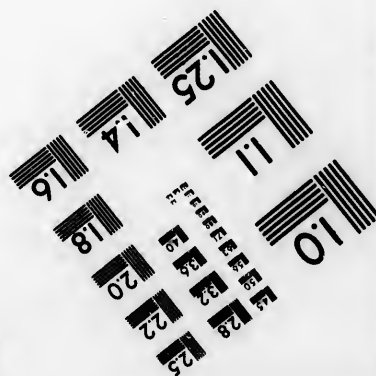
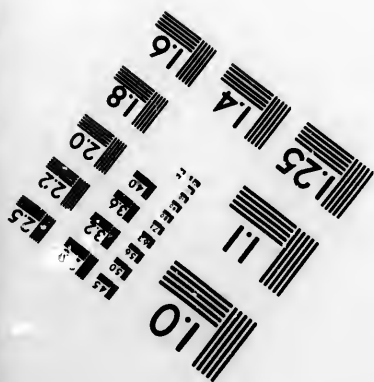
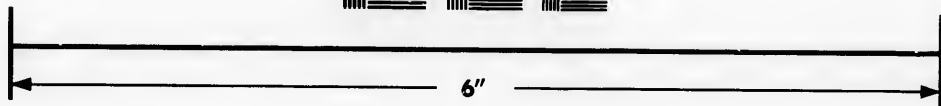
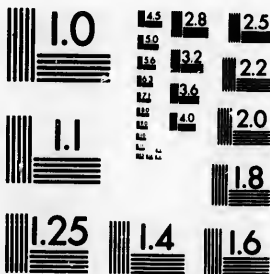


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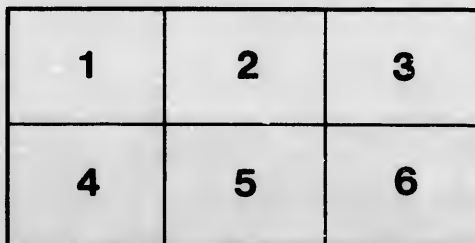
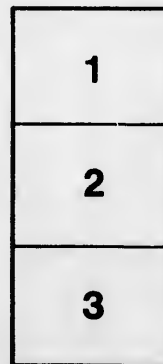
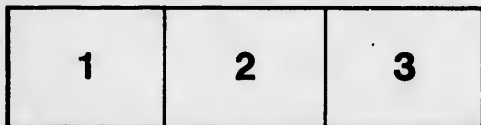
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PERSONAL MEMOIRS

OF

MAJOR RICHARDSON,

[AUTHOR OF "MOVEMENTS OF THE BRITISH LEGION," &c. &c. &c.]

AS CONNECTED WITH

THE SINGULAR OPPRESSION OF THAT OFFICER WHILE IN SPAIN BY
LIEUTENANT GENERAL SIR DE LACY EVANS.

A man who is too proud to acknowledge a fault when he is conscious of having committed one, and thereby wounded the feelings of another, shows himself to be, instead of elevated rank, very low indeed in the scale of intellectual worth. His pride is of the meanest kind, and to him even more disgraceful than his fault.—*Anonymous.*

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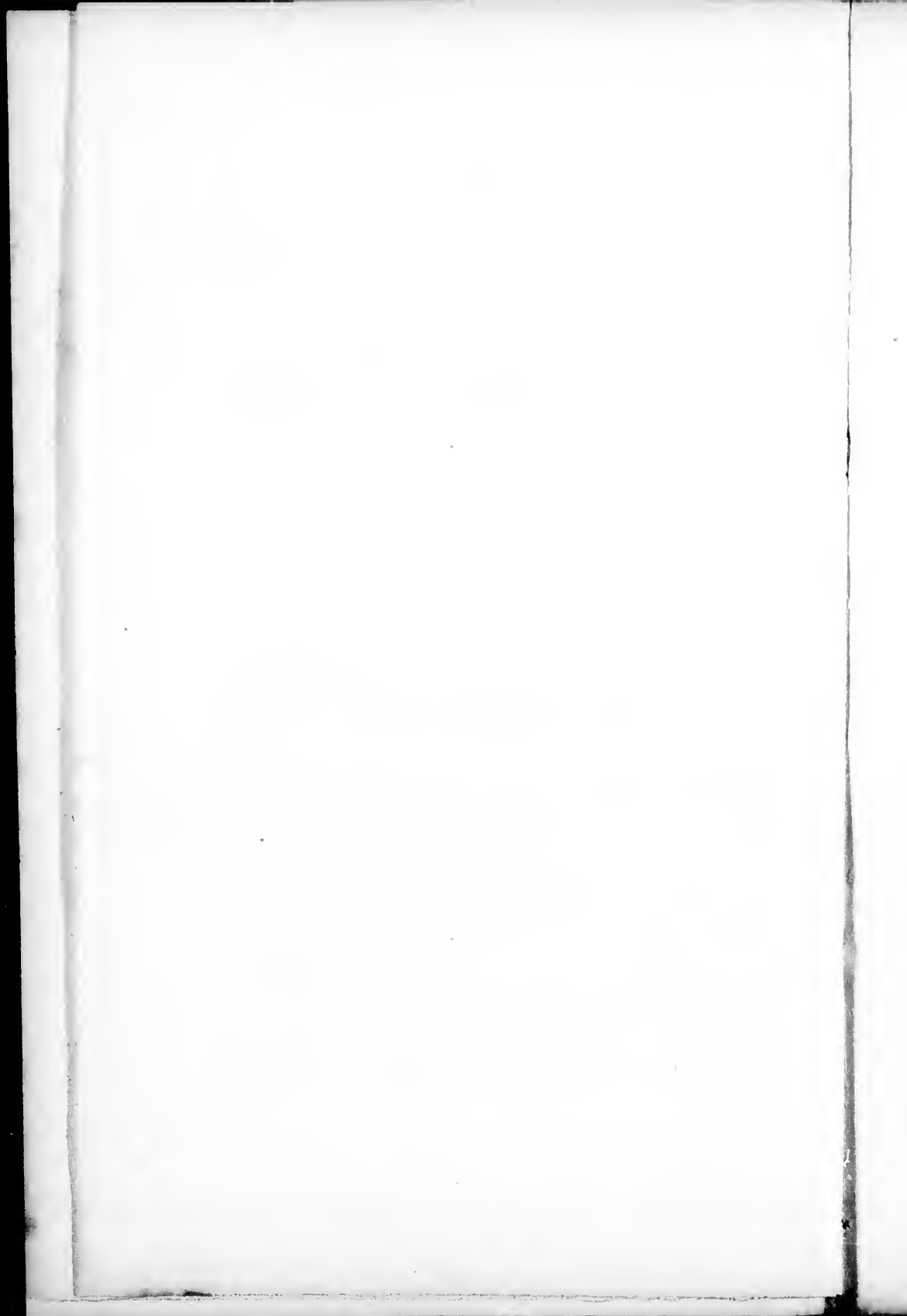
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W. NEILSON, QUEBEC ; R. STANTON, TORONTO ; AND J. MACFARLANE,
KINGSTON.

1838.



TO
THE HONOURABLE
THE MEMBERS OF THE COMMONS HOUSE OF PARLIAMENT
OF
GREAT BRITAIN AND IRELAND,
BEFORE WHOM A PARTIAL ACCOUNT OF THE COURT OF INQUIRY,
HELD UPON
MAJOR RICHARDSON,
HAS APPEARED,
THIS FULL AND AMPLE STATEMENT
OF THE PROCEEDINGS IN QUESTION,
TOGETHER WITH THE
MOST SINGULAR INCIDENTS AND PERSECUTION CONNECTED THEREWITH,
IS VERY RESPECTFULLY INSCRIBED,
BY
THEIR OBEDIENT SERVANT,
THE AUTHOR.



PERSONAL MEMOIRS

OF

MAJOR RICHARDSON.

ACTIONS, unimportant in themselves, derive their interest solely from the relative positions of the actors. An affair of disunion between Sir De Lacy Evans and myself can be in no other way interesting to the public, than because the former officer, as the head of a considerable body of British subjects in a foreign service, is amenable to the bar of public opinion for whatever acts of injustice he may have exercised while in command of that force. Any extreme of conduct merits, and should entail, the approval or condemnation of his countrymen, and it remains to be seen, if the commission of the most tyrannical acts of injustice—acts originating in ungovernable vanity and impatience—will be readily pardoned, even by his warmest admirers, to one holding the high and responsible command entrusted to Lieutenant General Evans.

After the publication of my first edition of the "Movements of the British Legion," I was called, in certain of the journals of the day, a regular "out and outer" of General Evans. Never was there a greater error, in as far as regarded my feelings towards the man. It was not the promotion I had obtained, nor was it that which I expected, that caused me to uphold him in his various military measures. So far

from this, of all the officers that entered the Legion, I stand alone in the slowness of my promotion, which, after all, was won, not from favour, but in the field—and even then, not willingly given by, but absolutely wrested from, the Lieutenant General. So far from promotion being accorded me, or even intended, while I lay on a bed of sickness at Vitoria, unconscious of what was passing around, and suffering solely through my over strict attention to duties which, properly, were not my own, I was, without a word of apology, put off the Staff to make room for some favorite of the Brigadier, his brother. All this injustice I felt deeply, keenly—for I had entered the Spanish service with the highest testimony as to capability;* which, whether merited or unmerited, so far from advancing, seemed to have the effect of retarding my promotion. Still my attachment to the Legion was great, for I saw in it the germs of good and soldier-like qualities, which required but the hand and head of the skilful tactician to foster into honourable notoriety; and while the Lieutenant General conducted that Legion in a manner likely to render the service a credit to those who had embarked in it, I resolved that no personal disappointments should prevent my rendering every justice to what I then considered to be his judicious efforts. But the promise of military talent, held forth by him in his cautious and well planned advance upon Vitoria, has not, unfortunately, been fulfilled in his after career.

Having had my health seriously injured by typhus fever, I obtained two months leave from the Lieutenant General, prior to the Legion receiving the order to move towards the coast. I left Vitoria early in April, but the order for the removal arriving speedily after my departure, the troops reached the coast before I had an opportunity of embarking for England.

* Sir Herbert Taylor was pleased to pronounce me competent to fill any situation to which General Evans might think proper to appoint me. This, though more than I merited, certainly ought not to have entailed the neglect I afterwards experienced—on my soul, I believe in consequence of this very flattering recommendation.

On my arrival at San Sebastian from Santander, on my way through Bayonne and the south of France, I heard that an attack was to take place on the enemy's lines in a few days. As I had all along done duty with that branch of the service, I immediately hastened to the Lieutenant General's, and volunteered my services on the Staff. Colonel Considine, the Military Secretary, whom I saw, said that he did not think an attack would take place for some time, and advised my pursuing my way to England without delay. On leaving him, I saw Colonel Tupper, of the 6th Scotch Grenadiers, to which corps I had been appointed senior captain, at the breaking up of the 2d Regiment, but which I had not yet joined. Colonel Tupper expressed satisfaction at seeing me in San Sebastian, as the army was going out in a few days, and he wanted officers. I told him I would willingly forego my leave, although still in a very weak state of health, until an affair had taken place—but that after such affair, I should proceed home. With this intimation we separated. Some correspondence took place on this subject subsequently, between Colonel Considine, Colonel Tupper, and myself; the object of which, on the part of the first named officer, was to show it was fully intended, by the Lieutenant General, that my leave should continue in full force, and to be made available immediately after an action had been fought. As the correspondence does not affect the subjects of discussion contained in this statement, I do not feel it necessary to transcribe it, especially as Colonel Tupper is no more.

A day or two prior to the attack on the enemy's lines, I conceived and drew up a plan for the capture of the convent of San Francisco, on the opposite bank of the Uramea. From this position the enemy were daily in the habit of annoying us; and although we knew they occupied it in some force, I was satisfied that a single brigade might carry it without much difficulty. Having formerly being quartered in the convent, I knew the points where it was most assailable, and offered in my communication to the Lieutenant General, which I sent through the Military Secretary, to head the storming party myself. This proposal, it will be

recollected, was made before the attack on the Ayeté line had been determined upon; and while constant essays were being made to cross the Uramea by fording, immediately opposite to the convent of San Francisco. But, although I had passed a sleepless night in concerting the plan of attack, and had risen at the first dawn of day to communicate its feasibility to the Lieutenant General, my offer of service was not accepted. The following I received, the same morning, from Colonel Considine:—

MY DEAR RICHARDSON,

I have received and submitted your proposition to the Lieutenant General, and he thanks you for your zeal—but the fact is, I believe the Carlists do not occupy the convent in question.*

Yours sincerely,

W. CONSIDINE.

San Sebastian, May 3d.

On the 5th, the attack on the Ayeté positions was ordered, and as I have in my first edition of the "Movements of the Legion," promised some particulars in regard to this action, which have not met the public eye, I cannot perhaps select a better opportunity than the present for making them known. I by no means purpose giving a detailed account of the action—indeed, if I would, I could not from personal observation, as that was necessarily confined, from my regimental position, to the movements of my own brigade.

Although the enemy did not oppose any very serious resistance to our occupation of their first line, which, nevertheless, was carried in a very gallant manner, they manifested the strongest determination to maintain the others; and, in order to prevent our columns from forming and issuing from the cover of the chain of houses and walls which had constituted their first defences, kept up an incessant fire from their batteries, which were placed on the third, or last, line. Fortunately their guns were too much elevated to cause us any very serious injury, and the

* This was decidedly incorrect. They did occupy it, and in considerable force.

blows we received, were chiefly from the fragments of stone scattered by the round shot through the sheltering houses. I was twice struck on the back by these missiles, and one man had his cap knocked off, and the scalp completely carried from his head. Having continued some time in this position, the Lieutenant General saw the necessity of making a charge on the second line—and as the Rifles,* under Colonel Fortescue, had now joined us, after having carried several houses, on the extreme left of the position, in the most gallant manner, preparations were made for the assault. The brigade was commanded by General Reid, who, greatly to the surprise of all, instead of dashing over the parapet, which had been partly levelled by our pioneers, and which, independently of being covered by the adjacent houses, afforded a much shorter route, caused the brigade, (consisting of the 3d and 6th regiments, and part of the Rifles, with some companies of Chapelgories,) to be formed in full view of the enemy's second line, where they were exposed to a ceaseless cross fire. Under these circumstances, it was absolutely impossible the troops could advance in proper column of attack. Yet a column of some sort was formed, and this, headed by Colonel Tupper, dashed round the building hitherto sheltering us, into the high road to Hernani, across which a most powerful barrier had been erected by the Carlists. The fire at that point, where General Reid had so unnecessarily exposed his brigade, was most severe, and would have been even more so, had not several companies of the brave Rifles been detached down the slope of the ravine, into an apple orchard, where they contrived to draw off a little of the enemy's attention. Meanwhile the brigade advanced most determinedly—nor was a single trigger pulled in return to the musketry and cannonading which were momentarily thinning our ranks. Immediately behind the Chapelgories were the 6th, headed by Colonel Tupper. I was in the centre of the regiment,

* The crack regiment of the Legion—and formed with great care and trouble by the Baron de Rottenburg, without exception, the first drill in the Anglo-Spanish service.

and we were all close under the formidable barrier, which appeared already won, when I observed a large body of the Carlists in full retreat. In the excitement of the moment, I called out to the men, "Now, my lads, hurrah! for the honour of old Scotland!—See! they run! they run!" and I pointed with my sword. Suddenly, to my astonishment, I saw the head of the column waver. They were the Chapelgories, who, unable to surmount the barrier, had turned back upon the leading company of the 6th. The 6th, in their turn, finding the impossibility of effecting an entrance without scaling ladders, gave way also, and all became confusion and dismay. I tried to stop the fugitives, but in vain,*—a sudden panic had seized them, and they knew not the voices of their officers. In their haste to pass me, on their way to their recent cover, they threw me down—my face falling into the mud. As fast as I attempted to rise, a rude foot was placed upon my back, and down again I fell. The men neither cared nor thought about the matter. They must have now supposed me wounded, and could not but know that, if left behind, there was no chance of my escape from the Carlist bayonets; yet, not a hand was extended to raise me from the ground. I could not help reflecting, even as I lay, on the extreme selfishness of men, while labouring under the influence of panic. By this time not less than thirty men could have passed over my back. Instead of avoiding, each seemed to seek me, as if an impetus could be given, from my rising body, to his flight. The fire of the enemy, upon the retiring column, was at this time fiercer than ever, and I thought I had a very good chance of being shot where I lay, if not suffocated by my own men. These failing, there was the chance of the sortie to secure or bayonet me. This latter was not at all a pleasing anticipation, and I resolved, weak and exhausted as I was, to make one final and desperate effort to regain my legs. It succeeded, though when I arose I had all the sensation of a drunken

* In testimony of my exertions to rally them on this occasion, see the evidence of Captain Jeffreys, of the Rifles, which appears later.

man—my head reeled, and I found it impossible to walk steadily, being nearly blinded with the mud that covered my front from brow to toe.

I have been thus diffuse on a subject, in itself unimportant, for reasons which will later suggest themselves to the reader.

On reaching the parapet—(the fugitives had taken rather a shorter route than that given them by General Reid)—the two regiments, (the 3d and 6th,) were mixed pellmell, and the crowd was such it was impossible to restore, for the time, any thing like order. Had the enemy sallied from their entrenchment, I am positive they must have occasioned us most serious loss. General Evans, who had been watching the progress of the column, with much anxiety, from the parapet, was a good deal excited and disappointed by the failure of the assault, and, fearing the enemy would make a dash from their second line, he energetically implored the men to retreat no further. At this moment, the Adjutant General called out that the enemy were making a movement as if to turn our left, and gave an order for part of the 6th Scotch to occupy some houses and hedges which covered that flank. Although scarcely able to stand, I immediately hastened to execute this order, desiring two companies of the 6th, then drawn up under cover of one of the houses, to follow me. To gain the position, it was necessary to pass under the fire of the enemy, and to ascend a steep and rugged wall. Up this wall I was assisted by some men of the 3d, who had preceded me, for, enfeebled as I was, I never could have ascended it alone. On reaching the position, I found that the two companies of the 6th had not followed me as ordered, but that a large body of the Westminster Grenadiers had. Finding the alarm to be a false one, there being no enemy on our left, and Colonel Churchill, of the 3d, coming up at the time to take command of his men, I withdrew once more to the parapet.

Meanwhile, some little order had been restored among the baffled column; but the brigade was without a head. General Reid, who had been grazed in the neck by a musket ball, at the first advance of the

troops upon the second line, had retired into San Sebastian to have his wound dressed. The Lieutenant General, however, was near the spot, and with him was the Adjutant General. The necessity of carrying the enemy's second line became at each moment more obvious, for already many officers and men had fallen, while a severe fire was being kept up by the other brigades, and yet no serious impression had been made on the more important points of the position. The guns, moreover, continuing to annoy us, the Adjutant General ordered Colonel Tupper to advance once more with his regiment and carry them. Colonel Tupper calmly replied, "that his regiment, having attempted all that men dared, could do no more." Next addressing himself to Colonel Fortescue, of the Rifles, who had just come in from skirmishing in the orchard before named, the Adjutant General issued the same command, and met with a nearly similar reply. He then turned to me, who had been standing near him at the time, and said, "Captain Richardson, lead on your company, and carry that battery." General Shaw, in his Memoirs, remarks, that the Adjutant General, once during the day, gave him the same order, and that he muttered to himself, "he would, provided he (the Adjutant General) would put some salt on the enemy's tail." This happy reply did not, I confess, occur to me—for I simply said, "I am now not in command of a company, but of a wing, sir."—"Wing or company—all the same, sir—lead on." I certainly did not think it was "all the same," but I knew my duty too well to disobey. I answered, "Very well. Colonel Le Marchant, have the goodness to assist me over the parapet?" The Adjutant General gave me his hand, and I ascended the wall. Most of the 3d and 5th were at the time sheltered by a row of houses, which extended about twenty yards beyond the parapet. I ordered the officers of the left wing of the 6th to bring up their men for another advance. Most of those in command of companies had already fallen, so that the task devolved on some of the juniors, who but indifferently understood their duty. Not more than two companies could be got together, and with these, I again attempted an

advance upon the high road. No sooner, however, had the men uncovered themselves, than a heavy fire of musketry was immediately poured into them from various points, and the young soldiers, perceiving the utter impracticability of effecting that which a whole brigade had vainly attempted to accomplish, a short time previously, again retired to their cover, whence it was impossible to withdraw them. I was a good deal annoyed at the time, for the Lieutenant General was looking on; yet it was absurd in the extreme to suppose, so small a force could have effected any thing against the obstacles they were sent to destroy. While under the partial cover of one of the shells of houses, I received two violent blows from balls, one in the chest, the other in the lower arm, which the peculiar texture of the jacket I wore alone prevented from entering the flesh.

Finding all my endeavours vain to urge the men from their cover, I told them that, since they were afraid to move forward, I would not remain to share their disgrace. Forcing my way through the crowd, I gained the parapet, which was greatly exposed to the fire of the enemy, and where several officers had already been picked off by the Carlist sharpshooters, while in the attempt to cross it. I had not stood more than five minutes on this parapet, before I received a blow on my left upper arm which knocked me off the wall. So acute was the agony, I thought the limb was fractured, and I hastened to the ambulance, which had been established about a hundred yards in the rear. Strange to add, although the ball had passed completely in and out of the fur jacket which I wore, it had not broken my shirt sleeve. Finding this to be the case, painful as the wound was, I would not have it examined, but, slipping on my jacket, again returned to the parapet. Here, for the first time, I saw Major, since Colonel, Ross. He asked me if I was wounded? I said yes, but attaching no importance to the matter, I added, "slightly." Major Ross, seeing, I fancy, that the wound gave me more pain than I chose to acknowledge, advised my having it

examined, and going to the rear. I declined doing so, stating that there was no external mark of a wound—and I thought I could remain. Meanwhile, the brigade were perfectly stationary, with the exception of a smart firing of musketry which was kept up between the 1st and 2d lines. My arm, at this time, had become so dreadfully swollen and painful, that I felt myself to be in a fainting state. I once more went back to the ambulance, determined to have the wound examined. On my way thither, I was met by a medical officer, whose name and person I had utterly lost sight of afterwards, until he most independently and fearlessly came forward and tendered the evidence, which appears in the Court of Inquiry. This was Surgeon Cross, of the Artillery. After having seated me on a stone, he removed my jacket, and tore open my shirt sleeve. The arm, at that time, was much swollen, and, nearly from the socket to the elbow, of an inky blackness. While under examination, according to the statement of Mr. Cross, for I do not recollect the circumstance myself, I fainted. But as his evidence on this subject will appear hereafter, I will not anticipate it.

Much stress has been laid upon the assumed fact, that I had received but a slight wound, and for no other reason, I believe, than because I had not made any extraordinary noise about it, as very many others, whom I could name, most certainly did. Had I kept my bed for four or five days, pretending more suffering than I actually experienced, no charge of this kind would have been brought against me. How necessary it is, on certain occasions, to play the hypocrite.

Under all the circumstances, which subsequently took place, I may be excused for dwelling a little here upon the nature of my wound, which was not from a spent ball, but one in its full force, though turned aside the moment it came in contact with the limb. Had it been a spent ball, it never would have passed through my fur jacket, as it did. I was standing with my side exposed to the enemy's fire, and the ball must

have taken rather a slanting direction, striking me, in its passage, immediately on the muscle of the arm, and being then turned, either by the muscle or the fur of the jacket.

It is a vulgar error, that because a wound is not followed by visible loss of blood, it is less severe in its effects than one which is. Many medical men maintain a contrary opinion; and I cannot better illustrate the fact than by relating the following circumstance which occurred to me a good many years ago in France—a circumstance so similar to the present, that it is in some degree remarkable:—

I had an affair with a French officer of Cuirassiers. My adversary, imagining that I was skilled in the use of the pistol, refused to fight with the customary weapons, and horse pistols were determined upon. I had two Irish officers as seconds—the Frenchman had also two of his companions—a third officer, (of the *Garde du Corps du Roi*,) was selected as a mutual umpire. Half a dozen brace of loaded horse pistols were shaken in a bag, and the umpire drawing two of these, presented us each with one. The signal was given by dropping a white handkerchief, (a very awkward mode by the way,) and we fired. Although no very indifferent shot, the horse pistol was more than I could manage. In pulling the stubborn trigger, my pistol swerved, and I missed my adversary. His aim was more fortunate. His ball struck me just over the tendon achilles of the right ankle. The pain was intense. I dropped my pistol, and caught and clasped my thigh tightly between my hands. My seconds came up. They placed me on the ground, and uncovered the ankle. Most agreeably was I surprised to find the flesh had not even been broken, when, from the agony I had experienced, I fancied the limb had been shattered to pieces. The direction of the ball was most singular. I had accidentally put on shoes and silk stockings, and these latter had saved my limb. The bullet had passed through the trowsers and closely fitting drawers, without at all injuring the stocking, yet striking the back part of the ankle with such violence that the whole of the tendons were injured. A second shot was attempted,

but in vain. I could not stand; and, (the seconds having consulted together,) the French officer, who had been the aggressor, made me a very warm and sincere apology for his offence, and we shook hands. He assisted in conveying me to the carriage in waiting, and I frequently saw him during my confinement. Two days after this affair the bruised flesh came away, and the whole of the tendons were left uncovered. I kept my bed one week, and was confined to my room nearly a month—nor was it, until after a considerable period, that I could discontinue the use of crutches. So much for a “contusion.”

As is generally the case in an affair of the sort, there were a variety of rumours on the subject, and some of these officious nobodies—would-be-important characters, who abound on the Continent, and who manage to make every stranger's business their own—thought I ought to have killed the Frenchman, and thus have vindicated the character, for pugnacity, of John Bull. My seconds, (the responsible persons in the matter) felt it necessary to intimate to these sagacious gentlemen, that they should consider any further observations, a reflection upon their own conduct on the occasion, and make it a personal affair accordingly. This had the effect of silencing them. From this same duel, I may add, I have drawn the picture of the meeting in the Bois de Boulogne, between Delmaine and the Comte de Hillier in my novel of “Ecarté.”

I should not have dwelt on the foregoing circumstances in the manner I have, was the description I have given not imperatively called for, in order to a more full understanding of the documents and proceedings which I am about to submit to the public, and particularly after the most ungentlemanly and unmanly manner in which allusion has been made to these proceedings, by General Shaw, in his letter to Mr. Otway Cave, read in the House of Commons, when General Shaw well knew that his assertion was untrue, that I had retired from the field on the 5th of May, with a slight contusion, such insinuation having been positively disproved by the Court of Inquiry that tried me upon two charges, and General Shaw being fully apprized of the honorable acquittal I had ob-

tained. I am aware that I use no very courteous language towards General Shaw, but he himself has provoked that which I do use, and as I have also a little of the Gaelic blood in my veins, I may be excused for borrowing a motto he seems remarkably fond of, the national one of Scotland—"nemo me impune lacessit."

My anxiety to return to England, in order that I might publish the first edition of my *Movements of the Legion*, was such, that I left my bed on the evening of the day after the action. No opportunity for departure, however, occurred until the 11th, when I took my passage to So-coa, in order to pass through France. On the 10th, five days after the action, I called upon the Lieutenant-General, who had all along been aware of the chief object of my return, and who had even seen parts of my manuscript. He regretted he could not well ask me to dine with him, as he saw the state of my arm would prevent my accepting his invitation, but wished me a safe journey to England, and every success with my book. I told him that, independently of this, I had written an account of the action, which I should leave for insertion in *Galigiani's Messenger*, on my way through Paris. He expressed great anxiety to see this account. I returned to my billet for it. In repairing again to the Lieutenant-General, he was in the act of mounting his horse at the door. Seeing me, however, he relinquished his bridle to an Aid de Camp, and we went up to his private apartments. I had stated, what was the fact, that the cause of the retreat of the Light Brigade from the second line, was owing chiefly to the disorder of the Chapelgories, who had preceded them. This annoyed the Lieutenant-General very much. He was even angry, and I shall not easily forget his very singular address to myself. "Why, my *good man*, this will never do. The Chapelgories, the Chapelgories, it is always the Chapelgories first, as if we could do nothing without the Chapelgories. The people in England will seize hold of this immediately." I ventured to say, that I did not see the thing in the same light with himself, as I thought the admission of the Chapelgories having preceded the column, and occasion-

ed all the disorder that subsequently took place in it, greatly justified the conduct of the latter. The Lieutenant-General, however, continuing to evince his disapproval of the passage, I said I would expunge it altogether. He made little comment on the letter generally, but I saw he was not pleased. He returned me the paper, and went down stairs to join his Staff, who were waiting for him to ride round the lines. "The General is difficult to please," I remarked to the Assistant Military Secretary, who was present. "Oh, you must not mind that," was the reply. "He makes us write the same thing twenty times over, before we can fully please him." I thanked my stars that I had not that enviable office. This was the last time I ever held personal communication with General Evans. At this time, (five days after the action, it will be recollected,) there was no hint that I had not done my duty in the field.

While in London, I saw the letters written by Cordova to General Evans, authorizing him, in the Queen's name, to confer decorations on those officers who had merited them, for their conduct on the 5th of May. I immediately wrote to Colonel Considine, with whom I had always been on friendly terms, detailing my claims to consideration. This letter, the precise nature of which I do not now recollect, was in substance what I have already stated. Before an answer could arrive—nay, long before my communication could have reached San Sebastian, I saw the order issued by the Lieutenant General, in which all mention of my name had been omitted! Feeling fully aware, that my claim to notice, for my conduct on the occasion in question, was infinitely greater than that of certain individuals, on whom the Lieutenant General had lavished the most fulsome encomiums, in his despatch, I, in my indignation, immediately wrote a second letter to Colonel Considine, stating, that I had, all along, suspected some private influential enemy, at Head Quarters, of having hitherto retarded my promotion in the Legion, and that this last most glaring act of injustice, on the part of the Lieutenant General, had converted that suspicion into certainty—

I added, that I had some reason to know the individual, but that a time would arrive when I should not fail to strip him of his borrowed plumes. This private letter, the purport of which, as well as that of the former, I have given, by reason of the sensation both created at the time, at Head Quarters, was accompanied by the following *official* addressed to Colonel Considine, in his capacity of Military Secretary :—

LONDON, *May 25th*, 1834.

SIR,

Finding, by the *Gazette* published in the English papers this day, that my name has been utterly overlooked in the list of decorated officers, and furthermore, that a junior officer of my Regiment has been promoted above me, I hasten to acquaint you, for the information of the Lieutenant General, that although I have yesterday obtained an extension of leave to the 30th of June, it is my intention to avail myself of such part of it only, as will enable me to return to San Sebastian, for the purpose of ascertaining in person the reason of such omission.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,
Capt. 6th Scotch Gr. B. A. L.

Col. Considine, Military Secretary, }
San Sebastian. }

A second official, of the same description, I forwarded to the Adjutant General, and, at the same time, printed, in my preface to the "Movements of the Legion," the following paragraphs :—

"By the *Gazettes* which have appeared since the affair of Ayetté, decorations and promotions have been given to most of the officers wounded, and otherwise meriting distinction, while my name has been wholly overlooked.

"If to have volunteered my services to remain at San Sebastian, in anticipation of an affair, having in my possession two months' sick leave of absence from the Lieutenant General—if to have communicated a plan, in writing, for the capture of the convent of San Francisco, through the Military Secretary, offering, from my knowledge of localities, to head

the storming party, an offer of service for which I have, at this moment, the Lieutenant General's letter of thanks—if to have commanded a wing of my Regiment in the battle of Ayetté—if to have been knocked down, and trampled upon, in a vain attempt to rally them in their retreat, when close under the enemy's breachless walls—if, subsequently, to have sought to cover the general retreat of the Brigade, by taking possession of an advantageous position—if to have unhesitatingly obeyed an order to attack the enemy's batteries in front, when other and superior officers had refused to do so in the most positive manner, (and yet the claim of these officers to high gallantry and chivalrous bearing is not to be disputed,)—if to have received three bullet wounds, two of which (one severe) my zamara, or fur jacket, alone prevented from proving mortal, in a second attempt to bring the men to the advance—if, finally, to have obtained leave from the Lieutenant General to proceed to England, for the sole purpose of accomplishing my original design—that of upholding the character of the Legion, against the attacks of those who have assailed it—if, I repeat, to have done these things, some of which, after all, were mere points of duty, deserves such a return, then, of a verity, are 'all things vanity.' ”

A copy of this preface I sent to Brigadier General Evans, who was confined to his room at Haikes' Hotel, in consequence of the wound received in his duel with Colonel Dickson, intimating that it would be given to the public, only in the event of the Lieutenant General failing to accord me the justice I demanded at his hands. The first private letter to Colonel Considine, which simply contained a detail of my services on the 5th of May, I had already communicated to him personally.

Leaving my manuscript in the hands of the printer, I embarked once more for San Sebastian. On my arrival at Falmouth, for reasons which the reader will find stated in my defence before the Court of Inquiry, I suppressed the first preface, and sent from Falmouth to London, that which subsequently appeared. Here, also, I received a letter from the

Assistant Military Secretary, forwarded to me from Colonel Wetherall, in London, of which the following is an extract:—

} “HEAD QUARTERS, SAN SEBASTIAN,
27th May, 1836.

“The Lieutenant General does not recollect having promised you, as you have stated, the first vacant Majority.* All recommendations for Regimental promotion, must be forwarded by the Commanding Officers. After the affair of the 5th, you were not mentioned in the list of officers, sent in by Lieutenant Colonel Ross. Major Clarke was strongly recommended by him, and by the late Colonel Tupper—he twice re-formed and charged at the head of his Regiment† during the day. But, to tell you the truth, I mentioned your name to the Lieutenant General for the Brevet, but without success. However, a few days afterwards, the order of the first class of St. Ferdinand was conferred upon you, which you, of course, are yet in ignorance of.”

This semi-official was, indeed, amusing. To be informed by Major Herman, (with whose services, past and present, private as well as public, I was fully acquainted,) that he had condescended to ask a Brevet Majority for me, and yet been refused by the Lieutenant General, was rich in the extreme. I consoled myself, however, with the trite recollection, that “*Les absens ont toujours tort,*” and presumed that every thing

* NOTE.—The Lieutenant General's memory must have been very defective indeed. He had promised me, at Santander, in an interview I had with him, the very first which should occur—as (he said) independently of the high testimonials I had brought him, he was anxious to promote an officer of such long standing in the British service. (?)

Alluding, on one occasion, to the volume I was about to publish, he seemed a good deal annoyed, that a certain Member of the House of Commons (Colonel Thompson) should have termed the affair of Hernani a “misadventure,” he said he was a well meaning man, but not much gifted with *nous*, and that, in his mistaken zeal to do good to his party, he marred the affair, and did them infinitely more harm. I mentioned to the Lieutenant General the view I had taken of the Hernani transaction, which he admitted to be perfectly just. The next day, Colonel Considine, who had received my manuscript, with a view of communicating certain portions of its contents to him, called at my *posada*, and expressed a wish, on the part of the Lieutenant General, that I should not give the paragraph which bore upon the flogging of the man at San Sebastian, as he, the Lieutenant General, was unwilling it should go forth to the public, that he had tolerated flogging in the Legion. This passage, however, I declined to erase. Whether my refusal to do so had any effect in causing the Lieutenant General to forget the previous part of our conversation, namely, that which referred to my promotion to a Majority, I cannot pretend to say.

† I should very much like to know, where and when?

would be set right on my reaching Head Quarters, whither I was going, with every inclination for peace, yet fully prepared for war.

On landing at San Sebastian, I reported myself to the Adjutant General, who told me there was a vacant Majority in my regiment, to which I was to be immediately appointed. He said, however, the Lieutenant General was very much displeased at that paragraph in my private letter to Colonel Considine, which alluded to "stripping some officer of his borrowed plumes." He seemed anxious to learn to whom I had referred, but I did not choose to name. It appeared that my private letters to Colonel Considine had been opened (during that officer's confinement, by a severe wound he had received on the 5th of May,) by Major Herman,* and conveyed by him to the Adjutant General, with whom he was extremely intimate. Both communicated their contents to the Lieutenant General—as they subsequently declared, with a view to *serve my interests*. This was kind!

In the course of the day, I waited on the Lieutenant General—I could not procure an interview, but I distinctly read in the Proteus-like features of his Aids-de-Camp, (most of whom were Portuguese or Spanish,) that there was something wrong.

Later in the day, I saw Colonel (since General) Fitzgerald, who, in order to put me on my guard, told me of the following remark made in the waiting room by the Lieutenant-General, to Colonel Ross, who had gone to recommend me for the vacant Majority. "Colonel Ross, beware how you recommend Captain Richardson. He has threatened to publish us all in England, and I am not to be intimidated by threats." The room was crowded at the time, and the Lieutenant-General, in issuing his prohibition, was extremely angry. Surely he could not fancy that I meant to allude to him, in writing of borrowed plumes. It was evident the Brigadier, his brother, who had the character of being a great

* This officer has since been accused, and not without reason, by Lord Ran-
lagh, of opening a letter of his, and forging another in its stead.

"mischief maker," had sent him the printed preface, and accompanied it by some observations not at all tending to soothe the matter.

Meanwhile, before receiving this friendly intimation from Colonel Fitzgerald, I had addressed the following letter to Lieutenant-Colonel Ross.

POSADA ISABEL, 12th June, 1836.

SIR,

On reaching San Sebastian, where I have just landed, I learn that the reason of my not having been promoted to the Majority, vacant in the 6th Regiment, by the death of Colonel Tupper, is your having failed to recommend me for it.

If you will take the trouble to call to your recollection, I saw you on the morning of the day which preceded my departure for England, when you most strongly promised to do everything that was necessary for my advancement, during my absence. I can only assume, that your not having done so, originated in a supposition that I should *not* return, and a natural anxiety to have another Major substituted in my stead. As, however, I *have* returned, and with my claim to the promotion in no way diminished, I trust I may rely upon your rectifying an error, which is the more easy of accomplishment, by reason of the resignation of Major Mill, which still leaves a vacancy for the officer so unexpectedly promoted above me.

I have the honour to be,

Sir,

Your most obedient servant,

J. RICHARDSON,

Capt. 6th Scotch Grenadiers.

Lieut. Col. Ross, Comg. 6th Regt. }
 &c. &c. &c. }

The next day, I received Col. Ross' answer.

HEIGHTS OF ALZA, 13th June.

SIR,

I have to acknowledge your letter of the 12th instant, which I shall submit for the consideration of the Lieutenant-General, as the appointment of Major Clarke took place in consequence of the recommendation of Brigadier-General Reid, as well as myself, and was approved by His Excellency. I have to add that I submitted your name with that of the other wounded officers, to his favorable consideration, (?) which, as

Col. Tupper was then alive, was all that I could promise, nor am I aware of there being any vacancy at present.*

I am, Sir,

Your most obedient servant,

MALCOLM ROSS,

Lieut. Col. Comg. 6th Regt.

Capt. Richardson, 6th Scotch Grenadiers, }
&c., &c. &c. }

Finding all attempt to procure an interview with the Lieutenant General to be vain, I, on the same day, addressed him as follows:—

{ CALLE DEL POSO, POSADA ISABEL,
Monday, 13th June.

GENERAL,

It has just been communicated to me, that the reason of my non-promotion to a Majority, is my having threatened a publication in regard to the Legion, of an unfavorable kind.

I beg to state that I have never made such threat, or entertained the remotest idea of the sort, as a publication now in the press will shortly prove,† and furthermore, if reference be made to the *Morning Chronicle* of the 23d of May, it will be found, that no individual in the Legion could have been more solicitous to maintain its well-earned reputation in the field.

While in London, and smarting under the severest sense of unmerited neglect, at finding all mention of my name omitted in the general order of the 17th of May, I certainly did address a *private* letter to Colonel Considine, expressive of my belief that some influential secret enemy at Head Quarters had hitherto retarded my promotion—a suspicion, which the latter extraordinary omission had confirmed. I might also, in the course of this same *private* letter, which I learn was *publicly* read to you by the Adjutant General, have expressed the possibility of my naming certain individuals, whom I suspected of keeping me in the back ground, in a light different from that in which they had hitherto appeared; but I must distinctly deny having ever threatened to name the Legion, except in the terms of praise it merits.

As an officer of some standing in the King's service, and as one, moreover, to whom you had promised the first vacant Majority at Santander, I certainly think that I had reason to complain of the neglect

* It will be borne in mind, that this letter was written the day after Lieut.-Col. Ross had been warned by the Lieut.-General not to recommend me for the Majority which he *did* know to be vacant.

† My first edition of the "Movements of the British Legion,"

with which I had been treated, during my absence on leave, when other officers, long my juniors even in the service of the Queen of Spain, had been promoted to Brevets, which, according to Major Herman's statement, was refused to me; but although I believe there is no instance on record, of a death vacancy being given in the King's service, (by the rules of which, on entering this, I understood we were to be governed,) but to the seniors of the next rank—except in cases of misconduct in the field.* Yet, as I was fully aware that you had made it a rule to be regulated in your bestowal of promotion, by the recommendations of commanding officers, I could not, with any shadow of justice, apply what I had written, to yourself, or to the Legion generally. The observations made use of in my letter to Colonel Considine, which letter I must still maintain to have been strictly private, could only refer to certain individuals, whom I did not think it expedient to name.

The fact, General, of your having conferred upon me the cross of Saint Ferdinand for my conduct in the affair of Ayetté, is in itself a proof that I was not unworthy of promotion to the Majority vacant by Colonel Tupper's death, and had I considered any particular testimony to my behaviour on that occasion necessary, I should, among others, have called upon the Adjutant General himself. But this I did not. I left for England five days after the action, and with a distinct promise from Major (now Lieutenant Colonel) Ross, that he would favourably recommend me.

That promise, which was, after all, a mere act of common justice and of duty, was overlooked; and it will be recollected that my private letter to Colonel Considine, was the result only of my non-promotion on the occurrence of Colonel Tupper's death. Therefore, such letter could not, I respectfully submit, be a reason for my having been passed over in promotion in the first instance, whatever it may be *now*.

Reference has been made to a certain preface *printed*, but not *published*, by me in England, a copy of which, as his name was incidentally mentioned in it, I sent to Brigadier General Evans. An act of deep injustice, in whomsoever originating, had been sanctioned by you, and goaded by the very natural astonishment expressed by my friends and acquaintance, I felt it to be a duty which I owed to myself, and to my character as a British officer, to promise public explanation of a wrong which had been publicly done to me. I printed a few copies of the preface which seems to have been submitted to you, but, on calmer reflection, and seeing the inexpediency of mixing up private matter with a work of the character I was about to publish, I withdrew it, substituting a preface of a wholly dissimilar nature.

* Does the Lieutenant General in noticing this letter give this as a reason for my non-promotion?—No. Not until long afterwards does he bring forward such a charge.

It is with infinite pain and mortification, General, that I find myself compelled to write this explanatory letter, for the terms in which I have ever named you and the Legion, both publicly and privately, are so totally at issue with the intention attributed to me, (and attributed from induction alone,) that I cannot but deeply lament, so erroneous an impression of my motives should have been entertained by you.

I have the honour to be,

General,

With consideration,

Your obedient humble servant,

J. RICHARDSON,

Capt. 6th Scotch Grenadiers.

Lieut. Gen. De Lacy Evans, &c. &c. &c. }
 Comg. B. A. L. }

Accompanying this letter, I forwarded a note to Colonel Considine, requesting him to submit it to the Lieutenant General. Colonel Considine having, however, sent me back an intimation that it must go through my commanding officer, I enclosed it in the following to Lieutenant Colonel Ross:—

POSADA ISABEL, 13th June.

SIR,

I understand from the Military Secretary that the enclosed letter, to the Lieutenant General, must be transmitted through you. I therefore beg it may be immediately submitted.

Your letter of yesterday's date states that you are not aware of the resignation of Major Mill. I enclose you an intimation of that fact from Colonel Wetherall, forwarded to me at Falmouth—doubtless this officer's intention will be officially notified in a day or two, if it has not already arrived.*

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Capt. 6th Regt.

Lieut. Col. Ross, Comg. 6th Regt. }
 Heights of Alza. }

* This notification of Major Mill's resignation in England had arrived by the steamer which conveyed me out, and Colonel Ross *knew it*.

On the 14th, Major Woolridge, an Aid-de-Camp to the Lieutenant General, called upon me at my Posada, and after stating that Colonel Ross, whom he had just seen, was a good deal annoyed at my having put myself in official communication with him, delivered me a verbal message from Colonel Considine, which caused me to address the following letter to Lieutenant Colonel Ross.

POSADA ISABEL, 14th June.

SIR,

Colonel Considine has just sent me word that it will be merely necessary for you to recommend me for the step, vacant by the resignation of Major Mill, in order to obtain it. May I therefore request you will do what is necessary on the occasion.*

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Capt. 6th Scotch Grenadiers.

Lieut. Col. Ross, Comg. 6th Scotch, }
&c. &c. &c. }

The answer was:—

CAMP, 15th June, 1836.

SIR,

I have to acknowledge the receipt of both your letters of yesterday. The enclosure for the Lieutenant General, in one of them, I have forwarded without any comment. With regard to the vacant Majority, I went and recommended you for it, when the Lieutenant General told me to be cautious in doing so, giving the reasons which you seem to be aware of, from your letter to him. I hope your explanation will have the desired effect.

I have the honour to be,

Sir,

Your most obedient servant,

MALCOLM ROSS,

Lieut. Col. Comg. 6th Scotch.

Capt. Richardson, 6th Scotch Grenadiers, }
&c. &c. &c. }

* My first object was to secure the junior Majority, after which I should have demanded, as a right, my promotion to that rank from the death of Colonel Tupper,

This again was amusing. The Lieutenant General would not promote me, unless recommended by my commanding officer—and my commanding officer would not recommend, because the Lieutenant General had prohibited him. I saw clearly that the intention was *not* to promote me; yet I resolved, despite of all the petty annoyances I knew I should be made to endure, to join my regiment, until the 29th of the month when my year of service would be completed. On the 16th, in the evening, I joined at Alza, and, on the 17th, was sent in advanced picket in command of two companies. On the 18th, a Captain Shaw, of the regiment, came to my post, and delivered me the following letter:—

CAMP, HEIGHTS OF ALZA, 18th June, 1836.

SIR,

The officers of the 6th regiment having heard, they trust without foundation, that reflections against our much lamented commanding officer, Colonel Tupper, as against the officers *generally* with regard to the action of the 5th of May, emanated from you during your absence in England, they have requested me to forward this letter to you, through a brother officer. *Hopeing* (qu.) that your reply will completely refute insinuations, which they, as officers and gentlemen, must feel so deeply,

I have the honour to be,

Sir,

Your obedient servant,

ARCHIBALD CALDER,
Capt. 6th Regt.

Capt. Richardson, 6th Regt. }
&c. &c. &c. }

Little suspecting the plot that was enacting, I at once replied:—

{ ADVANCED PICKET, HEIGHTS OF ALZA,
18th June.

SIR,

I have to acknowledge the receipt of your letter of this morning's date, calling upon me to refute certain rumours of an insinuation said to have been made by me, in England, of a nature unfavourable to Colonel Tupper and the officers of the 6th regiment *generally*.

Under any other circumstances, I should have expressed surprise that you, and the officers of the 6th regiment, through you, should have

felt it necessary to put such a question to me; but as I think I have already had some hint that such a supposition was intended to be inferred, and as I furthermore surmise the source whence it springs, I shall at once openly reply to your very natural demand.

I have never named Colonel Tupper and the 6th regiment *generally*, in England, but in terms of high commendation, and as actuated, on the 5th of May, when I had the honour of being a participator in their glories, by the gallantry and chivalry of brave men.

And now, sir, having unhesitatingly answered your question, I, in my turn, assume that you cannot object to give me up the authority on which your letter is founded.

I have the honour to be,
Sir, &c.,

J. RICHARDSON,
Capt. 6th Regt. Scotch Grenadiers.

Capt. Calder, 6th Regt. }
&c. &c. &c. }

On the following morning, having been relieved from picket, I received, at the hands of a servant, a second communication from Captain Calder.

CAMP, HEIGHTS OF ALZA, 19th June, 1836.

SIR,

I have the honour to acknowledge your note of last night. Your disavowal *there*, of having thrown out any insinuations in England against the officers of the 6th regiment, and the late Colonel Tupper particularly, are clear or (qu.) distinct; but I have to inform you that this is not now satisfactory. You demand that the author of the reports should be given up to you. Documents have been put into my hands, which leave not the smallest doubts (qu.) but that you have spoken and written of Colonel Tupper and the officers of the regiment in any thing but in terms of the highest commendation. Permit me to quote a few passages. In the preface to your notes of the action of the 5th May, about to be published in England, I find that you added you had led on a wing of the 6th regiment, when other and superior officers had refused to do so. This assertion many, very many of us beg leave to question. But to proceed. In a letter from England, dated 2d June, to Colonel Considine, Military Secretary, you speak of stripping some of our officers of borrowed plumes, and that the officers you allude to are more in your power than they imagine. You go on to say that you are sick, disgusted, and annoyed to a degree, and that certainly you shall publish details of this same battle of Ayetté with which the public are little acquainted. I

ask, sir, are these not insinuations? But you do not stop here. In another letter to the Military Secretary, you say that when directed by General Le Marchant to occupy a certain position, you were followed *more* by the Westminster Grenadiers than by your own regiment; and further, that General Le Marchant ordered Colonel Tupper to lead on his regiment, and that he *refused*, saying, "No, sir, I will not, or cannot," and that the Adjutant General then said, "If you will not lead on your men, let Major Ross do so." Again I ask are these not insinuations? and yet you solemnly assert in your note of last night, that you spoke of the 6th regiment as actuated on the 5th of May by the gallantry and chivaldry (qu.) of brave men. There are other passages in these documents containing, if possible, even worse reflections—but enough. Sir, you have had the hardyhood (qu.) to throw out insinuations, and with the documents containing them still fresh in your memory, you have the unmanliness to deny them.

There is only one course for the officers of the 6th regiment to pursue, and it becomes my painfull (qu.) duty, as the senior Captain present, and in the name of the officers, to announce to you, that with Captain Richardson we can no longer associate as an officer and a gentleman.

I have the honour to be,

Sir,

Your obedient servant,

ARCHD. CALDER,
Capt. 6th Regt. S. Grs.

Capt. Richardson, 6th Regt. S. Grs. }
 &c. &c. &c. }

This was meant to be the *coup de grace*, and I confess I was not a little dismayed to find the plot thickening around, which was intended to accomplish my ruin. It was obvious the Lieutenant General had determined on making the officers of the 6th regiment instrumental to his views; and that great caution was requisite on my own part to defeat these. My determination was instantly formed, and I placed the above precious specimen of diction and orthography—the joint production of the officers of the 6th Scotch, who had addressed me through their talented organ, Captain Calder—in the hands of Lieutenant Colonel Ross, intimating my intention to submit the whole affair to the Lieutenant General, and demanding that Captain Calder should be placed in instant arrest, for presuming thus to address me, his senior officer.

Captain Calder was placed in arrest accordingly, and I repaired to San Sebastian, where I caused the correspondence to be copied.

These copies I addressed to the Lieutenant General with the following note, which I took to his residence myself.

SAN SEBASTIAN, 19th June.

GENERAL,

I have the honour to submit to you, copies of a correspondence which has taken place between Captain Calder, of the 6th regiment, and myself—which correspondence, it would appear, has originated in a perusal of certain private letters, and a printed, not published, preface, addressed by me to Colonel Considine, and transmitted to them, by your order, through the commanding officer of the 6th regiment. I have taken no other notice of Captain Calder's second communication, than to cause him to be placed in arrest, until your pleasure on the subject be made known.

I have now to request that a Court of Inquiry be assembled, to report either on the conduct of that officer, or on my own, in order that it may be seen, by the shewing of these private letters, if I am in reality entitled to the highly offensive remarks of Captain Calder.

I have the honour to be,
General,

With consideration,

Your obedient servant,

J. RICHARDSON,
Capt. 6th Scotch Grs.

Lieut. Gen. De Lacy Evans, &c. &c. &c. }
Comg. B. A. L. }

The Lieutenant General, whom I found in the waiting room, refused to grant me a private interview, and I was obliged to communicate to him, in the presence of General Reid and several other officers, that I had received certain offensive letters from one, on behalf of the whole of the officers, of the 6th Scotch, which I was anxious to submit to him. "Oh," remarked the Lieutenant General, who seemed fully to understand the contents, "it is a private affair altogether." "Not at all, sir," was my reply, "it is a public affair, and as such I submit it to you." Finding I was firm in my purpose, the Lieutenant General then intimated the documents must come to him through the usual channel. I

immediately handed them to the Assistant Military Secretary, who was present, and left the room. On my way down stairs, the Assistant Military Secretary overtook me, with a message, that the Lieutenant General was desirous I should see Colonel Considine. I felt very indignant at the reception given me by the Lieutenant General, whom I knew to be the instigator of the insult offered to me by the officers of the 6th Scotch, and I at first refused. Major Herman having intimated that an interview with Colonel Considine might lead to some satisfactory explanation, I suffered myself to be prevailed upon. My meeting with Colonel Considine did not, however, produce any result, though he seemed anxious to convince me, that the fact of my private letters having been shown to the Lieutenant General, was not attributable to him. This was unnecessary. I did not believe Colonel Considine to be capable of any such baseness. The onus rested wholly with those who had broken open his letters marked "*private*," during his indisposition, and communicated their contents to the Lieutenant General. On leaving Colonel Considine, he requested me to call again in an hour. I returned at the time appointed, when he stated that my letter to the Lieutenant General, enclosing Captain Calder's, must come through my commanding officer, and that Major Herman was instructed to deliver both to me for that purpose. On applying to Major Herman, he said he had just despatched an orderly with them to my Posada.

Meanwhile, the following letter was sent me by command of Brigadier General Shaw, whom I had seen in close conference with the Lieutenant General immediately after my vain demand for an interview with the latter.

SAN SEBASTIAN, 25th June, 1836.

SIR,

I am directed by Brigadier General Shaw, to say that certain papers have been officially laid before him, in which you throw out insinuations, both in writing and in print, against certain officers of the 6th regiment, by which it would appear they had not performed their duty in the action of the 5th of May, and further that you yourself were employed to

execute what they refused. As Brigadier General Shaw is most anxious to have those officers punished, who did not perform their duty on this occasion, you are directed to hand me in the names of those officers, and the particular charges you have against each, with a view that they may be brought to a Court Martial, or write a letter to me to say that you had no intention whatever to make insinuations against any officer of the 6th regiment, and that you withdraw any document, either in writing or in print, that can in any way be considered as derogatory to the honour of any officer of the 6th regiment, who was in the action of the 5th of May.

I have the honour to be,

Sir,

Your obedient humble servant,

JNO. O'NEALE,

Major of Brigade.

Capt. Richardson, 6th Scotch Grenadiers, }
&c. &c. &c. }

This of course was considered by Brigadier General Shaw, who admits he had always the character of a "deep intriguer" in Portugal, to be a *chef d'œuvre*, a splendid means of entrapping me into some contradictory statement, that would fully answer the views of the Lieutenant General, whose most willing agent he then became. The action of Fontarabia had not yet taken place.

The eligibility of General Shaw to any office requiring the exercise of deep finesse, may be better understood from the following anecdote, of an occurrence which took place nearly at the same time:—

Having heard that Mr. Wilkinson, formerly in the British Legion, and then in the service of Don Carlos, was in the enemy's lines, Brigadier General Shaw conceived the noble design of destroying that person in the following manner:—He wrote a letter to Sergeant Richardson, who, it will be recollected by those who have read my Movements of the Legion, deserted from us at Vitoria, and was in some measure the cause of the detection of the traitor Elozequi, who suffered strangulation by the garrotte. In this letter, he stated that if he, Richardson, repented of his desertion, and wished to rejoin the Legion, he might easily do so, as Mr. Wilkinson was in possession of

ample funds, and had authority to make all necessary advances to men desirous of returning.

When Brigadier General Shaw undertakes any thing, it is not by halves, or with a probable chance of failure. He despatched a second letter to Mr. Wilkinson, apprising him that the two men he had already sent over* had arrived safe, and expressing a wish to know when more might be expected. He furthermore stated that if Richardson should apply to him for funds, he was to advance them, &c.

This letter, as intended fell into the hands of a Carlist outpost, and the poison worked so well, that Mr. Wilkinson, suspected of being a traitor and a spy, rather than a disappointed Legionite, was, with his wife, immediately arrested and thrown into prison. The intended victims fortunately contrived to make their escape into France, whence Mr. Wilkinson, later, went over to San Sebastian. His stay there, however, was short, the Lieutenant General having provided him with a passage to Socoa the moment he became apprized of his arrival.

This little ruse of Brigadier General Shaw's—conceived, no doubt, after one of those communions with the Deity, in which he states, in his Memoirs, he was so prone to indulge, with a view to relieve the monotony of warfare—was one on which he especially prided himself. He was wont to speak of it as being one of his best acts of—what shall I term it—diplomacy.

An instance of General Shaw's deep sagacity once occurred under my own immediate observation, and as, although trifling in itself, it made a great impression on my mind, at the time, I will relate it:—Just before I was taken ill with typhus fever, General Shaw was sent to Vitoria to relieve me in the command of that place, in consequence of my having written to the Adjutant General that I could not longer fulfil the double duty imposed upon me, without a higher rank than that I held. The first care of General Shaw was to assemble the whole of the convalescents,

* No such men of course had ever been sent.

with a view of sending off the most efficient to their regiments. The parade was in the Convalescent Depôt, and some of the poor wretches, who had been summoned to attend it, could scarcely stand. Whenever General Shaw came near a man, who, from the mere effect of cold, (for it was the midst of winter,) acting on a frame attenuated by disease, had pulled up his great coat about his ears, he was pleased to favour such individual with a particular inspection, which ended in the man being sent off to his regiment, although, as I have said before, in nine cases out of ten, scarcely able to stand. It appeared to me that this originated altogether, on the part of General Shaw, in a restless desire for an encounter of wits. He at once took it for granted that the poor sufferers were anxious to conceal a ruddy countenance, rather than to protect their features quivering with cold, and he was resolved not to be outdone in cunning. In the most smooth and placid voice, he would address the men, while pulling down the collars of their coats:—"Well, my good man, and what is the matter with you. Why you look very well—I think you can do duty with your regiment." To another:—"Oh! if you had the collar of your coat down, I might have passed you without notice." To a third:—"Well, I daresay you think yourself very deep—but I am much deeper than you—you can't take in Charley Shaw—you are perfectly fit for duty." These and similar observations he addressed to each; but it was not so much the words that he used, as the tone in which he spoke, and the peculiar chuckle of self-satisfaction which accompanied them, that attracted my attention. Thus did General Shaw clear the hospitals, as he states in his Memoirs—but of subjects who were compelled to return to them a day or two afterwards. I could not help silently remarking, at the time, how little I should like to come under the immediate command of so *knowing* an officer. Little did I anticipate such an event was in store for me.

The letter, written to me by his Brigade Major, met with the following reply:—

POBADA ISABEL, 19th June, 1836.

SIR,

It is not with astonishment that I acknowledge your letter of this day's date, for I had previously received a communication from the officers of the 6th regiment, of which I happen to be a member, nearly similar in substance, though certainly not in detail.

To you, as to them, I can only state that I have neither written, nor printed anything derogatory to their military character on the 5th of May, therefore it is perfectly impossible I should adopt either of the alternatives alluded to in your letter. If, however, it should be found that I have accorded other than the public need of praise due to the 6th Scotch, for their conduct on the 5th of May, or if it should appear that I have written, or printed unfavorably of individuals in the regiment, I am fully prepared to meet the consequences.

I have the honour to be,

Sir,

Your most obedient servant,

J. RICHARDSON,

Captain 6th Scotch Grenadiers.

Brigadier General Shaw, Col. 6th Regt. }
 &c. &c. &c. }

The next day, to my surprise, I received from Major Herman the following note.

20th June, 1836.

SIR,

I find the General's orderly threw the letter I wrote you yesterday, into the Post-office, and that it has been forwarded to England. I was requested to return your communication to the Lieutenant General, and to request you, for form's sake, to transmit it through your commanding officer. It was also accompanied by a copy of the official letter addressed to Lieutenant Colonel Ross on the 16th instant, of which I will send you another copy,

I have the honour to be,

Sir,

Your most obedient servant,

G. F. HERMAN,

Maj. Mil. Sec.

Captain Richardson, 6th Regt. }
 &c. &c. &c. }

Copies of the papers alluded to, were sent to me the next day.

{ HEAD QUARTERS, SAN SEBASTIAN,
19th June, 1836.

SIR,

I am directed by the Lieutenant General, to return you the communication transmitted to him, in order that it may be forwarded through your commanding officer, as the official channel through which such communications should be made, when, I have no doubt, but that the Lieutenant General will accede to the request it contained. I have it further in command to transmit you a copy of my official communication to Col. Ross, of the 16th instant.

I have the honour to be,

Sir,

Your most obedient servant,

G. F. HERMAN,
Maj. Ass. Mil. Sec.

Capt. Richardson, 6th Scotch Grenadiers, }
&c. &c. &c. }

Copy alluded to in the foregoing.

{ HEAD QUARTERS, SAN SEBASTIAN,
16th June,

SIR,

I am directed by the Lieutenant General to return you a communication transmitted to him by you, in your letter of yesterday's date, from Captain Richardson, of the regiment under your command,* and I have it further in command to state to you, that the reasons assigned by that officer, in the very first paragraph of his communication, for his non promotion on the 5th of May, is incorrect. He did not obtain a Majority solely because he was not recommended for promotion either by the late Colonel Tupper or yourself, and who, on that occasion, forwarded to the Lieutenant General a strong recommendation in favor of Major Clark. It is therefore impossible, as Captain Richardson would imply, that the publication of a threatening character, alluded to by him, could have exercised the slightest influence upon a promotion which had taken place long before his letter had reached this country.†

The Lieutenant General has further instructed me to inform you, that when you recently reported to him the vacancy of a Majority in the regiment under your command, by the resignation of Major Mill, he cautioned you not to be influenced by any threats of the publication of any

*The letter of remonstrance addressed to the Lieutenant General on the 13th.

†The Lieutenant General says nothing about the refusal to grant me the second Majority after my return to San Sebastian, and to that alone my letter alluded.

circumstances reflecting upon the conduct of Colonel Tupper or the 6th regiment. This was, however, merely a precautionary measure of advice on his part. Should you, on Captain Richardson satisfactorily explaining away the observations which have fallen from him, deem it expedient to recommend him for the Majority now vacant in the regiment, the Lieutenant General will feel it his duty to confirm your recommendation.

I have the honour to be,

Sir,

Your obedient servant,

G. F. HERMAN,
Mil. Sec.

Lieut. Col. Ross, commanding 6th Regt. }
&c. &c. &c. }

Accompanying these copies was another note from Major Herman:

{ HEAD QUARTERS, SAN SEBASTIAN,
20th June.

SIR,

The orderly serjeant to whom the originals of the annexed letters were yesterday entrusted, threw them into the post-office by mistake (!) I deeply regret this circumstance, both from the delay it will occasion you, and the trouble of recollecting the voluminous correspondence it contained. I furnish you with the copies of the documents I transmitted to you.

I have the honour to be,

Sir,

Your obedient servant,

G. F. HERMAN,
Maj. Ass. Mil. Sec.

Capt. J. Richardson, 6th Regt. }
&c. &c. &c. }

This mistake of the orderly serjeant, in causing letters addressed to me at San Sebastian, to be sent to England, was quite in keeping with all the previous and subsequent circumstances. It was at once seen that Captain Calder's epistolary powers were not such as to reflect much credit on his championship of the Lieutenant General, and it was hoped that I had neither copies nor originals, to produce at a later period, before the public eye. Hence the pretext of having sent them to England. I have never heard of their arrival in that country, and strange would it

have been if I had, as they were directed to me at the Posada Isabel—so at least said the Assistant Military Secretary. The fact is, they never were sent at all.

I instantly caused fresh copies of the correspondence to be transcribed, and transmitted to the Lieutenant General, with the following note annexed.*

HEIGHTS OF ALZA, 20th June, 1836.

GENERAL,

Copies of the enclosed correspondence, transmitted to me from Head Quarters, for the purpose of being conveyed through my commanding officer, were, Major Herman states, sent to me by the post, and are now on their way to England. Fortunately, they were only copies, and I beg to forward herewith duplicates of the same.

As, since my letter of the 19th, Captain Calder has been liberated from arrest by Brigadier General Shaw, I beg to demand a court of Inquiry upon myself.

I have the honour to be,

General,

With consideration,

Your obedient humble servant,

J. RICHARDSON;

Capt. 6th Scotch.

Lieut. Gen. De Lacy Evans, Comg. B. A. L. }
&c. &c. &c. }

These letters I forwarded through Colonel Ross, as ordered, but I heard no more of their contents for some time. Meanwhile I was subjected to numerous petty annoyances in my regiment, the nature of which may be gleaned from the following:—

The room in which I slept was occupied by Colonel Ross and Major

*In departing from the routine of the British service, in thus persisting to address my communications to the Lieutenant General himself, I was influenced by the very natural fear that they might be withheld if sent through my commanding officer. Moreover, there were so many deviations from the rules of the British service, that I saw no good reason for adhering to them in this particular instance. Nothing was so easy as to pretend, at a later period, that my documents had not reached Head Quarters, but I was determined that they should—no matter how often sent back.

Clark. It was customary for the regiment to be under arms at one o'clock in the morning, and thus to remain until the day had fully dawned. On the morning subsequent to my joining, I was preparing to leave my rude couch, when Colonel Ross remarked it was quite unnecessary, as the regiment, being in reserve, turned out more as a matter of form than any thing else—he himself never rising for the purpose. On the following morning, I lay still. Major Clark, who commanded the parade on these occasions, was preparing to descend, when, finding I did not move, he demanded in a most harsh tone: "Captain Richardson, are you asleep?" "No." "Then, sir, why do you not go down and join your company—recollect, sir, you are only Captain of a company." This from the very man who had been my junior on the 5th of May, and who had been promoted above me, through means of the most scandalous and barefaced intrigue, was rather trying to my patience; however I gulped the rising ire, and simply replied, that I should have joined my company, had not Colonel Ross intimated that it was unnecessary. "Oh, but I only meant for yesterday," interposed Colonel Ross, who was awake, and listening to the conversation. I said nothing, but, buckling on my sword, (we always slept in our clothes,) descended to the torch-lit parade. I saw clearly through the scheme—Colonel Ross had given me leave to absent myself, in order that Major Clark might have an opportunity of addressing me in the manner he did. It was hoped I should grow restive under the brutal language of the latter, and commit myself by some act of violence, which might afford a pretext for putting me in arrest. These attempts were vain. I had made up my determination to do my duty most scrupulously, and to demand my right of retirement at the end of the year. The most advanced picket in the lines was furnished by the 6th regiment, and although the situation was a very exposed one, it was matter of gratulation to me when it became my tour of duty; for I had infinitely greater pleasure in looking at our Carlist enemies, and exchanging a skirmishing fire with them, than in being in the presence of men whom I so thoroughly des-

vised for their base subserviency to the Lieutenant General.* However as Brigadier General Evans had found no difficulty in bearing out his charges against Colonel Dickson, through the testimony of certain officers of the 7th Irish, so his brother found most willing and obedient agents in the officers of the 6th Scotch, who, in serving him, also served their present commanding officer, for reasons which I shall detail later. They moreover expected promotion, nor were they disappointed—three Captains, who had been principally active in forwarding the Lieutenant General's views, having obtained their Brevet rank shortly afterwards.

An opportunity at length occurred, when it was hoped the much wished for self-committal, on my part, had taken place. Finding all other means to annoy me vain, they had recourse to one which was intended to insult me in the eyes of the men. Brigadier General Shaw, who had taken upon himself to release Captain Calder from his arrest, was invited to dine with the regiment at Alza. Of course I was neither consulted on this occasion, nor expected to attend; and the little triumph of the little men, with the still more little General Shaw at their head, was complete, as they anticipated the despair I should feel at not being permitted to sit down with so highly honourable and talented a body—an annoyance, which must necessarily be heightened by the notoriety given to my exclusion, from these "exclusives," among the men. Fortunately, however, Colonel Fitzgerald, who commanded the centre Brigade, a short distance from our position, and who had, I believe, some intimation of the insult intended, invited me to dine with him on that day, and thus was a principal object of the dinner to General Shaw defeated. The parties were not a little vexed at the contretemps, and Colonel Ross, as will be seen presently, was excessively enraged.

I stopped until rather a late hour, and Colonel Fitzgerald insisted on

* I except from this number those officers of the 6th who had been severely wounded on the 5th of May, and who were away from the regiment at this time. I except also Major O'Neale, General Shaw's Major of Brigade.

my remaining for the night, desiring his Aid-de-Camp, Lieutenant Colonel Beatson, to write to Colonel Ross, intimating that he had given me leave.

The immediate and polite reply to this communication was:—

CAMP, HEIGHTS OF ALZA, 20th June, 1836.

SIR,

I am directed to acknowledge the receipt of your letter, and to acquaint you that the same has been put into the hands of Brigadier General Shaw, commanding the Light Brigade, and that he has directed that Captain Richardson shall be reported absent from the Head Quarters of his regiment, without leave.

I have the honour to be,

Sir,

Your obedient servant,

FRED. CLARK,

Major and Adjutant 6th Scotch Gren.

Col. Beatson, &c. &c. &c.

This letter, which arrived about twelve o'clock, was instantly conveyed to me by Colonel Fitzgerald. I was *in* bed at the time—a luxury I had not enjoyed for days—however, I arose, and determined on setting out to join the regiment, which, as I before remarked, always turned out between one and two o'clock. It was excessively dark, but having been furnished, by Colonel Fitzgerald, with the countersign, I contrived to make my way along the lines from Ametzagana to Alza. With some difficulty I passed the Spaniards that lay between the two positions, and found myself within the lines of the 6th just as the men had fallen in. Nothing could exceed the annoyance of Lieutenant Colonel Ross and Major Clark, when they found I had returned. I was placed in instant arrest, which I took very coolly, and after hearing a long philippic from the former, in the course of which he expressed his determination of being treated with proper respect, &c., I begged to know if I was still to consider myself under arrest, not having been away from the lines, nor absented myself from parade. The angry answer was, “No, sir—join your company.”

I have often since wondered at my self-possession, on this and several other occasions, for I am not naturally of the most forbearing temperament; and three and twenty years in the King's army had not exactly fitted me for the endurance of any thing like undue severity in so limited a service as that of the British Legion, particularly from an officer who must have been learning his alphabet at the time I was studying the practical rudiments of war, in many a hard fought battle field, in the very country in which I publish this Memoir. But the fact is, I had traced out a line of conduct I intended undeviatingly to pursue. I knew that a powerful conspiracy was in agitation, at the head of which was the Lieutenant General, and I felt that his satellites, from Brigadier General Shaw to the very meanest in rank of the clique, would omit no opportunity of making any unguarded expression of mine, a matter of the most serious accusation against me. I felt moreover mailed in the consciousness of my own right, and I laughed their petty intrigues and manœuvring to scorn; for I knew that ten days, at the farthest, would relieve me from this by-play at soldiering—this military bondage—without my gratifying them by a resignation in disgust. This, or a pretext for bringing me to a Court Martial, was what they aimed at.

The following letter was sent, next morning, to Brigadier General Shaw, by Colonel Fitzgerald, who, I have no hesitation in affirming to have been the most independent minded officer in the British Legion. His conduct to me, on this occasion, when he knew me to be a victim to the vile machinations of a party, was such as to reflect honour upon himself, and shame upon my persecutors.

AMETZA, 21st June, 1836.

SIR,

I was rather surprised last night to receive a communication from the Adjutant of the 6th regiment, that you had directed Captain Richardson of that corps to be reported absent without leave, after I had given him permission to remain with my Brigade until this morning. The courtesy which ought to be shown, from one officer commanding a Brigade, to the authority of another, should have prevented your interfering, even

had the regiment to which Captain Richardson belongs been at the same place with the rest of your Brigade, but the 6th being at present so close to my position, and detached from yours, I concluded it was quite sufficient to send an official notification to the officer commanding that regiment.

I am, Sir,

Your humble servant,

C. L. FITZGERALD.

Brigadier General Shaw, &c. &c. &c.

General Shaw, in reply, denied that he had had anything to do with the order for my being reported absent without leave, or that he had even seen the letter written by Colonel Beatson! Either he, or Colonel Ross, through his Adjutant, Major Clark, must have been guilty of a deliberate falsehood—between them be it.

As another instance of Colonel Fitzgerald's high and manly feeling, I may name an occurrence that took place not long after this, between him and the same General Shaw, who, if we are to believe his memoirs, is never so happy as when he is "up to the neck in fighting."

The period I allude to was the first of August, on which day a reconnaissance had been sent to the heights of Ametzagana, at that time in possession of the Carlists. Those of my readers who are aware of the "movements of the Legion," will recollect that on this occasion the hill was carried for a moment, and as suddenly abandoned to the enemy, who followed and annoyed the retiring troops. Colonel Fitzgerald was slowly retiring in rear of his brigade, when he was overtaken by General Shaw, who could ill conceal the sneer of triumph with which he remarked—"Colonel Fitzgerald, your brigade is in the rear." Stung by this imputation, Colonel Fitzgerald replied with warmth—"By G—d, sir, it is no such thing—my brigade is in my front, and yours is in the rear." This was the fact.

The next morning, Colonel Fitzgerald sent a friend to General Shaw, to demand an apology for his remark of the preceding evening, Lieut. Town, an officer of the British half-pay, who was out, en amateur, was deputed to carry the message. General Shaw at first refused to receive

Lieutenant Town, under the pretence that he had been denounced to Cordova as a "Tory spy." Colonel Fitzgerald insisted that Lieutenant Town, and no other, should act as his friend on the occasion. General Shaw was obliged to submit, and Lieutenant Colonel O'Meara, his Aide-de-Camp, was named to act for him. After a day passed by General Shaw in squibbing his pistols out of the window, that all the world of San Sebastian might know he was on "murderous deeds intent" he concluded the parade by conceding to Colonel Fitzgerald the apology required.

On the morning following the date of the letter addressed to General Shaw, by Colonel Fitzgerald, on the subject of my arrest, I received a further communication from the first named officer.

SAN SEBASTIAN, 21st June, 1836.

SIR,

I am directed by the Brigadier General, to request you will call upon him, in San Sebastian, between the hours of two and three this day.

The General desires me to say that he wishes this interview with you in the hopes, and with a view that the affair, connected with your late correspondence with the 6th regiment, may be satisfactorily arranged.

I have the honour to be,

Sir,

Your obedient servant,

JOHN O'NEALE,
Brigade Major.

Capt. Richardson, 6th Regt. Heights of Alza.

I accordingly waited on Brigadier General Shaw, who, in the course of our interview, admitted he could not perceive that any thing I had printed or written could be construed into a reflection upon the conduct of Colonel Tupper or the officers of the 6th regiment, on the 5th May. He was, however, particularly anxious that I should say I *could* not bring charges against any officer of the 6th, on the occasion in question. It amused me to observe the cunning and plausible manner, employed by General Shaw to obtain this admission. I of course refused to have the expression dictated to me, confining myself simply to the fact that I

had not brought charges. General Shaw then named a wish that I should withdraw the letter I had sent him on the 19th, and substitute another. To this I most willingly assented, for I had not considered my letter of the 19th couched in sufficiently strong terms. Not a little, therefore, I presume, to the surprise of the biter, he found himself bitten in the following :—

SAN SEBASTIAN, 19th June, 1838.

SIR,

Your communication of yesterday's date, transmitted through Brigade Major O'Neale, did not create surprise in my mind, *only* because one similar in purport, though widely differing in detail, had been sent me by certain officers of the 6th regiment.

I have no hesitation in assuring you—and I am convinced such assurance will be received by you in a manner which has not characterized the conduct of the officers of the 6th regiment, who have thought it expedient to address me on the subject—that not one of the documents, sent by me to Colonel Considine, bears in the slightest degree on the 6th regiment on the 5th of May. Neither in my printed preface, hastily written in England, to which so much allusion has been made, is any imputation intended to be conveyed against any individual of the regiment, living or defunct.

Under these circumstances, Sir, and after this candid assurance, should my commanding officer still decline to recommend me for promotion—and I have from the Military Secretary a copy of a letter in which it is stated that his recommendation alone is wanting—I shall be under the necessity of considering him influenced by *some particular private motive*, to which this most singular public act, of certain officers of the 6th regiment, who, Lieutenant Colonel Ross has already assured me, have been from the first jealous and annoyed at my having been placed above them—*is but a cloak*.

Such being the case, I call upon you, Sir, as the General Officer commanding the Brigade, and as the Colonel of the 6th regiment, to require that my just demand for the Majority, now many days vacant by the resignation of Major Mill, be accorded.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Capt. 6th Scotch Grenadiers.

Brigadier General Shaw, Comd. Light Brigade, }
 &c. &c. &c.

General Shaw never called upon me for another letter, and no notice was taken of this. Meanwhile, anxious to have the written opinion of Colonel Boyd on the subject of my disagreement with the officers of the 6th, of which regiment he was a member, I addressed him thus:—

HEIGHTS OF ALZA, 24th June, 1836.

MY DEAR BOYD,

Herewith I enclose for your perusal, copies of a correspondence which has taken place between a Captain Calder, on the part of the officers of the 6th regiment, and myself.

As you are almost the only individual borne on the Army List of the 6th Scotch whose favourable opinion I in the slightest degree covet, I am sure you will not hesitate to convince me that you are in no way a party to this glaring conspiracy, at the head of which is, I have reason to believe, a very high individual of the Legion.

As I have had the pleasure of serving on your Staff, while Senior Officer of the Quarter Master General's Department, I will not insult myself, or you, so far as to ask if my conduct, since you have known me, has been such as to warrant the gross decision contained in the last grossly written letter of Captain Calder. Nor do I believe you will express any thing but indignation at the contents and evident object; but I fain would have your opinion in writing, as it is my full determination to lay the whole of the infamously concocted affair before the English public.

Under these circumstances, I am anxious that the testimony of one so well known as the personal friend, and Aid-de-Camp of a deceased member of the Royal family,* should appear in evidence of the ridiculous and impotent proceedings now pending against me.

Believe me,

My dear Boyd,

Yours very truly,

J. RICHARDSON.

Lieut. Col. Boyd, Actg. Qr. Mr. Gen. }
&c. &c. &c. }

Colonel Boyd immediately replied:—

SAN SEBASTIAN, 25th June, 1836.

MY DEAR RICHARDSON,

Your letter, together with the enclosures—the printed preface and the correspondence between yourself and Captain Calder—have this mo-

* The Duke of Gloucester.

ment reached me, and I cannot but have perused with regret and surprise, the inference drawn from the printed communication in question, in which I do not discover the slightest imputation, either directly or indirectly, against my brave and lamented friend Colonel Tupper, or the officers and men under his command. The chivalrous gallantry of the former, and the well tried bravery of the latter, have been too well known both to friends and foes to be for a moment doubted—indeed you, I have heard often say—“Poor Tupper was brave to a fault.”

It is therefore, my dear Richardson, difficult for me to surmise how the officers of the 6th regiment could have recorded this opinion, unless some other documents had been laid before them, from which the unfortunate inference has been drawn, and I do not hesitate in telling you, (as is generally reported,) that it is attributed to a letter, addressed to the Military Secretary, threatening, (as it is said,) to impugn the conduct of individuals in the Legion. How far this be correct, you must know best, as no such communication has come under my notice.

During the time I had the honour of being at the head of the Quarter Master General's Department, you were for many months attached to my office, and in the execution of all the duties confided to you, I ever found you most anxious and zealous, indeed so much so that it led to the ultimate injury of your health, and necessitated your return to England.

Your early departure from us after the action of the 5th of May—your having done only one day's duty with the 6th regiment, (that I grant a severe one)—the wish to fulfil the last request of poor Tupper, backed by other recommendations, might have influenced the Lieutenant General in giving Captain Clark the Majority, but this is merely and strictly my private opinion. I always believed that it was intended to promote you as soon as you returned from leave of absence, therefore, supposing that such idea had been entertained by the Lieutenant General, what can have led to the alteration of that intention would be unbecoming in me to offer an opinion on.

Those friends who have known you in the British service, and in the closer ties of private society, will join with me in pronouncing you incapable of acting derogatory to the high principles of honour you have always professed and advocated.

With every sincere wish for the termination of the existing causes of excitement to your entire satisfaction,

Believe me,

My dear Richardson,

Sincerely yours,

C. BOYD,

Lieut. Col. Actg. Qr. Mr. Gen.

Capt. Richardson, 6th Regt.

Meanwhile, my visits to the picket house were continued, every second or third day. The position occupied by the 6th regiment, at this period, was highly picturesque, and as an order had been issued by Col. Ross, (since the affair of General Shaw and Colonel Fitzgerald) that no officer should quit the cantonments of the regiment without leave, and as I did not choose to ask the favour, I had full leisure to survey the scene. I had caused a hut to be built of the boughs of trees, in a spot which commanded the whole of the view, and certainly nothing could be more romantic than our lines at that point.

Immediately in front, and separated from us by a deep ravine, were the Chapelgories and 4th Fusiliers, while the formidably defended extreme height of Alza rose frowningly above the wooded valley on our left. On our right, (the centre of the position,) were to be seen the sloping heights of Ametzagana, crowned by the encampments of the 3d and 9th regiments of the Legion, and a body of Marines. The blood red flag waved in proud defiance from each of these positions, and the same symbol of exterminating purpose floated over numerous picket houses in the advance, which were responded to by the enemy. The river Uramea separated the advanced posts, immediately in front of the Ametzagana, and the line of country to its right, even to the bridge at San Sebastian ; but before reaching Alza, the stream takes a course almost at right angles with the lines we occupied, and winding its way more into the interior, suddenly disappears, and is only again visible in the far distance, near the village of Astigarraga, through which it runs. Nothing therefore separated the hostile lines, on the left, but the wooded valley already alluded to, at the extremities of which, within musket shot, there were picket houses from whence both parties were more or less molested during the day.

In the distance, towered the lofty hill of St. Geronimo, strongly fortified by the Carlists, and communicating by a chain of breastworks, with numerous lesser hills which, strongly fortified also, guarded the left of their position. The pickethouse of the 6th was the most exposed point

in the whole line—or rather beyond—and it was always supposed the enemy would attempt it during the night, in overwhelming force. It was strongly barricaded, and well loop holed, so that the two companies, which constituted the strength of the picket, might have defended it successfully against ten times their own force. Our black flag, however, which waved over the roof, gave them no inclination for a trial, and they seldom fired upon us except from a distance. The only dread I entertained, on these occasions, was that they might approach under cover of the night, and have recourse to their well known and formidable practice of burning the pimento plant, the smoke from which is agonizing in the extreme. But I was ever vigilant. I never closed my eyes at night, and made a point of going round the different rooms every half hour, to see that one company remained, as ordered, on the alert at the loop holes, while the other lay down. Nor was this precaution unnecessary, for the men were ever more ready to sleep than to watch, and I believe the certainty of an attack would not have induced them to forego their slumber, had the indulgence been suffered—private soldier is, after all, a mere animal.

The period, however, had arrived when I was to bid adieu to this wild and exciting scene—in short to leave the Legion. On the 28th of June, I addressed General Evans as follows:—

HEIGHTS OF ALZA, 28th June, 1836.

GENERAL,

This day terminating my year of service in the Spanish Army, as will appear from the accompanying certificate, I have the honour to tender my retirement. Tomorrow I cease to be in the Auxiliary Legion, and return to the half-pay of the British Army.

I have the honour to be,

General,

With consideration,

Your most obedient servant,

J. RICHARDSON,

Capt. 6th Scotch.

Lieut. Gen. Evans, Comg. B. A. L. }
 &c. &c. &c. }

This was taking the enemy completely by surprise. The Lieutenant General had no idea of my intention, and he was *now* resolved to institute a Court of Inquiry into my conduct, although I had applied for one, but in vain, ten days previously.

A letter, from the Adjutant General's Office, was sent to me on the 29th, enclosing the General Order:—

{ HEAD QUARTERS, SAN SEBASTIAN,
29th June.

A Court of Inquiry will assemble at ten o'clock tomorrow, the 30th June, at Alza, to investigate and report upon the conduct of Captain Richardson, 6th regiment, for having, while in England, thrown out imputations in print, and in letters, addressed to the Military Secretary, calculated to cast discredit on the conduct of the Legion in the glorious action of the 5th of May.

By command,

J. GASPARD LE MARCHANT,
Adjutant General.

Although I perfectly understood the Lieutenant General's *kind* motive, in ordering the Court of Inquiry at last, I was glad to have the opportunity of appearing before it. I shall give the whole *seriatim* as it occurred:—

ALZA, 30th June, 1836.

Proceedings of a Court of Inquiry, held by order of His Excellency Lieutenant General De Lacy Evans, G. C. S. F., Commanding the Corps of Army of Cantabria, to investigate and report upon the conduct of Captain Richardson, 6th regiment, for having, while in England, thrown out imputations, in print, and in letters addressed to the Military Secretary, calculated to cast discredit on the conduct of the Legion in the glorious action of the 5th May.

President, Brigadier General CHICHESTER.

Members.

Colonel KINLOCH, 1st Lancers.
Lieutenant Colonel THOMPSON, 1st Regt.
Lieutenant Colonel HARLEY, 4th Regt.
Lieutenant Colonel SLOANE, 4th Regt.
Major SHAW, 10th Regt.
Major HOGG, 8th Regt.

The Court being assembled, Captain Richardson 6th regiment, B. A. L., preferred the following protest, which was read and recorded :—

MR. PRESIDENT AND GENTLEMEN,

Before the Court enters on its proceedings, I beg to submit the following protests :—

1st. I protest against this Court being appointed to try the question at issue in a purely Military sense. The period of my service expired on the 28th, as will appear from the certificate, of which the accompanying is a copy, and on that day my retirement was given in to me Lieutenant General, as a matter of course. That it has not been accepted, or noticed in orders, is perfectly unimportant. My term of contract in the Legion, if my engagement must be so called, has been fulfilled, and I now present myself as Lieutenant Richardson, of His Majesty's Army, late Captain 6th Scotch. Strictly, I have no right to appear—as, however, a Court of Inquiry touching the causes on which the injurious imputation of my having written unfavourably of the Legion is founded, had been solicited by myself so far back as the 20th of June, I have no hesitation in having the question discussed even at this more than eleventh hour, before a Court of gentlemen, each of whom must be jealously alive to the reputation of the Legion on the glorious 5th of May, as the charge truly describes it.

2d. I protest against any other passages of my "*private*" letters to Colonel Considine, subsequent to the appearance of the *Gazette* for the 5th of May, that is to say of all letters commencing "Dear Colonel," being brought forward, except those which bear on the general conduct of the British Legion, which it is falsely assumed I have aspersed. Of these letters, being strictly "*private*," I have no copies; but since they have, to my astonishment, and without precedent in military or social life, been converted into public documents, I beg to demand them.

3d. I furthermore protest against my name appearing in the record of these proceedings, except as *late* of the 6th regiment. Ample time had been afforded for the assembling of this Court, between the 20th and 30th, in which case I should have presented myself as an officer of the Legion. Now, however, that my year of service has expired, my contract with the Spanish Government ceases, and I am on the half-pay of His Majesty's Army. If to-day I appear in the uniform of the Legion, it is solely from a feeling of respect for this Court.

Finally, Mr. President and gentlemen, I beg it may be distinctly understood, that while disclaiming the *right* of any body of men to try this question *now*, except as a matter of *honour* among gentlemen, I entertain none but sentiments of respect for the Court, constituted as it has been, and it will be at once my pleasure and my pride to meet, with candour, whatever questions may be put to me, and to afford what explanations are in my power, to convince you that the honour of the

Legion on the 5th of May, on which the present question hinges, has never been dearer—will never be dearer to your hearts, than to mine.

J. RICHARDSON, H. P.,
*H. M. Gordon Highlanders,
 Late Capt. 6th Scotch Grenadiers.*

Certificate annexed to the foregoing:—

I certify that Captain Richardson appeared in General Orders as Captain of the late 2d regiment, on the 29th of June, 1835, and received pay from the same date.

T. WILLS,
Paymaster late 2d Regt. B. A. L.

The sensation produced by this protest was great. It was utterly unexpected, and the Adjutant General, who was present, seemed a good deal annoyed. He remarked that the Lieutenant General had not accepted my retirement. I replied it was of no consequence to me whether he had, or not—my term of service had expired, and nothing should induce me to rejoin the 6th regiment. The Adjutant General then requested the President to suspend all proceedings until he had seen the Lieutenant General, to whom he carried a copy of my protest. Some hours later a Lancer came at full speed from San Sebastian, with a letter to General Chichester, who, having assembled the Court, read to them the following document, which the Lieutenant General insisted should be entered on the proceedings:—

{ HEAD QUARTERS, SAN SEBASTIAN,
 30th June, 1836.

SIR,

The Lieutenant General has directed me, as Military Secretary, to transmit the following memorandum respecting the case of Captain Richardson, to the President of the Court of Inquiry on that officer's conduct, to be inserted in the proceedings:—

The present Commanding Officer of the 6th regiment recommended Captain Clark, after the action of the 5th of May, for the Majority vacant in that regiment. Although the Lieutenant General has never recognized seniority as a paramount claim to promotion, he inquired, on that occasion, why it was proposed to pass over the Senior Captain. The reply was, that he, Captain Richardson, had done scarcely any

duty with the regiment, and that he had retired from the action of the 5th, at eight o'clock in the morning, on the ground of a wound in the arm, so slight as not to justify his having withdrawn himself. The Adjutant General can give evidence on this point, as he was present. The Lieutenant General did not yield to the recommendation of Captain Clark, although aware of his efficiency and merit, until he found that the officer commanding the Brigade concurred, in the recommendation of Captain Clark, with the officer commanding the regiment, as did also Colonel Tupper, before his death. The papers which are directed to be laid before the Court, were marked *private*, and addressed to the Military Secretary, but as their contents were of a public nature, the Lieutenant General ordered them to be laid before you.

As the Protector of the whole corps, he owed it to the honour of the officers of the 6th regiment, to cause these papers to be shown to them. Several days have elapsed, during which it might have been expected Captain Richardson would have seen the propriety of retracting or explaining, if possible, what was so calculated to give ground of offence to his brother officers. He has not availed himself of that opportunity, but has tendered his resignation. It seems essential to the ends of justice, that the facts of the case shall be elucidated and placed beyond misrepresentation, before the resignation of this officer can be accepted, and it is with this view the Lieutenant General directs the Court of Inquiry to investigate the matter.

By command,

G. F. HERMAN,
Maj. Ass. Mil. Sec.

The President of the Court of Inquiry, }
Ordered to sit at Alza. }

Captain Richardson here stated, in reply to a remark of General Chichester, that the letter just read contained a charge of a most serious nature, which he had not the slightest idea could have been brought forward—which had not been communicated to him—which he hoped to rebut—and to which, the ribbon at his breast, was his first and indignant answer; but as it rendered it imperative on him to call other witnesses, who were not in attendance, he left it to the Court to decide, whether they would first enter upon that, or proceed to inquire into his conduct agreeably to the general order, dated 29th June, 1836.

The Court then proceeded to read a printed document, dated London, 30th May, 1836, and signed "The Author." [Certain letters, addressed by Captain Richardson to Colonel Considine, and marked "*private*," which the Lieutenant General insisted should be submitted to the Court, were refused to be entertained by it, and immediately enclosed, in a blank envelope, to Head Quarters.] The Court also read certain letters which had passed between Captain Richardson and Captain Calder, both of the 6th regiment.

Captain Calder having been called on, was questioned by the Court.

Question:—What motive had you, or what grounds, for entering into the correspondence with Captain Richardson which has just been read to the Court?

Answer:—In consequence of seeing a printed document which we understood was a preface to a work about to be published in England, and also from seeing two letters which I think were written to the Military Secretary, by Captain Richardson. In the printed preface we find the following words:—"If to have obeyed an order to carry the enemy's batteries, when other and superior officers had refused to do so." This we considered to be clearly an insinuation that the late Colonel Tupper, and Major (now Lieutenant Colonel) Ross had refused to lead on their men when ordered, from motives of fear.

Question:—What meaning did you and the officers of the 6th attach to the following words:—"and yet the claim of those officers to high gallantry and chivalrous bearing is not to be disputed?"

Answer:—We considered that they exonerated Colonel Tupper and Major Ross,* in some degree, from the charge of cowardice, but not sufficiently.

Question:—You allude to two letters addressed, as you think, to Colonel Considine, which letters are *not* before the Court. How did you get them?

Answer:—They were put into our hands by Colonel Ross, or Major Clark.

Question:—Were they official or private?

Answer:—Certainly not official—one was marked "private."

Question:—What construction did you and the officers of the 6th regiment, in whose name you wrote to Captain Richardson, put upon the various questions which appear in your letter, dated Heights of Alza, 19th June?

Answer:—We considered them condemnatory, especially where the Westminster Grenadiers are alluded to, and where a conversation between General Le Marchant and Colonel Tupper is mentioned.

Question:—In your letter, dated 19th June, are these words:—"You speak of stripping some of our officers of borrowed plumes, and that the officers you allude to, are more in your power than they imagine." Did the officers of the 6th imagine they applied to them?

Answer:—Yes, particularly to them.

Question:—In the same letter of the 19th, is this quotation:—"You say you are sick, annoyed, and disgusted to a degree, but that certainly you shall publish details of this same battle of Ayetté with which the

* Colonel Tupper and Major Fortescue of the Rifles were the officers alluded to. It was policy to connect Major Ross' name with the former, but certainly he was not one of those alluded to, by me, as of chivalrous bearing.

public are little acquainted. Did the officers of the 6th think these details would be prejudicial to the character of the regiment?

Answer:—We thought it would be a more unfavourable account of the action than had been previously published, because he said he was annoyed, and disgusted, because he did not get the Majority.

Question from Captain Richardson through the Court:—From whom did you, and the rest of the officers of the 6th regiment, hear that imputations against the regiment had been thrown out by Captain Richardson?

Answer:—I think from Colonel Ross.

Question from Captain R.:—What was your reason for thinking that the two private letters you admit to have seen, alluded particularly to the 6th Scotch, they not having been named.

Answer:—I think they were named in one of the letters, but we supposed they were alluded to, as from Captain Richardson having been with them, he must have seen more of them than any other.

Question from Captain R.:—Did you write to Captain Richardson in the name of the officers of the 6th, and if so, who were those officers?

Answer:—In the name of all the officers, except Colonel Ross and Major Clark.

Question from Captain R.:—Why did not the business originate with Colonel Ross instead of you, who are junior to Captain Richardson?

Answer:—We heard that there had been insinuations thrown out against the regiment. We went to Colonel Ross, and asked for any proof, and got the printed documents, and two letters, we telling him at the same time, we intended to institute an inquiry.

Question from Captain R.:—Do you, as the organ of the officers of the 6th regiment, deny the accuracy of Captain Richardson's statement of his having received three wounds on the 5th of May?

Answer:—Certainly not.

Question from Captain R.:—In your letter of the 19th of June, is the following expression—"I find that you assert you had led on a wing of the regiment, when other and superior officers had refused to do so. This assertion—many, very many officers present on the occasion, beg leave to question." Do you mean Captain Richardson did not command a wing of the regiment on that day?

Answer:—I cannot speak from my own knowledge, not having been there, but many officers, particularly those of the flank companies, said that Captain Richardson neither led on a wing nor commanded one.

Question from Captain R.:—You say you considered the allusion made in Captain Richardson's statement, of his having been followed more by the Westminster Grenadiers than his own men, as condemnatory of the 6th Scotch. Have you any recollection of the whole of the passage, and did it not run thus—"but finding myself more followed by the Westminster Grenadiers than my own men, and Colonel

Churchill coming up, I returned to the parapet," thus making, by this addition to the sentence, the circumstance of my being followed by the Westminster Grenadiers, a reason for my return to the parapet, rather than a reflection upon the Scotch ?

Answer :—I do not remember the passage accurately, but our impression was, that it was condemnatory of the 6th Scotch.

[Question from Captain R. :—You conclude your letter of the 19th of June, by a declaration that with Captain Richardson, as an officer and a gentleman, you can no longer associate. Pray, had Captain Richardson ever previously associated with you or the officers of the 6th Scotch, that you should have considered this intimation necessary ?

Answer :—I believe not.]

Lieutenant Colonel Ross, commanding the 6th regiment, being summoned, a letter directed to him and signed Charles Wood, Captain 6th regiment, was read, and the following questions put :—

Question from the Court :—Were the letters above alluded to, public or private ?

Answer :—They were given to me as public.

Question :—From whom did you receive them ?

Answer :—From the Lieutenant General.

Question :—At what period did Captain Richardson join the 6th regiment ?

Answer :—I think about the beginning of May.

Question :—Did Captain Richardson retire from the field on the 5th of May, at eight A. M. ?

Answer :—I think it was about that time I missed him from the field.

Question :—Was Captain Richardson wounded ?

Answer :—I suppose he was, for, about half an hour before I missed him, he told me he had a slight wound, or something to that effect. I remarked that he had better go and let some medical man see it, and I afterwards saw his arm in a sling. *I deny having given as a reason, for not recommending Captain Richardson for the Majority, that he had left the field without sufficient cause. I saw him do his duty in it.** The reason I gave was, that he had done very little duty with the 6th regiment, and that, as he was going to England, he would be of no use to me as a field-officer. I told the Lieutenant General I would not recommend my own brother under such circumstances. *The Lieutenant General himself asked me if he had left the field.*

Question :—Did you understand the Lieutenant General to imply that he had left the field without sufficient cause ?

Answer :—I did.

*Thus, for doing his duty in the field, Captain Richardson is passed over in promotion. A nice incentive to good conduct, truly. But why should Colonel Ross, unasked, make this declaration, to which the evidence of the Lieutenant General as contained in the second charge read to the Court, and that of Brigadier General Reid, give a positive refutation. We shall see.

Question:—Did you give any opinion of your own respecting his having done so?

Answer:—None of my own. I said the surgeon had stated that his wound was not so severe as that of some others who had remained.

Question from Captain Richardson through the Court:—Did you, on Captain Richardson's return from England, recommend him for the Majority vacant by the resignation of Major Mill?

Answer:—I did.

Question from Captain R.:—Did you see Captain Richardson trampled upon by the men in the repulse they experienced on the 5th of May?

Answer:—I did not. But I saw him in a state which led me to suppose he had been upon the ground. He was covered with mud.

Question from Captain R.:—Have you any recollection of having stated that you had seen him down at one spot, when you were down at another?

Answer:—No. I recollect having stated that I had seen him at one side of the wall, when I was getting up on the other. It was then it struck me he had been down, but he was then standing.

Question from Captain R.:—On which side of the wall was Captain Richardson standing?

Answer:—On the side next to San Sebastian.

Question from Captain R.:—Do you recollect calling at Captain Richardson's lodgings, subsequently to the 5th of May, and lunching with him?

Answer:—I do.

Question from Captain R.:—Did you then imply any doubt of the necessity which existed for his quitting the field on the 5th of May?

Answer:—None.

Question from Captain R.:—Was Captain Richardson in Regimental orders as acting Major on the 5th of May?

Answer:—I cannot say whether he was in orders, but I know Col. Tupper had given a verbal order to that effect.

Question from Captain R.:—What conversation passed between you and Captain Richardson, on the morning of his departure for France?

Answer:—Not recollecting the day, I cannot say.

Question from Captain R.:—Did Captain Richardson, about the 10th of May, address you nearly in the following words:—"Major Ross, I am going to England in continuation of my sick leave—there is nothing like having a friend at Court, and I am confident you will do all that is necessary in my absence."

Answer:—I remember the conversation, but I gave no promise; in fact, at that very moment, I had Colonel Tupper's orders to go to General Reid, and say that it was his wish if any thing was going, he hoped General Reid would use his influence in favor of Major Clark.

Question from Captain R. :—Was not Colonel Tupper's death momentarily expected, and was it not obvious, that although he did not from delicacy express it, Captain Richardson alluded to the vacancy it would cause, and did you not reply to his observation "yes, certainly I will"—or words to that effect?

Answer :—Colonel Tupper's death was certainly not momentarily expected. Captain Richardson might have alluded to the vacancy it would cause, but I did not so understand it, nor do I recollect having said I would do what was necessary.

Surgeon Wilkinson,* of the 6th regiment, having been summoned, was questioned by the Court.

Question :—Did you see Captain Richardson's wound on the 5th of May?

Answer :—I did, but not till after the action.

Question :—Was it on the day of the action?

Answer :—The impression upon my mind is that it was, *but I cannot say positively.*

Question :—Was the wound so severe, as to render it necessary for Captain Richardson to leave the field?

Answer :—From seeing it as I did afterwards, I should say not, but I must beg to observe that the effect produced by gun shot wounds, is greater in one individual than another. One may be in a fainting state, whilst another is unconscious of having received it—the wound being the same.

Question :—What effect would be likely to be produced on a person not quite a month out of bed after an attack of typhus fever?

Answer :—Such an individual would clearly be less fitted to bear up against it, than one in sound health, although this again will in a great measure depend upon the severity of the attack of typhus.

Question from Captain Richardson, through the Court :—Do you recollect having advised Captain Richardson, on the day of his departure for France, to stop on the road and apply leeches to his arm, if it continued in the state in which it then was?

Answer :—I do.

Question from Captain R. : Had the discoloration at all abated from the time you first saw it?

Answer :—No.

Captain Richardson, of the 6th regiment, having been called on for his statement, addressed the Court as follows :

MR. PRESIDENT AND GENTLEMEN,

I find myself in a position, at once novel, painful, and triumphant—novel, inasmuch as I, who have ever been the most zealous advocate of this

*This person, in common with the other medical officers of the regiment, had not made his appearance on the field as late as nine o'clock.

Legion, am accused of being its principal detractor—painful, in so far as I am called upon to justify myself from an infamous imputation—and finally triumphant, because in my review of the past, and anticipation of the future, I foresee but the warm approval of every generous and manly mind.

Gentlemen, I fear I shall have to trespass much on your patience by the production of matter necessary to my defence, but when it is considered, that the honour of a soldier is concerned, and that soldier one, who in return for his anxiety to maintain unsullied the reputation of this Legion, has been met by a tissue of injustice, as varied in detail as persevering in object, I am sure prolixity will be forgiven, and your patience not unwillingly accorded.

In order to a preliminary explanation of the causes which have led to the present Court of Inquiry, I beg to revert to a period anterior to the 5th of May, the proud recollection of which I am stated to have sullied with my pen. It will be borne in mind by many, and by no one more than by the President of this Court, who visited me during my early convalescence, how much, in common with numerous other officers, I suffered from typhus fever, contracted while in the Quarter Master General's Department, and furthermore fulfilling the gratuitous, troublesome, unhealthy, and, yet even to this day, unrewarded duty of Commandant of Vitoria. So far was my health injured, as subsequently to have led to my departure for Santander, on my way to England. Circumstances shortly afterwards changed the destination of the Legion to San Sebastian. On my route to France, by this latter place, I heard it was intended to attack the enemy's position without delay. I therefore offered my services to do duty on the Staff.* Reasons, however, which it is not necessary to enter into here, induced me to join the 6th Scotch, to which I had been appointed senior Captain, on the breaking up of the 2d regiment, but with a distinct understanding, conveyed in a letter from the Military Secretary to Colonel Tupper, that *immediately after an affair had taken place*, I was to continue my way to England. Colonel Tupper caused my name to be inserted in the regimental order book, as acting Major, and in that capacity I did duty in the action of Ayetté, in which I received three wounds, two of which, as I have already stated, my fur jacket alone prevented from proving mortal.

[The defence, after going into a detail of the several circumstances and correspondence, in the order in which they appear to the reader, thus proceeds:]

Here, gentlemen, terminate the documents, in not one of which, it will be observed, is allusion made to the charge so strangely preferred after the formation of this Court. But, not to detain you unnecessarily, let

*As a mounted officer alone I felt I had strength sufficient to do duty in the field, and as such I wished to have been employed.

me enter, in due order, upon the preface which has been laid before you. It must be borne in mind that this document is *bona fide* a private one, for a work does not necessarily become public, because it is in type. However, even conceding this point, let us proceed to an analysis of the passages which have given so much offence. The subject should be considered relatively and without bias—and if it be considered that this preface was written, not with a view to impugn the conduct of others, but to substantiate my own claims, the difficulty at once resolves itself. I have said, and I shall prove, that I commanded a wing of my regiment in the battle of Ayetlé, and if I have furthermore stated that I was knocked down and trampled upon by my own men, in a vain attempt to rally them under the enemy's breachless walls, I merely state a fact, by no means intending to convey a reflection upon them. If objection could be taken at all, it should be to the word "breachless," which implies, if any thing, a censure rather upon those who sent them to attack such walls, than upon the men who naturally failed in the attempt. But, in truth, nothing of the kind was meant. Again, I have said:—"If to have unhesitatingly obeyed an order to attack the enemy's batteries, when other and superior officers had refused to do so, merits the return I have met with, then of a verity are all things vanity;" but it should be recollected I have added, that "the claim of those officers to high gallantry and chivalrous bearing, is not to be disputed." What did this imply, but that the individuals alluded to might, as officers commanding regiments, feel it necessary to remonstrate against a vain and aimless sacrifice of life, after having previously made the attempt, and failed in it. Human courage could not accomplish more than the troops had already achieved, and if there were obstacles not to be surmounted, the fault was certainly not with them, but with those who required the overthrow of those obstacles, without the means necessary to the end. I, as a junior officer, felt it my duty to obey when they were justified in refusing, and I grounded my claims to consideration, not on their hesitation, but my own promptitude. I shall prove to you, gentlemen, by the evidence of the Adjutant General, that I was ordered to advance with a single company against those same batteries, and that if I did not so advance, it was because I was in command, not of a company, but a wing. A foul imputation against my courage has been insinuated into the body of these proceedings. Let even the Adjutant General's answers to my queries—answers committed to paper by him, as he was under the necessity of departure for England, before a personal examination could take place—be my reply. When ordered to lead on my wing to the second charge, I was faint, exhausted, bruised, with the trampling under foot I had experienced. But did I make this a pretext for not obeying the order given me? No. The Adjutant General admits my compliance was prompt and immediate.

Gentlemen, I have offered sufficient explanation, I hope, to shew

that in my preface I meant in no way to reflect on the conduct of Colonel Tupper, or the 6th regiment; and that the officers of that corps were not justified in pronouncing the decision they did, after my open denial to them of any such preconceived intention. To place the point beyond question however, I shall call upon two individuals whose testimony must prove in every way honorable to me. I have no doubt they will bear attestation to the favourable manner in which I have spoken of Colonel Tupper and the 6th regiment—to the one in Paris—to the other in London. The Lieutenant General appears to think I ought to have entered upon a more ample explanation with the officers of the 6th. This is matter of opinion. I should have considered my self-esteem more than compromised by entering into explanation, after the manner in which my original disavowal had been met.

There are some other passages which have been erroneously interpreted by the officers of the 6th Scotch, who have had no hesitation in reading *private* letters of mine, placed in their hands by superior officers. As, however, these private letters have also been submitted for your consideration, and as the Court, actuated by that high sense of honor which it might be expected would characterize its proceedings, has thought it expedient, not to entertain, but to return them without comment to the source whence they came, I, of course, do not deem it necessary to explain or justify their contents.

To establish this part of the defence, Captain Richardson called upon Colonel Kinloch, 1st Lancers, who stated to the Court as follows:

Captain Richardson being the first officer I had seen in England, after the action of the 5th May, I called upon him, and put several questions to him respecting the battle, particularly with regard to Colonel Tupper, of the 6th regiment, in whom I felt great interest also, because, knowing Captain Richardson had been with the 6th, I naturally concluded he knew more of what had been done by them, than by any other part of the force; and he always spoke of Colonel Tupper, and the 6th regiment, in terms of the highest praise. He also expressed great indignation at the attack which was made in England upon the Legion, and the endeavour to give all the credit of that day to the shipping. In fact, I considered Captain Richardson as doing more than any one else to uphold the character of the Legion.

Captain Richardson then called upon Major W. A. Clarke, of the Quarter Master General's Department, who stated as follows:

I met Captain Richardson in Paris, about ten days after the action, and being anxious to hear how the affair had gone on—being particularly anxious about Colonel Tupper, who was an old friend, and about the 6th Scotch, which had been my own regiment, I inquired more about them. Captain Richardson said that Colonel Tupper had more completely established his character as a soldier on that day, than he could have conceived possible. Before he, Captain R., had considered

Colonel I suppose more, to use a common expression, as a man who would be likely to knock his head against a stone wall, but then he showed himself the cool, steady, determined soldier. With regard to the 6th regiment, they had behaved as well as men could possibly do. In fact, the whole Legion was spoken of in terms of praise—no exception was made generally or individually. The impression made upon my mind by Captain Richardson, was that it was one of the most gallant actions that had ever been fought.

Captain Richardson then proceeded with his defence :

But now, gentlemen, I come to the most serious and important of the two charges—a charge intended to affix a stigma to my name for life—to sully the fair fame of former years, and to render me a bankrupt in reputation, as I have hitherto been in promotion—and behold the origin and working of the engine thus mercilessly employed to crush me. In the second charge, so unexpectedly introduced into these proceedings, it is stated that the reason why I did not obtain promotion, was because I had quitted the field with a slight wound, and you have the positive evidence of Colonel Ross that such question was not even mooted until after my return to England. I shall however examine another witness on this very material point.

Gentlemen, you have heard the evidence of Surgeon Wilkinson, of the 6th regiment, who admits he does not know whether he saw me the *first or second day* after the action. I shall produce the surgeon who attended me on the field, and who can state to the Court what actually was my condition. He can moreover bear testimony to my reluctance to quit the ground, until pain and absolute exhaustion compelled me so to do. I shall also produce another surgeon, who saw me daily after the action, and was fully aware of the weak state to which typhus fever had reduced me.

[Yet, even admitting it to be a fact that my wound had *not* been of a nature to compel my departure from the field ; were there, I would ask, no other instances of the kind ? I make the remark without a shadow of invidiousness—without the slightest intention to reflect on those individuals ; but I perfectly remember, among those who quitted the field on the 5th of May, Brigadier General Reid, Lord William Paget,* Captain De Koven, of the 1st regiment, and Captain Drury, of the Rifles. All these officers received slight wounds or contusions, yet were they *all* decorated and promoted. Why then, I ask, has my name been the only exception made on the occasion ?]

Gentlemen, it is obvious that some motive, distinct and abstract from that of positive demerit, must have swayed the Lieutenant General in the injurious exception made in regard to me. Again, I repeat, it is

* Lord William Paget, though returned "Wounded," had merely a fall from his horse.

stated in the letter of the Military Secretary, on which the second charge is founded, that the reason of my not obtaining the Majority vacant by Colonel Tupper's demise was my having done but little duty with the 6th regiment, and because I had quitted the field on the 5th with a wound too slight to justify such retirement. Yet, by the evidence of Lieutenant Colonel Ross, it appears that this latter question was not even alluded to, until *after* my return from England, and then, not by him, but by the Lieutenant General himself, who had been informed, about this period, that I had published, or was publishing, some work unfavourable to the Legion. The fact is apparent enough, however, from the documents in my possession, that, finding every previous attempt to embarrass my position vain, recourse has been finally had to this most cruel of charges under the assumption, and in the hope, that if I should fail in the proof necessary to rebut it—and the onus of refutation has been thrown wholly upon myself—any unfavourable publication of mine must issue stingless from the press!

Much stress has been laid upon the fact of my having done but little duty with the 6th regiment, and Colonel Tupper having expressed a wish that Captain Clark should obtain the Majority. If I have not done duty with the 6th regiment I have with another, which other the Lieutenant General thought it expedient to break up, solely on account of its weakness, occasioned by the many and severe privations it had suffered. No one so well as the President of the Court, however, is aware of my services in the Legion, and of the pains taken by the officers of the 2d regiment to render their men efficient soldiers. He is also aware that I was among the first who came out to this country, and that, from July last, until the 2d of February, when I was attacked by typhus fever, I never was a day absent from duty. As to the second fact, there is a certain indignant feeling I cannot repress in barely alluding to it. Because it was the wish of a dying officer that his favourite should obtain promotion, the most glaring wrong is to be done to the senior of his rank, by placing this friend above him! This is indeed the acme of military injustice.

There is one striking anomaly, gentlemen, in this most arbitrary of proceedings to which I beg leave to advert. By the showing of the Military Secretary, who writes in the name of the Lieutenant General, I am not promoted to a Majority by reason of assumed misconduct in the field. Yet, a few days afterwards, the cross of the Military Order of Saint Ferdinand is conferred upon me, the wording of the diploma accompanying which, specifies that it is for "meritorious conduct generally, and particularly for gallantry before the enemy on the 5th of May."* Little more than a month passes by, when I am considered

* What constitutes the truly absurd in this affair, is, that the Lieutenant General sent me, through his Military Secretary, the diploma of the order only a few days

worthy of a second Majority, which, in another letter from the Military Secretary, it is stated, the Lieutenant General is ready to confirm. This needs no comment.

Finally, Mr. President and gentlemen, I submit my case with confidence into your hands, for, independently of the not unfavorable testimony you have already heard, added to that which I shall adduce this day, I am satisfied there must exist a desire to judge this charge in a spirit of impartiality. Far be it from me to vaunt unnecessarily of myself, but I feel it a duty here to state, that in the British service, I had counted five general actions, and twelve months imprisonment before attaining my seventeenth year, and furthermore that, at that early age, my name appears on the record, for good conduct before the enemy. To this, if necessary, reference can be made at the Horse-Guards. This also was on the 5th of May, and for storming the batteries of the enemy. Gentlemen, you will not suffer these proud recollections of my boyhood to be sullied in later life. I only trust that your decision will establish two essential points—first, that the officers of the 6th Scotch were not justified in adopting the step they did; and secondly, that I did not retire from the field on the 5th of May, without due and sufficient cause, and that, consequently, I was not unworthy of the promotion accorded on that occasion.

Surgeon Cross, of the Artillery, was then called upon by Captain Richardson, and stated as follows:

On the 5th of May, about half-past eight in the morning, I saw Captain Richardson coming from the field. He was very faint, and covered with mud. I ran to him—gave him my arm, and took him to where the medical officers were. Whilst we were examining his wound, he fainted, and I considered he was suffering very much from the wound, from fatigue and fasting, although brandy had been administered to him. Upon inquiry, I found that he had been trampled under foot by at least half a company, which, in conjunction with his having been struck three times by the enemy, of which I saw the marks, I thought sufficient to account for his subsequent exhaustion. I recommended him more than once to quit the field, which he peremptorily refused to do. This was about nine o'clock. He again returned to the ramparts, where, in half an hour after,† I saw him, and returned him his pistols. I saw Captain Richardson in bed about half-past eleven. He was much exhausted, and suffering much from the wound. I saw a hole in his fur jacket, and told him that had it not been for the jacket, it would have been a dangerous wound.

before the Court of Inquiry was instituted, consequently *after* he had intimated to Colonel Ross I had quitted the field without sufficient cause. The fact was, the Lieutenant General hoped to soothe me, with this document, into something like forgetfulness of his injustice.

† Doctor Cross, it will be observed, saw me in the field at half-past nine o'clock. The charge states that I had quitted it at eight.

Surgeon Dupieux, of the Rifles, having been summoned, states as follows:—

I saw Captain Richardson's wound on the 6th of May. It was a very severe contusion, and knowing that he had been very lately recovered from fever, and hearing that he had been trampled upon, I wondered he had been able to stand the fatigues of the day at all. As I did not see the wound on the 5th, I cannot say whether it was necessary for him to leave the field.

Question from the Court:—Is a contusion likely to render it necessary to leave the field?

Answer:—A contusion is frequently worse in its effects, than a flesh wound. Captain Richardson had a contusion.*

Brigadier General Reid was summoned and questioned by Captain Richardson through the Court.

Question:—It has been stated that the reason for Captain Richardson not getting his Majority for the 5th of May, was his having retired from the field at eight o'clock, in consequence of a wound so slight as not to justify his having done so. Did you, as commanding the Brigade, state this to Lieutenant General, and if so, on what authority?

Answer:—The chief reason why Captain Clark was promoted was owing to the representation of the officer commanding the regiment, of the necessity of having an efficient Field Officer, and that he did not think Captain Richardson competent, from the term he had served, to fill the situation; whereas Major Clark was most efficient. He urged it strongly. I pointed out that Captain Richardson was the senior officer in action on the 5th of May, when he stated that he could not recommend him for the action, and I am nearly positive he stated Captain Richardson had retired, in consequence of a wound so slight as not to justify his doing so. I am not quite certain Colonel Ross stated this as a reason, because I had heard it from two or three others the same day, but I think he did. I think the Lieutenant General had some conversation with me upon the subject, and that I gave nearly the substance of the above, but any conversation that passed between us was so short that I neither remember time nor place. I wish it to be distinctly understood, that the chief reason was to provide an efficient Field Officer.†

* Zumalacargui died from the effects of a spent ball in the leg. It was at first considered trifling.—Page 44, *Sequel of Policy of England towards Spain*.

† The pertinacity with which this witness, who, from his peculiarities, had obtained the *soubriquet* of "Peggy Reid," and "Loop-hole Reid," dwells on the doubt implied of my capability, is, to say the least of it, amusing. Perhaps General Reid, who used to drill his men *live en main*, conceived himself fully competent to the command of a Brigade of Infantry, when I could not take charge of a regiment. There is certainly nothing like having a good opinion of one's self. But this is not all. General Reid has the effrontery to state it was officially reported to him that I had left the field without sufficient cause. I, in my turn, state, and let General Reid deny it if he can, that he retired into San Sebastian as early as seven o'clock, and with a wound so trivial that it left him no cause for

Question from Captain Richardson :—Do you recollect whether your conversation with the Lieutenant General took place previously, or subsequently to Captain Richardson's return from England, on the 12th of June ?

Answer :—I think it was *after* the 12th of June.

Major Frederick Clark, of the 6th Regt., was summoned by Captain Richardson, from whom the following questions were put, through the Court.

Question :—In the list of killed and wounded, on the 5th of May, was Captain Richardson returned severely or slightly wounded ?

Answer :—Slightly.

Question :—Did you not tell Captain Richardson that he had been returned by you in the regimental report, as severely wounded, although in that of the Adjutant General, he had been returned "slightly."

Answer :—Not to my recollection.

[Captain Richardson here addressed the President of the Court, and stated that he wished witness particularly to recollect if he had not so informed him, as he (Captain Richardson) should otherwise be compelled to put another question to witness which he would fain spare him. Capt. R. having repeated his question to Major Clark, and meeting with the same reply, put the following.

Question :—Pray, sir, were you never Adjutant of the 12th regiment of British Infantry ?

Answer :—I was.

Question :—Were you not obliged to leave the 12th regiment for making a false report ?

The President of the Court here interposed, and asked Captain Richardson the object of his last question. Captain Richardson replied that his object was to prove a conspiracy on the part of the officers of the 6th Scotch, and that the witness then under examination, was not to be believed on his word.

The President ordered the Court to be cleared, and, after half an hour's consultation among the members, it was decided that "Major Clark need not answer Captain Richardson unless he chose." This decision was communicated to Major Clark on the re-opening of the Court, when that officer declining to answer the question, his further examination was dispensed with.]

Captain J. Drummond, Paymaster of the 6th regiment, was summoned, and questioned by Captain Richardson, through the Court.

Question :—Did you see Captain Richardson on his entrance into the

remaining away from the field. I met General Reid coming out of San Sebastian, with Colonel Colquhoun, who had that moment arrived from Santander, at half-past ten o'clock, long after the second attempt upon the enemy's second line had been made and failed.

town, on the 5th of May, and if so, will you describe the state in which he appeared to be ?

Answer :—I did see him. His arm was in a sling, and he appeared very faint.—His jacket was covered with mud.

Question :—Was not Captain Richardson, through weakness, compelled to lean on your arm ?

Answer :—He was.

Question :—Did you see his arm ? If you did, state what was your opinion of it.

Answer :—I did. He had a contusion from a musket ball. I should say it was slight.*

Captain G. Jefferies, being summoned, stated as follows :—

About half-past six in the evening of the 5th of May, I saw Captain Richardson on the road. He was advancing towards the breastwork. His face was so covered with mud, that I hardly knew him. Having been knocked down and trampled upon by my own men, I took it for granted that the same had happened to Captain Richardson.†

Captain Richardson handed in papers containing questions put by him to the Adjutant General Le Marchant previous to his departure for England, and his answers.

Question :—Have you any recollection of having ordered Captain Richardson to advance with a company against the enemy's batteries on the 5th of May, and what was his reply ?

Answer :—Yes, I have. When so ordered, his reply was : "I do not command a company, but a wing of the regiment." To which I answered :—"Whether a company or a wing, it is all the same. Lead on, sir."

* The opinion expressed by this witness, who assisted in undressing me on my return to San Sebastian, was rather different. He *then* admitted, with a shudder, that it was a very ugly wound indeed, and he congratulated himself that he had made his son, an Ensign in my company, report himself on the sick list the very night prior to the attack. I mention this in order to show the feeling of "union" that prevailed in the 6th Scotch.

† It having occurred to me, after the proceedings of the Court had terminated, that the evidence given by Captain Jefferies was not sufficiently forcible, I was anxious to have a further document to give to the world, at a later period. To a note of mine on the subject, he replied as follows :—

SAN SEBASTIAN, 7th July, 1836.

DEAR SIR,

In reply to your note, respecting what I saw of your conduct on the 5th of May, I can have no hesitation in saying on that occasion when the 6th regiment were retreating in the greatest confusion and disorder, after a charge on the main road, I saw you making every exertion to restore them to some degree of proper discipline.

I shall be most happy to come forward and record this, whenever you may call upon me.

I am, dear Sir,

Yours truly,

GEO. JEFFERIES,
Captain Rifles.

Capt. Richardson, &c. &c. &c., B. A. L.

Question :—Was Captain Richardson's compliance with your order immediate ?

Answer :—Yes, it was.

Question :—Was this after the first check experienced under the enemy's second line, or before ?

Answer :—I believe after the first check.

Question :—Do you at all conceive that Captain Richardson was in the back ground on the 5th of May.

Answer :—I have no reason whatever to think so, as far as personally fell under my observation that day.

Question :—What was your reason for ordering Captain Richardson to advance, instead of the senior Major of the regiment.

Answer :—My order was general, and applied to all ranks in the regiment.*

Captain Richardson called upon Colonel Kinloch, who had seen him in London, to state his opinion as to the severity of the wound, who said as follows :—

About the 23d or 24th of May, I saw Captain Richardson in London. His arm was in a sling, and his coat sleeve ripped and tied with strings. I inferred from these appearances that the wound was severe.

Captain Richardson also called upon Major Clarke, of the Quarter Master General's Department, who stated :—

I called at Captain Richardson's lodgings in London, on the 26th of May, whilst he was at dinner. His arm was in a sling—he was incapable of using it—his food was obliged to be cut for him. His coat sleeve was ripped and tied with strings.

[Captain Richardson here removed his coat, and showed the marks of two bullet wounds—the one upon his breast—the other upon his arm. The President and Court were of opinion, on seeing them, that they could not have been very slight wounds, which, after an interval of two months, had left such traces.†]

* It will be obvious to the reader that I have not so closely questioned many of the witnesses, as I might have done. There were two reasons for this. First, the very short time given me to prepare my defence. Secondly, because it had been intimated to me by the President, that though the Court could entertain but one opinion of the charges, against which I was called upon to defend myself, it was hoped and expected I would not enter upon recriminatory matter, but confine myself strictly to my own exculpation. This hint, which was expressed prior to my entering on my defence, I knew to have come from the Lieutenant General himself, but I felt no disposition to spare the motives of those who had sought to ruin me.

† It is rather a singular coincidence that in my tale of "Wacousta," published in 1833, I should have made Frank Halloway do precisely the same thing before the Court Martial—namely, remove his coat, and bare his breast to show his scars. I certainly little anticipated when I wrote that passage I should ever be placed in a similar position. The mark on the arm, I may as well observe, exists at this moment, and will in all probability continue for life. Any one, not a medical man, on examining it, would declare there was a ball lodged under the skin and over the muscle.

The President of the Court then stated to Captain Richardson, that it had appeared in evidence he, Captain R., had alluded to stripping some individual, or individuals, of their borrowed plumes. He wished to know if Captain R. had any objection to naming the parties.

Captain Richardson declined answering the question—on which the President asked Captain Richardson if his defence was closed. Captain Richardson expressed a wish to have Colonel Ross recalled, as he had an essential question to ask him. On his re-appearance, the following was put through the Court:—

Question:—Did the conversation, which you state took place between you and the Lieutenant General, occur before or after Captain Richardson's return from England?

Answer:—The first part, down to, "I would not recommend my own brother under these circumstances," before his return—the latter, (that is to say where allusion is made to Captain Richardson having unnecessarily quitted the field,) *after** it.

[Captain Richardson then said he wished to close his defence with a few observations, and thus addressed the Court:—

MR. PRESIDENT AND GENTLEMEN,

You have heard the evidence I have been enabled to produce, in order to rebut the charges which appear in the preamble of these proceedings, and, in relation to the first, I beg to call your attention to the statements of Colonel Kinloch and Major Clarke—statements given in a true spirit of impartiality and independence, and as honourable to themselves as favourable to me.

In regard to the second charge, I hope I have adduced evidence sufficient to show that I have been infinitely "more sinned against than sinning." Gentlemen, there is one individual who has been summoned by me, to whose conduct I beg minutely to revert. That a conspiracy on the part of the officers of the 6th Scotch—some perhaps instigated by others—has existed—there cannot be the slightest doubt, for the whole tenor of their proceedings, both during my absence, and since my return from leave, most distinctly proves it. Were any evidence wanting, the conduct of Major Clark supplies it. This Court of Inquiry, gentlemen, you will have perceived from the docu-

* This evidence is indeed most important, and proves, more than any thing else, a conspiracy to ruin me at all hazards if possible. The Lieutenant General distinctly says, through his Military Secretary, that the chief reason why I was not promoted was, because "Colonel Ross informed him I had left the field without sufficient cause." Colonel Ross, in his testimony, as distinctly states he never told the Lieutenant General any thing of the kind, but, on the contrary, that he (the Lieutenant General) had hinted it to him—and when? Before the promotions were issued for the 5th? No; but *after* I had returned from England, full of just indignation at the Lieutenant General's conduct towards me, and determined in no way to hold communication with any of the parties concerned, in this gross outrage to my feelings, except through an official channel.

ments I have had the honour of submitting to your consideration, was demanded by myself. Major Clark was fully aware of this circumstance, and he must have known it was intended to introduce this second charge. During the few days I was in the cantonments of the 6th Scotch, after my return from England, Major Clark took occasion to state as a fact, that he, as Adjutant of the regiment, on the 5th of May had returned me "severely wounded." This, at the time the observation was made, I thought singular, but when a day or two afterwards, on the Court of Inquiry being ordered to assemble, he asked if there were any officers of the 6th, whom I wished to call upon, his motive was in some degree explained.

Gentlemen, I fully believe that Major Clark assured me I had been returned by him "severely wounded," simply to induce me to call upon him as an evidence, when he proposed giving the testimony just recorded. The Court has justified my expectation. When I summoned Major Clark before this Court, I *knew* he would state, (which was indeed the fact,) that I had been returned by him "slightly wounded;" but I resolved to unmask his artifice, and to prove his little claim to credibility. Such proof I was prepared to call upon if necessary. Delicacy to the Court caused me to hesitate in putting the last question, and I fain would have spared even the individual, who had done me so much wrong, the humiliation of exposure. Major Clark, however, persisting in saying he did not recollect a conversation which had taken place so very recently, I was compelled, in my own justification, to put the question I did. And how was the interrogatory met? By the proud indignation of a mind conscious of its own rectitude? By a spirit jealously alive to its own honour? By a bold, prompt, and manly denial? By the imperative demand of the high-souled soldier for explanation and for proof? No. But by the silence of confusion, and by willingly adhering to the opinion, pronounced by the Court, "that it was not necessary Major Clark should reply to Captain Richardson's question unless he thought proper." Gentlemen, I have done.]

Although these concluding remarks were listened to uninterruptedly by the Court, the President thought that it would be advisable *not* to enter them upon the proceedings. The Court generally entertained the same opinion, and Captain Richardson bowed to their decision, reserving to himself, however, the right of publishing them, as well as the other passages in brackets, which the Court thought it expedient to expunge also.

The Court having maturely weighed and considered the passages written and printed that have been laid before it, together with the evidence which has been produced, are of opinion with respect to the printed preface, that although it exhibits considerable disappointment and vexation on the part of Captain Richardson, which, under all the circumstances, the Court cannot but consider natural, still there is

nothing in it calculated to cast discredit on the Legion. One passage in particular, which, according to the evidence of Captain Calder, appears to have given offence to the officers of the 6th regiment, as injurious to the memory of the late Colonel Tupper, seems, on the contrary, to the Court, to be one doing justice to his known valour.

In the correspondence which took place between Captain Richardson and Captain Calder, various quotations from other letters, which do not appear, are found, but even in these, with one exception, the Court see nothing discreditable to the Legion. One, where allusion is made to the Westminster Grenadiers, and which is said to be criminatory of the regiment, is an expression which might with truth be made by members of the Court, who would be far from throwing the slightest imputation upon the brave men they had the honour to command; another, alluding by name to the Adjutant General and Colonel Tupper, appears to be explained in a manner perfectly satisfactory by Captain Richardson in his defence. The expression:—"You speak of stripping some of our officers of borrowed plumes," appears to the Court to be to all intents and purposes a threat against some individual, but whom does not in any way appear.

With reference to the letter received from the Assistant Military Secretary, dated Head Quarters, San Sebastian, 30th June, 1836, the Court is of opinion that his having done no duty with the 6th regiment is very satisfactorily accounted for, from his having been upon the Staff when appointed to it, and afterwards from his severe illness. With respect to his having retired from the field on the 5th of May, at eight o'clock in the morning, on the ground of a wound in the arm, so slight as not to justify his having withdrawn himself, the Court is of opinion that it has been proved he did not withdraw until some time after he had been recommended by a medical officer to do so, and that under all the circumstances, not the slightest imputation rests upon him for having retired when he did.

C. CHICHESTER, Brigadier and President.

As agreeing with the opinion of the Court, but also thinking that the letters which the majority considered public, should have been received in evidence.

Agreeing altogether with the Court:—

JOHN KINLOCH, 1st Lancers.
W. M. SLOANE, Lieut. Col. 4th Regt.
J. THOMPSON, Lieut. Col. 1st Regt.
G. HOGG, Major 8th Regt.

For considering the private letters public:—

C. CHICHESTER, Brigadier General and President.
P. HARLEY, Lieut. Col. Comg. 4th Regt.
JAMES SHAW, Major 10th Regt.

These proceedings were terminated, and sent in to the Lieutenant General, on the 5th of July. Nothing, however, was promulgated as late as the 10th, on which day a steamer, with a great number of officers on board, sailed for England. This was really cruel, for these officers, although aware that a Court of Inquiry had been sitting on my conduct, were yet ignorant of the opinion and finding of the Court. I saw at once it was determined, if not wholly to suppress the proceedings, to delay the publication in general orders, until the steamer had departed; and the motive for this was obvious. Early on the morning of the 10th I addressed the Lieutenant General as follows:—

} POSADA ISABEL, SAN SEBASTIAN,
10th July.

GENERAL,

Five days having elapsed since the proceedings of the Court of Inquiry held upon me at Alza were terminated, and transmitted to you, I can only assume that the fact of its opinion not having been recorded in general orders, is attributable to my having appeared before the Court, not as Captain Richardson, of the 6th regiment, but as Lieutenant Richardson, of His Majesty's service.

May I, therefore, beg that, as the Court had declared they could only entertain the subject, as connected with an officer of the Legion, and as, notwithstanding the formal entry of my protest, I bowed in courtesy to their decision, a copy of the opinion of the Court may, as in all cases of the kind, be transmitted to me,* and furthermore that a record of the same opinion may appear in general orders.

The fact of my having been before a Court of Inquiry, on a charge of having left the ground, on the 5th of May, with a wound too slight to render my retirement necessary, is known to all the officers of this Legion. The finding of the Court on this subject should therefore be as public as the charge. If aught in favour of the insinuation be substantiated, let it appear. If, on the contrary, the charge be groundless, let justice be rendered to me on the same principle.

May I also beg that, as you seem unwilling to establish a precedent in the Legion, by which all officers may claim the right of retirement at the end of their year of service, you will suffer mine to appear in orders as that of one who has urgent affairs demanding his presence in England.

* On my applying to General Chichester, he told me it was not usual to grant copies of the proceedings of a Court of Inquiry to the accused(?) and that he could not do so in my instance.

You will observe, General, that though I use the courtesy of applying to you as an officer of the Legion, I nevertheless demand and claim the right of an officer in His Britannic Majesty's service.

I have the honour to be,
General, &c.

J. RICHARDSON,
Lieutenant 92d Highlanders,
Late Captain 6th Scotch.

Lieut. Gen. De Lacy Evans, &c. &c. &c. }
B. A. L. }

This letter was not in any way noticed, until *after* the departure of the steamer, when I received a communication from the Assistant Adjutant General, Colonel De Lancey, who, in the interview to which it led, expressed the Lieutenant General's intention to insert the opinion of the Court of Inquiry in general orders that day. He also stated that the Lieutenant General was willing to make all due reparation for the injury I had sustained, and that he only awaited the withdrawal of my resignation, (such, at Head Quarters, they invariably termed my retirement) to enable him to do so. As I knew the army were to march the next day, for Fuentarabia, I had no hesitation, after the assurance given me by Colonel De Lancey, to write the following letter to himself:—

POSADA ISABEL, 10th July, 1836.

SIR,

In consequence of the conversation we have had this day, in the course of which you expressed the Lieutenant General's anxiety to make me every necessary reparation for the injustice to which I have been subjected, and knowing, moreover, that a movement is to be made tomorrow, I beg to observe that I request permission to withdraw my retirement, or rather, tender of retirement, under the following conditions:—

1st. That I appear in orders as senior Major of the 6th regiment, dated from the day of Colonel Tupper's death, but actually doing duty with any other corps the Lieutenant General may think proper to name.

2d. That the Lieutenant General will consider my year of service to have expired, and that the withdrawal of my retirement is only consequent on the assumption that, at the termination of the expected affair,

I shall have permission to retire under the plea of "private affairs," and be, by him, recommended to the Spanish Government for the gratuity.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Late Capt. 6th Scotch Grs.

Lieut. Col. De Lancey, Asst. Adj. Gen. }
&c. &c. &c. }

Colonel De Lancey appearing to think that the latter clauses might seem dictatorial to the Lieutenant General, I withdrew the letter, and substituted another *without* the stipulations.

Meanwhile, the same day, the opinion of the Court of Inquiry had been promulgated in general orders, with the following remarks appended:—

"The Lieutenant General altogether differs from the Court, in their opinion that letters on promotion, and the conduct of the troops addressed to a public functionary, the Military Secretary, can be considered private. It is a principle laid down, that a Military Secretary has no power to withhold from his chief, any communication of the nature referred to. When laid before the officer in command,* any such communication necessarily becomes a public document—otherwise, the most insubordinate language might, with impunity, be conveyed to the chief. The Lieutenant General greatly disapproves of some of the expressions used by Captain Richardson on being passed over in promotion, but these from the evidence produced before the Court, he deems in a great degree excusable. Captain Richardson, in his defence, incorrectly stated the evidence of General Reid, which appears in the proceedings. But this is comparatively immaterial. He has cordial pleasure in fully concurring with the Court, that not the slightest imputation rests upon Captain Richardson for his conduct on the 5th of May, in which he is proved to have done his duty as became a British officer. On the other hand, on the part of the officers of the 6th regiment, not knowing all the facts—not knowing the grounds of complaint, and of palliation of the manner of that complaint, they only evinced a becoming spirit in resenting the supposed offensive insinuations which Captain Richardson had thrown out, no doubt, in a moment of irritation. This inquiry, and its satisfactory result must be deemed by Captains Rich-

*And why laid ? and by whom. Certainly not by Colonel Considine, but by Major Herman and the Adjutant General, Le Marchant.

ardson and Calder to have cancelled the letters which had passed between them, and these officers are hereby distinctly so to consider them—and had not Captain Richardson tendered his resignation, earnestly requesting it to be received, the reparation would be done him for the injustice of which he had a right to complain, by appointing him to the Majority, vacant by the death of Colonel Tupper.

DE LACY EVANS,
Lieutenant General.

San Sebastian, 17th July, 1836.

Extract from the general order, dated 10th of July.

Captain Richardson, of the 6th regiment, having tendered his resignation on urgent private affairs, his resignation is accepted, and he will be struck off the Legion from this date.

By command,

O. DE LANCEY,
Assistant Adjutant General.

This was certainly an illustration of the Lieutenant General's desire to "make me all due reparation for the injustice of which I had so much right to complain," which surprised me not, for it was perfectly in keeping with his former conduct. The order had not made its appearance when I sent in my letter to Colonel De Lancey, or certainly I never should have written it. However, it came back to me as I desired. At a late hour of the day, Colonel De Lancey called at my posada, and expressed a strong wish that I should withdraw, what he called, my resignation, not only unconditionally, but even without allusion to the conversation that had previously taken place on the subject. I refused to do so, and as a final answer, tore up my original letter which he had brought back with him for correction. He said the Lieutenant General was just preparing to set out for Fuentarabia, and that if I wished to re-join the Legion, I must be prompt in my decision. I told Colonel De Lancey that my decision was already formed—that I clearly saw the motive for demanding my unqualified withdrawal of retirement, and that I was too well convinced of the Lieutenant General's injustice, as contained in his remarks on the finding of the Court of Inquiry, to be duped into a course of action my better judgment

condemned. Colonel De Lancey left me, evidently chagrined at the failure of his mission.

Had I withdrawn my retirement unconditionally, or without specifically stating *why* I withdrew it, I should have seen in general orders: "Captain Richardson having withdrawn his resignation, the same is accepted, and he will rejoin his regiment immediately." I certainly should have declined doing so, except with the promotion to the senior Majority, to which rank I was fully entitled, and then my enemies would have triumphed in something like the following:—"Captain Richardson of the 6th Scotch having refused to join his regiment in presence of the enemy, that officer is dismissed the service." Perhaps this anticipation had already been communicated by General Evans to his friend, Mr. Daniel O'Connell, when he stated, at a later period in the House, that I *had been dismissed the Legion*. Of the intention to dismiss me, if possible, I never had the slightest doubt—and certainly no art was left untried to devise a plea.

The expedition to Fuentarabia having terminated in the manner already known to the public, I addressed the Lieutenant General, on the 13th, as follows:—

{ POSADA ISABEL, SAN SEBASTIAN,
13th July, 1836.

GENERAL,

In the remarks appended to the opinion of the Court of Inquiry held on me at Alza, it is said that "had not Captain Richardson tendered his resignation, urgently requesting it to be received, the reparation would now be done him for the injustice of which he had a right to complain, by appointing him to the Majority vacant by the death of Colonel Tupper."

You will excuse my suggesting, General, that if this justice were really intended, my retirement would have appeared in orders as that of "Major," not "Captain, Richardson," since on the 13th of May, to the conclusion of my period of service on the 29th of June, I was in the Spanish army, and, by the showing of the Court, entitled to my promotion, not perhaps for the Brevet, which was discretionary from the 5th, but for the regimental step from the 13th. I therefore distinctly claim to retire on the rank of Major, and to receive the gratuity attached to that rank.

It will be recollected that my retirement, (not resignation since I had completed my engagement in the service,) was announced by me as far back as the 28th of June, and that my demand for a Court of Inquiry was on the 20th. No notice, however, was taken of my application, until after I had announced my year of service to be expired, when a Court was instantly convened, not to investigate the question for which my demand for a Court was made, but in order to introduce matter of a (to me at least) hitherto wholly unheard of nature. It will be seen by my protest, that, denying the right of the Court to enter into the charges preferred against me as a Spanish officer, I yet unhesitatingly and indignantly met them as a British soldier. The Court, however, refused to consider me as other than an officer in the Spanish service, and to their decision I bowed, anxious, on any terms, to have an opportunity of vindicating myself from the foul attack which had been made upon my honour. The result has, as I had anticipated, proved in the highest degree honourable and satisfactory to me.

It will also be borne in mind, General, that the remarks on the proceedings of the Court bear the date of the 7th of July, and that the acceptance of my retirement bears that of the 10th. If, therefore, it had been either desirable, or intended, that reparation should be made me for the injustice of which, it is admitted, I had a right to complain, nothing could have been more simple than to have recorded my just claim to the Majority in general orders, and to have stated my retirement to have been that of "Major Richardson." Ample time had been afforded for this purpose between the 7th and 10th of the month.

Again, it will be observed, my original letter announcing my retirement, was written, not only because my year of service had expired, but because I was being made to endure a tissue of the most glaring oppression and injustice, which made me desirous of quitting the Legion the moment my engagement in it had terminated.

Your letter to the Court of Inquiry intimated that my retirement could not be accepted, until its proceedings had closed. Five days had elapsed since its conclusion, when I naturally enough conceived there was no intention to give publicity to its opinion, and in the concluding part of my letter, I stated a wish, that, since you were unwilling to establish a precedent for the withdrawal of officers at the end of their year of service, you would put your own colouring on the subject to the Legion at large, and accept my retirement under the plea of "private affairs." I beg though, General, you will particularly understand that I did this, simply because I was unwilling to set an example, of opposition to your will as Lieutenant General of the army, by publicly grounding my retirement on indisputable right. That right is unquestionable, and if I should require any evidence of the fact, it is to be found in your own written declaration to the new Spanish Minister at War, bearing date 13th of June. In this you state that "the British Legion have

been engaged for one year, and that you fully expect the retirement of a number of officers at the end of their year."

Finally, General, I beg to add, that on seeing the Assistant Adjutant General, Colonel De Lancey, on Sunday last, he told me that, though my retirement had been accepted, and would appear in general orders, I had merely to write a letter to him, expressive of my desire to withdraw that retirement, when I should at once be appointed senior Major of the 6th regiment. To this, as I knew the troops were to move on Fuentarabia, I immediately assented, stipulating as a proviso, which my knowledge of my retirement being accepted rendered necessary, that I should appear in orders as senior Major of the 6th, but doing duty with whatever other regiment the Lieutenant General might think proper to name. Colonel De Lancey seeming to intimate the provisional clauses might appear a dictation, I withdrew my original letter, substituting that of which I herewith enclose a copy. Colonel De Lancey made no objection at the time, merely stating that he would see you immediately, and that it would be necessary for me to get in instant readiness, as the move would be immediate. I had accordingly prepared for departure, when, to my surprise, about an hour after I had parted from him, Colonel De Lancey came to my lodgings with the letter I had given in, expressing a desire that I should expunge the first part, which alluded to my previous communication with him. Neither my respect for my own character—my sense of the deep and unexpiated injury which had been done me—nor my desire to uphold the British military profession of which I am a humble member—would permit me thus to act, and I tore the letter up in the presence of Colonel De Lancey, refusing to entertain the subject further. But for this I should have been at the affair of Fuentarabia. However, as, I understand since, it was only a reconnoissance, I do not so much regret the circumstance of my absence.

I have the honour to be,

General,

Your obedient servant,

J. RICHARDSON,

Lieutenant 92d Highlanders,

Late Captain 6th Scotch.

Lieut. Gen. De Lacy Evans, B. A. L. }
&c. &c. &c. }

The reply to this was:—

{ HEAD QUARTERS, SAN SEBASTIAN,
14th July, 1836.

SIR,

I am directed by the Lieutenant General to acknowledge the receipt of your communication of the 13th instant, and to inform you that it

should have been addressed to the Military Secretary, and moreover to intimate to you, that it contains several passages which the Lieutenant General thinks highly disrespectful to the office he holds. And with reference to the claim you therein set forth, I have it in command to refer you to the concluding part of the general order of the 10th instant, by which it must be evident that unless your resignation, which is urgently pressed, (!) be withdrawn, it is not in the power of the Lieutenant General to take your claim into consideration.

I have the honour to be,

Sir,

Your obedient servant,

G. F. HERMAN,

Major, A. M. S.

Capt. Richardson, late 6th Regt. }
&c. &c. &c. }

This impossibility on the part of the Lieutenant General, "to take my case into consideration," as his Secretary termed it, or more properly to make amends, in so far as in him lay, for the almost irreparable wrong he had done me, unless I retraced a step he had compelled me to take, was another glaring feature in his catalogue of oppression.

I replied with the following:—

POSADA ISABEL, 14th July, 1836.

SIR,

In answer to your letter of this day's date, I beg to observe that my communication, which the Lieutenant General states should have been addressed to the Assistant Military Secretary, *was* forwarded through that officer.

I regret the Lieutenant General should have construed any part of my letter of remonstrance into matter of disrespect towards him in his official capacity. Such certainly was not intended.

In reference to the withdrawal of my resignation, I beg to state that such withdrawal, made unconditionally, can only take place after my having appeared in general orders, as "Major," to which rank I most distinctly lay claim.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Captain late 6th Scotch.

Major Herman, Asst. Mil. Sec. }
&c. &c. &c. }

Being fully aware of Lord John Hay's knowledge of the proceedings instituted against me, and having moreover been informed that both Brigadier General Evans, who had returned for a short period to San Sebastian, Colonel Wylde, and himself, had been consulted by the Lieutenant General as to the feasibility of trying me by a Court Martial—a proposition, which I believe was negatived by Colonel Wylde as *hors de question*, I, at this period, sent a copy of my "Movements of the Legion" to his Lordship, accompanied by the following note:—

SAN SEBASTIAN, 31st July, 1836.

MY LORD,

I have the honour to submit to your Lordship a copy of my work on the British Legion, which I had caused to be printed in England.

As your Lordship cannot but be aware that a Court of Inquiry has been held upon my conduct on two charges, one of which specifies that I had written of the Legion in an unfavourable manner, I have the more pleasure in submitting it to your consideration.

I beg to add that I have caused copies of the same work to be forwarded to Lords Melbourne and Palmerston.

I have the honour to be
Your Lordship's obedient servant,

J. RICHARDSON,
Captain late 6th Scotch.

Lord John Hay, Comg. British Squadron, }
&c. &c. &c. }

On the 16th of July I received the subjoined communication from the Military Secretary:—

{ HEAD QUARTERS, SAN SEBASTIAN,
16th July, 1836.

SIR,

I am directed to acknowledge your letter of the 14th instant, and to acquaint you in reply that the Lieutenant General has been given to understand by the Adjutant General, that he had intimated to you that, on the withdrawal of your resignation, there was every probability of your obtaining the Majority you applied for. This, I am now to inform

you, will be acted upon, on your doing so, and I need scarcely add that your resignation cannot be cancelled without such withdrawal.

I have the honour to be,

Sir,

Your obedient servant,

G. F. HERMAN,

Major A. M. S.

I immediately replied:—

POSADA ISABEL, 16th July.

Sir,

After the receipt of your letter of this day's date, I can no longer hesitate to withdraw my retirement which I accordingly do, requesting that my demand for such withdrawal may be laid before the Lieutenant General.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Captain late 6th Scotch Grenadiers.

Major Herman, Asst. Mil. Sec. }
 &c. &c. &c. }

On the following day appeared this extract from general orders:—

{ HEAD QUARTERS, SAN SEBASTIAN,
 17th July.

G. O. Captain Richardson, late of the 6th regiment, having solicited (!) permission to withdraw his resignation, the Lieutenant General has been pleased to cancel the same.

Captain Richardson to be Major, vice Ross, promoted, dated 13th of May.

4th Queen's Own Fusiliers.—Lieut. Richardson, from the 6th regiment, to be Major, dated 13th of May.

This was my triumph! The proud triumph of right over might. I had had great obstacles to contend against, obstacles before which many others would have succumbed, but single handed—or rather single headed—I had overcome them all. I had insisted on, and obtained my promotion, notwithstanding the unworthy pretences alleged for with-

holding it, from the date of Colonel Tupper's death. This, with the knighthood of Saint Ferdinand, was all I sought.

And here the question naturally arises, what could have been the motive of the Lieutenant General in thus persecuting an officer who had done so much for himself and the Legion? My firm opinion is, that he was annoyed at not having been suffered to be the writer, as well as the fighter, of his own battles, in his own peculiar way; and angry at the supposition that my "Movements of the Legion" were not written precisely as he wished them to appear, was too happy to find a pretext for wreaking his vengeance on the offender. It is, moreover, in the character of human nature to follow up one act of injustice by others, and, instead of making concession for a wrong, to seek every means for the justification of conduct on which that wrong is based. Had General Evans ever seen the following paragraph in a number of the *United Service Journal*:—"The designs of Russia (by Evans) are drawing to a close, and Richardson has managed his *partie* of *Ecarté* like a man of the world." If so, was he not determined that though we thus stood in juxtaposition, in the literary world, in the military world we should stand immeasurably asunder. His marked disregard of the high letters of recommendation, which I handed him on my first entry into the Spanish service, would lead one to surmise this to have been the fact.

But again, although the Lieutenant General had gladly availed himself of the most unworthy means of oppression, did the insinuation, conveyed in the second charge, originate with himself? Brigadier General Reid distinctly says he is almost persuaded Colonel Ross was his author for the statement. Colonel Ross as distinctly denies that such statement was ever made by him—and both these officers agree that no conversation on the subject took place with the Lieutenant General, until *after* my return from England, when it was found that I had arrived with feelings of deep indignation, and resolved not to beg as a favour, but to demand as a right my promotion to a Majority. General Evans' decla-

ration, that I had been originally passed over for not having done my duty in the field, is, therefore, according to the evidence of these officers, untrue. He himself suggested the infamous slander, and, knowing the difficulty of positively disproving an accusation of the kind, appears to have questioned General Reid and Colonel Ross, with a view of ascertaining if some charge of the sort could not be framed against me, and thereby justify the otherwise unjustifiable omission of my name in his despatch.

Thus far, according to the evidence—but although the Lieutenant General was anxious and eager to supply a charge which it was hoped I should find more difficulty in disproving than that of having written against the Legion, did not such charge originate with Colonel Ross. Notwithstanding the denial of that officer, I believe it did—and now come particulars, which Colonel Ross has only to thank himself for seeing introduced before the public. Not in any spirit of vindictiveness do I give them, neither do I draw inferences from the facts themselves. Had Colonel Ross not swerved from, nay absolutely denied, a promise made to me on my departure from San Sebastian—had he not, during my absence, and in the hope I should not return to discover and expose the prime movers in the nefarious scheme, attempted to throw a fearful onus from his own shoulders upon mine—nay, even had he not, after my rejoining the 6th regiment, assumed the commanding officer, in a tone as absolute as it was unnecessary, conceiving that by so doing he should subdue my spirit, and cause me to relinquish the course I had found it necessary to adopt—I should have spared him now. But justice to myself forbids it. I owe nothing to the forbearance of Colonel Ross. He cannot expect it from me.

It is a fact notorious to the whole Legion, that, on the 5th of May, when the 6th regiment had forced its way through one of the most galling fires of musketry experienced throughout the campaign, on the Adjutant General inquiring of Colonel Tupper where Major Ross was, that officer, with a significant shrug of the shoulders, replied:—"I don't know—I dare

say you'll find him behind some stone wall."* Major Ross had, in fact, not come up. As senior Major of the regiment, his place was with the right, or leading wing, for the nature of the ground had rendered it necessary to advance by files in the early onset of the 5th. Instead of remaining with his wing, Major Ross, with the Adjutant, Captain Clark, lingered in the valley which divides the Bartholomew convent, whence we had issued at the first dawn of day, from the enemy's first height, until the rear of the regiment had come up. This was my duty. However, finding that Major Ross was willing to discharge it, I hurried as rapidly as the slippery nature of the ground would permit to the right wing, and was among the first who ascended the height and crossed the open ground leading to the enemy's first parapet, under a fire so hot that I frankly confess I would have gladly compromised for a shot through the body to have escaped one through the head. Major Ross and Captain Clark did *not* come up, until some little time *after the first line was carried*, and the fire of the enemy consequently weakened. The surgeons never came near the place at all, and the wounded of the regiment were taken to the ground occupied by the Staff and Artillery surgeons, most of whom were greatly exposed throughout the day.

When the Adjutant General so sapiently ordered me to advance with a single company, against a battery which a whole brigade had attempted ineffectually to carry, a few minutes before, Major Ross was standing, with part of the right wing of the 6th, close under a ruined house, which sheltered them from the fire of the enemy. On my replying to the Adjutant General that I was not in command of a company but a wing, Major Ross made not the slightest attempt to move. I do not urge that he of necessity should, since the order had been given to me, but it certainly ill became *him* subsequently to insinuate, (when questioned by the Lieutenant General, as he pretends,) that I had retired from the field without sufficient reason.

* These words were heard, among others, by Captain Hunter of the 6th, and were by him repeated, without secret, to Lieutenant Colonels Cannon, and Beaton.

. Whatever the conduct of Major Ross on this occasion, I had not made any expressed comment on it, nor should I have done so from myself. On the second day after the action, I called to see a Captain Wood, who had formerly been in the 2d regiment with me, and who had been wounded on the 5th of May. This officer first drew my attention to the conduct of Major Ross in that affair, by stating he had remarked how much the latter had lingered in the rear, in the early part of the day. In this I was compelled to coincide.

On my return from England, Captain Wood, who had been recommended by Major Ross for the order of Saint Ferdinand, and a Brevet Majority, was one of Colonel Ross' strongest supporters. Of course I never condescended to recal to Captain Wood's memory the observations made to me by himself two days after the action. Captain Wood repeated his remark on Colonel Ross a little later to Captain Chadwick, of the 3d regiment, who had also served with me in the 2d.

. On reaching San Sebastian, and prior to my joining the regiment, Lieutenant Colonel O'Meara, who was on General Shaw's Staff, called at my posada, and in the course of casual conversation stated that he had just seen Colonel Ross, who was most deplorably altered. He said it was universal subject of discourse in the Legion, that when Colonel Tupper had ordered him on one occasion to advance, Major Ross *stuck his sword in the ground and refused to move*. Colonel O'Meara's expression was, that "he was dying by inches in consequence." Now this was idle and cruel report. I do not believe Colonel Ross had acted as stated, yet while calumny was busy with her hundred tongues upon himself, he did not scruple to seek avoidance of her stings by turning them upon another!

The whole affair was a planned one. Captain Clark was to be strongly recommended for the Majority, provided he supported Major Ross through "thick and thin" in his account of the action, and I was to be passed over under the plea of being of no service to him, and having moreover misconducted myself in the field. Did Major Ross intimate

to me on my departure for England, that if I left him he could not recommend me for the Majority, as he wanted an efficient Field Officer? Did he hint that I had retired from the field with a slight wound, which did not justify my so retiring? There was plenty of time to have arrived at a decision on these points, for I did not take my final leave until five days after the action. But no—it was more deeply planned. The parties waited until I had actually started for England, anticipating that, when arrived there, filled with disgust and indignation at seeing my name omitted in the General Order, I should at once resign, and there would be an end of the matter. They have found themselves mistaken, and if the arrows aimed against me now recoil with tenfold force, to their own unskilfulness in using them, must they attribute that recoil.

Was Colonel Ross then the individual referred to in my letter to Colonel Considine, as one to be stripped, at a later period, of his borrowed plumes? The defence before the Court of Inquiry specifically states that no individual of the 6th regiment was alluded to. The officers of that corps, however, chose to fancy that Colonel Ross was one of the parties meant, though they, artfully enough, coupled his name with that of Colonel Tupper, on whose fair fame, as a soldier, it was well known and felt, a taint could never rest. They were aware of the reports in circulation with regard to Colonel Ross, and they naturally enough conceived I had alluded to him. Hence the correspondence which was commenced by Captain Calder, who although ostensibly the "leader" of the juniors of the regiment, had acted chiefly at the instigation of Colonel Ross and Major Clark. It was hoped I should enter sufficiently into particulars, to show, under my own signature, that nothing could attach to Colonel Ross. In this they were disappointed, and hence their desire to gratify Colonel Ross and the Lieutenant General, who sought to bear out the injustice of which the latter felt conscious he had been guilty, by publicly insulting and provoking me to a duel, which was to end in my dismissal from the service. Hence also the correspondence and finesse of General Shaw, who, although he must have

been fully aware that there *did* exist a report of the kind, was anxious to have it under my signature that I "could not" bring charges against any officer of the 6th Scotch for his conduct on the 5th of May. Foiled in their attempt to fasten upon me the onus of bringing a charge of the sort, which they knew it would be difficult to sustain, when all the officers of the 6th seemed to have arrived at one decision on the subject, it was thought advisable to turn the tables, by charging me with that which they well knew I *could* bring against another, but *would not*. My reserve was a keen weapon suspended over their heads, of which they were eager to dispossess me, and no means appeared so feasible as those they adopted.

The fact is, I never for one moment had assumed, until my return from leave, that Colonel Ross had been accessory to my being passed over in promotion, nor had I ever alluded to his conduct, except in the conversation with Captain Wood. I had all along anticipated that the influence of the Adjutant General would be exerted against me, not openly and in a manly manner, but secretly and indirectly. That officer had already done much to thwart my views, and after the glaring injustice of which he had been guilty, in refusing to procure the Brevet for me, during my gratuitous fulfilment of his duties in Vitoria, I knew I had nothing to expect from his interest—even if I was fortunate enough to escape his hostility. Was there no reason for this? There was. I had written of the Adjutant General in my first volume in any other than terms of praise; for praise I certainly could not accord to a man whose incompetency to fill the responsible office of Adjutant General, was notorious, and could only be equalled by the rapidity of his promotion. These passages, which, I have reason to know, the Adjutant General had some hint of being on record, I afterwards expunged.*

*At the close of Theodore Hook's popular novel of Jack Brag, that boasting hero is made to embark in the British Legion. Here I found the worthy gentleman, and I have endeavoured to describe his adventures in three volumes of continuation, which, though warmly approved and recommended by Mr. Hook himself, are yet unpublished. Should they ever assume a typical form, the intimate friends of Mr. Brag may, if they have curiosity enough, see their heroic deeds reflected "Veluti in speculum."

I have, at this moment, copies of orders issued by the Adjutant General, which carry absurdity on their surface, and would scarcely be pardoned in the most inexperienced Adjutant of a regiment. Nay, I have no hesitation in asserting, that to many of these ridiculous orders—orders given out one day, only to be countermanded the next—may be ascribed the deaths of many poor fellows barely recovering from the effects of typhus fever. I have myself known men in the first stage of convalescence, to have come in from some duty, (ordered by the Adjutant General,) which should have been executed only by men in rude health—throw themselves upon their couch of straw, and die with their accoutrements on, having no power to remove them—nay, without thought or inclination to murmur at the fate which put an end to their sufferings. I have paraded men scarcely able to stand, for several consecutive days, waiting the caprice of the Adjutant General to join their regiments, and when these poor and emaciated creatures had, after the greatest exertion, been marched in the midst of a pitiless rain within a few rods of their respective corps, to be sent back until he was pleased to take some new freak into his head. These I know to be facts, for as I have already stated, they occurred under my own immediate observation.*

My letters of remonstrance on the subject of the treatment of the convalescents, and of the infamous negligence of the Commissariat, who seldom could be made to issue rations to them before a late hour at night, were not forgiven by the Adjutant General, who seemed to think, and justly, that my remarks were an indirect reflection upon himself.

Then again, what were the qualifications of Colonel Le Marchant, to fill the important trust of Adjutant General to an army in the field? Certes they were happily exemplified in his order for me to attack an impregnable battery, with a single company, on the 5th of May, when

*Query,—Is not this a mistake? Surely these are not the services for which Her Majesty's Ministers have conferred the honor of Knighthood on General Le Marchant.—*Printer's Devil.*

a brigade had been driven from it an instant previously. But the fact is, the Adjutant General ever gave his orders without seeming to understand their import himself. When the first charge was made by the Light Brigade, he occupied a spot which prevented him from seeing the enemy's second line; yet when the troops, after the most heroic exertions to surmount impossibilities, were compelled to retire, he, without reflection, ordered Colonel Tupper to advance again upon a position which was utterly inaccessible but by scaling ladders. Colonel Tupper, in the brusque way that was habitual to him, flatly refused, declaring that his men had already done as much as men could do. From Colonel Fortescue, of the Rifles, he met with a nearly similar reply, and then it was that Colonel Tupper, on his inquiring for Major Ross to lead on the 6th, gave the answer I have already recorded. Did the Adjutant General offer to lead himself? No. Yet this officer obtained the military order of Saint Ferdinand of the 3d class, and was promoted to be Brigadier General.

Colonel Le Marchant, as the cousin of Colonel Tupper, and the friend of Captain Clark, to whom he had promised the first vacant regimental Majority, was but too happy to serve him at my expense. The private letters which were addressed to Colonel Considine, and officiously opened by Major Herman, were, with an object perfectly understood by me, conveyed to the Adjutant General, and by him shown to the Lieutenant General. This could be of little moment, as far as regarded my promotion—for the injury had already been committed—but perhaps some twinge of conscience caused him to suspect he was the individual of the borrowed plumes!

But to return. It was not likely that the independent course I had adopted in meeting the injustice of the Lieutenant General, and his little minded clique, would be easily forgotten. I had intimation from good authority, that as long as I continued in the Legion, I must not expect another step; however, as I had been assured by one of the Lieutenant General's Aids-de-Camp, that my Majority, by Brevet, would

be antedated to the 5th of May, the moment I obtained the regimental step, I resolved to see if he was really sincere in the expression of gratulation appended to the Court of Inquiry. I accordingly sent him a copy of my "Movements of the Legion," (which I had carefully withheld prior to my promotion,) in order that he might be convinced how little I had merited the imputation of writing against the Legion; expressing at the same time my intention to continue in the service, until a reinforcement of officers, of which the service stood much in need, should arrive from England.

A few days after my appointment to the 4th, the regiment was ordered to Passages, and as certain occurrences which took place there, bear undeniable evidence of the true feeling entertained by the Lieutenant General, who seems to have acted towards me on the principle of "those we have greatly injured we greatly hate," I cannot without injustice to myself and others omit them.

On the 30th of July there was a slight skirmish on the Heights of Passages, in which a company of the 4th behaved extremely well. Lieutenant Colonel Harley, and the senior Major of the regiment, being on the sick list in town, the command had devolved on me. After the affair I wrote to Colonel Harley :—

HEIGHTS OF PASSAGES, 30th July, 1836.

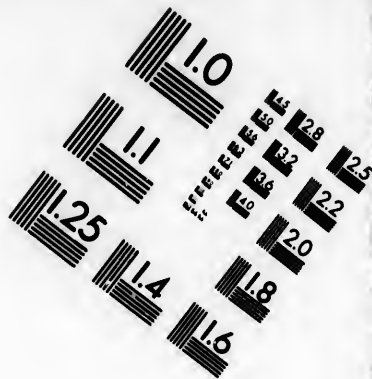
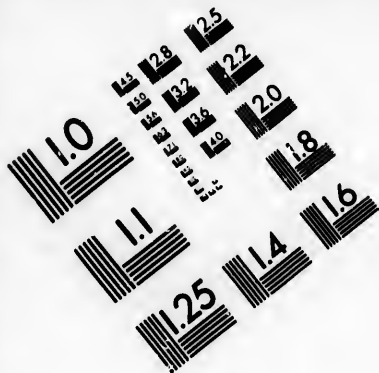
SIR,

Being in temporary command of the 4th Fusileers, I beg to make the following report of an affair which occurred this day :—

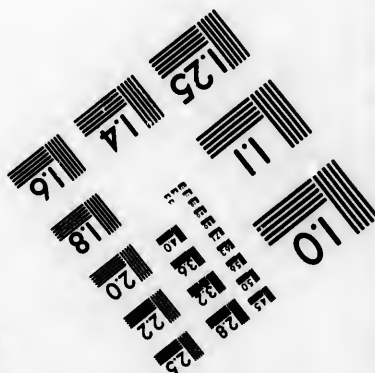
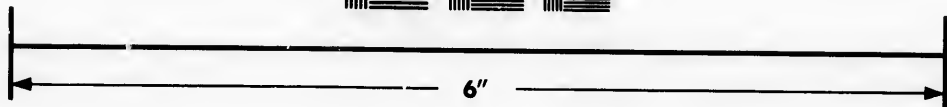
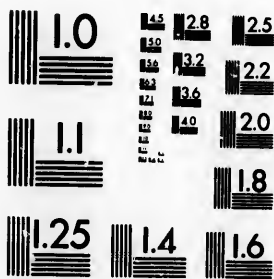
On reaching San Pedro, which I did soon after seeing you this morning, and on my way from the inspection of a company of my wing detached to Alza, I heard a sharp firing on the Heights of Passages, which caused me instantly to ascend the Heights, ordering up on my way the 1st and 2d companies. On reaching Lord John Hay's position, I found that the 8th company had been detached, by Captain Kirby, to cover a party of Sappers and Miners, sent forward for the purpose of destroying several of the enemy's picket houses.

On reaching the post occupied by our Spaniards, in advance of the position, I found this duty had been completely effected, and I saw the 8th company retire from the enemy, then hotly pursuing them, in good order.





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Some sharp firing ensued, covered by the guns from Lord John Hay's batteries, which finally dispersed and compelled the Carlists to retire.

I feel pleasure in reporting the cool manner in which the 8th company conducted itself on this occasion, retiring slowly before an impetuous attack of the enemy, and I beg to recommend Lieutenant Fryers, who commanded it, to your favourable notice.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Major 4th Fusileers.

Lieut. Col. Harley, Comg. 4th Fusileers, }
 &c. &c. &c., San Sebastian. }

On the following day I received from Colonel Harley the annexed communication, which fully satisfied me that the regiment was under strict—not surveillance—but espionage. The agents in this were Colonel La Saussaye,* and a Captain MacIntosh, of the Rifles, who had formerly been a private, (I believe in the 7th Hussars,) and was now Aid-de-Camp to General Reid. Both these officers were attached to the Quarter Master General's Department.

The men were employed on fatigue duty at Lord John Hay's batteries; and if it chanced that any of the number originally told off in the morning, absented themselves, or were lax in their duty, a report of the circumstance was instantly made—not to me as the officer commanding on the spot—but to Lord John Hay, and by him to the Lieutenant General. The latter suggested the expediency of bringing the officer in command to a Court Martial. Colonel Harley's letter stated:—

PLAZA NUEVO, SAN SEBASTIAN, 31st July.

DEAR SIR,

It has been reported to me that the men's firelocks are in a most disgraceful state, so much so that, if attacked, they would be perfectly useless.

Two persons came and told me a few minutes ago that two or three individuals of the 4th regiment disappeared very quickly yesterday when

* This person now commands what remains of the British Legion in Spain.

the firing commenced in front of Lord John Hay's position. I should very much like to know the party.

I remain, dear Sir,
Yours very truly,

P. HARLEY,
Lieut. Col. Comg. 4th Regt.

Major Richardson, 4th Regt., }
Heights of Passages. }

This, it must be confessed, was not a little provoking after the letter I had written on the conduct of the only company, and the only officer, engaged on the previous day. I immediately replied:—

HEIGHTS OF PASSAGES, 31st July, 1836.

SIR,

I had the honour to receive your letter of this day's date, on my return at night from clearing the streets of San Pedro of drunken and riotous men.

I am at a loss to conceive who can be the officious author of the reports alluded to by you, yet I will not dispute the possibility of the men's firelocks being in the state you describe, for the whole discipline of the 4th regiment is such that no single Field Officer can well be answerable for its appearance.

The Adjutant has this day *only* been upon the Height—you, from whom it appears all orders emanate, are on the sick list, and in town. The senior Major is also ill, and I am left even without a Sergeant Major. The medical officer, (for there is but one doing duty,) who should attend the hospital here, is daily in town, as he asserts, by your order, while the officers commanding companies—with one or two exceptions—know nothing of their duty. Under these circumstances I despair of doing any good with the regiment.

What my continuance in my very recent command might have effected while uninterfered with, I will not pretend to say, but if my arrangements are to be controlled, and my actions overlooked, I must beg to decline serving longer in the Legion, where my zeal and ability are thus questioned.

In addition to the general neglected state in which I find the regiment, I will simply state that when I ordered out the 5th company this day, they mutinied before the Adjutant, and refused to attend parade, in consequence of not having received any pay for some time.* I had recourse to my own measures to compel them.

* A few days prior to my joining, an order had been published for the express purpose of conveying the Lieutenant General's thanks to Lieutenant

A man was accidentally wounded to-day by a comrade, and three slugs, of which the charge seems to have been composed, entered his body. The wound has been dressed only by the Hospital Sergeant—the Assistant Surgeon having gone to town in attendance upon you.

Finally, sir, having for the last two days performed the duties of Field Officer, Adjutant, and Sergeant Major, to the extent of my power—though these were services I never anticipated—yet finding all my exertions vain, I beg to decline serving longer in the Legion, and have to request you will lay my retirement before the Lieutenant General, who has long been aware of my intention to leave the service.

I am ignorant who the parties can be, alluded to in your note, having only seen the men retiring in what, I repeat to have been, good order before a superior enemy. I shall make it a point, however, to institute an immediate inquiry.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Major 4th Fusileers,

Comg. Heights of Passages.

Lieut. Col Harley, 4th Fusileers, &c. &c. &c. }
San Sebastian, }

On the following day I instituted an inquiry into a report which I knew had not the slightest foundation in truth, yet which I shrewdly suspected had been circulated for the purpose of annoying me. The particulars I communicated officially to Colonel Harley.

HEIGHTS OF PASSAGES, 1st August, 1836.

SIR,

I beg to acquaint you I have instituted the necessary inquiry into that part of the contents of your letter of yesterday's date which alludes to a report of "two or three individuals of the 4th regiment having disappeared very quickly yesterday, the 30th of June, when the firing commenced in front of Lord John Hay's position," from which, in presence of most of the officers assembled, I have elicited the following facts:—

Captain Kirby, having been left in command of the companies on the Heights, states that he went forward with the Sappers and Miners, ordered to destroy the enemy's picket houses, leaving directions with

Colonel Harley, (a great favorite at Head Quarters,) and Paymaster Peyton, for the extreme promptitude of these officers in aiding the service by the *advance* of money out of their own pockets to pay the men. Lieutenant Colonel Harley, and Paymaster Peyton, were later compelled to leave the Legion, on mutual recriminatory charges of *peculation*, to the injury of the men. So much for advances.

Lieutenant Fryers to advance to their support with a subdivision of the 8th company. He himself finding the duty was being effectually executed by Lieutenant Fryers, retired from the first picket house—occupied by the Spaniards, whence he was watching the affair—to his command, on hearing that he had been inquired for by me.

Lieutenant Fryers, the only officer of the regiment present at the time, besides Lieutenant Greig, the subaltern of the guard, states that in pursuance of the order given him by Captain Kirby, he advanced close to the picket houses, with the Sappers and Miners, throwing his men under cover as skirmishers in support. When the duty had been completed, and the Sappers and Miners were retiring, he commenced a quick firing upon the enemy then advancing from various points, and (according to their practice upon a retiring body,) with great rapidity. Of Lieutenant Fryers' good conduct and that of the men under him, I can bear personal testimony, having reached Lord John Hay's batteries at the moment the Sappers and Miners commenced their retreat.

Under these circumstances, Sir, there being but two officers of the 4th regiment present, one actually engaged in the affair—and this one having been particularly noticed by myself for his conduct on the occasion—the officers of the Fusileers, present on the Heights, request to know not only who could be the "two or three officers" alluded to, as having misconducted themselves, but moreover who the parties are, who conveyed to you a report they esteem gratuitous and calumnious to a degree.

I may not close this letter, Sir, which I beg may be submitted to the Officer Commanding the Brigade,* and by him to the Lieutenant General, without stating a fact which in the course of my close investigation has been elicited.

When the picket houses were destroyed, and the enemy advancing upon the Sappers and Miners, Captain MacIntosh, of the Quarter Master General's Department, who was also out, ordered them to "leave their tools behind and run away as fast as they could," although under the protecting fire of our skirmishers. The men remarked freely on this circumstance on their return, and Lieutenants Miller and Reid, attached to the Sappers and Miners, have two men of that corps to produce in corroboration of that charge. Captain Askey and Lieutenant Hamilton heard the remarks made by the soldiers. Whether Captain MacIntosh was mistaken for one of the 4th, I cannot pretend to determine.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Major 4th Fusileers, Comg. Heights of Passages.

Lieut. Col. Harley, 4th Fusileers, &c. &c. &c. }

San Sebastian. }

* General Chichester.

On the same day that I wrote and despatched this letter, the reconnaissance to Ametzagana, to which I have alluded as having given rise to a misunderstanding between General Shaw and Colonel Fitzgerald, took place. The following day an orderly came to Passages with Colonel Harley's answer.

{ PLAZA NUEVO, SAN SEBASTIAN,
21 August, 1836.

DEAR SIR,

I have just received your letter of yesterday's date, and I am happy you made the necessary inquiry respecting some individuals of the 4th regiment reported to me as not having done their duty in the field, (name of any was not mentioned,) at the same time I shall not forget to procure, if possible, how the report should have been circulated, and will have every justice done to so foul an aspersion.

I remain, dear Sir,

Your obedient servant,

P. HARLEY,

Lieut. Col. Comg. 4th Regt.

Major Richardson, 4th Fusileers, &c. &c. &c. }
Heights of Passages. }

I waited some days, when finding Lieutenant Colonel Harley, who ought to have been the protector of the honour of his regiment, did not "procure," as he expressed it, how the report in question had originated, and being heartily tired of a service, wherein I saw it was resolved I should have no release from perpetual espionage, and wilful misconstruction of my motives for action—being, moreover, sick of plastering up Lord John Hay's batteries, a duty which I had never anticipated—I applied for leave of absence, intending, as had been the case with several other Field Officers, to retire at its expiration. The leave was, however, refused, and, a reinforcement of officers having arrived from England, I sent in my retirement from the service altogether.

Scarcely had I sent in this document, intending to avail myself of an early departure for England, when Colonel La Saussaye, who had the superintendence of the billeting department, applied to me to give up the billet which I held in San Sebastian. I told Colonel La Saussaye that

I thought the application a very unseasonable one for two reasons—firstly, because almost ever since I had been in Spain—even while in the Quarter Master General's Department—I never had had a proper billet, but had been obliged to hire apartments. Secondly, because I knew it was customary for such officers as retired from the service to retain their billets and servants, until an opportunity occurred for their departure for England. “Yes, it is true,” said Colonel La Saussaye, bluntly, “but I have been obliged to send the Provost Marshal to some of them to turn them out.” “Ah! is it so,” I replied. “Depend upon it, Colonel La Saussaye, you shall never have occasion to send the Provost Marshal to me,” and I left him.

It required no angel from Heaven to satisfy me that Col. La Saussaye had acted under a hint from the Lieutenant General, who was anxious to get me out of San Sebastian where I was a sort of living commentary upon his conduct, and thought that dispossessing me of my billet would prove a most effectual means. I immediately hired lodgings, and addressed the following letter to Colonel La Saussaye :—

} 6 CALLE NARRICA, SAN SEBASTIAN,
} 19th August, 1836.

SIR,

In consequence of the polite manner in which you alluded to my removal this morning, and the very gentlemanly hint you threw out in regard to the Provost Marshal, I beg to inform you that I have left the miserable billet with so much difficulty accorded me by you, and have taken private lodgings.

I am, Sir,

Your obedient servant,

J. RICHARDSON,

Major late 4th Fusileers B. A. L.

Lieut. Col. La Saussaye, &c. &c. &c. }
Billeting Department. }

Though I found there was little probability of Colonel Harley “having justice done to so foul an aspersion” on the character of his officers, as had been made by certain parties whom it was now evidently intended to shield, I was still determined the matter should not rest where it was.

An opportunity for entering more fully into the affair soon occurred. A dinner was given by the regiment to Colonel Sloane, their original Commanding Officer, and the then Commandant of San Sebastian, and to this I was invited. In the course of a conversation that ensued during the entertainment, I passed some rather free comments on the conduct of Colonel La Saussaye, and when the strangers had all departed, I called to Colonel Harley's recollection the promise he had made to discover the author of the slander against his officers. Thus pressed in the presence of the majority of these, Colonel Harley was obliged to give up his authority, though he did so very unwillingly. Few of us were taken by surprise when he named Colonel La Saussaye.

Here I must remark that in no service in the world could slander—and slander of its worst kind—have been carried to one half the pitch it had attained in the British Legion. Nothing was more common than for officers to indulge in whispered remarks on the character for courage of their brother officers, and I am sure I by no means exaggerate when I state that, with half a dozen exceptions perhaps, there was not an officer in the Legion, who had not, at some one period or another, been secretly taxed with being any thing but too brave—and yet the honourable wounds of these officers gave the lie, in almost every instance, to the poisonous slander. But such is human nature, and few, I fear, of the better feelings of that nature were to be found in the Legion in the last year of its existence, when the majority of those men who had served under the flag of their own country, had wholly seceded from a service they found so uncongenial to their experience of what the profession and feeling of a soldier towards his companions in arms should be. This I grant to be a humiliating picture, nevertheless it is most true. It was the deep disgust and indignation I felt at this system of things—a system which seemed to be in no wise discouraged by the Lieutenant General, and which had been already too painfully illustrated in the attempt made upon my own character as a soldier, that caused me to persist in unmasking the individuals who had so falsely dared to insinuate a similar

charge against the brave officers I had for a time commanded. I knew such charge could not be supported, and I was determined the onus should, if possible, recoil on the parties who had fabricated the slander.

The day following I addressed Colonel La Saussaye as follows:—

6 CALLE NARRICA, 20th August.

SIR,

At a public dinner, given by the officers of the 4th Fusileers yesterday, I learned from Lieutenant Colonel Harley, to whom I had previously addressed an official communication on the subject, and from whom I then required a final explanation, that you are the individual who had stated, when the firing commenced in front of Lord John Hay's position on the occasion of the burning of the picket houses, three or four officers of the 4th regiment had very quickly disappeared.

Now, Sir, although I am aware that during the period I was in command of the 4th regiment on Lord John Hay's Heights, every idle report, in the slightest degree disadvantageous to the officers and men of the 4th Fusileers, was, by you, most diligently conveyed to Head Quarters, still as you were not present on the occasion alluded to, I can only assume that the foul and calumnious falsehood must have been communicated to you by another party.

In the course of the inquiry which I instituted into the subject, at the desire of Lieutenant Colonel Harley, it was clearly shown that but one officer of the regiment was engaged, and that his conduct was in the highest degree meritorious. In the course of the same inquiry, (and its result was communicated to Lieutenant Colonel Harley,) it, however, appeared that there certainly *was* misconduct on this occasion, but not on the part of any officer of the 4th Fusileers. It was shown by the evidence of two officers attached to the Sappers and Miners, and by several men of the corps, that when the enemy made their appearance, Captain MacIntosh, of the Quarter Master General's Department, ordered the Sappers to "throw away their tools, and run as fast as they could," although under the protecting fire of our own skirmishers. To their credit be it said, the order was not complied with by the men, who were heard to make their own comments on it afterwards.

Now, Sir, in the name of the officers of the 4th Fusileers doing duty on Lord John Hay's Heights on the day in question, it becomes my duty as the officer then in command of the regiment, to demand your authority for the foul and atrocious calumny attempted to be conveyed against the corps. I shall only add that if you fail to afford the officers of the 4th

the satisfactory explanation and ample atonement they require, a copy of this letter shall be laid before the Lieutenant General.

I am, Sir,
Your obedient servant,

J. RICHARDSON,
Major late 4th Fusiliers.

Lieut. Col. La Saussaye, &c. &c. &c. }
San Sebastian. }

In the course of the same day came the following from the head of the Quarter Master General's Department. Colonel (now General) Jochmus, who, as he was in the habit of "dislocating" the Legion, might very fairly be excused for dislocating the forms usual on such occasions.

SAN SEBASTIAN, *20th August, 1836.*

SIR,

Lieutenant Colonel De La Saussaye requests Lieutenant Colonel Jochmus to state to you, that he has been informed of your having publicly at dinner yesterday called him a coward, because he did not take notice of a note you addressed to him on the day previous. Lieutenant Colonel Jochmus begs therefore you will inform him if this actually happened.

With reference to another letter which you addressed to him to-day, relative to a skirmish on the Heights of Passages, Lieutenant Colonel De La Saussaye states that he never had to report this, neither officially nor in any other way at Head Quarters;* and Captain MacIntosh, of whose name you have made mention in this letter, declares that he never mentioned at the time a word about the matter to Colonel De La Saussaye, and besides has desired Doctor Burnett to inform you, that he is obliged publicly to declare that your statement of the facts connected with the skirmish are "garbled and untrue." The undersigned, in transmitting to you these messages, on which they await your answer, regret to be obliged to state these disagreeable occurrences.

JOCHMUS, *Lieutenant Colonel.*
HENRY JONES BURNETT, *Staff Surgeon.*

* This is a subterfuge. Colonel La Saussaye denies making any official report of the kind to Head Quarters. Did he make the report to Colonel Harley? The latter officer says he did.

Lieutenant Colonel De La Saussaye has desired me the undersigned to transmit your letter to the Lieutenant General Commanding in Chief.

JOCHMUS,
Lieutenant Colonel.

This precious morceau, the joint production of the heads of "Heads of Departments"—I am wrong, Doctor Burnett's was not a head—was truly alarming, by reason of the "disagreeable occurrences" alluded to, which I confess I was dull enough neither to perceive nor understand. I, however, replied:—

6 CALLE NARRICA, 20th August, 1836.

SIR,

I have the honour to acknowledge your letter of this day's date, wherein you required to know if I yesterday called Lieutenant Colonel La Saussaye a coward.* Before I can answer that question, I must know your authority for the statement.

In regard to the second part of your communication, I have to observe that it is purely of an official nature, and as such, and affecting the honour of the 4th Fusileers, will come before the Lieutenant General.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

H. P. 92d Highlanders,

Major late 4th Fusileers.

Lieut. Col. Jochmus, Dep. Qr. Mr. Gen. }
&c. &c. &c. }

A second letter from Lieutenant Colonel Jochmus & Co.:—

SAN SEBASTIAN, 21st August.

SIR,

The undersigned, in answer to the note just now addressed by you to Colonel Jochmus in reply to their communication of this morning, have authority to state that Lieutenant Colonel Harley told Colonel De La Saussaye of the expression alluded to, or tantamount, and that Colonel Fitzgerald corroborates a similar statement.

* This is manifestly falling in with the very conduct I have deprecated; but the fact is, if I had made use of such term, it must have been in a moment of warm irritation—not coolly, maliciously, and without provocation. Moreover, I was willing enough to retort upon Colonel La Saussaye the charge he had recently brought against certain officers of the regiment, but had not the manliness openly to avow.

The undersigned further beg to state, that Captain MacIntosh's declarations are, in their and his opinion, of a nature *as* (qu.) not to admit solely of an official explanation, and request you will immediately name a third person for all further communication on both the above subjects.

Jochmus, *Lieutenant Colonel.*

HENRY JONES BURNETT, *Staff Surgeon.*

Major Richardson, &c. &c. &c.

I immediately wrote to Colonel Fitzgerald, and Lieutenant Colonel Harley, to ascertain if, as had been stated by Colonel Jochmus, they had attributed to me the precise expression contained in that officer's first letter. Their answer was that I had, whereupon I addressed Colonel Jochmus:—

6 CALLE NARRICA, *21st August.*

SIR,

I have no recollection of having absolutely used the term "coward" yesterday, in allusion to Colonel La Saussaye, but as it appears Colonel Fitzgerald and Lieutenant Colonel Harley have both so stated, I will not deny the expression attributed to me.

In regard to Captain MacIntosh's affair, whatever may be your private opinion, or that of any other person, on the subject, I consider it as a case involving the honour of the whole of the 4th Fusileers, and as such, whatever may be my own wishes as to the manner of disposal of the question, of an entirely public nature.

You will, therefore, not deem me wanting in proper courtesy to yourself or Doctor Burnett, if any future communications emanating from that gentleman, as connected with Captain MacIntosh's conduct on the Heights of Passages, will be in no way noticed by me, until the question has been finally disposed of by the Lieutenant General.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

H. P. 92d Highlanders,

Major late 4th Fusileers.

Lieut. Col. Jochmus, Dep. Qr. Mr. Gen. }
&c. &c. &c. }

After this letter, there was of course no alternative left to Colonel La Saussaye than to call me out. On the following day, to borrow a sportsman's phraseology, "the affair came off" on the sands of San

Sebastian. The adverse party had been sitting in full conclave, to determine what was to be done on the receipt of my last letter. All their voices were for war—but Colonel La Saussaye and Colonel Jochmus were of opinion that it should first begin, on their side, with Captain MacIntosh, and they even went so far as to propose that the party calling me out—namely, Colonel La Saussaye—could not meet me, until I should previously have met the last named officer. This was a pleasant enough arrangement to themselves, as they knew I was resolved not to afford Captain MacIntosh the indulgence he sought, and one, of course, by no means disagreeable to me. However, they had taken into their councils General Shaw's Aid-de-Camp, Colonel O'Meara, and as he happened to be rather more *au fait* at these matters, the objection interposed by themselves to their own demand for a meeting, was overruled, and Lieutenant Colonel La Saussaye eventually paraded on the sands.

The Adjutant General Le Marchant, and the whole of the Lieutenant General's personal Staff, repaired to the glacis of the town, (which was otherwise covered with spectators, and which commanded a view of the scene of action,) secretly triumphing in the anticipated fall of the man who had had the hardihood to set the clique at defiance.

Captain Fielding,* of the Rifles, was my friend—Lieutenant Ermtinger, of the Lancers, and attached to the Quarter Master General's Department, acted for Colonel La Saussaye. There was a glorious cavalcade assembled to witness the execution proposed to be done by this latter gentleman, in the persons of the "undersigning," (would I could have added, "undesigning") persons of Colonel Jochmus, Doctor Burnett, and Lieutenant Colonel O'Meara, the latter of whom having tendered his advice in the matter, was also most anxious to lend the *prestige* of his presence to the advised. Much to the surprise of these

* This officer was afterwards killed in one of the attacks which preceded General Evans' defeat at Hernani. He had been in the British Service, and I had known him at home.

gentlemen, I refused to take my ground, until the whole party had disappeared behind the adjacent sand hills. I had been accompanied only by my friend Captain Fielding, (from whom, by the way, I never heard how Lieutenant Ermatinger had been substituted for Colonel Jochmus, whose unique epistles had led me to suppose he was to officiate on the occasion,) and expected to find Colonel La Saussaye similarly attended.

The ground having been cleared, and our places taken, we snapped two caps, which I *then*, and have ever since, thought most singular. After each trial of our weapons, followed by no other report than that of the exploding caps, I was asked by my adversary's friend, through Captain Fielding, if I would retract the expression I was said to have made use of. I refused, and the pistols having, at my request, been changed for others, we fired without injury to each other. Indeed we might have amused ourselves in this manner until doomsday, for the seconds had decided we should be placed back to back—turning and firing the moment the word was given. This arrangement, in a soft sand nearly anele deep, was certainly not one likely to entail very serious consequences.

Again an application was made for the withdrawal of the expression, and again I refused, when Captain Fielding, urging strongly that I might with propriety retract, as Colonel La Saussaye had practically disproved the epithet, I said I had no objection to state "the expression I had made use of, in regard to Colonel La Saussaye, was an erroneous one, inasmuch as his conduct on the ground had proved it to be so." Colonel La Saussaye indignantly refused any thing short of an unconditional withdrawal, and, assuming that one concession was to produce another, declared it to be his determination to remain on the ground until morning, unless he obtained it. To this piece of bravado, my only reply was an audible sneer, and again the pistols were loaded and placed in our hands. After consulting with his second for a minute or two, Colonel La Saussaye, who was to have remained on the ground all night, unless I unconditionally retracted, determined on accepting the only concession I chose to

make. Here the affair terminated, and Colonel La Saussaye and I separated without further reconciliation.*

The anxious Staff, seeing the return of *one* of the combatants unscathed from the field, suffered bitter disappointment. They threw away the ends of their cigars—bit their lips through mortified spleen, and surrounding and questioning their champion, rode sullenly back into the town. “*Sic transit gloria duellæ.*”

About an hour after my return from the ground, came a message from Captain MacIntosh. I am afraid I received the bearer of it—Captain (now Lieutenant Colonel) Atkyns, (whom I have elsewhere named as being a most gallant young officer)—somewhat cavalierly, but I was a good deal annoyed at the pertinacity evinced to make Captain MacIntosh's affair a private one, and I accordingly gave Captain Atkyns his congé somewhat abruptly—declaring that the Lieutenant General should alone decide on the matter.

The game played by Messrs. Jochmus & Co. on this occasion, was any thing but a concealed one, however the natural obtuseness of these gentlemen, or their belief in my want of discernment, might induce them to think it was. Captain MacIntosh, in his illiberal and wanton desire to defame my officers, had unmasked himself, and it was hoped that if I could be brought to make a personal affair of the matter at issue, I could no longer persevere in my determination to bring it in an official shape before the Lieutenant General. What wisdom was concentrated in some of these heads and tails of departments.

The next day I addressed the following to Lieutenant Colonel Harley:—

6 CALLE NARRICA, 22d August, 1836.

SIR,

I have the honour to enclose to you copies of a correspondence which has taken place between Lieutenant Colonel Jochmus and myself, as

*I voluntarily stated, however, on leaving the ground, that I had no recollection of using the precise word “coward.” I perfectly remembered having said “no man of spirit or gentlemanly feeling would have submitted quietly to the letter his rude conduct had provoked from me on the preceding day.”

connected with the report of misconduct before the enemy of part of the officers of the 4th Fusileers, on the 30th of July, made to you, as you have stated, by Lieutenant Colonel La Saussaye. I have only to request that this circumstance, long since officially reported upon by me, may, in justice to the officers of the 4th, be laid before the Lieutenant General without loss of time.

You will perceive, from the tenor of the enclosed, that Captain MacIntosh is desirous to make his case a private one, in order to avoid, if possible, a public investigation into his conduct, which I have been under the necessity of making the subject of an official despatch. Neither my own sense of right, however, nor that of justice to the regiment to which I have had the honour of belonging, will admit of another course of action than that I have adopted. Captain MacIntosh, under the authority of his friend Doctor Burnett, is pleased to term my official statement "garbled and untrue." It is not my statement, but that of Captain Askey, Lieutenants Hamilton, Miller, and Reid, and of several soldiers of the Sappers and Miners.

You will observe, Sir, that, although no longer in the Legion, I forward these communications to you, because they are a continuation of official documents entered into, but not completed, before I left the 4th regiment. I have no doubt that your high sense of what is due to the honour of the 4th Fusileers will prompt you to demand an immediate investigation into the conduct of Captain MacIntosh, who has the good or bad taste—be it which it may—to call the courage of the regiment into question.

I have the honour to be,

Sir,

Your obedient servant,

J. RICHARDSON,

Major late 4th Fusileers.

Lieut. Col. Harley, Comg. 4th Regt. }
 &c. &c. &c. }

Finding that I was fully determined to prosecute this affair, and if possible, to draw the attention of the Lieutenant General to the subject, Lieutenant Colonel Harley thought it at length incumbent on him to make some show of interference in the matter. The result of this was, that Captain MacIntosh, accompanied by Lieutenant Colonel O'Meara, called on the following day at the lodgings of the above named officer, and stated, with a view of exculpating Colonel La Saussaye, that he was the individual who had charged an officer of the 4th Fusileers with want of courage on the Heights of Passages—and that the individual

he alluded to was Captain Kirby—the officer who had been left temporarily in command. On application to General Chichester, who commanded the Brigade, a Court of Inquiry was instituted into the conduct of Captain Kirby, who had himself requested it in the following letter:—

SAN SEBASTIAN, *22d August, 1836.*

SIR,

In consequence of the malicious and unfounded reports which have been made by Captain MacIntosh relative to my conduct on the Heights of Passages, I have to beg you will apply for a Court of Inquiry to be assembled, in order that I may be enabled to exculpate myself from a charge as disgusting as it is false and infamous.

I am, Sir,

Your obedient servant,

WALTER KIRBY,

Captain 4th Regt.

Lieut. Col. Harley, &c. &c. &c.

It was well known that Captain MacIntosh could not substantiate any part of his charge, but that, on the contrary, matters would be elucidated in the course of that Inquiry, the tendency of which would be to place him in the precise position in which he had infamously sought to plunge Captain Kirby. Hence, after a mutual understanding among all the “higher authorities,” and with a view to prevent the necessity of its being “officially” brought under the notice of the Lieutenant General, General Chichester, instead of applying for a General, or even ordering a Brigade Court of Inquiry, had desired Colonel Harley to institute a Regimental one.

Captain Kirby having been most honourably acquitted by the Court, the proceedings of which, with the addition of some severe comments on Captain MacIntosh’s conduct, were forwarded to General Chichester, commanding the Brigade, to be laid before the Lieutenant General, a message was immediately sent by the former officer to Captain MacIntosh, through Captain Fannin, of the 4th. Captain MacIntosh was satisfied with denying what he had previously stated to Lieutenant

Colonel Harley, in the presence of Lieutenant Colonel O'Meara, as will be seen below.

SAN SEBASTIAN, *August, 1836.*

SIR,

Having been called upon by you to state whether I ever at any time expressed my doubts as to the courage of Captain Kirby, of your regiment, or whether in my report to Colonel Harley, and in evidence before the Court of Inquiry, I in any manner meant to convey any charge against that officer, I think it my duty publicly to declare that I never in my life expressed, or meant to express such a charge against him, either directly or indirectly. I further beg to express my regret that I have not been called upon sooner to make this statement, and I feel satisfied that the members of the Court must feel satisfied that my evidence was of a nature rather tending to clear Captain Kirby than to inculcate him, and that in repeating the expressions made use of by the men,* *as I felt it my duty so to do*, that there could be but one opinion on the subject that the expression alluded to was a gross misrepresentation, Captain Kirby's absence from the field having been, in my opinion, most satisfactorily accounted for. Should this declaration be deemed sufficient, I shall be most happy.

I remain, dear Sir,

Yours, &c.

J. MACINTOSH,
Capt. Qr. Mr. Gen. Deprt.

Captain Fannin, 4th Fusileers, }
&c. &c. &c. }

This answer, so redolent of "expression," was, of course, "deemed sufficient," and therefore no doubt its writer *was* "most happy." He, however, told Captain Fannin, on delivering it to him in person, that if it should not be considered satisfactory, he would substitute any other he might think proper to dictate! Thus it is with the base, and the craven hearted—ready to pour forth their slander when secure from detection, but ever willing to eat their own words when their infamy is exposed and threatened with the chastisement it deserves.

* The statement of Captain MacIntosh to the Court of Inquiry, set forth that his knowledge of Captain Kirby's misconduct had been obtained from remarks made by some of his own men. Although the whole company, engaged on that day, were ordered to attend the Court, not one individual could Captain MacIntosh point out as his author for the calumny.

On his acquittal by the Court of Inquiry, and after the receipt of Captain MacIntosh's letter to Captain Fannin, a copy of which he enclosed, Captain Kirby, as the senior officer present at Passages, sent me the following:—

SAN SEBASTIAN, *August, 1836.*

SIR,

The officers of the 4th regiment, who were present at the time, beg me to express their admiration of Major Richardson's conduct, in demanding from Colonel La Saussaye the author of the foul accusation, against the honour of the regiment, on the recent occasion on the Heights of Passages.

I am, Sir,

Yours very faithfully,

WALTER KIRBY,
Captain 4th Fusileers.

Major Richardson, late 4th Fusileers, }
&c. &c. &c. }

The whole of the circumstances attending these proceedings were of a nature to satisfy me they were intended to be quashed without going farther. I was, however, determined not to let the matter rest until it had been submitted to the Lieutenant General, whose opinion, on the remarks on Captain MacIntosh's conduct, appended to the Regimental Court of Inquiry, I was anxious to learn. I accordingly, addressed General Chichester a note on the subject, requesting to know if he had submitted the proceedings to the Lieutenant General. The ignorance expressed by General Chichester, in regard to the contents of my note, and the indifference with which he treated the matter, is curious enough, and proves, as I said before, the desire which existed for shielding Captain MacIntosh from the consequences of his *espionage*—a system which must have had the sanction of more parties than one. But here is a literal copy of the letter which is without date, written shortly afterwards:—

MY DEAR RICHARDSON,

I think you were wrong in ————. Do you mean Reid or Kirby, for I have been *puzling* over your note, which I read as "Reid,"

and it has just struck me that it may possibly be Kirby to whom you allude, although the name as written appears to me plainly R. E. I. D.

If it is the last, I remember nothing about it. If it is Kirby and the officers on the Heights of Passages, I remember it well enough, but cannot say whether the proceedings of the Court were laid before the Lieutenant General or not. I have a *faint idea that I merely told him the result*, and gave the papers back to Hiley.*

I remain, dear Richardson,
Sincerely yours,

C. CHICHESTER,
Brigadier General.

J. Richardson, Esquire, &c. &c. &c.

Now, although, as General Chichester states, the Lieutenant General was made acquainted, by him, with the nature of the proceedings, Captain MacIntosh was almost immediately appointed permanent Deputy Quarter Master General, and afterwards obtained his Brevet Majority. Thus were those things managed in the British Legion.

I have been led into a detail of the occurrences at Passages, and their consequences, from a desire to exhibit, in its true light, the feeling and conduct of Lieutenant General Evans, even *after* he had been convinced, or rather convicted, of a glaring injury towards me. Because I had had firmness and independence of spirit sufficient to accuse him of gross wrong, in passing me over in promotion, "the ends of justice" require, forsooth, my arraignment before a Court of Inquiry on a charge most easy to bring—most difficult to disprove. It is, moreover, intimated to me that, because I have had the assurance to baulk the Lieutenant General in his most kind desire to crush and cover me with ignominy and shame, although the Majority I claim cannot be withheld from me without deeply committing himself, I need not expect further promotion in the service. Circumstances occur which place the conduct of another officer in a yet more questionable light, and yet there is

* I have no doubt, notwithstanding the weakness of the Brigadier's memory on the subject, the papers *were* submitted to the Lieutenant General, and if they were not, they should have been.

no "end of justice" to answer in bringing that conduct under investigation. And wherefore? Because the party accused is a second or third rate signature of the Lieutenant General, and the accuser—no, not the accuser, (for half-a-dozen officers of the 4th were the accusers,) but the supposed accuser, one whom the Lieutenant General loved not too well.

Under any other circumstances I should have spared the following anecdotes, from which the reader will perceive that the Lieutenant General's anxiety to meet the "ends of justice," was not so excessively vehement, unless he had some personal interest to serve thereby.

While we were in Vitoria, the scenes of drunkenness and disorder, which took place among a certain class, were such that it became a part of the duty of the Field Officer of the day to make the round of the cafés at ten o'clock at night, and expel whatever officers of the Legion were to be found in them. This was in general a duty of a most unpleasant nature, as it not unfrequently occurred that the Field Officer was insulted by a portion of these gentlemen, to whom the Lieutenant General had given commissions for no other reason than that they happened to have more or less influence as voters for Westminster. Scarcely a night passed without some row or fracas of the most disgusting kind, which often ended in the by no means British military practice of a set to *à la Crib*. These, in the Lieutenant General's eyes, were, however, matters of very little import, for if they came under the cognizance of a Court Martial, and the aggressors were dismissed the service, they were almost certain of being reinstated. For instance:—A Captain, who afterwards continued in the Legion to its close, having used some very insulting language to a Lieutenant of one of the Scotch regiments, was immediately knocked down in the café in which the quarrel occurred. The matter was reported to the Lieutenant General, and both officers were dismissed. Later, however, the individual who had incurred the double odium of having grossly insulted a brother officer, and submitted to the degradation of being knocked down,

without taking the usual notice of the assault, was reinstated, and soon afterwards promoted in the service, while to the officer who had been provoked to commit the outrage of a blow, no such indulgence was extended. This, however, is only one of several instances of the kind. But to the anecdotes I have promised, and which, indeed, I give because they relate to individuals who were on the Lieutenant General's Staff, whence his desire to conceal or gloss over their conduct.

The Honourable Mr. — was Aid-de-Camp to the Lieutenant General, but even while at Bilbao the personal Staff of that officer was so numerous that he was compelled to distribute many of those who might well, indeed, be termed "extras," among the other departments. Mr. — was accordingly appointed to duty in the — department, in which he was serving when the affair I am about to relate occurred.

Among the number of some most extraordinary individuals, whom the Lieutenant General had admitted into the service, was a foreigner of the name of Petto, a truly cut-throat looking ruffian. Never was the character of a downright bully more completely illustrated than in the person and manner of this man, who was sure to be in every "row" that occurred in Vitoria, and many of the more quiet and gentlemanly spirits of the Legion both hated and feared him. I forget now the precise nature of the quarrel between Monsieur Petto and the Honourable Mr. —, but I know it was something very trivial in the outset, and was only warmed into importance by the mischievous spirit of certain other parties. Mr. —, a very weak-minded person, was, according to his own account, a great duellist, and had been engaged in a vast number of affairs. Certain parties who had heard of these things, *usque ad nauseum*, were anxious to have ocular demonstration of the fact, and they accordingly urged him to say more than he perhaps would, had he not been positively assured that Petto, though a great bully, was a greater poltroon. The thing at last was brought to a crisis, and a meeting was appointed for the following morning. I am not positive on the point, and, therefore,

state it subject to correction, that Mr. — was the challenging party, which, if really so, renders the denouement still more ridiculous. After having slept on it, our hero became considerably cooler in regard to his quarrel, and so far from being on "wicked deeds of blood intent," absolutely refused, when he came to the ground, to meet Petto—declaring, as a reason, that the latter had not insulted him in such a manner as to render it imperative on him to fight—and that he was quite satisfied no insult was intended. His second was thunderstruck. He remonstrated with the honourable gentleman, but in vain—fight the latter would not, and his friend, telling him he was a "d—d coward," and had disgraced them both, quitted the field, and, hastening to the principal café, expressed, in no very measured terms, his opinion of the conduct of Mr. —.

The affair, of course, was immediately bruited abroad. A report was made by some one officially, (I forget by whom,) to the Lieutenant General, and a Court of Inquiry was ordered.

Now comes the curious part of the affair. In the course of the address made by Mr. — in his defence before the Court, he grounded the improbability of his declining a meeting from motives of cowardice, on the fact of his having fought numerous duels; and he numbered some five or six men whom he had had the misfortune to kill upon the Continent. Rather infelicitously, however, he named, among others, a gentleman in Paris who was a celebrated shot. A member of the Court of Inquiry—Colonel O'Meara—started on hearing the name. He requested Mr. — would repeat it. He did so, and from the manner in which he described him, there could be no doubt they both alluded to the same person. "Strange enough," said the member, "I have only within the last two days received a letter from Paris from this very gentlemen!" The Court were convulsed with laughter, and this little incident became the theme of conversation, and of course reached Head Quarters.

The sentence of the Court was what might have been expected. Mr. — was dismissed the Legion. What conduct did the Lieutenant

General pursue on the occasion? Could he who, Radical as he is, loves Lords and Honourables beyond all measure, even though as in the case of Lord Ranelagh, he has sometimes been laughed at and outwitted by them—could he endure that an honourable and a quondam aid-de-camp of his own should be expelled in this unceremonious manner? Not so. The “the tender bowels of his compassion” were enlisted in Mr. ——’s favour, and the proceedings and opinion of the Court were kept private, while it was most considerably stated in General Orders that “Mr. —— having urgent private affairs which required his presence at home, (to bury his dead perhaps,) the Lieutenant General had permitted him to retire from the service.” I am not quite certain there was not an expression of regret that the Legion had lost so valuable an officer.

The other anecdote to which I allude is even more curious. A Captain Ogilvie, who had been in the 6th, but was now no longer in the Legion, gave a dinner to some friends at Vitoria, at which were produced some very handsome silver candlesticks. An officer who had recently joined, and been appointed to the 6th also, was one of the party, and in the course of the evening expressed his admiration of the beauty and value of the candlesticks, wondering at the same time to see such articles of luxury on the table of an officer serving in Spain. “Oh, this is nothing uncommon,” said Captain Ogilvie, who had resolved to *intriguer* his guest, “wherever we march we meet with what we may require of the kind, and the convents and private houses in which we take up our quarters supply us with these articles in abundance. In fact we make it such a practice to rob and steal, that you will find other tables infinitely better supplied than mine.” This, it will be remembered, was said jestingly.

The next day the newly joined Ensign dined with his Commanding Officer, (Colonel Tupper,) and in the course of dinner stated that he feared there were some very extraordinary characters in the regiment; and he instanced what he had heard the preceding day. Colonel Tupper was, of course, very indignant, and, having obtained the name of

the party, hastened to the Adjutant General's Office to make a report of the circumstance. The Adjutant General, with his usual bustle, sent a message for Captain Ogilvie to attend him instantly. On leaving the office, however, Colonel Tupper happened to meet this officer, whom he immediately seized by the collar, and attempted to drag to the Adjutant General's Office. Captain Ogilvie remonstrated, declaring that as he was no longer in the Legion, Colonel Tupper should be held personally responsible for any violence he attempted to offer him. He however consented to accompany him to the Adjutant General's. When there, he was questioned as to the manner in which he had become possessed of the candlesticks, which, in the mean time, had been sent for to his lodgings. He refused to answer any queries on the subject, except in presence of the Lieutenant General. The Lieutenant General attended accordingly, when Captain Ogilvie, indignantly repudiating the charge of stealing which had been made against him, declared, on his honour, that he had purchased them. "From whom?" was the demand. Captain Ogilvie was unwilling to state. The Lieutenant General, however, insisted on hearing the name, with a view to severe and summary punishment of the offender. "Then, Sir," said Captain Ogilvie, "if you insist upon knowing, I bought them from an officer on your Staff, who admitted having plundered them from a house in which he had slept, on the route from Santander with your Excellency's baggage."

This was turning the tables with a vengeance, and all became dismay and confusion. What! an officer on the Lieutenant General's Staff steal silver candlesticks! Impossible. Sooner might the antipodes be expected to meet. Alas! it was a fact, and the only thing that remained was to hush the matter up. Captain Ogilvie was of course released from the dread of "durance vile," and Ensign B., the Lieutenant General's Orderly Officer, to whom the care of his baggage had been intrusted, was allowed to retire upon "urgent private affairs."

Will it be believed? This person was again taken into the service whence he finally made off, after robbing one of the Commissariat

chests. So much for Lieutenant General Sir De Lacy Evans' strict regard to "the ends of justice."

To return, however, to my narrative. It might have been supposed that, with my exit from the Legion, had ceased the power of General Evans and his agents to do me harm. Not so. I was soon made to feel that when there is a disposition to injure and oppress, the means, however unworthy and base, are ever at command. The circumstances connected with this last expiring effort of the Lieutenant General to affix a stigma to my character, are so gross and palpable, that they necessarily form a part of my *exposé*, and even if they did not, they should find insertion here, if only for the following reason:—

After the debate which took place in the House of Commons on Sir Henry Hardinge's motion on the affairs of Spain, in the course of which my character and conduct were so warmly vindicated, both by that gallant officer and by my friend Captain Boldero, opportunity was taken by some *liberal* member to state that I had been expelled from a club at San Sebastian.

This is partly false, and partly true—and now for the facts of the case as they stand to the present hour. Let the public judge on whom the odium of that expulsion rests.

In the month of October, 1836, a club was formed at San Sebastian for Regimental Field Officers and the Staff; and into this club were admitted, as I afterwards found, some very disreputable characters. At its formation, I was solicited to become a member, both by General Fitzgerald and Colonel Sloane, the latter the Commandant of San Sebastian, who was, in a great degree, the originator of the measure. I at first objected, urging, as a reason for not complying with their wishes, my approaching departure for England, and even pointing out that, strictly, I had no right to become a member of the club, as I no longer belonged to the Legion. However, as both these officers almost insisted on my compliance, General Fitzgerald declaring that he would put down my name, I at length assented.

Some few evenings afterwards I paid a visit to the club, but finding it so different from any thing to which I had been accustomed, I resolved to leave it. Certainly nothing less resembled a place appropriated to gentlemen. The coarse card tables were without cloths, and the players had ever their hats on—*la cigars en bouche*—and a glass of brandy and water at their elbow, while, to crown all, the waiters were permitted to remain in the room, and in the most familiar manner to overlook the players. Add to this, there were admitted into the club, men who had previously been dismissed with ignominy from the service, although subsequently reinstated by the Lieutenant General. Among others, was an officer of the Medical Staff, on whose Court of Inquiry I had myself sat at Bilbao, and who had, in consequence of the finding of the Court been dismissed the service—and an individual who had joined the Legion in the capacity of a servant. This, indeed, was carrying the free and easy—the liberty and equality principle of Lieutenant General Evans—to an extreme, and, as I have before remarked, I resolved to retire from so mixed an association.

On the second and last night of my visit to the club, I had reason to find fault with the extreme insolence of the head waiter, who seemed to have the entire control of the establishment, and was in the habit of addressing himself to the members, in a tone and style rather different from those adopted by servants to the members of London clubs. Irritated by the fellow's conduct, I threatened to throw him out of the window, on which he went below to prefer his complaint to Colonel Sloane, the President of the Committee. Colonel Sloane soon afterwards made his appearance, when I acquainted him with the insolence of the servant, not only to myself, but several other persons, and said that unless he was dismissed, I should withdraw my name from the club immediately. Colonel Sloane's reply was—and it struck me with utter astonishment—“The waiter is only servant to the Committee. He shall not leave the Club—but you can leave it if you please.”

In an instant it occurred to me that the affair was a planned one, and

that the object in inducing me to become a member, was to fasten a gratuitous insult upon me on the first occasion that offered. Roused by this impression, I immediately replied that "no gentleman would have made use of the same observation." Colonel Sloane then inquired:—"Do you mean, Sir, that I am not a gentleman?" "I do, Sir," was my emphatic reply, and turning at the same moment to several officers who were standing near the fire, I continued:—"I wish it to be particularly understood by all present, that I declare Colonel Sloane to be no gentleman." I then retired to my lodgings, where I wrote the following note, which I placed with my own hand on the table of the reading-room, in presence of several members of the Committee.

Major Richardson begs to withdraw his name from the Club which has been instituted by certain individuals of the British Auxiliary Legion. San Sebastian, 4th November, 1836.

About an hour after my return from depositing this note, Lieutenant Colonel Ross, of the 6th Scotch, accompanied by Major Clarke, of the Quarter Master General's Department, who came merely to introduce the former, called upon me on the part of Colonel Sloane. I immediately replied to Major Clarke, that I should be happy to entertain any other friend of Colonel Sloane, but that with no individual of the 6th Scotch would I, under any circumstances, hold communication. Colonel Ross and Major Clarke then withdrew, the latter assuring me, as I well knew to be the case, that he came more as a pacificator, than in any other character.

The same night I received a note from Colonel Sloane, requesting me to name a friend with whom he could communicate. I replied, that the lateness of the hour prevented me from naming one that night, but that on the following morning a party should wait on him. Accordingly, the next morning, Mr. Lambton, a son of Colonel Lambton, formerly of the 33d, who was on the Medical Staff of the Legion, and who was present at the fracas, waited on Colonel Sloane. The latter expressed

considerable disappointment at my refusal to entertain Colonel Ross, who was his most intimate friend, and to whom alone he could intrust the direction of an affair of so much importance. Mr. Lambton having communicated this to me, I said that as Colonel Sloane could not conveniently name another party, and as there was no necessity for my coming personally in contact with Colonel Ross, I would consent to waive my original objection. The parties met and conferred together, and it was decided that mutual retractions should be made. Colonel Sloane stated that the expression which had given me offence was not intended—while I, in my turn, withdrew my declaration that Colonel Sloane was not a gentleman.

Thus far so well—but now comes the farcical, yet infamous, part of the affair. That morning a placard was stuck up in the principal streets and Plaza of San Sebastian, by a person of the name of Taylor, a Staff Surgeon, who was one of the Committee of the Club, and to whom, as such, I had made some remarks, the evening before, on the strange manner of conducting an association, which looked, as I have elsewhere said, more like a common tavern, than a place of amusement for officers and gentlemen. In this, I admit, I was wrong—but only in so far that I condescended too much. I had no business to notice or trouble myself whether the Club was conducted on orthodox principles or not—or to pass any other comment on it, than what the simple withdrawal of my name afforded.

The purport of this notice was, I understood afterwards, (for I never saw it,) to call a general meeting of the Club, to take into consideration subjects affecting it, of "vital importance." What these very important subjects were every body knew long before the meeting was convened, and then came the rush of "mighty men," anxious for, and deeply interested in, my overthrow. There were the united Staff of the Lieutenant General—Messrs. Jochmus & Co.—my friend Colonel La Saus-saye—Major MacIntosh—the modest Mr. Inspector Alcock, whose highly grammatical letter appears at the close of my "Movements of the

Legion, &c. &c. &c.—and lastly, the Reporter of the *Morning Advertiser*, who was in the habit of eating the Lieutenant General's dinners, and transmitting splendid accounts of his "victories" to the various pouthouses in Westminster. This person was invited to attend for the purpose of sending home a statement of the proceedings of the Club the moment they had terminated. After this, it will not be very difficult to believe, the result had been decided long before the meeting took place.

The proceedings, of which not the slightest intimation had been afforded me, were opened by the same Mr. Taylor who had placarded the meeting. That individual stated that on the preceding night I had sought a personal quarrel with him; and further, that I had insulted the Club generally, by telling Colonel Sloane, the President of the Committee, he was not a gentleman, simply because he had refused to kick the servant down stairs at my desire!

This, whether true or false—absurd or consistent—mattered little to my enemies who had repaired to the meeting for the express and most magnanimous purpose of insulting me. It was in vain that Mr. Lambton, who was present, and whose conduct throughout exhibited a manliness and independence which subsequently drew upon him the wrath of his superior officers, protested against the unprecedented character of the proceeding. It was in vain he urged that a private quarrel, honourably and satisfactorily arranged between the parties, ought not to be made a question for public consideration. The match had been applied, and the explosion was inevitable. The dogs, or rather puppies, of war had been let loose, and there was no probability of re-enchaining them. Major Richardson, who had contrived to steer his bark through the Scylla and Charybdis of plot and conspiracy while in the Legion, was fated—no, not fated, but intended—to suffer shipwreck almost at the moment of his arrival in port.

In the midst of his very natural protest against the injustice of these proceedings, Mr. Lambton was unceremoniously interrupted by Colonel Kirby, who said the members were not met there to hear any explana-

nation of the circumstances attending Major Richardson's quarrel with Colonel Sloane, but to consider whether the offence offered to that individual was not an *insult to the Club at large*. Of course it was instantly decided in the affirmative, whereupon Colonel Kirby proposed the resolution which appears below—this was seconded by General Chichester, and carried, I believe, without a dissentient voice. But I am wrong. I understand there was one other individual, besides Mr. Lambton, who was manly enough to raise his veto against the resolution. This was Col. O'Connell who stated he thought that, at least before any measure of the kind was resorted to, Major Richardson ought to be permitted an opportunity of replying to the charge which had been brought against him. But what was one voice in such an assembly. Colonel O'Connell's objection was over-ruled, if at all listened to; and the only result of his attempt at remonstrance, was a disavowal of any share in this most iniquitous of all proceedings.

Mr. Lambton having called upon me in the course of the day, I was given to understand, by him, what was in agitation. I was not therefore taken by surprise, when the following resolution of the club was brought to me.

SAN SEBASTIAN, *November 5, 1836.*

At a general meeting of the club, Lieutenant Colonel Thomson,* 1st regiment, in the Chair, it was proposed by Colonel Kirby, seconded by Brigadier General Chichester, and unanimously resolved, that Major Richardson, late of the B. A. Legion, be informed, that his conduct last night was such as to outrage the feelings of the members, being a breach of the regulations of the Club—that his subscription be returned to him, and his name erased from the list of members of the Club.

J. THOMPSON,
Lieut. Col. and President.

Had contempt not been a predominant feeling in my mind, indignation must. I congratulated myself, however, on getting back my subscription, which fully equalled in value (although only two dollars) any

* This officer was later placed on the retired list, in consequence of a charge of misconduct brought by General Evans against the 1st regiment of the Legion, which he commanded at the defeat at Hernani, in March, 1837.

advantages that could have resulted from continuing a member of so respectable a body. I acknowledged its receipt in the following :—

“ Major Richardson acknowledges the receipt of his subscription from Lieutenant Colonel Thompson, President of the B. A. Club. Had Major Richardson not withdrawn his name from it last evening, he would have duly felt the honour proposed to have been done him this day.

Calle Narrica, 5th November.”

I must not omit to state, *en passant*, that it was one of the considerations of the Club, whether my retirement from it, which I had sent in the preceding evening, should be received or whether it should be rejected. As they could not so well fasten their intended insult upon me while out of the Club, they were determined to consider me in it, and therefore rejected my letter of withdrawal from their most just, honourable, and impartial body. Hence the resolution enclosed to me.

As I had intended, my answer not a little perplexed them, as to its true meaning. To some it was perfectly algebraic—to others not more intelligible, but in their chief aim they had been principally foiled. It was supposed I should instantly have called out General Chichester and Colonel Kirby, the proposer and seconder of the insult, in which case it was the intention of the Lieutenant General to order me instantly out of San Sebastian, and without giving time for a meeting. I had wit enough to perceive this, and on the very evening of my receipt of the resolution of the Club, while I was yet meditating how to act with effect, I was informed that I had better be extremely cautious in the steps I meant to pursue, as the eyes of the Lieutenant General and those of his Staff were upon me; and that they only waited to have an opportunity of announcing to the world that I had been turned out of San Sebastian. Under these circumstances I could do nothing more than pass over to the French coast, and leave notes of invitation for those who had provoked them, to follow me thither. The weather, however, was so boisterous that I found it impossible to embark before the 16th of the month.

My reflections were, I confess, of any other than a pleasant nature, and in reviewing the conduct pursued by those officers of the Legion who had voted for my expulsion, I could not but feel a contempt for their proceedings, which no expressions of mine can sufficiently render. I could not have believed it possible that men, calling themselves officers and gentlemen, could so far forget what was due to their own characters, as to compromise themselves by a conduct which could have no precedent; and I felt more deeply and bitterly on the subject, because among the number were Generals Chichester and Fitzgerald. The former officer had all along evinced but too much readiness to fall into the views of the Lieutenant General, and therefore there was more of indignation than regret in the feeling I entertained towards him. But when I heard that General Fitzgerald, who had ever previously manifested the utmost independence of mind, proving himself the friend of one whom he knew to be most unjustly persecuted, had joined in this conduct, I felt deep astonishment and dismay.

But I will do General Fitzgerald the justice to believe that some strong motive must have influenced him in adopting the course he pursued. In one or two English papers which I had recently seen, General Fitzgerald was written of by some officer in the Legion, in rather cavalier and offensive terms, and my firm impression is, that these paragraphs proceeded from Head Quarters, and were written with a view to induce General Fitzgerald to believe I was the author of them. Some of the higher officers of the Legion had given me credit for writing of the mode in which the Staff of the Legion was conducted, in rather a satirical strain.* General Fitzgerald had some hint of this, and therefore it was the less difficult to persuade him that I had sent forth the paragraphs which related to himself, and yet I knew not why it should have been so, for General Fitzgerald ought to have known me better. I am rather diffuse in my reference to the conduct of this officer, for however deeply pained and hurt I felt on hearing *he* had joined the powerful ranks of my

* For one of many instances of this, see Appendix.

enemies, I never could forget the manliness of conduct he at one time had evinced.

Still, whatever might have been the private enmity or personal prejudice of individuals, this very fact should have rendered them more cautious of committing an injustice, and what injustice could be more manifest than that of condemning one officer on the ipse dixit of another, without a due notification of the charge being given, or the accused being offered an opportunity of explaining, if he could. That the great mass of those assembled to decide upon my conduct, would avail themselves of the only opportunity that might ever offer of revenging themselves upon one they had not the courage to attack in a more open manner, I could well enough believe, for I knew that many of them were the very refuse of society; but that General Chichester and General Fitzgerald should have fallen into the same course of conduct struck me, I confess, with pain and dismay. I was glad, however, to find that neither Colonels Fortescue, Churchill, Cannon, nor Apthorpe, who, with Colonel O'Connell, were almost the only gentlemen of the English service left, had countenanced a meeting the true object of which was so apparent.

To add to my supposed discomfiture, it was conveyed to me that several officers of the 6th Scotch had avowed their determination to horsewhip me for refusing to receive Colonel Ross, or any other officer of that corps, in the capacity of friend to Colonel Sloane. This I firmly believed would be done, for now that it was known the Leviathans of the Club had recorded their magnanimous resolution to expel me from their body, there was every reason to expect the "small fry" would seek to ingratiate themselves with the Lieutenant General by insulting me also—and I as firmly believe, on the honour of a gentleman, that if the 6th Scotch had carried their threat into execution, any attempt of mine to punish them, so far from being suffered by the Lieutenant General, would have been followed by an immediate order of removal from the country.

Satisfied as I was that I should be publicly insulted, and that redress for such insult would be denied me, my position was any thing but an agreeable one. This certainly was to be avoided by remaining in the house; but I could not bear the thought that my confinement to it should be attributed to such an apprehension. Even if others did not know it, I should, and such consciousness was not to be endured. Things were, however, arrived at a crisis which made me desperate, and when I went out, which I did more to prove my defiance of the threat of a "horsewhipping" than any thing else, it was not without a proper weapon of defence. With this, whatever the consequences, I was resolved to make an example of the first officer who should venture to assault me. But although they evinced outward signs of a most noble pugnacity, none of them ventured upon the accomplishment of their threat.

In the mean time, having been apprized of the false, yet uncontradicted, statement made by Mr. Taylor at the meeting of the Club—a statement which I did not choose to explain to that august body, reserving the opportunity to a future period—I received, in reply to a note on the subject, the following letter from Major Clarke, of the Quarter Master General's Department, who had also withdrawn his name from the Club, in consequence of the admission into it of the dismissed officers and ex-servants of the Legion, to whom I had already alluded.

SAN SEBASTIAN, *9th November, 1836.*

MY DEAR RICHARDSON,

I have no hesitation in replying to your note, in stating what I heard and saw on the night of the misunderstanding between Lieutenant Colonel Sloane and yourself. The head waiter of the Club had been excessively insolent on several occasions during the evening, which led to some altercation, on which he brought up Colonel Sloane, who, as far as I saw, without making any inquiry, came up to you, and said that the waiter was only a servant to the Committee, and that you might leave the room, on which you replied no gentleman would have made such an observation, on which Colonel Sloane demanded—"Do you mean to say I am no gentleman?" to which you replied—"Yes." You

were much excited at the time, as I myself should have been, at the conduct of the waiter, but there was nothing in your attitude or manner that could have been in any way construed into a threat of personal violence to Colonel Sloane, which, if such had occurred, could not have escaped my observation—as I had my eyes upon you the whole time.

Believe me, my dear Richardson,

Yours very faithfully,

W. A. CLARKE,

Major, Qr. Mr. Gen. Depart.

Major Richardson, &c. &c. &c.

Confirmatory of the facts contained in this letter, I subjoin another from my second, Mr. Lambton, who was also present at the transaction.

SAN SEBASTIAN, 13th November, 1836.

MY DEAR MAJOR,

I should most willingly have explained by letter the unfortunate difference which took place between Lieutenant Colonel Sloane and yourself at the Club, on the 5th instant, but I think you will agree with me, that as I acted as your friend upon the occasion alluded to, and was so fortunate as to bring the affair to an amicable termination, that any explanation made on my part, relative to the unfortunate difference, would be inconsistent, as a party concerned.

I have no hesitation, however, in stating that the affair was *honourably* arranged to both parties, and that not the slightest imputation can be cast on your conduct as an officer and a gentleman.

I have read Major Clarke's letter to you, and I consider it a *very correct statement of what occurred.*

Believe me, my dear Major,

Yours very sincerely,

WILLIAM LAMBTON,

Assistant Staff Surgeon.

Major Richardson, late of the 4th Fusileers, }
&c. &c. &c. }

Here, then, were two letters in every sense contradictory of the ridiculous statement made by Mr. Taylor, the extreme improbability of which was of course no subject of question with the Club, who would have been very much disappointed, indeed, had not some cause been framed necessary to the end proposed, and to give a colouring of justifi-

cation to their conduct. Did I communicate these letters to the Club? Most certainly not. It may be asked wherefore, since they could not fail to convince every man of sound honour and right feeling, that I was the person principally aggrieved in the affair with Colonel Sloane. My reasons for not doing so, were three in number. In the first place, I could not condescend to enter into any sort of explanation with a body of individuals who had thus acted; secondly, I was unwilling to compromise Major Clarke, who had already experienced the most marked neglect of his services, at the hands of the Lieutenant General, in consequence of the evidence given by him on my Court of Inquiry—a neglect in which Colonel (now General) Kinloch equally shared; and thirdly, because I felt fully persuaded that no explanation, however satisfactory in itself, would be regarded by men who had acted—some under the influence of personal feeling—others under the impression that their hostility to me would be the certain means to ensure the favour of the Lieutenant General. Mr. Lambton, indeed, had already been made to experience the rule of his superiors, for having had the boldness to expostulate on the absurdity and injustice of the proceedings of the meeting. Oh, these little men of a yet more brief authority!

The falsehoods invented by my enemies, in regard to my affair with Colonel Sloane, were beyond all credence. Some persons even went so far as to assert I had threatened personal violence to that officer. In order to place the question beyond a doubt, I wrote him the following:—

} 6 CALLE NARRICA, SAN SEBASTIAN,
8th November, 1836.

DEAR COLONEL,

Unfortunate as was our misunderstanding of the other evening, we have mutually explained and are mutually satisfied—but rumour, with her hundred tongues, has magnified as usual.

It is reported that, on the night of our disagreement, I either struck or held up my hand to you threateningly. Now this is a great injustice to us both—to me, in assuming I could have so acted—to you, in supposing

you would have submitted to such blow or threatening gesture, without duly resenting it.

No mention of apology is made for any action of mine in the explanation I rendered, and certainly had I done as represented, you would not have been satisfied without more ample satisfaction than I gave.

Have you, therefore, any objection to state in writing that no such blow or threatening gesture was ever made by me? I may have raised my hand in the energy of expression of the moment, but I certainly never intended it should have been interpreted in a different manner. You, I know, would not have suffered the insult to pass unnoticed had I done so.

I am, dear Colonel,

Yours, &c.,

J. RICHARDSON,

Major, late B. A. L.

Lieut. Col. Sloane, Commandant, San Sebastian, }
&c. &c. &c. }

I received for answer:—

SAN SEBASTIAN, 8th November, 1836.

DEAR MAJOR,

In reply to your note just received, I have to inform you that no blow was struck, neither do I think intended, in the late unfortunate transaction.

Very truly yours,

W. M. SLOANE,

Lieutenant Colonel Commanding.

Major Richardson, &c. &c. &c.

On the 16th, as I have already stated, the wind, for the first time, lulled sufficiently to enable me to embark for Bayonne. I had prepared my letters, and gave orders they should be delivered to their respective addresses the moment I was out of Lieutenant General Evans' jurisdiction. The two principal of these letters were for the proposer and seconder of the insult that had been offered to me on the 5th of November, Colonel Kirby and General Chichester, but as these parties have since made me the *amende honorable* for their prominent share in the transaction, I forbear publishing them.

In order that no mistake should occur as to the existence of these letters, I took the precaution, not only to show them to those officers who

had so nobly came forward with their testimony to save me from the blow which had been aimed at my character by the Lieutenant General, but I also enclosed copies of them to the Committee of the Club, in the following communication :—

SAN SEBASTIAN, 12th November, 1836.

To the Committee of the B. A. L. Club Major Richardson encloses copies of letters addressed by him to General Chichester and Colonel Kirby. Major Richardson considers it due to himself, that as the offence was public, no mistake should occur in a knowledge of the transmission of these letters to the parties so prominent in the wanton insult offered him on the 5th of November.

To Colonel Thompson, who had presided at the meeting, I wrote :—

SAN SEBASTIAN, 12th November, 1836.

SIR,

When you were placed in the chair at a meeting of the British Auxiliary Legion Club, to affix your signature to the paper I received from you on Saturday last, you merely performed a part suggested and desired by your superiors.

But, Sir, having understood that an account of what are called the proceedings of a general meeting, has been, or is about to be, transmitted to the London press, I simply warn the writer, through you, that unless the account forwarded be a correct one, I shall not only contradict it with incontrovertible facts, but an action for scandalous libel shall be brought against his employers.

I am, Sir, &c.,

J. RICHARDSON,
Major, late B. A. L.

The President of the Meeting of the }
San Sebastian Club. }

The two next individuals to whom I felt it incumbent on me to address communications, were Surgeon Taylor, and Colonel Shaw, of the Artillery. The former, it will be recollected, had opened the meeting with a most violent misstatement of my conduct, and the latter was the individual who proposed that my resignation should not be accepted, but, on the contrary, my dismissal from the Club recorded.

To the Lieutenant General, at whose instigation the several parties had acted, I could not of course send a communication of purport similar with the preceding; however, I was resolved not to leave the country without an expression of my opinion of the conduct he had thought proper to adopt towards me. I accordingly addressed him:—

SAN SEBASTIAN, 12th November, 1836.

GENERAL,

I should indeed be sadly wanting in gratitude were I, on taking my final leave of Spain, to omit returning you my most sincere thanks for all the goodness and loving kindness I have received at your hands since I have been in the Legion—more especially since my departure on leave of absence in May last.

As a very poor return for your unceasing attention, permit me, however, to enclose you the accompanying very important document.* It was given me for the express purpose of publication, by an officer of no mean rank in the Legion under your command—one who at the meeting of the 5th was among the loudest in outcry for the insult so gratuitously offered to me.

It was a high compliment that officer paid to my sense of honour, when he feared not a very justifiable feeling of revenge might induce me to betray a secret which would have cost him his commission. He judged me rightly. I had pledged my word to secrecy, and although I enclose you the document in question, no consideration shall cause me to divulge his name. Suffice it to note, that he is one who, whatever may be his *present* views, I have repeatedly heard to threaten you with personal chastisement, on your mutual return to England.

May his own reflections when he hears of the forbearance I have shown in return for his gratuitous unkindness—as doubtless he will—be his only punishment.

I am, General,

Your obedient servant,

J. RICHARDSON,

Major, late B. A. L.

Lieut. Gen. Evans, &c. &c. &c.

At Bayonne, I waited three days, in the full expectation of being followed by at least two of the four gentlemen to whom I had intimated my intention of remaining there for that time. Mr. Taylor, I understand, made a great show of valour in the streets of San Sebas-

* A paper containing an account of the heavy sums pocketed monthly by the Lieutenant General.

tion, having applied for and obtained leave from the Lieutenant General to follow me to Bayonne. No sooner, however, was the leave granted, than Mr. Taylor interposed an obstacle of his own creation, in the shape of an appeal to his coadjutors, as to whether he was really called upon to follow or not. This was amusing. There was, however, more real excuse in the state of the weather, which had again become boisterous immediately after my departure, and not a little was Mr. Taylor consoled thereby. That no plea might be urged hereafter on the score of unfavorable weather preventing the parties from coming to Bayonne, I waited three days longer. On my departure I dispatched the following:—

BAYONNE, 23d November, 1836.

I certify that Major Richardson remained at the same hotel where I am now stopping, (the Hotel St. Etienne,) until this day, Wednesday.

CHARLES HEYLAND,
Captain Unattached, British Service.

The moment this certificate was read by the Committee of the Club at San Sebastian, to whom it was addressed, a second meeting was called, in order to "determine what was to be done under existing circumstances." There was, as usual, much noise and little wool; however, it resulted that some one, (Colonel Shaw, of the Artillery, I believe,*) wrote home an account to the *United Service Gazette*, of my expulsion from the Club at San Sebastian, expressing, at the same time, the anxiety of that highly principled association, to make their own story good before my arrival in England. This paragraph I did not see for some months afterwards, when I replied to it as far as the limits of a newspaper would admit, promising more ample refutation at a future time when the conspiracy formed by General Evans against me should be fully exposed to the public.

On leaving Bayonne, I intimated to several of my friends at San Sebastian my intention of remaining sufficiently long at Bordeaux,

* An officer remarkable for nothing that I am aware of, but his perpetual pestering of the Spanish Government, through the English Ministry, for his arrears of pay.

whither Captain Heyland had accompanied me, to admit of every facility being afforded to those who had any inclination to follow ; but although the fact was made known, at my desire, to the parties most interested, no one came. Having continued nearly three weeks at Bordeaux, without any sign of a hostile visit, I set off for Paris, but did not reach London until the early part of last year.

Although I knew that the Reporter of the *Morning Advertiser* had been invited to attend the meeting of the San Sebastian Club, with that view, as I had never been in the habit of reading or indeed of even hearing of the existence of the paper, I did not take the trouble to examine its files to see if the threat of publication had been carried into execution. I am therefore in ignorance, to this hour, whether any slander has been circulated through the columns of that journal—nor do I indeed attach any importance to the fact, for I confess my letter to Colonel Thompson was written more in a spirit of scornful defiance than any thing else.

With the *United Service Gazette*, which was in the hands of all military men, it was very different. My attention having been called thereto, I at once recurred to its files, and found the following lying paragraph, which had been written after the receipt of my copies of the letters to General Chichester and Colonel Kirby by the Committee of the Club ; and the subsequent certificate of Captain Heyland :—

“ There has been one rather unpleasant circumstance, but which will be of use in many points, as it shows that the superior (?) officers are determined to put every thing of an improper kind down. This is the history : and as the aggressor will try to make good his own story when he arrives in England, I wish you to be in possession of the facts, and to be beforehand with him. Major Richardson, of *Ecarté* notoriety, though he had left the Legion, was, at the recommendation of two members, admitted to the benefits of the Club. He had been one evening playing cards, and got into a dispute and violent rage with the servant about paying for them. He then went to Colonel Sloane, the chairman, and complained to him, who said he could not help it, or some such answer, upon which Major Richardson became very abusive, said he was no gentleman, and made use of very violent and indecorous language. Colonel Sloane, of course, sent him a message,

but the business was prevented from going further by *some person in power*, and the club was immediately convened. Before it could assemble, the Major sent in his resignation; but when the meeting took place, it was resolved that the behaviour of Major Richardson was so improper. (I forget the exact words of the resolution) that his name should be erased from the list, and his money returned to him. This was carried by about fifty members; I do not think there was above one or two in the room, who did not hold up their hands, and vote him out in a manner anything but complimentary.

The persons who took the most active part were officers of the King's and Company's service, holding high rank in the Legion.* Major R. wrote some letters to these officers, as well as copies which he sent to the Club, but the members considered him too insignificant and contemptible to be noticed. Here the matter rests. I wonder if his expulsion from this society will form a chapter in the entertaining work he proposes favouring the public with. He has left San Sebastian, and said in his letters to these officers, that he should remain three days at Bayonne. Had these officers been willing to give him the *rencontre*, they could not, the weather having been so very bad."

From the date of this letter, which bears that of the 19th of November, it will be seen that it was written immediately after the second meeting of the Club, to which I have already alluded. No doubt Colonel Shaw, of the Artillery, (to whom I have attributed it,) thought it much safer to deem Major Richardson too contemptible to be followed than to notice the letter I had left for him, which, by-the-bye, I have since understood from the officers who had previously seen and read it, he had the prudence not to exhibit; although Mr. Taylor, half frantic at its receipt, had made the contents of his public the next hour. The paragraph in the *United Service Gazette* hints at the "unwillingness" of the parties invited to follow to Bayonne—an unwillingness which had some show of excuse in the weather. Of this disinclination on their parts, I have not the slightest doubt; for it is rare, indeed, that those who have the baseness to inflict a wanton and unprovoked injury, have the heart to uphold or justify their conduct. The man of real courage is incapable of premeditated offence. How this "unwillingness" was eventually overcome in the principal of the parties, will be seen later.

*Most certainly, General Chichester and Colonel Kirby.

Meanwhile, on perusing the paragraph from San Sebastian, I wrote to the Editors of the *United Service Gazette* :—

LONDON, 16th January, 1837.

GENTLEMEN,

Having only recently returned from the continent, I have not had an opportunity of following up the consecutive numbers of your *Gazette*—nor should I have thought of referring to the file even now, had not my attention been directed by a friend to your paper of the 5th of December, in which (I will not say to my surprise as far as regards the fact itself,) I find my name brought forward in the most offensive manner.

I cannot condescend to notice the whole of the letter of your *anonymous* correspondent from San Sebastian, otherwise than by stating that it is couched in the true spirit of the party at whose instigation he has written. Allusion is made to me of being of *Ecarté* notoriety. If by this your correspondent means that I am the author of a book so called, unwilling, as I have hitherto been, to identify myself publicly with my works, I cannot deny the “sweet imputation.”*

And now, gentlemen, as the conduct of your paper has professed justice—justice of the most impartial kind—for its basis, I assume that you will not hesitate to insert my answer, to the foul scurrility contained in the letter of your correspondent.

That an insult has been offered to me, with a view to please the Lieutenant General, who has sought to make me his victim, on a yet more extended scale than Colonel Dickson was attempted to be crushed by the Brigadier his brother, I will not deny, but I believe it will scarcely be disputed that an unprovoked, and unexpiated insult reflects rather upon him who offers, than upon him who receives it. On the same principle, a ruffian, or set of ruffians, may gratuitously and premeditatedly insult you in the street—yet where is your redress? The gentleman is studiously careful to avoid even a suspicion of wrong. The ruffian adds insult to injury. The gentleman, if wrong, offers every atonement in his power.

Your correspondent seems apprehensive of the appearance of my “second volume,” and is anxious that his slander should precede my publication. He is right in regard to the fact of publication. That volume is forthcoming, and will contain such an exposé of General Evans’ tyranny, oppression and injustice, as will with difficulty be credited by his favouring “electors of Westminster,” to whom it is intended to be inscribed.† Nor, be it assumed that my production will contain

*It is obvious a very different meaning was intended to be conveyed, but I did not choose so to consider it.

†This was my original intention. Since the discussion, however, which has taken place in the House of Commons, and the offensive introduction of my name by certain parties therein, I have thought it expedient to inscribe this Memoir of the facts connected with the case, to that honourable Assembly.

simply an *exparte* statement ; documents, emanating from General Evans and his subordinates, shall be given, chapter and verse, for all I have to advance.

When that publication appears—as shortly it will—I shall fearlessly submit to the consideration of all honourable minded men—particularly to the Clubs of London, and more particularly to the United Service Clubs—whether I have, in aught, failed to uphold the honour of a British officer, throughout a series of oppression the most unexampled (under all the circumstances) perhaps on military record—I repeat, and I beg it to be distinctly understood, that if I fail to show I have acted in the affair with the high and becoming feeling of a British soldier, I will cheerfully bow to any fiat, however severe, they may pronounce upon my conduct.

The principal paragraph in your correspondent's letter, which I shall notice, is that wherein he states the weather was too bad for any one of my principal insulters, with whom (in consequence of the Lieutenant General's threatened interference) I had felt it necessary to leave invitations to follow me to Bayonne in the space of three days, to profit by the opportunity. The annexed certificate of Captain Heyland (an officer of the British service, and not of the Legion) will show that I remained six days, and did not eventually leave Bayonne before the mail boat had arrived without bringing any of the parties expected. On quitting Bayonne, I intimated my intention to remain at Bordeaux another week, enclosing, at the same time, Captain Heyland's certificate to the Committee of the Club. At Bordeaux I remained a fortnight. Thus much for the delay from bad weather.

Meanwhile, gentlemen, as this last desperate act of the Lieutenant General's party to insult me publicly, and thereby, (in forwarding their own account of that insult,) to neutralize the effects of my threatened publication of his most gross injustice towards me, has had its pretext in my private misunderstanding with Colonel Sloane, I trust you will do me the favour to insert the following letters sent me by two eye-witnesses of a transaction; which has been so grossly and calumniously misrepresented.

[Here follow the letters of Major Clarke and Mr. Lambton, together with the certificate of Captain Heyland.]

The above is all I conceive it necessary to state here. For obvious reasons I do not publish my letters to the parties who, even after my retirement from the so-called San Sebastian Club, proposed and seconded the gratuitous insult offered to me. In due time a detail of the whole proceeding will appear.

In a former number of your paper you have been pleased to designate me as an out-and-outer of General Evans. The notes which you then

received, it must be recollected, alluded to General EVANS as a soldier—such as I then deemed him to be. It becomes my (not enviable) task now to depict him chiefly as a man.

It is far from pleasant, gentlemen, to be thus dragged into notice before the public; yet, painful as it is, I cannot do other than adopt the necessity which has thus been imposed upon me—that of contradicting under my own signature the calumny of your anonymous correspondent. As you have given admission to the poison, which has now been some weeks in circulation, I presume you can have no hesitation in administering the antidote.

I am, Gentlemen,
Your obedient servant,

J. RICHARDSON,
Major, late B. A. L.

Editor of the United Service Gazette, }
&c. &c. &c. }

Some days after this letter had been published, I accidentally heard of the arrival of Colonel Kirby in town. I, of course, immediately called upon that officer for redress for the injury I had experienced at his hands, enclosing him, at the same time, a copy of the *United Service Gazette*, in which my answer to the paragraph from San Sebastian had appeared, and which could leave him no pretext for refusing my demand. After some little delay on the part of Colonel Kirby, he referred my friend to one of his own. Several interviews took place on the subject between the seconds, at Long's Hotel, in Bond-street, which finally terminated in an arrangement that we should meet at day-break on the following morning, at Chalk farm. Most fortunately, however, for me, I had engaged as a friend, one whose sound judgment and discernment led him at once to perceive that a duel proved, or rather disproved, nothing, and that the written admission of Colonel Kirby's error would infinitely more advantage me than a meeting—since such admission coming from the principal of the offending parties, would, of course, place the others entirely in my power. He accordingly suggested, while on the point of separation from Colonel Kirby's friend, that the whole proceeding should be made the subject of arbitration—the arbitrators to decide on the evidence submitted to them. To this

proposition Colonel Kirby's second immediately assented. Both parties, however, reserved to the option of their principals whether the measure should be final or not. Feeling perfectly satisfied that I could produce such evidence as must convince the arbitrators how much I had been wronged, I, of course, most gladly assented to the arrangement. Colonel Kirby was, according to the showing of his friend, for fighting first and explaining afterwards, but, on calmer reflection, he consented to the arbitration.

Mr. Morin, the Editor of the *Globe*, was the arbitrator named by Colonel Kirby. Mr. Gurney, a gentleman as remarkable for his talent as for his amiable manners and profound knowledge of the world, acted for me, as indeed he had in the proposal of submitting the affair to arbitration.

On the 25th of February, the arbitrators met at Mr. Gurney's, in Albemarle-street, when the following document was handed in by Mr. Morin, on behalf of Colonel Kirby :—

“Colonel Kirby is ready to state, that if he had been aware when he moved the resolution of expulsion from the Club, that Major Richardson had not been fairly put upon his defence ;

Or,

That the evidence of Major Richardson's conduct the night previously was not such as to substantiate the charge against him, he (Colonel Kirby) would not have taken any part in the proceedings of November 5th, 1836.”

Mr. Gurney, on the part of Major Richardson, then requested that Colonel Kirby would have the goodness to attend before the arbitrators, and answer a few questions to be put to him by Major Richardson.

Colonel Kirby attended accordingly.

Question 1st :—Will Colonel Kirby state the charge or charges brought against Major Richardson on the 5th of November.

Answer :—The San Sebastian Club was assembled on that day, to consider the propriety of Major Richardson's conduct to Colonel Sloane, on the night previously ; and while the Committee were sitting, Major R.'s resignation, as I understood, was announced. The Committee entered the Club room, and read a report on Major Richardson's conduct, the charge in which was substantiated by the *visa voce* testimony of Dr. Taylor and others. The charge was, that Major Richardson had insulted

ted Colonel Sloane, Chairman of the Committee, when acting in that capacity.

Question 2d:—Under what circumstances did Colonel Kirby make his motion?

Answer:—As I recollect, a member of the Committee, Colonel Shaw, of the Artillery, I believe, proposed that Major Richardson's resignation should not be received, but his subscription returned. I then asked—"Are we here to take into consideration a private quarrel between Major Richardson and Colonel Sloane, which appears to have been settled already, or are we met to consider Major Richardson's conduct to the club through its Chairman?" The answer was generally the latter. On that account, I then moved that Major Richardson be expelled the Club, which was seconded by General Chichester, and carried.

Question 3d:—Does Colonel Kirby know if the Committee had given notice to Major Richardson of the charge to be preferred against him?

Answer:—I do not know. *I did not take the trouble to inquire.*

Question 4th:—Why did not Colonel Kirby take the trouble to inquire?

Answer:—Because, after the representations made by the Committee, and the *viva voce* testimony of Doctor Taylor before alluded to, Mr. Lambton made a statement on the part of Major Richardson, whether authorized or not, that the affair between Colonel Sloane and Major Richardson had been settled, and mutual apologies exchanged; from this circumstance, I was led to think that Dr. Lambton, who I was informed was Major Richardson's friend in this quarrel, still appeared in the Club as Major Richardson's representative.

Question 5th:—Did Mr. Lambton represent himself as authorized by Major Richardson?

Answer:—I did not hear him say so.

Question 6th:—Do you happen to know, or did you ever hear of an instance in which a member of the Club has been expelled from it after having withdrawn his name as a member?

Answer:—This was the first Club of which I ever was a member, and I never had an opportunity of knowing.

Question 7th:—Do you know of any notice having been given to Major Richardson of the intention to bring forward any charge against him?

Answer:—*I did not.*

Several other questions were put to Colonel Kirby, but as I have lost the paper on which I had transcribed them, and as they are not so vital to the subject as the preceding, I do not give their substance.

The arbitrators having considered the various evidence submitted to them, (amongst others, that of Captain Tupper, a relation of Colonel Tupper, who was present at the Club on the night in question) came to a decision that Colonel Kirby should make me reparation for the part he had acted. This was conveyed under his own signature, and in the following terms:—

“In consequence of the opinion of the arbitrators, and upon due reflection, I now consider that I acted under a mistaken impression, in proposing a resolution for the expulsion of Major Richardson from the San Sebastian Club, and I therefore offer Major Richardson such reparation (without entering into detail) as it may strictly become me to make, and him to accept, as officers and gentlemen.

(Signed) H. W. KIRBY,
Col. Spanish Service.

(Countersigned) S. Morin,
Richard Gurney, } *Arbitrators.*

The only remaining individual on whom I now felt it incumbent on me to call, was General Chichester, the seconder of Colonel Kirby's motion. No opportunity, however, had been afforded me while in England for submitting to that officer the alternative embraced by Colonel Kirby, nor was it until after my arrival in this country, whither, I had been given to understand, General Chichester had preceded me from Europe, that I was enabled to bring the long pending affair to a close. On reaching Montreal, in the vicinity of which I was informed General Chichester—again actively employed in the British service—was quartered, I found he had arrived from Three Rivers, on his way to the Upper Province, and was then at Orr's Hotel, in Notre Dame Street. Almost a total stranger in this my native land, from which I had been absent upwards of twenty years, and which, indeed, I found wearing a very different aspect from that which it bore at my departure, I had some difficulty in procuring a friend to whom a mission of such importance to me could be entrusted. The moment I succeeded in obtaining one—and it was necessary, for obvious reasons, the party should be a civilian—I sent him to General Chichester, charged with the written apology of

Colonel Kirby, and the letters of Major Clarke and Mr. Lambton, on which that apology had been chiefly grounded, requiring, at the same time, a similar document from himself. General Chichester referred my friend, Mr. Morison, to Colonel Wetherall, of the Royal Regiment. The following is the correspondence which took place on the occasion:—

MONTREAL, *May 30, 1838.*

Lieutenant Colonel Wetherall has carefully perused the correspondence this day sent to his friend Colonel Chichester, regarding an affair at San Sebastian, which led to the expulsion of Major Richardson from the Club of that place.

Colonel Chichester seconded the motion on that occasion, in consequence of the evidence then adduced against Major R., and Lieutenant Colonel Wetherall has no hesitation in stating, on the part of his friend, "that had he then known what is now brought to his knowledge in *Major Clarke's letter*, he would not have seconded the motion of Colonel Kirby."

M. Morison, Esq. Rasco's Hotel.

RASCO'S HOTEL, *30th May, 10 o'clock, P. M.*

SIR,

The fact of admission contained in your letter of this evening's date, that Colonel Chichester would not have taken the part he did, in seconding the motion for the expulsion of Major Richardson from the San Sebastian Club on the 1st November 1837, is sufficient to show that he (Colonel Chichester) laboured under an erroneous impression, but, of course, such admission must come under his own signature, coupled with an apology similar to that given by Colonel Kirby, the proposer of the highly offensive measure in question, which I had the honour of, this day, submitting to Colonel Chichester. To obviate the necessity of all extraneous correspondence on the matter, I beg to add, that the style of apology above alluded to, is the only one I (as the friend of Major Richardson) can, under all the circumstances of the case, accept.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) M. MORISON.

Lieut. Col. Wetherall, &c. &c. &c.

RASCO'S HOTEL, *10 o'clock, Thursday Morning.*

SIR,

Last evening, I had the honour of forwarding a reply to your communication on the part of Colonel Chichester, to which I have not yet

received an answer. I trust it will not appear unnecessarily hastening the arrangement of the affair under our mutual consideration, if I request, that the earliest possible answer may be sent to my note of last night. When I state that Major Richardson is under the necessity of leaving for Quebec this evening, I am satisfied you will sufficiently enter into my views for dispatch.

I have the honour to be,

Sir,

Your obedient servant,

(Signed)

M. MORISON.

Lieut. Col. Wetherall, &c. &c. &c.

MONTREAL, 31st May, 7 P. M.

SIR,

My unavoidable absence from Montreal since an early hour this morning, and having only just returned, has prevented my replying earlier to your letter; indeed, after our personal interview yesterday, I did not expect to hear further, deeming the explanation which Colonel Chichester had made, through me, sufficient. Let me again relate the circumstance:—

A Club was formed at San Sebastian, of which Major Richardson was a member. Some conduct of that officer had given offence to the Club, or to a committee of the Club, and a meeting was summoned to consider it. Colonel Chichester was summoned to attend it, and reluctantly complied; but, finding that the accused was not present to vindicate himself, he (Colonel C.) moved an adjournment, that the object of the meeting might be mentioned to him, and an opportunity afforded of his coming. The Club subsequently met, pursuant to adjournment, and Major R. did not attend, but a Dr. Lambton made a statement, explanatory of that officer's conduct; it was not deemed satisfactory, and Colonel Kirby moved that he be expelled. The Chairman asked who seconded the motion, and no one answering, Colonel Chichester was asked to do so, to which he assented, and the expulsion was carried, with the single dissenting voice of Dr. Lambton. As I stated before, Colonel C. acted upon the evidence adduced—he had no personal animosity towards Major R.—his voice was only one of a corporation. How, therefore, can he be called upon to *apologize for a conscientious vote upon a public question*? You will, I am sure, upon reflection, consider the thing preposterous, I mean an apology in the common acceptance of that term. Colonel C. has authorized me, in his name, to say, that had he known then, as much as he now does, from Major Clarke's letter, that he would not have given such a vote, and has, therefore, no hesitation in retracting it, but further I cannot permit him to do.

Let me say, that had Major R. availed himself of the opportunity of vindicating himself, which Colonel Chichester caused to be afforded him, by an adjournment, the matter must then have been, as it now is, amicably adjusted. Colonel Chichester hoped that the adjournment had been notified to Major Richardson, and that Dr. Lanibton would have done so, but surely no blame can be attached to Colonel C., but personal neglect.

I request that all correspondence on the subject may cease.

Believe me to be

Your obedient servant,

G. A WETHERALL.

M. Morison, Esq., &c. &c. &c. }
Rasco's Hotel. }

MONTREAL, 1st June, 8 o'clock, A. M.

SIR,

I beg to acknowledge the receipt of your letter of last night.

Although strict etiquette might demand, that agreeably to your desire, all further *written* communication on the subject at issue should be closed, I should but indifferently acquit myself of a duty which I owe to all parties, were I not to persevere in my endeavours to procure an amicable adjustment of the affair between Colonel Chichester and Major Richardson. You say that Colonel Chichester, in seconding a proposal for the expulsion of Major Richardson from the San Sebastian Club, was influenced solely by public considerations, and, that the only offence towards Major Richardson with which he could be charged, was personal neglect. True it is, that personal neglect, however severely it may be felt by the party neglected, forms no decided basis for a demand for redress; but this is not the point under consideration. The gravamen of the wrong of which Major Richardson complains, and justly, consists in this; that Colonel Chichester seconded a motion, having for its object an insult to him, Major Richardson, without causing that officer to be duly apprized such purpose was contemplated. True, doubtless, as you state, Colonel Chichester may have moved an adjournment of the meeting of the Club to which your letter makes allusion, but, was it the especial care, as it should have been the paramount duty of Colonel Chichester to see and know, that Major Richardson was placed in a position, by due and official notice of the intentions of the meeting, to avail himself of such adjournment, and offer one word in denial of a false and deliberate charge, which had been brought against him? Certainly not. Colonel Chichester seconded a proposal of gratuitous insult to Major Richardson; gratuitous, (because he had already withdrawn his name from the Club) without affording him the slightest opportunity for an explanation which he might and would have given. Again, it is remarked in your letter of last evening, that "it is preposterous to suppose a man should be held privately accountable for

the public act of a body. So far I beg to differ with you; every individual composing the meeting at the San Sebastian Club was accountable to Major Richardson, but it did not enter into the views of that officer to condescend to notice the insult that had been offered him by the mass of persons composing that Club. It was sufficient for the vindication of his own honour, to confine his demand for redress to the proposer and seconder of the highly obnoxious measure. From Colonel Kirby, the mover of the insult, he has received such explanation, as two gentlemen, of high character and feeling, the one, the Editor of the *Globe*, the other, a private gentleman, moving in the first circles of honour, decided was due to him; it now only remains for him to obtain redress from the seconder.

It is matter of regret, that Colonel Chichester should have sanctioned, by his presence or vote, a gross outrage to the feelings of an unoffending individual, without being fully sensible such outrage was merited. It is equally matter of regret, that Colonel Chichester should now, when convinced of, and even acknowledging his error, persist in refusing to make the *amende honorable*, which the proposer of the motion he supported has already done in the fullest manner. To show, however, that Major Richardson desires not Colonel Chichester's inculpation, but merely the vindication of his own honour. I am now authorized, without exacting the precise document signed by Colonel Kirby, simply to require, that Colonel Chichester shall declare under his own hand what he has already declared through you, namely, that had he known as much as he now does from Major Clarke's letter, he would not have given his vote for Major Richardson's expulsion from the San Sebastian Club, and has therefore no hesitation in retracting, and expressing his regret for it.

Should Colonel Chichester, however, unfortunately decline affixing his signature to such document, although I see no reason to apprehend the difficulty, the subject now at issue between that officer and himself, will be, by Major Richardson, still considered an open one.

Major R. leaves for Quebec this evening.

I have the honour to be,

Sir,

Your obedient servant,

(Signed)

M. MORISON.

Lieut. Col. Wetherall, &c. &c. &c.

MONTREAL, 1st June, 1838.

Lieutenant Colonel Chichester, in regard to a discussion and correspondence which has taken place between Lieutenant Colonel Wetherall, on his part, and Mr. Morison, on the part of Major Richardson, admits, that had he known as much as he now does, from Major Clarke's letter, he would not have given his vote for Major Richardson's expulsion from

the San Sebastian Club, and has therefore, no hesitation in retracting it, expressing his regret that the affair was not at the time explained, and amicably settled, since he has been in England.

(Signed) C. CHICHESTER,
Lieutenant Colonel.

(Enclosed) M. Morison, Esq., Rasco's Hotel, }
with Lieut. Col. Wetherall's compliments. }

RASCO'S HOTEL, 1st June, 2 o'clock, P. M.

SIR,

I have the honour to acknowledge the receipt of the document, signed by Colonel Chichester this day, and inclosed to me from yourself.

Major Richardson, whose sole object throughout this very unpleasant affair, has been the vindication of his honour, begs me to express his satisfaction with a paper, which he conceives to be couched in a spirit desirous of rendering atonement for an unmerited injury.

I have the honour to be, Sir,

With high esteem,

Your very obedient servant,

M. MORISON.

Lieut. Col. Wetherall, &c. &c. &c.

Thus in Canada, in 1838, has been played the last act in the most singular of dramas—a drama commenced in Spain, in 1836, and continued in England in 1837. If the energies of the principal player should seem to have been occasionally put forth with a vehemence disproportioned to his subject, let it be recollected, that on the wide stage of action, on which he had been forced, often without study or preparation, he has stood almost alone and unsupported. One false emphasis in his reading—one instance of weakness in his acting, and he must have failed, not only through the glaring disinclination to perform their parts as they ought, of those with whom he has been brought in contact upon the scene, but by the unanimous voice of that most imposing and severe of all audiences—the world.

By the cold and the calculating—by the selfish and the prudent—I shall no doubt be considered as having adopted a course more chivalrous than wise in the uniform opposition I have shown to the various measures of oppression—so unworthily—so ignobly arrayed against me. By those, however, of high honour—of proud and independent

feeling—by those who are incapable of sacrificing the approval of the inward man to mere considerations of personal interest and expediency, I shall be judged in a nobler spirit. *They*, at least, will admit, that in adopting the line of conduct unfolded in the pages of this brief and local Memoir, I have studied that which was most befitting an honourable mind. As I have elsewhere had reason to observe, never did a more cruel system of injustice seek to work its slow and sinuous course beneath the mantle of liberalism. Every engine of his power had been put in motion, by General Evans, to accomplish the ruin of an officer, who had in no other way offended than by refusing tamely to submit—firstly, to his injustice—secondly, to his oppression, and that the utter overthrow of such officer has not been accomplished, is attributable, not to any forbearance on the part of his persecutor, but to his own innate integrity and right. Yet, this is the man—the political Tartuffe—the newly created Sir De Lacy Evans, (so created through his very apostasy to the cause he at one time affected to advocate,) whose watchwords are—or rather were—Liberty and Justice! To the English public, and more particularly to the English House of Commons, I charge him, in his capacity of Commander of the British force in Spain, with having been guilty of the most flagrant, groundless, and unprecedented tyranny that is to be found on military record. To the Horse Guards, moreover, I charge him with having violated one of the first and fundamental articles of our military code, in preferring an accusation of the most heinous and cruel nature against an officer bearing Her Majesty's commission, without affording even an hour's notice for defence. Let General Evans deny this if he can. There is not a document given in these Memoirs of which I do not possess the original. Finally, to him and his creatures, I address myself in the strong language of the poet:—

Falsus honor juvat et mendex infamia terret,
Quem nisi mendarem et mendacem.

THE END.

ERRATA.

Page 7, line 29—For *being* read *been*.

“ 45, last line —For *he* read *the*.

“ 66, line 19—For *this* to read *this to the*.

“ 75, line 14—For *apappended* read *appendd*.

“ 136, line 1—For *received* read *reviewed*.

APPENDIX.

MAXIMS FOR OFFICERS JOINING THE BRITISH LEGION.

HOW TO GET ON THE STAFF.*

If you are a tolerable rider, provide yourself with a good horse, on your departure from England—no matter about furnishing your head. When you see the Chief out, who is a devilish bad rider himself, perform various equestrian evolutions with great rapidity; this will not fail to catch his eye. He will be sure to inquire who you are, and fancying you a showy appendage to his tail, at once place you on his Staff.

Or, if you cannot ride, contrive to have a boyish appearance—close-shaven cheek, and well curled wig, with the slightest tinge of a moustache. Commence with a demonstration of much fawning—hold the stirrup-iron while the Chief mounts—swallow, for a bet, as many biscuits after dinner as you can—and carry scandal to him with his pocket-handkerchief. He makes no inconsiderable use of both.

HOW TO OBTAIN PROMOTION.

Refuse your Brigadier, on public parade, to put off a fancy jacket—deny the same demand from the Adjutant General; and when the Chief himself finally urges the same thing, say you will be d—d if you remove your jacket for him or any man living. This will show your independent spirit, and cause the Chief to do for you through fear, what

* Whoever wrote these maxims must certainly have been gifted with the spirit of divination, for, in most instances, they were acted upon to the very letter.

he would not through love. When you have thus shown that you are not to be humbugged out of this proper military spirit, get three months' leave of absence—go to England while any thing is doing—but return just at the moment when orders of merit are being distributed, and peremptorily put in your claim. Right or wrong, you will be sure to get it. The order obtained, start again for England; remain away a couple of months more, and on your return, insist on promotion to a higher step. You may depend upon its being given to you, dated from the period of some action which took place when you were at least a thousand miles off.*

HOW TO BE SOLICITED TO REMAIN IN THE SERVICE.

If you happen to hold any sort of command, write to the English papers a flaming account of your own prowess, even though you be most lamentably thrashed. Treat the Chief as a mere cipher. He will call upon you, in great wrath, to contradict the statement; do so, but guardedly. The Chief will, perhaps, undertake to forward your contradiction himself. Do not by any means oppose this; but be sure, by the same post, that you write to the same paper, and urge the Editor, while inserting your contradiction, to descant much on your excessive modesty and merit in disavowing your own encomiums; and insinuate that, though out of courtesy the second statement is inserted, the first is, after all, the true one. The Chief will begin to fear your popularity in England, and interference with his own popularity is the last thing he can tolerate. To borrow a vulgarism, he will "draw in his horns." That is the time to push your card. Send in your resignation. Although the Chief would give his eyes and ears that you were in the seventh heaven, or any other place equally distant, he will be afraid to let you go. A thousand to one, he writes you the most abject of letters, entreating you to remain, and think no more of

* An officer of the Legion, who shall be nameless, certainly did act as above represented, paragraph for paragraph. I have a perfect remembrance of the facts.

the past. Be sure, however, you do not accept the concession for some time; Heaven only knows what you may get out of him in the meantime.*

HOW TO OBTAIN A REPUTATION FOR COURAGE.

Get introduced to the wife of some petty contributor to a paper; make a favorable impression upon her if you can; tell her with much vivacious grimace of the *pirils* you encountered in the field, and in the *bouviac*, (mind you do not call it by the vulgar and antiquated name of *bivouac*.) Tell her that your conduct, in presence of the enemy you were afraid to face, was the admiration of all parties. Persuade her that the hostile armies stood still, confounded, and gazing upon the

* The writer evidently had Brigadier Shaw in view when he penned the above. The reference is to the quarrel which took place between that officer and General Evans, in consequence of the affair of Fuentarabia, in which the Brigadier assumed all the credit of the day to himself; putting the General in Chief completely on the shelf—a piece of modesty which gave rise to his final departure from the Legion. Apropos however; since these Memoirs have been submitted to the press, General Shaw, who occupies no mean place in them, has been Knighted by Her Majesty! How General Evans, who has had the same dignity conferred upon him, will like the idea of such honour being bestowed upon his hated rival in glory, it cannot be difficult to divine. Still, not the less important services has General Shaw rendered to his country. Few can be ignorant of the opportune assistance afforded by him to the present Ministry, by his abuse of the Tory party through a letter to Mr. Otway Cave, read in the House during the debate on Sir Henry Hardinge's motion on Spain. This was in the summer of 1837. In May, 1838, we find the same indefatigable and *patriotic* General Shaw thus addressing the Editor of the *Morning Chronicle*:—

Sir,

I regret that circumstances should have driven me to request you to let it be known that I am not the "Colonel Shaw" who has his name to a petition presented last night to the House of Lords by the Marquis of Londonderry. Since I entered the liberating army of Portugal in 1831, until my return from Spain in 1836 the Marquis of Londonderry has, in my opinion, been doing his utmost to throw obloquy on the gallant officers and men with whom I had the honour of serving in these countries; therefore, I would think it derogatory to my own character, were I to ask any favour at the hands either of Lord Londonderry or any of the party who during that time have made a system of abusing us.

I have the honour: to be,

Sir,

Your most obedient servant,

CHARLES SHAW,
Colonel Portuguese service,
Late Brigadier General B. A. Legion.

Reform Club, 23d May, 1838.

In July following—almost before the ink with which this highly graphic and elegant production was written, is dry—we see him gazetted as *Sir* Charles Shaw. It is always pleasant to observe individual services—and those of course embrace high merit—thus early and flattering rewarded.

inimitableness of your glory in absolute astonishment!! Tell her to get her husband to write all this to the paper. Even though he should hear your account of yourself with disgust and doubt, depend upon it, if he happen to be a little henpecked by his wife, you will gain your end, and the report of your prowess—although it should be witnessed by none but yourself—sent for insertion in the journal to which he contributes his mite.—QUIZ.

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