

*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 *arroyo* 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 *fortie* 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

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.

*"Exalting 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 alleged 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.* I 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.

H

to

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 net 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 Arroyal 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.*

**I**T 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 forth-coming.

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.”

" *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 AILCOCK, 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. It



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

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.

*" Superfeding 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 superfed 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 understood 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.

## EVIDENCE for Lieut. Gen. MURRAY.

*Capt. Dow 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 between them. I thought, if I had said any harsh thing on the 11th, 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?

Gen. Murray. 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. Brewster 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. Brewster?

A. That he was to obey every direction he should receive from Sir William Draper in the outline, which he (Col. Brewster) 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. Brewster 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. Brewster upon that occasion?

A. I told Col. Brewster that I thought he had got into a disagreeable business; but that since he had accepted the letter,

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 the letter, 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 15th of November?

*A.* Not that I know of.

*Court.* At what time was it that you received Gen. Murray's order to send down each of them anything 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 showed it Gen. Murray; but what became of it, I cannot 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 *founding* 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, can neither admit nor deny the fact as  
 amiss; for I humbly apprehend this it is stated: I cannot allow that ever  
 second letter is a real attempt to a- I said, that Sir William Draper advised  
 bridge my authority. But of all those me to surrender the place sooner than  
 matters, the evidence being in writ- I did; but I aver and affirm this, that  
 ting, the Court must judge from the Sir William Draper, then Lieutenant-  
 correspondence between the Accuser Governor of Minorca, residing in the  
 and the Governor. As to superseding Fortress of St. Philip's, then besieged  
 the Lieutenant-Governor without suf- by an Army under the Duc de Crillon,  
 ficient cause; this, likewise, the Court of which Fortress James Murray was  
 will be enabled to judge of by the best Governor, did deliver a paper to Col.  
 evidence possible, that of our letters Pringle, then an Officer in the Gar-  
 at the time.—The truth is, Sir William rison, dated the 14th of January, 1782,  
 Draper superseded himself, by a con- purporting to be the opinion of the  
 duct not only unmilitary, but fretful said Sir William Draper, That, consid-  
 and capricious.—The extreme conceit ering the weak state of the Garrison,  
 of his own talents made him believe and the great force of the Enemy, it were  
 they placed him above the King's com- better to send and propose a Cessation of  
 mission; and, though I am ready to Hostilities to the Duc de Crillon, and  
 admit he has very considerable parts, to make conditional terms of surrender  
 yet I as freely confess they never struck at a certain time, if no relief should ar-  
 me as sufficient to admit any superio- rive before the period agreed upon;  
 rity on a military subject, even if we the contents of which said paper were  
 had been placed as equals, and much circulated in the Garrison, and stated  
 less so where the responsibility lay with as the advice of Sir William Draper to  
 me as Governor,—being confirmed in a Council of War assembled the 18th  
 a belief that I was at all times fully day of January by my order, and was  
 justified in the discharge of my duty, the occasion of inducing some of the  
 if I acted to the utmost of my own Officers who composed the said Coun-  
 ability and judgement, without being cil of War to sign another paper, gi-  
 forced to ask the advice of other Of- ving the said advice to me of propo-  
 ficers, unless I should see it proper so sing a Cessation of Hostilities, and a  
 to do; and that every attempt to oblige conditional surrender to the Duc de  
 me to call a Council of War was con- Crillon.—This is all I ever asserted on  
 trary to good discipline.—I do not the subject, and these facts I am ready  
 deny, that Councils of War are of- to prove. The fair, just, and obvious  
 ten proper and advantageous; but inference to be drawn from them, I  
 they can only be so when they are as- maintain; is, that Sir William Draper,  
 sembled at the spontaneous desire of Knight of the Bath, Lieutenant-Ge-  
 the Commander in Chief.—The con- neral of his Majesty's Forces, and Lieu-  
 trary doctrine is maintained by Sir tenant-Governor of Minorca, was for  
 William Draper.—And this is a point agreeing on Terms of Capitulation  
 of difference between us, on which the sooner than I did; which must have  
 Court will determine. produced the final surrender of the Fort  
 before the period when I submitted,

The last charge is actually put. I

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 Capt. 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.

*The END of the EVIDENCE.*

APPENDIX.



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# A P P E N D I X.

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## 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 sentries, 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 palisades, 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 path 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.

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 cheerfully 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,  
JA. 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 secures 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 Grashoppers, 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 subterraneans.

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 risque 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 DRAPEK, L. G.

Jan. 13, 1782.

N. B. Lieut. Neville reported that several seamen were taken from Charles Fort.

January 13, 1782.

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

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. Bwse 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. Brevse, 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 state of the Covered Way to overfet 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 *zelat*, 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 drawbridge 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 inconvenience; 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 Linning that of the Hanoverians: the King is to determine first whether you or I am 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.