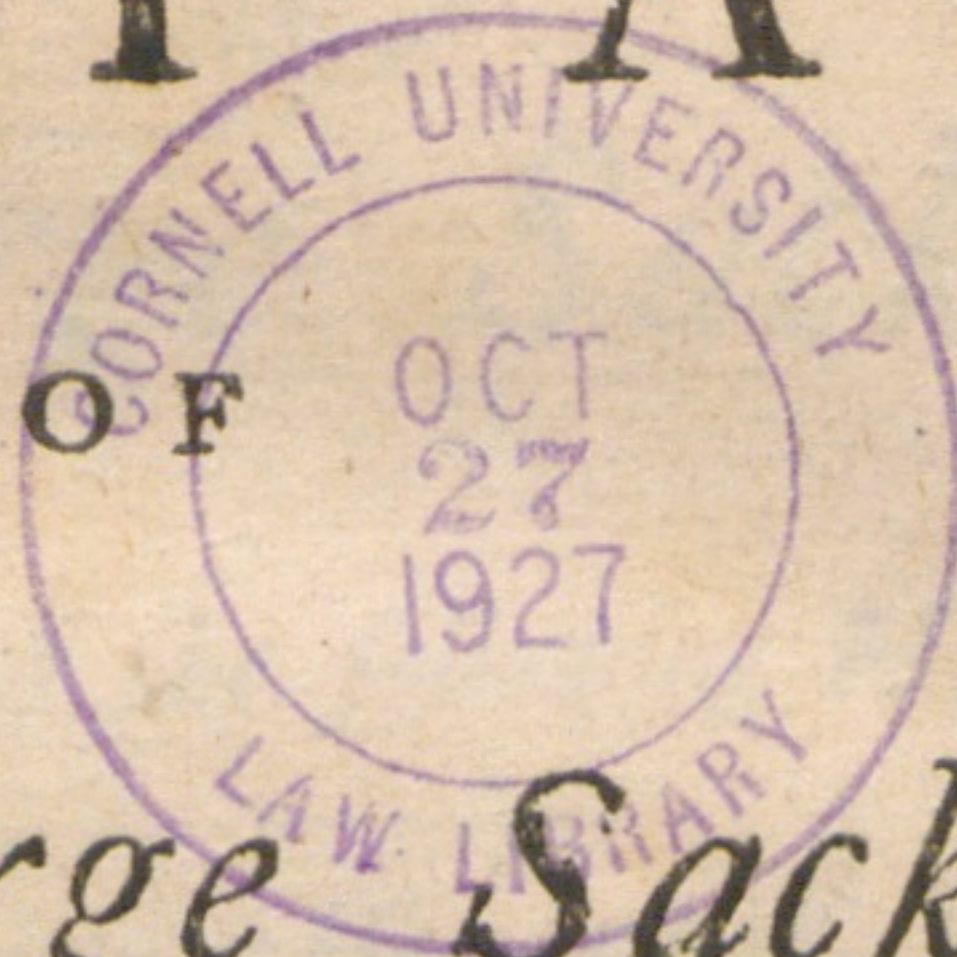


57. Trial
THE

T R I A L



Lord George Sackville.

Taken in SHORT-HAND by a
BYSTANDER.



L O N D O N :

Printed by *D. Henry*, at *St. John's-gate*. And,

D U B L I N :

Reprinted for *J. Exshaw*, in *Dame-street*. MDCCLX.

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OF

Lord George Zuckville.

B20443

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THE TRIAL

Lord George Sackville.

The Court consisted of the following Members.

Lieutenant General Sir *Charles Howard*, K. B. President.

Lieut. Gen. <i>John Campbell</i>	Lieut. Gen. E. of <i>Albemarle</i>
— Lord <i>Delawar</i>	— <i>Francis Leighton</i>
— <i>J. Cholmondeley</i>	— Lord <i>Robert Manners</i>
— <i>James Stuart</i>	Major Gen. <i>Edward Carr</i>
— E. of <i>Panmure</i>	— E. of <i>Effingham</i>
— E. of <i>Ancram</i>	— Lord <i>Robert Bertie</i>
— E. of <i>Harrington</i>	— <i>Julius Cæsar</i>
— <i>James Abercromby</i>	

Charles Gould, Deputy Judge-Advocate.

THE charge against his lordship was, “ That
 “ he being a Lieut. Gen. in his Majesty’s army
 “ in *Germany*, under the command of Prince *Ferdi-*
 “ *nand of Brunswick*, and being by his instructions
 “ (which were read in court) directed to obey the
 “ orders of the said Prince *Ferdinand*, did notwith-

standing on *August 1, 1759*, disobey the orders
 “ that were sent him by his Serene Highness.”
 The judge advocate in a short speech explained the
 nature of the charge, and observed, that by his lord-
 ship’s not advancing with the cavalry, agreeably to
repeated orders, sent him by three aid de camps, a sig-
 nal opportunity was lost of ruining entirely the *French*
 army, and the cavalry were thereby prevented from
 gathering the laurels which the infantry had prepared.

In support of the charge, Lieut. Col. *Hotham*, adjutant general, proved that two nights before the battle, orders were issued for all the generals to make themselves acquainted with the roads and passes leading from the camp,—[The use of which evidence, was to shew that any ignorance of those roads or passes must be owing to neglect, and would (if pleaded) be deemed a disobedience.]

Major *Stubbs*, major of brigade, deposed, that the cavalry being mounted about four in the morning, agreeably to orders from the prince, after waiting half an hour and not seeing lord *George Sackville*, he, knowing the village where he was quartered, galloped down to it and found his lordship in the yard, between the house and stables. He told him the reason of his coming, to which his lordship answered, he had but just heard of it from general *Sporcken*. Immediately his horse was brought, and they galloped off together; and as soon as they joined the cavalry lord *George* bid them *march*.

Lieut. Col. *Johnston*, of the blues, deposed much to the same effect in regard to the time that lord *George* joined them.

Capt. *Winchenrode*, prince *Ferdinand's* *Hessian* aid de camp, deposed, that he was sent early in the morning with orders from the prince to lord *George Sackville*, to march to the left with the cavalry, in order to sustain the infantry. At the head of the second line he saw lord *Granby*, of whom he enquired where lord *George* was, saying that he was going with orders to him. His lordship answered, at the head of the first line, where accordingly the deponent found him. He delivered to him the prince's orders in *French*, and afterwards repeated them in *French*; upon which his lordship said, he did not understand them, and asked him twice how it was to be done. The deponent then told him in *English*, that he was to march to the left through a little wood (to which he pointed) after which he would come on a heath, where he was to form,

form, and from thence he might see our infantry. After this the deponent left him.

Being asked, at the desire of lord *George*, whether it did not seem by our dispositions that the enemy's cavalry were expected to have been on their flanks, and their infantry in their centre? He replied, that he knew nothing of that, nor could pretend to form a judgment either of their dispositions or ours; all he knew was, that he was sent with orders to his lordship.

Lieut. Col. *Ligonier* deposed, that he carried orders from the prince to lord *George*, to march to the left with the cavalry in order to sustain the infantry, and to form a third line behind them on the plain. He delivered them accordingly to his lordship, and told him that he was to march to the left thro' the wood. Lord *George* asked him, who was to be their guide? and if he would undertake to lead the line? He answered, that he could not promise, but would endeavour to do his best. His lordship then ordered swords to be drawn, and bid them march; and soon after came up Col. *Fitzroy*, with orders from the prince to march up immediately with the *British* cavalry. On which lord *George* turning to the deponent, said, *Sir, your orders disagree.* He replied, *only in numbers, my lord, but their destination is the same; that is, to the left.* Soon after his lordship and Col. *Fitzroy* rode away together.

Being asked, at lord *George's* desire, if he did not insist on his orders being obeyed?—He answered, *yes, peremptorily.*

Being farther asked, if he did not insist on their being obeyed even after Col. *Fitzroy's* arrival?—He answered, no,—never. That he did indeed think at first, that as Col. *Fitzroy* came so soon after him, he might have brought the same orders, but he never pretended to say they were so. Being asked by lord *George*, if he and Col. *Fitzroy* did not dispute about their orders in his presence, each of them affirming that he was in the right? He said, he remembered

no such thing. Being asked, if he and Col. *Fitzroy* received their orders from the prince at the same time? He answered, no,—he, (the deponent) came first. Being asked, by lord *George*, if he had not said, when he was last in *England*, that he had mistaken, or changed the orders? He answered, no,—he had never said any such thing.

Lieut. Col. *Fitzroy* deposed, that the reason of his being sent to lord *George* was, that the duke of *Richmond* had been reconnoitering, and having observed to the prince that the enemy's cavalry were in disorder, he said, *voici le beau moment pour le cavalerie*, and bid the deponent go with orders to lord *George Sackville*, to march up as fast as possible with the *British* cavalry. He delivered them accordingly, when his lordship bid him repeat them, and speak slow and distinctly. He did so,——when his lordship told him that his orders disagreed with those just brought him by Col. *Ligonier*, and added, that the prince could never intend to break the line. He insisted on his having been exact in delivering the orders just as he received them. On which lord *George* said, that he would go to the prince himself, and away they went together. Being asked what pace? answered, a half gallop; but that soon after they set out, lord *George* stopping to speak to captain *Smith*, his aid de camp, the deponent then pushed on a full gallop, and got to the prince time enough to make his report before his lordship came up. When he told his highness that lord *George* was coming himself, he expressed his surprize strongly, not by words, but actions. What passed between the prince and lord *George* he did not hear. Being asked, if he carried afterwards an order to lord *Granby*? He answered, yes,—and the occasion of it was this. He was with the prince at captain *Philips's* battery, when his highness seeing the enemy's cavalry in great disorder, said, that he thought that our cavalry might, even then, be of service. On which the deponent asked, if he should go and fetch them? His highness replied,

replied, *yes, make haste, and deliver the order to lord Granby, for I know he will obey me.* He went accordingly, and delivered the order (as directed) to lord *Granby*, whose wing, he observed, was farther advanced than the other, which his lordship also mentioned to him. He asked the deponent, why he did not deliver his orders to lord *George Sackville*? He replied, that as lord *George* had disobeyed a former order which he carried, he now had the prince's direction to deliver this order to him (lord *Granby*). Upon which his lordship immediately put the second line in motion. Being asked, by lord *George*, whether he had ever reconnoitred the wood, and whether it was close or open?—He replied, that he looked at it as he passed through, and the part through which he went was very open; and, as to the breadth, two squadrons might march in front. Being asked, whether if our infantry had been broke by the enemy, the consequence would not have been very fatal? He replied, undoubtedly, as the action was on a plain, and there were no cavalry to cover them while they rallied.

Lieut. Col. *Sloper*, (of *Bland's* dragoons) deposed, that on *August 1*, about four in the morning, capt. *Pentz* came to his tent, with orders from the prince for the men to mount; he added, in order for action. The deponent himself went round the regiment, and found the men lying down in their tents, booted, and the horses saddled, as they had been ever since one o'clock, by an order issued the night before. In about half an hour after they were drawn out, lord *George Sackville* came to the head of *Bland's*, where the deponent was, and bid them march. They had not gone far before captain *Winchenrode*, prince *Ferdinand's* aid de camp, came up and told his lordship in *French*, that it was the prince's orders that he should march to the left, and sustain the infantry on the plain. He repeated it in *French*. Lord *George* replied, *mais comment, mais comment?* The captain then said in *English*, waving

waving his hand, that he was to march through those trees, (that was his expression) on the left, and then he would come on a heath, where he would see our infantry, and the enemy. *Winchenrode* then went away, and lord *George* saying he did not understand the orders, the deponent said that it was clear to him, that this was to be done by the left of the right wing of the cavalry. For about a quarter of an hour after this he did not see his lordship, and they still remained where they were ; till at last lord *George* came up, and said to him, *colonel, move your regiment.* He replied, *to the left, my lord?* His lordship answered, *no, straight forward.* Soon after Col. *Ligonier* came to lord *George*, with orders from the prince to march immediately with the cavalry to sustain the infantry on the plain. (The deponent then desired to know if he must inform the court what he said to Col. *Ligonier*, and being told, if it related to lord *George* he must, he then proceeded). The deponent then said to Col. *Ligonier*, *for God's sake, Sir, repeat your orders that that man* (meaning lord *George Sackville*) *may not pretend he does not understand them, for it is now near half an hour since we received orders to march, and yet we are still here.* [He was sorry (he said) that his oath obliged him to mention what he also added] *For you see, Sir, the condition he is in.* Col. *Fitzroy* then came up, but what he said to lord *George* he did not hear, only his lordship, then turning to Col. *Ligonier*, said, *Sir, your orders are contradictory.* He replied, *in numbers only, not in destination.* Soon after his lordship and colonel *Fitzroy* rode away together, and in about a quarter of an hour more the cavalry moved.

Being desired to explain what he meant by those words, *you see, Sir, the condition he is in?*—He replied, that his lordship seemed to him to be greatly alarmed. That when he gave him the orders to march the regiment, he was in the utmost confusion, as appeared by his ordering them to march strait forward, when the original orders were to go to the left ;

left ; colonel *Ligonier*'s orders were to go to the left ; and when the cavalry did move, it moved to the left.

Being asked, what time there was between capt. *Winchenrode*'s orders, and their arrival on the heath ? He replied, about three quarters of an hour.

Being asked, if the cavalry had moved immediately on the first orders, whether he thinks they could have come up time enough to have sustained the infantry, or to have charged the enemy ? He replied, that from the length of time between captain *Winchenrode*'s arrival and their moving, from the slow motions they made when they did move, and from the nature of the ground, he was certain that they could.

Being asked, what ground it was ? He replied, that the heath was as fine as could be wished for cavalry to act on, having no high furze, like our heaths in *England*, but being as smooth as a down. That when they did arrive upon it, he saw without obstruction at a distance before them the glittering of the hats and arms of our infantry, who were then advancing briskly forward. Being asked, by lord *George*, to whom and at what time he first mentioned his not obeying captain *Winchenrode*'s orders ? He replied, soon after the battle, and to many persons ; to so many that he could not recollect to whom he mentioned it first ; but it made such an impression upon him, that he was morally sure that he always made use of the same expressions that he had given in evidence.

Prince *Ferdinand*'s *Prussian* aid de camp deposed, that on lord *George*'s not bringing up the cavalry on colonel *Fitzroy*'s order, the prince being very impatient, directed him to go and hasten lord *George*.—That in his way colonel *Fitzroy* passed him at a distance, and soon after he saw his lordship coming himself. On which he hastened back, to inform his highness that lord *George* was coming to take his orders from his own mouth, rather than from him ; but that before

he could speak, the prince cried out, *what will he not obey me?*

Lieut. col. *Pitt* (of *Mordaunt's* dragoons) deposed, that he knew of no impediment to the cavalry's advancing sooner, and being asked by lord *George* if they did not meet with some obstructions when they arrived on the field of battle, from the killed and wounded, answered, that they avoided as much as possible treading on the wounded, but they met with no obstructions from the killed.

The marquis of *Granby* deposed to the same effect as capt. *Winchenrode* in regard to his seeing him both in going and coming from lord *George Sackville*,—the last of which times he told the deponent, that lord *George* did not understand his orders; the deponent answered, that he had put his brigade, as he promised him he would, in motion. That afterwards, seeing lord *George*, he excused himself to him for having done it without waiting for his order. That they marched in about twenty or twenty-five minutes after captain *Winchenrode's* arrival.—That capt. *Winchenrode* led a *Hanoverian* regiment, and he himself led the Greys through the wood. That after they had got through the wood he saw our infantry at a distance. After this they were halted again, and soon after col. *Fitzroy* came up to him with orders to march as fast as possible with the cavalry. That the deponent asked him, why he did not deliver his order to lord *George Sackville*? to which he replied, that lord *George* not having observed a former order, the prince had directed him to deliver this to him (lord *Granby*.) That upon this he immediately put his brigade in motion, and trotted on himself at the head of it,—but he had not gone above 3 or 400 yards, when turning round he saw them halted.—Galloping back, he asked, by whose order? and was answered that it came from the right, from lord *George Sackville*. Upon which he bid them march again, and obey no orders but his, or gen. *Elliot's* in consequence of his. That these

these two halts were all that he remembers, though they had several messages to march slower ; and that when they arrived at the field of battle, our infantry were advancing very briskly at a distance.

Being asked, whether he thinks that if they had marched immediately on capt. *Winchenrode's* order, they could have come up, *in proper order*, time enough to have charged, or pursued the enemy ? He answered, that had they not been halted, they certainly might ; he would not say in so exact a line as in the parade, but in a proper line enough to have engaged the enemy. Being asked, if he thinks they could have been up time enough if they had marched immediately on col. *Fitzroy's* arrival, at the pace he was going ? He replied, that he could not answer that, as he did not know how near the enemy then was to *Minden*. Being asked, what he said to col. *Fitzroy* on his bringing *him* the prince's orders ? He answered, that, as he was vexed, he believes (though he does not just now remember the exact words) that he found fault with lord *George's* manoeuvres, thinking time was lost thereby.

Being asked, by lord *George*, if any plan or disposition for the battle was communicated by the prince to his lordship, or the other generals, the day before ? He answered,—no, not to him,—nor to any other general as he knew of. Being farther asked, if this was not the prince's usual method at the eve of a battle, and whether he was not thought to excel in it ? —He answered, that before the battle of *Bergen* he communicated his dispositions to him, and the other lieut. generals, with great calmness and precision.—That he had heard too that he had done so at other times, but could only speak of this from his own knowledge. Being asked, if the infantry were formed when they moved to the attack ? —He answered, as he was not there he could not tell. Being asked, if when he put the cavalry in motion by col. *Fitzroy's* orders, he knew that lord *George* had been with the prince ? He replied, that he did not. Being shewn

by lord *George*, a letter which col. *Hotbam*, at his request, wrote to the prince the day after the battle, and asked if he remembered seeing such a letter, and if that was the same? He answered, that he was indeed shewn by his lordship the rough draught of such a letter, but could not remember whether this was the same, though one paragraph (which he mentioned) he was sure was not in it. That what he said to lord *George* then, was to the same effect with what he had now given in evidence, and that he always said he could speak to facts only. That as to lord *George's* brigade being *as far advanced as his, when they arrived in the rear of the infantry*, (as mentioned in the letter) he could not affirm that, as he never minded it, and was only attentive to his own. Being asked, if he knew what infantry were posted in the front of the cavalry before they moved? Answered, that he did not know then, but has since been told that it was an *Hanoverian* brigade.

Lieut. *Wogan*, (of *Howard's* dragoons) deposed nothing material, and lieut. *Walsh*, adjutant of the blues, deposed, that after passing the wood, he was sent by col. *Johnston* to lord *George*, to know if the blues might move, as the left brigade was going on.—His lordship said, no,—they must stay where they were, and bid him stop the left brigade.

The judge advocate here rested the charge, and gen. *Webb*, the duke of *Richmond*, and some other witnesses, who had been summoned, were not called in.

D E F E N C E.

Lord *George Sackville*, after enlarging in an elegant speech on the nature of the evidence that had been brought against him, and what he should produce in his own defence, proceeded to call his witnesses in the following order.

Lieut. col. *Hotbam* deposed, that the orders which he received on *July 29*, for the generals to reconnoitre the overtures leading from the camp to the plains of *Minden*,

Minden, and on the 31st, for the horses to be saddled, &c. at one the next morning, were communicated to, and obeyed, by his lordship.—And that such orders as the last had been frequently issued during the fortnight before.—Being asked, (as were all the following witnesses) if he perceived any difference in lord *George's* looks or behaviour that day, from what was usual? He answered, (as did the rest) none in the least.

Lieut. *Bisset*, assistant quarter-master general, deposed, that as soon as lord *George* came to the head of the line, which was between five and six, he bid them march.—That he was the first general officer who arrived there, and that by orders from the prince, the cavalry was first formed into squadrons, and then into line.

Capt. *Sutherland* (of the *Welch* fuzileers) deposed, that in obedience to the orders of *July* 29, lord *George* sent lieut. col. *Watson*, and capt. *Smith*, to reconnoitre the overtures; that his lordship hastened to the head of the line as soon as he heard from gen. *Sporcken* that they were drawn out, even without an aid de camp, and before any other general; — that the original destination of the cavalry was to a wind-mill in their front, whither a guide was appointed to conduct them, beyond which the country was open, and which was the nearest way to approach the enemy. Being asked, if the wood was reconnoitred during their march? He answered, not as he knew.

Capt. *Smith*, lord *George's* aid de camp, deposed, that he and col. *Watson* reconnoitred the overtures, by his lordship's orders, on the 30th, — and that lord *George* himself went as far as he could, consistently with his picquet duty, being lieutenant general of the day. — That by orders from the prince, the cavalry was first formed into squadrons, and then into line. That while they were forming he was on a rising ground, from whence he observed, that by the time four or five squadrons were formed, lord *George* marched them, which occasioned disorder in the rear, they not being
able

able to keep up, which he went and informed his lordship of, who upon that made them halt,—and he (the deponent) returned to his post.—That soon after they moved again, when a *Hanoverian* officer, whom he knew, came up to him, and said that they marched so fast in front that they could not keep up, and that their horses would be blown, &c. which the deponent went again and told lord *George* of, who then said, that he would halt no more, but that he would march slow, and that then the rear, when it was formed, might soon overtake him, but desired them not to hurry. That the place where they were forming the line, he observed, was not wide enough, but riding forward, he observed that there was room enough a little farther, which he mentioned to his lordship, who then ordered them to move on, and the line was soon well formed.—And that, as to any alteration in his lordship's looks or behaviour that day, he was sure there was none; but that he would have gone to death if it had been needful.

Capt. *Lloyd*, another of lord *George's* aid de camps, deposed much to the same effect as to their marching in the morning, and forming into squadrons and line, &c.

Lieut. col. *Preston*, (of the Greys) deposed nothing material, and

Capt. *Williams*, of the artillery, deposed, that the train marched from the camp between five and six in the morning, and had received no particular orders, on which account he was sent by capt. *Philips*, the commanding officer, to lord *George Sackville*, to ask for orders. His lordship (whom he found at the head of the first line of cavalry) seemed surprized at their having had none, but told him that he would soon find employment for them in front, and bid him hasten capt. *Philips* up. After reconnoitring the ground, he returned to the train, and they soon after passed through the two lines of cavalry, and after going about 100 yards farther, they turned to the left and went through
a wood,

a wood, a little beyond which they * unlimbered, loaded their guns, and fired on the enemy's cavalry, who were then advancing to attack our infantry. That the wood consisted of tall thick trees, and that but one carriage went abreast. That the best survey he had seen of it (which he produced in court) was sent him by the count *la Lippe Buckebourg*. That after firing a few shot on the enemy's cavalry, they directed their fire on a *French* battery that played upon them, and which they silenced in about ten minutes. That then they fired both on the cavalry and infantry, and as they, (the enemy) retreated, which was about twenty minutes after eight, they advanced with their cannon (which consisted of ten medium twelve pounders) as far as the edge of the morass, where they halted, as he thinks, by the prince's order. Being asked, which was the nearest way for the cavalry to have joined the enemy, by the wood on their left, or the wind-mill in their front? He replied, as the enemy were obliged to retreat by *Minden*, he thinks by the wind-mill was much the nearest way. Being asked, how far it was from the place where they passed through the cavalry to the wood? He answered, 4 or 500 yards,—and from their battery to the enemy about 900 or 1000.

Capt. *M'Bean*, of the train, deposed to the same effect as to their marching without any particular orders, and passing through the intervals of the cavalry, the wood, &c. As also in regard to their firing on the enemy's cavalry and battery; after which they played on two bodies of infantry, which he has since heard were *Saxons*, and which soon broke. That they then advanced, and continued occasionally to play on the rear of the enemy, till they were fired upon from the ramparts of *Minden*. That they were sustained by no troops, a regiment which was appointed for that service being otherwise employed,—which

* That is, took of the fore wheels of the carriages.

occasioned him to apply to a *Hanoverian* general, whose brigade was near, to march up and sustain them; but was answered, that the prince had ordered him to remain there, and not expose his brigade to the cannon of *Minden*, of which he also desired capt. *Philips* to be cautious. That early the next morning, going towards *Minden*, he met a *French* officer with a trumpet coming out of the town, who informed him that he was aid de camp to the quarter-master general of the *French* army, which he farther told him was on their ground (according to their orders) by midnight, and that marshal *Contades* appointed him to conduct the duke of *Broglie*. Being asked the distance from their battery to the enemy? Answered, 800 or 1000 yards.

Lieut. col. *Hotbam* being called again, deposed, that he was with lord *George* when capt. *Winchenrode* arrived; that he came on a gallop, and delivered an order in *French*, which his lordship made him repeat, and which was, *that the cavalry were to form a line, as a third line, behind the infantry, and advance*. That by advancing, he understood marching forward. That he never heard him explain the order, nor does he remember his mentioning, or pointing to the wood. Neither does he remember lord *George's* speaking to col. *Sloper*, or col. *Sloper* to him; but he allowed he might, and he not observe it. And that col. *Ligonier* arrived between five and ten minutes after capt. *Winchenrode* went away.

Capt. *Hugo*, lord *George's* German aid de camp, deposed exactly the same in regard to capt. *Winchenrode's* arrival, the orders he brought, and the time between his going and col. *Ligonier's* coming. He added, that there was at that time the *Saxe Gotha* regiment in the front of the cavalry, a little to the left, and that he was sent by his lordship to the commanding officer, to desire him to clear their front, that the cavalry might advance; and that immediately on his return col. *Ligonier* arrived. That he did not see lord *George* speak

speak to col. *Sloper*, or col. *Sloper* to him, though he might, and he not observe it. Being asked, if he knew any impediment to the cavalry advancing to capt. *Winchenrode*'s order? Answered, none except the *Saxe Gotha* regiment, and that was soon removed.

Lieut. *Bisset* deposed to the same effect in regard to capt. *Winchenrode*'s arrival, and the orders he brought, and said, that he imagined the time between his going, and col. *Ligonier*'s coming, was seven or eight minutes.

Capt. *Brome*, (of the artillery) deposed, that soon after the cavalry was formed by the prince's order, he was sent by lord *George* to reconnoitre in their front, and that soon after his return, capt. *Winchenrode* arrived with orders for the cavalry to form a third line to support the infantry, and advance.

Capt. *Smith* (being called again) deposed, that he was not present at capt. *Winchenrode*'s arrival, being then on the right of *Bland*'s, loading his pistols, and that lord *George* was clearing his front of the *Saxe Gotha* regiment when he saw col. *Ligonier* arrive, and supposed he delivered an order, as he saw lord *George* draw his sword, and heard him say, *march*,—that the whole was presently in motion, and that his lordship was then on the right of the *Inniskillings*. That upon this col. *Sloper* said to the deponent, *are we going to charge?* He replied, that it looked very like it. Col. *Sloper* answered, I have not yet thrown away my picquet poles; for God's sake, go to lord *George*, and desire him to stop, and tell him that the line is not ready. He went accordingly, and delivered the message.—Lord *George* replied, *What do you mean, Sir? Who says it is not ready?* He then told him what col. *Sloper* had said. His lordship answered, that he might throw his picquet poles away as they marched on, for that he would not halt now they were in motion. He went back and told col. *Sloper* what lord *George* had said, who upon that gave the word to his squadron to halt. He then repeated his message, and col. *Sloper* said,

said, *Never fear,—I shall do it sooner.—I will not stay a minute.* That, his being the right hand squadron, the deponent did not think it of much consequence, and then left him.—That as he was going back, he saw col. *Fitzroy* arrive, and heard lord *George* say, *Cease the drums, and halt the line.* That soon after this his lordship said, *Why, Sir, Mr. Ligonier has just said, the whole.* That many persons then spoke together, and he distinguished col. *Ligonier's* voice, but that col. *Fitzroy* was most pressing, infomuch that lord *George* seemed angry with him, and said, *Agree among yourselves who is right, I am ready to obey either.* Col. *Fitzroy* said, my lord, we bring the same orders, and lord *George* after that asked him, how far the prince was off? He answered, *Just on the other side the wood, about two or three brigades.* That they then rode away together, and the deponent with them. That in their way col. *Fitzroy* convinced him that he was in the right, which he could not help mentioning to lord *George*, who replied, that col. *Ligonier* was full as strong. That on their coming out of the wood, the ground being open, made an impression, he believed, on his lordship, who then ordered him back for the *British*.—That he went accordingly, and just on the other side met, to his great surprize, (as he knew his orders were the latest) the second line turning into the wood.—That he rode up to lord *Granby*, and asked him, what brought him there? He answered, that he marched by capt. *Winchenrode's* order. The deponent replied, that the orders then must be changed, as he was going to gen. *Mostyn* for the *British* only, and desired him to advance with the *British* of his line, while he fetched the rest. That gen. *Mostyn*, seeing him coming, advanced to meet him, and on his delivering his orders, immediately put the line into a trot.—That the deponent conducted them through the wood, and on their coming out on the plain he met lord *George* returning from the prince. That the first object he there saw

saw was some *Hanoverian* squadrons, formed so near the wood on their right, that there was not room for *Bland's* and the *Inniskilling* to come into the line.—That lord *George* himself went to them to order them to advance and incline to the left, and that the deponent went to a *Hanoverian* battery on their right, to order them to advance with the line. That while he was there he saw several hats thrown up in the air at a distance.—On which he pushed forward towards those people, but in his way saw so many wounded men and horses, that, as the cavalry was coming that way, he rode back to lord *George*, whom he found at the head of some squadrons, on a full trot, and told him of it ; who, on that, gave orders to the line to take care how they went over the wounded. That the deponent then went on to a body of infantry who were advancing, and asked them where the enemy was ? They pointed to some dust and smoke at a distance, and showed him *Minden*, and said, *there*. That soon after he saw the picquets (as they proved) going down a slope before him, and, he thought, prince *Ferdinand* with them.—On which he returned to lord *George*, and told him that the affair was not over, as he saw some infantry advancing towards *Minden*. His lordship ordered him to go to the prince, and tell him that the cavalry were halted in the rear of the infantry, where they could be of no service, and ask him if he had any orders for them ? He did so,—and his highness ordered him to bring them to him, which he did.—That the cavalry were then formed in two lines, one in the rear of the infantry, and the other fronting the morass, and that soon after they were dismounted.

Being asked, (on his cross examination) how long it was after col. *Ligonier*, that col. *Fitzroy* arrived ? He replied, not above two minutes. And being asked the distance between the right of the *Inniskilling* and the right of *Bland's* ? said, he could not ascertain it, but it must be above 60 yards. Being asked, if

any shot came near the *British* cavalry ? He answered, yes.—And being farther asked, if he had ever said that lord *George* seemed apprehensive of those shot, and wished to be removed ? He said, he had, and the case was this. When the cavalry advanced (as before mentioned) into wider ground, lord *George* seeing some shot take place, observed to him, that the line was within gun shot, and (pointing forward) said he hoped they should soon advance, and not be kept there, *in that hole*, as he called it. The deponent added, that this was not (in his opinion) a personal apprehension, of his lordship, but arose merely from his thinking it a bad situation for the cavalry,—and that, had they advanced, as he desired, they would not only have been more exposed, but even within sight of the battery. Being asked, if prince *Ferdinand's* orders were ever carried into execution ? He answered, yes, by their forming behind the second line of infantry, as before mentioned. Being asked, if that second line was ever engaged ? He answered, no.—Being farther asked, if he thought that prince *Ferdinand's* early and repeated orders were obeyed by their late forming behind that infantry, and beyond the field of battle ? He desired to be excused answering that question, as being matter of opinion.

The Rev. Mr. *Hotham*, (chaplain to the staff) deposed, that he was with lord *George* when the cavalry was formed in two lines, and described their situation ; that, about five minutes after, his lordship seeing a cannon ball ground near them, asked him, if he was still there ? He answered, yes. Lord *George* replied, you have no business here, take care of yourself, for we shall soon be in action, so fare you well. That he then walked his horse to the second line, where he spoke to gen. *Elliot* ; that in about five minutes more he saw a foreign officer come up, and speak to lord *Granby*, who then talked with gen. *Elliot*, and the line was soon put in motion, he supposed, by that officer's order. That he went through the wood and
came

came out into two or three inclosures, which brought him on the heath, where he saw a few yards farther a great many of the *British* infantry killed and wounded.—That the infantry were then at a great distance, and on that spot he concluded the battle had begun. That the cavalry could not by that time have got through the wood,—nor did he see lord *George* again till after the victory had been declared.

Capt. *Sutherland*, Lieut. *Bisset*, and capt. *Lloyd*, (being all called again) deposed to the same effect as to lord *George*'s being at the head of the *Inniskilling* when he received the orders, to the sense in which they understood them, and to his going to the prince, &c. During this examination, at the desire of the court, the order given out by prince *Ferdinand*, the day after the battle (and which contained the implied censure on lord *George*'s conduct) was produced and read, which was as follows.

Prince Ferdinand's orders the day after the battle.

His serene highness orders his greatest thanks to be given to the whole army for their bravery and good behaviour yesterday, particularly to the *British* infantry, and the two battalions of *Hanoverian* guards; to all the cavalry of the left wing, and to Gen. *Wagenheim*'s corps, particularly the regiment of *Holstein*, the *Hessian* cavalry, the *Hanoverian* regiment *du Corps* and *Hamerstein*'s; the same to all the brigades of heavy artillery. His serene highness declares publickly, that next to God he attributes the glory of the day to the intrepidity and extraordinary good behaviour of these troops, which he assures them he shall retain the strongest sense of as long as he lives; and if ever upon any occasion he shall be able to serve those brave troops, or any of them in particular, it will give him the utmost pleasure. His serene highness orders his particular thanks to be likewise given to Gen. *Sporcken*, the Duke of *Holstein*, Lieut.-Gen. *Imhoff* and

and *Urff*. His serene highness is extremely obliged to the Count *de Bukeburg*, for his extraordinary care and trouble in the management of the artillery, which was served with great effect; likewise to the commanding officers of the several brigades of artillery, viz. Col. *Browne*, Lieut. Col. *Hutte*, Major *Hasse*, and the three *English* captains, *Philips*, *Drummond* and *Foy*. His serene highness thinks himself infinitely obliged to major-generals *Waldegrave* and *Kingsley*, for their great courage and good order, in which they conducted their brigades. His serene highness further orders it to be declared to lieut.-gen. the marquis of *Granby*, that he is persuaded, that if he had had the good fortune to have had him at the head of the cavalry of the right wing, his presence would have greatly contributed to make the decision of that day more complete and more brilliant. In short, his serene highness orders, that those of his *suite* whose behaviour he most admired be named, as the duke of *Richmond*, Col. *Fitzroy*, Capt. *Ligonier*, Col. *Watson*, Capt. *Wilson*, aid de camp to major-gen. *Waldgrave*, adjutant-generals *Erstoff*, *Bulow*, *Durendolle*, the count *Tobe* and *Malerti*; his serene highness having much reason to be satisfied with their conduct. And his serene highness desires and orders the generals of the army, that upon all occasions when orders are brought to them by his aid de camps, that they be obeyed punctually, and without delay.

Capt. *Hugo* (being also called again) deposed, that on colonel *Ligonier*'s arrival, lord *George* bid the cavalry march; that soon after, on colonel *Fitzroy*'s arrival, he halted them, and said, as he understood it, that their orders differed; that his lordship then went, on a gallop, to the prince, and he accompanied him; that a little on the other side the wood lord *George* sent capt. *Smith* back with directions, as he understood to put colonel *Fitzroy*'s orders in execution; that he observed no marks of disappro-

disapprobation in his highness's manner of receiving his lordship; that on their return the first thing he saw was the second line coming out of the wood; that orders were then sent by lord *George* for the *Hanoverians* of the first line, who were on the other side of the wood, to advance and join them; and that the cavalry were afterwards halted in the rear of a body of infantry.

Lieut. Col. *Hotham* (being called again) deposed to the same effect in regard to the orders delivered by capt. *Winchenrode* and col. *Ligonier*,——but could say nothing of col. *Fitzroy's*, not being present when he arrived, and added, that to the best of his remembrance, lord *George* was then on the right of the *Inniskilling*.

His lordship here rested his defence.

In support of the charge the marquis of *Granby* (being called again) deposed, that a day or two after the battle, lieut. col. *Sloper* told him, that the three aid de camps (so often mentioned) had all brought orders to lord *George Sackville* to move to the left with the cavalry, to form a third line to sustain the infantry; which orders his lordship had not obeyed; and mentioned that he was perplexed or confused, or words to that effect. But that, whether col. *Sloper* said this before or after the prince's orders for the *feu de joie* he could not recollect.

Lieut. col. *Harvey*, (of the *Inniskillings*) deposed, that on *August 2*, returning to camp with a detachment, he met lieut. col. *Sloper*, to whom he lamented the cavalry's having had no share in the glory of the preceding day, and asked him, how it happened?—That col. *Sloper* replied,——By the misbehaviour of lord *George Sackville*, for that capt. *Winchenrode*, brought him orders to march to the left to sustain the infantry, which orders he never obeyed, but trifled away the time. That he (col. *Sloper*) on his lordship's hesitation, mentioned to him, (as he said) that the
orders

orders could only mean moving to the left ; that he (the deponent) could not be sure of the exact words, but that the facts were so strong that he could not forget them. And that col. *Sloper* also mentioned *personal confusion*.——The deponent added, that this conversation happened above an hour before the order for the *feu de joie* came to his regiment.

Lieut col. *Ligonier* (being called again) deposed, as he had done before, that when he brought his orders to lord *George*, he found him on the right of *Bland's* ; and that there he not only saw but spoke to lieut. col. *Sloper*, who leaned on his shoulder, and said to him, *Repeat your orders, that lord George may not pretend he does not understand them ; for Winchenrode brought the same orders half an hour ago, or words to that effect ; and that col. Sloper also said, You see the condition he is in ; by which the deponent understood that he meant that lord George was perplexed, or confused ; and that col. Fitzroy brought his orders for the British only, just before this conversation happened.—To give his lordship time to sum up the evidence, the court then adjourned to Wednesday, April 2.*

F I N I S.