other, it would have created confusion in the garrison.

Sir W. Draper. Whether the order, whereby I was prohibited from ordering a gun to be fired at my discretion, was ever revoked upon this complaint to you?

Court. That has been answered before.

A. I answered that before: that it never was, but that it remained in force.

Lieut. DOUGLAS called in.

Gen. Murray. What orders did I give you with respect to maintaining friendship and harmony between Sir William Draper and myself?

A. The General ordered me to pay every attention in my power to Sir William Draper; and if I should happen to hear of any thing that might occasion a disagreement between the two, that I should conceal it from both.

Gen. Murray. Did Col. Brewse apply to me regarding some works that Sir William Draper wanted to have done?

A. He desired me, as Gen. Murray's Aid-de-Camp, to apply to the General.

Gen. Murray. What answer did you return from me to Col. Brewse?

A. That he was to obey every direction he should receive from Sir William Draper in the outline, which he (Col. Brewse) did not himself think hurtful.

Gen. Murray. Did you ever hear in the garrison, that the reason why I gave out the order of the 15th of October, 1781, relative to the firing, was because Sir William Draper had sunk a ship at George Town the preceding day?

A. No.

Gen. Murray. Did Col. Brewse show you a letter Sir William Draper had given him to lay before me?

A. He did.

Gen. Murray. What passed between you and Col. Brewse upon that occasion?

A. I told Col. Brewse that I thought he had got into a disagreeable business; but that since he had accepted the letter, he

He certainly should show it. He had asked my advice about it.

Court. When was this?

A. Two or three days before the Enemy's batteries opened.

Gen. Murray. If you recollect the contents of that letter, repeat it to the Court.

Court. General Murray, you had better examine Col. Brewse to that fact.

Sir W. Draper. Where is the letter?

Gen. Murray. It was impossible I could have Col. Brewse's letter; it was

Sir W. Draper. Whenever General Murray condescended to ask my opinion upon a point, did I ever refuse to give it? and did I not always give it in writing?

A. Sir William Draper never did refuse; that I know: and I believe he generally gave it in writing; but that I cannot say positively.

Sir W. Draper. Do you recollect the subject of the letter to Col. Brewse? was it about loading the mines?

A. That was the principal part.

Sir W. Draper. I admit the letter: here is a copy of it.

Mr. Douglas. This is not, I believe, the letter.

Gen. Murray. I remember there was a scrap of Latin in it.

Court. Do you know whether Sir William Draper ever remonstrated to Gen. Murray upon the order of the 15th of October, either by writing, or otherwise, previous to the 11th of November?

A. Not that I know of.

Court. At what time was it that you received Gen. Murray's order to conceal from each of them any thing that might tend to a disagreement between them?

A. In April, May, or June, 1780. I went into Gen. Murray's family in April, 1780; it was soon after that.

Court. At what time did Col. Brewse desire you, as Gen. Murray's Aid-de-Camp, to apply to the General?

A. In November or December, 1781.

Gen. Murray. Did you ever hear me lament the shyness that subsisted between Sir William Draper and myself?

A. Often.

Gen. Murray. Did you ever hear me say that Sir William Draper put it out of my power to alter the order of the 15th of October, by threatening me with a Court Martial?

A. Yes.

Sir W. Draper. Whether the order occasioned that threat?

A. I understood Sir William Draper put it upon that.

Colonel BREWSE, of the Engineers, called in.

(This Witness was sworn on a preceding Day.)

Gen. Murray. Do you recollect having shown me a letter, which Sir William Draper wrote to you, relative to loading the mines in the outward glacis?

A. Such a letter there was, and I shewed it Gen. Murray; but what is become of it, I can't tell.

Gen. Murray. Do you recollect the contents of it?

A. I do not: I believe it is in existence: if I had known it would have been wanted, I should have sought for it; I know there was some Latin in it.

Sir W. Draper. Please to look at this: is this a copy of that letter?

A. I believe it is: there is the Latin I alluded to: there is another Latin sentence before that, which I recollect now upon seeing it.

Gen.

Gen. Murray. Whether it was mentioned in that letter, which you shewed me, that, though the mines might be of little utility, yet, for the sake of parade, they ought to be loaded and fired? Be so good as let me see that copy: [*inspects it.*] I believe that may be right. I think it should have been wrote to me immediately, and not through another hand. I wish the letter may be read.

Court. Gen. Murray, are you willing it shall be read from Sir William Draper's copy?

Gen. Murray. If you please.

[*The Judge-Advocate read the letter, dated January the 12th, 1782, from Sir William Draper's copy.*]

Gen. Murray. Whether I said, upon having this letter communicated to me,

that the *sensible* things must be done before we thought of the *sounding* things?

A. I don't recollect: it is most likely I did not look upon it as very material at that time.

Gen. Murray. Were all the mines in the body of the works loaded?

A. I believe they were.

Gen. Murray. Was the powder conveyed into the mines in question?

Sir W. Draper. I apprehend this is foreign to the matter; it is going back again into the siege.

Gen. Murray. Well; I have done then: but you have gone yourself pretty much backward and forward.

Sir George Howard, I have finished this head, I will now take the three last Articles together.

END of the EVIDENCE to this ARTICLE.

DEFENCE to the remaining ARTICLES.

Lieut. Gen. MURRAY delivered into Court the following Paper, which was read by the JUDGE-ADVOCATE.

THESE three Articles I must consider together, as the evidence to be produced upon each refers to the whole; and they are by that, and all the other circumstances attending them, complicated with each other.

I do not conceive on what circumstance Sir William Draper founds this first part of these Articles, namely, "that of charging him (Sir William Draper) with an attempt to take the command from the Governor."

In my letter to Sir William Draper, of the 16th of January, where I was reasoning upon a species of protest he had sent to me, in his first letter of the same date, against certain dispositions, which

I had thought fit and necessary for our situation; (after stating my reasoning in answer to Sir William Draper on the subject) "I say every attempt to take the command from me will be ineffectual." By this sentence, it is evident I do not charge Sir William with an actual, direct attempt to take the command from me: but I fairly insinuate, that I think there appears a tendency to abridge my authority; and I therefore declare, by a proper warning, that all such attempts will prove vain, and have no effect. And the subsequent letter of Sir William Draper to me, dated also the 16th of January, will sufficiently shew that, with regard to the said tendency

dency and disposition, I did not judge amiss; for I humbly apprehend this second letter is a real attempt to a-bridge my authority. But of all those matters, the evidence being in writing, the Court must judge from the correspondence between the Accuser and the Governor. As to superseding the Lieutenant-Governor without sufficient cause; this, likewise, the Court will be enabled to judge of by the best evidence possible, that of our letters at the time.—The truth is, Sir William Draper superseded himself, by a conduct not only unmilitary, but fretful and capricious.—The extreme conceit of his own talents made him believe they placed him above the King's commission; and, though I am ready to admit he has very considerable parts, yet I as freely confess they never struck me as sufficient to admit any superiority on a military subject, even if we had been placed as equals, and much less so where the responsibility lay with me as Governor,—being confirmed in a belief that I was at all times fully justified in the discharge of my duty, if I acted to the utmost of my own ability and judgement, without being forced to ask the advice of other Officers, unless I should see it proper so to do; and that every attempt to oblige me to call a Council of War was contrary to good discipline.—I do not deny, that Councils of War are often proper and advantageous; but they can only be so when they are assembled at the spontaneous desire of the Commander in Chief.—The contrary doctrine is maintained by Sir William Draper:—And this is a point of difference between us, on which the Court will determine.

The last charge is artfully put. I

can neither admit nor deny the fact as it is stated: I cannot allow that ever I said, that Sir William Draper advised me to surrender the place sooner than I did; but I aver and affirm this, that Sir William Draper, then Lieutenant-Governor of Minorca, residing in the Fortrefs of St. Philip's, then besieged by an Army under the Duc de Crillon, of which Fortrefs James Murray was Governor, did deliver a paper to Col. Pringle, then an Officer in the Garrison, dated the 14th of January, 1782, purporting to be the opinion of the said Sir William Draper, That, considering the weak state of the Garrison, and the great force of the Enemy, it were better to send and propose a Cessation of Hostilities to the Duc de Crillon, and to make conditional terms of surrender at a certain time, if no relief should arrive before the period agreed upon; the contents of which said paper were circulated in the Garrison, and stated as the advice of Sir William Draper to a Council of War assembled the 18th day of January by my order, and was the occasion of inducing some of the Officers who composed the said Council of War to sign another paper, giving the said advice to me of proposing a Cessation of Hostilities, and a conditional surrender to the Duc de Crillon.—This is all I ever asserted on the subject, and these facts I am ready to prove. The fair, just, and obvious inference to be drawn from them, I maintain, is, that Sir William Draper, Knight of the Bath, Lieutenant-General of his Majesty's Forces, and Lieutenant-Governor of Minorca, was for agreeing on Terms of Capitulation sooner than I did; which must have produced the final surrender of the Fort before the period when I submitted, even

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even under the sickness which afterwards prevailed among the Troops: and nevertheless this subsequent surrender by me, under those unforeseen calamities, and sanctified by the unanimous opinion of all the principal Officers, is stated as a heavy charge of criminal accusation by the very man who first started and afterwards propagated the opinion among the principal Officers under my command, that we ought to have asked for a Cessation of Hostilities, and conditional Terms of Capitulation, from the Duc de Crillon, twenty days before we surrendered.

It may be said, that Sir William Draper, on proposing the conditional article respecting the relief, would have asked for a longer period than passed between the proposal and my surrender; but the history of Forts and Towns when besieged and beginning to parley, and the situation of our Garrison and that of the Enemy, will

enable the Court to judge whether it is possible to believe, from the nature of the case, we could have obtained above ten days. I declare that the utmost time I ever heard mentioned, at the moment the advice was given to me, when I censured the opinion in my letter to the Officers of the Council of War, was fourteen days.

The best way of defending a Garrison is never to think, much less to talk, of surrendering it, until circumstances make it absolutely necessary; and the least suspicion of a contrary conduct is of the worst consequences: and upon this point the Court will judge between me and the advice I received from the Council of War promoted by Col. Pringle upon the opinion of Sir William Draper, whether my conduct, or following their opinion, would have been most becoming the character of an old Soldier, and the honour of his Majesty's arms.

EVIDENCE for Lieut. Gen. MURRAY.

Gen. Murray. Here is the correspondence between Sir William Draper and me. I beg to call Capt. Don to prove the copies of these Letters.

Sir W. Draper. These letters will show that I always gave Gen. Murray my advice whenever he condescended to ask it.

Gen. Murray. And I asked it whenever I thought proper, and no oftener. —All that matter is before the Court, and the world; and they will judge of the propriety of my conduct.

[Capt. Don authenticated the Copies of several Letters, which were read by

the Judge-Advocate, and are as follow.]

A Letter from Gen. Murray to Sir William Draper, dated Nov. 11, 1781.

A Letter from Gen. Murray to Sir William Draper, dated Nov. 12, 1781.

A Letter from Sir William Draper to Gen. Murray, dated Nov. 12, 1781.

A Note from Gen. Murray, delivered to Sir William Draper, Sept. 25, 1781.

Sir William Draper's Answer to the last-mentioned Note.

A Letter

A Letter from Sir William Draper to Gen. Murray, relative to the Out-line.

A Letter from Gen. Murray to Sir William Draper, of the same day, in Answer to the last.

A Note from Gen. Murray to Sir William Draper, dated Oct. 6.

Sir William Draper's Answer, of the same date.

Court. I don't see that these letters, before the 15th of October, apply to the charge.

Gen. Murray. I conceive these letters are much to the purpose: they shew the attention I had to Sir William Draper.

Sir W. Draper. And, I flatter myself, my answers will shew the attention I had.

Gen. Murray. It is reciprocal.

Copy of a verbal Message delivered by Caps. Don to Sir William Draper, Jan. 12.

A written Answer from Sir William Draper to the verbal Message.

Gen. Murray's Answer to Sir William Draper, of the same date.

A Letter from Gen. Murray to Sir William Draper, dated Jan. 13.

An Answer from Sir William Draper.

A Letter from Sir William Draper to Gen. Murray, dated Jan. 16.

Gen. Murray's Answer, of the same date.

A Letter from Sir William Draper to Gen. Murray, of the same date.

A Letter from Gen. Murray to Sir William Draper.

A Letter from Gen. Murray to Sir William Draper, dated Jan. 22.

A Letter from Sir William Draper to Gen. Murray, of the same date.

Capt. BOOTHBY, of the 51st Regiment, called in.

(This Witness was sworn on a preceding Day.)

Gen. Murray. Whether you did, at any time previous to the 17th of January, 1782, hear of any opinion of Sir William Draper's, respecting the expediency of treating with the Enemy?

A. I can't tell exactly what day it was, but it was before the 17th. I heard it was Sir William Draper's idea, That, considering the situation the place and the garrison were in at that time, it might be advisable to propose a cessation of arms, for a certain time, to the Duc de Crillon; and that, if no relief came to the garrison during that time, the place was to be surrendered upon the most honourable terms.

Court. You said you heard this; did you hear Sir William Draper say it?

A. I did not.

Court. Was it a general report?

A. No; I never heard it as a general report: a person told it to me: if you chuse I should name who told it me, I will; it was not told me in confidence.

Gen. Murray. I am tried for saying that Sir William Draper advised me to give up the Fort. I never said he did advise me to give up the Fort: but I conceive these to be very necessary questions to my Defence. I never said more nor less than what is now said before you.

Court. You say it was not told you in confidence; who told you it?

A. No, it was not; nor no injunction laid upon me not to repeat it. It was told me by Lieut. Col. Case, of the Marine Corps.

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Court.

Court. When Col. Case told you this, was you in any particular situation relative to Gen. Murray, or only as a Captain of the 51st?

A. As a Captain of the 51st. I was upon guard at the time.

Mr. DANIEL MACNEIL called in.

Gen. Murray. Whether you, at any time previous to the 17th of January, 1782, heard of any opinion entertained by Sir William Draper respecting the expediency of treating with the Enemy?

A. Yes, I did. I don't know the particular day; but it was about the middle of January.

Gen. Murray. Did you hear Sir William Draper say it?

A. No, never. It was Mr. Case came down to the apartment where I was quartered, and told me in conversation that it was Sir William Draper's opinion, that we should demand a cessation of hostilities for a month, and, in case succours did not arrive from England to us then, to make the best terms of capitulation that we could for the garrison. My answer was, We might as well ask for seven years as for a month, for they would not allow us three days. It was not told to me as any secret.

Court. Did you communicate it to any body?

A. I did, immediately, to Dr. Monto.

Sir W. Draper. How came you to be so good a judge as to know the Enemy would not grant you three days time?

A. It was my own conjecture. I am no judge of military matters.

Court. Do you know that Sir Wil-

liam Draper ever gave this opinion to Gen. Murray?

A. Not to my knowledge, he never did.

Gen. Murray. Sir William Draper certainly never did.

Lieut. Col. CASE called in.

(This Witness was sworn on a preceding Day.)

Gen. Murray. Please to inform the Court, whether you, at any time previous to the 17th of January, 1782, heard of any opinion entertained by Sir William Draper respecting the expediency of treating with the Enemy?

A. I did not in particular. I have heard Sir William say it was a scandalous capitulation, and it had better been to have been sold than given away in the manner it was.

Court. We are speaking of a time prior to the capitulation.

A. It was about capitulating against time. I did hear something of it; but I don't recollect any more of it.

Gen. Murray. Do you recollect any thing to this purport, which you communicated to Mr. Macneil?

A. I don't recollect any thing.

Gen. Murray. Or to Capt. Boothby?

A. No, nor to Capt. Boothby neither. I don't recollect any thing about it.

Court. You said you heard something of capitulating against time; did you hear that to be Sir William Draper's opinion?

A. I did.

Court. Did you hear it from Sir William Draper?

A. I believe I did.

Court. Are you certain that you did?

A. I am.

Court.

Court. Do you recollect nothing farther of the purport of it, only something about capitulating against time?

A. Yes; and I don't recollect communicating that to any body.

Court. Can you recollect when you heard this from Sir William Draper?

A. Really, I don't know; I took very little notice of it at the time.

Capt. GEORGE DON called in.

Gen. Murray. Did I desire you to accompany me, on the 19th of January, 1782, to Col. Pringle's apartment, at the Carolina?

A. Yes; on the morning of that day, between two and three o'clock, I went with the General. We found Col. Pringle in his apartment.

Gen. Murray. Did I ask him for a paper written by Sir William Draper, which he, Col. Pringle, had shewn me the preceding evening?

A. Yes.

Gen. Murray. Did I, or did I not, ask Col. Pringle at what time he had received that paper from Sir William Draper?

A. The General did; and Col. Pringle answered, on the 14th of January.

Gen. Murray. Did any conversation pass between Col. Pringle and me, about that paper?

A. A long conversation ensued upon the subject.

Gen. Murray. Did you gather, from the conversation, what the contents of the paper were?

A. Partly I did: it appeared to me, that the paper contained Sir William Draper's ideas of the situation of the fortress, and the state of the garrison; and, from the reduced state of

both, that he, Sir William Draper, was of opinion, that the Governor should immediately propose to the Duc de Crillon a cessation of arms for a fixed period, at the expiration of which the garrison should capitulate upon the best terms that we could get.

Gen. Murray. Whether I desired Col. Pringle to wait upon Sir William Draper, and endeavour to obtain his permission to put the paper in question into my possession?

A. Yes; Gen. Murray did.

Court. What answer did Col. Pringle make to that request?

A. He said he would wait upon Sir William Draper in the forenoon, and communicate Gen. Murray's request to him.

Court. Do you know whether Col. Pringle did wait upon Sir William Draper?

A. I believe he did; because he returned that forenoon to Gen. Murray. He went into Gen. Murray's private apartment. After Col. Pringle was gone, Gen. Murray said to me, "Col. Pringle has waited upon Sir William Draper, to request the paper may be put into my possession;" and he said the answer was, "Sir William Draper had no objection to put the paper into Gen. Murray's hands, provided he would carry the measure therein suggested into immediate execution."

Sir W. Draper. Whether you have seen the questions Gen. Murray proposed, before you came into the Court?

Gen. Murray. He certainly did.

Sir W. Draper. Is that usual?

Judge Advocate. If the question is unexceptionable, I don't know that there is any harm in informing a Witness, that he is to be examined to this, or that point; but if the question be a leading

leading one, then it is improper for the Witness to see it.

Capt. Don. I knew the points I was to be examined upon, but I never told Gen. Murray what my answers would be.

Sir W. Draper. Were the questions which have been proposed to you, previously concerted between you and Gen. Murray?

A. Certainly Gen. Murray acquainted me that he would examine me to those points; and I saw the questions previous to coming into Court. I understood it was legal, for the opinion of the lawyers had been asked upon that subject; they said it was, but by no means that we should tell Gen. Murray what our answers would be: and therefore, without hesitation, I read the questions over and over again.

Court. But were the questions concerted between you and Gen. Murray?

A. Yes: Gen. Murray asked me if those questions were proper to the point; and they were framed to the point in question by Gen. Murray and me. I had minutes of the whole transaction taken down at the moment.

Gen. Murray. There was an affidavit made by Capt. Don before the Judge-Advocate, in the Fort, relative to this business: I asked a Counsel if that affidavit could be received in evidence, in this Court: he said, No, but we must frame the questions so as to bring before the Court the substance of that affidavit. The questions were framed accordingly; and I have here the affidavit, if the Court wish to see it. I saw my reputation was at stake, and I therefore took these precautions to authenticate the fact, in case either of us died.

Sir W. Draper. I thought Gen. Murray told us in this business he had no professional aid.

Gen. Murray. I have no professional aid in this business: I asked Mr. Erskine that simple question; and as to any aid in my defence, my style is pretty well known in the world, they may judge whether it is mine or not: I did not ask any of Sir William Draper's Witnesses if they had seen any of the questions they were to answer.—Witnesses should, in my opinion, know what questions will be proposed, before they come into Court; otherwise I have seen instances where they are over-awed.

Sir W. Draper. It shews plainly that the paper never was meant for Gen. Murray, because I never trusted him with it.

Gen. Murray. I had it in my hand.—Such a paper as that, I, as Governor, had a right to keep; and if I had done my duty, I should have put you in arrest: I ask pardon of my King and Country for not doing it, which was the greatest crime I committed.

Col. W. DE LINSING, of Prince ERNEST's Regiment, called in.

(This Witness was sworn on a preceding Day.)

[The Colonel not understanding English, an Interpreter was sworn.]

Gen. Murray. Whether you was a Member of a Council of War, held in Fort St. Philip's, on the 18th of January, 1782?

A. Yes, I was.

Gen. Murray. Do you remember any thing being stated, at that Council of War, as the opinion of Sir William Draper?

A. Gen. Pringle told a Member of the Council of War, that he had received a note from Sir William Draper, stating, that he was of opinion that a truce for a fortnight or three weeks ought to be effected or obtained, on account both of the ill state of the garrison,

garrison, and of the fort.—Gen. Pringle said he looked upon Sir William Draper as an experienced Officer, whose advice might safely be depended upon.

Gen. Murray. Whether there was any secrecy enjoined to the Members of that Council of War?

A. Yes, there was.

Gen. Murray. By whom?

A. Gen. Pringle told them that nothing ought to transpire of what passed at the Council of War.

Sir W. Draper. It is not quite to the point, but I must beg to ask Col. De Linsing, whether he discovered any symptoms of madness or bad conduct in me, during the time I was in the Island of Minorca?

A. No.

Major DE GRUBEN called in.

[The Witness not understanding English, an Interpreter was sworn.]

Gen. Murray. Was you a Member of the Council of War, held in Fort St. Philip's, on the 18th of January?

A. Yes.

Gen. Murray. Do you recollect any thing being stated, at that Council of War, as an opinion of Sir William Draper?

A. I could not positively upon my oath say there was, but I believe there was: it was said by Gen. Pringle, that there was a letter from an Officer of great experience, stating, that he was of opinion that a truce with the Duc de Crillon ought to be attempted.

[A Copy of the joint Letter of Col. Pringle and Major De Hagar to Gen. Murray, dated Mahon, April 6, mentioned in Col. Pringle's evidence, having been produced by Col. Pringle, was read by the Judge-Advocate.]

Gen. Murray. That is their opinion; and as far as it can go, it is in the breast of the Court to judge of that: I never knew, nor ever read of a garrison being defended to effect, after a capitulation was proposed. I was not capable of producing letters to this Court, to shew how much my Accuser reviled me before the Enemy, for making a bad defence:—I was obliged to tell the truth of what passed at the Council of War of the 18th of January, in order to defend myself.—All Europe will know now, and will judge of the fact: but I could have told a tale, if I had thought it related to the Court-Martial, very different from that letter.

The END of the EVIDENCE.

P

APPENDIX.

A P P E N D I X.

CORRESPONDENCE *between Lieut. Gen. MURRAY and Sir WILLIAM DRAPER.*

*From Gen. Murray to Sir William Draper,
Sept. 25, 1781.*

SIR, FROM the Enemy's proceedings hitherto, it may be imagined they do not mean to attack the place by regular approaches; indeed, as they may destroy our defences without any great risque to themselves, and that there is not the least appearance of any attempt to avail themselves of the advantages they possess to erect batteries for that purpose, it may be supposed their intention is to assault and take the place by surprise; of course, our first attention should be to provide against such an insult. The vicinity of the Governor's Barranca, and the little protection from the works we can give to the Glacis and Outward Covered Way betwixt the S.W. Lunette and the Carolina, must encourage an attack from that quarter; I mean, from the Governor's Barranca. *Query*, What can now be contrived, in addition to what is already done, to secure us there? Would a Grasshopper or two placed on the West face of the Outward Covered Way, to fire upon the column of attack, which naturally would march upon the produced capital of the Carolina, assist? Would another be useful, in annoying this attack, if placed in the S.W. face of the Outward Covered Way of the Carolina? And, for a further protection to the Carolina, would another be well posted in the S.W. face of the Outward Covered Way of the West Lunette? Will one in the N.W. face of the Outward Covered Way of the West Lunette, to fire on the capital of the Kane, be of utility?

As the Enemy, if they intend to carry the place by a general assault, will necessarily push at our vitals, they will vigorously attack the Inner Covered Way at the same instant they attack the Outward one and the Lunettes. Our inferior numbers invite them to embrace this idea. May not the Inner Covered Way be

strengthened by the remaining Grasshoppers? I mean, those not posted in the Lunettes; for certainly these cannot be placed to greater advantage than where they are. I judge it would be more difficult to push into the body of the place, covered by the Kane, Queen, and Anstruther, than by the attack upon the English line; but I think a push made betwixt the West Lunette and the Kane should be provided against as much as possible; the arch-way under the new work should be blocked up without delay. Will it be proper to erect a breast-work of barrels, filled with earth, high enough to protect the men employed in managing the Grasshoppers in the circular Barbet battery, in the rear of the Kane; or will a Barbet gun there answer the purpose as well?

The Sea Line is defended only by the flanking guns on that line; the guard, &c. at the new place of arms, which, with the piquet, will consist of only eighty-two musqueteers, ten of which are tentries, who, in case of a general alarm, must stick to their posts, can afford no protection to that line, but the fire from the place of arms. Can any thing be thought of for the better security of that line? If any guards of musqueteers are judged necessary, they must be composed of the seamen taken from the batteries in the Castle, the Countrywards, and Ravelines; which batteries cannot be allowed to act, in the supposition of a night-attack upon the outward line. Charles-Fort, in the present supposition, although a Becoyeu, will be of great utility, when the block-house to be made at the corn-store on the Cumberland is finished, which I wish to be done as soon as possible, together with the block-house and palisading at the top of the Burying-ground: we are as secure there as our number will allow us to be; at least, I can think of nothing we can do, at this time, to make us more so; nor can I suggest any further security for the Sea Line, towards St. Stephen's Cove, betwixt Charles-Fort

Fort and the South Lunette; which South Lunette must take especial and obstinate care of itself, in the supposed case: luckily the underground communications from it to the body of the place are well mined, and may be easily defended.

There are thirteen six-pounder carronades, and three of eighteen pounds. *Query*, May not they be properly employed in strengthening the Sea Line, or the Inner Covered Way, or some of them placed so as to act in the salient angles of the Redoubts and Counter-guards? N. B. If it is judged expedient to place any of the Grasshoppers in the Outward Covered Way, they may, in case of an alarm, be manned by the sentries in the Outward Covered Way, and a detachment of Artillery from the Lunettes, or rather as many of that corps as may be necessary for them, to be posted in the Lunettes every night, that there may be no diminution from the strength of the guns in the Lunette.

Query, If the two Grasshoppers proposed to be placed so as to play upon the produced capitals of the S.W. and Caroline Lunettes, were put in the Old Covered Way, betwixt these two Lunettes, would such a position answer the purpose?

Capt. Lawson, with a reinforcement to the Monarca's crew, will take the Guards in the Castle and subterranean communications from the main ditch; he says, he can be answerable for them: indeed, I think he may; as seamen are accustomed to the idea of being put to close quarters, and of defending them.

It would be very proper, if every Officer in the garrison was instructed what he is to do in every contingent event. Those appointed for shutting the doors, and putting out the lamp, in the communications, should be named, and should every night lie on their posts, with the men appointed for that particular duty; who, no doubt, will be trusty invalids, equal to perform it. If prudence would admit to exercise the regiments in taking up their posts, and altering their position as circumstances might happen, it would be right to do it; but the desertions which have happened, and the prospect of more, forbid that idea, lest the Enemy should know our resources.

Capt. Mayne, I am confident, may be relied on; his part in the supposed scene is an active and most essential one: indeed, our present situation requires all the vigilance, patience, and fortitude, of every one of us. Two traverses are proposed by Col. Brewse, to be (as I suppose) defended by musquetry; but, alas! we have not musqueteers to defend more essential objects.

Sir William Draper's Answer, Sept. 25, 1781.

SIR,

AS you have been pleased to give me your paper to consider upon, I take this liberty to acquaint you, that I do not think it necessary to place any more Grasshoppers in the Outward Covered Way, judging that the number in the several Lunettes is fully sufficient to defend the Glacis, and the Covered Ways respectively flanked by them. I am of your opinion, that the remainder may be very properly disposed of in the Inner Covered Way, and so placed as to play in the Enemy's columns, should a desperate attempt be made to rush in between the several Lunettes, and to force our places of arms. The artillery of the inner works seems to me of very little service in *night* attacks, especially if the Enemy can join our troops stationed in the Inner Covered Way and places of arms; therefore the Grasshoppers in the Inner Covered Way may be the preservation of the place, by their repeated discharges on the advancing Grenadiers.

It appears to me, that a very useful stockade may be planted between the S.W. Lunette and Caroline; as the distance between their ditches is little more than fifty yards: the old tough ship-timber is more difficult to cut through than the pallisades, and I believe there is a very sufficient quantity for the above-mentioned purpose. Your observations on the parts by which an Enemy might penetrate, seem perfectly just; but I think the Enemy's push between the Kane and West Lunette ably and greatly provided against by the new work. As an additional security, three Grasshoppers may be placed in the Inner Covered Way, and in the right face of the West Counter-guard; and, as the Inner Covered Way on the side is so much higher than the Outward, it will command and scour all the Glacis on the left face of the Kane; and the Grasshopper and three guns in the new work will effectually rake the Glacis and Covered Way on the right face of the West Lunette. I am of opinion, likewise, that the carronades may be brought into good use, for an additional Defence of the Sea Line. I think your ideas and projects, for the defence of the subterrains, perfectly just; and will do all in my power to carry them into execution.

I am,

SIR,

With great respect,

Your most obedient and faithful servant,

(Signed) W. DRAPER.

P

SIR.

SIR William Draper presents his respects to the Governor, and begs the favour to be informed, what his *definition* of the *Out-line* is; Sir William Draper thought it comprehended the out-works in general: on that supposition, as he was charged with the *defence*, he imagined some traverses in the Covered Way necessary for that purpose. He finds they are forbid; therefore desires to know the extent of his command. Gen. Murray gave Sir William Draper an order to put the place in the best state of defence he possibly could: upon *that* principle he has acted, and no other.

Fort St. Philip's, Oct. 4, 1781.

LIEUT. GEN. Murray presents his respects to Sir William Draper; he means, by the *Out-line*, all the defences beyond the Inner Covered Way, viz. Lunettes, Mines, Fougasses, Stone Mortars, &c. Sir William's definition of the *Out-works* comprehends the whole of this Fortification, which consists only of *Out-works*, inner and outward, with regard to the old Castle; of course, Sir William must have imagined Gen. Murray had divested himself of the command of the place, from a consciousness in himself, which is by no means the case. He certainly did, when he left the Fort last summer, beg of Sir William Draper to put the place in the best state of defence he could, and to endeavour to execute what had been projected betwixt Sir William and himself. Lieut. Gen. Murray will for ever think himself obliged to Sir William for his exertions; he would be happy now to be assisted with his advice, as would likewise the Chief Engineer; but 'tis uncommon for a Governor to have works carrying on, when he is present upon the spot, without his knowledge. Lieut. Gen. Murray would have been much obliged to Sir William Draper, if he had explained to him the utility of the traverse in question; which, at this moment, neither he nor the Chief Engineer can see: but they see it would impede a gun, which was placed in the new work, for the defence of that branch of the Covered Way, and of course a great protection to the guard in the place of arms, which Sir William so ably projected for the defence of the stairs leading from thence to the ditch of the N.W. O. Ravelin. They think the carronade to be fixed in the palisades of the Covered Way, where the traverse was to have been made, will be a better protection to the frieze of the new work, than the few men which might have been posted there for the purpose with their muskets.

Oct. 4, 1781.

THE Governor presents his respects to Sir William Draper, and begs he will let him know the number of Officers and Men, exclusive of the Artillery and Seamen, which he thinks are necessary for the defence of the *out-line*, and the subterranean passages from it to the inner works; that a disposition of the remainder may be made for the defence of the Inner Covered Way.

Oct. 6, 1781.

SIR William Draper presents his best respects to his Excellency; and, in answer to his question, takes the liberty to inform him, that he judges fifty for the South Lunette, sixty for the S.W. forty for the Carolina, and sixty for the West Lunette, a very sufficient number for the purposes he mentions: he is not for risking a greater proportion, lest the remainder of the garrison should be too much weakened. At the South Lunette is unconnected with the others, he thinks a Captain and fifty necessary there. As the subterraneans of the South-West, and West, in some measure protect those of the Carolina, he gives more to them than to that work. The circumstances of the defence must depend so much upon the nature of the Enemy's attack, that it is very difficult to be precise upon the subject: if the formality of a siege takes place, and a breach be made in any of the Lunettes, he presumes, that if a determination is made to defend it, the number must vary accordingly. Against a *coup de main* only, he is not for risking more than he has mentioned on the *out-line*, &c. He judges a Captain necessary for the South-West, and also the West; and an old Lieutenant for the Carolina: the other Officers in the usual proportion; and one Field-Officer to the three Lunettes which are connected together. He thinks the Pantoon intrenchment and the Hospital Line can only be defended from the works which respectively command them.

Oct. 6, 1782.

Message sent from Gen. Murray to Sir William Draper, by Capt. Don, Adjutant-General, Nov. 11, 1781.

GEN. Murray presents his compliments to Sir William Draper, and begs to know if he thought it proper that the two Sergeants'-guards in the Outward Line, posted at St. Stephen's, and in the rear of the circular fascine battery, should be retired into the Inner Covered Way*, and to furnish the sentries from thence for the Outward Covered Way.

* When Capt. Don had delivered the above message to Sir William as far as Covered Way, he stopped him, and

and said, "He was deprived of all command by the orders of the 15th of October, which was such an affront shewn to him, that he would insist on a General Court-Martial, to decide who was in the right or wrong in regard to that, as well as other things: That a General Officer on the Staff, and in his situation here, to be obliged to apply for permission to fire a gun, was a thing unheard of, and extremely insulting to him." He then mentioned something that had happened between him and a Captain of Artillery (meaning Capt. Fead), and in general terms expressed his being much hurt by the insults offered to him by Gen. Murray. He desired Capt. Don to communicate this to Gen. Murray, and then gave him to understand he had no further commands.

St. Philip's Castle, Nov. 12, 1781.

SIR,

IT gave me infinite concern to receive the inclosed to a message I had the honour to send to you yesterday by the Adjutant-General. I am very conscious I never had done any thing to give you offence. I told you, before, I would do all in my power to please you, but that of divesting myself of the command which his Majesty has been pleased to confer upon me. I gave you a very large share of it; and, for the sake of peace and harmony, which should subsist in the garrison, I did, and would have continued to, wink at the contempt and neglect you have shewn, by never reporting to me the changes you have made, and the occurrences which have happened, in the department committed to your charge as Lieutenant-Governor. I judge the orders of the 15th of last month to be both proper and necessary; and therefore I cannot retract from them: I flatter myself a Board or Court-Martial, composed of General Officers, who alone can determine the point, will justify me. I heartily wish for a thorough investigation of it, from the first day of your arrival in Minorca. At present, it is necessary to know if it is your pleasure to act as Lieutenant-Governor of this garrison; because, if you will not, I must make my arrangements accordingly.

I have the honour to be, &c.

(Signed) JA. MURRAY.

Sir William Draper.

Fort St. Philip's, Nov. 12, 1781.

SIR,

I OWE too much to his Majesty and the Public, as well as to my own character, to decline acting in my post as Lieutenant-Governor. As the discussion of the point in

question will come before a proper tribunal, for that I shall reserve it.

I am, &c.

(Signed) W. DRAPER.

To Gen. Murray.

St. Philip's Castle, Jan. 9, 1782.

SIR,

COL. PRINGLE thinks the Garrison of the Marlborough needful to enable us to defend the other works; of course, that the Marlborough should be blown up. For my own part, I see a number of strong objections to this mode of reinforcement: it is true, we are very defective in fuzileers; but, as soon as our cannon are intirely silenced, we shall be reinforced, in our defences with small arms, with the Marine Corps, who, at least, may take all the labour, and leave every soldier to do the duty with arms. I never was obstinate, and therefore wish, if agreeable to you, to submit Col. Pringle's proposition relative to the Marlborough to your consideration and opinion; and, if you think proper to consult with Gen. De Sydow, Col. De Linling, Col. Acklom, and Col. Brewse, upon it, I can have no objection. In the mean time, I think it necessary to remark, that we are not yet arrived to the proper stage of the siege to abandon the Marlborough intirely. If it shall be thought expedient to blow it up before we have disputed the possession of it with the Enemy, a smaller Garrison than the present may suffice; if you think so, I shall chearfully diminish it, to reinforce us on this side. If my ideas of the Enemy's intentions are well founded, I judge the Marlborough may be of great importance to us. My ideas are founded upon the intelligence I have had, that the Duc de Crillon, from the apprehensions of his army, does not mean to storm this place, until by his miners he can render our defences below ground as feeble as he, with eighty-six pieces of cannon, and thirty-six mortars, can our defences above. The sap they are now pushing from the Water-Tower points out something like this.—It may be done with a view only of approaching us on that quarter, to set their miners to work: they are already too near from the Great Barranca and the Gallows. The Marlborough will give more annoyance on that side than the Argyll, Queen, and Anstruther, in the state they soon must be reduced to, can give from the Water-Tower. I candidly, Sir, give you my notions, and will with confidence submit them to you, and the Officers I have mentioned, if you

you judge it proper to assemble them ; but, if you do not think such a parade necessary, I shall be very happy to have your own opinion only, which I do assure you ever had, and ever will have, a very decisive weight with me.

I have the honour to be,

With very great truth and esteem,

SIR,

Your most obedient and
most humble servant,

J. A. MURRAY.

Sir William Draper.

Jan. 9, 1782.

SIR,

IN answer to your Excellency's letter, relative to the demolition of the Marlborough, I am humbly of opinion that such a step may be necessary in some ten days time : at present I think an immediate reduction of its Garrison very expedient, as our number on this side are greatly reduced by sickness, death, desertion, and the absence of eighty seamen. The Enemy's grand attack is so forcibly declared on the Queen, the N.W. Outward Raveline, and the North Horn-work, that there can be no doubt of their intention to penetrate through that front ; and, from the condition these Works are already reduced to from a superior fire, I think a general storm may be attempted in a fortnight's time. It is also my opinion that the Enemy will not wait for the fatal effects of our great mines without the Queen and Kane ; nor do I believe they will erect any Batteries on the crest of the Glacis of either work. I shall be very glad to find myself mistaken in my conjectures.

I think, Sir, that two companies of Prince Ernest's Regiment may be drawn back to the interior works on that side.

I am,

SIR,

With great respect,

Your most obedient servant,

WILLIAM DRAPER,

Lieut. Gen.

The following verbal Message was this Day sent by Gen. Murray to Sir William Draper, by the Adjutant-General.

GEN. MURRAY's compliments to Sir William Draper, begs leave to submit the disposition of the Hanoverian Inner Line to his consideration ; and requests he will acquaint him if he judges any alterations necessary.

Jan. 12, 1782.

SIR,

I THINK that the Covered Way immediately on the right of the place of arms, before the North Horn-work, is a better post than the place of arms itself ; as there is room to act in ; and the little post, where the two guns are placed, is a most excellent position to support it on the right. The guns in the lower part of the North Horn-work, which scours the Covered Way on the right of the N.W. Outward Raveline, are still serviceable, and ought to be manned, and used. The first post to be maintained, in my opinion, is the little place of arms in the rear of the Kane ; whether the attack is made between the Kane and the West Lunette, or the Kane and the Queen's Redoubt, an Officer and twenty men should maintain that post ; and the two Grasshoppers, the one in the traverse, and the other in the work itself, should be manned and used. There are several guns on the right face of the N.W. Outward Raveline in good condition for firing ; the guns on the right flank of the Kane are perfectly good. Should the Enemy attempt to penetrate through the Kane and the Queen's, almost all the guns on the left of the works (that is) from the left face of the West to Charles Fort, have suffered very little, and, I am of opinion, should be fully prepared. If the Enemy attacks us seriously on this or any other night, his own fire of guns and mortars must cease, when several of our guns, although too feeble to resist his Batteries, may be used with grape to destroy his Troops when approaching to, or when in our Covered Way, or even places of arms : therefore I am by no means for placing the seamen in the subterrains ; I think they will do us more service in being stationed in the places I have mentioned, to use the great guns, under their proper Officers, and the assistance of ours. I have no doubt but the Electoral Troops, aided by such able and brave Officers, will do their utmost for his Majesty's and their own glory :—they have studied their parts of the intended attack upon us. I do not presume to alter any thing but the little I have mentioned.

I am,

SIR,

With respect,

Your most obedient servant,

(Signed) WILLIAM DRAPER,
Lieut. Gen.

Fort St. Philip's, Jan. 12, 1782.

Jan. 12.

January 12, 1782.

SIR,

I Think, as you do, that every gun that can be fired must do its duty in case of an assault. They are all loaded with grape, and have the necessary supply of ammunition for such an event. Fire-balls, of both dimensions, are lodged in the advanced works. I wish to have guns left us to resist an attack. Surely no man can imagine our guns that act (all which I know perfectly well) are to be idle on such an occasion: they will be all stoutly manned, and well supplied, without the aid of the Sea Captains, appointed to the subterranean.

I think, with regard to the Hanoverian disposition, that it is a very soldier-like one: it should not be altered, as they like it. Had I made it, there would have been more men in the Inner Covered Way, to retreat to the posts mentioned in their disposition, where I would have posted cool Officers and men to cover their retreat, as we have done in the British line. I do not think, that even the Inward Covered Way is to be, or can be, with our number, obstinately defended: the places of arms must. Three or four good and cool discharges may be made on the advancing Enemy, by all the men we can spare, after providing for the defence of the places of arms, and the interior works. This is the disposition of the interior British line, and I trust it will be executed without risk or confusion.

I have the honour to be, &c.

(Signed) J. MURRAY.

P. S. There is not a seaman to be taken this night from his former post. The Grasshoppers are all ordered to be manned, and have been constantly so when an alarm happens. They are all manned from the Artillery, posted in the interior works, the batteries of which cannot act in an assault.

SIR,

LIEUT. Col. De Hagar has sent me the inclosed report from Lieut. Neville, which I have the honour to transmit. During this stormy weather, Charles Fort cannot be in danger; although there seems to be a determined attack against the right face of it from Turk's Mount, both from shot and shells, two of which fell upon it whilst I was there, but did no material damage.

I am, Sir,

With respect,

Your most obedient servant,

(Signed) WILLIAM DRAPER, L. G.

Jan. 13, 1782.

N. B. Lieut. Neville reported that several seamen were taken from Charles Fort.

SIR,

I Assure you there never was an idea of taking a man from Charles Fort, Capt. Blakeney excepted. He, Capt. Harman and Crawford, with Capt. Hewison, were judged steady men to take the charge of the communication from the main ditch, and the necessary number of seamen, which could be spared from the interior silenced guns: but as it is with difficulty to get men enough for the guns we can still use on the defensive, I have left the sailors for the guns, but posted the Captains Harman, Hewison, and Crawford, in the communication. I wish I could give them seamen, and the poor battalions, to be as strong as possible.

I am afraid the Prince of Wales's Battery is no longer tenable. Destroyed as it is, an immediate and too safe an attack may be apprehended. If the troops posted there are attacked, and obliged to retreat, the Enemy may follow them pell-mell: the consequences would be unpleasant; indeed they might be no less than cutting off the communication with the Lunettes. Will it not, therefore, be advisable to withdraw from thence, and take post in the N.W. outward raveline, and West counter-guard? These places are repairable by cantoon-bunkets, and sand-bags, to heighten the parapets where most hurt. If this plan takes place, the communication to the bottom of the stair-case must then be blocked up securely. I shall be very happy, Sir, to have your opinion of this matter. Boxes of grenades may be placed in the stair-case, and fired from a train below. I wish we may not soon be reduced to do this, or something like it, with all our stairs. It is to be lamented they were not all made bomb-proof: but who could have imagined that 178 pieces of cannon, and forty-seven mortars, of the largest calibre, would have been brought to pulverise this wretched hole, defended by 1400 invalids, and 600 seamen and others? The Duc de Crillon, I think, may roar and pound with his artillery; he must use other instruments to reduce us to extremity. He is as superior to us in miners, as in weighty metal: I judge, for that reason, he will, when the weather permits, endeavour to establish himself at Charles Fort and the Marlborough, and attach his miners on this side St. Stephen's Cove. This mode will be tedious, it is true; it is such a one that neither you nor I would probably have adopted, had we been in his situation; but he has raw troops, is not an economist in ammunition, and perhaps has orders not to risque a general assault. I candidly give you my notions of our situation, and am very confident, for the good of the service of our Master, and the honour

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nour

nour of the arms of our country, you will favour me with yours, which I once more assure you has great weight with me.

Col. Brewse told me yesterday, you wished to have the mines on the Glacis loaded: they were once so, but drawn again at the desire of Col. Brewse, who declared, if these mines were loaded, we were deprived from countermining the Enemy. If their plan was to attack us under ground, he said our mines could never be looked upon in any other light than Galleries de Coute; as they were too advanced from the crate of the Covered Way to overset the Enemy's batteries erected there. This is now out of the question; and I most cheerfully consent to their being loaded, and fired when you think proper. I think, however, as I am told you do, that this will be an operation of *éclat*, rather than of utility. I have set on this day the miners to charge the mines in the subterranean communications. I dare say you will think it high time to push that necessary work: a few days will finish it: but if you are impatient to have the mines in the Outward Covered Way loaded, the company may be divided, and employed in both.

I have the honour to be,

With truth and esteem,

SIR,

Your most obedient,
and most humble servant,
J. MURRAY.

SIR,

I Have had the honour of your letter; in answer to which, I take the liberty to inform you that I was ever, and am now, of an opinion that a Coupure should be made across the place of arms, called the Prince of Wales's Battery, to defend the approach to the draw-bridge on the one side, and the communication from below on the other. There are large barrels in the N.N.W. Outward Raveline: these, at present, are all taken up to cover the mortars in that work; but I think many of them may be spared, and with their contents form some defence for the place of arms. If nothing of this sort can be effected, the post is undoubtedly weak, for want of a ditch before it; which I have often lamented the want of, foreseeing the inconveniency; as also knowing that it would do little as a battery, and be totally exposed to a most heavy fire, which would destroy all the palisades before it, as they were so unluckily placed. However, as things now are, we must look forward. If no defence is made in the spot, the Covered Way on the right and left of it must be abandoned likewise, because

it depended on the place of arms for its *flank fire*, and a retreat, if its defenders were repulsed: so that the whole front between the West Counter-guard, and N.W. Outward Raveline, is laid bare of support but from these works only. I must own I think it is sacrificing too much at once. All the Fougasses near it may certainly be loaded in the night, which will give it additional security. If it be thought absolutely necessary to abandon it, the stair-case must undoubtedly be taken away; but I must own, I am no friend to the boxes of grenades placed at the bottom, as an unfortunate shell may do much mischief by their aid.

I am, Sir, with respect,

Your most obedient servant,
WILLIAM DRAPER.

Sunday Night, Jan. 13, 1782.

SIR,

I Find, by your disposition, that the Inner Covered Way, and the places of arms which should be its protection, are to be given up, and the troops destined for its defence withdrawn. The resolution is very serious; and deserves attention; and, in my humble opinion, *reconsideration*; because, Sir, if the Inner Covered Way is given up, what fire is there to check the Enemy when advancing between the Lunettes, when they are attacked by their Gorges? These Lunettes must owe their preservation, if they are attacked, to the annoyance and loss the Enemy must sustain from the fire poured in from our Inner Covered Way. The miserable fire of ten or twelve men, stationed in the Gorges of the out-works, is of *little moment*; therefore, if the fire of the inner line is removed, all is lost. I should never, Sir, have thought myself equal to the defence of the outline, unless I had flattered myself with a certainty of support from the inner: that support being withdrawn, I confess myself unequal to the task, and by no means responsible.

I am, Sir, with respect,

Your most obedient servant,
WILLIAM DRAPER, L. G.

January 16, 1782.

To General Murray, Governor.

January 16, 1782.

SIR,

I Wish to avoid all altercation with you at present: I, and I alone, am responsible to my King and my Country for the defence of this place. I have penetration enough to know that you have, for some time, been determined to find fault with every thing I do. You approve of the Hanoverian line quitting their Covered

vered Way; you disapprove of the English retreating within their works, to save the place from being taken by a Coup-de-main, or the seamen and soldiers from breaking open the store-houses, particularly the rum cellars; for if we post the whole of the troops (exclusive of those you have required for the defence of the Lunettes) in the Inner Covered Way, we shall not have men to protect our magazines. We have none now to work. In short, I will not, with so pitiful a handful of worn-out men, undertake the defence of the Inner Covered Way, and give the Enemy an opportunity, or rather a certainty, of entering pell-mell into the body of the place, in pursuit of the few, although our all, who certainly cannot be supposed able to resist them long in the Inner Covered Way. To attempt this, would be having a short siege indeed: I mean it shall be a long one, which will do honour to the Troops, and the Officers commanding them. Every attempt to take the command of the Garrison from me will be ineffectual. If you, Sir, decline the part of the defence I have assigned you, I shall appoint another.

I have the honour to be, &c.

J. MURRAY.

To Sir William Draper.

I DENY, Sir, that you alone are responsible to your King and Country for the defence of this place: my commission as Lieutenant-Governor tells me to take this island, its fortifications, *forts*, and *castles*, under my care and charge; I therefore, in his Majesty's name, require you to call a Council of War, to consider our situation, according to the rules and usage of our profession. Your insinuation, that I am attempting to take the command from you, is *false* and *infamous*. I mean, Sir, only to have justice done to the place and garrison. I must decline acting any longer, if you refuse this.

I am,

SIR,

Your humble servant,

WILLIAM DRAPER, L. G.

Jan. 16, 1782.

Jan. 16, 1782.

SIR,

AT present, I have only to say, in answer to your last letter, that I am ignorant of any rule or usage, in the service, for a Commander in Chief to call upon a Council of War, to make his disposition either of attack or defence. I have consulted most of the prin-

cipal Officers in the garrison with regard to our situation, and risking the fate of the place upon the Inner Covered Way. Some are tender in giving any opinion, saying it is beyond their depth and experience: others give it clearly as theirs, that the Covered Way should only be defended in part, as long as our communication with it can be preserved. I am of that opinion. As you decline the execution of the command I assigned to you, and will not obey your Governor, it is better for the service that you should be taken at your word. Such an example of disrespect, and contempt of a Governor, is inexcusable at all times; in the present situation of affairs here, I think it cannot be justified; and therefore Col. Pringle will take the command of the outward British line, and Col. De Linfing that of the Hanoverians: the King is to determine first whether you or I is in the right with what regards his service. As to personal abuse, I shall do justice to myself, you may be assured, when the proper time arrives.

I am,

SIR,

Your most obedient servant,

JA. MURRAY.

Sir William Draper.

THE Governor presents his compliments to Sir William Draper. When Sir William declined acting, and the Governor consented he should not, it never was meant by the Governor that Sir William should be in arrest: the Governor only means to lay the whole matter before the King; his Majesty is to determine how the business is to be decided: it cannot be discussed by a Court-Martial here; and therefore it cannot be supposed that it ever was the Governor's intention to confine Sir William, although he agrees to his not acting as Lieutenant-Governor.

January 22, 1782.

SIR,

I AM to acknowledge the favour of your letter, delivered this morning by your Adjutant-General; and have only to say, that I am perfectly indifferent as to your mode of proceeding. I depend upon nothing but the justice of my cause.

I am,

SIR,

With respect,

Your most obedient servant,

WILLIAM DRAPER.

Fort St. Philip's,

Jan. 22, 1782.

END of the CORRESPONDENCE.

COPIES of PAPERS which were laid before the PRINCIPAL OFFICERS of the
Garrison of Fort St. Philip by his Excellency the Hon. Gen. MURRAY;
And their ANSWERS to him.

St. Philip's Castle, Jan. 18, 1782.

GEN. De Sydow, the Colonels, Lieutenant-Colonels, the Chief and Second Engineers, and the Commanding Officer of Artillery (Lieutenant-Colonel Walton), are intreated by the Governor to consider what follows, and to give their opinions at large, in writing, upon every consideration. Our situation is critical and nice, and the Governor wishes to take the advice of the principal Officers in the Garrison, which he is certain will be given candidly, and for the honour of his Majesty's arms.

IT must be allowed a maxim, without exception, That the longer a Garrison holds out, the more honour is due to that Garrison; it must of course follow, that nothing should be risked by a small Garrison, well provided with every thing which contributes to shorten the siege. Large Garrisons may wish to invite the Besiegers to enterprises, in the execution of which they must lose many more men than the besieged: indeed, overgrown Garrisons, perhaps, should obstinately defend the Covered Way; although there is no instance I know of where the Besiegers failed in the attack of the Covered Way. On the other hand, it is certain the assailants generally lose three times the number in the obstinate defence of a Covered Way.

The question at present is, Whether our strength will admit of the obstinate defence of our Inward Covered Way, the retreat from which being by narrow stairs, and not many of them, and there being no men left in the Garrison to defend the Ditches and man the Ravelines, to protect and give time to recover the confusion of a night retreat of beaten troops, followed pell-mell into the vitals of the place, is to be risked? In the supposed case, in my poor opinion, the consequence must be equally as disgraceful as fatal. The enemy are well acquainted with the passages from the Lunettes into the Ditches. At the very time they pursue the part of our baffled, feeble Garrison, which retreat from the Covered Way, they seize upon the defences we have made to cover the retreat of the troops from the Lunettes: this they will do with ease. So the defences for the preservation of the retreat from the Lunettes must, without the loss of a man, become

theirs, and the troops in the Lunettes surrender prisoners at discretion.

If the Inner Covered Way is defended partially by a sufficient number of men, to attempt the defence of the *Places d'Armes* there, men for that purpose may be found, and the security of their retreat may be coolly secured by the men posted in the Ditches. But how precarious are our stairs from the *Places d'Armes*! one round of the enemy's mortars may, in half an hour, destroy them all but one, viz. that in the rear of the Kane.

The Governor has made a disposition of the troops, in case it should be judged expedient to defend the Inner Covered Way partially; it is laid before the above Officers for their consideration, and advice to improve it. It has been said, that there is little dependence in the defence of a Ditch from the flanking fire of four or eight Musketoons; but when it is considered that the Enemy must, man by man, come by ladders only into the Ditch, our Grenadoes above will not be idle. Add to that, twenty men to charge them with their bayonets when attempting to form, these men will certainly succeed, and overthrow the ladders. The men employed in this part of the defence need run no risque from our grenadoes above: a signal below, either by fire or drum, may be settled to warn the troops above to cease or renew the throwing their grenades. It is to be considered, the descent into a Ditch, in the supposed case, is very different from that into a work attacked and filled almost up with the Breach made in the Scarp. In this case, the Enemy have every material necessary at hand, from the immediate vicinity of their approach, to fill up the Ditch: in the present supposed one, they must be brought from a great distance by unarmed men, who probably will drop them, and throw the ladders likewise, as even our troops did at the attack of St. Lazar.

Those that are of opinion that the Inner Covered Way is to be defended obstinately, will consider our numbers, which indeed is not equal to manning or lining it; for there is an absolute necessity in that case to reinforce our guard considerably within, for the protection of our magazines, and other purposes. The worn-out feeble state of the Garrison is a circumstance to be weighed, which it is expected men are to make a vigorous resistance

sistance in the defence of a wretched Covered Way at first, but particularly so now, from the Pallisades being destroyed, upon which the fate of the Garrison must instantly depend. It may likewise be considered, that in this disposition of risking all, in the defence of the Inward Covered Way in question, we may, with justice, be accused of wanting that patience and firmness, which, by prolonging the siege, we shall have opportunities of exhibiting. Courage is common almost to all men; patience, fortitude, and steadiness, distinguish the good soldier, and, I humbly judge, is the only mode we have to get honour and a good capitulation, when we are reduced to the utmost extremities.

The questions, therefore, are three.

1st. Are we to risque the fate of the place upon the obstinate defence, in as powerful a manner as we can, of the Inward Covered Way?

2d. Are we to make a disposition, leaving only part in the Covered Way, such only as are necessary for the defence of the *Places d'Armes* for some time, who may do execution against the assaulting enemy, and coolly retreat without loss?

3d. Are we to reinforce the Covered Way by more men than those proposed for the *Places of Arms*? If we are, what number is proposed by the Officers who shall be of that opinion?

The Governor thinks it right, on this occasion, to declare that his opinion is in favour of the second question, as long as the stairs and places of arms remain entire. When they are destroyed by the thundering artillery of the Enemy, which may reasonably be expected hourly, we have no alternative: the Covered Way in question must then be entirely abandoned, except the Place of Arms at the salient angle of the North West Outward Raveline: this should be guarded for a *Sortie*; it may be mined, so as to be blown up at any time, if we are obliged to abandon it.

The Governor wishes not only to have the advice and opinion of the Officers, of what has been mentioned above, but of every thing which may occur to them which they judge may be necessary, and may have escaped the attention of the Governor.

(Signed) J. MURRAY.

To Major General De Sydow, the Colonels, Lieutenant-Colonels, the Chief and Second Engineers, and Lieutenant-Colonel Walton, Commanding Officer of Artillery.

* The Papers laid before the Council of War, were, The Disposition of the Troops—Retain of the Set-viceable Guns—State of the Corporal Garrison.

St. Philip's Castle, Jan. 18, 1782.

May it please your Excellency,

HAVING considered your Excellency's paper, addressed to us, with the queries annexed, and also the enfeebled and harassed state and condition of the Garrison, &c. we are of the same opinion with your Excellency.

First, That the state of the Garrison is such, that we apprehend it could make but a feeble resistance in manning the whole of the Interior Covered Way.

Secondly, That we are of opinion a partial defence of the Inner Covered Way will not afford sufficient protection to the advanced works, nor prevent the Enemy from getting into the adjacent Ditch.

And therefore we think, that without a sufficient protection from the Inner Covered Way, the advanced works cannot long resist a serious attack; nor do we think, that the fire from the Inner Works, ruined as they are, would much impede or annoy an Enemy.

Thirdly, We are of opinion, that when the advanced works are forced, or the Enemy gets into the adjacent Ditch, by leaving these advanced works behind them unattacked, the retreat of the men in those works must be cut off, and the Fort probably soon obliged to surrender on terms disadvantageous to the Garrison.

Thus, Sir, we have done our utmost to answer the questions your Excellency proposed to our consideration.

Now, Sir, we shall come to such general ideas, as have occurred to us, and which your Excellency was pleased to require of us.

We beg leave to represent to your Excellency, that from the foregoing considerations, and the ruinous state the whole, and particularly the advanced works, are reduced to, from the uncommon cannonade and bombardment which has incessantly been kept up against them, and the inability of the Garrison to protect them from the Inner Covered Way, they are not in a condition to resist an assault, and of course no defence to the Fort, which must probably yield to the Enemy, on their own terms, soon after those works are taken or cut off, if no relief arrives from Great Britain before such an event happens.

It is therefore humbly proposed, in order to get the most honourable terms for the Garrison, and the most advantageous to the Crown, and the most probable method of prolonging the siege, to give time for such relief to arrive, if it is the intention of England to send any.

R. That

That a suspension of arms be proposed to the Duc de Crillon, for a certain number of days to be named; and if before the expiration of that time, not any effectual relief arrives, the Fort to be given up (on the most honourable and most advantageous terms) to the superior force of the Enemy.

(Signed) *H. B. De Sydow*, Major General.

G. W. Linfing, Colonel.

Henry Pringle, Colonel.

John Brewse, Colonel.

John Acklom, Colonel.

H. De Hagar, Lieut. Colonel.

C. H. De Gruben, Lieut. Colonel.

W. Gauntlett, Lieut. Colonel.

James Cafe, Lieut. Colonel.

Gilbert Townsend, Captain.

St. Philip's Castle, Jan. 18, 1782.

Brother Officers,

WITH great attention I have considered your paper, in answer to what I had the honour to propose, and lay before you this day. Your answer takes in a latitude I never meant to give you, that of the prudential reasons for entering into terms of capitulation with the assailants. The stage of the siege can by no means, in my opinion, admit of that: our only consideration at present is how to prolong our defence; it was upon that point, and that point alone, I consulted you. The idea of capitulating to me seems a very distant one; indeed it is mortifying that the experience I have had in the service has so little weight: the reputation I have acquired in it will not admit of my consent to propose any terms to the Enemy for the surrender of the place till we are drove to the last extremity; I have promised so to his Majesty; I told his Ministers we looked upon ourselves as a forlorn hope, who would glory in doing our utmost for the honour of our Master's arms. To think at this period of any reinforcement from England, must be chimerical; all we have to be solicitous for is our own glory: this is a consideration, in my poor opinion, infinitely beyond the political ones relative to the conservation of the seamen, the utility of the troops in future service, and the risque we run of being forced to surrender at discretion. I will pawn my military reputation that we shall never be reduced to that necessity. Believe me, I mean to be prudent, but intrepid. Some confidence I expected would have been put in me; but as it is the opinion of the principal Officers of the Garrison (for without their concurrence I can expect little from the troops), I can only demand this

obedience in the execution of my ideas, which in the most solemn manner I do. If it is not to be granted, I am no longer the Governor; I resign the command to the Lieutenant Governor, who is a better Officer, I sincerely believe, than I am; I am sure he is a better politician: so there may be no demur or uproar on the subject.

I have, &c.

(Signed) J. MURRAY.

To General De Sydow, the Colonels,
Lieutenant-Colonels, and the Chief
and Second Engineers.

Fort St. Philip's, Jan. 19, 1782.

SIR,

WE have had the honour to receive your Excellency's letter, in answer to our opinions of yesterday.

We beg leave to assure your Excellency, (notwithstanding our unanimous opinion is not so happy as to meet your Excellency's approbation) that we are perfectly satisfied, and at all times determined to obey your Excellency's orders.

S I R,

With great respect,

Your Excellency's most obedient,
and most humble Servants,

(Signed) *H. B. De Sydow*, Major General.

J. W. Linfing, Colonel.

Henry Pringle, Colonel.

John Brewse, Colonel.

John Acklom, Colonel.

H. De Hagar, Lieut. Colonel.

C. H. De Gruben, Lieut. Colonel.

W. Gauntlett, Lieut. Colonel.

James Cafe, Lieut. Colonel.

Gilbert Townsend, Captain.

Proceedings of a Council of War, held in the Governor's House in St. Philip's Castle, on Friday, the 25th of January, at four o'clock in the afternoon.

His Excellency Lieutenant General MURRAY,
Governor, PRESIDENT.

M E M B E R S.

Gen. De Sydow, Col. De Linfing,

Col. Pringle, Col. Brewse,

Col. Acklom, Lieut. Col. De Hagar,

Lieut. Col. De Gruben, Lieut. Col. Gauntlett,

Capt. Townsend.

THE above Members being assembled, the Governor addressed them as follows:

THE Governor has the utmost confidence in the Officers assembled; he thanks them for their last opinion, but is sorry he cannot acquiesce with them in it.

He

He judges, that in our situation, the place should be defended to the last extremity, we being here as a forlorn hope, left to give specimens to the world of the bravery of the King's troops, both British and Hanoverian; and that idea must be pursued, as long as prudence will admit; and the Governor is determined to endeavour to put it in force.

He has called the Officers present together, to give their aid and assistance, by their advice, to support his determined efforts in the execution of that idea.

In consequence of which, he thinks it necessary to lay before them the present situation of affairs, that by affidavits, and the most accurate examinations which he has been able to make, (which affidavits and examinations are laid before the Council, and hereunto annexed) it appears certain that the Enemy are now undermining the Marlborough.

The Governor thinks, if that is clear to the Council, that the Marlborough, with every thing that can be useful for the defence of the Garrison, should be retired, and the Marlborough abandoned and blown up, and that without loss of time.

Humanity dictates this; the reinforcement that would be destroyed, in case the Enemy blows up the Marlborough, is necessary for our future defence.

By the information of a deserter, an attack upon Charles Fort seems determined; to the Governor it appears probable. The reinforcement of the Garrison of the Marlborough, and others which are destined, will, it is presumed, render the attempts of the Enemy there abortive.

Last night a Serjeant, and four of the Corsicans, deserted to the Enemy from Fort Marlborough; and this day, by the united information of several sentries, the troops from Capé Mola, and the French Camp, to the amount of 2000 men (as well as they could guess) marched from their posts and encampments towards Mahon. From thence the Governor judges the Enemy mean an assault; and he thinks the signal for the assault may be the blowing up the Marlborough by the Enemy; and that is his reason for wishing to retire the troops from the Marlborough this night, and blowing it up as soon as it is expedient.

He has no doubt but that, in an universal assault, the Queen will be one of their principal objects, being reduced (in his opinion) to such a degree, that it is rendered above ground indefensible.

The General may be mistaken with respect to the situation of the Queen; and therefore

the Chief Engineer, in his seat, is desired to give his opinion of the state of that work.

The Chief Engineer's opinion, relative to the Queen, is, that the defence from the ramparts of the work is at an end; and that he does not find, from the number of men which he believes the Garrison can afford, as working parties, and from the materials of which we are in possession, that it can be restored to any reasonable degree of defence:

That he thinks, that although the fire from the Creneaux in the counterescarp of the Ditch is still entire, yet he thinks that fire is insufficient to the repelling a vigorous assault:

That from what the Chief Engineer has said, the Governor is of opinion, that in case of an assault, the Queen, as well as Fort Charles, will be the principal objects of the Enemy:—That therefore he judges, for the honour of our arms, in the state in which the Queen is represented to be by the Chief Engineer, that it should be defended partially, that is to say, by chicane; so that the Enemy may be drawn artfully into the possession of it, and that at a proper period abandoned and blown up, the mines under it being loaded for that purpose:

That the usual daily guard for the Queen is sufficient to effectuate this; and that the night reinforcement for the Queen should retire from thence to Fort Charles, where the assault should be repulsed by every effort we can make:

That if the Enemy makes an universal assault upon all the Outworks, before they are reduced to the situation of the Queen, it is the Governor's opinion they should be disputed obstinately:

That when they are reduced to that situation, he thinks the same measure should be pursued with regard to them, as he has proposed relative to the Queen:

That with regard to a general assault on the body of the place, from the dispositions made, and the number of the troops in it, he is under no apprehension: on the contrary, for the honour of the Garrison, he wishes it may be attempted.

Thus the Governor has given every information, he is in possession of, to the Council; and, as a proof of his perfect confidence of their zealous efforts for the honour of the troops, he relies on their advice with respect to what is to be done. To that respect he will comply with it, from the confidence he has in them, still determined to resist to the last moment.

Our

Our honour requires it; and it is with that view he desires the advice of his Officers.

Having said this, the Governor proposed the following questions:

Question I. Whether is the Marlborough to be abandoned immediately, and blown up, or not, this night; and the garrison of it sent to reinforce Charles Fort?

Question II. Whether is the Queen's Redoubt only to be defended partially, (that is to say by chicane) with a guard consisting of one Captain, one Subaltern, and twenty-five Men; and when the Enemy are in possession of it, blown up; and the present night reinforcement of that work sent to Charles Fort every night? The General thinks this can be done without the knowledge of the Garrison.

Question III. Does the Council approve of what is proposed relative to the defence of the Lunettes, which are still capable of defence above ground; and when reduced to the state of the Quoca, that they should be partially defended as that work? Or does the Council judge it expedient that the Lunettes should, even in their present state, be only partially defended?

ANSWERS to the FIRST QUESTION.

Capt. Townsend answers in the affirmative, as expressed in the question.

Gilbert Townsend.

Lieut. Col. Gauntlet answers in the affirmative.

W. Gauntlet, Lieut. Col.

Lieut. Col. Gruben answers in the affirmative.

Lieut. Col. De Hagar answers in the affirmative.

J. C. De Hagar.

Col. Acklom is of opinion, that the Marlborough should be abandoned and blown up, as the garrison of it is necessary for the defence of Fort St. Philip's.

J. Acklom, Colonel.

Col. Brewse is of opinion, that the same attention that has been employed about the Lunettes, on this side St. Stephen's Cove, does not appear to him to have taken place at the Marlborough; and that he thinks that the major part of the troops should be withdrawn, but that a sufficient number of men should be left in it to blow it up, in case of an assault, or of the Enemy's blowing a mine of theirs: but that he thinks that the absolute evacuation of the Marlborough, and the imme-

diately blowing of it up by the mines we have prepared for that purpose, would be considered by the Enemy as an undoubted prelude to the surrendering the whole Garrison.

J. Brewse, Colonel.

Col. Pringle is of opinion, that the Marlborough should not be blown up this night, but evacuated immediately of its stores, &c. as soon as possible for such an event, when that may be thought necessary, from further intelligence, or for strengthening the garrison.

H. Pringle.

Col. De Linfing leaves it to the decision of the Governor and Chief Engineer, as he is unacquainted with the defence of fortifications.

J. W. Linfing.

General De Sydow also leaves it to the decision of the Governor and Chief Engineer, being unacquainted with the defence of fortresses.

H. B. De Sydow, General Major.

QUESTION by the Governor to Col. BREWSE.

Whether or not Col. Brewse does not think that drawing off part of the Garrison of the Marlborough, an effectual discovery will be made, by the first deserter from us to the Enemy, of our having abandoned the defence of it?

ANSWER by Col. BREWSE.

Col. Brewse does not think it fair to require such answers from him, as may tend to shake the opinion he has already given.

THE Governor did not mean any thing unfair by the question he put to Col. Brewse: he is sorry he is hurt by it: he only meant, in case he shall adopt Col. Brewse's idea, to have his advice how to execute it.

ANSWER to the SECOND QUESTION.

Capt. Townsend's opinion is in the affirmative.

Gilbert Townsend.

Lieut. Col. Gauntlet's opinion is in the affirmative.

W. Gauntlet, Lieut. Col.

Lieut. Col. Gruben is of opinion, that the guard should consist of thirty-three men, and the remainder of the night reinforcement be sent to Charles Fort: in other respects, he answers in the affirmative.

Lieut. Col. De Hagar cannot give his opinion, with respect to the mode of defence of the Queen's Redoubt, not having visited that post

just since the Enemy opened their batteries, being at Charles Fort, and entirely occupied with the defence of that work.

H. De Hagar.

Col. Acklom is of opinion, that from the ruinous state of the Queen, that only a partial defence should be made there by the guard; and that as soon as the Enemy got possession of it, it should be blown up, and the night reinforcement to retire into the inner works, where the Governor may think it the most necessary for their defence.

J. Acklom, Colonel.

Col. Brewse is of opinion in the affirmative of the very words of the question.

J. Brewse, Colonel.

Col. Pringle is of opinion, that there does not appear to him any objection to the mode proposed, relative to the defence of the Queen.

H. Pringle.

Col. De Linfing answers the same as the first question.

J. W. Linfing.

Gen. De Sydow answers the same as the first question.

H. B. De Sydow, Major General.

ANSWERS to the THIRD QUESTION.

Capt. Townsend is of opinion, that only a partial defence should be made of the Lunettes.

Gilbert Townsend, Captain.

Lieut. Col. Gauntlett is of opinion, that only a partial defence should be made of the Lunettes.

W. Gauntlett, Lieutenant-Colonel.

Lieut. Col. Gruben is of opinion, that even in the present state of the Lunettes, a partial defence should only be made.

Lieut. Col. De Hagar answers the same to this question as he did to the second.

H. De Hagar.

Col. Acklom is of opinion, that as the Lunettes cannot be supported by any troops from the Inner Covert Way, a partial defence of them should only be made.

J. Acklom, Colonel.

Col. Brewse is of opinion with Col. Acklom.

J. Brewse, Colonel.

Col. Pringle, as he has the honour to command the British Lunettes, he cannot presume to advise the mode of their defence: but such as his Excellency the Governor will be pleased to order, he will execute to the utmost of his power.

H. Pringle.

Col. Linfing answers the same as to the other questions.

J. W. Linfing, Colonel.

Gen. De Sydow answers the same as to the other questions.

H. B. De Sydow, Major General.

The Governor, desires if the Members of the Council have any thing to propose for the defence of the place in general, that they will send it in writing.

Proceedings of a Council of War, held at the Governor's House in the Square of Fort St. Philip's, on Sunday, the 27th of January, 1782, at Twelve o'Clock in the Forenoon.

His Excellency the Hon. Lieutenant General MURRAY, Governor, PRESIDENT.

MEMBERS.

Gen. De Sydow,	Col. De Lindfing,
Col. Pringle,	Col. Brewse,
Col. Acklom,	Col. De Hagar,
Col. Gauntlett,	Capt. Townsend.

AS Col. Brewse expressed some doubts, whether the Enemy's approach by mining was sufficiently ascertained by the evidences, which were produced to the Council;

And that even it appeared, by these evidences, that a delay of a day or two could not prevent the safe retreat of the troops from the Marlborough, the Governor thought it expedient to postpone the evacuation of the Marlborough that evening, and wait till the next night, that a satisfactory examination might be made by the proper Officers; which was accordingly done by Col. Brewse's direction.

The report (of these Officers hereunto annexed) is produced and read to the Council. The Governor is induced to think from thence, and especially from their having altered their mode of attack, by erecting batteries to batter in breach, that the Enemy found insurmountable difficulties in attempting to undermine and blow up the work.

He therefore thinks it will be best not to abandon it, until a practicable breach is made by the Enemy's cannon, which he hopes will be work of time, as the cannon we are able to bring to bear against the battery newly erected against the Marlborough, have already, in a great measure, silenced it, and are likely to maintain their superiority.

He wishes, in this change of affairs relative to the Marlborough, to know the sentiments of the Council; and whether it will not be best to wait the event of the breach in the Marlborough being made practicable, and then for the Gar-

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rison to retire and blow up the Gorge, as was determined, in case of the certainty of the Enemy's having succeeded in their attempt to undermine it.

Capt. Townsend is of opinion to let the Marlborough remain, till further events take place.

Col. Gauntlet the same.

Col. De Hagar is of opinion as the two former members.

Col. Acklom is of the same opinion.

Col. Brewse is of the same opinion as the foregoing.

Col. Pringle is of opinion that the Marlborough should not be abandoned at present.

Col. De Linsing is of opinion to wait for further events.

Gen. De Sydow is of the same opinion as the other members.

Gilbert Townsend, Captain.

Ch. De Gruben.

J. Acklom, Colonel.

H. Pringle, Colonel.

H. B. De Sydow, Major General.

W. Gauntlett, Lieutenant-Colonel.

J. C. De Hagar.

J. Brewse, Colonel.

J. W. Linsing, Colonel.

Proceedings of a Council of War, held at the Governor's House in the Castle Square of Fort St. Philip's, on Sunday, the Third of February, 1782.

Present his Excellency Lieut. Gen. MURRAY, Governor.

Major Gen. De Sydow, Col. De Linsing,

Col. Pringle, Col. Brewse,

Col. Acklom, Lieut. Col. Gauntlett.

Capt. Townsend,

THE Council being assembled, his Excellency the Governor addressed them as follows :

Brother Officers,

THE candour and openness, with which I have conducted myself with regard to you, makes it impossible for you to reproach me, or for me to reproach myself in any respect.

Sixteen days ago, when you thought it necessary to advise a suspension of arms from the Duc de Crillon for a time, till succours might arrive from Britain, my experience dictated to me that that time was in our own possession; for, sure I am, had we men, we have nothing to apprehend from any attempts of the Enemy.

In the idea of an assault, he is a bold but ignorant Officer, who will (in my poor opinion)

venture to assert we were exposed to such an attempt sixteen days ago, when the ravages of the scurvy had not taken place. Now, the desertion of one man may alter the case; for this day we have only 741 men able to carry arms of the four regiments, 389 sailors, and 95 of the Royal Artillery now doing duty; of which number, viz. 1225 men, rank and file, 600 and odd are reported by the Faculty to be scorbutic, and liable daily to be useless and unfit for any duty whatever. The reports of the Faculty lie before you, (are hereunto annexed) and they attend to be examined.

It now remains for me only to apologize for not concurring in your first opinion, of immediately treating with the Duke of Crillon, agreeable to your first opinion, given to me unasked.

In the first place, to that purpose I am to observe to you, that although I expected no succours from England, I thought we had the means of making a glorious defence for our numbers. That the asking a suspension of arms was a poor artifice, easily seen through by the most ignorant Enemy, and if granted, was only a matter of parade calculated to amuse the shallow military politicians of St. James's Coffee-house. The loading and blowing up our mines, as has been proposed, served no other purpose. I abhor ostentation, as much as I detest regulating my actions with the view only of pleasing the English populace. Thanks to God, I am above such low artifices.

It has been averred by Officers of rank in the Garrison, that so deplorable was our situation a fortnight ago, that at two o'clock in the afternoon, it was practicable for the Enemy to march from their parallel, at nine hundred yards distance, and take by assault the Queen-Charles the Twelfth of Sweden would not have made such an attempt. The man who will say it is even now practicable, I shall suspect his sincerity, or despise his ignorance.

It has been propagated that the Enemy were undermining us; the contrary has been proved. In short, the stories and ideas I have mentioned, tending to discourage the soldiers, and to alarm the young Officers of the Garrison, have had no effect.

That the Officers, almost to a man, are determined to obey their Commander, and depend upon his prudence and experience for the guardianship of their honour, and that of his Majesty's arms, I have had assurances from the mouths of most of them.

That the soldiers are animated with the same sentiments, is evident to every man rather than yield and succumb under their present malady.

lady, they consent to be lifted up to go sentry; and having performed that office, are found dead in their beds when called upon to take it again in their turns.

All this calamity, Brother Officers, has rushed upon us since the 18th of January. You then thought it proper and necessary to ask a cessation of arms for a time, and at the expiration of that time to capitulate.

The question now is, whether or not we should not capitulate directly? The parade of a suspension of arms, &c. appears to me idle in our present situation. An immediate remedy for the relief of our most brave distressed soldiers is what we should try to obtain. The Duke of Crillon will not consent to recover men who may act against him; but he must consent to supply our hospitals with the only means of recovery, if we capitulate directly.

The question, therefore, I now put to you, which is the last I probably shall have the honour to propose to you, is, are we to capitulate immediately, or are we to abide by your first proposition, of demanding a cessation of arms, at the expiration of which we must capitulate?

If we capitulate immediately, I have the honour to lay before you the terms (hereunto annexed) which occur to me necessary to propose, and the mode of proposing them.

If any of you can suggest better terms, or a better mode, I shall be happy to adopt your ideas.

THE Members being called upon to give their opinions to the above questions, answered as follows:

Capt. Townsend answered, that the former opinion, given January the 18th, was to demand a certain number of days to be fixed on, in order to get time in favour of a relief: yet (as appears) by the declaration of the Physician, and Surgeon General of the Island, the circumstances in which the Garrison was at that time, and is at present, entirely annihilates that idea. On which account, I humbly conceive the former opinion ought to be laid aside, and an immediate capitulation substituted in its stead.

Lieut. Col. Gauntlet is of the same opinion as Capt. Townsend.

Col. Acklom is of the same opinion with the former.

Col. Brewse is of the same opinion.

Col. Pringle is of the same opinion.

Col. De Linsing is of opinion, from the declaration of the Physicians, and the impracticability of the men doing the duty of the Garrison, and to preserve the few men who remain, that an immediate capitulation should be made.

Gen. De Sydow is of the same opinion with Col. Linsing.

Gilbert Townsend, Captain.

J. Acklom, Colonel.

Henry Pringle, Colonel.

H. B. De Sydow, Major General.

W. Gauntlet, Lieutenant-Colonel.

J. Brewse, Colonel.

J. W. Linsing, Colonel.

The following are the Papers mentioned, to be laid before the Council, and to be annexed to the Proceedings thereof.

Hospital of St. Philip's Castle, Feb. 1, 1782.

SIR,

FROM the extraordinary increase of the sick in the Garrison, and the little progress we make in reducing this evil, we judge it necessary, on account of the public service, as well as our own credit, to inform your Excellency, that the prevailing disease, the scurvy, amongst the troops, is got to such an alarming height, as seems to us to admit of no remedy in our present situation.

Every means has been tried to palliate this formidable malady, but the daily, and we may say hourly, falling down of the men, baffles all our endeavours.

The different Returns of the Sick will shew your Excellency the truth of this assertion. We are sorry to add, that it does not appear to us, that any one now in the hospital will be able to do the smallest duty under the present circumstances, where no vegetable food is to be had, nor free air.

We have, &c. &c.

George Munro, Physician.

Wm. Fellows, Surgeon to the Garrison.

D. McNeill, Dr. to the Nav. Hosp.

B. J. Grimiehl, Surgeon Pr. Ernest's.

S. Ford, Surgeon R. Artillery.

Babille, Surgeon de Goldacker's.

James Hall, Surgeon 5th Regiment.

His Excellency the Governor.

Fort St. Philip's Castle, Feb. 1, 1782.

SIR,

FROM the representation made by the faculty of the increase of the sick, &c. the Governor judges it necessary that the men who are even doing duty should be examined by the faculty, and a report of the state of their health, particularly with regard to the scurvy, to be made to me, for his Excellency's information.

I am, Sir, &c. &c.

GEO. DON, Adjutant-General.

*Dr. Munro, Physician General, and
Director of the Hospital.*

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The following Papers are this day presented to be laid on the table, and to be entered in the Proceedings thereof.

St. Philip's Castle, Feb. 3, 1782.

SIR,

AGREEABLE to his Excellency's orders of the 1st instant, we have made a most careful examination with respect to the health of the men doing duty.

In consequence of which, the inclosed Return is transmitted to you, to be laid before the Governor for his information.

We judge it necessary to add, that those men specified in their Returns will in all probability be in a few days incapable of performing any duty, from the rapid progress the Scurvy makes amongst them; neither is it in our power to check this prevailing malady. The constant duty the men are obliged to perform, the impossibility of procuring any kind of vegetable in the present situation of affairs, to which we may add, the damp foul air the men continu-

* Gen. Murray's Letter to the Duc de Crillon, and the Articles of Capitulation, referred to in the Council of War, have been already published in the Gazette.

ally breathe in the subterraneous, are causes sufficient to dread the consequences.

We are, SIR, &c. &c.

George Munro, Physician.

Wm. Fellows, Surgeon to the Garrison.

D. M'Neille, Surg. to the Nav. Hosp.

John Kid, Surgeon to the Hospital.

James Hall, Surgeon 51st Regiment.

B. J. Grimsbl, Surgeon Pr. Ernest's.

Babille, Surgeon de Goldacker's.

Return of scorbutic Men now doing Duty in the Garrison of St. Philip's Castle, Feb. 3, 1782.

Corps.	No. of Men.
Royal Artillery	36
51st	120
61st	111
Prince Ernest's	153
Goldacker's	176
Marine Corps	93
	689

George Munro, Physician General.

Wm. Fellows, Surgeon General.

D. M'Neille, Surg. Gen. Nav. Hosp.

John Kid, Surgeon to the Hospital.

James Hall, Surgeon to the 51st.

Sam. M'Cormic, Surgeon's Mate.

B. J. Grimsbl, Surgeon Pr. Ernest's.

Babille, Surgeon's Mate.

REPORT to the KING of the PROCEEDINGS of the GENERAL COURT-MARTIAL, on the 30th of January, 1783.

Thursday, Jan. 30, 1783.

THE several Members being re-assembled, pursuant to an Order from his Majesty,

THE Judge-Advocate General acquainted the Court, That he had it in command to express to them his Majesty's entire approbation of their having pointed out those offensive and intemperate expressions, which had appeared before them in evidence, obviously tending to the most serious consequences between Lieut. Gen. Murray and Sir William Draper; for the preventing whereof, his Majesty is pleased to refer it to the Court-Martial, after weighing every circumstance, to propose some mode of accommodating the dispute, by such explanation, acknowledgement, and confession, on either part, as the occasion may seem to require; and which may, in the opinion of the Court, consist with the honour of the parties, and their character as Officers: And that it is his Majesty's farther pleasure, that, convening the parties before them, they do exert

their earnest endeavours to induce a reciprocal acquiescence in such honourable terms of accommodation; and to obtain from each a solemn engagement, that the difference shall there terminate, and have no further consequences: To which end, the Court have his Majesty's permission to use his royal name, authority, and injunction; as also, if they shall see occasion, to impose a strict Arrest upon both the parties, until a Report shall be made of the matter to his Majesty.

The Court, in obedience to his Majesty's commands, took the subject into their most serious consideration; and, upon mature deliberation, settled such Acknowledgement and Apology to be made on the part of Sir William Draper to Lieut. Gen. Murray, and also such Answer thereto to be expressed by Lieut. Gen. Murray towards Sir William Draper, as in their judgment the occasion merited, and as might be mutually given and accepted consistent with the honour of both.

Lieut.

Lieut. Gen. Murray and Sir William Draper being then called in, the Judge-Advocate General notified to them the Determination of the Court-Martial upon the several matters of charge and complaint which had been referred by his Majesty's warrant for their decision, together with his Majesty's pleasure thereon, as follows: namely;

THAT the King had declared his royal approbation of the opinion of the Court-Martial, upon every point; but that, in consideration as well of the zeal, courage, and firmness, with which Lieut. Gen. Murray appears to the Court to have conducted himself in the defence of Fort St. Philip's, as of his former long and approved services, his Majesty had been graciously pleased to dispense with any other reprimand, in respect of the misconduct whereof he has in two instances been found guilty, than that which the sentence of the Court-Martial in itself virtually conveys;

And that his Majesty had, at the same time, expressed much concern, that an Officer of Sir William Draper's rank and distinguished character should suffer his judgement to be so far perverted by any sense of personal grievance, as to view the general conduct of his Superior Officer in an unfavourable light, and in consequence to exhibit several charges, which the Court-Martial, after a diligent investigation, have deemed to be frivolous or ill-founded.

The Judge-Advocate General then informed the parties, That the Court-Martial had judged it their indispensable duty to make a representation to his Majesty of some expressions contained in a letter from Sir William Draper, of the 16th of January, 1782, and of Lieut. Gen. Murray's answer thereto, of the same date, as having an obvious tendency to produce the most serious consequences [*reciting the said representation from the Minutes of the Court*]; and that his Majesty had been graciously pleased to refer it to the Court-Martial, to settle some proper mode of terminating the matters in difference, in a manner which might be consistent with the honour and character of both; and, for effectuating the same, had given the Court full permission to use his royal name, authority, and injunction: In consequence whereof, the Court had entered into a particular consideration of the subject; the result whereof would be stated, with more propriety and weight, by the President.

The President then addressed the parties to the following effect:

THE Court having thought themselves indispensably obliged to take notice, in their Report to his Majesty, of some very of-

fensive words which came before them in full evidence in open Court, contained in a letter from Sir William Draper to Lieut. Gen. Murray, viz.—“Your insinuation, that I am attempting to take the command from you, is *false and infamous*,” and also of an expression in an answer to the said letter from Lieut. Gen. Murray, viz.—“*As to personal abuse, I shall do myself justice, you may be assured, when the proper time arrives*.” And his Majesty having been pleased to re-convene this Court, for the purpose of terminating this proceeding in a manner consistent with the honour of both parties;

I am desired, by the Court, to acquaint you, Sir William Draper, That they do not think those very offensive words, “false and infamous,” used by you, as above recited, to Lieut. Gen. Murray, your Commander in Chief, and in time of actual service, can be justified from any circumstance which previously happened; and therefore think it incumbent upon them to declare their opinion, that you ought to make a satisfactory acknowledgement to Lieut. Gen. Murray for the same, in the following words:

“This Court-Martial having, upon mature consideration, expressed their opinion, that Lieut. Gen. Murray's letter to me, of the 16th of January, 1782, which drew from me the intemperate words in question, viz. “Your insinuation, that I am attempting to take the command from you, is false and infamous,” did not import the charge of any actual attempt to take the command from him, which, hurt as I then felt myself, I had conceived, I do not hesitate to acknowledge, that those words were very improper and unjustifiable, and to declare my concern for having used them; and I do, in deference to the sense of the Court-Martial, desire, that Lieut. Gen. Murray will accept this declaration as an apology for the same.”

And the Court are of opinion, That you, Lieut. Gen. Murray, ought to be completely satisfied with the said declaration, and express that satisfaction in the following words, viz.

“I do accept this acknowledgment as a sufficient and full apology for the words used by Sir William Draper in his letter to me; and I do, on my part, express my concern, that I should have made use of any words which could have so much hurt the feelings of Sir William Draper.”

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And the Court expects to receive from both parties the most solemn assurances, that this affair shall have no further consequences,

Sir William Draper, upon hearing the terms proposed, declared his willingness to regulate his conduct by the judgement of the Court, professing himself content to make the acknowledgement and apology, which the Court had prescribed as proper and consistent with his honour, and ready on his part to comply with their injunction in its full extent.

Lieut. Gen. Murray declared himself ready to abide by the injunction of the Court, with respect to the matter not having any further consequences, and to pledge his honour in that behalf, *so long as he continued a soldier*; at the same time remonstrating against, and objecting to, that part of the declaration expected from him, which is expressive of concern that he should have made use of any words which could have hurt Sir William Draper's feelings: And, upon an explanation being desired from him as to his complying with the injunction of the Court, *so long as he remained a soldier*, he plainly intimated, he should not hold himself bound to such compliance beyond that period, and that he trusted he should not be compelled to serve during life.

The Court, after having offered some conciliatory arguments and explanation, recom-

mended it to the parties to withdraw for a time, and to Lieut. Gen. Murray in particular to consult some of his friends upon the subject.

After some space of time elapsed, Lieut. Gen. Murray returning, declared, that he still retained the same sentiments, and, that he might not be misunderstood, had committed the same to writing, which he read, to the following effect:

"In all private concerns, I conceive I am master of my own actions; and I choose to keep my honour under my own preservation: in every military point, I am under the orders of the King, whose commands are sacred. If Sir William Draper has been guilty of any military offence, the department to which it belongs will do justice to their country—As to what respects me privately, I seek for no interference."

The Court, after having required and received from Sir William Draper a pledge of his honour, that no adverse measure should originate from him in consequence of this unhappy difference, judged it necessary to remand Lieut. Gen. Murray subject to his Arrest, until a Report of the whole proceeding shall have been made to his Majesty, and his royal pleasure shall be signified thereon.

(Signed) G. HOWARD,
GENERAL.

Horse-Guards, Jan. 31, 1783.

SIR,

I HAVE had the honour of reporting to the King the proceeding which was had at the Court-Martial reconvened here yesterday. His Majesty trusted that you would have placed so much confidence in the opinion of a Court composed of General Officers of long service and unsullied reputation, as to think your honour perfectly secure when acting in conformity to their recommendation and injunction, and more especially as, in the reference made to them, his Majesty had particularly directed their attention to preserving the honour of both parties inviolate; and I have it now in command from his Majesty, to signify to you his Royal pleasure, that you do consider yourself as a Prisoner in close arrest until you shall have given a solemn and explicit assurance that the matters in difference between you and Lieut. Gen. Sir William Draper shall not have any further consequences, Sir William Draper having, on his part, so-

lemnly pledged his honour to the Court, that nothing adverse shall originate from him.

I have the honour to be,

SIR,

Your most obedient and
most humble servant,

CHARLES GOULD,

The Hon. Lieut. Gen. Murray.

Charles-street, St. James's, Feb. 1, 1783

SIR,

I HAVE the honour to acknowledge your Letter of the 31st January.

I have long, zealously, and faithfully served his Majesty; and, during the whole course of my life, have ever considered it as my first duty implicitly to obey my Sovereign's commands with cheerfulness and alacrity.

His orders, it is as much my inclination, as it has ever been my ardent desire, immediately to comply with; I therefore, in obedience to his Majesty, do not hesitate to give my solemn and explicit assurance, that the matters in difference

ference between Lieut. Gen. Sir William Draper and myself shall not have any adverse consequences originating from me.

May I intreat the favour of you to acquaint his Majesty, that the moment his Royal pleasure was known, the very instant I complied with it?

I have the honour to be,

SIR,

Your most obedient and
most humble servant,

JAMES MURRAY.

Sir Charles Gould, &c. &c.

Horse-Guards, Feb. 2, 1783.

SIR,

AS there will not be an opportunity of my intreating the honour of an audience till to-morrow, after the Levee, permit me to request that you will, in the mean time, enable me to inform his Majesty, in case his Majesty should be graciously minded to order the Members of the Court-Martial to be again assembled, for the purpose of your receiving the Apology from Sir William Draper, which was judged by them to be proper and satisfactory, whether you are prepared on your part to make answer in the terms which were proposed to you from the Court at their last Meeting?

I have the honour to be,

SIR,

Your most obedient and
most humble servant,

CHARLES GOULD.

The Hon. Lieut. Gen. Murray.

Charles-street, Feb. 2, 1783.

SIR,

IN answer to your letter of this date, I have only to request, that you will lay my Letter to you of yesterday before his Majesty, as I conceive that it is perfectly clear, and can want no explanation after what has passed, and also a full answer to yours of the 31st of January.

I have, &c.

(Signed) JAMES MURRAY.

Sir Charles Gould, &c. &c.

Horse-Guards, Feb. 3, 1783.

SIR,

I HAVE this day had the honour of laying before the King your Letter to me of the 1st instant, and should have thought myself deficient in duty to his Majesty if I had omitted to state the Letter which I had pre-

sumed, without receiving his special command, to write to you in answer.

His Majesty, intirely approving the procedure of the Court-Martial, and the mode prescribed by them for terminating the difference between you and Sir William Draper, had entertained hopes that a deference to their opinion, inforced by an express authority from his Majesty, would, upon calm reflection, have induced you to submit to their injunction,—as his gracious interposition had not for its object the passing over unnoticed the very intemperate words produced in evidence, but only the substituting an honourable concession, or some other proper mode of reparation for offence given, in place of the violent and exceptionable measure which was manifestly in the contemplation of the parties,—and as the respective apologies which have been enjoined by the Court appear to be strictly becoming, and due on each part, as well as requisite in point of example.

As the Court is not at present sitting to receive it, his Majesty is pleased to accept your solemn and explicit assurance, as pledged by your letter to me, that the matters in difference between you and Sir William Draper shall not have any adverse consequences originating from you, and has commanded me to signify to you an enlargement of the *close arrest* lately imposed, the immediate occasion whereof is by that engagement removed; but his Majesty has at the same time ordered me to inquire of you for his Majesty's information,—before you are wholly released from your former arrest, or his Royal pleasure be signified for dissolving the Court-Martial,—whether you still persist in declining to accept and comply with the terms of apology proposed to you from the Court.

I have the honour to be,

SIR,

Your most obedient and
most humble servant,

CHARLES GOULD.

The Hon. Lieut. Gen. Murray.

Charles-street, St. James's, Feb. 3, 1783.

SIR,

IN answer to your Letter of this date, I have the honour to acquaint you that I shall lay a Memorial at the feet of my Royal Master, which, I flatter myself, will abbreviate the business in question.

I have the honour to be,

SIR, &c. &c.

(Signed) JAMES MURRAY.

Sir Charles Gould.

To

To the King's Most Excellent Majesty,
The Memorial of Lieut. Gen. James Murray
Most humbly sheweth,

THAT your Memorialist finds himself truly miserable, that he cannot prevail upon himself to express, in the words prescribed to him by the Court-Martial, the Reply to Sir William Draper's Apology to him :

That, being conscious he never did say or write a word which was meant to hurt the feelings of Sir William Draper, to declare to the world that he did, would be loading himself with the blame of having originated the unhappy difference between Sir William Draper and him, which was so unbecoming, and might have been so hurtful to your Majesty's service :

That, though he has upon all occasions declared that he is most submissive to your Majesty's pleasure, still he is in humble expectation your Majesty will not lay your commands upon him to say what he does not think, and what would make him unhappy while he has an existence :

That, if it is still necessary that he should make some Declaration before the Court-Martial, he will most cheerfully make the following one, viz. " I do, in deference to the sense of the Court-Martial, accept this acknowledgement as a sufficient and full Apology for the words used by Sir William Draper in his Letter to me ; and I think it very unfortunate if any words of mine should have so much hurt the feelings of Sir William Draper, whom I never did mean to offend while he was under my command at Minorca, as I have often declared both in public and private."

(Signed) JAMES MURRAY.

Herse-Guards, Feb. 6, 1783.

SIR,

I HAVE the honour to acquaint you, that I have received his Majesty's command for reassembling the Members of the Court-Martial, who will meet here on Saturday next. As your attendance will probably be requisite, one of the King's Aid-de-Camps will attend you that day, at eleven o'clock in the forenoon.

I have the honour to be,

SIR,

Your most obedient and
most humble servant,
CHARLES GOULD.

The Hon. Lieut. Gen. Murray.

Saturday, Feb. 8, 1783.

Copy of an Apology made by Lieut. Gen. Sir William Draper to Lieut. Gen. Murray.

THIS Court-Martial having, upon mature consideration, expressed their opinion, that Lieut. Gen. Murray's Letter to me of the 16th January, 1782, which drew from me the intemperate words in question, viz. " Your " insinuation that I am attempting to take the " command from you is false and infamous," did not import the charge of any actual attempt to take the command from him, which, hurt as I then felt myself, I had conceived ; I do not hesitate to acknowledge, that those words were very improper and unjustifiable, and to declare my concern for having used them ; and I do, in deference to the sense of the Court-Martial, desire that Lieut. Gen. Murray will accept this Declaration as an Apology for the same.

Copy of a Reply made by Lieut. Gen. Murray to Lieut. Gen. Sir William Draper.

I DO, in deference to the Court-Martial, accept this Acknowledgement as a sufficient and full Apology for the words used by Sir William Draper in his Letter to me ; and I think it very unfortunate if any words of mine should have so much hurt the feelings of Sir William Draper, whom I never did mean to offend while he was under my command at Minorca, as I have often declared both in public and private.

Copy of the Resolution of the Court-Martial upon the above Reply.

UPON full consideration, the Court retain their opinion that the Reply which they, at their last Meeting, enjoined to be made by Lieut. Gen. Murray to Lieut. Gen. Sir William Draper, was just and proper ; and they have the satisfaction of knowing that it has been honoured with his Majesty's entire approbation ; but, being willing to comply with Lieut. Gen. Murray's earnest wishes, as far as may be consistent with that opinion, and esteeming the Reply now offered in his own words to be of the same import, with this difference only, that it expresses a more direct disavowal of any intention to offend Lieut. Gen. Sir William Draper, than the Court had thought fit to enjoin, the Court does, agreeably to his Majesty's gracious permission, adopt the same, instead of the Reply which they had before prescribed, and declare that it ought to be accepted by Lieut. Gen. Sir William Draper, as equally satisfactory.

General M U R R A Y ' s Defence.

Sir GEORGE HOWARD, and the other General Officers assembled on this Court-Martial.

I AM brought a prisoner before you, after forty-three years service in various stations, under all the different climates where his majesty's arms have been employed in the extensive operations, which will fill the page of history: during that period, without ever having been the author or the object of any military dishonour, nor the prosecutor of any officer to a public trial, much less a prisoner myself at the bar of justice; so that I freely acknowledge this to be the part of duty incident to my profession with which I am the least acquainted, as the court must have often perceived during the examination into the charges exhibited against me; yet, conscious as I was of my weakness in this respect, I felt such a strength in the integrity of my own intentions, and such a confidence in the discernment and justice of brother officers, who are to judge of my conduct, has made me disclaim calling any professional advocate to my aid, how much soever the complicated accusations, with which I have been loaded, and my own poor abilities might have claimed that indulgence.

It is not my wish to conceal or perplex any thing.—It is my desire to have every accusation sifted to the bottom.—It was this motive that induced me to apply for a Court-Martial to decide on my conduct; some of my friends have thought I did wrong in pressing such a decision; it certainly is not a situation wantonly to be courted, but like other disagreeable occurrences in life, must not be avoided where honour calls for a judicial decision; and while I lament the trouble which so many respectable officers have undergone on this account, I will freely submit to their candour whether it was possible for me, under the insinuations thrown out, and which have now been publicly avowed, and the charges exhibited against me, to sit down quiet without demanding a public examination.

I am far from being vain of the talents which God has given me, or the experience which has fallen to my lot for the improvement of them in the line of my profession; and yet, without the imputation of self-conceit, I hope it may be allowed me to say, that I have some military reputation as an officer to protect; I feel also that, in the defence of the Castle of St. Philip's, under the various difficulties which occurred, and no hopes of relief, I have some merit with the public, concerning which, I was desirous that the whole army might have an opportunity of judging upon certain grounds; and also that my family and friends might possess, now and hereafter, a justification beyond the power of sophistry or malignity to impeach. Besides these motives, I had another incentive to press for this Court-Martial.—I conceived that the reputation of his Majesty's arms, and the national character, as well as my own, were concerned; and was therefore justly anxious that the truth of all the circumstances should be made known throughout Europe. For although I have made no complaints that no assistance was sent to me during so long a siege, and although I have endeavoured to avoid every imputation of blame upon others, and to confine the justification of my own conduct to the best disposition of the means put into my power; yet I hope the peculiar circumstances attending my garrison, in this respect, will never be forgotten for their honour, and my own, by those who consider the final catastrophe.

In a scene so trying, with a feeble garrison, a defective fortification, and little hope of relief when attacked by the combined forces of such powerful enemies, I must consider it as a very unfortunate circumstance, notwithstanding the little regard I can now possess for General Sir William Draper, that a man of his rank, station, and reputation for abilities, saw all my actions through the medium, which appears from the charges he has exhibited; for cer-

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tainly if ever disunion could prove of destructive consequences to the public interest, it was as far as it could operate in the situation in which we stood; and whether the causes of this disunion proceeded from me or General Draper, one or the other of us has much to answer for to his country.

When I consider that the charges exhibited by Sir William Draper comprehend a period of two years, in which even the most minute article of my conduct, civil and military, has been examined with the most inquisitive circumspection in order to furnish matter of complaint, it is surprizing to myself, in revolving upon the inaccuracies and accidents incident to human life, upon a strict review of what is past, when many circumstances are brought to light which were at the moment unknown, that I have not given more occasion to appeal to the experience of this Court for forgiveness in those omissions, which fall to the lot of the ablest officer in such transactions as those in which I have been engaged. I believe the siege of Sweidnitz is esteemed the best defence which has appeared in modern times; and yet, if Mr. Grebeval were asked at this day, when all the movements of all the besiegers are known, whether, in any one point, he would have acted otherwise than he did? it is possible he would acknowledge some error which he had committed.

Fortified with this opinion, if there was really any matter which I could believe might have been better effected in the siege of Fort St. Philip, I would now confess it; but I solemnly declare, with the experience of eight sieges to aid my judgment, I do not conceive, upon reflection, how I could have acted otherwise than I did with any advantage to the public. It is certain, though of no consequence, in the ultimate decision, that the naval arsenal had better been destroyed: but this was an object so much in the department of Captain Lawson of his majesty's navy, that I could not order it, and I trusted to him in the execution of what had been concerted between us.

That Sir William Draper should differ with me in opinion, upon various points of service, under the choice of such difficulties as occurred, is most natural; nor could I with any claim to a just understanding, be offended at this difference in opinion, if the points in issue turned merely upon the question, whether the judgment of Sir William Draper or my own weak opinion was the best? The military actions of the great officers, both ancient and modern, have undergone the severest criticisms; and it

would be the extreme of folly for any man to expect an exemption from that scrutiny; but the charges preferred against me do not admit of that manner of considering them. They necessarily suppose some corruption or treachery as the motives for my conduct, and particularly in not opposing the approaches of the enemy; this is the most captivating charge to vulgar minds who are ignorant of the bad consequences to be apprehended, and the little effect which is to be expected from firing incessantly on the first parallel, before the spots where the enemy intended to construct their batteries are discovered: but so far from acting by caprice or resentment, or what is still more ignoble, from mean jealousy in this respect, I will shew from a previous report I made to the king, that I acted in all things from deliberate resolves, drawn from my conception of the state of the fortification and the probable attack, and the best mode of defence which could be adopted under the circumstances in which we stood.

That the Duc de Crillon did attempt acquiring possession of the fortress I commanded, by corrupt means, is known to all the world, as well as the answer I made to him at the moment, while I proclaimed the disgraceful proposal. I claim no merit from this behaviour, I hope the meanest soldier in my garrison would have equally rejected such an ignominious offer; but I beg, while I claim no merit from such conduct, that it may not subject me to any malicious insinuations.

It is beneath me to enter into any examination on that head.—The zealous defence I made at Fort St. Philip, although I would not waste my ammunition on every passing distant object, will sufficiently refute the imputation; at the same time it becomes proper for me to say, that Captain Don, my secretary, who will be examined on many articles of the charges, knows the whole of that transaction, if the Court shall incline to put any question to him on that subject.

I might, indeed, justly complain of Sir William Draper, for endeavouring to prejudice the public opinion against me, by a number of charges, which he has not even professed or attempted to establish in proof. But I derive too much advantage from such a conduct, before discerning and upright judges, to speak of it as an injury. The surest way of judging of the truth or probability of any doubtful accusation, more especially of one that ought only to have public justice for its object, is by examining closely the spirit in which it is made.

If in such a complaint of a public accuser, there are any, much more if there are many charges evidently dictated by malice or gross prejudice; if there be found a number of articles which he must have certainly known from the beginning to have been incapable of the slightest support from evidence, which could therefore be introduced for no other reason than to prejudice and defame, and which he himself seeks even against the wishes of the accused to abandon and retract, the presumption in the minds of just and sagacious judges, is, that the same temper pervades the whole accusation, and thus the innocence of the accused derives support from the injustice of the accuser. Whether this observation applies to the case before you, I must submit to the judgement of this Court, who have heard the evidence adduced by the prosecutor, one of the heaviest charges against me, and which has made the greatest impression on the public is article the 1st, letter B.

1st. Giving out in public orders on the 8th day of January last (being the third day of the siege) that the enemies battering train was such as had never before been brought against any place of the first magnitude since the invention of gunpowder, and that the garrison might be assured that the defence of Fort St. Philip's had little or no dependance upon its artillery, which orders tended to augment the terror of the enemies attack, and to cool the zeal and ardour of the artillery men of the garrison, and from the date of which order, the fire from the place became almost extinct in the day time; and the enemy redoubled their efforts.

Now is it possible for any man to read the entire original order, and pervert the plain and obvious meaning of it to such an accusation as is stated above, or to believe that a man could suppose that this order should have the effect of dispiriting the Corps of Artillery as described in the charge? I ask if there has been a tittle of evidence under all the discontent which bad success in war always generates, to vindicate the assertion; I do not pique myself on being an elegant writer; I have carried arms from my youth, and was not educated for any of the learned professions, neither did I ever study the words of any military order, with a view of parade; I wish at all times to make my meaning intelligible; and I can only declare to this Court, that I never was more unfortunate in conveying my sentiments, or less understood, if my words contained in that order can bear the interpretation which my accuser has put on them; for my intention was to rouse the spirit and vigilance of the garrison, and to dissipate

some little alarm which the opening of so unusual a train of artillery against us had occasioned.

In like manner I submit to the Court whether the 1st, 2d, 3d, and 4th. articles in the charge A are not of the same complexion; and I leave it to the world to judge what weight is due to any charge exhibited by Sir William Draper, who could assert to his Majesty A article 5th. in order to induce a belief of neglect and surprise on my part, and the rapid approach of the enemy on the other, that even my own goods, plans, and papers were seized, and the troops retired into the Fort with great confusion, loss and disgrace. I refer to the evidence produced, and I submit to the Court, if there is the slightest ground for such allegations.

Several of the other articles which Sir William Draper wished to abandon, were evidently exhibited to the public with the same view of injuring me in their good opinion; and it was for this reason I would not consent to their being withdrawn, that the Court might be convinced in one of two alternatives, either that my accuser had preferred his complaint without due investigation or knowledge of the subject, or that notwithstanding he had previously examined the matter, his prejudices were such, that he was willing to hazard his reputation upon assertions that could not bear examination, in hopes he might relinquish them at his pleasure, after they had been included in the King's Warrant, and read by a credulous public.

Of this kind I submit to the Court, whether I have not a right to consider A article the 9th, B article 3d, article C, D article 2d and 3d, E article 2d, F article the 1st, 2d, and 3d.

The great question in this enquiry is, substantially, whether I defended the fortresses of Saint Philip's to the utmost of my abilities, and whether I surrendered it to the enemy before there was a justifiable necessity so to do. In the articles exhibited by my accuser, there is an apparent contradiction; first he charges me with not sufficiently retarding the enemy's approach, and next he accuses me of surrendering the place when no impression had been made on the body of the work, nor the advanced batteries of the enemy nearer than 500 yards, and this after they had set down before the place six months. It would appear from thence however, whether from our activity or the enemy's negligence, that the enemy's approaches had been retarded for some cause or other, and as the place was not surrendered from the impressions made by their attack; therefore as far as respects the public, the question seems of no consequence; but in what regards my military

military reputation it is very material; and I hope to demonstrate to the Court, that there was not the least degree of blame to be imputed to me; but I repeat again, that the sole question as to the public, turns on this, viz. whether a severe and rapid sickness from the scurvy among the troops, and a pestilential fever incident to that putrid disorder, obliged me to surrender the place when I did; and whether, supposing that to be the case, I was the cause of that calamity, or whether I did not do every thing in my power to prevent its effects? these points I wish may be investigated to the utmost.

I admit, with my accuser, that the place might have held out for two months longer, if this unforeseen calamity had not seized the garrison; and all my conduct was governed by that belief, as I shall shew in many instances.

Still I cannot admit, even under the evil consequences of this dreadful disease, that our defence was by any means dishonourable to his Majesty's arms.

The Fortress of Saint Philip's was besieged in the last war; the garrison then consisted of 3252 men, of which 2951 were regular troops; the army of the Duke de Richlieu was 14000 men; the place was taken in 72 days after an effort was made to relieve it, and the Governor was made a Peer.

My garrison consisted of 2692 men, of which number only 2016 were regular troops, including 400 Invalids sent from England in 1775; the army under the Duc de Crillon was 16000; and from the time of his landing, to the time of my surrender, was 171 days.

I had no relief sent to my assistance, my unfortunate worn out soldiers suffered every hard-

ship incident to the want of vegetables and foul air. I suffered many of those calamities in common with the rest, and did not surrender my garrison until all the principal officers of the fort were unanimous in their opinion that no further effective defence could possibly be made; and in reward, I am a prisoner before this court, loaded with imputations of the foulest and blackest nature, drawn up by a man, who seems to have been harbouring malice against me from the year 1780, and couched in language the most opprobrious and reproachful to a soldier.

These are the general observations which I presume to make on the accusation preferred against me; I shall next proceed to answer them article by article, and to adduce evidence in support of what I affirm to be the truth. In doing this, I must beg your patience if I should trespass on your time in too long an examination, where perhaps the matter is already clear to the members of the Court-Martial, who are so conversant in the subject; but as my age and a broken constitution, worn out in the defence of Fort St. Philip's, may be the last military service of any consequence in which I shall be engaged, I wish to make it evident, not only to my brother officers, but equally clear and intelligible to every member of the community, that I have not either by ignorance, negligence, or design, betrayed the trust reposed in me; but that on the contrary, I have acted to the best of my abilities with attention and zeal, for the honour of my King and Country, and the glory of the British arms, as yet unsullied by any act of mine.

The Preambles to General MURRAY's Defence to each Article of Charge.

A. Charge the First.

IN opening this article of charge, the Court must remember the manner in which Sir William Draper wished to have waved it. He said (no doubt in the spirit of candour) that there were many things and many precautions taken by me, becoming *a wife and prudent governor*; that he would not rob me of any praise where it was due; but that in other respects I was sometimes careless and negligent; that my conduct was inconsistent, and that he had produced this article to prove my negligence and carelessness.

In order to consider this charge fully, as no doubt the general turn of my character, whether vigilant or careless, must influence very much in judging of the other charges; I beg leave to enter more particularly into this article than either the evidence produced or the import of it would otherwise vindicate.

From the intelligence I had established, it was impossible that any attempt to surprize Fort St. Philip's could take place without my knowledge; such an attempt could only be in the summer months, in flat boats or row galleys, from Barcelona or Majorca; such vessels cannot approach the coast of Minorca in the winter months: but I was aware of the possibility of such an enterprize in the summer, and therefore was very anxious to have barracks built for the officers of the garrison of the fort, as will appear by my letter to the secretary at war, dated 14th of March 1776.

From the want of such barracks, it never had been thought necessary by my predecessors in command, to put all the officers of the regiments doing duty in the Fort, to the hardship of lying with their men in the subterraneans. There never were more at any time, peace or war, ordered to lie in the fort, than the numbers which could be accommodated in the quarters of the Governor and Lieutenant-Governor in the Square, and in the buildings in Charles Fort. It never had been the practice

to mount more than one officer's guard, consisting of a captain, a subaltern, and from 24 to 50 men, varying as occasion required, and three or four serjeant's guards, from eight to fourteen men each.

Innovations, which put gentlemen to what they think unnecessary trouble, and affect their convenience, are to be made by degrees, and properly timed; it being essentially necessary in a governor to cultivate the affections, or at least the good will of his officers. My standing orders, and the general orders of the 31st of December, 1775, upon the diminution of my garrison, and the arrival of the Hanoverian battalion, will shew, when produced to the Court, that I was not inattentive to keep up discipline and military decorum.

I refer more particularly to the articles 6th, 7th, and 8th, and my order of the 31st of December, will further make it appear, that the guards were augmented from 48 to near 300 men, and that I appointed a field officer of the day, which had never been done before.

Still it may be urged, that military decency was neglected, by not obliging all the officers to lie with their men in the fort, as they must have done had they been encamped. The case however is different, proper accommodations are allowed the officers in camp; it has been the invariable and necessary practice to oblige them to keep with the men in the field: the example of the officers in that case is necessary, and should not be dispensed with. In Fort St. Philip's, where there is no accommodation for them, the soldiers were accustomed to be sensible of the impropriety of all the officers lying in the subterraneans; and therefore their being better accommodated in the barracks at George Town, which was so very near, and built on purpose for their reception, had no bad effects in point of example: it had none in point of security at the time my accuser mentioned, in February 1780; for, as I have said, to surprize us by galleys, or large row-boats, was at that season impracticable; besides, I have had certain information

of every step the enemy took at Barcelona, Carthage, and Majorca. I relied on my information from these places, and knew that their garrisons had been diminished to reinforce the camp at St. Roque, so that of course there would be no design against us in any of those ports: there was no necessity therefore to order all the officers into the fort.

There was no fleet of the enemy in the Mediterranean at this time; Lord Rodney had demolished the Spanish Squadron in the month of January, and rode triumphant in Gibraltar Bay; he had supplied the garrison with its wants, and detached three ships of the line to escort the victuallers sent from England to us.

That there was a rumour every year, from the commencement of hostilities with France, of an intention to invade our island, is as certain as it was natural.

That I encouraged such reports is true, it being necessary to stimulate the efforts of every one, to put the rotten, feeble fort, in as good a state of defence as its situation would admit of. The engineers will declare what was done in that respect, from the first suspicion of a rupture with France to the day my accuser arrived; they are to declare if it was possible for my garrison, with the assistance we could get from the inhabitants, to do more than was done; they may in this place likewise declare, whether every thing was not carried on with uncommon oeconomy; for one of the charges against me is, squandering the public money.

The commanding officers of corps will testify the pains I took in the discipline of the troops, and my care to have them instructed in the exercise of the great guns, &c. &c. &c. and made acquainted with the subterraneans of St. Philip's.

My attention to the ordnance department, &c. appears by the orders, 31st of January, 1779, which will be produced.

I hope my accuser will remember he said often, and in public, that he was surprized to find we had done so much. It is but fair to mention this declaration, as it exempts him from the suspicion of wishing to insinuate from this charge, that nothing was done till his own arrival; an insinuation which would be as unjust as it would be ungenerous.

The certain intelligence I had of the efforts the enemy were making in the month of March, to build and equip large floating batteries at Majorca, and fitting their magazines with provisions, &c. at Carthage and Barcelona, induced me to order an additional batta-

lion into the fort, and the officers of the regiments quartered there to remain in it during the night. This, however, I did with no other view than that of stimulating our operations, for nothing, I well knew, could then be in readiness to assail us by the vessels in question, till late in the autumn.

This will be proved by my orders, 21st of March, 1780, and with the same view I went into the fort on the 15th of April, where I remained till the middle of June, by which time I got certain intelligence that the floating batteries, the provision and stores collected at Barcelona, were, as soon as built and collected, sent to the camp at Alguiziras.

If it is necessary, the engineers will inform the Court what was done to improve the fort while I was in it. They may declare what I committed in charge to the lieutenant-governor to be done, when I left him the entire command of it, with power to do whatever in addition he thought necessary to be done: and they may also point out what part of the works I had ordered, was executed accordingly, and what additions were made by Sir William Draper, and their utility.

Every charge exhibited against me by the accuser must be supposed to proceed from his zeal for the public; of course he should have proved that the troops suffered in point of discipline and good order, from the officers sleeping in George Town; but his report to his Majesty, as reviewing-general of the regiments in garrison, assures the king, they were defective in nothing but numbers and vigour, the two British regiments being worn out.—This report will be produced.

The accuser cannot pretend to say, that the works in the fort could have been forwarded by the presence of the officers in the night; when no work was carried on; and in the day time the proper officers actually attended the working parties. Had more guards been mounted, fewer men could have been spared for the working parties; of course this first charge is a mistaken excess of zeal in the lieutenant-governor for the good of his country.

A. *Charge the Second.*

In the years 1777 and 1778, the houses in Saint Philip's, excepting the officer's quarters, were destroyed and levelled. In 1779, I judged it expedient to raze the whole town, which was certainly a great inconvenience to the officers of the garrison, both civil and military. Hence I judged it proper to shew the example of a total demolition of the house, allowed

allowed me as governor, with the gardens and every thing, at Stanhope's tower, the stable and a small house for a guard room excepted. A guard there, was necessary to prevent the soldiers from straggling, and getting drunk in the wine houses, at Tourach. These two insignificant offices could afford no protection to an enemy, being only 30 feet in extent, and the walls but one cantoon stone, of 13 inches thick, at the distance of 800 yards from the fire of the place, and being conspicuously exposed, every shot, every shell, even cohombs, penetrated, as is proved by all the evidence. Colonel Brewse having declared his opinion, that their standing was attended with no bad consequences, and captain Townsend, that they afforded a shelter from the view only. Hence this magnified object was not, nor could be of any utility to the besiegers, not even to mask their operations. For it is not true, as charged, that the enemy took post there, to the detriment of his majesty's troops; for, in fact, their guards were wisely posted in a hollow, covered from the fire of the place; neither did these two small houses mask their batteries, which were placed about 30 yards, advanced between them and the fort.

I submit to the court, whether it be credible, that I should have made such a sacrifice to the public safety, as the destruction of my own house, of such elegance and conveniency, and yet leave an useless building standing, if I had conceived, or had ever been advised, that it could have been detrimental in a siege.

The accuser perhaps wishes to insinuate by this charge that these houses were left standing from selfish motives; but they were actually of no use to me: it is true there were about 20 pair of pigeons put in the loft of the stable, but even this use was not made of it till the spring before we were attacked.

The accuser ought to remember how lavish he was in praising not only the disinterested destruction of Stanhopes Tower, but the demolition of the beautiful and profitable Baranea there, but at that time things were seen thro' a different medium.

A. Charge the Third.

Had Fort St. Philip's been situated in a morass, and only accessible by 3 or 4 roads, not to have blown up these roads, would have been unpardonable, but the whole surface of the ground between Mahon and Saint Philip's is little more than two or three inches of earth covering the road; the country is divided into

fields, by walls, which are of loose stones collected from the surface; these walls are instantly thrown down; 50 pioneers, I think, might have made apertures in them in two hours, all the way from Mahon to where the enemy's batteries were erected; these apertures were all that was necessary to make excellent roads in any direction, from the artillery park of the besiegers, who actually availed themselves of this advantage, and were not so imprudent as to use the great road in question, further than within 300 yards of Middle Mount, (being little more than 1-3d. of a mile from their park of artillery) after they found that the rest of that road was exposed to the fire of the place.

The reparation of the road in question, so pompously made a charge against me, consisted only of some Cantoon gravel, to render it smooth where it was rough; it was equally good before that reparation for the transporting of cannon or any other burden; it had that repair to render it more agreeable to the garrison, and the inhabitants of Mahon and George Town; this road being the usual walk for their recreation, and daily passing the guards to the fort, Capt. D'Arcy, and Capt. Townsend, witnesses called by my accuser, have proved that the road was a good practicable road for artillery before the reparation, and that it was no obstruction, even to coaches, more than to make them shake.

These two officers have further proved, that if the enemy had landed at George Town, they would even then have only crossed it; that as it was they made roads to the right and left of it; and that the road from the enemy's park of artillery, to Middle Mount, was out of sight of the garrison; Lieutenant D'Arcy further saith, that from the enemy's park of artillery, to the place where they turned off to their batteries, was only 600 yards; that he never saw any cannon upon it, and supposed that 300 pioneers, could in one day, have made a road, from the park of artillery, to where the enemy's new road turned off, sufficient for the carriage of the heaviest ordnance.

The fact is, that from that point, it was so open to the artillery of the garrison, that the enemy never attempted to use it, but made new roads; for Capt. Head declared, that after the day he fired upon the carriages at Middle Mount, he never saw any more upon it.

A. Charge the Fourth.

The detachment at Cuitadella, consisted of 1 subaltern, 1 serjeant, and 32 rank and file; and that at Fornillis, of 1 subaltern, 1 serjeant

jeant, and 13 rank and file, in all 45 rank and file, worn out and decrepid invalids, as has been proved by Captain Butler and Lieutenant Smith; it would have been unpardonable, not to have had out-posts at those two places, being the best for the disembarkation of troops, and where the enemy landed in 1756; they were necessary to give warning of an enemy's approach on these sides, and to keep the men at the signal houses alert, and to protect the towns from the insults of the enemy's privateers; for this last purpose there were *two* 6 pounders and *four* carronades at at Cuitadella; *two* 6 pounders and *two* carronades at Fornellis; with ammunition in proportion at both places; if I remember right, 30 rounds for each piece, which ordnance and ammunition were ordered to be destroyed, or if practicable, sent into the fort on the approach or appearance of a fleet to invade the island.

On the 14th of August, 1781, when I received intelligence that we might be invaded, the orders already produced were sent to the commanding officers, at the posts in question, *which I beg leave again to be read.*

Upon the first appearance of the enemy's fleet on the 19th of August, expresses were sent to these officers, of which they have acknowledged the receipt; and between 2 and 3 o'clock expresses were sent with fresh instructions to advertise them of their approach, and to order them in through bye roads, as shall be proved; it is not true that the artillery or stores were intercepted, as asserted in the charge, having been destroyed agreeable to orders: I must suppose the Lieutenant Governor to have been ignorant of the orders given to the commanders at these posts, and of the measures taken for their preservation; for if he was not, I think he would hardly have made this a charge, since it appears by the evidence called by himself, that every precaution was taken on my part, which prudence could suggest; and that Lieutenant Smith, in throwing blame on me, was in fact proving his own misconception of clear and distinct orders.

At the same time it is but justice to Captain Butler, and Lieutenant Smith, who were made prisoners by the enemy, to declare that there was not a man in the island, who thought a Spanish army could have landed in five hours after the fleet had appeared on an open and exposed Iron coast, which afforded no good anchorage from the rocky bottom, and where there were no bays, but the hazardous ones of Alquefour, and Sandy Bay, in which with difficulty

even boats can land, when there is the least wind. For my own part I did not think it practicable, nor can I yet conceive, why the Duc de Crillon hazarded so much. The trifling naval stores in the dock yard, were not objects to justify the risk of such an enterprize, even though he had known it was in his power to seize them.

As to the other part of this charge, viz. that I had previous and specific intelligence from his majesty's ministers at Florence and others, of the attack intended. It appears, from the evidence already produced, that my accuser has ventured this assertion on as bad authority as many other of his articles. I had no intelligence whatever that could be deemed specific; the whole depended on probability and conjecture, as appears by the words of Lord Hillsborough's letter, which I only received on the evening of the 14th; yet no circumstance, which the most accurate information could have suggested, was omitted by me.

The information from Sir Horace Man and Mr. Udney, did not reach me till the arrival of the Lemon, the 5th of September, 16 days after we were invested.

Having received the intelligence I before mentioned from Lord Hillsborough, late in the evening of the 14th, I immediately communicated it to the lieutenant-governor, covered by the following letter to him.

Hospital Island, 14th Aug. 1781.

My Dear Sir William,

" My conjectures, with regard to the
 " inclosed intelligence, should put us on
 " our guard. Cadiz is the port from which
 " armaments are sent to the West-Indies;
 " but if the siege of Gibraltar is to be raised,
 " and Minorca to be attacked by the troops,
 " &c. which besieged Gibraltar, it is like-
 " wise the port from which we may expect
 " them; I therefore think Lieutenant Cae
 " should without delay put every thing in
 " the dock yard, (I mean our provisions)
 " on board the two transports, the Chance
 " and the Earl Cornwallis, to be brought
 " under the guns of the fort. The op-
 " portunity is favourable, to crave Captain
 " Lawson's assistance, to bring earth into the
 " garrison, to forward any other thing you
 " think most immediately wanted.

" The

"The crews of the two privateers, General Murray and the Eagle, may be likewise set to work where you wish to employ them, either in the garrison, or to accelerate the loading of the two transports; I shall do myself the honour to breakfast with you to-morrow morning, and I hope I shall have that of your company to dinner on Thursday."

I have, &c.

James Murray.

"Sir William Draper, &c."

"P. S. I communicate the intelligence to Captain Lawton; was I in his place I would endeavour to check the Spanish Shavages which annoy us."

When I breakfasted with the Lieutenant Governor, he was of opinion the destination of the armaments in question was most likely for the Spanish American colonies, as we were informed they were at that time in rebellion, as there were no magazines found either at Barcelona, Carthage, or Majorca. However, I thought it necessary to prepare for every event, by issuing the following orders, (early on the morning of the 15th) the day after I received the intelligence, and to the watchmen at the signal towers, and also the orders to Captain Butler, and Lieutenant Smith, which have already been proved, and to the jurats and other civil officers in that quarter of the Island.

What other precautions and directions could my duty require, or my situation, enable me to take and to fulfil?

A. Charge the Fifth.

It appears by my letter to Sir William Draper, already produced, that I acquainted Captain Lawton of the intelligence contained in Lord Hillsborough's letter.

On the morning of the 15th, Captain Lawton called on me; he seemed thoroughly persuaded that we were really to be attacked; it had long, before the alarm, been concerted between him and me, that in case of an invasion, it would be proper to destroy, not only all that was in the dock yard, but to burn all the craft in the harbour, that the enemy might not avail themselves of them; he therefore judged very properly, that in our present situation it would not be prudent for him to quit the harbour, to check the enemy's small privateers; but as soon as the wind would permit him to get his ship up to the head of the harbour, not only to execute what had been concerted, but to cover and bring down the transports that were loading

the beef mentioned in my letter to Sir William Draper, which we had been obliged for want of store room in the fort to lodge in the dock yard; unhappily the wind blew strong down the harbour, and Captain Lawton never got the ship up; but the beef was most of it thrown into the sea.

Without entering into all the uninteresting evidence which has been produced upon this article of charge, it will sufficiently appear to the Court, that in this, as in the preceding articles, there was no culpable neglect on my part.

Mr. Harris has declared that I communicated to him my intelligence respecting the enemy, upon the 15th of August; that I consulted with him relative to the quantity of stores, and the means of removing them, which he informed me could be done with sixty men in forty-eight hours; that he accordingly applied to Captain Lawton for the necessary assistance; and tho' it was not immediately granted, it appears that the greater part of the stores were removed on board the store ships; it is admitted by my accuser, that every thing afloat was entirely under the command of Captain Lawton; I shall therefore confine myself to the dock yard, and if I exculpate myself in that particular, which I hope to do beyond the power of contradiction, the other follows of course.

Mr. Harris declared that he considered himself as under the command of the senior officer of the navy, and that upon a former alarm, he had conceived it as his duty to make the first application to him; his instructions from the Admiralty are to this purpose, and admit of no misconstruction.—He declares he had orders from the Admiralty, to give me every assistance in his power from the stores under his charge, which evidently shews that I had no authority whatever over him or them; to remove every shadow of doubt upon this head, I shall produce to the Court, a Letter to Lord Barrington, by which it will appear, that I understood I was not permitted to interfere in any thing relative to the dock yard; Mr. Harris has not distinguished between the value of the stores which were left in that yard, but, inconsiderable as they were, it would certainly have been proper to have destroyed them; it was so concerted between Captain Lawton and myself; and I did expect that he would have put our purpose into execution.

The reason for not doing so, which he gave to me, was the small value and consequence of the remaining stores, and the damages which would have been done at the store houses and mast house, and other buildings, supposing the

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siege to be raised, or the island to be restored at the peace.

As to the beef belonging to the garrison, it appears from my letter to Sir William Draper, that I had given the necessary orders about it, and that the execution of these orders was entrusted to Lieutenant Case, of the marine corps, who was under Sir William Draper's command.

As to the stationing a vessel, I shall prove by lieutenant Douglass, who was present when I concerted with captain Lawson the putting the Minorca at the head of the harbour, that it was not from any omission of mine that the ship never got to the place; but in justice to the memory of captain Lawson, it becomes me to shew that she could not be carried there on account of contrary winds. At the same time the Court will observe the small consequence the failure occasioned, since it could only have obliged the enemy to make a circuit of a mile or two at the most; neither could the division of the enemy which landed at Alquefour, have thereby been impeded on their march to Mahon.

As to the concluding part of this article, I am ready to prove what I now declare, that every plan and paper in my possession when the enemy landed, are now in my possession, and have always continued to be so; and as to the disgraceful retreat of the troops, I shall prove they marched with perfect regularity into the garrison, an hour before the enemy landed on the island, and that the guard at Mahon to cover the retreat, entered the fort in the same good order at sunset.

That both officers and men lost some of their baggage (occasioned by the delinquency of the Minorquines, who gave no aid in transporting it to the garrison) is true; but after having issued the order of the 15th of August, for the regiments to be ready to march into the garrison at a moment's warning, I can only lament the loss, however trifling, which my brother soldiers sustained, and express my concern that their characters should have been called in question on that account, without taking the smallest degree of blame to myself.

Perhaps, in justice to them, I should further observe, that on two former alarms, they had sent their baggage into the fort at a considerable expence, which made them less credulous on the authority of a letter, so vague as that from the Earl of Hillsborough.

A. Charge the Sixth.

In answer to this charge, it is necessary to lay before you my report to his majesty of the

state of the place and its environs, dated the 20th of August, 1780, a year before we were besieged; and I must beg of the Court in considering this charge, as well as my order of the 15th of October, and that of the 8th of January, particularly to remark, that I foresaw the measures which the enemy would probably pursue, and foretold what conduct I should hold in consequence.

The report was read by the Judge Advocate, as follows:

General Murray's Report to the King of the State of Fort St. Philip's, and its Dependencies.

Notwithstanding all its defects, this place, with an adequate garrison, should make a glorious defence in the state it is now in; if leave is given to remove the ground, which protects the barranca from the fire of the besieged.

The garrison should not be less than three thousand five hundred rank and file, with officers in proportion; two companies of artillery, viz. 214, including the officers, a company of 50 miners, commanded by a captain, a lieutenant, two serjeants and two corporals, and five hundred British seamen; these last are necessary, because no assistance can be got from the inhabitants, even as labourers, and the troops will be sufficiently occupied in exertions at arms, &c. At all times a guard ship is necessary in this harbour, especially in time of war, for its protection, to preserve maritime order and discipline amongst the privateers, and for many other good purposes not necessary to mention.

This guard ship, in time of war, will constantly be furnished with the requisite number of seamen, by the supplies we shall have from the exchanged prisoners of war, &c.

The masonry is perhaps the worst which was ever seen; I cannot account for its being so, because the materials are most excellent, and at hand. The pieces of the fortifications do not cover one another as they ought, and are commanded every where at the distance of 500 yards; at which distance the besiegers may commence their operations without being exposed to a shot from the fort: the nature of the country makes it impossible to correct this defect; it will therefore behove the besieged to exert their skill, address, and industry, to prevent the enemy from quickly destroying the defences of the place; for this purpose, a large magazine of fascines, gabions, hurdles, earth, &c. &c. to repair the demolished batteries, is laid in.

The ground is now every where levelled; and

laid open to the fire of the place (the grand baranca excepted) to the distance of 500 yards from the outward covered way; the space from the place to where the besiegers can open their first batteries, without regular approaches, is an entire rock, and some compensation for the defects and disadvantages I have mentioned; because, from that distance all regular advances must be by sap ouverte, and the earth and materials brought from a great distance: hence the necessity of imposing on the besiegers, by reserving until this stage of the siege, the fire of our repaired batteries, that of the new projected ones, and of the field pieces, mounted on the carriages, we have contrived to fire from the covered way, and the salient angles of the works, (a model of which is sent by Captain Scott, for his Majesty's inspection) and likewise the fire of the mortars made in the rocks, (as described in the plan) which can throw to the distance of 450 yards, betwixt two and three hundred weight of stones.

Captain Mayne was the first that practised here, this most useful and cheap invention: the idea was taken from the use of them at Malta; the ground within the fortification doth almost every where admit of them; their success is certain, and as neither them, the field pieces, nor the new proposed fascine batteries, can be much exposed, even to the recochet shot of the assailants, defective as we are in several capital points, our defence above ground, were the corps now in garrison completed with good men to their establishment, should not be contemptible; if we had the requisite garrison, I am confident it would be glorious.

The strength of St. Philip's consists in its subterraneans; they afford such a variety of chicane and resource, that every inch, from the glacis to the body of the castle, may be advantageously disputed by the mines and small arms, after the defences above ground are totally demolished and the artillery annihilated; hence, the necessity of an established company of miners for this singular fortification. This may be done at a very small expence, by drafting fifty miners from the whole army into the corps serving here, to be paid as miners only; when they are employed as such, one British will do the work of two Minorqueen miners; but the Minorqueens are out of the question; they will not work for us in time of war, and at no time should they be trusted with the knowledge of our subterranean defences; a captain, at ten shillings per day, a lieutenant at five, and three serjeants, who being likewise serjeants of the regiments they belong to, may

be allowed an additional shilling each, is all the requisite expence of this company; much more than that sum may be saved by keeping the pallisades in shades, till it is necessary, in time of war, to plant them; I have tried the experiment, and will forfeit my reputation if the whole are not effectually erected in the space of three weeks. When the board of ordnance considers the immense expence of the pallisades of this place, they will, no doubt, admit of this proposition, and allow the saving must produce double the sum requisite to defray the expences of the mining company.

This place, I mean the simple castle, will hardly admit of the glory of defending a breach made in it; nor indeed to wait till that breach is practicable. The powder magazines being all under the square, on a level with the bottom of the ditch, I fear when the enemy have got possession of the counterscarp, the best chance of holding out longer will proceed from their dread of partaking of the universal havock which the blowing up of the castle must occasion at a great distance; the besieged and the besiegers must be then precisely in the situation of Van Trump and his antagonist on the barrel of powder, each armed with a red hot poker; but before matters come to this issue, there may be opportunities enough for every man to signalize himself; for with a sufficient garrison no work should be taken without regular approaches and practicable breaches; these breaches may and should be obstinately defended. But, alas! when our present garrison is compared with the extent of our works, we must not suppose the enemy will think it necessary to make regular advances to us, after he has in safety at the distance of 500 yards, mined our defences and silenced our batteries, he should judge it expedient to save the lives of his troops to assault the place. Weak as we are, his first attempt will be ineffectual; an intelligent officer will expect, that perhaps he will mean by it little more than a discovery of our resources and preparations for such an event; but this discovery will not make him alter a plan which must, by repeated well concerted measures succeed in the end against so small a garrison, was every man of it a Hercules. It is with a very heavy heart I report this opinion to my Royal Master, who may be assured that we cannot be surprised; and that I can answer that no exertions which men are capable of will be wanting in every individual for the support of the honour of his Majesty's arms. It is, however, a melancholy reflection, that little honour will be paid to our memories by mankind in general, from an imagination:

gination that the regiments here are stout and well completed; our efforts will be judged insufficient, even should every man of us expire in the execution of his duty.

As it may be imagined from what is said above, that the heaviest artillery will be employed in the defences opposing the land attacks, it is judged requisite to ask a supply of seventeen twenty-four pounders, with their proportions of stores, there being no guns of that calibre here; these with twelve carronades will amply supply the place of large artillery, which have been taken from the sea line. I understand the respective officers of the board here have applied to the board of ordnance in England, for eight twelve pounders, in lieu of those lost in the Besborough packet; but they agree with me, if the supply I now solicit is granted, we shall have no need of the eight twelve pounders.

(Signed) JAMES MURRAY.
Mahon, Aug. 20, 1780.

The enemy took advantage of the barrancas or ravines, which I have mentioned in that report, not only to convey and cover all the materials they wished to amass for the construction of their batteries and redoubts, but to cover the troops who mounted in the trenches, where they could not be seen from the garrison, and were little exposed to our shells; their parallel, or what the accuser calls a sap, being behind the crest of the rise, and fortified by beams, placed sloping against the parapet; under the cover of which, the troops were in perfect security. The enemy finished a wall thickened by sand-bags, from 10 to 30 feet thick, on the crest of the said rise, from Stanhope's tower, to their lowest battery above the Mahon road; their parallel below the road towards the harbour, had the same advantages: under the mask of this wall their batteries were constructed, and of course, it was impossible for us to know exactly where or how many batteries were forming; all we could do was to batter and open this wall, which was frequently done without any discovery of a battery; but the breaches made in it by our artillery were constantly repaired in the night: these attempts of ours were made, however, of use in retarding the progress of this wall, as they obliged our assailants to give it a greater thickness, which rendered it impracticable, as Major Walton and the chief engineer can testify: I consulted both of these officers, and others who agreed with me, that the annoying of this masking work, in these places where it was carrying on and not perfected, was all that could be done. To have attempted more, considering

the extent of it, must not have only reduced us to want of ammunition, but have destroyed our embrasures; for so rotten was the masonry of the fortification, that our own fire brought down the merlons: when it is considered, that the enemy began this masking wall the beginning of October, and did not finish it till the 7th or 8th of December; it must be allowed my conjectures were well founded, and that every thing which prudence could dictate, was effectually done to retard their progress. On the 11th of December, a deserter from the enemy informed us most exactly (as it afterwards appeared) where the batteries of the besiegers were marked out; he said some of them had been begun some days, and that others were not yet begun; all which proved true; for the masking wall of the battery, opposite the Queen's redoubt, was not begun till the 10th of December, and I believe the French battery on the Philipet side, was not in much greater forwardness. Captain Dixon of the artillery, who speaks the Cantalan (the language of the deserter) and perfectly knows all the environs of the place, was ordered to go to the top of the castle from whence every thing was to be seen, that he might be perfectly master of the spots where the batteries were pointed out by the deserter, and to inform instantly all the artillery officers how to direct their fire against them; this was done, and from that moment an incessant fire was ordered to be kept up against these objects. I told Major Walton that now was his time, that we must no longer think of sparing our ammunition, as we knew the proper objects to fire at: he and his officers exerted themselves to the admiration of every body; they did great damage to the masking wall, which still they could not effectually lay open; however, their success must have been great in retarding the erection of the batteries of the besiegers, which were not finished till the 5th of January, a space of time no less than 26 days; it is well known that most of the batteries were begun at the same time: they were divided amongst the regiments, and called by their names, to stimulate and excite emulation: every intelligent officer knows that five days is sufficient to construct any battery in any situation; our men under the direction of our engineers, raised the merlons of one from the sole of the embrasures, which was all the enemy had to do, in eight hours; the engineers and officers of artillery raised one from the level of the platform in 16 hours; this was done to practice our men in constructing batteries; these batteries were fired upon at the distance of 200 yards, and found sufficient to the conviction

tion of every soldier in the garrison, of course it must be allowed the enemy was greatly retarded, and the effect of these operations defeated as much as was in our power; to have totally prevented their approaches, and the construction of their batteries, must be allowed to have been impossible. They consumed no less than 1,200,000 two bushel sand bags, and 60,000 facines; hence it may be granted, that if they were not retarded by our efforts, they were at least fearful of the consequences, and provided accordingly; since the time when they begun their masking wall, to the 6th of January, when they opened their batteries, was little less than three months.

The average quantity of powder expended from the 27th of October, when the enemy apparently began their masking wall, till the 11th of December, when the deserter came in, was 402 lb. daily.

The average quantity from the 11th of December, till the enemy opened their batteries, was 3243 lb. the difference is 2841 daily, which, from the 27th of October, to the 11th of December, (being 45 days) would have made a difference of 127845.

The quantity of powder left in the garrison when we surrendered, was 3511 barrels, or 351100 lb. which would have been no more than sufficient for 30 days longer firing, at 11500 daily, which was the *average rate of powder* expended during the last eight days, when the enemy had opened their battery between the Barrancas.

Had we, from the 27th of October, when the enemy first begun their wall, kept up the same fire which we did after the deserter came in, and pointed out where it might be kept up with effect, 127845 lb. more powder would have been expended, which would have reduced us to 223255 lb. sufficient for only 19 days; and the fort was in a situation to have defended itself two or three months longer had the garrison kept healthy.

Thus much as to the state of our powder; as to shells (cohorns excepted) only 1200 were left, and the cohorns were of little use, all the cohorn mortars, but one, being rendered unserviceable.

In this general charge, much stress has been laid by the prosecutor, on suffering the battery to be erected at Philipet without more interruption. It appears, by his own report to me of the 3d of December, that at that time Sir William thought the walls there to be no more than a line of communication, yet he has endeavoured to prove his prescience in saying to some of the

witnesses, there would be a battery there; the moment I perceived the enemy's intention, I ordered a new facine battery of 6 heavy guns to be erected against it, which opened with great effect long before the enemy had completed their battery on Philipet; if we had perceived the enemy's intention sooner, perhaps we might have retarded them some days longer, but they must have then prevailed.

Another point Sir William Draper has endeavoured to impress on the minds of the court, namely, that the guns of the N. W. curtain of the castle (which he always calls the West curtain) did not fire on the burgoys; I shall prove to the Court, that not a single gun in that curtain, could be brought to bear on the enemy's battery called burgoys.

Upon the whole, the Court will observe that all the experienced officers already examined, and particularly Colonel Brewse, the chief engineer, have declared that no effectual stop could be put to the continuance of the enemy's masking work, in the manner they proceeded.

That many experiments were made.

That a vigorous exertion of artillery was frequently tried.

And that an attempt to destroy this wall, if persisted in, must have reduced the garrison to surrender for want of powder.

Additional Observations on the Masking Wall.

After all I have heard upon the possibility or impossibility of preventing the Duc de Crillon to establish his first parallel, and the batteries constructed upon it, it is incumbent on me to make the following observations, and to desire they may be inserted in my defence. In the first place, that first parallel has been proved to be carried through ravines, so as to be covered from the fire of the fort; it has likewise been proved that the besiegers made roads not exposed to our view, to convey every thing requisite for the construction of this parallel, and their batteries; it has been proved, that notwithstanding the natural advantages the ravines afforded, the besiegers built a masking wall, at an average about 20 feet thick; the extent of this wall was no less than 2000 yards, viz. first from the Russian hospital across the whole breadth of Cape Mola; second, from the enemy's batteries across Philipet Peninsula; third in front of the bourgeois battery; fourth, from the lower flank of the favoya battery, up to Stanhope's tower; fifth, in front of Turks mount battery. It was built with great caution in the night; we may judge from the appearance of it, that every regiment built the wall which masked the battery

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destined.

destined to be constructed by the regiment, for it was irregularly carried on, but joined at last; so cautious were they in the erection of this wall, that they undertook no more in one night than what could be sufficiently fortified to resist every attempt of our's to demolish it the succeeding day; the experiments we made again and again to convince us of this truth, have been clearly proved to the court. I had scouts out almost every night, engineers frequently; their reports to me were confirmed by what I saw with my own eyes in the morning. I was convinced then, and am still of the same opinion, that it was impossible for us to prevent the erection of this masking wall. It has been proved that the masking wall in the front of the battery of Bourgois, after we had battered it many hours, was re-established the next night under the continued fire of the garrison; this happened the night of the 10th of December; the return of the expenditure that day was 128 rounds, almost all expended on that wall, which was only 100 yards in length, and 500 from the garrison; had a proportionable fire been kept up on the rest of the thickened wall, 2000 rounds would have been daily expended, and the effect must have been less than upon that before the Bourgois; as that at Turk's Mount excepted, they were all at an average above 700 yards, which being much more than the range of point blank shot from the nearest work which could bear upon them. The court and the world will judge of the practicability of demolishing, by our cannon, this wall, wherever it was constructed. I declare I know of no other method of retarding its progress than that of throwing small shells, and sometimes shot, towards the places where we imagined they were extending it. That this was done with vigour and activity appears from the quantity of shells expended from the latter end of September to the 12th of December. I acted to the best of my capacity and judgment: I took the best advice I could get of the chief engineer, and the commanding officer of artillery. I had the honour of my country at heart, and my reputation was at stake. I claim merit in what I did. I am an old officer. I have had much experience, which experience told me then, and still tells me now, that none but an enemy could have advised me to throw away my ammunition in combating this masking wall, erected beyond point blank shot of my place. Had this been the case then, indeed I must have been disgraced, and the reputation of my former services blasted; then I must have surrendered to the assailants, who were not nearer than 600

yards, for want of ammunition, a fortress, capable of some months resistance from the day the enemy opened their batteries, had not the hand of the Almighty interfered and reduced my garrison by sickness, to a degree of debility which made it impossible to resist a moment longer than we did: as I did not foresee this misfortune, was it not my duty to reserve my ammunition in proportion to the probable resistance I thought we could make. My feeble garrison would not admit of disturbing the enemy by frequent sorties; had it been strong, I certainly might, by well concerted ones, have retarded the progress of the besiegers; but that means was not in my power.

A. Charge the Seventh.

This battery was 1330 yards from the garrison, and solely intended to scour the entrance of the harbour. If the enemy had constructed an epaulment between it and the fort, or had raised merlons to it, which at that distance we could not have hindered, the embrasures of that battery being pointed to the sea, could not have been opened by any gun in the garrison; and all the guns of the place would not have prevented the enemy from keeping up a well directed incessant fire against any vessel coming into the harbour. It was not my business to shew the enemy their error, and this I declared at the time, as will be proved. The event justified this conduct; for when the Fly came into St. Stephen's Cove, the enemy was soon driven from their battery, which was then fired at for her protection, having had only time to fire four of the five guns they had on it, and it was not till some time after that one of them found courage to steal back and fire the 5th; and the only consequence our firing at it before could possibly have, would have been to make them retire the guns behind the traverse, made in the rear of their battery for that purpose, and to have induced them to have completed it with proper protections.

This is another of the charges which evidently shews in what light Sir William Draper endeavours to represent my conduct; since it is hardly credible that he was not sensible of the propriety of leaving this battery undisturbed: but if he did not see the obvious error the enemy had committed, in such case less regard can be paid to his judgment; for, upon the entrance of the Fly, all my predictions were justified respecting this barbet battery.

A. Charge the Ninth.

Captain Lawson intended to have sent his frigate to sea under the command of one of his officers

officers, on the night of the 19th of August ; but from the situation of the enemy's ships of war, he judged the escape of the frigate impracticable, of which he acquainted me the next morning ; and, in consequence thereof, I desired the ship to be sunk, and the crew to march into the fort to reinforce the garrison ; for the same reason I desired the transports and General Murray-privateer to be sunk. These measures must have been allowed to have been proper, as, at that time, an immediate siege was to be expected, and the crews of the vessels not to be dispensed with in the defence of the fort. Captain Lawson, some days after the ship was sunk, requested I would give him my desire in writing to sink her. I cheerfully did so, because I thought the sinking of her proper, and knew that he must answer to a court-martial for the loss of his ship. For the same reason I gave orders in writing to the masters of the transports and other vessels which were sunk, that they might recover the value of them from the public.

What would my accuser have said of me, if (weak as my garrison was) I had not availed myself of the crews of these vessels for our defence. In this charge I am accused of sinking the ships to prevent their falling into the hands of the enemy : in a preceding one I am accused of not destroying the dock yard.

B. Charge the First.

The great superiority of the enemy's artillery, and the effect which it had on our rotten works, was evident to the youngest soldier, perhaps alarming to all. The great superiority of the artillery was likewise visible ; it became therefore absolutely my duty to acquaint the garrison that the defence of the place did not solely depend on the exertions of the ordnance. Had I neglected this, the men, at small arms, little acquainted with the defence of fortified places, would from the superiority of the enemy's fire have looked upon themselves as vanquished.

I therefore in the subsequent part of the order which the accuser has prudently omitted, pointed out to the troops, that the great strength of that place consisted in its subterraneans, mines and ditches ; from these I told them the works were inaccessible ; and that it was from an obstinate defence of these that they were to gain that glory the world expected from them. I likewise stimulated the artillery to new exertions, by assuring the garrison that they were still vigorous. Of course, that great efforts from them were yet to be expected ; that the fire from the place, even on the north side, was far from extinct, has been proved by all the evi-

dence (till by the order of the 17th of January) the guns on that side were retired during the day, and only employed in the night ; and when the enemy, busy in repairing the damage done to their batteries by our shells, and the explosion of their own guns, were exposed to our shot. The prudence of this last order would have been severely felt by the enemy in carrying on their second parallel, if the health of the garrison had allowed it to continue the defence till that stage of the siege, had it not been for that precaution of retiring our guns, plunged into, as we were, on every side, we should not, at the time of our surrender, have had such a considerable number of guns mounted, nor would that formidable number of artillery, men, and seamen (on which the accuser expatiates so much) have existed.

The fire was kept up at times on the battery at the Russian hospital, and constantly on that between the Barancas from the moment it was discovered. The accuser says, the garrison was discouraged by this order. Has he been able to produce a man who was daunted by that or any other event of the siege ? Colonel Pringle has only ventured to say, that it might have had that effect. Sir William Draper's resentment against me, must be violent indeed ! since to injure my character, he would sacrifice the reputation of so many brave men, and even the credit of the arms of his country.

After explaining my reasons for issuing this order, all further comment upon it would be improper, as pretending to bias the opinion of the court, who are the best judges whether this is a military order or otherwise ; or, whether it could possibly have the effects pretended in the charge.

As to retiring the guns in the day-time, on the superiority of the enemy's fire, to reserve them for defeating their subsequent approaches, it is agreeable to the system I have laid down in my report to the King ; and the fact was, that the enemy, on advancing their boya, were so much annoyed by our artillery, they were obliged to desist ; and, in that state of the boya, the capitulation took place.

B. Charge the Second.

The places of arms were not abandoned, nor the communications from them to the ditches shut up, till the ruinous situation of both rendered it unsafe to maintain them, and, till the increasing weakness of the regiments from sickness, which, though not arrived at the violence it afterwards did, was already considerable, did not leave a sufficient number of troops for their defence.

It is impossible for me to explain this business more than by the council of war, held the 18th of January, where my reasons are fully set forth, and these reasons met with the approbation of all the officers assembled, although Colonel Pringle forgot, in his evidence, that in what he seemed to condemn before the court, I was justified by his own advice at the time of the transaction. I visited the place of arms between the south west outward raveline and west counter guard, the morning of the 19th, on a report of Captain Brick, and found the entrenchments so much hurt by the enemy's fire, during the preceding day, it being only a two foot wall of masonry, that I was of opinion, in which the engineers agreed, that it was untenable. The place of arms at the Salient Angle, north west outward raveline, was not abandoned at the surrender, nor would the new place of arms have been abandoned had not the stairs been destroyed by the enemy's shells.

In our situation a general assault was what we had reason to expect, which must necessarily have been baffled, while we could defend our ditches.

The number of men we then had was barely sufficient for the defence of them and the inner works; besides, as the scurvy had then begun, and I was assured by Dr. Munro that there was a great likelihood of its proving fatal, particularly amongst the Hanoverian troops: every thing that by easing the duty of the garrison could be done to prevent that dreadful disorder was necessary to be done; since it is universally known to be promoted by excess of fatigue and anxiety of mind.

B. Charge the Third.

As the sickly state of the garrison shewed the impossibility of defending the place any considerable time, it was certainly my duty to make it cost the enemy as much blood, and gain as much glory to his Majesty's arms as was possible; the reason for only partially defending the outworks are specified in the second council of war, which will, I hope, justify me to this court.

If the enemy had made this much wished for attack on the lunette, the mines, fougasses, and stone mortars, would not have been idle.

The accuser, so early as the 9th of January, declared, in a letter to me, that, in ten days the Marlborough ought to be abandoned, that key of the garrison, which being once in the power of the enemy, the possibility of receiving succours from England was at an end; and, in my opinion, the enemy's approaches on that side might then have been rapid and fatal.

From all which the censuring the soldier-like plan of defending the Lunettes by chicane, becomes more inexcusable in the prosecutor.

B. Charge the Fourth.

As my acquittal or condemnation must chiefly turn upon this material and affecting charge, I beg the court to examine rigidly every particular exhibited on the occasion to the council of war; by this examination they will see my reasons for proposing to surrender, and the unanimous opinion of that council so to do, I must not, on this occasion, pass in silence; my surprise that Major-General Pringle should insinuate blame in my conduct at that council, he being one of those who, unasked, advised me to propose to the Duc de Crillon a suspension of arms, and a conditional surrender, 19 days before; and previous to the inveterate disease, which reduced us to the impossibility of resisting longer. This honourable court and all the world will establish the censure where it should fall. If the calamity of my garrison was exaggerated, or made a pretence for surrendering St. Philip's; if any attempt was made by me to deceive the council, to concur in giving that advice to their governor, the most severe punishment should justly fall to my lot. If, on the contrary, our misfortune was real, and beyond the power of men to remedy, I and my advisers deserve applause from their country. Humanity will plead for it as our due; necessity must justify it. How far it was becoming Sir William Draper, the instigator of this previous advice to surrender on conditional terms the 14th of January, to accuse me criminally for surrendering on the 4th of February, after this inveterate calamity had made an hospital of my garrison, and a spectacle, considering our circumstances, which would have convinced the most obdurate heart, the court and Europe will determine. I shall shew this was the case, and I shall prove beyond contradiction, when the date of the paper given to Colonel Pringle, by Sir William Draper is considered, and the contents of that paper, advising the treating with the enemy for a cessation of arms, which were communicated to the said council of war, that such was even at that time the opinion of my accuser; my letter to the officers upon receiving this advice, will sufficiently demonstrate the disposition of my mind, and my determined purpose of holding out the fort as long as resistance could be effectual; but when overcome by this disposition of providence against all my efforts, I acknowledge, that for the chance of keeping the fortress three or four days longer at the most, I could not suffer so many brave men

men to perish, who had merited every return of good offices from me and their country, when it was in my power to save their lives by obtaining vegetables and fresh air.

If the accuser would have made a longer defence, the honor he might have gained would have been dearly purchased by the lives of numbers, who must have fallen by the hand of heaven, not that of the enemy? would any honest man purchase honor at so dear a rate?

B. Charge the Fifth.

If I had given out the orders mentioned in the charge, to march out the corps as weak as possible, it would have been no crime in me to lessen the triumph of the enemy, but the fact was, that by the Duc de Crillon's letter of the enemy, of the 4th of February 1782, the troops were to march to Alleyor, which is eleven miles from the castle, and the enemy's general desired that such of the garrison, as from weakness were unable to march to Alleyor, might, as well as the sick and convalescents, remove to George Town, till they were able to join their respective corps ; but the whole of these men, except the sick and convalescents, so far as belonged to the four regular corps, were included with the effectives in the return inclosed to the Secretary of State, and were also included in the numbers stated in my letter to him, as appears by the original returns, which have already been laid before the Court.

It is true, that in that letter the number of the marine corps is mentioned to be 200, whereas the real number of effectives, rank and file, on the 2d of February, were 424, including boys, artificers, and 93 men, reported to be scorbutic by the surgeons, and who probably would all be in the hospital in a few days; and in the same letter, the number of artillery was stated to be 120; whereas the real number of the effectives, rank and file, were, on the 31st of January, 104. These two errors in the numbers, by one of which the number of seamen is stated too low, and by the other the number of artillery too high, arose in the following manner. When I made the rough draft of my letter, to the Secretary of State, I put down the name of each corps, among which the marine corps, Corsicans, Greeks and Algerines are particularly mentioned, leaving a blank after each, to be filled up by the Adjutant general from the returns; he accordingly filled them up, but was led into a mistake as to the marine corps, by a return delivered to him, on the 30th of January, by the adjutant of the said corps, in which return the numbers, rank and file, are stated to be 316; and from this erroneous return, the adjutant general deducted

the boys, and the men returned on the sick list, between 30th of January and 5th of February, and inserted the balance, as the true number; the error as to the artillery men, arose from the adjutant general's referring by mistake to a preceding return instead of the last; but it is evident from the two mistakes, being on opposite sides, that there could be no possible intention to deceive, neither could the Secretary of State be misled by these mistakes, since the minutes of the council of war, of the 3d of February, were laid before him, with my letter, in which minutes I stated the number of the marine corps, rank and file, deducting the boys, at 389, which was the exact number; the Corsicans, Greeks and Algerines, are stated in that letter according to the returns; and therefore the charge is not true that they were suppressed.

C. *Charge the First.*

This idea of retaining hostages in our debilitated state, or waiting a moment in relieving the sick after the preliminaries had been signed, is so contrary to the principles which induced me to surrender, that it would have been both useless and cruel to have deferred the essential business for that ceremony; and after my distress was known to the enemy, the best security was, a generous conduct, trusting to the honour of a soldier, which was given. All the articles were fulfilled; and why my accuser should be angry about hostages, I cannot conceive; I shall call no evidence about this: the trivial losses which the officers sustained by the irregular conduct of the Spanish troops, in forcing the four guards, placed over the baggage of the different regiments, was amply paid, according to the estimates they delivered, as has been proved, and whatever Colonel Pringle may think of twelve hours notice, as necessary for marching his regiment, I conceived then, as I do now, that it was my duty to get the troops into fresh air, and supplied with vegetables, as soon as possible.

D. Charge the First.

At the time the wool was purchased for government, I had every reason to expect a vigorous and immediate attack, and in that case we could not take down the useless buildings with that care which was necessary to save the cantoon stones. There were not enough of these in the ditches, to serve the mines alone, such as were intended for this purpose, having been otherwise employed (whilst the Lieutenant Governor commanded in the fort,) in erecting useless barbet batteries, every thing that could supply the materials for making the traverses became an acquisition. The chief engineer de-

A a **clared**

clared to Lieutenant Douglass, my aid-de-camp, that we were happy to get the wool ; and the proper place to put it in, was the top of the castle, as the safest, and being central, it could most conveniently be moved from thence to where it might be wanted ; I therefore ordered it to be valued by merchants, who fixed the price at five dollars per quintal ; I then ordered the quarter-master general, to acquaint the agents of privateers, that if they would not lower it, their wool would be returned to them, it was accordingly lowered, to three dollars per quintal, at which price, (after having stood the weather for six months, and being scattered and dirtied by the shells) the Spaniards sold it when the castle came into their possession.

This will shew that no unjust or inordinate price was given ; but I must remark, even in such a simple transaction as this, before the Court, that my accuser cannot charge me, without dealing in amplification ; for the wool in question, cost only 763l. 6s. 8d. instead of 900l. as stated by Sir William Draper. This has been proved by the witnesses he called.

D. Charge the Second.

The house at Stanhope's Tower, was built at the expence of government, and all repairs wanted to it were put in the yearly estimates sent home to the board of ordnance, as has been proved by Captain Townsend. The thing complained of in this charge, was the employing about six men for a few weeks, in repairing the walls of a poultry yard, seven months before the invasion. The Court will perceive the spirit which has actuated my accuser, when he could state such a trivial matter as a solemn charge against the *Governor of Minorca*, and bring evidence upon it, before seventeen general officers.

D. Charge the Third.

The marine corps was composed of the prisoners of war, which were exchanged from France, before a cartel had been settled ; the agreement I had made with the enemy, was so much approved of by the King's service, as to continue in force by the cartel, while we were in possession of Minorca.

" All prisoners taken in America, or in any part of the world, and carried into the dominions of one or the other power in Europe, shall enjoy the benefit of this agreement ; and it shall be left to the good faith of the nations to adjust, according to the regulations of this agreement, the exchanges which may have been carried on by virtue of any cartel already entered into by the Governor of

" Minorca : and any persons duly authorized on the part of France respecting prisoners brought to that Island, and into the French ports in the Mediterranean, and to obviate all difficulties respecting such prisoners, the exchange of whom it is intended shall be completed in the said ports in the Mediterranean ; proper orders shall be given as conveniently can be, after the ratification of this cartel, for their being accordingly reciprocally released and exchanged from time to time, without regard either to their number or qualities ; and for the transmission of proper certificates from the respective agents, and commissioners of both nations, in order that the balance of the general account of exchanges may be duly adjusted between us."

It is well known that the garrison of Minorca, even in point of numbers, was one regiment less than the peace establishment ; and that the two British regiments were composed of worn out invalids, as has been already shewn by Sir William Draper's report of the garrison.

I had authority from the King to do what I could to supply our wants in men, &c. which could not be spared from the pressing calls of other services.

The exchanged prisoners were a natural and happy resource, but we could not have availed ourselves of it, had not some of them been employed at sea, with the chance of getting prize money : every body knows the attempts that were made to entice these men from the fort, and not only the privateers, but even the King's ships, threw out the lure ; they will be shewn by Sir William Draper's complaint to Lord Sandwich upon this subject.

The best expedient at that time we could think of to satisfy the minds of the seamen, and to make them a part of ourselves, was to man two small privateers with some of them ; these were or should have been relieved every cruise, or the prize money divided amongst the whole ; Lieutenant Colonel Cate, who had the direction of such matters, has declared not only the arrangements he made in that respect, but the necessity of giving a chance of prize money to the men of the marine corps. Those serving on board were certainly paid and victualled, as the others were on shore out of the magazines of the garrison ; that I had authority to do this must be admitted ; I trust the measure will be judged proper and expedient ; it certainly was not done without the approbation of the Lieutenant Governor, who had the corps under his immediate command and protection, as he did them the honour to be their Colonel without pay.

When

When the measure was first concerted, I consulted him about it, we were in perfect harmony and friendship; had he thought it improper, he would have signified his disapprobation both to the king in his report, and to myself. The only privateers we manned were the *Lemon* advice boat, or *Xavagor*, and the General *Murray* privateer; they were upon all occasions ready to execute my commands, and to be sent to Gibraltar or any part of the Mediterranean, to collect my intelligence, and keep our communication with Italy.

The vessels, and I believe the arms, were the property of individuals; I declare upon my honour I had no share in them, or any other privateer, further than as follows:

When it was expedient to employ the General *Murray*, as I have expressed, and there was a difficulty to find adventurers to purchase and fit out the ship, I asked Sir William Draper if he would not take a share in her, he replied he had not money to spare; I then deposited 1000 dollars in the name of Sir William Draper's two daughters; and Mr. M'Neill, and Mr. Case, know that every formality of law was done in investing them with the property, and putting it out of my power to claim a shilling had she taken prizes: This ship was sunk, and paid for; Mr. Case returned me the 1000 dollars in January, which I received without attempting to force a favour on Sir William, that might have exposed me to insult.

As our garrison daily grew weaker, and I was told it was impossible to reinforce it from England; it became my duty to secure for our defence as many English seamen as I could; with that view I agreed to victual and pay the men of the *Hannah*, a privateer from England, and those of the *Eagle*, one from Scotland, and which was only about three weeks, provided they would stick by us, and throw their crews into the fort in case of its being attacked; they both fulfilled their agreement, and I appeal to the court, if this can be called embezzling or misapplying the public stores: if I had any shares in those privateers, it would not have been without a president. Lord *Winchester*, when at the head of the admiralty, was a principal owner in two privateers; but besides the right of holding a share, those vessels became absolutely necessary for our protection.

The Generals *Wolfe*, *Moncton*, Lord *Townsend*, and myself, at the desire of Admiral *Saunders*, purchased a vessel which was armed and victualled by the stores and ammunition of the fleet, and none of us thought we had

done wrong, till the vessel was cast away, and we had lost our money.

The evidence of Lieutenant *Case*, and the questions put by Sir William Draper on this subject, evidently shew the dispositions of jealousy and discontent which were prevalent in Sir William Draper's mind, when I conceived the strictest harmony to have subsisted between us; and this will account for his subsequent conduct, when those passions broke out with such violences.

Before I finish this article, I must remark, though it is not applicable to the charge, that Captain *Stewison* has declared in his evidence, that having sailed with dispatches, he purposely returned to communicate to me some intelligence respecting the sailing of the enemy's fleet; I shall prove that he returned an account of a mutiny against him; and I declare if he brought any such intelligence, it was so perfectly vague, that it was not even reported to me, or made any impression upon any of the garrison.

D. Charge the Fourth.

At the time the *Hannah* privateer (which came into the harbour after the blockade) was bought by the inaction of the enemy, none of whose motions could yet be perceived, a blockade was to be expected; it became my duty, being authorised by his Majesty to do every thing which I thought proper for the defence of the place, to purchase in to the service of government, a vessel of force, which might carry any dispatches to and from the Continent, and bring such recruits as could be raised in Italy for the assistance of the garrison; so necessary was this found, that two other vessels were afterwards purchased by his Majesty's ministers at Florence, for the same purpose by orders from government, the *Hannah* was purchased by a valuation of honest men, as will be seen by their report, and at a much cheaper rate than either of the vessels abovementioned; she has since that been commissioned by the admiralty, and a lieutenant appointed to command her, and, with the other two, has been employed since the surrender of Minorca, in carrying refreshments and recruits to the garrison of Gibraltar, and is now arrived at *Portsmouth*. The only objection which my accuser has been able to state against this measure, is that another vessel, the *St. Antonio* Depadua, might have been hired at a cheaper rate than the purchase of the *Hannah*, but it has appeared by the evidence, that he was by no means equally fit for the purpose; and as the *Hannah* was intended for, and has been since employed in a variety of services, her

her being purchased at that time has been a very considerable saving to government.

D. Charge the Fifth.

When the garrison was invested, the number of officers of the several ranks were inadequate to the duty, though I rendered it as easy as could be, consistent with the safety of the place, as will appear by the roster of the four regiments who did duty as one corps.

Captain Lawson, of his Majesty's sloop *Minorca*, was, by the embodying of the marine corps, raised to the rank of lieutenant-colonel in the garrison; he, from that rank, disputed the authority of the commanding officer of artillery, to whom the marine corps were to be assistant. It became necessary to raise that officer (whose commission, as major, preceded that of captain Lawson's, as master and commander,) to a superior rank, and this promotion naturally carried with it those of three elder majors in the garrison; before that time a colonel being thought necessary to command the *British* inner line, lieutenant-colonel Acklom had the temporary rank given him for that purpose; colonel Brewse's getting the rank, he being an elder officer, was of consequence; Majors de Gruben, and de Backar, being sick, two others were appointed to that rank, to command the Hanoverian line.

Thus the promotions in the garrison are accounted for; but had no such necessity subsisted, (authorized as I have shewn I then was) there was no method more likely to encourage the exertions of the officers of the garrison, than by giving the eldest of each rank a temporary promotion, which, if the defence was glorious and successful, they had reason to hope would be confirmed by his Majesty.

And it was certainly better to pay those officers for the rank in which they had acted, than to allow that money to fall into the hands of the enemy.

E. Charge the First.

The whole of this transaction appears in my letter to Mr. Robinson, and the papers therewith transmitted. Had not the guineas been established at 24 pisterrens, the island would, in a short time, have been destitute of circulating specie; I am confident it was no detriment to the troops or inhabitants, nor did I ever hear that either officer or soldier found fault with it: the guinea continues to pass for the same, not only at Mahon but at Majorca; I could reap no advantage from it, government alone was the gainer. All the public accounts are made up in dollars, and government was credited 24 pisterrens for the guinea, as will be seen by my

warrant to the master, and the quarter-master general's accounts.

The accuser errs in asserting that a guinea was ordered to pass for 24s. and this is another instance of that wonderful stretch of fancy, when I am to be accused; for 24 pisterrens are at an average, no more than 1l. 1s. 7d. and one fifth. This matter which I conceived, after the best advice and consideration, to be a necessary and proper regulation for preventing that drain of specie, which the merchants were induced to make, having been referred to the lords of the treasury, it was for their lordship's to correct the measure, if they judged it improper.

It is singularly hard that this should be made a charge, with the exaggeration, that the officers and soldiers were hurt by it; when it certainly prevented the rise of the exchange upon the officers, who were obliged to draw on England for their subsistence. I shall desire the paymaster may be examined, to declare how much pains I took on all occasions to accommodate the officers, and lower the exchange; and this, among other reasons, was a cause of issuing the proclamation in question, to oblige the merchants to covet bills rather than specie.

F. Charge the First.

Since the treaty of Utrecht, the Minorquins have not been intitled to bear arms. They were disarmed upon the first taking the island, and afterwards by general Kayne, general Wynward, and lord Blakeny.

By the eleventh article of the governor's instructions, the governor has authority, if he judges it necessary, to disarm the inhabitants.

In March 1780, having had information that flat bottom boats were building at Barcelona, Carthagena, &c. and an attack designed to be made upon the island in the spring, and having made repeated trials whether the inhabitants would defend the island against the enemy, and found that they were, in no wise disposed so to do: the inhabitants of Cuitadella, it is true, in the year 1778, applied for a reinforcement to defend them against the enemy's privateers; and I had sent them an officer, drummer and twelve men, and four pieces of cannon, &c. and recommended it to them to raise 57 men for the defence of their own town, in the nature of a militia, under all proper encouragement, to be commanded by Don Pasqueda; and though I issued a proclamation for that purpose, and afterwards enforced it by my letter of the 11th of September following, and offered, that in case there was any objection to Don Pasqueda, that I would

I would approve their choice of another; yet this little corps could never be raised in the principal town in the island. It is true Don Pasqueda got about 30 men of the 57, but even they, in April 1780, refused to obey orders and deserted.

I had likewise proposed the raising a Minorquin corps of 500 men, to serve in case of invasion, who were not to be employed out of the island, intimating that those who were not engaged in support of this corps would be deprived of their arms.

The Dons made many difficulties to carry this proposal into execution, and nothing was done therein.

Another proposal was set on foot on the 26th of April, 1778; and on the 2d of May, 1778, a proclamation was issued by me for raising a corps of 500 artificers, bakers, &c. to go into the works in case the place was besieged; which, on the 25th of February, 1779, I informed by another proclamation, issued for the same purpose, with all fitting encouragement.

On the 2d of August, 1779, I made fresh propositions to raise a corps of workmen, and

On the 3d of August following, I issued a proclamation in consequence.

On the 18th of September following, Don Pasqueda wrote me word, that not one person had offered his service, and that it would be impossible to raise this corps, from the great disinclination of the Minorquins had to enter into his majesty's service.

From the unwillingness of the inhabitants to take arms, and the circumstances of the war with Spain, to which nation the inhabitants strongly retained their attachment, and knowing the influence that their *priests* had over them, and finding that they encouraged and secreted the deserters in spite of all I could do to have them delivered up, notwithstanding my repeated proclamation, issued 18th July, 1778, and 24th December, 1779, with the advice and under the authority of the civil magistrates, two of which deserters have been secreted above two years in the island: and finding, that notwithstanding my repeated orders and remonstrances, from the beginning of the war to that time, they, to distress the garrison, had withheld the usual and necessary supplies of wood, without which they well knew the garrison, if besieged, could not exist: I thought it prudent, and hope the Court will think it was necessary, to disarm them; and the method I took for that purpose, was to make use of the pretence of searching for the deserters, and which was favoured by my having received information in December 1779, that the two deserters who had been so long secreted, were seen in the island; but that no formalities might be wanted, I first directed an officer under the bailiff of Mahon to search for them.

I issued a proclamation, forbidding all persons to give aid, assistance, or advice to deserters, and to give information under penalties.

I caused a circular letter to be wrote to all the universities, that I intended to send out a party of 200 English seamen to search for the deserters, recommending them to call together the country people, and giving them eight days further time.

The orders for making a general search for the deserters were issued, and the civil officers directed to attend.

The next day warrants, sealed up, were issued to the commanding officers, commanding the corps that were to make the search, to execute those orders on the 3d of February, and to disarm the individuals of their fire arms; at the same time, taking lists of the arms, and to lodge them safely, which was done.

Not having intended that the small swords should be taken away, on the 9th of February, 1780, I ordered them to be returned to the inhabitants, which were taken by mistake, and the same day I recalled the troops; and on February the 12th, I wrote to the Dons and principal inhabitants of Cuitadella in the politest terms, that I was extremely sorry to find that they had been deprived of their swords, entirely owing to my order being misunderstood; and on the 19th of February, 1779, I ordered both fuses and swords to be returned to the principal inhabitants of Cuitadella; and the same day complaints having been made of damage done to individuals by the sailors, I ordered enquiries to be made, and the depositions of all who had any complaints to be taken.

I issued another proclamation for all persons that had received damage to give in their complaints, that they might receive ample justice.

I issued another proclamation, which mentioned that only eight persons had complained of injuries, and limiting the time to twelve days from that day.

And the inhabitants of Merixdal, having delivered an account of their damages, were reimbursed to the amount of about 500 dollars.

Whatever opinion mankind might have formed of the act of disarming, at the moment when no danger was pressing, and where humanity naturally inclined against every act of severity upon a contingent event, and where no responsibility lay with the persons expressing their opinions; yet as the faithless conduct of the Minorquins had since appeared so conspicuous after the landing of the enemy, I thought all Englishmen had never been unanimous in applauding the property of the measure. My accuser to this charge might have been short; I had the power, and I judged it necessary to examine it; but in an act like this, which was affecting to so many individuals under my government, I wished to shew that I had not

used any discretionary authority wantonly or oppressively. In one charge I am accused of carelessness; in this my vigilance is turned into a crime.

F. Charge the Second.

As I was passing through the main ditch, accompanied by Lieutenant Douglas, my aide de camp, I saw a considerable number of the Spanish prisoners standing without the door of their places of confinement, their numbers were about 80; they had only one centry over them, and the arms of the guard were about 20 paces from them, piled against the side of the ditch. It is true, that vexed to see them in that situation, I ordered them with some warmth into their place of confinement; which not being immediately obeyed, I forced them in, and touched one or two of them in the manner which has been described to the court. In the then state of my health, any strokes of mine could be but of little consequence. Let the faculty and the Prevost Marshal be examined, whether the utmost humanity was not shewn, and the greatest attention paid by me to the health of the prisoners.

It were well for my accuser, after having the fact from his own witness, if he can recollect the person who had represented to him my conduct in this affair, that he may be induced never to believe him again.

F. Charge the Third.

Joseph Gaya came into the fort with my promise, that if we were driven out of the island I would procure him an employment in England, equal to what he enjoyed in Minorca.

His going every day at 12 o'clock to the top of the castle, and some things being seen there that had the appearance of signals to the enemy, by placing stones on the parapet in particular figures, which was answered from the Philipet. This gave the first cause of suspicion, which was confirmed by a report of the Prevost-Martial, who stated that Gaya lived constantly with Joseph Sara, a Minorquin prisoner in the Castle Square; and that contrary to my orders, he carried that Sara several times about the fort with him.

I therefore thought it necessary to confine him, as from his being perfectly acquainted with every part of the garrison, as he might have been materially detrimental to me if he had made his escape, which it would have been impossible to prevent, if he had been left at large.

Lieutenant Douglas went to him at my desire, to acquaint him that he was only confined upon suspicion, and that if nothing was proved against him on our going out of the fort, either being driven out of it on the siege being raised, he might depend on the performance of my promise, that in the mean time his pay should be continued to him, and he should be fed out

of my kitchen, should have the liberty of walking twice in the day on the top of the castle, under charge of one of my orderly serjeants, for the sake of his health. His destroying himself could therefore only be occasioned by his being conscious of his guilt, of which indeed there is the strongest presumption; a plan of the works having been found in his trunk, as appears by the evidence of Mr. Prevost Marshal. Mr. Potter, has declared that he has been since informed of Gaya's having actually given intelligence to the enemy.

Sir George Howard, and the General Officers of the Court Martial.

I have finished the evidence, which I have thought necessary to call in my defence; and, as far as I am capable of judging in my own cause, there is nothing which now remains to be cleared up, in order to enable the court to pass that sentence which their justice and their wisdom shall direct, except with regard to the following particulars.

In my answer to the first article of the charge A, I assert, that I could not be surprized, and in a letter to Lord Barrington the Secretary of War, in the year 1776, requesting barracks might be built in the fort for the troops, which letter I have produced in evidence; I say, no place, "I ever saw is more liable to be surprized than Fort St. Philip's." Now it has been alledged, with an eager precipitation, by my accuser, that in these two assertions there is an evident contradiction but if the court will be pleased to attend to the time of the year, (viz.) the winter month February 1780, stated in the charge, they will find there is no contradiction whatever when the two assertions are considered with a reference to that period.

I admit we were liable to a possible surprise in the summer, by flat boats or row galleys from Barcelona and Majorca; but I deny that we were so in February, 1780; when such vessels could not venture to carry troops in those seas; and I had at that time, as I have already observed, particular intelligence that there were no preparations in readiness at these places for such an enterprise; but whenever I thought a surprise was possible, I went into the fort myself, with all the officers, namely, in the end of March and beginning of April of that very year, as has been proved to the court.

I must remark, that there has appeared to the court a difference between a return of the 51st regiment, dated the 1st of February, 1782, and sent by Colonel Pringle to the Adjutant-General, accompanied with a note of complaint, that the regiment could not relieve the guards (which note and return have both been authenticated by Colonel Pringle) and another return of the said regiment produced in evidence by Colonel Pringle, which was made to him by his own directions at Al-

Mayor a few days after the surrender, by which the regiment appears to be stronger.

The only observation I shall make to this point is, that the physician general, and the adjutant of the 51st regiment have both proved to the court, that from the 1st of February, until the surrender, there were above 40 men of that regiment obliged by sickness to go into the hospitals; and therefore the difference of these two returns must have arisen from some mistake of colonel Pringle's.

It has appeared that Mr. Bayne, the auctioneer, made a mistake against himself in the account he delivered to Sir William Draper, by giving credit for about 4l. for goods sold by him, which were not prize goods. This mistake I declare escaped me, because I never examined that account; if I had, I certainly would have corrected the error, having no right, as vice-admiral, to any thing but the moiety of the one and a half per cent. upon the sale of prize goods taken from the enemy.

Sir William Draper having failed to prove his assertion that I was an adventurer in the privateers, has attempted to insinuate that the vice-admiral's fee on the sale of the prizes, made me concerned in them, he may with as much reason say, I contributed to fit out, man, and victual his Majesty's ships of war, which condemned and sold their prizes at Minorca, as they likewise paid the one and a half per cent. to the auctioneer.

The court have before them what things were left to be executed by Sir William Draper, when I gave him the temporary command of the fort; and what part of these things were executed by him; they are to decide whether it would not have been of more utility to have carried these into execution, than to have made barbet batteries, which were not once fired after the enemy opened their batteries, and few of them before. To make these barbets at the salient angles of the inner covered way, the glacis was lowered, and the adjoining branches of the covered way rendered untenable, even if we had had troops to defend them. The chief engineer is the best judge if this was proper, or otherwise.

It is laid to my charge, that none of the mines had been sprung before the surrender, the court are the best judges; it has been already proved by Colonel Brewster that if they had been sprung at that time, they could have done no harm to the enemy. It was always my opinion, that the only time for springing the mines under the outward glacis, was when the enemy were making the assault on the Lunettes, then the enemy's troops, who were immediately engaged in the storm, confounded and discouraged by the explosion behind them, would naturally have supposed that those destined to support them were destroyed by it. Had they even recovered that confusion, they could scarcely have

escaped an unavoidable destruction from the blowing up of the Lunettes; and if even that had failed, their advantage (from the galleries of communication being mined) could have only extended to the work of which they had got possession. These, with many other resources, are what I meant in my report to his Majesty, by defending the place by chicanes; let me fall or stand by the justice of these ideas, I hazard them to the court, and I hazard them to all Europe.

It has been mentioned that the officers of the four regular regiments were in much better health than the private men; this is easily accounted for, the soldiers had all of them, (viz.) the British, for eleven years, lived on salt provisions. The quantity of vegetables they consumed, and the wine they drank, though it prevented the immediate effect of the scurvy, could not hinder it from tainting the blood. The officers had, until we were invested, lived entirely on fresh provisions, and even after that we were confined to the fort, had wine, and other refreshments bought at their own expence. They likewise passed the day in the quarters of the castle square, and were only in the night confined to the damp air of the Souderreins; but even the officers, with all those advantages, began to be infected.

It has been asked, whether fire balls were used in the defence, and proved they were, but they were only employed when they could be useful. They could not be thrown at the distance of seven or eight hundred yards; the enemy's batteries were at that distance from us; a fire ball must go beyond the object to discover it, of course those thrown by us could not direct our fire upon the enemy's batteries, but even if we could have thrown them so far, it would have been of no service, as they must have been lost in the hollows, which were just behind these batteries; such as we threw were intended to discover the enemy's engineers, marking out their intended approaches, or the parties they frequently sent to fire upon our outworks, and to assure our men that nothing could advance upon us without discovery: we had originally but one hundred carcasses, some of them were expended in our attempts to destroy the burgos battery of the enemy, the rest were reserved for a more important stage of the siege, if the Almighty had permitted us to dispute our ground.

All Europe will read this trial; the reputation of the British arms will be much affected by the event of it; I must not, in fear of any man, or any consequences, neglect laying open every circumstance to the world, by which mankind may judge of our knowledge in the art of war, and of the fundamental principles of our discipline and subordination. We certainly are not in the state of Carthage, when every military

commander was disgraced because he could not perform impossibilities.

Let the then ministry account for leaving me with 1400 regular privates, worn out men, to defend a fortress which required at least 4000 stout able soldiers; this I always thought they could do, because they were pressed to supply more important objects: but let not me be blamed because I was left a forlorn hope, and did the best I could; let not the brave officers and men who exerted themselves on the occasion, be blasted with ignominy, because we could not perform miracles; I had not the powers of Deucalion; God deprived them of the exertions of Hercules.

As to the tedious history of the value I put upon the guinea, let the Court and the world judge whether I did not do my duty in that respect; let both determine what the treasury means by acquiescence, when they do not chuse to take upon themselves the responsibility.

Sir William Draper has endeavoured to vindicate his conduct towards me, on my order of the 15th of October, for restraining useless firing; but until I was informed by the adjutant general, captain Don, of his indecent and unsoldier-like behaviour, upon my message of the 11th of November, and that he had quoted this order of the 15th as the cause for such extraordinary conduct, I had always been made to believe, that the shyness which he had shewn to me had arisen from some ill grounded jealousy he had conceived, because I had not consulted with him respecting our sally upon Cape Molao, on the 11th of October; but whether it arose from the one cause or the other is immaterial to investigate, since no commander in chief was ever yet held bound to consult an inferior officer, upon the orders he may think proper to issue; he alone is responsible for their expediency, and if any subordinate officer is permitted with impunity to make the ordinary exercise of military command, a pretext for reviling his superior, charged with the defence of a fortress besieged by the enemy, thereby endangering the confidence the troops should, more especially at that juncture, repose in the governor, there is an end from that moment of all the discipline of the service: but if after such contemptuous behaviour in an inferior officer, he should find any professional countenance in attempting to vindicate himself, by heaping together a number of groundless charges against his command-

ing officer, few men of reputation will be henceforward ambitious of serving in the army.

I confess I erred in not putting the lieutenant governor under an arrest, when I received his second letter of the 16th January 1782; but I hope that error will be forgiven, when every circumstance under which I acted is considered; more especially when I declare, that I acted from the conviction that Sir William Draper's private resentment against me, was so unmerited that it could have no tendency to diminish the zeal and spirit of the garrison, in the defence of the place, or to weaken that subordination, which nothing personal can ever produce in the breast of a good soldier.

I am afraid these remarks may appear tedious to the Court, who have already lent me so much of their patience, but I trust they will make a favourable allowance for the anxiety of an old soldier, in wiping away every stain from his character, after such a series of trying service as I have endured, without the slightest impeachment of my military conduct.

I now take my final leave of the Court, and whatever may be your judgment, I shall bear a willing and grateful testimony to your fair, candid, patient, and impartial proceedings; I have no complaint to make of any part of them, or any thing but sincere thanks to offer: but if I was of a disposition to complain of my accuser, I might perhaps indulge it with less imputation upon either fortitude or moderation, than any other man, military or civil, that ever stood before the judges of his country.

The siege of Fort St. Philip's, without hope of relief, under the difficulties which have appeared to the court; the anxious reflection that it most probably was the last military exertion of my life, and the necessity of surrendering the fort under such a reflection, was surely in itself a sufficient measure of misfortune, without the addition of the stain of public accusation, and the painful proceedings of a public trial. But there is something here, that tells me rather to rejoice, than to complain, since it is from this last circumstance of a public trial, that all my misfortunes can be dispelled, and done away; the time is now come, when I look up to your justice, to enable me to appear before my country with an unimpeachable testimony, that I did not surrender, while there was any means of resistance, and that I was not undeserving the commission with which I was honoured by my most gracious Sovereign.

E R R A T U M.

Page 58, line 26th, *read* from a consciousness of incapacity in himself.

✂ The New Edition (being the Ninth) of Mr. GURNEY'S System of Short Hand, dedicated (with Permission) to the KING, is now ready for Sale.

OBSERVATIONS

Radmond Simpson

ON THE HONOURABLE

Lieutenant-General MURRAY's

DEFENCE.

By Lieutenant-General Sir WILLIAM DRAPER.

L O N D O N :

Printed for J. DEBRETT, (Successor to Mr. ALMON) opposite Burlington-House, Piccadilly.

M.DCC.LXXXIII.

(Price ONE SHILLING AND SIXPENCE.)

INTRODUCTION.

I H A D flattered myself, that the genuine Proceedings of the late Court Martial, would have been published, but it seems they have been thought too voluminous; and as many partial, mutilated, and mistated Accounts have been industriously circulated in the News-papers, and in other Publications, I hope the few Observations now offered to the Public, will set many Facts in a very different Light. No Paper War is intended.

WILLIAM DRAPER.

St. James's-Street,
March 10, 1783.

OBSERVATIONS

GENERAL MURRAY'S DEFENCE

THESE OBSERVATIONS WERE READ IN COURT,
BUT OMITTED BY MR. GURNEY.

AS it is impossible to follow Lieutenant-general Murray through all the mazes of the paper labyrinth in which he has inclosed himself, I shall not attempt it; but must beg leave to observe, that in various parts of his Defence, he has laboured hard to impute to my private malice and resentment, what I think due to public justice; It is submitted to the Court, on which of these foundations the matter

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stands..

stands. The Court has it in evidence, that in November, 1781, I informed General Murray, by Captain Don, that, I would certainly bring him to a General Court-martial, for his order of the 15th of October, as being destructive to the public service, as well as most injurious and disgraceful to my own character as a general officer. In General Murray's answer, produced in Court, he challenged me to investigate his whole conduct from the time of my arrival: in consequence of this defiance, I have given my reasons why I thought his conduct bad, and the event worse; the Court will remember, that I have given due praise whenever he deserved it. The manner in which I have carried on the prosecution, must convince the Court, that I have been a candid, open adversary. My patience at many unbecoming expressions of his, is an instance that much allowance has been made for the situation wherein he stands before the Court; has not the credibility of my witnesses been attacked in a most improper and indecent manner? Captain Parry has not had any opportunity of saying a word in his own defence; yet even this treatment has not forced any recrimination from me on General Murray's evidences; I must own, they have now and then greatly astonished me; it was difficult to command my muscles on some occasions: I have dwelt long upon

upon this topic of malice, because I think, that could a malicious prosecution be proved against me, I ought with great justice to forfeit all pretensions to a military name ; but General Murray well knows, that malice makes use of indirect means of vengeance ; malice commonly assassinate men of character, by anonymous publications, by private letters, and by vile emissaries in coffee-houses ; malice is not always contented with this, but will even report those as *mad* men who have proved to be in their sound senses : this last shaft has been levelled at me but it has not hit me : no one has denied General Murray his claim to long experience in war, but it is unlucky, that such experience, should sink under the most notorious imprudence ; for could any prudence dwell in that garrison, where not an officer per company remained with the troops, in a time of war, and expected hostilities ? and what is the apology for this want of due preparation ? a miserable excuse, that no barracks or quarters were ready and convenient to receive even these few officers ; at this very time, large sums of money were expending out of the fortress, on barracks that were sure to be abandoned on the first moment of an attack. The General's experience had pointed out the facility of a surprize, and the very places where the enemy ought to land in order to effect it ; but careless imprudence

deness suffered the enemy to land there; to surprise him at noon-day, and cut off all his out-posts, because he had not withdrawn them in proper time. General Murray, has also taken great pains to make the Court and the public believe, that the cause of our dissension originated from me: I have served in three great wars; let him or his emissaries produce a single instance in either, where his Majesty's service has suffered by my want of temper and moderation: General Murray, if he will risk the parallel, may soon have it drawn; and I will venture to put it into the hands of those who are most attached to him. Even after the insults and disgrace I had suffered, whenever he would condescend to ask my opinion, I gave it him honestly, and in writing; what was the consequence? he has endeavoured to bring one of my letters as evidence, that I advised him to blow up the Marlborough; what does the letter tell him? *that such a step may be necessary in some ten days time.* He also takes advantage of a certain speculative paper, put by me confidentially into the hands of General Pringle, and never meant for General Murray's or any public eye, to tell his garrison, that I was of opinion, he should capitulate sooner than he did: even admitting that paper to have formed the substance of my official opinions,

which

which, however, had not been consulted by General Murray on this head; by what ingenuity can they be tortured into a construction so very foreign to my meaning, and so repugnant to the whole course of my conduct? besides, has Lieutenant-general Murray forgot, that in Captain Lawson's presence, I offered to go with him to the altar, take the sacrament, and an oath to abide that last extremity of a siege, a general storm? I declare this upon my oath; I said also that we saved Madras in the late war, by determining not to capitulate; but what was my proposal in the paper alluded to? to *gain time* for succour by procuring a suspension of arms; and that the garrison might still be of *some use* to the Crown, and not be disgraced by being made prisoners of war; which event I declared would take place the moment General Murray made that open confession of our weakness, by giving up the inner covered way. He says that humanity obliged him to surrender; the mode which I proposed would have protracted the siege, and have preserved his people; for had the suspension been agreed to by the enemy, our men, no longer confined to the casemates, would have breathed a purer air, and the duty, fatigue, and bloodshed would have been less: but the Court has it in evidence from General Pringle, that this paper was put into his hands for *consideration*, should any accident befall

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me, as he was next in command ; these ideas might serve him as a guide, upon my death ; they might have been his guide had General Murray died ; they were rather left him as a legacy, than an immediate present : the Court will judge if the use which General Murray has attempted to make of them has been candid, or generous.

A R T I C L E II.

WITH a view to weaken the charge of wilful omission, in not destroying the offices at Stanhope's Tower, it is pretended that the farm, as well as the offices, were too weak to be occupied by the enemy, as a place of annoyance to the garrison, and could only serve as a shelter to the pioneers and their tools : allowing this opinion of the chief engineer to be equal to positive proof of the weakness of the place, it makes nothing by way of justification ; for the advantage derived from the *partial* destruction of the place, ought to have suggested the

the expediency of demolishing the *whole*, so that the General has still to satisfy the Court upon what reasonable *military* grounds he was induced to sacrifice to his own *private* convenience an allowed and certain advantage to the public service. For that the offices which General Murray suffered to remain at Stanhope's Tower were of great use to the enemy, may be fairly deduced from the efforts we made to dislodge them, and from their perseverance to maintain that post, which concealed their movements, and obstructed our view of them. That this article may not again be discussed, I will examine the whole of it here. General Murray, to apologize for the misapplication of the public money and workmen, tells us, they were always employed at Stanhope's Tower, at the expence of Government; this reason might be just whilst the House existed, but when it was demolished, because it obstructed his view of an enemy, what pretence could there be for their further employment, but *his* own emolument? for Captain Townsend has proved, that the offices were preserved for the General's live stock; he says, that they obstructed our view, and gave cover to the enemy. He proves that walls were built there after the house was demolished; the workmen are mentioned in his returns laid before the Court; of

course General Murray built when he ought to have demolished, and added fresh interruptions to our view after he had pulled down the house.

A R T I C L E I I I .

THAT the great road which General Murray repaired after he had repeatedly told the garrison we should be attacked, was of great use to the enemy, is certain; for Captain Fead gave evidence, that he had fired at several carriages on that road, which were moving towards the fortrefs; he fired either by Major Walton's or General Murray's own order, as he says; besides, is it likely that the enemy would not make use of a good road in all that long way from Mahon, where they were covered from our view? in the night particularly, the whole of it was highly convenient for the conveyance of all their ordnance and stores up to our esplanade; the repair
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of this road was certainly injudicious and ill-timed; if it were only in perverting the labour of active men to unnecessary purposes.

A R T I C L E IV.

FROM the time which General Murray owns he had intelligence from the Minister, and others, that the Spaniards would probably attack him, he might, and ought to have had his whole force collected in the fortrefs, by which he would have suffered no loss or disgrace. From the 14th, when the advice came, to the 19th, there was full time to have saved every thing, or at the worst to have destroyed such stores as fell into the enemy's hands by this capital neglect. — General Murray tells Government, through Sir Horace Mann, that he had long expected the enemy; it was either true, or not; if true, where is his excuse? if not, why did he deceive the State by false information? I saw the letter containing the ad-

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vice and warning given by the Minister, but thought it had been Sir Horace Mann's dispatch, and not Lord Hillsborough's.

A R T I C L E V.

GENERAL Murray is pleased to say, that every thing on float was under the command of Captain Lawson: admit it; but then I contend that all the naval stores, which ought to have been burnt, were on shore, and within the General's orders, as commanding there; it has been proved, that the vast magazine of beef, which fell into the enemy's hands, belonged to the garrison; of course could not be considered as naval, or have any relation to Lord Barrington's letter; was any order given to burn that great supply to the enemy? Mr. Harris has valued the naval stores left in the yard at twenty thousand pounds, a sum not so inconsiderable as to lessen the charge of omission, which General Murray *readily admits to have*

have been improper. General Murray made no scruple to take away Captain Lawson's command upon occasions of less importance; why then not exert this power, when so much was at stake? On the 2d of November, 1781, he took Captain Lawson's command from him---- "*No boat to be sent out of the garrison without the Governor's orders!*" Captain Lawson remonstrated in vain. As to General Murray's plans and papers falling into the enemy's hands, as set forth in the charge, I aver that I had the account from the enemy's officers, and believed it true; for what interest could they have to deceive me? I must now believe it true in part, because General Pringle, as hostage, travelled into Spain with the engineer, who carried several maps and plans to Madrid; he told General Pringle that one was found in General Murray's house, and commended the neatness of the drawing. I did not bring this circumstance into evidence, because it was *hearsay*. Lieutenant Botticher, General Murray's Aid-de-camp, swears that he carried all his plans into the fort, and that none were left. General Murray told the Court that his plans were never out of his possession; what follows? the next day the Court is informed by General Murray, that two of his plans were carried away in the *burry* to Leghorn by the ladies: is it impossible that these plans were recovered from the enemy,

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when their use was over, and then carried to Leghorn? Admitting General Murray's account, it proves the very precipitate confusion which was the consequence of the surprize we were disgraced by. No one disputes the orderly march of the troops into the fortress; but the loss of their baggage, and the haste with which they retired from Mahon, will justify the charge of a retreat with great confusion, loss, and disgrace. The delinquency of the Minorquins mentioned, is easily accounted for, when the exactions and other violences committed upon them are considered. People do not love their oppressors.

As the 6th, 7th, and 8th articles have been so fully discussed before the Court, I shall only say on the first, that it has been proved that several days elapsed when little or no fire was kept up upon the enemy's sap; it is owned, that the Barbett battery might have been demolished, had General Murray thought proper. It has been proved, that opportunities of annoying the enemy were lost by the order of the 15th of October; I therefore come to the 9th article. It must occur to every member of the Court how industriously General Murray has avoided to call any professional man of the navy to vindicate the propriety of sinking the Minorca frigate.

frigate. He appeals to a letter wrote to the Commissioners of the Navy by the Captain, since deceased: does the letter prove that Captain Lawton was of opinion the ship ought to have been sunk? or that he advised the measure? The letter says, it was done upon the repeated remonstrances of General Murray, and with much regret. A vessel valued at fifteen thousand pounds is sunk to gain thirty hands to the garrison: they were dear recruits. The General Murray privateer could have been navigated by ten hands only. Had the Governor dispatched these vessels for Gibraltar, we were sure (if they were not taken,) to have had a supply of men, because it was General Elliott's interest to have sent them; for he could not be attacked until our fate was determined; as long as we held out, the siege of Gibraltar could not be undertaken; General Elliott took eleven hundred men from me, which were under my command, and designed for our garrison: he could not have denied us a part of them upon so just a requisition.

E

ARTICLE

ARTICLE I. (Letter B.)

THERE are many officers, of great military name and experience, in this Court, if in their warfare or reading they have ever met with such orders as I have objected to, I shall think my objections are of little weight. Prudent Generals conceal as much as possible the formidable power of the enemy; they do not aggravate the force of his attack; they do not tell a most numerous and brave band of artilleryists that little or no dependance is to be had upon their efforts for the defence of the place: does this new system of eloquence inspire valour or confidence? or does it tend to indifference or dismay? General Murray complains that the orders were garbled; --- I meant to point out the most exceptionable parts only.

A vast expenditure of ammunition has been produced before the Court, to prove the vigour and vivacity of our fire; but no distinction is made between the quantity used by day, and that consumed and wasted by night: it was our *silence* by *day* which I complain of; the glaring fallacy

of the consumption on the last night of the siege must strike every man. A Captain of Artillery informed the Court, that three thousand rounds were fired on the night of the 3d of February, when the capitulation had been agreed upon. General Murray tells the Court, it was to impose upon the enemy, and gain better terms, by shewing them we had no want of ammunition. The Court knows the terms he obtained. Three thousand five hundred barrels of powder certainly proved our great abundance on our surrender.

A R T I C L E II.

General Murray, from his conduct, objected to by this article, again reversed all military rules; his eccentric genius prompts him to maintain a very extensive outline of circumference with a feeble garrison, and give up the inner line, which could have been defended with fewer hands; it conveyed a confession of weakness in more senses than one.

A R T I C L E S

ARTICLES III. IV. and V.

GENERAL Murray admits the two first articles to be justly stated, but objects to the criminality: the Court will decide upon it. As the sickness of the garrison is made a plea for all imputed errors, much certainly turns upon this point. If the officers who have been examined, have proved, that the strength of their regiments greatly exceeded the number stated in General Murray's return to Government, is there not great reason to suspect it was done to palliate his surrender? To save his General, his benefactor, and uncle, Captain Don boldly steps forth, avows a false return, which he had not time to correct in fifteen days time: he gives this false return to the Secretary of State: he is asked if he acquainted him with the mistake: he answers, No. The General's letter to Government says, " There marched out six hundred decrepid soldiers, and two hundred marines, and one hundred and twenty artillery;" but officers and sergeants included, the whole strength is upwards of fifteen hundred men. General Murray owned in Court, that he did not care to swell the enemy's triumph by an appearance

rance of strength; but he labours hard to raise compassion at home, by an appearance of weakness. He makes even the enemy's butchers weep at our misery. It is a tale of woe dressed up for old women and children. General Pringle has proved the verbal intimation given to march the corps out weak.

THE SURRENDER OF THE ARMY

General Murray says, that the surrender had the sanction of the Council of War; but Colonel Brewster has proved, that *freedom* of debate was not allowed, and that he was abused by General Murray. General Pringle has proved, that the Governor prevented him from speaking to another officer upon some point in question; and what is most singular, General Murray tells the officers his own opinion, before he has taken theirs. Was this not done to awe and influence the members?

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OBSER-

O B S E R V A T I O N S

O N

GENERAL MURRAY'S CONDUCT

AFTER THE SIEGE.

WHEN General Murray had agreed to the capitulation, he suffered the enemy to take possession of some out-works, without taking any hostages for the security of his garrison. General Murray is Trustee for the Public; yet he trusts to the enemy's honour, and lets their officers go out, when their troops marched into the out-works assigned to them; but what reason had General Murray to pay such a compliment to the honour of the Duke de Crillon? who had attacked *his* in so violent a manner, as to have offered him a bribe to betray his King and Country. The Duke de Crillon refused

refused to take General Murray's word for the return of the transports, but *insisted* upon hostages, which were granted by the last article of the capitulation; General Murray attempted to make the Court believe this article was made at a different point of time from the rest; the date of the article proved the contrary: the Governor, to convince the world of the meekness of his temper, and his public spirit, lived at the house and table of the Duke de Crillon, who demanded the military chest; General Murray denied the possession, so saved it for the good of his country.

The various articles of the expenditure of the public money have been proved: the Court will judge of the necessity.

As to the article of privateers, Captain Don has proved that Mrs. Murray had a share in one; she was under coverture, therefore, whether that share stood in General Murray's or her name the fact is the same. The Court has seen through the motive for introducing the names of my daughters as having shares in the General Murray privateer; it has been proved that I had no concern in it, either directly or indirectly, but can that Governor be said to have no concerns
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in privateers fitted out by him with government stores and men, when he exacts arbitrary duties upon all prize goods?

A R T I C L E I. (Letter E.)

GENERAL Murray is proved to have raised the value of the guinea to two piftareens more than it was in his predecessor's time. The objections made to this measure, are so well fet forth by the inhabitants in their remonstrances against it, which have been read to the Court, that it will prevent me from saying much upon the subject. It was arbitrary and injurious; General Murray tells the Court he had no interest or advantage from it; if a guinea is received at one and twenty shillings, and issued at twenty-four, is there not a profit?

ARTICLE

ARTICLE II.

GENERAL Murray avails himself the *duplicity* of his character to palliate the exactions of duties imposed upon all auctions? he does not take as a *Governor*, but as *Vice-admiral*. Is he not Governor, when he exacts five per cent. upon all household goods? He tells us, that he put none of the money into his pocket; do gospel, law, or equity, authorise the pillage of one man, in order to give to another, under the cloak of charity? It is said to cover a multitude of sins.

ARTICLE III.

ARTICLE III.

IT has been proved, that the principal inhabitants were greatly exasperated at having their *fire* and *side* arms forced from them. They were in such a ferment, that General

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Murray

Murray desired me to pen an apology for him, in which I excused his conduct as well as I could; but too many wanton excesses had been committed; they complained to Government in consequence; they did more; they applied to the Spanish court, for protection, and invited their descent; a moderation of conduct would have prevented this.

Since his report of the 17th inst. I have been endeavoring to encourage him to do all that he can to diminish the number of his troops, and to abstain from a course of military operations.

A R T I C L E IV.

GENERAL Murray made solemn asseverations to the Court, that he never struck any of the Spanish prisoners. He said that a *cruel man* could not be a *brave man*; the officer of the guard, Captain Pollock, proved the fact of striking them. The Court must remember, that I offered to withdraw this article of charge.

ARTICLE

A R T I C L E V.

GENERAL Murray desired the Court to insert in the minutes, that as *Governor*, he had a right to confine Goya, on suspicion; that right being admitted, had not the poor man a right to a trial? It is proved that he had none. Ought not the Governor to have brought him to justice if guilty, or to have absolved him if innocent? the Governor did neither, the man destroyed himself from despair. Captain Townshend gave him a very good character.

I cannot but rejoice, that General Murray has laid our correspondence before the Court, because it clearly proves that my *private* injuries never influenced my *public* conduct, and that I could not have been actuated by *malice*, for my answers afford the strongest conviction that I gave him my opinion and advice as fairly as if no difference had subsisted between us; but when I unfortunately desired him to *re-consider* the resolution of giving up the inner covered-way, which I could not approve of; he tells me that he alone

was

was responsible for the place to his king and country. I do not presume to say, that I had an equal command; I knew that I was subordinate; but I must again deny his *sole responsibility*, for a very strong reason---let us suppose, for a moment, that General Murray had determined to give up the place for the bribe which was offered him: should I, as Lieutenant-governor, have suffered it upon his plea above-mentioned? Various officers are created in all departments to be checks upon each other, and to prevent the depravity of human nature; had General Murray proved that I had caballed with particular officers, to deprive him of his authority he might with justice, have said to me, "that all my *attempts* to take the command from him would be ineffectual." The crime I was charged with, was of a capital nature; but what was my conduct? I demanded a fair Council of War, to consider our situation; he refused it, and by that refusal got rid of me. That the order of the 15th of October, was intentionally levelled at me, appears strongly, because two officers acting under me, had that power of firing which Gen. Murray denied to a Lieutenant-general. I did not remonstrate when the order was issued, because I thought the Governor's good sense must perceive its *injustice*, and revoke it

it accordingly. I was fatally mistaken; but I will not trouble the Court with any more remarks on my personal injuries; I say the less, because they are personal: I leave the Court to decide, if the man who gives an affront, or he who receives it, sows the seeds of dissention in a garrison; is the aggressor or sufferer most to blame? The Court will decide if I had just cause for complaint, and reason to seek redress.

As his Majesty's commands pointed out the mode, I submitted with that humility and duty which his wisdom convinced me to be right.

TWO SPECULATIVE PAPERS.

W R I T T E N

By Sir WILLIAM DRAPER,

GIVING REASONS FOR AND AGAINST THE
SURRENDER OF FORT ST. PHILIP.

P A P E R I.

THOUGHTS ON OUR PRESENT SITUATION.

NO prospect of succour has been held out to us from home, although the Ministry knew in August last that the Spaniards intended the attack. It is a fair presumption, that we not have resources but from ourselves.

These resources are a very weak garrison, but a very numerous artillery, over which the enemy has gained a decided superiority from *opinion* as well as fact; what is now to be done? our mines are to defend us, but will our enemies give them and us fair play? I judge not; for as they have already silenced our upper defences, and ruined many of them, they may risk a coup de main and general assault, upon more reasonable grounds than they did in the last siege, when the garrison was much more numerous than at present. If they succeed in carrying the out-works *only*, I presume the same terms may be expected as were given to General Blakeny; if they do more, I suppose we shall be prisoners of war, perhaps at discretion. Do our engineers think the place can hold out for a month, or longer? if not longer, it is immaterial whether a week more or less decides our fate, as no succours are expected; if not, *suppose* a proposal were made, "that if no succours arrive by a *given day* to be named, the place may be surrendered upon *honourable* terms, by which the garrison may be still of *some use* to the Crown.

PAPER

P A P E R. II.

R E A S O N S A G A I N S T A S U R R E N D E R.

TO support the glory of his Majesty's arms, tarnished by various and precipitate losses elsewhere.

To expect the chance of succours by our fleet.

To wait for the chance of a negotiation by our court.

To wait for the chance of bad weather, which may retard the enemy's progress. If any proposal for a surrender comes from us, the enemy may think our condition worse than it really is; which offer, therefore must be avoided as long as possible.

If the enemy proposes any terms, it may arise from loss of men, expenditure of ammunition, and a despair of taking the place, from a dread of our numerous mines, or from information that a relief is now coming to us. All these circumstances are to be considered: they may offer us very advantageous and honourable terms, to be the sooner enabled to detach part of the force now before us to the West Indies; therefore

therefore a delay on our part may possibly be of very great use to our West-India islands, to Gibraltar, or North America, it being very probable that the enemy will detach the troops now here for that service, as they are become habituated to fire.

On the other hand, if the enemy has any positive information that no succours will be sent to us, he may exact very hard conditions, may insist upon the garrison becoming prisoners of war, or even prisoners at discretion; but I take it for granted that *some folks* will wish to save their baggage, by surrendering at a time they shall *judge reasonable*. The increasing sickness of the troops, and decreasing numbers, make it but too probable that no very arduous exertions are to be expected from any quarter: the days of heroic enthusiasm are fatally at an end.

The enemy's attack hitherto has a great appearance of an attempt upon our works by a coup de main, after our upper defences shall have been silenced by their furious cannonade and bombardment.

These two Papers were read by me to General Pringle, containing the ideas which had occurred to me on the subject, and which he was desired to preserve in his mind in case of my death.

W. D R A P E R.

I

S I R,

S I R,

I TAKE the liberty to inform you, that I think it absolutely necessary to load some of the mines under the glacis of the outward covered way, namely those before the Queen's redoubt, the Kane, and the Anstruther; for if a general assault is expected, what will be said if no one mine is prepared; I am of opinion, indeed, that it is a very great chance if any of the deep mines take effect against an enemy rushing upon the outward covered way, when you have not five soldiers to stop his progress; but *des aliquid famæ*, many things are done in this world for sound as well as sense; there is a *bare* possibility of their use, if loaded; but it will prevent the question, why they were *not* loaded? and believe me, Sir, there will be many questions asked concerning this garrison, which it may be difficult to answer in a satisfactory manner; so *liberavi animam meam*.

Your's sincerely,

Fort St. Philip's,
Jan. 12, 1782.

W. D R A P E R.

Col. Brewster, Chief Engineer.

S I R,

S I R,

AS it seems a general assault is apprehended, I think it absolutely necessary that all the fougasses of the inner covered way should be loaded ; my reason for not wishing them loaded earlier, was, my fear lest the enemy's shells might blow up some of them, and hurt our own troops in the outward line ; but I am now of opinion that no time should be lost.

Fort St. Philip's,
Jan. 13.

W. D R A P E R.

On the night of the 13th the whole garrison was under arms by the Governor's order, expecting an assault.

Joint Letter from Major-general PRINGLE and Lieutenant-colonel DE HAGAR to General MURRAY, dated Mahon, April 6th, 1782.

S I R,

SINCE your Excellency's departure and that of the British garrison from this island, we have heard, with the *utmost indignation*, an extraordinary report prevail amongst the French and Spanish officers, as well as the inhabitants here, " That

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“ if General Murray had followed the *opinion* of Sir William Draper and the principal officers of the late garrison of Fort St. Phillip, (of whom we had the honour to be of the number) that fort would have been in the possession of the Spaniards fourteen or fifteen days sooner than the time your Excellency thought proper to surrender it to them.”

As no one knows the *contrary* of this better than you, Sir, we take the liberty to acquaint your Excellency with the report and to appeal to you, persuaded, that if you should *happen* to hear it, you will, in *justice* to all those gentlemen, join with us, and we may say with them also, in declaring it to be groundless, and without foundation.

They, it is true, and their Report can shew it, suggested an idea, which, in their unanimous opinion, might, as was therein expressed, have considerably *prolonged* the siege, as likewise probably have obtained the most honourable terms for the garrison, and the most advantageous for the Crown; but as their proposal was not agreed to, it did not, in any manner whatsoever, affect the King's service or the *immediate* capitulation your Excellency preferred to it.

We have the honour to be, Sir, &c.

HEN. PRINGLE,
F. DE HAGAR.

THE END.



