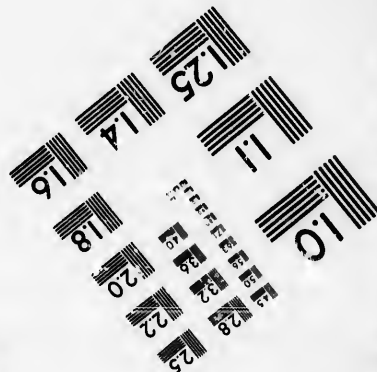
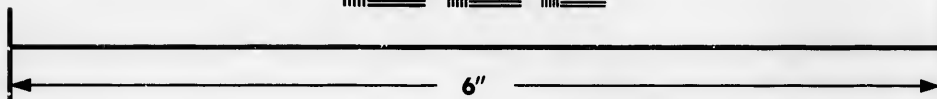
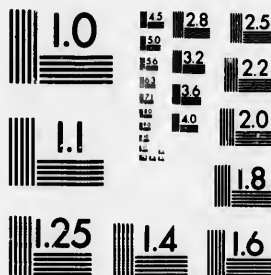


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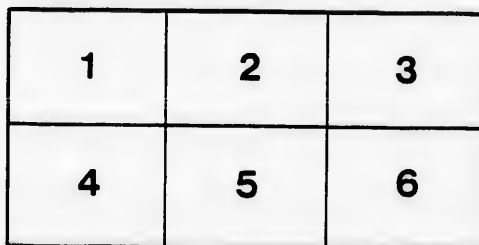
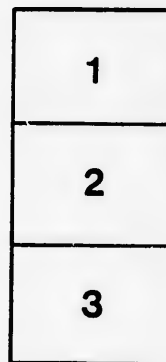
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PROCEEDINGS

OF A

General COURT MARTIAL,

HELD AT THE

JUDGE ADVOCATE'S OFFICE,

IN THE

HORSE GUARDS,

On SATURDAY the 14th, and continued by Adjournment
to WEDNESDAY the 18th APRIL 1764;

FOR THE

TRIAL of a CHARGE

PREFERRED

By COLIN CAMPBELL, Esq;

AGAINST THE HONOURABLE

Major General MONCKTON.

LONDON:

Printed for JAMES ROBSON, Bookfeller to the
Princess Dowager of WALES, in *New Bond-Street.*

MDCCLXIV.

1764

THE HISTORY OF THE
REIGN OF
JAMES II. BY
JAMES OBERLIN
1764

ERRATA.

Page 32, Line 23, for Arbemarle's read Albemarle's.
P. 38, line 15. for martial read material. P. 88, line 5.
for falcities, read falsities.



A T A

General COURT MARTIAL,

HELD AT

The Judge Advocate General's Office at the Horse Guards on *Saturday* the 14th, and continued, by several Adjournments, to *Wednesday* the 18th of *April* 1764, by virtue of His Majesty's special Warrant, bearing date the 26th day of last month.

Lieutenant General Sir *John Mordaunt*,
President,

Lt. Gen. *James Cholmondeley*,

Lt. Gen. *Francis Leighton*

Lt. Gen. *John Earl Waldegrave*

Lt. Gen. *John Earl of Loudoun*

Lt. Gen. *John Mofyn*

Lt. Gen. *Edward Carr*

A

Lt.

emarle's.
8, line 5.

Lt. Gen. <i>George Boscarwen</i>	Lt. Gen. <i>George Howard</i>
Lt. Gen. <i>Bennet Noel</i>	Lt. Gen. <i>Ld. Robert Bertie</i>
Lt. Gen. <i>Philip Honeywood</i>	Maj. Gen. <i>James Durand</i>
Maj. Gen. <i>Daniel Webb</i>	Maj. Gen. <i>John Fitz William</i>
Maj. Gen. <i>John Stanwix</i>	Maj. Gen. <i>Joseph Hudson</i>
Maj. Gen. <i>Archibald Douglas</i>	Maj. Gen. <i>Robert Armiger</i>
Maj. Gen. <i>Sir John Griffin</i>	Maj. Gen. <i>Studholme Hodgson</i>

Charles Gould, Deputy Judge Advocate
General.

The members and Judge Advocate being
duly sworn,

THE Honourable Major General *Robert Monckton* came before the court, and was charged upon the Complaint of *Colin Campbell*, Esq; heretofore Major Commandant of the late 100th regiment of foot, with many wrongs and deliberate acts of oppression towards the said *Colin Campbell*, when under his command in the island of *Martinique*, in the year 1762, particularly by several marks of affront and indignity both to the person of the said *Colin Campbell*, and to the corps then under his command; and also whilst a trial of the said *Colin Campbell*.

bell was depending before a general court martial, by discouraging his friends, intimidating his witnesses, and depriving him of the lawful means of defence, as well as by suppressing the proceedings of the said general court martial from the Earl of *Albemarle*, Lieutenant General of his Majesty's forces, (who is alledged, by the said *Colin Campbell*, to have had at that time cognizance of the sentences of courts martial held in the said island of *Martinique*) under a pretence of the said proceedings being transmitted to *Great Britain*, when in truth they were still in his own custody: And furthermore, by a cruel confinement of the said *Colin Campbell*, who was then ill, in a noisome and unhealthy prison, even though it was at that time known to the said Major General *Monckton*, that the sentence against the said *Colin Campbell* was not capital.

Major General *Monckton* mentioned to the court; that although he might very justly except to answering several particulars of the charge, as laid by the prosecutor, yet he is ready and willing, and indeed solicitous to answer minutely to every part thereof; but as his Majesty's secretary at war sometime

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ago furnished him with a copy of the complaint exhibited against him by the prosecutor, consisting of four general articles, with a particular explanation of each article, and as in this form the complaint was laid before the king, he did conclude, that to the particular explanation of those four articles he was to make his defence, and had prepared it accordingly: And, for these reasons, intreated that the court will order the said four articles of complaint, with their particular explanation, may be read, of which he had authentic copies, received from his Majesty's secretary at war.

The court taking this request of Major General *Monckton* into consideration, is of opinion, that the complainant be at liberty to prosecute the charge, as stated in his Majesty's warrant. To which charge Major General *Monckton* must necessarily answer; and that, if in the course of his defence it shall be material for him to shew either that there is any substantial variation between the present charge and that originally exhibited, or that the wording of the latter indicates any greater degree of malevolence, or for any other purpose conducive to his defence,

it

it may then be proper to lay the said four articles, with their explanation, before the court.

Mr. Campbell then entered upon the several articles of charge, in the order wherein they stand in his Majesty's warrant ; and as one instance of affront and indignity to him and the corps under his command, proposed to shew,

“ That the regiment was *disarmed* a few days after their arrival in *Martinique*, by order of Major General *Monckton*.” To prove which

Lieutenant *Scipio Duroure Campbell*, late of the 100th regiment, was sworn and examined.

Q. Was the 100th regiment at, or soon after their landing in *Martinique*, deprived of their arms ?

A. Their arms were *exchanged* for others, they were not otherwise disarmed.

Q. What kind of arms did they receive in exchange ?

A. Very bad, and mostly unfit for service ; they were carabines or light arms.

Q. Does he know of any other regiment

in that army which was deprived of their arms ?

A. He can't say he does.

Q. Were the *Barbadoes* corps deprived of their arms ?

A. Not to his knowledge.

Q. What kind of corps were the *Barbadoes* corps ?

A. A sort of militia ; some whites and some blacks.

Q. Does he know whether Mr. *Campbell* solicited Major General *Monckton* for any command after this exchange of arms in his own corps ?

A. He can't say he knows whether he solicited it ; he has heard Mr. *Campbell* mention it since.

Q. Does he think the 100th regiment was fit for service after the exchange of these arms ?

A. He can't say he is a judge.

Q. (by desire of Major General *Monckton*)
With what regiment did the 100th regiment exchange arms ?

A. With the light infantry of Colonel *Montgomery's* ; there were arms received from
some

some other light infantry, but which did not come to his knowledge.

Q. In what situation were the light infantry, with whom these arms were exchanged, considered in the army; whether as picked, or chosen men, or not?

A. He looked upon them as picked or chosen men, and believes the rest of the army did so.

Q. (by the court) What different species of fire arms were in that army?

A. Two; heavy muskets and light arms, so far as he knows.

Q. Whether the light infantry and the Highland regiment were not all armed with the light arms?

A. The light infantry was; as to the Highland regiment he cannot say.

Mr. *John Davis*, late surgeon to the 100th regiment, was sworn and examined.

Q. Did he see the soldiers of the regiment, at the time of the exchange of arms, crowd about Mr. *Campbell* to complain of the insufficiency of their arms?

A. He did, after the exchange.

Q. Did he see any officers, as well as soldiers?

A 4

A. He

A. He did.

Q. (by desire of Major General Monckton)
Of what did the officers and soldiers complain with regard to their arms?

A. He does not know any particulars; only, in general, they complained of their arms being insufficient.

Lieutenant *Scipio Duroure Campbell* was called again at the desire of Mr. *Campbell*, and asked,

Q. When he speaks of the arms received in exchange as bad and mostly unfit for service, in what respect does he consider them as unserviceable?

A. They were old arms, a great many broken.

Q. In what manner was the 100th regiment employed the day of the attack, the 24th January 1762.

A. The three companies of which the battalion then consisted were employed in drawing of cannon, and carrying fascines; there was a fourth company which was doing duty with the grenadiers.

It was here intimated to Mr. *Campbell* by the court, that he must confine himself to the matters of the charge, viz. " Any
" marks of indignity or affront to him or
" his

“ his corps ;” and not to enter upon the disposition of the troops, or the propriety of Major General *Monckton's* conduct in that respect, which was not referred to them by his Majesty, neither did it appear to them a proper object of their inquiry.

Q. (to the witness) Did Mr. *Campbell* send him for orders to Brigadier *Rufane*, about two o'clock in the morning of the attack ?

A. He did.

Mr. *Campbell* again mentioning his corps being employed in carrying shot and fascines, and drawing cannon, he was expressly asked whether he looks upon the corps having been so employed as a mark of affront and indignity to him or his regiment, who answered, the repeating of it he thought so.

He then produced as another mark of indignity, which he meant to insist upon, Major General *Monckton's* having employed a corps, then commanded by a captain, in preference to his, notwithstanding both corps formed part of the same brigade, when they were sent from *Guadelupe* ; but it appearing that the brigade was afterwards separated, and each of them being beyond all doubt liable to be employed at the discretion of the commander in chief. This point was in
like

like manner over-ruled, and upon the same principle with the former.

Another matter urged by Mr. *Campbell*, as an oppression and indignity to himself and corps, was, depriving the sick men of that corps of the use of the hospital. To prove this

Mr. *John Davis*, surgeon, was farther examined.

Q. Were the sick of the 100th regiment refused admittance at *Martinique* into the hospital?

A. The deponent made several times remonstrances to Mr. *Adair*, who was director of the hospital, that they were not received, when he was informed that other corps were:

Q. In what manner were the sick of the 100th regiment, particularly, provided for in the field, after being refused admittance into the hospital?

A. There was a shed made for part of them not sufficient for more than 30 or 40 men; the rest were obliged to remain in their tents.

Q. Were there not houses in the town of *Fort Royal* adjacent, where the sick of that

that regiment might have been accommodated ?

A. There were several houses there.

Q. Were those houses empty ?

A. He can't say he examined them.

Q. Were those houses at the disposition of the general ?

A. He is not a judge of that.

Q. Does he know, whether *Mr. Campbell* made any remonstrances to General *Monckton* on that head ?

A. He had no other knowledge of it than *Mr. Campbell* himself, then Major Commandant, telling him he had remonstrated on his making a return to him.

Q. (by the court) What reason did *Mr. Adair* assign for the men of the 100th regiment not being admitted ?

A. He told him, the hospital was full when the deponent knew it was not.—The witness explained himself, that he understood it was not full, from the report of a surgeon of another regiment.

Q. Did the deponent make a second remonstrance to *Mr. Adair*, saying it was not full ?

A. He did not.

Mr. *Campbell* said as the court had thought fit to over-rule the aforementioned matters, which he meant to have insisted upon as marks of affront and indignity, he should not trouble them any further on that head, but proceed to another article of charge; and not being fully prepared to enter upon that, which was next point of time, proceeded to the fourth or last article, respecting the severity of his confinement.

In support whereof Mr. *John Davis* was again examined.

Q. In what manner was Mr. *Campbell* confined?

A. He was confined in the same house, which he occupied before, only with a guard over him.

Q. Does he remember Mr. *Campbell* being removed from that quarter?

A. Yes.

Q. To what kind of place was he removed?

A. He was removed to a small place in the fort.

Being desired to describe it, he said, The place was very small, and, as far as he can judge, it must have been under water, when

it

it rained, from the situation of it, being sunk in the ground.

Q. What was the size of it ?

A. He can't be very particular as to the size, as he might be deceived ; it might be, as far as he knows, about ten feet, to the best of his memory, square.

Q. Does he remember a large grate, which formed one side of it ?

A. He does : It was an open grate, and appeared to the deponent something like a door.

Q. What was on the other side of that grate ?

A. When he saw it, it was full of rubbish, and seemingly old rags. This was before Mr. *Campbell* was confined in it.

Q. Was he ever there during Mr. *Campbell's* confinement.

A. Not that he remembers.

Q. Does he remember signing any certificate of the unhealthiness and impropriety of the place ?

A. He does.

Q. What was Mr. *Campbell's* state of health the day of his confinement ?

A. Soon after his being first confined, he

was taken ill of a fever, upon which the deponent sent Mr. *Monroe*, the physician, to visit him; and Mr. *Campbell* continued ill till the witness was taken ill himself; which, as far as he remembers, was in about a fortnight; he can't be particular as to the time.

Q. Did he wait on Mr. *Campbell* the day he was removed to the fort?

A. Yes.

Q. What was Mr. *Campbell's* then state of health?

A. He had a fever at that time, and a swelling in his legs, which the Deponent supposes was occasioned by that fever.

Q. Does he remember waiting on the commanding officer in the fort, with a remonstrance concerning the intended removal?

A. He remembers his being sent, but it was so early in the morning the commanding officer could not be seen.

Q. Does he think it possible, from Mr. *Campbell's* then state of health, that he could have lived in that place of confinement, had he been continued there?

A. He can't speak, as to possibilities, but

does not think it was *probable* for a man in *health* to have lived there any time.

Q. Does he know of any order from Major General *Monckton* for Mr. *Campbell's* removal to the fort, prior to the time when the removal took place?

A. There was an order the night before; but from whom it was he can't say.

Q. Does he know of Mr. *Campbell* writing to Major General *Monckton* for permission to use any exercise for the recovery of his health?

A. The deponent advised him to write; and one of the officers told him he had carried the letter; but the deponent did not see it.

Q. Did he see that officer deliver Major *Campbell* his own letter, which was returned unopened?

A. He don't remember to have been present; but that officer (the adjutant who is now dead) often told him so.

Q. (by the court) At what time was Mr. *Campbell* removed?

A. After the court martial.

Q. Did he know any reason, or hear any assigned for the removal?

A. He

A. He don't recollect any.

Q. Of what nature was the crime for which Mr. *Campbell* was confined.

A. It was, supposing it proved, a capital offence.

Q. (by desire of Mr. *Campbell*) Was not his confinement after trial more severe than before and during the trial?

A. He refers to his former evidence, wherein he has said the close confinement, was after trial.

Robert Calendar, now and at the time in question, servant to Mr. *Campbell*, was sworn and examined.

Q. Was he in Mr. *Campbell's* quarters the night before his removal to the fort?

A. Yes.

Q. Does he remember a party of armed soldiers coming for the Major late at night?

A. Yes, he does.

Q. Was Mr. *Campbell* in bed?

A. Yes.

Q. Did Mr. *Campbell* fend the deponent for any person?

A. He don't recollect he did.

Q. Does he remember the serjeant, or officer,

officer, who commanded the party, making any search for an hammock?

A. Yes; he heard orders given out to see and get an hammock, if any could be got in the camp.

Q. Does he remember an officer and a party of soldiers entering Mr. *Campbell's* apartment early next morning?

A. He does.

Q. Did he hear what passed between the officer and Mr. *Campbell*?

A. The deponent saw the officer offering to take Mr. *Campbell* out of bed; he sent soldiers to lay hold of him to take him out.

Q. Did Mr. *Campbell* make any resistance?

A. He heard his master express a wish that somebody would shoot him through the head.

Q. Was Mr. *Campbell* carried to the fort that day?

A. To the best of his remembrance, he was?

Q. What construction did he put upon that wish of his master, "That somebody would shoot him?"

B

A. He

A. He took it to arise from his being informed of the bad prison he was going to.

Q. Was he in the place of confinement within the fort ?

A. Yes.

Q. Does he remember a large grate hanging on chains from the ceiling ?

A. Yes.

Q. Does he remember any horrid stench or smell from the grate ?

A. When the wind blew up the sally port he remembers it smelled a little : remembers his master complained very often of it.

Q. Does he know the use which was generally made of that sally port ?

A. He remembers his master sending him down to see what was the occasion of its smelling so, and he saw a good deal of nastiness up and down the stairs, being a dark pair of stairs.

Q. Did he ever see his master's floor-cloths, swimming about the floor after rain ?

A. He has seen them quite wet so as to be obliged to take them up, and sweep away the water before his master could get out of bed, when it had rained a good deal.

Q. Does he remember his master being obliged

obliged to go to bed, for want of a dry place to sit in, when it rained ?

A. After a good deal of rain, the floor being a good way under ground, the water used to come in under the door and window.

Q. Did ever Mr. *Campbell* shew any the least intention of making his escape before his confinement in the fort ?

A. Not as he knows.

Q. (by the court) Did Mr. *Campbell* make or attempt an escape after his being in the fort ?

A. He intended it, but did not effect it, whilst he was in the fort ; but afterwards he was removed to the town, and did then effect his escape.

It being on the stroke of three,
Adjournment till *Monday* morning ten o'clock.

Monday, 16th April 1764.

The court being met pursuant to adjournment:

Lieutenant *Scipio Duroure Campbell* was again examined.

Q. In what manner was Mr. *Campbell* confined

fined before, and until the conclusion of his trial ?

A. He was confined to the house where he lived before the affair happened.

Q. How long did he remain confined in those quarters ?

A. He remained till Lord *Albemarle's* departure from *Martinique*, which he thinks was the 6th or 7th of *May*.

Q. Does he know of any order for imprisoning Mr. *Campbell* in the fort after his trial ?

A. Not till Lord *Albemarle* had left the island. After that there was an order from Lieutenant Colonel *Darby* that he should be removed to the fort, and, if not able to walk, that he should be carried in an hammock. It was a written order.

Lieutenant Colonel *John Darby*, adjutant-general upon the late expedition to *Martinique*, was sworn and examined.

Q. What orders did he receive with regard to Mr. *Campbell's* being confined in the fort, and from whom ?

A. He don't recollect receiving any orders respecting his being confined in the fort ; he knows

knows it was intended, and he believes an order was delivered by Major General *Monckton* verbally to Colonel *Rufane*, who succeeded to the command; but Mr. *Campbell* was not sent to the fort, till after Major General *Monckton* left the island, to the best of his recollection.

A paper, purporting to be part of a letter from the witness to Lieutenant Colonel *Cbes-ter*, being produced, the witness acknowledges it to be his hand writing, and believes it was wrote in consequence of an order given by Colonel *Rufane*; but the first part of the letter is torn off, which contained the date, concerning which he cannot at this distance of time speak positively from memory: from the signature not being accompanied with the addition of Adjutant General, he believes it must have been after Major General *Monckton's* departure, when the witness was governor of the fort.

The part of the letter now remaining, relates to "the removal of Mr. *Campbell* in an "hammock, if not well enough to walk or "ride."

B 3

Lieutenant

Lieutenant Colonel *Peter Chester* was sworn and examined.

Q. Did he send this letter (the same produced to the last witness) in its present state; viz. a part torn off, to the commanding officer of the 100th regiment.

A. He can't positively say he remembers receiving an order for Mr. *Campbell* being received into the fort; there might be a part of this letter not relative to Major *Campbell*, and which he might tear off; but at this distance of time can't be certain: he thinks he received the letter the 14th *May*; and that Major General *Monckton* had quitted the island before he received that order.

Q. Was Mr. *Campbell* confined to the fort prior to the 14th of *May*?

A. Mr. *Campbell* was brought prisoner into the fort the 15th of *May*, to the best of his recollection.

Q. Is he certain Major General *Monckton* was not at *Martinique* when he received that order?

A. He only speaks from report; he heard the general had left *Martinique*; the deponent was in another part of the island from the general's quarters. He is pretty certain
Major

Major General *Monckton* had left the island, because on the 16th he received a letter from Brigadier *Rufane*, which the witness has now in his hand, in which he writes as having then the command.

Q. Whether he has now or can produce the order?

A. He cannot: He did not expect to be called here.

Q. Had he any other order besides the letter, a part whereof is now before the court?

A. There was another order for carrying him to the fort; this, now produced, relating only to the manner of removing him.— That first order directed, where Mr. *Campbell* was to be confined, he can't say with certainty by whom it was signed.

Lieutenant Colonel *Darby* (who had withdrawn only until Lieutenant Colonel *Chester* should have ascertained either the date or time of receiving the letter in question) was again called, and desired by the court to explain himself more fully, as to his belief of Major General *Monckton* having given an order to Colonel *Rufane* for confining Mr. *Campbell* in the fort.

The witness explained, that Major General

ral *Monckton* expressed his intention to Colonel *Rufane* of removing Mr. *Campbell*, at that time under the sentence of a general court martial, for the murder of Captain *M'Kaarg*, into the Fort Royal. He can't certainly say, whether he was present when Major General *Monckton* mentioned this to Colonel *Rufane*; but he heard it afterwards both from Major General *Monckton* and Colonel *Rufane*.

Q. Has the witness any note of the order?

A. He has not.

Q. (by desire of Mr. *Campbell*) How long did Major General *Monckton* stay in *Martinique* after the staff of the island was appointed?

A. Major General *Monckton*, on the 9th of May came down stairs with a bundle of papers in his hand, and gave the witness his appointment, which was dated the day preceding, and delivered to several others their respective appointments, and left the island the same evening.

Mr. *Campbell* seeming to think the witness mistaken in the time of Major General *Monckton*'s leaving *Martinique*; he referred to an entry in a book of minutes or orders, and thence informed the court, that he could speak

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speak with certainty of Major General *Monckton's* not being in the island on the 10th, on which day he finds an order given out by Brigadier *Rufane*; and the parole for the day was, "*Monckton*."

Captain *David Haldane*, late of the 100th regiment of foot, was sworn and examined.

Q. Did he receive any order for confining Mr. *Campbell* in the fort, and of what date; and on what day did he receive it?

A. He received a letter from Lieutenant Colonel *Chester*, dated the 14th *May*, importing that Mr. *Campbell* was to be removed into the fort, and, if he was too ill to walk or ride, to be carried in an hammock.

Lieutenant *Scipio Duroure Campbell* was called again, and asked,

Q. Does he know the particular day of Mr. *Campbell's* being removed into the fort?

A. He can't say particularly.

Q. Does he know, whether Major General *Monckton* had left the island?

A. He don't remember.

The farther consideration of this article of charge was postponed at the pressing instance of Mr. *Campbell*, in order to his having the benefit

benefit of Vice Admiral Sir *George Rodney's* evidence, whose attendance hitherto had been prevented by illness; and from whose testimony he insisted it would appear that his confinement within the fort had taken place before Major General *Monckton* had left the island; and that he, the Vice Admiral had made representation, at Mr. *Campbell's* request, to Major General *Monckton* concerning such confinement.

And it was directed, that Vice Admiral Sir *George Rodney* should be summoned, and particularly requested, if his health would admit, to attend to-morrow morning at the sitting of the court.

Mr. *Campbell* then proceeded to the second article of charge, respecting his treatment by Major General *Monckton's* order or procurement anterior to and during his trial, *viz.* "The discouraging of his friends, intimidating his witnesses, and depriving him of the lawful means of defence."

In support whereof Lieutenant Colonel *John Darby* was again called and examined;

Q. Was any order given for a court of inquiry to be held upon Mr. *Campbell* in *Martinique*?

A. He

A. He don't recollect any order passing through his hands ; but believes a court of inquiry was held.

Q. By whose authority ?

A. He can't say.

Q. Did he ever receive any orders, and from whom, for intercepting Mr. Campbell's letters ?

A. He did not ; it was impossible he should have received any such order, from his being twenty miles distant from the place where Mr. Campbell was.

Q. Did he receive any orders from Major General Monckton relative to Mr. Campbell's confinement, and the manner of it ?

This question did not receive any answer, Mr. Campbell immediately subjoining, that he had the order to produce.

Q. Did he receive any order from Major General Monckton, " That no person whatsoever be permitted to visit Major Commandant Campbell ; but in presence of the officer of the guard, and that all letters both to and from the Major be examined by the commanding officer of the regiment."

A. He recollects no such order ; the orders

A. He

ders from Fort Royal went through Colonel *Haviland*, the deponent being at *St. Pierre's*; he don't remember seeing any such order; he may have seen it, and at this distance of time not recollect it.

Q. Does he recollect receiving any order from Major General *Monckton*, that “no serjeant, corporal, drummer, or soldier belonging to the regiment, upon pain of the severest punishment, and the General's displeasure, will presume to appear to give evidence, unless he is summoned by the court martial, or ordered by Captain *Mack-donald* to attend?”

A. No: he does not recollect such order.

A Question was here proposed by the court to Mr. *Campbell*, whether he means to insist, that he applied for any witnesses to attend, whose evidence was refused him.

To which he answered, No: that is no part of his charge; at the same time explaining, that he complains of the consequences the orders, suggested to have been given, must have had upon his friends and witnesses.

Captain *Alexander M'Donald* was called, by desire of Mr. *Campbell*, who, upon farther

ther consideration, declined for the present examining him, as a witness.

Mr. *Campbell* then proceeded to the third article of complaint, which charges, that Major General *Monckton* "suppressed the proceedings of the general court martial, which had been held in *Martinique* from Lieutenant General the Earl of *Albemarle*, under a pretence of the said proceedings being transmitted to *Great Britain*, when, in truth, they were still in his own custody."

In support of this article,

The Right Honourable *George* Earl of *Albemarle*, Lieutenant General of his Majesty's forces was sworn and examined.

Q. At what time did his lordship arrive in *Martinique* ?

A. On the 25th or 26th *April* 1762.

Q. Did his lordship take the command of the army in that island ?

A. He did not.

Q. Did he receive any letter from Mr. *Campbell* relative to a court martial, which had been held for his trial ?

A. Yes.

Q. Does his lordship recollect his answer to that letter ?

A. He can't say he does recollect it exactly.

A letter being produced to his lordship, he acquainted the court, that the letter is of his signing, and wrote by his order. The same was read as follows.

“ *Namur in Fort Royal Harbour,*
May 1st. 1762.

“ Sir,

“ I received your letter inclosing the minutes of your defence. As your court martial is gone to *England* to be laid before his Majesty, you must necessarily remain here, till the King's pleasure is known. In the mean time I am persuaded you will meet with all the indulgence from General *Monckton*, which a person in your unfortunate situation can reasonably expect. I am,

“ Sir, your most obedient servant,

“ *Albemarle.*”

“ *Major Colin Campbell.*”

Mr. *Campbell* making mention of the Earl of *Albemarle's* powers, and of the foundation he had for applying to his lordship concerning the court martial,

His lordship acquainted the court, that he had powers from his majesty to have taken

taken the command; but that, as his stay in the island was to be very short, he did not choose to take a command, which he found in the hands of Major General *Monckton*, who had conquered the island, so much to his own honour and to the satisfaction of the whole army.

Q. Did Major General *Monckton* inform his lordship of the proceedings of Mr. *Campbell's* court martial being gone to *England*?

A. Upon his arrival in *Martinique*, Major General *Monckton* came on board the *Namur*, with the returns of the army under his command, and a report of the forwardness of the embarkation of the troops destined for the service under his lordship's command; and at the same time holding out a paper, said, "My lord, these are the proceedings of a general court martial upon Major *Campbell*, accused of the murder of a captain in the same regiment; will your lordship please to give me your commands upon it." His answer was, That he had determined not to interfere in any shape with his, Major General *Monckton's* command, and he believes he assigned his reasons for declining

declining it, almost in the words already mentioned. Major General *Monckton* replied, "He must then send the court martial to England, not having the power to confirm general courts martial upon commissioned officers."—This Major General *Monckton* told his lordship, the 25th or 26th of *April*, which will very easily account for the letter to Major *Campbell*; as he had at that time fully determined not to interfere with regard to the court martial.

Mr. *Campbell* then reverted to the article of charge respecting his being "cruelly confined in the fort, &c.

Colonel *William Rufane* was sworn and examined on that head—Who deposed, that he remembers Major General *Monckton*, just before he left the island of *Martinique*, telling the deponent, that he thought it would be proper Mr. *Campbell* should be confined in the fort; and after Major General *Monckton* was gone, the deponent remembers to have told Lieutenant Colonel *Darby*, who was with him at *St. Pierres*, and then governor of *Fort Royal*, that he should write to the officer who commanded in his absence

against

sence at *Fort Royal*, that Mr. *Campbell* should be removed into the fort.

Q. Did Major General *Monckton* assign any reasons for Mr. *Campbell's* being removed into the fort?

A. Major General *Monckton* never said any thing to him, which in the least implied severity in his intentions relative to the confinement of Mr. *Campbell*; he assigned no particular reasons for removing him.

Captain *Richard Baillie*, of the 35th regiment of foot, (who officiated as judge advocate upon the trial of Mr. *Campbell* in *Martinique*) was sworn and questioned.

Q. Whether he laid the proceedings and sentence of the court martial before Major General *Monckton*?

A. He accompanied Colonel *Massef* the president, in order to lay them before Major General *Monckton*, but the deponent was not present, when Colonel *Massef*, as he is informed, did lay them before him.

Major General *Monckton*, to save time to the court, admitted his having seen the proceedings, and his knowledge of the sentence.

A minute of the proceedings, so far as relates to the charge and sentence, was then

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read, the same being admitted by the parties to be authentick,—in words following :

“ Proceedings of a general court martial,
“ held at *Fort Royal* in the island of *Martinico*, the 6th day of *April* 1762 by virtue of a warrant from the honourable Major General *Monckton*, &c.”

“ The warrant being read, and the court and deputy judge advocate being duly sworn, they proceeded to the trial of

“ Major *Colin Campbell*, Major Commandant of his Majesty's 100th regiment of foot, who was brought prisoner before the court, and accused of murder, committed by him, on the body of the late *John M'Kaarg*, Esq; Captain in his Majesty's 100th regiment of foot, on, or about 26th *March* last, by giving the said *M'Kaarg* various wounds and stabs in several parts of the body, of which wounds and stabs he very shortly expired.”

SENTENCE — “ The court on due consideration of the whole matter before them, is of opinion, that Major Commandant *Colin Campbell* is guilty of the crime laid to his charge, but there not being a sufficient majority of voices to punish with death,

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“ death, as required by the articles of war,
“ the court doth adjudge the said Major
“ Commandant *Campbell*, to be cashiered for
“ the same: and it is the farther opinion of
“ the court, that he is incapable to serve
“ his majesty in any military employment
“ whatsoever.”

Mr. *Campbell* here desired to inform the
court, in order to prevent any impression,
which the sentence might have made to his
prejudice, that the said proceedings of the said
court martial have been annulled, and de-
clared void by his Majesty, and for proof
thereof refers to the letter, wherein the
King's pleasure was signified to him to that
purpose.

The letter referred to by Mr. *Campbell*,
was thereupon communicated to the court,
as follows;

“ *Judge Advocate's Office, August 4th. 1762.*

“ Sir,

“ The proceedings and sentence of a ge-
“ neral court martial held for your trial at
“ *Fort Royal* in the island of *Martinique*, on
“ the 6th, and continued by adjournments to
“ the 13th day of *April* last, having been
“ laid before the king, whereby you was
“ found

“ found guilty of murder committed by you
“ on the body of the late *John M'Kaarg*,
“ Esq; Captain in his Majesty's 100th
“ regiment of foot, and was adjudged to be
“ cashiered for the same, (the sentence re-
“ citing, that the majority of voices was not
“ sufficient to punish with death, agreeable
“ to the articles of the war) and you was
“ farther declared by the opinion of the
“ court, incapable of serving his Majesty
“ in any military employment whatsoever;
“ I am to acquaint you, that the court
“ martial having been very irregular in de-
“ puting a part of the court to receive the
“ evidence of two martial witnesses, at which
“ examination every member who gives
“ any voice in the sentence, is indispensibly
“ required to be present, and in swearing
“ a new member after the trial had
“ been begun and in the middle of the evi-
“ dence. His majesty hath not thought
“ proper to confirm the proceedings; but
“ his Majesty being intirely satisfied with the
“ opinion of the court from the evidence in
“ general, he hath thought fit to order you
“ to be immediately dismissed from his ser-
“ vice, as unworthy of being employed in
“ any

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“ any military capacity whatever; which
“ dismissal it is the duty of my office to
“ signify to you accordingly. I am,
“ Sir, your most obedient servant
“ *Charles Gould.*”

“ *Major Colin Campbell.*”

It being on the stroke of three,
Adjourned till the morrow morning, ten
o'clock.

Tuesday, 17th April,

The court being met pursuant to adjournment,

Vice Admiral Sir *George Brydges Rodney*,
Bart. being sworn, was examined.

Q. Did he receive any letter from Mr.
Campbell, on the subject of his being confined
within the fort at *Fort Royal* in *Martinique*?

A. He believes he did.

Q. Was Major General *Monckton* then at
St. Pierre's?

A. he can't ascertain that, as he don't re-
collect the particular time, when he received
the letter, but it appears from his journals,
at what time Major General *Monckton* sailed
from thence; which he has inspected upon
this occasion, and finds, that the general
sailed from *St. Pierre's* the 10th of *May*

1762, at eight o'clock in the evening, in the *Modeste*: but as the mariners compute the day from twelve at noon, this was in the common acceptation, the evening of the 9th *May*.

Colonel *William Haviland* was sworn and examined.

Q. Did he receive any order from Major General *Monckton*, posterior to the trial, for confining Mr. *Campbell* in the fort?

A. He received a letter from Major General *Monckton*, prior to the trial, in the following words:

“ *St. Peter's, March 31st, 1762.*

“ Sir,

“ I have ordered a court martial for the
“ the trial of Major *Campbell*, to sit the 5th
“ of *April*, and as I should be glad that it
“ might be as public as possible, I should
“ be glad you would let it be in the large room
“ at your quarters. If, as I hear, the Ma-
“ jor should have attempted to make his
“ escape, it will be proper to move him
“ into the fort, and great care should be taken,
“ as to the centinels set over him.

“ We have nothing new here, Mr. *Swan-*
“ *ton* is returned, and I expect the admiral

“ in

“ in a day or two. I am, with much
“ esteem,

“ Sir,

“ Your most obedient humble servant,

“ *Robert Monckton.*

“ Brigadier General *Haviland.*”

Which is the only letter or order he at any time received relative to Mr. *Campbell's* confinement. The deponent's answer to this letter was, that he had not heard of his having attempted an escape; but if he should would move him, and take the proper precautions with regard to the centinels. He added, that Mr. *Campbell* was not moved during his command.

Q. Did he receive any order from Major General *Monckton* prohibiting any person whatever coming near Mr. *Campbell's* quarters during his confinement, anterior to and during his trial?

A. Never; he heard nothing on the subject of Mr. *Campbell* or his confinement, either from the adjutant general, or Major General *Monckton*; but the letter above recited, and some orders for the court martial.

Captain *Alexander M'Donald* of the 42d regiment of foot, whose testimony Mr. *Camp-*

bell had before declined, was again proposed by him as a witness. Mr. *Campbell* alledging, that a doubt then entertained, whether the examining Captain *M'Donald* as a witness, might not prejudice a cause not depending before this court, had been the only reason of his not examining him; and that difficulty being now removed, he intreated, the court would receive his evidence respecting the article which charges the defendant with "discouraging his friends, intimidating his witnesses, and depriving him of the lawful means of defence."

The court desirous of receiving every evidence that could be offered touching so interesting and extraordinary an allegation, and Major General *Monckton* not objecting, indulged Mr. *Campbell* in his request; and the said

Captain *M'Donald* was accordingly sworn and examined;

Q. Whether he received any orders from Major General *Monckton* for giving direction to the officers of the regiment not to see Major *Campbell*, or go near his quarters, prior to or during his trial?

A. He

A. He don't remember any orders of that kind.

Q. Did he receive any order from Major General *Monckton*, that " no person whatsoever be permitted to visit Major Commandant *Campbell*, but in presence of the officer of the guard ; and that all letters, both to and from the major be examined, by the commanding officer of the regiment ?"

A. He can't remember any such order.

Q. Does he recollect any order from Major General *Monckton*, that " no serjeant, corporal, drummer, or soldier belonging to the regiment upon pain of the severest punishment and the general's displeasure, will presume to appear to give evidence, unless he is summoned by the court martial, or ordered by Captain *M'Donald* to attend ?"

A. He remembers no such order.

Q. (by the court) Has the deponent his orderly book here ?

A. No.

Mr. *Campbell* here acquainted the court he should not trouble them with the examination of any more witnesses ; but desired leave to submit

A. He

submit some observations upon the evidence, as it now stands; in the course whereof he lamented the death of the adjutant of the regiment; whom he alledged to have been a very material witness for him in many parts of the case, and whose loss has left a chasm in the evidence, which cannot be supplied.

As to the first head of charge, he alleged that he thought himself and his corps particularised to their disadvantage by the exchange of arms, which has been proved, as well as in some other instances, which the court did not permit him to enter upon.

With regard to the second head of charge, "that of discouraging his friends, intimidating his witnesses, and depriving him of the lawful means of defence:" he admitted, that as the evidence stands, he must be deemed to have failed altogether in the proof of it; but still insisted, that orders were given out, (though he had not been able to trace them to Major General *Monckton*) which, if proved to the court, would appear to have a direct *tendency* thereto.

Of the third head of complaint, he acknowledged that Major General *Monckton* stands

stands honourably acquitted, the Earl of *Albemarle's* evidence having fully cleared that point; but hoped the court will likewise acquit him, the complainant of any intention to make an unjust attack on the character of Major General *Monckton* in this instance, for his lordship's letter which is before the court, assigns no reason to him for not deciding upon the sentence, but only mentions the proceedings being sent to *England*; and as it appears they were not in fact then transmitted, he might reasonably presume, that the Major General who was to transmit them, had injured him by withholding them from his lordship.

The unnecessary and unexampled severity, (as he termed it) of his confinement in the fort, he conceives to be fully proved; and, although he confesses that he does not owe the severity thereof to Major General *Monckton*, nor yet to Colonel *Rufane*, he cannot but impute his having been removed to the fort, to Major General *Monckton*, from whom that intention first proceeded; and submits, whether any sufficient reason, has been, or can be assigned, why a more strict confinement was necessary after he had been sentenced to be cashiered, than whilst
it

it was uncertain whether the sentence might not be capital.

And upon the whole he took occasion to declare, that altho' he may be thought to have acted incautiously and unadvisedly in exhibiting a charge against Major General *Monckton*, which he has not been able to support in all points, that he has not been influenced in the doing of it by any other motive, than a desire of doing himself justice, and vindicating his honour and character from the aspersions which have been thrown out upon them.

DEFENCE.

Major General *Monckton* entering upon his defence, reminded the court of the objection, which he had made upon the opening of the court martial to the form of the charge, as differing from that of the prosecutor delivered to his Majesty's secretary at war, and to which he thought it necessary to make his defence, but had submitted to the opinion of the court, which directed that the prosecutor should proceed upon the charge, as stated in the King's warrant; but agreeable to the intimation then given by the court, that he would be at liberty to interweave them in his

his defence, he now submit the necessity of their hearing the four articles of charge, with the prosecutor's explanation thereof, which he is the more solicitous to lay before them, as he would be glad to convince the court that he defends himself most minutely to every part of the explanation of the articles.

The Judge Advocate acquainted the court, that he had for their information obtained the original memorial, articles of charge, and explanations of those articles from his Majesty's secretary at war, who had commissioned him to say, that the whole had been laid before his Majesty, and that those articles which are totally omitted in the King's warrant, were not left out inadvertently, but upon consideration thereof his Majesty had not thought the matter therein contained, proper for the cognizance of a general court martial: that as to the other articles, the secretary of war very readily submitted them to the inspection of the general court martial, for their consideration, but thought it proper to apprise them, that a part of the memorial relates to persons not before the court, and has

no

no manner of connection with the present case.

Major General *Monckton* thereupon consenting that such part of the memorial as did not respect him, should be omitted, the remainder of the memorial, together with the articles to which the charge had been reduced by the complainant, as likewise the explanation were read, as follows,

“ To the Right Hon. *Welbore Ellis*, Esq;
Secretary at War, &c. &c. &c.

“ The memorial of *Colin Campbell*, Esq;
“ late Major Commandant of the 100th re-
“ giment

“ Humbly sheweth,

“ That during the service in *Martinique*,
“ General *Monckton* took every method, the
“ most flagrant, partial and unbecoming
“ an officer of oppressing the memorialist,
“ which can be proved by sea and land of-
“ ficers, and tho’ the memorialist had sur-
“ rendered himself voluntarily, and entreated
“ a trial, the general’s treatment deprived
“ him of all means of defence.

“ That General *Monckton* unbecoming an
“ officer, discouraged the memorialist’s friends,

“ and intimidated his evidence, and publicly encouraged his avowed prosecutor to promote his ruin, in whose favour, and during the memorialist's trial, the whole army knows the general did not even scruple to confirm the most illegal and iniquitous proceedings.

“ That though General *Monckton* knew the Earl of *Albemarle* was hourly expected to take the command of the army, yet in order to deprive the memorialist of all the means of redress he might have hoped from his lordship's good disposition, to whom he made his application on his lordship's arrival. The general, in a manner unbecoming an officer, and unworthy of a soldier, meanly told his lordship, that the proceedings were sent to *England*, tho' they were then, and after Lord *Albemarle* sailed, in General *Monckton's* possession, which can be incontestably proved.

“ That it can be evidently proved, and will appear upon the face of the proceedings, that the minutes have been mutilated, and parts of evidence suppressed, to deceive his Majesty and ruin your memorialist.

“ That

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st's friends,
“ and

“ That, when General *Monckton* found
“ the memorialist's sentence did not affect
“ his life, he attempted to deprive him of
“ it, by the most inhuman and shocking
“ treatment, which can be proved from or-
“ ders on that occasion.

“ That the irregular and illegal proceedings
“ of the court martial, have been annulled
“ by his Majesty.”

“ These facts laid before you, Sir, it is
“ hoped will ensure your protection and pe-
“ culiar attention.

“ Encouraged from the justice of his
“ cause, the memorialist pleads no merit on
“ this occasion (however powerful) from
“ either family, services or sufferings; he
“ pleads not even his own, tho' he served
“ from his youth, has been wounded in the
“ service, and purchased his preferment: his
“ character and conduct unblemished, and
“ unimpeached, will appear on his trial, and
“ can be vouched by many of his Majesty's
“ servants.

“ The memorialist claims not pity, but
“ justice, he has been hitherto precluded
“ not only from the means of defence, but also
“ redress.

“ redress. He now lays his case before you,

“ Sir, and intreats your attention.

“ To you, Sir, as his Majesty’s secretary at war, the memorialist makes his appeal and application, imploring you will lay his case before the king.

“ Most humbly praying his Majesty will be graciously pleased to order a general court martial, or such other enquiry into the conduct of General *Monckton*, relative to the memorialist’s charge, as his Majesty shall think fit.

“ The memorialist implores his Majesty’s royal and gracious protection, in justice to a faithful and loyal subject, in justice to his family and friends, many of whom are now in his Majesty’s service, most innocent partakers of your memorialist’s unmerited sufferings and misfortunes.

“ Which is most humbly submitted.”

ARTICLES.

“ The following charge laid before his Majesty’s secretary at war, by *Colin Campbell*, Esq; late Major Commandant of his Majesty’s 100th regiment:

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“ Praying his Majesty will be graciously
“ pleased to order a general court martial
“ or such other enquiry into the conduct
“ of Major General *Robert Monckton*, rela-
“ tive to the following charge, as his Majesty
“ shall think fit to appoint.

“ 1st, For premeditated and determined
“ acts of oppression and cruelty towards Ma-
“ jor *Campbell* during the service in *Marti-*
“ *nique*, and also endeavouring both before
“ and during Major *Campbell's* trial to dis-
“ courage his friends, intimidate his evi-
“ dence, and depriving him of all means of
“ defence to accomplish his ruin.

“ 2^{dly}, For a conduct unbecoming an
“ officer and the commander in chief of an
“ army, and for conferring pecuniary rewards
“ during Major *Campbell's* trial, on his avow-
“ ed enemy and prosecutor ; by confirming in
“ his favour the most illegal, infamous and
“ iniquitous proceedings.

“ 3^{rdly}, For meanly and unbecoming
“ the character of a gentleman and an of-
“ ficer, falsifying his word to deprive Major
“ *Campbell* of all means of redress from
“ the Earl of *Albemarle*, who arrived in
“ *Martinique* soon after the trial.

“ 4^{thly},

“ 4thly, For endeavouring after Major
“ *Campbell's* trial to deprive him of life by
“ the most shocking and inhumane treat-
“ ment, in order to screen himself from
“ justice, and Major *Campbell* from future
“ redrefs.

“ That the minutes of the court martial
“ have been mutilated, and parts of evidence
“ suppressed to deceive his Majesty, and ruin
“ Major *Campbell*, which can be incontesti-
“ bly proved upon the face of the proceed-
“ ings, which shall be submitted to the cog-
“ nizance of a general court martial, or
“ such other court of inquiry, as his Majesty
“ shall think fit to appoint in consequence
“ of the aforesaid charge. Certified and
“ signed by me in *London*, the 15th day of
“ *December* 1763.

“ *C. Campbell.*”

Explanation of the Articles.

“ 1st, If to disarm the regiment, which
“ Major *Campbell* had the honour to com-
“ mand at *Martinique*, in the most ignomi-
“ ous manner, at the time when a corps
“ of negroes was left in quiet possession of
“ it's arms: if every possible affront and
D 2 indignity

“ indignity both to his person and his corps
“ to deprive him of every opportunity of ser-
“ vice, to supercede him in every command,
“ which his rank intitled him to, and all
“ without the least avowed or ostensible cause,
“ without the least publick charge of miscon-
“ duct or incapacity, are allowed to be acts
“ of partiality, cruelty, and oppression from a
“ general to an officer under his command,
“ General *Monckton* shall be proved to have
“ treated Major *Campbell* in the most cruel
“ and oppressive manner, before the period
“ of his most unfortunate accident.

“ It shall be proved, that notwithstanding
“ Major *Campbell* surrendered himself imme-
“ diately after his rencontre, and instead of
“ avoiding, solicited and demanded a trial,
“ he was guarded like a mutineer or a traitor,
“ befet with centinels at each door and win-
“ dow of his house, and in every respect
“ treated like a man condemned before he
“ was tried.

“ It shall be proved that in order to ag-
“ gravate the misery of his confinement, or-
“ ders were issued from head quarters, That
“ no person whatever should be permitted to
“ see Major *Campbell*, but in presence of the
“ officer

“ officer of the guard, and that all letters to
“ him and from him should be examined by
“ the commanding officer of the regiment.

“ It shall be proved, that the officers of
“ his corps were forbid to visit him ; that
“ his friends were denied admission to him,
“ who came to take instructions from him
“ for managing his defence upon his trial ;
“ that the strictest orders were given, that
“ no soldier should presume, on pain of the
“ general’s displeasure and the severest pu-
“ nishment, to appear or offer their evidence
“ in defence of Major *Campbell*, unless they
“ were ordered by the commanding officer,
“ or summoned by the court martial.

“ It shall be proved, that by this treat-
“ ment, and by the terror of these orders, Ma-
“ jor *Campbell* was most injuriously deprived
“ of the assistance of his friends, at the very time,
“ and in the very article when he most needed
“ it, that his witnesses were intimidated and
“ overawed ; and that he was peremptorily de-
“ nied every benefit and advantage which
“ were granted to the lowest criminal both by
“ the civil and military laws of his country.

“ 2d Article. A court martial which sat
“ upon the distribution of the enecis or the

“ deceased Captain *M’Kaarg*, had ordered
 “ (for reasons which have not as yet appear-
 “ ed) all or the greatest part of the money
 “ arising from the sale of such effects, to be
 “ paid to a certain Captain *Kennedy*, in dis-
 “ charge of a gaming debt, alledged by the said
 “ Captain *Kennedy* to be owing to him by
 “ Captain *M’Kaarg* ; but for which pretend-
 “ ed debt he could not produce a single
 “ voucher, or the least title or proof ; such a
 “ decision surprised the whole army, as it
 “ was made in prejudice of all the just and
 “ fair creditors of the deceased, who had pro-
 “ ved their debts before the court martial,
 “ many of which debts were recognized and
 “ ascertained by a letter from the secretary at
 “ war at that time to Major *Campbell*, and the
 “ strongest remonstrances made to him in be-
 “ half of such creditors of Captain *M’Kaarg’s*
 “ before the unfortunate accident.—The
 “ commanding officer of the regiment being
 “ too cautious to confirm such proceedings,
 “ they were carried to the general, together
 “ with an account of the debts of the decea-
 “ sed, and the secretary at war’s letter to
 “ Major *Campbell*. The references and the
 “ papers, which accompanied it, were receiv-
 “ ed

" ed and treated with the utmost indecen-
 " cy and disrespect, and the illegal and erro-
 " neous decision of the court martial was con-
 " firmed by the General in favour of a per-
 " son, who was the manager and director of
 " the prosecution against Major *Campbell*, and
 " who was so sanguine and determined an ene-
 " my to him, that he publicly declared, that
 " cost what it would he would hang Major
 " *Campbell*; and, it can be proved, that he
 " lodged and entertained in his own house
 " the witness against the major; and that soon
 " after the trial, though he had but the
 " rank of a captain in the army, he was pos-
 " sessed of negroes to the amount of 7 or
 " 800 *l.* whilst other officers (a few except-
 " ed) paid twenty or thirty pounds for the
 " worst captives taken in *Martinique*.

3d Article. " As soon as the Earl of
 " *Albemarle* arrived in *Martinique*, and took
 " the command of the army, which hap-
 " pened soon after the trial of Major *Camp-*
 " *bell*. The major made immediate applica-
 " tion to his lordship to take the proceedings
 " and sentence of his court martial into his
 " consideration. It can be proved, that Ge-
 " neral *Monckton*, to prevent the Earl of *Al-*

“ *Albemarle* from doing Major *Campbell* this
 “ justice, assured his lordship that the pro-
 “ ceedings of such court martial had been
 “ sent to *England*, before his Lordship’s ar-
 “ rival at *Martinique*. Whereas it can be
 “ proved, that such proceedings were at the
 “ time of the major’s application to Lord
 “ *Albemarle*, and long after his lordship sail-
 “ ed for the *Havannah*, in General *Monck-*
 “ *ton*’s possession.

4th Article. “ Major *Campbell*, after his
 “ trial and sentence (however unjust it was)
 “ did not effect his life, limb, or liberty,
 “ was thrown into a noisome and unhealthy
 “ prison, unfit for the vilest criminal. Tho’
 “ it was certified to the general by the sur-
 “ geon, who attended the major, that it might
 “ be of the most dangerous consequences to
 “ the major to remove him to such a pri-
 “ son in the very bad state of health, in which
 “ he languished at that time. Notwithstand-
 “ ing the certificate and report of the surgeon,
 “ the general sent a peremptory order for the
 “ major’s removal about ten o’clock at night.
 “ —The cruel order was but too well obey-
 “ ed, and a party of armed soldiers were di-
 “ rected by an officer, who conducted them,
 “ to

“ to drag the major out of his bed, though
“ he was then actually in the hot fit of an
“ intermitting fever, and to transport him
“ like the most infamous felon to the prison
“ before mentioned.
“ If the verification of these facts will sub-
“ stantiate the fourth article of the charge ;
“ they can be proved beyond contradiction.”

Major General *Monckton* here desired leave to mention, that upon the several articles and explanation now read being communicated to him from the secretary at war, together with his intention of laying them before his Majesty, he had wrote an answer to the following tenor :

South Audley Street,

“ Sir, 26th Jan. 1764.

“ I received the honour of your letter, and
“ of copies of all the different memorials, or
“ papers which have been presented to you,
“ in relation to the complaint made by Mr.
“ *Colin Campbell*, late Major Commandant
“ of his Majesty's 100th regiment of foot.
“ I cannot help expressing my astonish-
“ ment at the insolence, or rather madness of
“ this unhappy man ; for surely his accusa-
“ tion

“ tion deserves no better name, an accusa-
“ tion, which is absolutely as false as it is
“ virulent and indecent.

“ I can have no objection to your laying
“ all the papers before his Majesty, as there
“ is no part of my conduct, in near twenty-
“ three years service, which I can have the
“ least doubt of being able to justify, even
“ in the most solemn manner ?

“ It is very fortunate for me that the
“ only accusation against me, for any mis-
“ conduct during the time of my command,
“ is made by a man, who has been dis-
“ missed with ignominy from the king's ser-
“ vice, and whose language upon this occa-
“ sion, denotes his having forgot that he
“ was ever a gentleman.

“ Had my conduct, or could it have been
“ such, as he dares to represent it, this would
“ not be the only method of redress, obvious
“ to an inflamed imagination. The courts
“ of law were open, and upon making good
“ his charge, I should certainly deserve to
“ feel the weight of that sort of justice, added
“ to the displeasure of my sovereign.

“ I shall submit with great satisfaction to
“ whatever mode of enquiry his Majesty
“ shall

“ shall in his wisdom think best : yet give me
“ leave to make one observation to you. Tho’
“ I can’t fear the sentence of any court mar-
“ tial, yet that method is attended with great
“ speculation, and in future the idea of a
“ trial remains in the minds of men, when
“ they are not candid enough to annex to it
“ the idea of an honourable acquittal. This
“ I would not have you take in the light of
“ an objection, but merely a sentiment thrown
“ out by a man, who is and has always been
“ highly tender of his honour.

“ As you propose laying the papers to-
“ morrow before the king, I shall take the
“ the same opportunity of laying myself,
“ and the justice of my cause at his Maje-
“ sty’s feet.

“ I am, &c.

“ *The Right Honourable the Secretary*
“ *at War.*”

Major General *Monckton*, after opening
the substance of his defence, and acquaint-
ing the court, that although he had many
witnesses to most of the facts alledged against
him, he would call as few as possible,
and upon the slightest intimation of his go-
ing

ing into things immaterial or superfluous, would immediately desist, proceeded to the examination of

Captain Sir *Henry Seaton*, Bart. who was sworn and examined ;

Q. Did he command a company of light infantry on the expedition to *Martinique* ?

A. Yes.

Q. Did he exchange the arms, which the company brought with them with Major *Campbell's* corps, and what arms did he give them in exchange ?

A. He did exchange with a part of Major *Campbell's* corps ; and those, he gave in the place of them, were all fit for service the day they landed in *Martinique* ; the exchange happened a few days after, and he very well recollects they had suffered little or nothing.

Q. (by desire of Mr. *Campbell*) Does he know of any other corps of light infantry, which exchanged arms with the 100th regiment ?

A. He don't recollect any.

Q. Did he exchange the whole arms of his company with them ?

A. Yes.

Q. Of

Q. Of what number of men did his company consist ?

A. He can't positively say ; but thinks about sixty.

Major *Alexander Brown*, who commanded the brigade of *Barbadoes* volunteers, was sworn and questioned ;

Q. Of what did his corps consist ; of white or black men ?

A. Of white men ; except that there were about thirty blacks among five hundred.

Q. Were they not free men ?

A. Yes.

Lieutenant Colonel *John Darby*, before examined in the course of the trial, was questioned ;

Q. Was there any corps of negroes in arms during the expedition to to *Martinique* ?

A. None. There were some few negroes, he believes, mixed in the *Barbadoes* volunteers.

Q. Was Major *Campbell* ever superceded in any command ?

A. Never.

Q. Did the deponent ever report to Major General *Monckton*, and when, that Major *Campbell* had made a false return ? Did Major
jor

Major General *Monckton* shew any inclination to take advantage of that report to oppress Major *Campbell*?

A. He did make such report, soon after the killing Captain *M'Kaarg*: Major General *Monckton*'s answer was very humane, respecting Major *Campbell*; he seemed to pity his situation, and did not appear to take the notice of the report he might have done.

Q. (By desire of Mr. *Campbell*) Who was field officer next in command to Lieutenant Colonel *Melvill* upon the detachment from *Guadalupe*, when the army landed in *Martinique*?

A. by the Roster it would have been Major *Gordon Graham*; it was very distant from Major *Campbell*.

Lieutenant Colonel *Eyre Massey* was sworn and examined;

Q. Was he president of the court martial held in *Martinique*, for the trial of Major *Campbell*?

A. He was.

Q. Did Major *Campbell* complain to the court of his evidence being suppressed, or his friends intimidated?

A. Never.

A. Never.

Q. Did he mention his being under any the least constraint in his preparation for his defence?

A. Not in the least.

Q. (By desire of Mr. *Campbell*) Did he receive any message from Major General *Monckton*, during his trial by any officer?

A. He never did indeed.

Colonel *William Rufane*, before sworn, in the course of the trial, was again examined;

Q. Was he Brigadier upon the late expedition to *Martinique*?

A. He was.

Q. What was his opinion of Major *Campbell's* corps, which was in his brigade?

A. They were the worst body of men he ever saw brought into a field.

Q. Did he ever hear in the army, or had he any cause to think that Major *Campbell* was slighted by Major General *Monckton*, or superceded in any command he had a just title to?

A. He never heard any such thing said in the army, nor had he any cause to think it.

Q. (By Mr. *Campbell*) by whom were Major *Campbell's* corps raised?

A. He

A. He don't know.

Major General *Monckton* here mentioned, that he did not mean to reflect upon Mr. *Campbell* in respect of the corps; but to obviate the objection made by Mr. *Campbell* to the manner in which they were employed.

Lieutenant Colonel *Darby* was again examined;

Q. Did Major General *Monckton* issue any orders by him, or to his knowledge by any other, which might tend to oppress Mr. *Campbell*?

A. Never.

Captain *Alexander M'Donald*, sworn in the former part of the trial, was again examined;

Q. Was he commanding officer of the 100th regiment after Major *Campbell's* confinement?

A. Yes.

Q. Did he ever receive any orders, either from the head quarters, or otherwise, forbidding the officers of the corps under his command, to visit Major *Campbell* in his confinement before his trial; or for denying his friends admission to him, who came to take instructions

instructions from him for managing his defence upon his trial?

A. He don't remember he ever did.

Q. Did Major *Campbell* appear to him to enjoy an uninterrupted intercourse with his friends, during the time of his confinement.

A. His friends were allowed to see him; he knows nothing to the contrary.

Q. (By desire of Mr. *Campbell*) was any person forbid seeing him, except in the presence of an officer of the guard?

A. He don't remember.

Adjourned till to morrow ten o'clock.

Wednesday 18th April.

The court being met pursuant to adjournment,

Major General *Monckton* after expressing his concern, that he was not at liberty to enter into a refutation of that part of Mr. *Campbell's* complaint, delivered to his Majesty, which had not been thought proper to be referred to a court martial (and which, if referred, would have come next in order) proceeded to the third article, upon which, as the Earl of *Albemarle's* evidence has already set this matter in it's true light, he should only examine his secretary to shew,

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that

that the proceedings of Mr. *Campbell's* court martial were transmitted to *England* by the very *first* opportunity, and consequently, that there had been no view to protracting his confinement.

Robert Porter, Esq; who was secretary to Major General *Monckton* upon the expedition to *Martinique* was sworn and examined;

Q. What was the date of Major General *Monckton's* letter to the secretary at war, with the original proceedings of Major *Campbell's* court martial?

A. The date of that letter was the 3rd *May*, 1762, as it stands in the letter book.

Q. Was Major General *Monckton* obliged by want of a proper conveyance, by a man of war from *Martinique*, to carry his dispatches for the ministry, and the proceedings of Mr. *Campbell's* court martial down to *Antigua*; and were they not dispatched by the first man of war which failed?

A. The general was under a necessity for the reasons mentioned to carry his dispatches to *Antigua*, and sent them by the first man of war, which failed from thence.

Major

Major General *Monckton* then proceeded to the last article respecting Mr. *Campbell's* confinement in the fort.

Mr. *Porter* was further examined;

Q. Did Major General *Monckton* order him to write a letter to Mr. *Campbell*, in answer to one received from him, desiring leave to go to *England*; and what did he write in consequence of that order?

A. Major General *Monckton* did order him to write such a letter; whether the general signed the letter, or the deponent by his order, he can't recollect; in the hurry of business not then appearing extremely material no copy of the letter was kept, but to the best of his recollection at this distance of time, the letter was to this effect: " That
" as his court martial was to be sent to *Eng-*
" *land* in order to its being laid before his
" Majesty for his approbation, the general
" was sorry he could not think himself au-
" thorised to grant his request of going to
" *England*, but that in the mean time he
" should be lodged in the fort of *Fort Royal*,
" esteemed one of the healthiest places in the
" island of *Martinique*, and that he should
" readily contribute all in his power to alle-

E 2

" viate

“viate the disagreeable circumstances of his
“confinement.”

Q. (by desire of Mr. *Campbell*) Was the letter prior or subsequent to Lord *Albemarle's* arrival ?

A. He don't recollect positively that, but to the best of his memory it was shortly after Mr. *Campbell's* trial.

Colonel *William Rufane* was again examined ;

Q. Was the fort at *Fort Royal* esteemed one of the healthiest situations in the island of *Martinique* ?

A. It was,

Q. Did he succeed Major General *Monckton* in the command at *Martinique*, and at what particular time ?

A. He did ; and his appointment to that command was dated the 8th *May* 1762.

Q. (by desire of Mr. *Campbell*) Did he ever know or hear that Major *Campbell* attempted or endeavoured to make his escape prior to his confinement in the fort ?

A. He never heard any such thing prior to Major General *Monckton's* leaving the island.

Captain *David Haldane* was again examined ;

Q. Did he, as commanding officer of the
100th

100th regiment, receive a letter from Colonel *Chester*, then commanding at *Fort Royal*, relative to the removal of Mr. *Campbell* into the fort of *Fort Royal*?

A. He did receive a letter from Colonel *Chester* the 14th *May*.

Q. Did he receive a letter from Mr. *Campbell* in answer to Colonel *Chester's* order, transmitted to him by the deponent?

A. He did.

The letter was then produced, and admitted by Mr. *Campbell*, as follows :

Sir,

" You certainly don't consider what time of night it is, and that you only shewed me Colonel *Chester's* orders but this moment.

" He can't be unreasonable enough to expect me into the fort this night, and I am sure it would be equally improper to disturb him by my writing, when it may be done with more propriety early in the morning.

" Yours,

" *C. Campbell.*

" Past 9 o'clock."

E 3

Q. Was

Q. Was Mr. *Campbell* removed that night, or next day?

A. The next day.

Q. (by desire of Mr. *Campbell*) Was he not ordered to be carried in an hammock to the fort?

A. Colonel *Chester* had reported, that if he was so ill that he could not ride or walk, he should be carried in an hammock, or that an hammock should be provided for him: it was to that effect.

Q. Was an hammock found?

A. No.

Q. Was there any other reason than the want of an hammock, which prevented his being transported that night?

A. Mr. *Campbell* intreated it might be postponed till next morning, as he had been sick.

Q. (by the court) Was Mr. *Campbell* next day carried in an hammock, or how did he go?

A. The deponent can't say of his own knowledge; but believes that he went on horseback, he heard so.

Q. How far was it?

A. About three quarters of a mile.

Major

Major General *Monckton* observed to the court, that an hammock is the usual way of conveyance in *Martinique* for ladies on parties of pleasure.

Lieutenant Colonel *Darby* was again examined ;

Q. Whether he ever saw or heard of a certificate sent to Major General *Monckton* of the surgeon of the 100th regiment, representing the place ordered for Mr. *Campbell's* confinement, as improper ?

A. No.

Q. (by desire of Mr. *Campbell*) Is an hammock a common conveyance for sick to the hospital in the *West Indies* ?

A. When the deponent was so sick, he could neither ride nor walk, he has been carried himself in an hammock.

Q. Did he ever see a man in perfect health carried in an hammock there ?

A. Not, unless it was a person lame, who appeared otherwise in health.

Captain *Matthew Leslie* was sworn and examined ;

Q. Was he deputy quarter master general at *Martinique*, at the time of Major *Campbell's* removal into the fort ?

E 4

A. He

A. He was.

Q. Does he know the apartment, in which Mr. *Campbell* was lodged in the fort of *Fort Royal*?

A. He does.

Being directed to describe it, he said, That he was desired to appoint a place in the fort for the reception of Mr. *Campbell*, and as the fort was greatly crowded from the number of officers he was obliged to quarter there, he had some difficulty in finding a place for him, lest some of the officers, whom he must have turned out to accommodate him, should be jealous.—The place afterwards allotted was the place desired to be appointed for him, and in consequence the deponent changed the quarters of a store keeper and one of the conductors of the ordnance, for whom that had been allotted.—A few days before the officers were put into the fort of *Fort Royal*, a lieutenant of the artillery and his wife, whom the deponent had removed from the upper part of the fort, for the reception of the commanding officer, requested the deponent, that he would permit him to go down to the house, which was afterwards appointed for Mr. *Campbell*, as it was

an.

an healthy situation, his wife being much indisposed, rather than take a quarter in the town, which the deponent had offered him.—The place consisted of a lower apartment and an upper one; the lower apartment, he speaks to the best of judgment, was about ten or eleven feet square; it was situated over one of the entrances to the casemate, and the port cullis, which covered the entrance, was drawn up into it. The upper room was much larger, and a very good bed chamber. It was on the windward side of the fort, and a thorough air throughout all the place. It may have been subject to wet after rain, as most places there were; but it presently got dry: and when the deponent appointed the place, he spoke to the engineer to put it in the best repair he could for the reception of Mr. *Campbell*. There was a kitchen in the neighbourhood of this, which Mr. *Campbell* had the use of in common with another officer. He added, that this was the house, where the *French* governor *Nadeau* had been confined.

Q. Were there not instances of sick and wounded officers being worse lodged in *Martinique*, than Mr. *Campbell* was in the fort?

A. There

A. There were many.

Q. (by desire of Mr. *Campbell*) Was Mr. *Nadeau*, to his knowledge, confined to the house in question?

A. He cannot speak from his own knowledge of Mr. *Nadeau* having been removed long before he came, but from report.

Q. Did any steps go down to Mr. *Campbell's* apartment, and how many?

A. He don't recollect how many steps: the floor of the lower apartment was lower than the ground, but over the casmate; it was a place where half a dozen people might have dined.

Q. Where was Mr. *Campbell's* bed? Was it possible for Mr. *Campbell* to have fixed his bed in the upper apartment?

A. It was very possible. He was not within the apartment whilst Mr. *Campbell* was confined there, the only time he saw him, Mr. *Campbell* was walking out in the open air, but within the works, with a parrot in his hand.

Q. (by the court) Had Mr. *Campbell* the free use of both the lower and upper room above described?

A. Most

A. Most certainly ; no body interfered with him, they were both allotted for him.

Q. (by Mr. Campbell) Does he know what guard was put upon Mr. Campbell in the fort ?

A. He really don't know.

Captain George Garth of the first regiment of foot guards, was sworn and examined ;

Q. Whether he was chief engineer at *Martinique*, at the time of Mr. Campbell's removal into the fort at *Fort Royal* ?

A. He was.

Q. Does he know the apartment in which Mr. Campbell was lodged in the fort ? and desired to describe it ?

A. As he was appointed chief engineer, he went to examine the buildings ; and that apartment amongst the rest. To the best of his recollection, it is a small stone house of about nine or ten feet wide, by thirteen or fourteen feet deep ; a small garret ; the floor of the house, he believes, might be sunk about eighteen or twenty inches below the surface. There was a communication to the casemate underneath.

Q. Were there any instances of sick and wounded officers being worse lodged in *Martinique*,

tinique, than Mr. *Campbell* was in the fort ?

A. He thinks the apartment allotted to Major *Campbell* was better than those which some officers had allotted to them in the fort.

Q. (by Mr. *Campbell*) Is not the passage into the house included in the space of nine or ten feet by thirteen or fourteen deep ?

A. It is; those are the whole dimensions of the apartment.

Q. Did he ever see Major *Campbell's* apartment under water ?

A. He never was in it but once, and then it was dry.

Q. Did Major *Campbell* ever mention to him its being under water ?

A. He don't remember he did.

Q. (by the court) Had Mr. *Campbell* the free use of both the lower and upper room ?

A. He never was in the house after Mr. *Campbell* was there, of course he can't say, what was allotted to him.

Captain *Philip Webdall* of the royal regiment of artillery was sworn and examined ;

Q. Did he live in the fort near Mr. *Campbell*, the prosecutor, at *Fort Royal* in *Martinique* ?

A. Yes.

Q. Was

Q. Was Mr. *Campbell* confined closely to his apartment or not ?

A. He had the liberty of walking the length of about 100 yards one way, and about 70 yards another, with an orderly serjeant.

Q. (by desire of Mr. *Campbell*) Did any other guard besides the orderly serjeant attend him ?

A. The deponent has sometimes seen a centinel attend him likewise, at some distance.

Q. On what occasion has he known Mr. *Campbell* have permission to walk out ?

A. He never took any particular notice of the occasion.

Q. Was there a necessary house within 100 yards of the apartment ?

A. He don't remember any till the deponent built one, which was after Mr. *Campbell* was gone : there was one without the barrier, which the deponent believes might be about 150 yards.

Q. Did he ever see Mr. *Campbell's* house under water ?

A. Mr. *Campbell* called the deponent in, to shew him how wet his room was : the deponent answered, he believed it came from the
spray

spray of the rain at the door: Mr. *Campbell* replied, it came through the walls: the deponent differed in opinion, as he had often seen that place before, and when the doors and windows had been shut in rainy weather, had gone in afterwards, but did not perceive it wet.

Q. What was the size of the lower room?

A. The deponent never measured it, but believes it to be about 13 feet one way, and 10 the other, or thereabouts.

Q. Does he include the sally port in this space?

A. No.

Q. Does he know what use was generally made of the sally port, which went under Mr. *Campbell's* room?

A. There was a large stair case, which people passed and repassed to go into the subterraneous and underground works: likewise a passage upon occasion to the smith's and carpenter's, and wheeler's shops; it likewise led to the oven where the French baked their bread during the time of the siege.

Q. Does he know, whether it had been cleaned out since the siege?

A. He took no notice.

Q. Does

Q. Does he know of any noisome smell or stench from that place under the room?

A. It had an earthy moist smell, as most subterraneous passages have.

Q. (by the court) Had Mr. *Campbell* the free use of both the lower and upper room?

A. There was nothing locked up from Mr. *Campbell*, he had the use of every part of the apartment; of course he must, for his servant laid in the upper part.

Mr. *John Adair*, surgeon, was sworn and examined;

Q. Was he not director of the hospital at *Martinique*?

A. Yes.

Q. Had not the soldiers of the rooth regiment admission into the general hospital equal with any other corps?

A. They had. There was no distinction between any of the corps.—There were of Mr. *Campbell's* corps in the general hospital in the month of *January 78*; in the month of *February 80*; in the month of *March 43*; in the month of *April 22*; and he appeals to the general returns in the adjutant general's hands for a confirmation hereof.

Q. Did he ever refuse, upon the applica-
tion

tion of the surgeon of Mr. *Campbell's* (or the 100th) regiment, admission for any of the men of that regiment into the hospital ?

Q. He don't recollect, but very probably he did ; the hospitals being often so much crowded, that they only took in the men, who had the worst cases, into the hospital of the sick of the army ; the rest were taken care of in the regimental hospitals by their own surgeons.

Q. (by the court) Did he ever refuse the surgeon of the 100th regiment admission of any of the men, when the hospital was not full ?

A. He believes not ; he don't remember it, but it may have happened ; the hospital may have been full in the morning, and in the afternoon other patients may have been taken in.

Colonel *Francis Grant* was sworn and examined ;

Q. Was he brigadier upon the expedition to *Martinique* ?

A. Yes.

Q. What was his opinion of Major *Campbell's* corps ?

A. He never saw a corps, to his knowledge,

ledge, which made so bad an appearance in every respect. Being desired to mention in what particular, he explained himself.—

“ Badly cloathed, and bad looking men, as
“ to age, size, and every thing.”

Q. Does he know of any act of Major General *Monckton*, tending to oppress Major *Campbell* ?

A. He never did know any, nor heard it furnished.

Q. (by the court) Did he look upon the 100th regiment, as corps fit for service ?

A. He did not ; as many of them as were fit for service were employed.

Captain *Sir Henry Seaton*, Bart. was again examined ;

Q. Did Major *Campbell* frequent the head quarters as other officers did, during the campaign ; and till the time of his confinement ?

A. A very short time before his confinement he came to *St. Peter's*, Major General *Monckton's* head quarters, and attended the general's levee almost every day ; dined with the general, and generally passed the evening with him.

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Q. Did

Q. Did he appear to be discontented with regard to Major General *Monckton's* disposition of his corps, or with Major General *Monckton*, as it may reasonably be supposed he would, had Major General *Monckton* treated him or his corps with indignity?

A. He never heard him talk on the subject of his corps, and always imagined, that Major *Campbell* had no more reason to complain, than any other officer in the army; otherwise the deponent would not have been so industrious to force his company upon the general. For having the honour of being Major General *Monckton's* aid-de-camp, he asked Major *Campbell* to dine and sup there almost every day.

Q. (by desire of Mr. *Campbell*) At what distance was Major *Campbell's* corps from head quarters?

A. Twenty miles or thereabouts.

Q. Did he ever see Major *Campbell* more than once at *St. Peter's* at head quarters?

A. Major *Campbell* came only once; but then appeared there for several days.

Q. Was it above three days?

A. To

A. To the best of his memory, it was ten or twelve ; certainly more than three.

Q. Does he know whether Major *Campbell* was then sent for, and desired to come to head quarters by Admiral *Rodney* ?

A. He never heard he was.

Q. Did Admiral *Rodney* in his presence request leave for Mr. *Campbell* and his corps to go for the defence of *Jamaica* ?

A. Never in his presence ; he has heard it said, but not at that time.

Q. Did he hear Mr. *Campbell* complain of his being refused upon that occasion going upon service ?

A. He never heard Major *Campbell* make a complaint of any kind.

Major General *Monckton* then concluded his defence to the following effect :

I have now, gentlemen, done with the evidence.—After first declaring most solemnly to this court, that I cannot charge myself with ever having entertained a single thought in the least tending to the injury of the prosecutor, which in his charge has been so virulently expressed ;—I shall only take

the liberty of adding a very few reflections upon this extraordinary trial.

The accusation against me was so wild and violent, as not to bear in it the smallest probability of truth. Lord *Albemarle*, or any officer of reputation, might have been called upon, and the asking a very few questions, would have immediately proved how false and unjustifiable the prosecutor's charge would appear; instead of this, the bitter memorial, and charge, which has been read to you, was presented to his Majesty; and I had the mortification of standing in the presence of my sovereign, accused of the blackest crimes.

As I knew no guilt, I could not want the secretary at war to screen me from justice; but I thought the prosecutor's circumstances, and my character, would both join in recommending some sort of inquiry; before so strange an accusation should reach his Majesty's ear.

My concern in this case is not confined to myself; I feel for the service; I feel for the dignity of my rank: I leave it to you, gentlemen, to reflect on the consequences, if malice and despair are so easily allowed to strike

strike at innocence; and a prosecutor, under such circumstances, as Mr. *Campbell*, shall be able to bring a commander in chief, as a criminal, to your bar.

I thank the court for their great candour and attention, and shall give them no farther trouble.

The court is of opinion, that the charge and complaint of *Colin Campbell*, Esq; against Major General *Robert Monckton* is altogether unsupported by evidence, and in some points expressly contradicted by the complainant's own witnesses; and doth therefore most honourably acquit the said Major General *Monckton* of the same and every part thereof. And the court is farther of opinion, that the said charge and complaint is groundless, malicious, and scandalous in the highest degree, and tending not only to injure the said Major General *Monckton* in his character, but to hurt the service in general, as it must greatly affect every officer, who may have the honour of commanding a body of his Majesty's troops, when he reflects that his character and reputation are liable to be thus publicly attacked by a person, who has

been dismissed his Majesty's service with ignominy.

It is likewise the opinion of this court, that the complainant *Colin Campbell, Esq;* has, by many falſities impoſed upon his Majesty's ſecretary at war, in order to obtain a court martial.

JOHN MORDAUNT.

A true Copy,
Cha. Gould,
Judge Advocate's Office,
15th May 1764.

APPENDIX.

A P P E N D I X.

Major General *Monckton's* answers to Mr. *Campbell's* articles of charge, and explanation, as read to the Court Martial, introductory to his defence. Which answers were prepared upon a supposition that the Major General was to defend himself minutely to every part of the said explanation of the charge, in the form it was laid before his Majesty, and which answers, he was prepared (if thought necessary) to support by evidence.

DEFENCE. ARTICLE 1st.

WHEN Major Commandant *Campbell's* corps arrived at *Martinique*, it appeared to me so very indifferent a body of men

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(being chiefly composed of raw and very young boys, and of men advanced in years) that I thought proper to order that a part of them should exchange their heavy arms with some of the light infantry for their fusees, which were lighter, and better adapted to the feeble bodies of Major *Campbell's* corps. Experience had also taught, that heavy arms were better suited to the corps of light infantry, which were a chosen body of men, on whom I had the utmost dependence, and many of whose officers had solicited me for such exchange.

Preparatory to the siege of *Fort Royal*, finding that notwithstanding the assistance of negroes which we had, it would be necessary to employ some of the troops in the fatigues of carrying stores, &c. I ordered the greater part of Major *Campbell's* corps, and of the *Barbadoes* volunteers more particularly and permanently, to be employed in these fort or works, as raw troops that had never seen any service, and therefore could be more properly dispensed with from the essential operations of the siege, than soldiers innured to war. But still it was only a part of these two corps that were thus employed

employed; for, from each were selected a detachment of their best men, who did duty with the other troops.

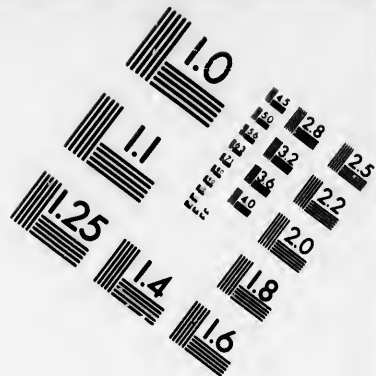
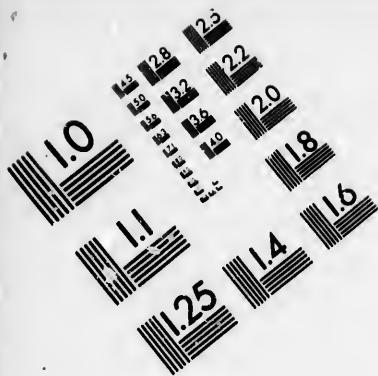
There was no such thing as a corps of negroes in arms, during the siege of *Martinique*, without a hoe for turning up the earth, and a cutlass for cutting sugar canes (which were furnished them by their different islands) can be called arms.

I never superseded Major *Campbell* in any command, nor ever deprived him of any opportunity of service. Such treatment would surely have drawn remonstrances from him; but no such did I ever receive during my command at *Martinique*.

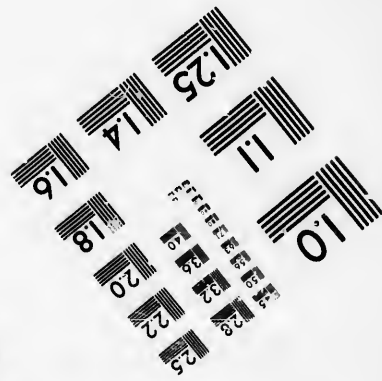
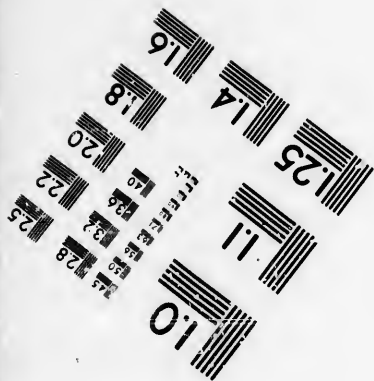
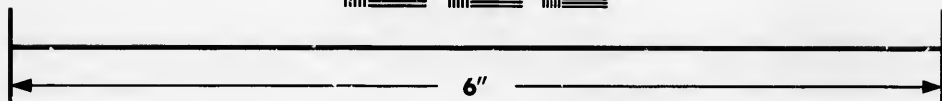
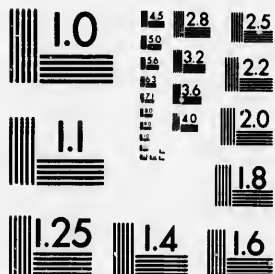
I was at *St. Peters*, about 20 miles distant from *Fort Royal*, when what Major *Campbell* terms a rencounter, appeared to me by the court of inquiry held thereon, to be murder. It became incumbent upon me to give order that a person under such dreadful imputation should have centinels placed upon him.

As to the remaining part of this article of charge, I shall only observe, that had Major *Campbell* laboured under the arbitrary and cruel oppression there mentioned, he certainly





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certainly would not have omitted so striking a plea in his favour, when upon his trial, the time of all other, when the laying open such a scene must have availed him the most; but in the proceedings of his court martial, there is not to be found the smallest mention of any tendency to such acts. This (if there was no other evidence) sufficiently evinces how false and groundless such assertions are.

Indeed, so far was I from entertaining the least thought of oppressing Major *Campbell* in the unhappy circumstances in which he was involved, that at that time I shewed him rather an unwarrantable piece of lenity, in not adding to his crime a repeated false return of his, of a quarter master of his regiment, which was reported to me by the adjutant general, and of which, as I was given to understand, there was ample proof.

It will appear, that in the course of Major *Campbell's* confinement, he had an uninterrupted intercourse with his friends.

ARTICLE

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ARTICLE II.

I did confirm what Captain *M'Donald*, commanding officer of the 100th regiment had done in consequence of the regimental court of enquiry; and every body who knows me, I flatter myself, will believe, that that approbation could only proceed from my conviction of its rectitude.

On the contrary, of treating the secretary at war's letter with indignity, when Captain *M'Donald*, commanding officer of the 100th regiment, shewed it to me, I paid so much deference to it, that I immediately resolved that the person who succeeded to the company of the late Captain *M'Kaarg*, should be charged with the debt of 90 *l.* which the secretary at war, in that letter directs to be stopped from Captain *M'Kaarg*, and which sum of 90 *l.* I ordered Capt. Lieut. *Paske* of the 15th regiment to pay into the hands of the commanding officer of the 100th regiment, upon his promotion to Captain *M'Kaarg's* vacant company, in order that the said sum of 90 *l.* should, according to my intentions, be appropriated to the purpose mentioned in the secretary at war's letter.

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The next part of this article is virulent reflection on the deceased Captain *Kennedy*, in regard to whose memory I cannot help observing that he ever bore the character of a gallant and deserving officer, and truly merited reward; but he unhappily died before he received the smallest reward from me, either pecuniary (as is asserted by Mr. *Campbell*) or otherwise.—Captain *Kennedy* was, as I am informed, a relation of the late Captain *M. Kaarg's*

My orders, in respect to the negroe captives, were positive and repeated, that no officer should upon any account appropriate to his own use a single negroe, but that upon their being taken, they should be sent to a place appointed for their reception, in order that when the siege was over they might be sold for the public benefit.—I did indulge the officers in general, in the purchase of negroe servants at a moderate price, before the general sale, which money, with what arose from the general sale, I found would be so inconsiderable to the army in general, from the few captives we had taken, that I intirely allotted it to the subaltern officers of the army only, as the rank which in that
 expensive

expensive country demanded the most of every pecuniary aid; even this produced them no more than 5 l. a subaltern.

Had it ever come to my knowledge that Captain *Kennedy*, or any other officer, had disobeyed my orders, in clandestinely appropriating negroes to their own use, such conduct should not have passed uncensured and unpunished.

ARTICLE III.

Lord *Albemarle's* evidence having, I hope, acquitted me of that part of the third article of charge, relative to the suppressing of the court martial; I have only to add, that the date of my letter to the secretary at war, with the proceedings of Mr. *Campbell's* court martial, was the 3d of *May*, which letter, with some others of importance to the ministry, for want of a safe conveyance by a man of war from *Martinique*, I was obliged to carry down with me to *Antigua*, from whence they were dispatched by the first man of war that sailed under the care of Lieutenant Colonel *Vaughan*, going home for his health.

ARTICLE

ARTICLE IV.

After Mr. *Campbell's* trial I received a letter from him, desiring my permission to go to *England*. To the best of my recollection (for in the hurry of business there was no copy of the letter kept) I ordered my secretary to answer him, that the proceedings of his court martial were to be transmitted to *England*, in order to their being laid before his Majesty; and that until the king's pleasure was known thereupon, I was sorry I could not think myself authorised to release him from confinement, but that I had directed that he should be lodged in the fort of *Fort Royal*, esteemed healthier than most parts of the island of *Martinique*; and that I should readily contribute all in my power to alleviate the disagreeable circumstance of his confinement.

The apartment which was designed for Mr. *Campbell* in the fort of *Fort Royal*, was that in which I was informed Mr. *Nadeau*, the late *French* governor of *Guadaloupe*, lived for a considerable time, and will be found to be a very different habitation from what Mr. *Campbell* represents it. Indeed lodging
was

was so scarce at this time, that there were instances of two or three sick and wounded officers being obliged to lie in the same room.

I do not recollect ever to have seen or heard of a certificate of the surgeon of the 100th regiment, setting forth the impropriety of Mr. *Campbell's* removal.

Upon my departure from the island of *Martinique*, I told my successor in the command, Col. *Rufane*, that it was my intention that Mr. *Campbell* should be removed to the fort of *Fort Royal*.

I sailed from *Martinique* the 9th of *May*; the order for Mr. *Campbell's* removal will appear to have been given five or six days after my departure.

It will also appear, by a letter under Mr. *Campbell's* own hand, that when the orders for his removal reached him at night, he did not make the smallest complaint of indisposition to prevent such removal, notwithstanding his assertion of being then in the hot fit of an intermitting fever.

Although the order reached him at night he was not removed until the next morning.

Mr.

Mr. Campbell's subsequent conduct convinced the necessity of Colonel Rufane's giving such an order; for when he was, some time after removed, at his own request, from the fort to the town of Fort Royal, where he was lodged to his liking, and when all his pretended grievances, as to place of confinement, must have ceased, he then, almost immediately upon that removal, deserted.

ROB. MONCKTON.



...the order for Mr. Campbell's removal will appear to have been given on the 15th day after my departure from the fort. It will be seen that the order for the removal of Mr. Campbell was given to him at night, and that he did not make the smallest complaint or objection to prevent such removal, notwithstanding his objection of being taken in the night to an extraordinary place. Although the order reached him at night, he was not removed until the next morning.

Mr.

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