RG 153 Records of the Office of the Judge Advocate General (Army)

Court-Martial Case Files

1809 - 1894

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Proceedings of a general Court-
martial, held at the City of Wash-
-ington, in the District of Columbia,
by virtue of the following order

Adj & Insp Gen's Office
Washington Sep 30th 1814

General Orders

A general Court Martial
for the trial of Captain Samuel T. Dyson
of the Corps of Artillery, and such of the
as may be brought before it, will assemble
at some suitable place in the City of
Washington (D. C.) on the 10th day of Octo-
-ber next.

The Court will be composed as follows,

Brigadier Genl. Walter Smith Dist Militia Pres-
-ident

Colonel Henry Carberry 36 Reg Inf — Lieut. Col. Wm. Scott 36 Reg. Inf
Lieut. Col James Thompson — Lieut Col. D. Harris M. M.
Dist Militia
Major Samuel Laird 44th Reg. Inf. — Major Geo. Keyser 38th Reg. Inf

Miss Land

Baltimore 0-5
1-a
18th Nov. 1814

Sir

I transmit herewith the proceedings of the Court martial for the trial of Capt Dyson. The Apl. Adjt. Genl. of the District has been instructed to forward a certified copy of the Genl. Order approving the Sentence of the Court - & I presume you will have received it at the same time this reaches you -

The Company Book of Fort Washington accompanies the Proceedings. I will thank you to send it to the Fort when it can be spared. - The Ordnance Return in the Comp.y book dated 30th June belongs to the Ordnance Department - the other Returns therein belong to the Fort - The letter from Lieut Colo. Gen.l Tinsdale on the state of the Fort, Gen.l Tinsdales letter to the Secty of War on the same subject & the report of Col Tousard - with, I take it, from Mr Parker. These papers, if you will oblige me by returning to their proper Offices.

I have the honor to be
Very respectfully,
Sir,
Your Obt. Servt
R. H. Winder
Army. Judge Advocate

Colonel Wm. R. Bell
Inspector Genl
Armies U. States

R M Wonder Esq

Army Juage Advocate

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Major George Peter Dist. Militia
Major W.B. Barney Dist. Militia
Captain John I. Stuart Dist. Militia

Major B.K. Heath Dist. Militia
Capt. John Davidson D. Mia
Capt. S. Meade Dist. Mia

members

R. H. Winder Esqr. Army Judge Advocate

Supernumeraries

Captain H.C. Reade 36 Reg. Inft.
Captain E.B. Caldwell Dist. Militia

By Order
(signed) Lnd R. Bell
Asst. Adjt. Genl

Monday 10th October 1814

The Court met pursuant to the above Order.

Present

Brigadier Genl. Winder, President.

Col Carberry
Lt. Col. Thompson
Major Peter
Capt. Stull

Lt. Col. Foote
Major Keyser
Capt. at the time of the order now Major Davidson
Capt. Meade

members

R. H. Winder, Judge Advocate

Supernumeraries

Capt. Reed
Capt. Caldwell

Four members being absent, the members present determined to attend again tomorrow at 10 o'clock A.M.

Tuesday October 10. 1815

The Court attended pursuant to their determination of yesterday.
Capt Dyson the accused appearing before the Court, the Judge Advocate read the original order appointing the Court & the following orders.

Adj & Insp Gens Office
Washington Oct. 10th 1814

General Orders In consequence of a representation made by Brig. Gen Walter Smith president of the Gen. Court Martial detailed for the trial of Captain Lam. T. Dyson of the Corps of Artillery. Captain J. Bronnick of the 36th Regiment of Infantry will sit as a member in the place of Captain Leitch of the Dist militia, excused -

By order
(signed) Jno R. Bell
Apl Insp. Genl.

Adj & Insp Gens Office
Washington City Oct. 10. 1814

Gen. Orders Lieut. Colonel Isaiah Laval and Captain William M. Tillejohn of the Regiment of United States Dragoons, are detailed to sit as members of the General Court Martial of which Brigadier General Walter Smith is President for the trial of Captain Lamuel T. Dyson of the Corps of Artillery - Lieut. Col. Harris and Major Heath of the Maryland militia are attending -

By Order
{signed} Jn. R. Bell
Apl Insp. Genl.

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Adjutant & Inspector Genl Office
Washington City Oct. 10. 1814

General Order

Lieut. Colonel D. Laylad,
District Militia, is detailed to sit
as a member of the General Court Mar-
tial whereof Brig. General Smith is Re-
sident, Major Lane of the 14th. Infantry
being too unwell to attend

By order

{signed} Wm. R. Bell
Apt. Insp. Gene.

The Court now stood as follows, all present;

Brig. Gene. Smith, Resident,

Col. Carberry	}	{ Lt. Col. Scott
Lieut Col. Lafoal		Lt. Col. Thompson
Lieut Col. Laylad		major Keyser
Major Bapney		Mdjor Peter
Major Davidson		Capt. Littlejohn
Capt. Mennick.		Capt. Moale

Members

Supernumeraries
Capt. Neale
Capt. Caldwell

R. H. Winder Ld Advocate.

The accused handed a paper to the Ld Advocate & requested him to read it to the Court, which he accordingly did in the following words;

To the Resident and members of
the General

The General Court Martial: whereof
Brigd. Genl Walter Smith is President.

Genl.

I beg leave to state that notwith-
standing my earnest desire for a spee-
dy trial, and the unqualified regret
with which I suffered a delay even to
this time, I am constrained by circum-
stances beyond my control, and for which
I am in no degree responsible, and
the fault of which, if any, rests entirely
with the prosecution, to request that a
future day may be fixed for the commence
ment of the trial. — The universal prac-
tice of Courts martial, founded upon
obvious principles of justice to the ac-
cused, gives him a right, at the time
the Court is ordered for his trial, to be
furnished with a list of the members,
and as soon after his arrest as practica-
ble, with a copy of the charges, & a list
of the witnesses. The Court will per-
ceive how far these requisites have
been complied with in my case,
when I lay before them the following
incontrovertible statement of facts.

I was arrested on the 29th August,
On Friday evening the 4th inst. I was
notified of the Court being ordered,
and furnished with a list of the
members: at that time I was, by reason

6 from the War Department, with my family in Virginia, between 60 & 70 miles from Rich^d. To day within the last half hour, I have been furnished with a new list of members, materially different from the former; and at the same time with a copy of the charges, and a list of the witnesses for the prosecution, neither of which had been seen before. Under such circumstances it cannot be expected I should be ready to decide whether I should submit to the Court as now formed, or offer challenges; nor to proceed to an immediate trial, the great object of my wish. I have therefore to request an adjournment till Wednesday the 19th by which day, and not sooner, I can be prepared both with witnesses & counsel

(signed) Lam^d T. Dyson
Capt. Chas. A.

"The judge advocate then stated that the above memorial stated correctly the time at which the accused was furnished with a copy of the charges & a list of the new members - and that he could not say that he had earlier received a list of the witnesses for the prosecution —

The Court determined to proceed ~~in the~~ ~~trial~~

~~immediately~~ to its organization, imm-
-mediately, & before it can consider
the request of the accused for an
adjournment.

The accused being asked if he
had any objection to Brig. Genl. Smith's
replying in the negative. the Genral
was duly sworn in the Prosecution in the
presence of the accused.

The Court was adjourned to meet
at 10 Oclock tomorrow morning.

Wednesday 12th October.

The Court met pursuant to adjourn-
ment; all present.

The names of the members were
called over, & the accused asked if he
had any objections to make. He replyed
~~he had none~~, but requested "that if
any member had made up his opinion
on the case he would challenge him-
-self."

A The Court was duly sworn.

The Court determined that, when it
does adjourn, it adjourn to 10 Oclock
on Wednesday the 19th inst., to allow Capt.
Dyson time to be heard for his trial. &
that Capt Dyson be allowed the pri-
-vilege of Counsel.

The Court adjourned to meet
at 10 Oclock on Wednesday the 19th
inst.

A Capt. Dyson requested that the Court would
not insist on his attending the Court on the
day appointed for his trial, as he was
engaged in the discharge of his duty
in recruiting for the Regt. The Court
acceded to this request.

8.

Wednesday 9th October 1817

The Court met pursuant to adjournment. All present.

John Lee Esqr was admitted into Court as counsel for the accused Captain Dyson.

Captain Samuel T. Dyson of the United States Corps of Artillery was arraigned upon the following charges & specifications

Charge 1st Violating the 52d article of the Rules and Articles for the government of the armies of the United States

Specification 1st In that the said Captn Samuel T. Dyson, being commanding officer of the United States Fort Fort Washington, did on or about the 24th day of August 1814, when an enemy was approaching said Fort, mislead & himself & fear the enemy run away and shamefully abandon the fort, post and ground which he then and there commanded and which it was his bounden duty to defend — and speak words inducing others to do the like.

Specification 2d In that the said Capt Samuel T. Dyson did, on or about the 24th day of August aforesaid, at the fort called Fort Washington aforesaid, cast away & destroy his arms & ammunition & con

-trary to said 52d Article of the Rules and Articles of War aforesaid and to his duty as commanding Officer

Charge 2d Conduct unbecoming an officer and a gentleman

Specification 1st In that the said Capt Samuel T Dyson being Commanding Officer of the United States fort and garrison at a place called Fort Washington, did, on or about the 2d day of August 1814, misbehave himself by dismantling and destroying said fort, which it was his bounden duty to preserve and defend-

Specification 2d In that the said Capt. Samuel T. Dyson did on or about the 2d day of August aforesaid quit his post called fort Washington without any attempt to defend the same and without any necessity thereof from the presence of an enemy did march off the garrison of the same in violation of his duty and contrary to his orders-

Specification 3d In that the said Capt. Samuel T. Dyson on or about the 2d day of August 1814. being commanding officer of the garrison at Fort Washington, & an enemy being then in his vicinity, was so drunk and intoxicated while on duty that he

10 abandoned & destroyed the fort which had been entrusted to his defence & suffered the garrison of the same to disperse, without being prepared to the measures for the safety of himself and the garrison aforesaid

(Signed) R. H. Winder
Army Judge Advocate

To which charge & specification the accused pleaded "not guilty"

2nd Lieutenant Walter Bennyman of the United States Corps of Artillery, a witness for the prosecution, being duly sworn, the charge read & on the Court desired to state what he knew relative to the matter of them, says:

There were thirteen guns mounted in the Garrison, two 50 pds two 32 pds and nine 24 pds. There were about fifty men in the fort able to do duty. Several invalids, I don't know how many, not fit for duty. There were five guns, 18 pds on the water battery, but only two of them had sponges & rammers. There were two 18 pd Columbiads mounted in the block house and two outside on the hill. three 8 pds at the fort & about the block house I don't know exactly what. I have seen four or five guns on the platform fired one ~~by~~ each. they nearly run over the platform and I think at one

second fire would run out. There
was one 32 pdr in the lower corner
of the platform that had recoil
enough - it naked down the river and
would be effective against an enemy
coming up the river to within three
quarters of a mile of the fort - from
the angle in which it was, it could
not be turned to play in any other
direction without altering of the
platform. four guns in the platform
32 pdr mentioned would play against
an enemy till ~~[illegible]~~ opposite the
fort - I dont think there was suffi-
-cient recoil for any guns mounted in
the fort except the 32 pdr mentioned -
There was quite sufficient room for
the five 18 pdrs on the water battery to
play - there was no breast work to defend
those from grape & canniester

Question by the Court - What rise
had the platform in the fort & what
was its width? Answer: It was nearly level -
I do not know its width - I have not
it measured. The 10 pdr would fire in
a direction opposite the fort & up the
river - All the guns in the fort were
mounted on skids - The guns in
the block Land were mounted on
two wheels & could be shifted to any
of the port holes - The guns in the block

12 house & upon the hill on the outside had room enough for two guns on the water battery which were mounted on truck wheels & could be turned but a house in the way would prevent them from being effectively against an object up the river.

I was on picquet guard the day the fort was drawn up about two miles from the fort - my videttes went three miles from the fort backward & forward. one I sent to Piscataway about three miles from the fort. About four oclock in the after- noon Capt Dyson sent a sargeant out to tell me that the fleet was in sight & to tell one to come in. When I came in, there were two brigs at anchor & sloops of war I thought they were moored across the stream about two miles off I think - there were two frigates & two smaller ones, a schooner & ten or twelve brigs in sight standing up but had not reached the bomb vessels. there was one brigs a quarter of a mile ahead the bomb vessels sounding & making signals & one half way be- tween that & the bomb vessels. after I had been about fifteen minutes in the fort Lieutenant Edwards came

out & called Lieut. Harrison & my-
-self who were on the platform
into the Captains room. When the
vote was taken I asked the Captain
what force.

Question by member of the
Court. When what vote was taken?
Answer - I dont know
~~Exactly~~ what 'twas about - I think the Capt
said something about orders he had received -
Question? What was the proposition ~~was~~ made
on which a vote was required -
answer I dont recollect exactly
what it was the Captain said.
Upon being further interrogated, Lieut -
-enant said) Capt Dyson informed them
there was a force in the road, he had heard,
& that he did not think we were able
to contend against the force in front,
& asked whether we should blow up
the fort. Lieutenants Elgin, being the
youngest officer was asked first -
Lt. Elgin & Harrison voted to blow up
the fort. When it came to me to vote
I told the Captain I should like to
know what force we had to contend
with before I gave my vote. Lieut
Edwards said he mine that able to
contend with the force in front. &
when it was determined to blow up
the fort a majority being for it

I do not recollect that I voted
I did not vote at all. Lieut Ed-
-wards voted for blowing up the
fort - Capt. Dyson said he disliked
to leave the fort, but was necessary
to blow it up. He said the same thing
several times after leaving the room, but
added it was not worth while with his
few men to contend against the enemy.
The guns were then all spiked. Lieut
Edwards went with a Sergeant into the
magazine to fix a train to blow it up.
Capt Dyson then ~~ordered~~ ordered me to
march the men out of the fort
& Lt Edwards staid to blow up the fort.
I do not believe Capt Dyson was in-
-toxicated at all. He seemed per-
-fectly steady - When I got about
fifty paces from the fort with the
men, the first shell was fired by
the enemy, which went into a
creek beyond the fort. The second
shell was thrown when we were about
three hundred yards from the fort & had
reached Mr Diggs house. it fell about
thirty paces from the front guard. We
were about three miles from the fort
when it blew up - We went to Lebar
-tons Springs that night three or
four miles this side of Alexandria

Question by the Court. You was on
Piquet - said the day the fort was
blown up - did you hear of any enemy in
the rear of the fort -
Answer I visited my
Piquets frequently. I heard of no enemy
- nor in our rear. I heard that the enemy
who had been at Washington had re-
- turned to their Shipping - but I heard
of no enemy coming towards the
fort - One dragoon passed me going
to the fort, who would take no notice
- I think he said he had a letter for
Capt Dyson - When I was going in from
Ricketts I met him coming from the
fort & he told me the enemy fleet
was coming up the river, which was
all the information he gave me -

Question by a member - Who was con
- ductor of Artillery at the fort -
Answer - There was none -
Question - Who was quarter master?
Answer. There was none - Question
Was there an Adjutant or acting Adjt.
Answer - There was none - none had
been appointed - The youngest Lieut
acted as Adjt when present - when
absent some other of us
Question. By whom were the morning

16

reports signed ? answer Only by the Largest
who ~~Got~~ them in -

We marched leisurely from the
fort to where we embarked - We saw
no enemy on land during our march
nor heard of any - It is about six or seven
miles from the fort to the ferry where
we embarked - Not one gun was
fired from the fort at the enemy
the magazine not blowing up so
soon as was intended Lt. Edwards
went back with a party to see the
cause of it.

I do not think Capt Dyson had
been at the fort more than ten or
twelve days previous to the blowing
up of the fort. The company took
little to do - When Capt Dyson first
came he said the platform was
too narrow & that the guns when fired
would run off - & that he would re-
present it to the Secretary of War

Question by Court ? Did Capt
Dyson ever try the guns ? - Answer No
he never did. He did not fire the
guns, fearing it would cause a alarm
as we having heard the enemy was in
the river -

Question by the Court - What was
the state of discipline at the fort ?
Answer - The men that had been
in the fort were very well disciplined

those that Capt. Dyson brought with him & some men from the 18th & 12th Regt were very raw. They were drilled three times a day

Question by Court - Was the Parapet of the fort Casket or embrasure? Answer it was Casket

The Court adjourned to meet tomorrow morning at 10 Oclock A.M.

Thursday 20th Oct.r

The Court met pursuant to adjournment - all present

Lieut. Walter Berryman of the Artillery corps continued his evidence -

In answer to questions by the Court he stated, that the 52 pounders, which in the position they occupied would play against an enemy approaching the fort and ~~disp~~ the river, could not have been trained to bear down the river, without removing some of the 24 pd.rs or other guns & putting the 52's in their places - that the 52's were columbiads, they were mounted on three wheels & their furniture was complete - that he did not hear Capt Dyson give orders to Lt Edwards to fire a train to the magazine to blow it up - that Capt Dyson had great confidence in Lt Edwards & always consulted him

18pr
on the state of the fort — that the
32, 24 & 18 prs at the fort were all
long guns — that he did not know that
Capt. Dyson took any measures to
get naimans Harbaugh for the 18 prs
on the water Battery

Question by the Court — What
guns did you see fired on ed? — you
say you saw four or five fired —
Answer — I saw the fifties
fired, but only to scale them — there
was no shot in them — I saw some
of the 24 prs one of — the
32° fired with shot —

Witness stated that when we
were leaving the fort, the Comdr.
discovered two vessels he supposes about two miles from the fort
— the other vessels anchored coming
to an anchor, nearly all of them
anchored & forming across the
river — one frigate had not come
up to the other vessels but had ta-
— ken in nearly all her sail

In answer to further questions
of the Court Lt. Berryman stated
that when he came in from picket
guard the day the fort was blown
up the colors of the fort were not
flying or up — that he expected
to see them flying — but that it

was not customary to have them up except on Sundays — that the men in the fort were very apprehensive that the fort should be attacked, & that we should fight the enemy - that Lt Harrison & Lt Elgin also seemed desirous of it. Lt Harrison said "we should give it to them directly", as the enemy was coming up — that when we were about leaving the fort & the men were ordered to fill their boxes with cartridges for the purpose of marching off Riley ore at the men said "we ought to give them at least one shot" at least

Lt Berryman further said in answer to the questions of the Court — from what I learned on picket guard the day the fort was blown up I did not apprehend there was any danger of am being attacked in the rear - The vidette, whom I sent to Piscataway reported that he had learned there, that the enemy, who had been at Washington were returned to Benedict — that Capt Dyson & Mr Duckett guard of the enemy in our rear - I told

20 him I had heard of none - Capt Dy
- on said he had heard the enemy
had landed at Benedict & expected
they would come on perhaps
that night to ~~Washington~~ the
fort -

Doct Fitzgerald who was in the
habit of riding out & getting in-
formation for us, informed me
that day that the enemy who had been
in Washington were returned to
their fleet - ——— None of the
guns were changed the day the enemy
approached the fort - they were be-
fore for action - the boxes filled
with ammunition & placed convenient
to the guns — I do not recollect
that there were any spare 24 pr ram-
mers & sponges in the fort - dont think
there was any dressed sheep skins in
the store for the purpose of making
sponges ——— There was a funnel
in the fort for loading shot - it was
indifferent but shot could have
been loaded in it - No preparation,
as I saw, was made for heating shot
the day the fort was blown up -
I am acquainted with the chan-
-nel of the river below the fort
& have seen large vessels passing
and repassing - in doing so they would
have to come close under the fort
- the end of the wharf is about a hun-

— dred yards from the fort — the wharf
is on the edge of the Channel & the
Channel is about two hundred yards
wide as near as I can guess

There were several sloops at the
fort — now boats & sail vessels &c
to have taken all the garison away
I did not notice the boats much —

The ~~accused~~ was informed that
he could now cross examine Lt Barry
— man — He stated that Doct Mar —
— shall & Major Le Enfant, two of
his witnesses, were absent the cause by
requested that they might be examined
Law — that Doct Marshall & his family
were indisposed, for which reason & to
attend his patients Doct Marshall
wished to return home as soon as possi —
— ble — ——— The Court was in —
— formed that Major Le Enfant was
superintending & directing the rec —
— tablishment of fort Washington &
that it was ~~necessary~~ important he should be
absent from there as short a time
as possible —

The Court decided that Doct
Marshall & Major Le Enfant be now
examined —

22. Lieut William Marshall of Pi-
-cataway — attack on Capt Dyas
was duly sworn —

Examination in behalf of Prisoners

Question — Were you at the fort
on the 24th August the day it was
known up — & state what you know
of that affair —

Answer — I was Hearing at
Piscataway that the enemy fleet
were near the fort, myself & some
gentlemen, from curiosity, rode to-
-wards the fort — Meeting an officer
on picket guard going for us, we met
with Lieut Lisle — I said Capt Dyson & had
a short conversation with Lieut Lisle —
He asked me if I had heard of any
movements of the enemy in the road
of the fort — I told Lisle it was sup-
-posed at Piscataway when I came
& in the neighborhood generally that
they were at or near Upper Mark-
-boro' — I told Lisle my inspection
& that of the gentlemen with me was
I had conceived was that when the
enemy heard of their shipping coming
up, they would send a party to coope-
-rate with them — I perhaps mention-
-ed to Lisle that it was a report
that a reinforcement had landed
at Benedict & that part of them
were marching up & were as far as

Brian Loun - Capt Dyson seemed
to be impressed with the belief
that the enemy was coming in
his rear, as he advised me once
or twice to return or I might be
intercepted by the enemy - Whilst
I was in the fort I saw the officers
consulting together - four in number
the Capt - Town & myself I think there
were - After the officers had se-
-perated, Capt Dyson came up
to Doct Fitzgerald & myself & Balsam
to Doct Fitzgerald, I think it was,
that it had been determined to
abandon the fort contrary to his
wishes - I think it was about that
time I left the fort & went up
to Mr Diggs, when I had been
there a while a soldier was sent up, - a soldier
I took him to be from his dwg, to in-
-form Mr Diggs the fort would
be blown up & to take care of his
windows & so forth -
Question for friend - Was it the
general rumour in the country or
round the fort that the enemy was
approaching in its rear to cooper-
-ate with the fleet - & was this

24 Rumor believed?

Answer - It was the rumor & impression in Piscataway that the enemy were approaching the fort in the rear - It was a rumor that the enemy retreating from Washington had divided & one part had taken the direction of the fort - This was one of the reports & generally credited -

Question by prisoner - Did you not believe the enemy would attack the fort in the rear with their land troops -

Answer it was my belief & of people generally that when the fleet came up, they would cooperate with it - I dare say I mentioned it to Capt Dyson it was my belief they would -

Question by the accused - Did you see Capt Dyson on the afternoon of the 24th of August & did you observe any appearance of intoxication in him

Answer I saw Capt Dyson on the evening of the 24th I saw no appearance of intoxication with him - he seemed as calm as he now is - I saw no appearance of intoxi

-cation in any other officer 25

Question by the accused - Do you believe that the evacuation of the fort was in consequence of fear on the part of Capt Dyson or in any manner produced by a state of intox-
-ication?

Answer Capt Dyson exhibited no symptoms of fear that I saw - and as I can upon observed he did not appear intoxicated - I observed Capt Dyson seemed very much perplexed more about what to do than anything else - I asked him if he had received any order from the war Department He said no he had had no communi-
-cation from the war Department for some time - I think he said he had some verbal communication from Brig. Gen. Winder

Question by Prisoner - Do you know if the evacuation of the fort was approved by any of the officers in the consultation? or did you hear any part of the garrison of-
-fer object to the evacuation of it?

Answer - I did not hear the evac-
-cuation disapproved either by offi-
-cer or private

26 Question by the Court? How far is Briartown from Fort Washington? — Answer. Twenty miles - sixteen miles to Piscataway & four or five Da Loff from that to the Fort. Question when did you hear of the enemy being at Briartown — Answer in the course of the day of the 24th — I heard in the morning & believe at night. Mr Moore a methodist preacher told me, of it, & I to believe no doubt on my mind.

Question by the Court how far had Mr Moore been advanced towards Briartown? — Answer. Mr Moore lives six or eight miles from Briartown, between Briartown & Piscataway. I don't know whether Mr Moore had come from home or not —

by Court

Question? How near were you to Briartown on the 24th August or the day preceding day? — Answer I was not nearer to Briartown, than either of those days than Piscataway except perhaps it might be to visit a patient a little way off. It was my opinion that that part of the British troops near Mr Hawkins Marlboro' would cooperate with the fleet.

Question by the Court — Did you know of any movements of the enemy on which this ~~opinion~~ opinion was

predicated? Answer I did not
Question. What was the ground
of your beliefs? — Answer mention
-ed.

Question. On what road, or where
was the division stated to be of Brit
tish troops who had retreated from
Washington & were said to be coming
towards the fort? — Answer rumor
did not say — — Question how
far from the fort is the junction of
the road leading from the fort to Pl.
- Marlboro: with the road leading
from Washington to the said place?

Answer. Perhaps the junction of the
road is about sixteen miles from Pis
-cataway — but I am not much
acquainted with the road — I had
the enemy mentioned the road leading
to Piscataway

Question — Were there not
frequent reports in your neighbor
-hood respecting the movements
of the enemy which proved to be false,
so as to make you cautious how
you credited reports respecting them
? Answer — there were frequent
reports of this kind which proved to be
false —

Question —

Had you any distinct

an definite account of the move-
ments of the enemy near Upham
Marlboro', to induce you to be-
lieve they were coming towards
the fort? Answer. No. I mean-
port said they were coming on the
road towards Piscataway.

Question by the accused.
What is the distance from the
battalion old fields to the Fort,
by which a detachment of the
enemy marched on the morning
of the 26th in their retreat from
Washington? Answer - It
is about fifteen miles from
the Battalion old fields to
Piscataway, perhaps seven-
teen to the fort - I dont know
of the nearest way having march'd
that way on their retreat.

Question by the Court? Did
the officers consult in a house, or
were they assembled together in a
room previous to the consultation
which you witnessed on the platform
Answer - I dont think they did
I should probably have known it had
they - it was convenient to see them

The Court adjourned to meet
at 10 Oclock A.M.

Francis Key Esqr was admitted in the
course of this day as further counsel
for the accused -

A-5 29

Friday 21st October 1814

The Court met pursuant to adjournment — present all the Court —

Major Le Enfant a Witness for the accused was duly sworn —

Examination by the accused —

Question. Were you acquainted with the state of the fortifications at Fort Washington on or before the 27th of August last — & what is your opinion of their capacity to resist an enemy?

Answer. I did not know the situation of the fort — nor did I ever see the fort since after the Evacuation of it — I am decided of opinion that the fort was incapable of resisting a long cannonading — if it was not also incapable of defence —

Question — From the present state of the fort can you form a correct judgment of the degree of resistance that could have been made to an enemy on the 27 August last?

Answer. I cannot form

any idea from the present state of the fort what degree of resistance it could have made previously to its being blown up.

Question - Was the fort with the walls and works as so completely destroyed by the explosion as to prevent you from judging of their state previous to the 9th of August last if you can even they or were they not sufficiently strong to resist a cannonading by ni frigates for more than one hour - they could not prevent a passage the being only two or three guns to spare an enemy -

Answer. I could judge of the state of the works and walls previous to the 9th of August by seeing them after the explosion - They were not sufficiently strong to resist a cannonading by ni frigates for more than one hour - they could not prevent a passage the being only two or three guns to spare an enemy -

Question by the Court -
Did enough of the platform remain to enable you to judge of its size & width?

Answer None of the platform

remained - so that I could not judge of its rise - There were about 3 paces left between the parapet & the hollow made by the explosion say about twenty feet - a part of the earth between the parapet & magazine may have been blown away by the explosion -

2nd Question - What was the thickness of the walls of the fort -

Answer - The outside & inside wall each was three feet thick - & the interval between them was filled up with rubbish and loose earth - The parapet of the circular battery was nine feet thick from out to out - that of the angles & curtains four feet -

Question - When you stated that there were but four or five guns which could annoy the enemy did you take into consideration the battery of five long eighteens which stood on the waters edge?

Answer The guns on the water battery were uncovered & nothing could be expected from them - they might have fired some long shot, but could not stand grape distance

32 Question. What probable effect would the battery of the fort have on a frigate at 300 cannon distance?

Answer. I cannot judge. ~~depend upon~~

Question — Could the battery have been destroyed before the enemy came within point Clark shot?

Answer. No—

Question what was the elevation from the water to the top of the parapet? was it so much as forty feet?

Answer — I do not know exactly — not so high as forty feet — but between thirty and forty feet I think

Question on the part of the accused — If attacked on the land side in the rear, what resistance could be made to an enemy? Answer — None —

Question for the accused — What land force would it require to carry it against a garrison of fifty men? Answer — fifty men could not even — nothing could be expected from them —

Question for the accused — What effect could the 18° at the block House have upon frigates ascending the river? could they retard their passage?

Answer — I presume not, or

account of their too great elevation and distance. Only one gun from the block house could operate against an ascending enemy - the great elevation would cause plunging shot, which would render the effect uncertain -

Question by the Court what is the distance from the block house to the channel?

Answer. Perhaps three quarters of a mile - the distance would not be too great upon a level -

Question - Do you, or do you not know that the block house with its armament was intended to protect the fort on the land side?

Answer. It was I believe - but it did not, and could not.

Question by the Court. Could the guns of the circular battery be so much depressed as to prevent balls from raping close to the shore? Answer - they could not -

Major

Major Robert G. Pitt
Asst. Adjt. Genl. 10th Military District,
a witness for the prosecution was
duly sworn —

Question by the Court - Were you apd. a Dpt. Genl. 18th Inf. Aug. 24th. Augt. last?

Answer. I was

Question. Did you on the 24th Augt last deliver an order from Genl. Winder to Capt. Dyson comdg Fort Washington?

Answer. I did.

Quest. Will you state to the Court what that order was?

Answer. I was directed by Genl Winder to tell Capt Dyson, & did tell Capt Dyson, that in the evening previous to the 24 of August last the enemy was within ten miles of Washington - that perhaps his post might be one of their objects - and that in case he was pressed by extremity in his rear by the enemy, he should effectually spike his guns and blow up his magazine, and cross over the river with his garrison - to be enabled to do which, he should secure boats at the fort - This is the sum and substance of the order -

(Question - Was the order verbal or written & what time of the day was it delivered?

Answer - It was verbal & delivered about 12 Oclock) It may be proper to remark that Capt. Dyson was directed to send forward victuals

on every road leading to his garison
— and that measures were taken
to that effect while I was in the
garison

Question by the Court. Did you
deliver any other order to Capt Dyson on that day or any day after
relative to the evacuation
of the fort —

Answer. I did not —

Who was Question to a question
here put. Major the say the or-
-der was verbal but believed
in the hearing of any other person
than Capt Dyson

The accused declined putting
any questions to Major Hall —

Question by the Court — When you deli-
-vered the orders to Capt Dyson in
what state did you find him —
Did he appear to you sober or in
a state leading to intoxication — did
he appear alarmed or otherwise
unbecoming an officer —

Answer. Capt. Dyson was sober &
manifested the firmness of an of
-ficer & the conduct of a gentle-
-man —

Question! When you delivered the order
to Capt Dyson from Genl. Winder
to destroy the fort in case of being
prepared by an enemy in the nearer
had the order reference to an enemy

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in that quarter only, or did it mean or intend the actual presence of the enemy?

Answer - The order had reference to an attack in the rear alone - that was the intention of Genl Winder - & so it appeared to be understood by Capt Dyson -

Question on the part of the prisoner - Was or was not Genl Young's Brigade stationed in the rear of the fort at the time you delivered the order? & when was that Brigade moved over the river?

Answer. I do not know whether Genl Young was at that time in the rear - I had about eight O'clock that morning delivered an order from Genl Winder to Genl Young if possible to join him accross the Eastern Branch - the tents were struck in my presence & preparations made to move -

Question by the Court. When was Genl Young's Brigade ordered & when was it given him -

answer - I suppose about a mile from Piscat

away - Cut wires that is the fort -

When I was at the fort I saw
Genl order to Capt Dyson to send
all the boats he had to the ferry
the order was signed by Capt De-
Neale, who was in some official
capacity in Genl Youngs brigade
I saw some of the boats on the ea-
cast of the river - Capt. Dyson
complained of the difficulty he
would be under in consequence
of his compliance with this order.

When I reached the ferry on
my return from the fort, Genl
Young had a guard there. His
Brigade was on the marsh land
I rode immediately to the ferry.

By Court

Q. At what time did you
reach the ferry -

Ans The action
at Bladensburg had ceased -

Q. by Ct. Was it at your instance
that no person was permitted at
the delivery of the order to Capt
Dyson -

Ans I took Capt Dyson in
to a private room to deliver
the order -

3d

Lieut Berry mans examination resumed.

Question on the part of the accused Was the observation made by Capt. Dyson as to his reluctance to leave the fort, & the necessity to evacuate it, before the decision of the council?

Answer. No - it was immediately after - and several times afterwards on the road.

By the Court

Question. - You say you were sent for to return to the Fort - When you did so, where was Capt Dyson?

Answer. I don't recollect where he was - I went immediately to the Cannon end of the Battery - when the men were all stationed.

Question. What did he then say to you, or in your hearing to others?

Answer. He asked me if I had heard of any enemy in our near - I told him no.

Question. Did he appear alarmed or frightened?

Answer: I don't think he did.

Question. Did he exhibit - on his part to you knowledge conduct, or behaviour unbecoming an officer & a gentleman?

answer. No. he did not. 39

Question. When he told you he did not think he was able to resist the enemy in front, and that he heard there was a force in his rear - did he take you this before or after he asked your opinion about leaving the place?

Answer. When we were called into his room - and before we were called on to vote -

Question. When you replied to Capt. Dyson - that you wished to know the force of the enemy before you gave your opinion, what did he say?

Answer. Lt Edwards said it was not worth while to contend against the enemy in front. Lt. Edwards immediately spoke. I don't recollect that Captain Dyson said any thing before Lt Edwards spoke -

Question. Did you hear Capt. Dyson say that the works to abandon the fort was contrary to his wishes?

Answer. I did not.

Question. Did he say any thing to dissuade the officers from

voting to leave the fort.?

Answer. He did not, as I recollect.

Question. Had you any guns mounted on field or travelling carriages - if you had how many & what was their calibers - & did you take any with you?

Answer. There were three fifty pounders mounted on travelling carriages - none others.

Question. Did you take any cannon with you on leaving the fort, & how many?

Answer. None. No arms but muskets were removed -

Question. Had you any work horses & how many - had you harness & how many sets?

Answer. The had horses, I dont recollect how many - enough I think to carry away two fifty pounders - which had timbers & furniture complete - Question. Could you obtain work horses & harness or oxen to to remove any of your guns.

Answer. Not without passing from Mr Diggs - & sending a mile or two -

Question. Was any request made to Mr Diggs for the loan of these things -

Answer Not as I know.

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Question on the part of the accused.
Do you know where the horses were at the time? were they at the fort or near it.?

Answer they were near the fort in pasture & some of them at the fort - those at pasture were in pr Diggs field at the fort - the field is small & they could not go far

Quest. By Court - Did Capt Duprey evacuate at being compelled as he supposed to abandon the fort.?

Answer. Yes.

Question. Did he discover regret at not having made some resistance?

Answer He did not that I know -

The Court adjourned to meet tomorrow morning at 10 Oclock.

Saturday 22nd Oct 1814 42

The Court not forthwith to adjournment — Do so forthwith

Doctor John Sconnee, Hospital Surgeon at Fort Washington, was duly sworn

Question by the Court — Were you at Fort Washington when it was blown up & had you been there sometime previously? — Answer. Yes —

Question. Will you relate to the Court what you know relative to the abandonment of the Fort — & any thing you know touching the matter of the charges that have been read to you?

Answer. I know nothing, but that the Fort was blown up.

Question. Have you nothing further to state in answer to the general question which has been put to you?

Answer. There was a consultation held by the officers in the Fort that day — but I could see nothing of the purport of the consultation not having been a member of it.

As soon as the enemy were an

announced — they were soon across the point — I went to my room to get some my instruments, such as they were, and apparatus in case I should be an engagement — I was not aware it was in contemplation to evacuate the fort, tell the guns were spiked — Capt. Dyson was not intoxicated at least he did not appear to me to be so

Question. When you went into your room to prepare your surgical apparatus did you remain there un-til the guns were spiked — or did you not in the mean time see appearances that might induce an opinion that the fort was about to be abandoned

Answer — When I came out of the door, the first thing I heard about leaving the fort was [illegible] I went to look and found it so —

Question at what time did the enemy appear in sight?

Answer — Between two & four O'Clock

Question — Were any preparations then made to defend the fort?

Answer — The men were all put to the guns Exercising them —

Quest. Did Capt Dyson seem to be alarmed on that occasion?

X Some one added he is gone

Answer I do not think Capt Dyson exhibited any symptoms of fear — he seemed perfectly cool

Question. Were you present when Capt Dyson gave any orders to his officers relative to preparations for defence?

Answer. No except that order to cast in the pistols which I understood was for the purpose of defence.

Quest. From whom did you understand this was for the purpose of defence?

Answer. From no one — it was my own suggestion from their being placed at their guns. I heard no order for them to be placed at their guns but saw them there

Capt. Dyson was not at his quarters as I heard Quest. Was it usual for Capt Dyson to be absent from his quarters during an engagement?

The Court was adjourned—

The Court decided that the Counsel for the prisoner be allowed to explain under the control of the President—

[illegible]

The Court then proceeded with the examination of witnesses on the part of the prosecution—

The Court being opened the accused & his Counsel were in attendance—

On account of the indisposition of the judge Advocate the Court adjourned to meet at 10 Oclock on Monday the 24th Inst —

Monday October 24th

(The Court met pursuant to adjournment — All present.

Doct. Common's examination continued.

Question by the Court. On the day the fort was blown up was there a wish generally among the men for the fort to defend it?

Answer. As far as I understood their wishes, there was.

Question. Did this disposition prevail generally in the garison?

Answer. When the men were at their guns, they seemed disposed to defend it. they showed the greatest alacrity to do their duty —

The Counsel for the accused declined putting any questions to the witness.

2d Lt. Thomas J. Harrison of the U. States Corps of Artillery was duly sworn — and said

The charges

47 Carried at the fort a few days
before it was blown up & found it
in this situation :- There were the
four guns on the platform- five
at the Spanish battery- four at the
block house - also two 6pds at the
block house- There were but
two sponges to the five guns on the
water battery -
- turned at the water battery
when the enemy was coming up-
the guns at the platform I think
would have run off at the second
fire - I saw but one of them fired
an 18pd and that but once- It soon
- by ran off the platform- and I
presume from the recoil at the
first fire it, it would have run
off at the second fire certainly
- it ran against the flat shown
the fort which is three inches wide
& 3 inches high and made a dent
in it - The enemy came in sight
on the 2d August- There were
seven sail- 2 frigates - 2 bomb vessels
- one sloop of war and a schooner
- & I counted twenty odd barges
myself -
Capt Dyson had recalled
in to know if we were able to
resist the enemy - it was unanimously
not that we could
not - There was present St. Elgin,
junior Officer, myself, Lt Berryman &

Edward Dyer — I do not know what the enemy anchored — they formed a line of battle from two miles to two miles & half from the fort and out of our reach —

I would add that Capt Dyson said nothing while I was present to induce us to abandon the fort — I voted from my knowledge of the fort — from what I saw of the enemy in front & heard on picket guard of the enemy in the rear —

Question by the Court. Was there or was there not a strong disposition among the men in the fort to defend it?

Answer — I did not see any thing of it — some of them seemed alarmed — but one man in my division shewed any signs of fear — They were formed ~~out of the fort~~ and marched without any confusion

Question by the Court? When Captain Dyson called the council as previously thereto, did you hear him say any thing about an order from Genl Lincoln?

Answer — I think I heard him say the day before that he had

received an order from Genl Winder & he mentioned the purport of this order viz- if he heard of an enemy marching in his rear to blow up the fort I dont know certainly whether he said an enemy preparing him or an enemy marching in his rear I think he said an enemy marching in his rear - this order he said was received three days prior

Question by the Court. Did Capt. Dyson mention to the officers assembled in council the orders he had received from Genl Winder relative to evacuating the fort?

Answer. He did - When the officers were assembled he said I will now state to you the orders I have received from Genl Winder, least some of you should not know them -

Question by the Court. Did he mention these orders before or after the vote was taken?

Answer - Before the vote was taken -

Quest. What did he then state these orders to be?

Answer - as I have stated before to blow up the

fort if he heard of an enemy
marching in his rear, or an enemy
proposing in his rear, I dont contin
ey know which

Question by the Court. Was
every gun in the fort spiked
previous to abandoning it?

Answer. All the guns in
the fort were spiked as to throw
at the block house and the water
battery I cannot say -

Question Could not some
of the guns, for instance the 6ps
have been removed at the time
the men were marched away - Were
there not horses sufficient to
have drawn them & Carriages com
plete for the 6ps?

Answer There were horses
and harness, the reason I had us
to bring two six pounders to the fort
a short time before - four horses to
each gun - There were two large
ammunition carts & two horses to
each of them, making in all twelve
horses - but the horses were in Mr
Diggs' pasture.

Court. How far was that

5/ from the fort?

Answer about ~~the~~ a quarter of a mile) — How were the Men of the early attack Horses were put over the river the day before — & one cart with two Horses we took with us — mah

In answer to questions put respecting the Ammunition taken away with us on evacuating the fort except in the Men's cartridge boxes — nor were any cannon removed —

Question — How long would it have taken to have got up the Horses from Mr Diggs pasture to the fort?

Answer — About fifteen or twenty minutes I suppose — the pasture was not large —

Question — Were there any orders given to carry away any cannon or ammunition?

Answer — None that I heard —

Question — Was the fort to be left by the enemy that you would not have had time to take away any of the guns?

Answer — I have no doubt we could have taken away some of the guns & carried them for

at the Alexandria ferry - but dont think they could be got over there, as they were attacked by anxious to reach their boats - it was with great difficulty we got over - I dont think they could have taken a single pounder over -

Question. What did you hear of the enemy in the rear on picket guard?

Answer. I was on picket guard on the 26th of August ~~on the Alexandria road~~ I heard the enemy was marching down in our rear & it was expected they would attack us -

Question where did you get the information & from whom?

Answer. From all who passed the road - I went to see several of the citizens it was the impression generally - It was said the enemy was leading Washington & it was supposed they would attack us -

Question. At what time did you get this information?

Answer. about 11 or 12 oclock on the morning of the 26th I got information & perhaps Doct Fitzgerald

was with me, that the enemy was on the direct road to the fort from Washington City — I did not hear how far from the fort they were, nor when they left the city

Question At what time did you come in from picket guard?

Answer. I came in about nine o'clock on the morning of the 9th

Quest. How far were you advanced, when on guard, towards the road towards Washington?

Ans? about three miles —

Question. How far, on reaching the fort, did you march on the main road leading to Washington City before you turned off to go to Alexandria —

Answer. About seven miles.

Question. Was there a gun fired at the enemy from the fort previous to its abandonment?

Answer. There was not.

Question by the Court. Was there a shell thrown at the fort previous to its abandonment?

Answer. There was not.

The Court adjourned to meet tomorrow morning at 10 o'clock

Tuesday 25th October.

The Court met pursuant to adjournment, all present.

Lieutenant Howisons examination continued.

Question. On the day the fort was blown up did you hear Capt Dyson say from what quarter he expected the Enemy to come in this year?

Answer, — I did not, I dont recollect to have heard him say.

Question, — Did Capt. Dyson vote that the fort should be abandoned? Answer — Capt: Dyson agreed with the rest of the officers. I did not hear Capt. Dyson vote, but from his not saying anything. I supposed he consented to it.

Question, — Did he say on the day the fort was blown up, he did not think the fort was able to resist the enemy?

Answer — No, I do not recollect to have heard Capt Dyson say anything about the fort while I was there.

Cross Examined.

Question, — Did capt. Dyson do or say any thing with a view of influencing the opinions of the officers called into Council? did he intimate his own opinion before the expulsion of theirs?

Answer — He did not; he did nothing as I saw; I answer'd that question before.

Question — Was Capt. Dysons conduct on the 27th August, calm, collected, and becoming an officer?

Answer — I thought as I did not see any change in his Countenance, he seemed the same I had always seen him.

55 Question. In the event of the enemy passing in the rear, and the retreat of the garrison by land being cut off; were there any boats at the garrison fort to convey the garrison across the river?

answer — There were some boats, but I dont recollect what kind they were, or whether they were sufficient to carry over the men.

Question, — Did the boats which conveyed Genl. Youngs Bri-gade across the river, return to the fort on or before the 27th. or remain at Alexandria?

answer — I do not know, I was not there when the boats went away. Question, — Could the barges of the enemy have been prevented by the guns of the Fort from entering Piscataway creek, to effect a landing and take the fort in the rear?

answer — I think they could, that is in the day — and in the night if they could be seen — we had no guard boat, the fort boat was bilged agt. the wharf a few days before.

Question — What is the distance of the mouth of Piscataway Creek from the fort? And how wide is its mouth?

Answer — It is about 150 Yards from the fort to the mouth of the creek, and the mouth of the creek about three quarters of a mile wide.

Question, — Could not barges have kept out of View of the fort, or out of reach of its guns, almost as soon as they entered the creek?

answer — no I think not, — However I am not so good a Judge as the other officers, not having seen the guns fired so often.

By the Court.

Question. — You say that you believed that the enemy was advancing against You from Washington, did it appear to be also believed by Capt Dyson & the other officers?

Answer — I did not hear Capt. Dyson or any of the officers say any thing about it, it was my duty to report it and I did so.

Question, — Could or could not mortars have been placed immediately on the Shores or Banks of Pinealeway Creek, to command or create by signal at night, the approach of a Boat or Boats?

Answer — If they had been placed on both sides of the bank they could,

Question, If so placed, could they not have discovered any boats that might attempt to go up the Creek?

answer — If it had been moonlight they could, or night it rained. Question — How near were the Enemys Bomb Vessels to the Fort when it was abandoned, and were the Frigates, Sloop of war, or Rocket Ship, near the Bomb Vessel at that time? ANSWER — The Bomb Vessels were about two miles and a half — I suppose, The Frigates &c were near the Bomb Vessel

Question. How did You know one of the Enemys Vessels to be a rocket Ship?

answer. I suspected She was a rocket Ship.

57 Question — How many guns in the Block house, Fort, and water Battery, could be trained to fire upon the enemy in his approach up the River, and until he could get abreast of the Fort?

Answer — All the guns in the Water Battery, four guns in the fort, and all the guns near the block house, if they had been carried to the point, as the guns were placed, nine guns

Question — If the situation of the platform of the fort had been such as in your estimation would have authorised resistance to approach by water, without having more guns or men, — do you not believe much injury could have been done the enemys ships — particularly with hot Shot, and are you not of opinion considerable resistance could have been made?

Answer — I think we could have done them considerable damage, if the platform and magesine had been good, the furnace was very much out of order, and I do not think Shot could have been heated in it, Hill from the situation of the parapet & the wind they had, I conceived they could have passed at any rate — Question. — How long previous to the 27. Aug. was it that you saw one of the guns fired, when you observed that the ~~parapet~~ platform was too narrow for the recoil

an. amouth

Answer — a month or two I suppose, However, there was no alteration in the platform afterwards.

Question — Was or was not Capt Dyson present when the Guns, or either of them on the platform was fired to ascertain the recoil? Answer — He was not while I was there, I dont recollect of ever seeing him fire a gun.

Question — Did or did not Capt Dyson observe the insuffi=ciency of width in the platform for the recoil, and the height and breadth of the ribband on the platform, to prevent the Guns from running over?

Answer — I never heard him say any thing about it, but it was evident to every one, there was not platform enough. Question — Were or were not any, and what measures prepared or attempted to be put in execution by Capt. Dyson to remedy the defect in the platform and ribband?

answer — I do not recollect of any measures taken by Capt Dyson to remedy that evil, — it could not be done Conveni=ently as we had no plank.

Question — On what day of the month did you hear the Enemy had passed the little Bottom?

answer — I think it was on the 23d. or 24th. I heard on that day that a part were across, I dont know what day they passed

Question — What Capt. Dyson active in preparing to receive the Enemy, had all the necessary arrangements been made Cartridges, Wads implements &c. prepared.

Ans.r He had Cartridges, Wads, and Balls ready —

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Question — How many Guns could the garrison man. could the furnace have been repaired by the men of the garison, and how long do you suppose it would have taken to put it in order?

answer — The effective men in the fort I presume could have manned four guns, I do not recollect of any men in the fort, that could have repaired the furnace.

Question — Were not Some of the invalids in Service the day the fort was blown up, and how many?

answer — There were Six or Seven of the invalids turned out, but they could have rendered little or no Service, they could not have held out long, one or two of them had canes
~~Guns~~ in their hands.

Question — Had there ever been previous to the day of evacuating the Fort, a doubt expressed by any of the officers or what appeared to be the general opinion of its capacity of opposing an attack.

answer — I was always of opinion myself that the fort had not capacity to resist a Single Vessel, and I heard Some of the officers express doubts of its capacity to resist nearly an equal number of guns.

Question — Had Capt. Dyson no other means of obtaining information of the movements of the Enemy than by his pickets?

answer — no other way — I believe Col. Simms of Abercorn was the only one who sent him any information respecting the movements of the enemy.

Question — Were none of his pickets mounted?

Answer — There were two or three of the men mounted, there were generally two or three horses carried out for the purpose of riding about to get information.

Question — Were you relieved on picket?

answer — It was customary to relieve the picket every twenty four Hours, I was relieved on the morning of the 27th. "Question." Was not Capt Dyson apprised of the approach of the Enemy up the river, previous to the 27th Aug.

answer — I dont think he was apprised by any body but Col. Simms before the 27. he sent him word they were passing the Kettle Bottoms.

Question — Were there no artificers & tools with which hammers and Sponges could be made?

Answer — There were artificers, but no tools.

Question — Were no steps taken to repair the Furnace,

answer — I dont recollect of any steps being taken, we had Blacksmiths, but no Blacksmiths Shop, nor tools.

Question — Could the platform have been raised so as to prevent the guns from running off, could it be raised by pikes.

answer — It could not have been done without shifting off the planks.

60a Question — Could or Could not Some of the Span 24.lbs Rammers & Sponges have been altered by the men in the fort, to fit the 18.s on the Water Battery.?

Answer — Most unquestionably, if we had had tools.

Question on the part of the accused.

Were there artificers, tools or materials attached to the Garr=ison capable of making any necessary alterations in the platform or works of the fort?

Answer — There were artificers but no materials or tools. There were two or three artificers that I knew, but there were some men in the fort that I did not know.

Question — Was there a Shell thrown at the fort previous to it's being abandoned? — Answer — There was not, the first was thrown immediately after we left the fort.

Question — Was this Shell thrown before or after the magazine exploded? — Answer — Before, there were several Shells thrown before that took place.

Question — How long after you left the fort before the explosion took place?

Answer — About an Hour.

The Court adjourned to meet tomor=row morning at 10 Oclock.

O-5 th

Wednesday 26. October.

The Court met agreeably to adjournment.

Majr Ferdinando Mantellar a witness on the part of the Prosecution was duly Sworn & Examined.

Question. Do you know what was the width of the platform at Fort Washington?

answer I was ordered last June year, by Colo Wadsworth to rebuild the platform, he directed me to be made 19 feet wide, with the advice of Captain Morris, I added 3 feet to the order and made it twenty two feet wide, except near the kitchen where it was only from 15 to 18 wide.

Question — Have you frequently fired guns on the platform?

answer — Yes Captain Morris and myself were in the habit of firing guns daily for six weeks at a mark for a considerable time, there was never an instance of a gun recoiling off the platform except one fired by Majr Peter & Col. Carbery, and that was at the narrowest part, which was at the South end of the circular platform. Question — Did you ever fire the 50 pnds on the platform? answer — Yes, I never fired them with 50 pd. Shot — but put as many 6 pd. Shot for grape as we thought a charge for them. — I saw Col. Wadsworth fire a 50 pd. ball out of each of them; they never recoiled off the platform.

there

Thereby mean an instance of a guns recoiling off except the one I have mentioned — Question. Did you ever see any of the guns fired on the platform fired until they become heated — Answer — No.

Question — Have you ever seen any one of the guns fired more than once & in quick succession?

Answer — I have seen some of them fired two or three times with an ~~interval~~ interval in the succession, for a fire to be made from the adams Ship.

Question. From what you saw at the recoil of the guns in so frequently firing them, do you imagine the guns would have recoiled off the platform in an engagement with an Enemy? Answer — I do not think they would, except at that particular point I have stated to be narrowest.

Question. What was the recoil of the guns at the second fire?

Answer. I do not recollect. The Court adjourned to meet tomorrow morning at 10 o'Clock —

Thursday 27 October 1814.

The Court met pursuant to adjournment, absent Capt. Caldwell Supp.

The examination (in Chief) of Major Marstellar continued.

Question. How many guns within the parapet of the fort would operate against an enemy approaching up the River towards the fort?

Answer. Eight by crowding them a little I

I should suppose eight could be fought.

Question. How many within the parapet would play on an enemy, coming on, and opposite the fort?

Answer. We could bring all the guns in the garrison, to bear ~~on~~ on an enemy ~~coming~~ coming on, and opposite the fort.

Question. on the part of the accused.

What were the materials that supported the platform, and what it's elevation?

Answer. The Sleepers were locust & Cedar — locust chiefly, and the platform pine double laid — Could not procure oak, — nor pine thick enough; the Sleepers rested on the solid earth, there was no wall under them. The elevation of the platform was nine inches I think — I wont be certain of that tho.

Examination by the Court.

Question — What discription of carriages was on the platform at the time you practiced firing from it?

Answer. They were all the short improved carriages, the length of the carriages and tills I think was twelve feet.

Question. What was the discription of the grate for firing hot shot, did you ever try it, and how long did it take to heat the shot.... Answer. The furnace was of Cast iron after it was in Complete blast, took about an hour to heat Shot — We tried it only once, and that when it was green, it was built of brick, the Shot became red in rather less than an hour

Question. Was the magezine bomb proof?

answer. Yes — It was a shingle roof — the Deck was three
or four feet thick, not less than three, with a double
brick wall round it, with air holes.

Question. What was the recoil of the guns when fired
with a full charge? — ans^{r}. my recollection does not serve me.

Question. Could the guns from the battery be so depressed
as to bear upon barges between the Shore & the channel?

answer. They Could.

Question — What was the greatest ~~range~~ range of the 32^{s}

answer. I should suppose about 3 Miles reconeaching
on the Water, Quest. What is the point blank shot of 32^{s}
answer — about half a mile, it might have been a little
over, we put our target half a mile distance.

Question What number of men would it take to man the guns
in the fort, and the works generally of the fort.

answer. It would take Eight men to a gun, we worked
them with 8;. in an engagement, if there was an attack in
front and rear; beside the men at the guns, it would
take Three hundred to man all the works.

Question. How many men would it take to resist
an attack in rear, by a thousand men?

answer. I cannot answer as to that Sir.

Questions on the part of the accused.

Do you

Do You mean that all the guns could be so depressed as to bear upon barges passing between the shore and the Chan.
answer. Yes.

Question. Could they be so depressed as to bear upon barges at any point between the shore and the Chan.
answer. I think so. I raised the platform some eighty higher than it was before to enable them to do so.

Question. When did you leave the Command of the Fort.
answer. Some time in July 1813.

Examination by the court resumed.

Question. Had you no smaller guns on the platform to put in the place of the 32 and 24 pounder on the left which was the narrowest place.
answer. We had not, there was a six pounder there, used as a morning gun. Was it ever intended by the Constructors that a gun should be worked at that narrow corner, ans. it was not (I presume Sir.

Question by the court.

How far did the platform of the circular part of the fort extend? How far the other part?

answer. I dont recollect, I had all the dimensions but they were lost in the fire here.

Question. When was the furnace built?
answer. While I had command.

Question. Was the furnace substantially erected?

Answer. Yes I got the best workmen in alexandria to erect it, and the materials were of the best quality.

Question. by Capt. Dyson.

Were the walls of the fort sufficiently substantial to resist the shot of 18s. or 24s.? Answer. I cannot say as to that. The commander-in-chief agreed that major Hunter should be consulted

By the Court

Question. What is the distance from the base of the battery to the water edge?

Answer. I think about 150 feet high water mark.

Question. When in Command were you in the habit of making use of Mr. Digg's blacksmiths shop and tools?

answer. I had the axes sharpened and some small articles mended there, but my blacksmiths bill did not amount to more than Twenty Shillings; I do not know that any thing happened to the guns - had there, I should have sent them to Mr. Willard.

Question. Did the walls sustain any injury by the explosion of the magazine? Answer - they may have been injured - I have been there every other day since the repairing commenced, never observed it, - Certain none of the wall way thrown down, whether cracked don't know.

* Major Hunter the Engineer who had the direction of the Works

Do you ~~know~~ Suppose the bed of earth on which the platform rested was very solid or not,
answer. Yes. If I had not thought so, I would have laid a Stone foundation.

Question by Cap. Wilson

Were the sleepers which supported the platform Seasoned, or green? answer. The new ones were green, we put in all the old ones ~~Pieces~~, and made nearly a Solid bed for the platform. — Question. When practiceing the guns while in Command, did you fire them with full Charge, answer. Yes, but after the Second fire, we reduced the Charge. Question. did you ever fire hot Shot from any of the guns — Answer. No.

Question by Cap. Dyson.

Is the recoil of a gun greater when fired with hot Shot, answer. I should Suppose it was.

The accused proposed to introduce Lt. James L. Edwards of the artillery Corps as a witness.

The Judge Advocate Submitted to the Court how far the interest of Lt. Edwards in the Issue of the trial of Cap. Dyson affected his Competency as a witness for the accused.

The Court adjourned to meet to morrow morning at 10. Clock.

remained till the enemy came abreast Mt. Vernon, Capt. Dyson then Called a Consultation of Officers, and stated to them, he had received orders from General Winder, the Substance of which I have repeated. — He then stated that he had received information that the enemy was stopping us in the rear, He said he had received letters on this subject; I dont know who they were from — but he said they were such as he he could rely upon; he then asked the officers for their opinion, they all agreed it was better to abandon the fort; the fort was left, and we retreated, and came over the ferry to Alexandria that night. I omitted to mention there was a picket guard Stationed a mile from the Fort, by order of Capt. Dyson, two Videttes were sent out from the guard and who gave us all the verbal information we had.

Question — On What day did Capt Dyson receive the order from General Winder, by whom did he receive it, and when did he communicate the order to you?

Answer — He communicated it to me on the 24. I saw Major Hite there on the 24, I suppose it was on that day he received it. Question — Inform the Court of the State of the fort & its works. — answer — The fort was in many respects in a very good Situation, — there were 5, 18 pdrs — 9, 24.s —

Friday 28th October. 65

The court met pursuant to adjournment.

~~Dent Capt. Lt. Col. Scott &c &c~~

The Court determine that Lieut. Edwards be admitted as a Witness for the accused, — James Lewis Edwards, Lt. Corps Artillery was duly Sworn.

Question — What do you know in relation to the abandonment of Fort Washington on the 27. of August? State to the Court.

Answer — On the day the 24th August, the day of the Battle of Bladensburg Capt. Dyson asked me into a private Room and told me he had something to communicate. — He said he had that day received orders from General Winder, if he heard of an enemy approaching in his rear, to evacuate the Fort and blow up the Magizine, — Capt Dyson then asked me to prepare a match to be used in Case we should be obliged to blow up the Fort, — on the 27th. the enemys fleet appeared, the force was 7 Sail; we had heard that day by two various Channels that the enemy had landed two or three Thousand troops at Benedict, and was marching up towards the Fort. the first appearance of enemy when they came round the pt. Washington reach — as soon as the enemy appeared, the men were called to their guns, and

remained

a long 32.s — 2 - 50-pounders mounted on the water Battery, &
in the fort. that were mounted in block house 2, 18 p.d. Cannonades,
(I wont be positive of the 6 p.nd., whether 4, or 5 — of the gun) I
am positive of 2, 18 p.d. Cannonades out side the block house.
this Constituted the whole artillery there was in the Fort —
the 5 — 18 p.ds. on the water Battery were almost useless for
the want of tackle, we had to take off the side tackle
to mount the guns in the block house, they were rendered
useless afterwards — There was but 1 Sponge, & 1 rammer
to them, and these Seperate, — The Guns in the fort were
amply Supplied with implements of every description &
ammunition — The platform however was a great objection
to the working of the guns — it was about 14 feet at the south
corner Circular platform — The platform at the South
Salient angle was 25 feet wide or thereabouts, the gun there had
plenty recoil, — The gun at the South Corner Circular battery
bore more upon an enemy down the river than any other,
I never fired it because it recoiled off the platform — The
defect of the platform was represented to the different generals
who Commanded the district, who represented it to the war
department, but it was never attended to

The whole

the whole force in the fort at that time, all told including officers, non. Com^d. officers, musicians and privates, was about 98 — the effective force 56 as well as I recollect, there were about 15 invalids & about as many criminals — Where the guns would be most useful, the platform was narrowest — the platform where the guns bore across the channel was wider, but they would not be of much use, — there was recoil enough on both the Salient angles, — I have seen the 24 pd^rs which were at the broadest part of the platform, except the Salient angles, recoil against the traverses at the first fire, Question — Do you or do you not, from your observation of the recoil of the guns, believe that if fired till heated, all would either have run off the platform or against each other, except the two at the Salient angles,

Answer — I believe they would all have run off except the one at the South Salient angle, there was no gun mounted in the north Salient Angle,

Question — what was the rise of the platform when you left the fort —

Answer — I never ascertained that, the usual

rise

rise in platforms, is 0.5 an inch to a foot, I dont think this platform was built on those principles, as I have seen the water lie all over it after a rain

Question — Might not the timbers supporting the platform have shrunk, and the platform become more level than at first construction —

answer — Yes.

Question — Did it appear to have done so?

Answer — The platform appeared ~~appeared~~ to be firm, it was almost new, the foundation might have been bad — Question — When did you take Com.d. at the Fort, and how long were you in Command?

answer — I Commanded there from the 11.th may to the 5 of August 1814

Question — When did Capt. Dyson assume the Command of the Fort, — answer, — I will not be positive, I think it was on the 17. — he had not been in Command more than ten days, — Capt Nicols Commanded in the interval

Question — Incase of an attack by the enemy, in your humanity men would have been necessary to have manned the guns and works, and what resistance could the fort have made if so manned?

answer, to have manned all the guns would have required 270 men, in the way we usually man them, as to the resistance it could have made when so manned

manned it is matter of opinion, — I cant Speak from
exprience, never having fought the fort — I do not think
it Could have prevented boyds from passing — I also
think they Could have thrown bombs into the fort
and blown up the magezine.

Question — Was the arch over the magezine of sufficient
thickness and extent to have protected it from bombs?
answer — no, It was never intended to hold more
than a few rounds Cartridges, but no bomb proof mag
=ezine having been built this was used as a prov.
magezine, It was wear fire proof but not bomb proof.

Question — What was the situation of the Furnace,
answer, The furnace was in good order

Question — Are you of opinion that the walls of
the Fort were sufficient to resist 24 & 32 lb. Shot?
answer — I do not think they were, it would
depend upon the distance however from which they were
fired at, very near they could not — at the distance
of ½ a mile a breach might have been made
in the parapet very easy, the rampart was
thick enough.

Question — Could the guns of the fort have prevented
barges of the enemy from entering Piscataway Creek, and
effecting a landing? — answer — I dont think they could.

Question — Could the Guns of the Fort be so depressed as to bear upon that part of the river between the Channel and the Shore

answer — my opinion is a force Could be prevented from landing in front of the fort — the guns could be so depressed as to take effect at a 100 yards from the fort — barges Could not pass so as to be safe from the guns. Question — could the guns be so depressed as to bear upon every part of the river between the channel and the shore?

answer — Certainly — opposite the fort they might have landed under the high bluff Possibly — it would have been a very hasardous thing however — the high bluff is on the north side of Piscataway Creek.

Question — When did you last see the Furnace tried?

answer — I never tried it, I thought it in good order from the appearance of it, and for that reason never heated it — Question — Were there boats at the fort sufficient to Convey the garrison across the river in case of their being attacked in the rear?

answer — There were boats enough but not oars.

Question — Could not the Barges of the Enemy, (with their other vessels) by keeping on the Virginia shore, have prevented the garrison from being Convey'd over the river?

answer — Yes, two barges might have taken all the men in the fort garrison there were but 48 Stand of serviceable muskets in the fort.

75 Question — Did the Boats ~~that~~ which transported Genl. Youngs
Brigade over the river return to the fort?

answer — They did not, the only boats we have then, were
brought by some of the Virginia Militia.

Examined by the Court.

Question — What was the width of the platform?

answer — I dont know the precise width, I have already
stated that when the gun would have been most effective
the platform was too narrow, I dont know the precise
width of it. it was not equally wide at all parts.

Question — What was the length of the Carriage from the
End of the wheel to the pintle of the truck, or the length
of the Cheek of the Carriage.

Answer — I am unable to state with accuracy — the leng
-th of the cheek of the ~~the~~ 24.s & 32.s about 8 or 9 feet I
I think. Question, What number of Guns was manned
when the Enemy appeared in sight?

Answer, — We manned 5 Guns.

Question — Had exertions been made to procure implements,
after Capt. Dyson took command of the Fort?

Answer — Representations had been made at the ordnance
department that they were wanting — The guns at the water Battery
had never been put into the ordnance returns — they
were left there by Capt. Morris of the Navy, ~~not~~ considered
as belonging

as belonging to the Fort — exertions to procure implements were not made after Capt. Dyson took Command that I know of.

Question — Do you know whether a supply of Rammers & Sponges, lumber and Tools could have been procured at the depot, at Green Leafs point? — Answer — I do not know whether they could or not — I found it a very difficult matter to get any thing from there

Question — Do you know whether General Stuart had a Body of Militia, and if application had been made to him by the Com.d officer to reinforce the garrison, — Do you know at what Situation Gen.l Stuart was on the 24. Aug.t and what was the distance. — Answer — I do not know any thing about Gen.l Stuarts Brigade — Gen.l Youngs Brigade had been in rear of the fort, but were marched away on the the 24. I suppose they were there to protect the rear of the fort

Question — How long would it have taken a Boat from Fort Washington to the City — Answer — It would depend upon the wind and tide, with these I have come up in two hours, at other times have been Six hours —

Question — When six hours on the passage from the fort to the City, had You Oars to your boat.s — Answer — Yes.

Question — What Number of men would it take to man the guns, and how many would it require to fight the guns, man the works, and Block House, and keep the necessary guards. Answer — I suppose it would not have taken more than 350 men to man all the fort.

3.4.

Question — You say it would take 270 men to man all the Guns, How many men did You usually Station at each Gun, 18.s 24.s 32.s & 50.s —

Answer — at 32.s & 24.s we Stationed 15 men, they were very heavy, being mounted on iron Wheels - and ~~the~~ 15 men to the 50.s also — When we exercised the 18 at the Water Battery we put 13 men to them.

Question — Whether in the Consultation on the evacuation of the fort, — the determination was from the opinion of the absolute incapacity of making any useful resistance — or was it from an opinion that their situation was such as was Contemplated by Gen.l Prevosts orders for evacuation

Answer — I can only answer for my own opinion — It was given for a two fold reason, — first, because I thought the Commanding Officer bound to obey the order he had received, whether the order was right or not — and 2.ly because I did not think the fort tenable — What were the the reasons which influenced, or actuated the other Officers I do not know.

Question — What was the State of the Boat kept at the fort,

Answer — It was very old — so much so ~~much so~~ it was not trust worthy — When the wind blew she leaked very much — on the 26.th One of its plank was broke so that it was unfit for Service.

Question — Previous to the vote to leave the fort, did Captain Dyson express an opinion whether the fort was Tenable — Answer — I did not hear him express any opinion at all. —

Question — Did he express or show any dispatisfaction at the decission of the Council to evacuate the fort?

Answer — I Dont know whether he was dispatisfied at it or not — Seemed Melancholy on the evacuation of the fort. — Question — How long was it after the Garrison left the fort before the explosion of the magezine —

Answer — About an hour and a half, I wont be positive, — it was more than an hour.

Question — Was Capt. Dyson Conduct throughout this day firm and becoming an officer?

Answer — It was as it always was — I did not see any alteration in him at all.

Question — After Capt. Dyson took the Command of the fort, was he active in Ascertaining the State of the fort, and making arangements for its defence? —

Answer — I do not know whether he was active — he entrusted ~~him~~ the State of the fort principally to me — by a late Law the charge of the ordnance is intrusted to a Lieut. I do not know whether it was his duty particularly to attend to it — I told him the state of the fort — Question — Was there any Communication from the City of Washington with the fort after

Capt.

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Capt. Dyson assumed the Command, except the order delivered thro' Major Hile? — answer — No.

Question — Was Capt Dyson drunk, or at all intoxicated on the 27. August?. answer — He was not when we left the fort, nor did I see him the that day — if he was, he must have been drunk & sober in the course of 2 or 3 hours, left him about seven, and joined him at ten.

(The Court adjourned to meet tomorrow morning at 10 O'clock.

Saturday 29. October

The Court pursuant to adjournment

Lt. Edwards referred to a report he had made to Genl. Swinden of the state of the fort on the 25th July 1814. This report, Genl. Swinden's letter of the same date, to the Secretary of War on the same subject & Col Dudley's report were read

were offered in evidence by the accused & received by the Court.

The Judge Advocate submitted the Company book of the fort as evidence of the force of the garrison about the time the fort was destroyed & it was read & admitted by the court

The Court adjourned to meet to morrow morning at 10 Oclock -

Saturday 29th Octobr 1814. 0-5 80

The Court met pursuant to adjournment, ale present.

Doctor William A. Fitzgerald, a witness for the accused was duly Sworn.

Examination on the part of the accused

Question — Were you at Fort Barrington on the morning of the 27th. of August last, and for some time immediately before, — and what do You know about the abandonment of the Fort.

Answer. — I was there on that day, and for Several previously; I was there every day Generally, but not Constantly — I was there in the neighbourhood generally, — It would be difficult for me to give a detail of the proceedings of that day, I will answer any interrogatorey Question. — Had You on the morning of the 27th. reasons to believe that the Enemy were approaching in the rear of the Fort. State what you heard on that subject

Answer. — I rode out on the morning of the 27th with a View to obtain information whether the enemy were coming in the rear of the Fort. I saw Several persons, and two who from their dress I took to be methodist preachers, one of them told me he was on his way from Benedict, — He said he left the Neighbourhood of Benedict the day before, that he heard the Enemy had landed a reinforcement, about three thousand Troops there; and that they were on there march to upper Marlborough, that he had seen their picket Guard marching towards Marlborough,

and

and was obliged to take a Circuitous Route to avoid them,
he Said it was the impression generally of the people he Saw, that
the Enemy would extend themselves across the Country towards
Fort Washington. Young Mr Delany whom I knew was with
him, and Said it was his impression that they would come
across the County, and of those with whom he Communicated.
This is all that I heard.

Question. — Did You communicate this information to Capt Dyson,

Answer. — Yes.

Question. — Had You been requested by Capt. Dyson to procure
for him intelligence of the movements of the Enemy

Answer, — He directed me to give him all I could get, and
furnished me with a Horse for the purpose.

Question — Did You See Capt. Dyson after the 27th. before
and after the abandonment of the Fort, was his Conduct firm
and Collected, and becoming an Officer?

Answer, — I discovered nothing in him unbecoming an
Officer, I Saw him frequently during the day, was with him
at dinner, and Saw him after the abandonment of the Fort.

Question — How You ever See the Guns at the Fort fired,
and do You know whether there was any defect in the platform

Answer, — I Saw two or three fired, and I think One by Lieut.
Edwards, the Circumstances of which I remember more particularly
than any other — I was induced to believe from the fire of that gun,
that at a 2d. fire it would have run over the platform, it
recoiled to the outer extremity of the platform, & Jumped up
8 or 18 inches.

Question. — Do you know which gun that was, & where it was situated!

Answer — It was situated a little to the right of the Centre of the platform of the Circular battery.

Question. — Do you know of a Council of Officers called by Capt. Dyson previous to the abandonment of the Fort, and what their determination was?

Answer. — I know the Officers were assembled, I dont know for what purpose, but suppose there was a Counsil

Question. — Do You know any thing about the spiking of a gun by Capt Hooe, and its rolling over the platform, and which gun it was?

Answer. — I saw a gun off the platform near the Centre of the Circular battery.

Question — Was there any other way by which Capt. Dyson could have got his garrison over the river, but by marching through the Jeny at Alexandria?

Answer. I know of no other way by which it was possible.

Question. Did You ever see the platform after a rain? did it appear to be nearly level

Answer. It did not appear level, the slope of it was evident to the eye; I have seen it after a rain.

The Judge Advocate declined putting any Question.

Examination by the Court.

Question — did You hear any thing of Column of the Enemy from Washington City, marching in the direction of the Fort?

Answer. — I heard a report not that they were marching, but that it was expected they would, — it was the impression in the Neighbour-hood of the Fort that they would. →

Question. at what time of the day did you receive the information of the landing of the troops at Benedict — when or upon what road were you at the time, and at what time did you Communicate it to Capt Dyson

Answer — I received the information about mid-day, I was on the road between Washington & Piscataway, & went to the Fort and 3 or 4 miles therefrom, I communicated it to Capt Dyson about 2 O'Clock

Question — Was it Stated where or how far in advance from Benedict the Picket Guards had been Sir?

Answer — It was not Stated, I concluded it was not far from Benedict

Major George Peter of the Dist Militia, a witness for the accused, was duly Sworn

Examination by the accused

Question — Were you called upon in the Summer of 1813 by a Joint Committee of Vigilance from Alexandria, Geo. Town and the City, to visit Fort Washington, and make report of its Situation

Answer. I was, in Company with Col. Carbery, Mr. Deneale, Mr. Key & others, proceeded to Fort Washington for the purpose of Ascertaining the Situation of that Fort. When there I was called upon by one of the officers to see Some of the guns in Consequence of an Observation made by me, that the platform, I thought was too narrow, and the ~~platform~~ parapet too elevated to produce that effect which might be expected.

I ~~Selected~~ Selected.

I selected one of the guns ported on the narrowest part of the platform, and requested it to be loaded and fired. — It occa-sioned off the platform & the replacing it was attended with some delay. The Object of the Second fire which was made, was to ascer-tain what was the greatest depression the parapet would admit of. — My impression is, that the Shot struck the water 150 or 200 feet from the Shore, beyond high Water mark, with the greatest depres-sion the parapet would admit of — the works were very circum-scribed and appeared to have been Constructed when econ-omy was the order of the day — In Consequence of my Observations there, I handed to Col. Carbery I made out a report which I handed to Col. Carbery, recommending additional works, as well in the front as in the rear. — The platform was entirely new, and had just been Completed by Major Mantilla, who was then in Command.

Question. — Was the whole platform in your opinion too narrow for the recoil of the guns when heated?

Answer. — It was not — A part of it seemed of sufficient width, if it had risen in proportion, but of its elevation I have no distinct recollection.

Question — Did your Observations enable you to say whether the guns Could be so depressed as to prevent Barges from passing between the Shore and the channel?

Answer — My impression was, that Barges Could pass between the Shore, and when the guns would take effect by the depression that is to the wharf — they Could not have passed beyond that

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Question. In case of an attack in front, would it not have been necessary to keep at least a picket guard in the rear of the fort?

Answer— I presume it would.

Question— What number of men were in your opinion necessary to man all the works of the fort, including the water battery afterwards erected, in case of an attack by water?

Answer— Enough to have manned the guns I presume would have been enough to man the Garrison in Case of an attack in front alone— putting from 8 to 10 or ten to Twelve men to a gun

Question. In case of an Attack both by water and land what number of men would be necessary to make an effectual defence?

Answer— It would depend in some measure upon the number of men attacking in rear— my impression is, that without additional works had been constructed, it would have required man to man of equal discipline, as the hight in rear of the Fort commands the whole interior of the Fort at musket distance

By the Court.

Question— Did you fire either grape or Canister?

answer,— Neither, I fired but two shot, and they were both round Shot.

Question— Would or would not, grape or canister if fired, have taken effect nearer the fort, than round shot from the Same Gun—

answer

Answer — It might but I think it doubtful, I rather presume it would not.

Question — Was the gun that was fired, the one place near the kitchen, in the place mentioned ~~by~~ in Majr. Masterton testimony, as being narrower than the other part of the platform

Answer — I dont recollect exactly when the kitchen was — it was at the ~~most~~ narrowest part of the platform.

Question. Would or would not grape or canister or both, be the proper kind of shott to use in case boats or Barges, attempted either to pass ~~or repass~~ up the river close under the Fort, or to land near it?

Answer. Certainly.

Question — Was the second gun you fired at the narrowest part of the platform?

answer — It was not.

Question — When guns become heated by repeated firing, is it or is it not invariably the rule to diminish the charge of powder, so as to prevent too great a recoil?

Answer. It is.

Question by the Court.

Is not the recoil still greater than with the usual Charge on the first fire, if the charge is not so much diminished as to injure the effect of the shot?

answer — no, the recoil is the same if the charge be properly reduced, and the effect of the shot the same.

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Colonel Henry Carbery, of the 3d Regt. Infantry, a witness for the accused was duly Sworn.

Question — Were You called upon in the Summer of 1813, by the joint Committee of Residence from Alexa. George Town, and the City of Washington, to visit Fort Washington, and make a report of its Situation.

Answer — I was

Question — Was a report made out Conformably to this request, did You observe any, and what defects in the Construction, or Situation of the Fort, at that time? if so state them.

Answer — There was a report made out, I am sorry it cannot be found — it was addressed to the Secretary of war — I mentioned in the report, that not being a professional engineer, I was much indebted in the observations I made, to the experience & talents of Major Peter, — a Water Battery was strongly recomended and redoubts on Some of the Commanding hills. The gun that was fired, I believe at my request, as well as I recollect — I am told there was two guns fired, I do not doubt, but do not recolect. — I suppose nothing happened was the cause of my my not recollecting it — I thought the parapet too thin to resist heavy metal, and that there was more danger from the bricks, than the Shot, I observed that one of the guns ran off the platform the

The platform was too narrow of Course

Question — Was the whole platform in your opinion too narrow for the recoil of the guns when fired?

Answer — I cannot say that I took particular notice of the whole of the platform — nor did I know at the time but it was all of the same width.

Question — Did your observations enable you to say whether the guns could be so depressed as to prevent barges from passing between the shore and the channel?

Answer — I thought they could be so depressed as to strike a barge, but of that I am not certain.

Question — Do you recollect whether the report did not recommend the alteration of the Battery so as to admit of a greater depression of the Guns?

Answer — I do not recollect.

Question — by the Court.

You say you thought the parapet too thin to resist heavy metal, what particular sized guns do you mean?

Ans.r — as low as 24 pounders, perhaps 18.s would have knocked it down.

Question do you recollect what was the thickness of the parapet?

Answer — I do not, I do not recollect of ever having asked; I Judge from looking at it

Question — From your observation of the Fort, do you believe that two or three Frigates could have passed it

if

if the Garison had been fully manned?

answer — Yes I do. — I have no Doubt of it, in the State that the fort ~~was~~ in

Question — Do you think the fort could have sustained the Battery of one Frigate?

Answer — I did think it could not, I am not a professed engineer nor ~~marine~~ naval officer

Question by the Court

are you acquainted with the channel of the River, below and at the fort?

answer — no, — I had it pointed out to me on that day, and know nothing more about it.

[redacted] to allow Capt Dixon to prepare his defence & for the arrival of one of his witnesses — the Court ajourned to meet at 10 Oclock A.M. on wednesday next.

Wednesday 2d. ~~October~~ November 1814.

The court met pursuant to adjournment — about Major Tuyson, major Barney.

Doctor William A Fitzgerald was called in on the part of the Captain Dyson to be further examined.

Question. Were you present at Fort Washington on the 27. of August last when a letter was delivered to Cap. Dyson by a Vidette from Major Stuarts Camp? Answer. I dont know that I was present when it was delivered, but I saw the letter and the man who delivered it.

Question. Did you read that letter, and do you know by whom it was written? — Answer. Yes I read it. it was written by Doctor Turner.

Doctor John B. Turner of Port Tobacco witness for Capt Dyson was duly Sworn.

Question. Were you in Genl. Stuarts ~~Company~~ Camp on and before the 27. of August? — Answer. I was.

Question. Had you been requested by Cap. Dyson to Commu=nicate the intelligence rec'd. at your Camp of the move=ments of the Enemy? — Question

Answer. I was requested by Cap Dyson on the 26. of August having called that day at the fort.

Question. What was the intelligence received in your Camp of the advance of the Enemy towards Fort Washington?

91

The Judge advocate waiving the question.
Shall parole evidence be received as to the Subject of
the letter to Capt Dyson from Doctor Turner until evidence
is produced of the loss or destruction of the letter, or without dispo
=sition of the prisoner.

decided in the negative.

Judge
The advocate has objected to parole testimony
being given relative to the letter from Doctr
Turner to Capt. Dyson unless the loss or destruc
=tion of the letter without default of Capt. Dyson
was first proven —

The Court admitted the objection

The Court adjourned to meet tomorrow morning
at 10 Oclock.

Thursday 3 November

The Court met pursuant to adjournment — all present

The accused Submits that as the letter from Dr. Turner
was delivered but a very short time before the abandonment
of the fort, under Circumstances rendering it highly presum
=able that it is lost, & as Capt Dyson can have no other
reason for not producing the letter, than its being out of
his power to do so, & it being impossible to procure, that
his not producing it arises from its having Contained any
thing to operate against him, because he brings before the
Court the writer of the letter to State its Contents, that therefore
he

he may give evidence by Dr. Turner of what the letter contain.

The Court decided that Dr. Turner be admitted to give evidence of the Contents of the letter.

Dr. Turner examination continued.

Question. What were the Contents of the letter sent by you to Cap Dyson on the 27th? State them as fully and particularly as you can.

Answer. — I stated in that letter that the Shipping in the Potomack had got under way, and were standing up with a fair breeze, and he might expect them up that evening — I also stated their force as well as I could ascertain, I mentioned their number, and description of the as well as I could ascertain, I do not know that these were Correct. I also stated that I had understood, or that it was reported in our Camp, I dont recollect which expression I made use of — that the British in the Patuxent had landed a large reinforcement at Benedict, and I hastily introduced Adjt. Brown to Cap. Dyson who at the moment I supposed would be the bearer of the letter — The[y] were the whole Contents of the letter.

Question. You were in fort Washington on the 2d. of August last, did Cap. Dyson enquire of you, or did you inform him how far Col. Athlons encampment was from the fort?

Answer. I recollect that he did & I informed him how far we were encamped.

Question. What distance was your encampment from the
Fort — Answer. It was at Pomunkey about 15 Miles
from the fort down the river, that is to ride on the
way I came. it might have been about 4 Miles near
to Ross at the mouth of Piscataway Creek

Question. Did Capt Dyson request thro' you that he might
receive aid from Col Ashton?

Answer. I do not know that he made any direct request thro
me, we had a Conversation on that Subject & dont know
whether it Commenced with him or me. I mentioned to him
that perhaps Some of our men would volunteer to Come up
to the fort, — he said he would be very glad if they would.
Dr. O'Connor Surgeon of the fort told me of his want of Surgical
instruments, I informed him I would try to Come up in a day or two and
bring the instruments belonging to our Camp, If I co'd get
permission from Col. Ashton — I told Capt Dyson I would
endeavor to get Some Volunteers from our Camp, and Come
up to the fort.

Question. By whom, & where was the intelligence received at Genl.
Stewarts Camp of the landing of a large reinforcement of the
enemy at Benedict. — Answer. I cant State the person
by whom it Came, I was not in Camp when it Came, but
on my arrival there, heard the Conversation among Several of
the officers, this was on the night of the 24th March it was.

Question

Question. What number of troops had Genl. Stewart at his camp.

Answer. I do not know the precise number, he had from 150 to 200 infantry, and Cavalry under the Command of major Cook, which did not amount to 100.

General Stuart being absent — Col Ashton Commanded the ~~the~~ before Genl. Stuart went away his ~~x~~ head quarters were in his marquee in this encampment.

Judge advocate proposed ~~taking~~ introducing Col. Henry Ashton as an evidence.

The Counsel for the accused objected the introduction of any further evidence on part of the prosecution for the following Reasons.

Because the Judge advocate had informed the Court that the evidence on the part of the prosecution was closed.

Because the evidence was also Closed on the part of the accused (It having been only observed that he might offer proof of Dr. Turner's relation to his letter to Capt. Dyson)

& Because the defence of the accused in obedience to the direction of the Court, is prepared & ready to be offered.

It being at the Counsel conceived quite unprecedented & productive possibly of great delay & inconvenience to admit further evidence to charge the accused after his testimony inclosed & defence prepared — The situation of the Counsel in relation to their engagements in a Court just about to sit, makes it necessary that ~~that~~ they should oppose this Proceeding. — The Court overruled the objection

Colonel

Colonel Henry Ashton of the Maryland Militia was duely Sworn,

Question. How far from Fort Washington was your encampment on the 27. of August last. — Answer. Do not know exactly the distance — I was encamped about One Mile from Pomunkey Main House.

Question. If after the Enemys fleet in the Potomak passed your encampment, you had Commenced marching, at what time on the 27. of August could you have reached Fort Washington? — Answer. The Enemy passed Pomonkey main House about 4 Oclock on the 27. in the evening — The nearest rout we could have taken would have been 13 miles to march, which would have taken us until about 9 Oclock. —

Question. Could you, and would you have Cooperated with Capt Dyson if you had been thereto requested by Capt. Dyson — Answer. It would be difficult for me to answer that — It would depend upon the disposition of the men — I believe some of the men would have gone chearfully — — Others I think would have refused — I did not Conceive myself authorized to march the men beyond the limits of the 5th Brigade against their wish, but I believe that more than 100 men would have Volunteerd.

Question — What number of troops were under your Com[d] at that time?

Answer

Answer. I could not say exactly, my impression is there was more than 400 & less than 500, nearly 500 of different descriptions, Infantry, cavalry, riflemen, and artillery. Question. did you hear of the enemy Coming by land in rear of the fort?

Answer. Yes I heard such a report. there were many reports relative to the enemy — many persons came to Camp with different reports respecting them. — Some of my men applied for leave to go home, particularly those from the neighbourhood of Briantown, as they heard their families were moving from there, in Consequence I gave them leave, not from any impression I entertained that the enemy were at Briantown, but that their families might not be excessively alarmed —

Question. Did you hear of an enemy marching from Benedict to Briantown, — Answer. I heard of an enemy marching from Benedict, but I do not recollect to have heard they were marching to Briantown.

Question. Did you or did you not hear that a detachment of the enemy was marching towards fort washington?

Answer. I have no recollection of having heard any such thing.

At the request of the J. Advocate the Court adjourned, to meet at 10 o'Clock, A.M. on Tuesday next.

97 Mr Lee one of the Counsel for the accused read the following Defence of Capt Dyson.

O. 5. 98

Sir

Washington City
November 15th 1814

The following Statement Appears to be Correct
Respecting Fort Washington.

Thickness of Parapet 10 Feet 4 Inches
Horn Work 4 Feet 4 Inches
Height of the Parapet from the Surface of the
Water 41 Feet
Distance from the Fort to high Water Mark 185 feet.

Respectfully
Sir
Your Obedt Servt

J. Stansbury

R. H. Winder Esqr

A-5

At the request of the Judge Advocate the Court adjourned to meet ~~at~~ at 10 Oclock A.M. on Tuesday next.

Memorandum

The written evidence adduced before the court was,

1st A Return of Ordnance and Ordnance stores at Fort Washington dated 30th June 1814 - an original paper procured from the Ordnance Department.

2nd the Company Book of Fort Washington.

3rd A Letter from Lieut. James L Edwards to Genl Winder, on the state of Fort Washington - dated the 25th July 1814 - A letter from Genl. Winder to the Secretary of War on the same subject & of the same date - A report of Col. Wadsworth on the subject of these letters, - all original papers from the files of the War Department.

4th A letter from Major Marbut - ler to the Advocate dated 1st Nov. 1814 - which letter was written in consequence of an agreement by all all parties that Major Marbutler should ascertain the thickness of the walls

of the part de- & states them by Let-
-ter to the Judge Advocate-

Tuesday 8th October 1814

The court met pursuant to adjournment- all present-

The Judge Advocate made the following replication to the defence of the prisoner-

The proceedings of the Court were read over down to the 3rd Novem-ber -

The Court adjourned to meet tomorrow morning at 10 oclock

Wednesday 9th October

The Court met persuant to adjournment - all present.

The reading over of the pro-ceedings was completed - the Court was cleared & the Court proceeded to deliberate -

The Court met by adjourn-ment till ~~Saturday~~ the the 12th November ——

Mr President
and Gentlemen of the Court,

D. 5

I am gratified that the fall of Fort Washington has been made a subject of investigation by this respectable Court. The consequences which followed in the train of that event, so disastrous to a neighbouring Town and so mortifying to the pride of the nation, have united to encrease the weight of responsibility imposed upon me. In the ordinary course of warfare, the loss of an important fortress and apparently without attempting a defence, under circumstances ever so inferious is ample cause of concern to him who has to answer for it to his God, his country and his character. But the abandonment and destruction of a military post commanding the navigable approach to the Metropolis of the nation, immediately succeeding to scenes of disaster and dismay, must be supposed to rouse to an uncommon degree the sensibilities of an Officer whom duty has compelled to make such a sacrifice. The consciousness that no base and unmanly motive mingled with the considerations which influenced my conduct, that I reluctantly yielded to a sense of duty in violation of every wish and feeling of my heart, have been my support in the delicate and anxious situation in which I have been placed. I have gladly seen, Gentlemen, my honour and my sword deposited in your hands. I invite the most rigid scrutiny into my conduct, confiding implicitly in the honour and integrity of my judges —

In the first place, Gentlemen, I beg leave to direct your attention to the subject of the orders received by me, thro' Major Lite, from Gen. Winder. I hope to

satisfy you that these orders properly examined and understood were substantially complied with. Major Hite states that he was on the 24th of August last the bearer of an order from Gen. Winder informing me that on the preceding evening the enemy had advanced within ten miles of the City of Washington — that my ~~post~~ might be their object, and in the event of my being pressed to extremity in the rear by an enemy I was directed to spike my guns, blow up the Magazine and retire with my garrison across the river — and that to effect this object I was ordered to secure boats at the fort to convey the garrison over. He further states that these orders were verbal, and had reference to an attack in the rear alone. This is declared by Major Hite to be the substance of the orders. I conceive Gentlemen, that these orders should not be construed literally; for if so, and all my command being confined within the limits of the fort, I could not be properly sensible of the actual presence of an enemy in my rear until they had advanced so near upon the fort as to render it impracticable for me to withdraw the garrison and blow up the Magazine. The local situation of the Fort presented insuperable difficulties. Shut out, by the presence of an enemy in front, from transporting my garrison over the river, and there being but one avenue of retirement by land, the literal presence to extremity by an enemy in the rear would have ensured the capture of the garrison and the occupation by the enemy of the fort, uninjured. The orders must then mean that I was to hold out against the force in the rear to the extreme point of time in which it would be practicable for me to withdraw my force and destroy the fort. It therefore became my duty to use all the means within my control to learn where and what was the force of the enemy in my rear, and I was bound to retain my position against their approach so long as I prospected the facility of removing my com-

-mand and destroying the fort.[3] But whenever there was imminent danger that I could not, as directed withdraw my force and blow up the works, if I continued to remain at my post then and under these circumstances, I was reduced to the extremity contemplated by the orders, and bound to act as I did - That I did use all the means of procuring intelligence within my power; that I had just reasons for believing that the enemy were advancing in force on my rear and that I did retain my post till placed in a situation of extremity will appear to the Court by the following evidence. Lieutenant Berryman states that he was sent on picket guard on the morning of the 27th of August two miles in advance of the fort - that his videttes were detached to the distance of three miles up and down the public road even to Bicataway - but that he could obtain no intelligence of the movements of the enemy. Lieutenant Harrison's testimony proves that he was likewise sent upon the same duty on the 26th of August, and did not return to the fort until 9 o'clock on the morning of the 27th - that I had no other way of obtaining information of the movements of the enemy but by my pickets - that two or three of the picket guard were mounted on horses for the purpose of riding about the country to get information - that the picket guard was relieved every twenty four hours - that every person who passed the public road while he was on picket duty and the people who resided in the country around told him that the enemy were marching from the City of Washington for the purpose of destroying the fort - that about 12 o'clock on the day of the 26th of August he and Doctor Fitzgerald were informed that the enemy had taken the direct road to the fort - that when this information was given he was three miles from the fort on the road to the City of Washington and that when he returned from Picket guard he reported to me that the enemy were advancing upon the fort from Washington. From Doctor Fitzgerald's testimony the Court will perceive that every exertion was still

used to obtain intelligence of the 4th enemy. He states that I provided him with a horse to collect information and that he rode out on the morning of the 27th of August for that purpose — that he met two persons of respectable appearance on the public road — one of whom told Doctor Fitzgerald that he left the neighbourhood of Benedict the day before the enemy — that he the informant saw three thousand of the enemy's forces landed at Benedict as a reinforcement to Marlborough. Doctor Fitzgerald confirms the statement of Lieutenant Harrison that the belief of the enemy marching to the fort was universal. Doctor Marshall says upon oath that hearing at Piscataway the enemy were in sight from the fort on the 27th of August, he rode down and had a conversation with me — that I enquired from him of the movements of the enemy in their retreat from Washington and of their being in the rear of the fort — that he replied, in Piscataway and the neighbourhood the enemy were supposed to be in Upper Marlborough — that he observed to me his impression was, and it corresponded with the opinions of other gentlemen, that as soon as the enemy knew their fleet was advancing up the Potomac they would send a force across the country to co-operate with it — that he mentioned to me the enemy had received a reinforcement at Benedict, and had advanced as far as Bryan Town on their way to Piscataway — that he heard this fact frequently during the day of the 27th of August, and again at night — that it was mentioned by Mr Moore, a Methodist preacher in such a manner as left no doubt on the mind of Doctor Marshall — that Mr Moore is a respectable man and entitled to credit, and lives in the neighbourhood of Bryan Town between that place and Piscataway — and that the force stated to be at Bryan Town was a reinforcement which had arrived at Benedict. Doctor Marshall further says that it was generally believed that the British army on their retreat from Washington had divided, and that

one division had taken the road to and were marching to act against fort Washington; and that he mentioned to me this report and belief. Lieutenant Edwards also confirms the current belief that the enemy were in the rear — he states that we had heard thro' various channels, that the enemy had landed two or three thousand men at Benedict and were marching upon the fort. —— The letter despatched from Gen. Stuart's Camp by Doctor Sumner on the morning of the 27th of August, also proves the general impression which prevailed of the enemy having landed a reinforcement at Benedict, and shews my solicitude to obtain correct information — —

This intelligence so directly receiving from Gen. Stewart's Camp (where it is presumed correct information of the situation of the enemy could be had) afforded to any mind the strongest confirmation possible of the intelligence already communicated to me by Doctor Marshall and others — I had a right to conclude that information thus conveyed to me through so many different channels and all substantially agreeing, could not be without foundation — Hearing from Gen. Stewart's Camp and other sources that the enemy had landed a reinforcement at Benedict, how reasonable was it to believe the intelligence received through Dr Fitzgerald, Dr Marshall and others of their having landed and marched and of their having advanced as far as Bryan Town —

I hope that the evidence recited has convinced the Court that I used every exertion to obtain intelligence of the enemy and also that the intelligence when obtained, justified me in the belief that the enemy were advancing in force on my rear.

On this subject of the approach of the enemy in the rear the Court will judge of the correctness of my impression and my consequent conduct from the information proved to have been then received, and not from facts as they have since been developed — I was bound to use my best exertions to obtain the most correct information; when obtained it was incumbent on me to act according to the complexion of this information, and if subsequently it appears that this intelligence was incorrect I am not justly answerable for regarding it — In confirmation of this impression of the advance of the enemy I would call the attention of the Court to the communication from Gen. Winder "that my post might be probably the object of the enemy" —

That I retained my post until reduced to the extremity contemplated in the order from Gen. Winder I submit the following evidence — The concurrent testimony of Lieutenants Berryman, Harrison and Edwards proves that the enemy were in sight between two and three miles distant from the fort, and that their force consisted of seven sail — two frigates, two bomb vessels one rocket ship, a sloop of war and a schooner — That their vessels were moored across the river in line of battle — Lieutenant Harrison counted himself twenty odd barges — It is proved they had a favourable leading wind — Lieutenant Berryman states that although they were drilled three times a day, yet a very small proportion of the garrison were disciplined — Lieutenant Harrison states that the barges of the enemy might have entered Piscataway creek after dusk and effected a landing — The mouth of this creek is distant only one hundred and fifty yards from the fort — Lieutenant Edwards also thinks that the guns of the fort could not prevent barges of the enemy from entering Piscataway creek —

[illegible] confirmation [illegible] the [illegible] Court [illegible] communication [illegible] to which I was reduced was hastened by the actual presence of an enemy in front. Had there been no enemy in front, and had I been provided with the means of conveyance across the river I might have retained my position until the actual pressure of a superiour force in my rear. But as the river was occupied by the force of the enemy, and as passing the river, even if I had boats, was impossible in the face of this enemy, as is proved by the testimony and as is evident from their situation, I was of course compelled to withdraw the garison by the only practicable route which remained, before the enemy justly presumed to be in the rear should approach near enough to the fort to intercept their retreat or a movement by their fleet should prevent my compliance with the order— I was certainly not bound to

put such a construction on the order as to have made a compliance with it in many events impossible. Had I waited until the actual appearance and pressure of an enemy in the rear, it is evident that a compliance with the order would have been impossible.

If a different and more literal and rigid construction should be given by the Court to this order, I respectfully submit that as the order was delivered verbally some allowance might be claimed for the possible want of recollection in Major Hite as to the precise words of it. A verbal order like this would most probably not be repeated twice in exactly the same words. A small and apparently unessential difference in the words or even in their connection might make a difference in their meaning, or at least an Officer only hearing once the words of an order and having no written direction to resort to, might be supposed (certainly without the imputation of crime) to understand them in a sense different from that in which they were understood by the person delivering them. If acting from the best of any judgment and recollection, and where no suspicion could exist of the influence of fear or any other improper motive, I should have understood that I was to abandon the fort when I found that an enemy was marching in my rear, surely I shall be subject to the slightest censure (if any) for considering that my order required me to withdraw when I found an enemy was advancing in my rear, when I was unable to resist - particularly when it is

remembered that an enemy in front rendered my situation still more critical.

If that reasonable and liberal construction which should always be given to orders and more particularly to verbal orders, shall be applied in this instance, I trust I shall be found to have obeyed them — in as much as I had just cause to believe that the enemy were pressing on in my rear and that I was reduced to extremity by their actual approach, in front & expected advance in the rear, and could no longer retain my post without the extremest hazard that my passage to the ferry (the only way in which I could retreat) would be intercepted by the enemy —

Thus have I endeavoured to shew that by the spirit and meaning of the orders received on the 24th of August, I was justified in the course I pursued.

The Court may consider and perhaps with justice that this order had no reference to the case in which I was to act. That it merely related to an attack of a different nature and under different circumstances. That a combined operation of the enemy by land and waters was not contemplated by the order, but that it related "to an attack by the enemy in the rear alone" as is stated by Major Hite.

If this be the consideration that I was thus left at large to act according to my own discretion it then becomes proper to enquire whether the circumstances in which I was placed justified the abandonment and destruction of the fort.

If I was in command of a post untenable against the force in actual array against it — or if I was in command of troops manifestly inadequate

from their number or inefficiency to make a success-
-ful resistance, then was I bound to save the garri-
-son and destroy the works. If either of these grounds
be supported by the evidence, if the Court shall
consider the Post was untenable or that my
command was inadequate for its defence, then am
I equally justified, whether acting under the order
delivered or without any special directions to regulate
my conduct.

I will endeavour to shew that
both these positions are proved by the testimony-
That the fort was untenable, that it was limi-
-ted and defective in its construction is proved by
the concurrent evidence of Major L'Enfant, Col.
Carbery, Major Peter & Lieutenant Berryman,
Harrison and Edwards. Major L'Enfant state,
that "the fort was incapable of resisting any long
cannonading if at all capable of defence" — that
the walls and works were not strong enough to resist
the cannonading of one frigate for an hour" — that
"it could not prevent the passage of a frigate" —
that "it could not prevent the passage of barges
between the channel and the shore" — which con-
-sequently could effect a landing. This opinion of
the insufficiency of the walls is derived from the
best possible means of observation the examina-
-tion of their structure and material since their
demolition. The opinions of an Engineer of the
high character which Major L'Enfant bears would be entitled to implicit credit, unless
contradicted by others of equal character and
skill. — Col. Carbery confirms his opinion of the
inadequacy of the works. He examined the fort —
He considered the wall too unsubstantial — He
thought a frigate could not be prevented from passing.
He considered the platform too narrow — Major

Peter observed the same defects in the platform
in the wall and in the limited construction of the
works— He confirms also the assertion that the
barge of an enemy could pass along the shore as far
as the wharf in front of the fort and be untouched
by the shot from the battery— Major Morstetter
and I believe another witness think differently
but the opinions of Major L'Hommedieu and Major
Peter are confirmed by the circumstance mentioned
by Major Peter of his having made actual experi-
-ment of the facts— — Major Morstetter also
thinks that the platform, except at one angle, was
of sufficient width and elevation, and that but one
gun was placed in a situation admitting of too
little recoil— Several other witnesses are of a
different impression, and represent that there was
not sufficient space for the recoil of the guns mount-
-ed in some parts of the circular platform. This
apparent difference of opinion may perhaps be recon-
-ciled by recollecting that at the period Major Mors-
-tetter speaks of, the platform was new— that
some of the timbers supporting it were green and
that they rested upon the earth— Hence it is reas-
-onable that the platform did not continue
to preserve its original elevation— The shrinking
of timber is unavoidable in such situations, and
Lieutenant Edwards observes, at a subsequent period,
that after a rain the water lay upon it—
The fact however, both as to the platform and
the wall and the defective construction of the fort
are put beyond dispute by the report of Col.
Wadsworth upon the subject which has been
received in evidence. This report explicitly states
that the platform was undoubtedly too narrow—
that the wall of the parapet was too slight and
that a new wall ought to be constructed without

the present one which would give space for the extension of the platform.

This report and the evidence above referred to, shew to the Court the situation of the fort when I was called to the command of it. Was it practicable for me to put such a post in a better state of preparation? The Company took proves that I assumed the command on the eighteenth of August, only nine days previous to the abandonment. By the same evidence it appears that Lieutenant Edwards had already but just before ~~made~~ transmitted to the proper authority a representation of the state of the fort, and called the attention of the Ordinance Department to what he justly termed "its defenceless condition". It was therefore not necessary for me to renew a communication which I presumed would be duly attended to, even if more time had been allowed me to do so — I had no means within my command to do any thing — It is proved that there were neither tools nor materials within my control —

Thus situated in command of a post which I had no means of preparing for an effectual resistance it will ever be a source of the greatest consolation to me to reflect that the proof exhibited to the Court contains the declaration of Gentlemen of unquestionable skill and courage, ~~that~~ that the post which I have abandoned was incapable of making a successful resistance. And if this may the condition of the works committed to my charge, even if properly manned and provided, how much stronger does my justification become when we consider

the inadequacy of my garrison - The works of Fort Washington required a force, as is proved, of 270 men - I had independently of the sick, the prisoners and a picket guard which it was necessary to keep out / about sixty effectives - When the men were called to their guns we were able to man five. In addition to this, it is proved that the men were in a bad state of discipline - that most of them were raw recruits and unaccustomed to the use of the guns -

Had the works been ever so defensible, yet what could have been hoped from a resistence made by one fifth of the men necessary to occupy them. Against the battery of two frigates, two bomb ships, a rocket ship and a sloop of war. I had to oppose a battery at most of five guns manned by raw recruits. Could I have hoped any thing from such a resistance? And ought I to have resisted against every thing like hope, when such a resistance would have risqued not only the garrison but what was of fair greater moment the loss of the post without being able to destroy it, as ordered. If the testimony which thus clearly pronounces the post untenable against the force opposed to it, had even left its power of resistance doubtful when properly garrisoned, yet how hopeless must have been the effort which I could have made with a force so small and inefficient?

There is yet another circumstance to be remembered - Not only was I opposed, with a force so inferior and in a situation so favorable, to immediate

attack from the enemy on the river but (as has been before shewn) I had from all the information I could obtain, and such as I could not fail to credit, every reason to believe that a force was approaching in my rear. Had I waited to oppose the passage of the squadron, I should have resigned, in the vain attempt, the loss of the garrison at the fort by the approach of the force on land. To destroy the works and retreat across the river would have been impossible — to retreat in any other direction but by crossing the ferry to Alexandria was equally out of the question. If I looked towards the City of Washington, the smoke was still rising from its ruins. The enemy were either there or marching from it, if not to the fort, yet in a direction not far distant from it. From our army I had neither intelligence nor order. I could only know that they were beyond the City, and I had a right to conclude that it was deemed impossible to sustain me in my situation, or I should have been reinforced or at least informed. Judging of the degree of our loss and the extent of our defeat from these consequences and appearances (and I had nothing else from which to judge) was I not justified in concluding that the overwhelming force of the enemy had driven back all opposition, and that my miserable post and little band was all that survived the general wreck. In my rear the fleet of the enemy rode triumphant in the Patuxent, in front a squadron ascending the Potowmac, and his army if not advancing towards me, was certainly between my post and the forces of the United States. I had neither

time nor chance of destroying the fort and withdrawing my garrison if I remained longer in such a position, but hazarded the capture of both by the enemy. It is not necessary to conjecture what might have been the fatal consequences of the enemy taking & holding so important a post. With the command of the water, the great natural advantage of the situation and with men sufficient to defend it it is manifest that their occupation of it might have been a greater public calamity than any we have experienced.

But it is objected that I might have made some resistance. I am charged with deserting my post "without making any attempt to defend it". — Until I am taught to see some object to be answered by making a vain attempt to resist, I must continue to think that I acted quite as wisely and courageously in abandoning it — Was the interest or honour of the country to be preserved by an idle attempt to effect what was so evidently impracticable? If I had the means of making an available resistance, I ought to have made it and continued it so long as there was the slightest hope that it might avail. But a mere nominal resistance, firing a gun or two for the name of the thing, is folly and more frequently the refuge of cowardice than the effort of courage. — Surely an Officer should never be condemned to undergo the mortification of hoisting the standard of his country when he knows that he cannot defend it. —

The exigency of my situation also forbade my making any attempt to effect what I must have despaired of succeeding in — Had I done so, and

the enemy, in boats had passed the fort, how was I to withdraw the garrison? Had their boats entered (as it is proved they might have done) Biscattaway creek or made any other landing, or had their force, which I had every reason to believe were advancing in the rear, approached the fort, how was I either to save the garrison or destroy the works? In all, or either of these ways I could have been assailed — and by waiting to make an ineffectual opposition, I necessarily incurred these consequences. Can it be contended that I ought lightly to have risqued them, when in my own judgment and in that of every Officer in the garrison the attempt to resist must have been "fruitless?"

Some evidence has been offered in support of one of the charges, by my neglecting to have conveyed from the fort two or three six pound field pieces. To this I reply that it is proved I could only have taken them to the river — there were no boats then by which they could be transported. Lieutenants Harrison and Edwards prove that it was with great difficulty I could get the men taken over, and that the boats in which they crossed were too light to take them guns. It is fair to presume that I made enquiries about the means of crossing at the ferry and that I knew the size and strength of the boats, and that I left the guns at the fort because I had no reason to believe that I could convey them further than the river.

Having submitted these remarks upon the substance of the charges exhibited against me, I will only detain the Court by a remark upon the motive assigned for my conduct. It is alledged that the abandonment of my post was the dictate not of duty but of fear. If this be true,

how could I conceal from all around me every symp-
-tom of so self-betraying and base a feeling? When
told by Major Lite and other witnesses of approaching
danger, how could I exhibit the firm collected dem-
-eanour of an Officer to which they testify? How
could I preserve that demeanour when the enemy
appeared? In my whole deportment there is neither
the appearance of fear, nor of those arts by which
it is usually attempted to conceal it-

Had I felt it, or had I not been elevated
above even the ~~suspicion~~ fear of its being imputed
to me, I might perhaps have resorted to some
of those arts- I might have determined on making
some shew of resistance, and provided for the safe-
-ty both of my person and my character. The
open undisguised conduct I pursued proves
that I knew not fear, and sought neither
pretext nor concealment-

There remains
another accusation, but I need not speak of it.
It is disproved by every witness, and I presume
is considered unsupported.

And now, Gentlemen, I have concluded a
defence, which if it has been unnecessarily tedious
you will, I am sure, excuse- It is natural that
I should be anxious to explain and answer
every thing that could leave the slightest floating
suspicion upon your minds that I was guilty
of the smallest offence laid to my charge-
It will be now your duty, Gentlemen, to determine
my fate- Should your sentence assert my fame,

I trust I shall be enabled to prove to the world that it was just, and that you have restored to a station among the honourable defenders of our Country, a man, incapable in any extremity of deserting or disgracing her cause.

Bayonne 2nd 1814

Saml F Leyson
Capt 6 A

read to the Court 3rd Nov

O.5

Mr President
and Gentlemen of the Court.

The accused begins the argument of his defence by pleading the orders, which he received thro' Majr Hite from Genl Winder:- of which orders Majr Hite, in his testimony, gives the following account - "On the 24th of August last I was directed by Genl. Winder to tell Capt Dyson, and on that day did tell Capt Dyson, that on the previous evening the enemy was within ten miles of Washington - that perhaps his point might be one of their objects - and that in case he was pressed by enemy in his rear by the enemy, he should effectually spike his guns and blow up his magazine - and evacuate the river with his garrison, to be enabled to do which, he should destroy - our boats, at the fort!"

The first remark which the accused makes on these orders is, that "he conceives they should not be construed literally!" - He adds - "they must mean that I was to hold out against the force in the rear to the extremd point of time in which it would be practicable for me to withdraw my force and destroy the fort!" - Under this his own construction of the orders, it will fully appear that they furnish no vindication, nor even plausible pretext for his conduct.

He attempts to justify himself under this construction - first by the testimony of Lieut Berryman - "Who," he says, "states that he was sent on picket guard on the day the fort was destroyed two miles in advance of the fort - that his orders were detached to the distance of three miles up and down the public road, e- -ven to Piscataway - but that he could obtain no intelligence of the move- -ments of the enemy." This, he states to be the testimony of Lieut. Berryman. But surely the inference from this is, that there was no probability of an attack in rear. Had there been such a probability, Lieut. Berryman must have obtained some intelligence of the movements of the enemy. - But the testimony of Lieut. Berryman was this. - "I heard of no enemy in our rear. I heard that the enemy, who had been in Washington had returned to their shipping - but heard of no enemy coming towards the fort. - From what I learned on picket guard the day the fort was blown up, I did not apprehend there was any danger of our being attacked in the rear."

The accused next adduces the testimony of Lieut. Hannison. - Lieut Hannison stated that he had heard on picket guard - "that the

enemy were on the direct road to the
fort from Washington City - and that
he heard this about eleven or twelve
o'clock the day before the fort was
blown up." I would not an enemy
on this road have actually reached the
fort by four o'clock (P.M.) on the day it
was evacuated? - But Lieut. Harri-
son adds, in his testimony, that Capt.
Dyson, in retreating marched about
seven miles on the very road he had
heard the enemy was in. Moreover
the information of Lieut. Benyman
and Doct. Marshall was much later
than that of Lieut. Harrison: - and the
former stated that the enemy from
Washington had returned to their ship-
-ping - and the latter, that they had
reached Upper Marlboro. Surely, then,
the evidence of Lieut. Harrison on
this subject can be of no avail. - Doct.
Fitzgerald gave information of the
same date and purport of Lieut Har-
-rison; and it can have as little effect.

The next information on this
point mentioned in the Defence is
that of Doct. Fitzgerald's of the 25th Au-
gust. - The person, whom Doct.
Fitzgerald saw on the road on the morn
-ing of the 25th and took him from his dress
to be a Methodist preacher, & who

said he had left the neighborhood of Benedict the day before, told Doct. Fitzgerald, "that he had heard the e-nemy had landed a reinforcement of three thousand troops there" — and not that he had seen them as stated in the Defence — "that he heard they were on their march to Upper Marlboro that he had seen their picket guard marching to Upper Marlboro and was obliged to take a circuitous road to avoid them!" — Now, whatever might have been the impression of people the inference, which Capt. Dyson would be most likely to draw from this infor-mation, would be, that the reinforce-ment was more probably destined to Battin ond, or some other point than to his post.

Next in the Defence comes the testimony of Doctor Marshall. The Defence states that "Doct. Marshall says upon oath, that hearing at Pis-cataway the enemy were in sight from the fort on the 24th of August, he rode down and had a conversation with Capt. Dyson." But the Defence does not state the motive, which led Doct. Marshall to the fort. He says it was "curiosity." He does not appear to have deemed himself prepared to infer

mation, which it was material to
Capt Dyson to know, or to communicate
any intelligence. He says from curiosity.
"Upon this, says Doctr Marshall, I
had a short conversation with Capt
Dyson;" and told him it was supposed
in Piscataway where I lived, and in the
neighborhood generally that the enemy
were at or near Upper Marlboro. I
told him my impression, and that a
gentleman with whom I had conversed
was that when the enemy heard of their
ships coming up, they would send a party
to cooperate with them." - This is all,
which Doctr Marshall mentions his
having stated to Capt. Dyson relative
to the enemy reported to be at or near
Upper Marlboro. In answer to a
question put during his examination
before the Court, Doctr Marshall did
say, "It was a rumor that the enemy
retreating from Washington had
divided and one part had taken the
direction of the Fort - that this was
one of the reports and generally cre-
-dited." - But he does not say, as stated
in the Defence, that he mentioned this
to Capt Dyson at the Fort. - He further
said in his testimony that "It was his opi-
-nion that, that part of the British troops

Doct Tupper Marlboro' would coopa-
-rate with the fleet — but that he
did not know of any movements of
the enemy on which this opinion was
predicated - that the ground of his be-
-lief was mere rumor. & that rumor
did not say on what road or where
the division of these troops, said to be coming
towards the fort were." Doct. Marshall
doubtless stated his honest opinion.
But would any officer dream of
making this mixture of surmise without
reason and rumor without circum-
-stance, the ground for acting under
an order, the condition of which was
preparation to extremity?

Doct. Marshall says further in
his testimony - "I perhaps mentioned
to Capt. Dyer that it was a report that
a reinforcement had landed at Ben
-dict and that part of them were
marching up and were as far as Bi-
-ertown. — Mr Moore, a methodist
preacher, who lives six or eight miles
from Briantown - between that & Piscataway
— told me of it so as to leave no doubt
of it on my mind." But on being ques-
-tioned, Doct. Marshall added. "I do
not know whether Mr Moore came from
home or not." — The sum of this testi-
-timony is this. Perhaps, I informed Capt

Upon that it was reported the enemy
was at Briartown - I do not know when
the person who told me of it came from.
— Briartown is twenty miles from the
fort.

In the extreme solicitude
to produce something on this point,
and the absence of a single instance
of forcible information, an attempt
is made to create an impression by
the accumulation of testimony. And
for this purpose, the defence cites
the general remark of Lieut. Edwards
on this subject: — in reply to which it
is only necessary to observe, that Lieut
Edwards was not out of the fort on the
27th until it was abandoned.

The Defence closes the testi-
-mony on this head with the letter
from Genl Stuarts camp by Doct. Cooper
-on which it makes those remarks.
"This letter so directly received from
Genl Stuarts Camp (where it is presumed
correct information of the situation
of the enemy would be had) afforded
to my mind the strongest confir-
-mation possible of the intelli-
-gence already communi-
-cated to me by Doct. Marshall and
others." This then seems to be the latest

information, which Capt Dyson received relative to the enemy in his rear paid from the source he thought most to be relied on. And the Court will recollect how strenuously he insisted on giving parole evidence of the contents of the letter - the letter being lost. What does Doct. Turner state to have been the contents of that letter? - "Stated in that letter, says he, that I had understood, & that it was repeated in our camp - I don't recollect which expression I made use of in that the British in the Patuxent had landed a large reinforcement at Benedict."

The Defence further remarks on this testimony. "I had a right to conclude that information thus conveyed to me thro' so many dispendant channels and all substantially agreeing could not be without foundation. Hearing from Gisnel, Stuarts camp and other sources, that the enemy had landed a reinforcement at Benedict, how easy was it to believe the intelligence received thro' Doctor Fitzgerald, Doctor Marshall and others of their having landed and marched and of their having advanced

as far as Briartown." 0-5

It was from Benedict and Briartown thea, that Capt Dyson insists he had a right to expect the enemy. And from hearing this passage of the Defence, one would conclude that a multitude of Witnesses had stated the enemy to have been at Briartown. The fact is Doctor Marshall alone, if even he mentioned it to Capt Dyson, said a word about their being there. and he did not know when the person, who told him of it, had got his information.

Capt. Dyson's intelligence relating to the enemy in his rear, was down to the very hour, in which it was determined to abandon the fort. And what was the intelligence he deemed most to be relied on; upon which he lays the greatest emphasis?- Why, that it was rumored in Genl. Stuarts camp that the enemy had landed a reinforcement at Benedict, thirty miles from the fort. Was "the extreme point of time" now arrived "in which it would be practicable to withdraw his force & destroy the fort"?

An officer burning to earn a just "station among the honorable defenders of his country,"— zealous to protect that country from injury and insult and to maintain the honor of its flag, would hardly have discovered any connexion between a "preference to extremity in his rear" and vague, contradictory and improbable reports of an enemy thirty miles in his rear. — True, when Capt Dyson "looked towards the City of Washington, the smoke was still rising from its ruins." But it is also true that he was apprised ~~that~~ the enemy had left the ~~ruins~~ smoul- -dering monuments of his shame and retired to his shipping — at alle- -vents, that he had reached, in his retreat, Upper Marlboro or its imme- -diate vicinity. Also Capt Dyson heard something about a reinforce- -ment having landed at Benedict. But all which reached his ears on this subject was reports that there were rumors of such a force. Cre- -dulity itself cannot contend that the condition now existed, on which alone the order was to be executed.

These conditions were - the inevitable fall of his post uninjured into the hands of the enemy, unhappy destroyed by himself - and the inevitable capture of his force, unhappy removed. The order required that these results should be the certain consequence of attempting to retain the post. Otherwise, the words "pressed to extremity" either have no meaning, or make no part of the order. Instead of this extremity having arrived, Capt. Dyson was authorised from all he had heard to presume the whole country in his rear open to retreat.

The Defence justly states, that the safety of the men in the fort from capture was but a subordinate intention of the order and that its great object was to prevent so important a post as Fort Washington from falling uninjured into the possession of the enemy - the consequences of which might indeed have been disastrous. But did vague rumors of an enemy at Benedict or Bladensburg warrant a belief that there was immediate danger of this

event from that quarter? Surely not. And would it not appear, that in the conduct of that day the scale of the order was reversed and the safety of the troops made the chief design of it? The burthen of the defence is that by remaining longer at the port, their retreat might by possibility be cut off. It is this possibility which most of the ingenuity and eloquence of the defence labor to establish.

But still another attempt is made to shelter under the or-der of Genl. Winder. The Defence paraades the whole naval force in front, frigates, bomb-vessels rock-et ships, barges &c., gives them a favorable leading wind and opens the mouth of Piscataway creek to them. But the Defence, in this same paragraph, states the whole fleet to be moored across the river. and all it contends for, which can have any reference to the order, is that it was practicable for barges to enter Piscataway creek. But bar-ges endeavoring to enter Piscataway

creek would have been exposed to the fire of the Fort. Had the barges of the enemy entered the creek? No. Were they attempting to enter it? No. Had a single barge made even a demonstration of an intention to enter it? Not one. And long after the fort was abandoned an officer returned to ascertain why the magazine did not explode so. soon as intended. But still we hear of no enemy in the rear. Then what possible bearing can the order have on the situation of the fort when it was abandoned?. To have authorized the conduct of that day, the order should have been, Fort Washington must be destroyed under any circumstances and at all events. Such was not the order.

If the accused had orders for what he did, why call a council? Was it to debate whether he should obey his orders? He would have ly wish to put it on this ground. Was the council called to decide whether the conditions of the order existed? Then why did he not give the officers the information necessary

to enable them to judge? Why not tell them candidly what the order was, and what the information he had received? Instead of this, the orders were garbled - and the officers are merely told that letters had been received, which could be relied on, saying that the enemy was preparing in the rear. The letters were not exhibited to them, nor were they informed by whom they were written, where they came from, nor where they stated the enemy to be. If the council was called to decide whether the condition of the order existed, the whole was a mockery; for he did not possess them of the information indispensible to enable them to judge. It is plain he knew he had not orders for what he was about to do, and sought the sanction of a council's decision. He now contends that he had every reason to be positive in the belief that the extreme point of time had arrived in which it was practicable to withdraw his garrison & destroy the fort. Then he

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was so doubtfull about it that he called a council to discuss the matter. A council is called to debate whether an ephemity exists.

But conscious that it was utterly impossible all the bewildering subtleties of logic and deluding glosses of rhetoric, to make out a defence under the order, the accused finally submits to the Court whether as it was delivered verbally and allowance might not be claimed for the possible want of recollection in major Hite as to the precise words of it". Did major Hite discover any doubt of the accuracy of his recollection? Did the accused venture to cross examine him as to the purport of the order? and what collocation or transposition of its words would suit his purpose? And he aside that major Hite is positive that his recollection of the order is perfect, the delivery of it was accompanied by information, that

the enemy in the rear was near to the fort than Capt Dyson ever afterwards heard of his being. Yet the order was not to destroy the fort then - nor was it then destroyed. This circumstance alone is sufficient to prove that Major Flite delivered the order as he says he did - and that Capt Dyson understood it.

The accused now quits the order, and supposing himself to have been left at large to act according to his own discretion, attempts his justification on the grounds, that the fort was defective, and his command too small for its defence.

If he had manfully resisted the foe, but in despite of skill and valor failed to prevent his passage, or been finally overpowered, than might these circumstances have been justly pleaded to shew that no blame for the misfortune attached to him. But they cannot be alledged to justify the abandonment of the fort, on the first ap

-paranaes of the enemy, without
an effort to defend it - without
giving or receiving a single shot.
And the accused, in his defence,
greatly exaggerates the defects of
the fort, and underrates the ade-
-quacy of his command.

Major Peter does not speak,
in his testimony, of the insuffi-
-ciency of the walls, as stated in
the Defence. Col. Carberry ack-
-nowledges that he does not re-
-collect their thickness, and that
he did not even ascertain it, when
he visited the fort. Major Le Enfant
says the parapet of the circular
battery was nine feet thick; and
Major Mansfield, after actual
admeasurement, states it to be
ten feet four inches. Major Le En-
-fant admits that it could not be
destroyed, but at point blank dis-
-tance. Lt Edwards says it would de-
-pend upon the distance from which
they were fired at - that very near
a breach might be made in them.
The guns of the fort were all long.

As to the description, of which

the guns were capable, major L'Enfant never saw the fort before its destruction, and therefore cannot properly judge. Major Peter fired but one gun to make the experiment. Major Mantell, in rebuilding the platform raised it several inches, that the guns might be capable of sufficient depression. He commanded at the fort several months, and thinks the guns would take effect on barges at any point between the channel of the river and the shore. Lt. Edward, who also commanded for a considerable time, thinks they might be so depressed as to prevent barges from landing in front of the fort.

Great stress is laid on the narrowness of the platform. Huger, Col. Carberry and Major Peter saw one gun run off. But this was at a single point, where the platform was seven or eight feet narrower than at any other point. Major Peter says that every where else the platform seemed wide enough,

if it had proportionate elevation as to which his recollection does not serve him. Most of the witnesses, who speak on this subject, never saw the same gun fired twice. They never saw a gun run off, but presumed that at a second fire or after repeated firing this would be the case. Major Marshall says that Capt. Morris and himself were in the habit of practising the guns on the platform almost daily for about six weeks, that he has fired many of the guns, and among them the fifty pounders, several times in succession. That he never saw a gun run off, except the one fired by Major Peter and Col. Carberry at the narrow point - and that he does not believe they would run off when heated or during an engagement. The built the platform, and says it was twenty two feet wide. - The deemed the bed of earth on which it rested to be very solid. - Otherwise, he says, he should have built a stronger.

-ters of the platform he adds new of locust & cedar, principally locust - and all the old ones were laid down so as to make a solid bed for the floor, which was doubled. alternation, thus, in the elevation of the platform was not likely to take place. The Defence con-cludes that the defect of the plat-form is put beyond dispute by the report of Col. Wadsworth. But Col. Wadsworth says in that same report, that the disadvantage of too na--row a platform may be oviated by checking the recoil of the piece by means of an elastic handspike introduced between the spokes of the wheels to prevent them from turning. A sapling from the neighboring wood would have supplied this remedy. — But in all the testimony that has been adduced related to the platform, there does not occur an instance of a gun running off, except at one narrow point, where it was not intended to place a gun.

The want of tools is much complained of. It does not appear that there was any occasion for them.

As to the force ~~upon~~ Capt Dyson commanded it appears by the Company book, that beside the commissioned officers, there were on the part on the day of its destruction eighty non-commissioned officers and privates fit for duty. The eight invalids were also turned out and capable of rendering some service.

The bold assertions of the defence relative to the unexpected inefficiency of this force are wholly unwarranted by the Company book, the parole evidence or any thing that has been said. The testimony proves that the men, who were on the post previous to the arrival of Capt Dyson, were in a state of good discipline and the Company book shews that these composed more than three fourths of the garrison. The small remaining number drilled, as is stated, three times a day for nine days along with expert soldiers, could not have been so raw as is contended. They had no complicated nor difficult evolutions to learn, but

merely to work a piece of artillery
and in an engagement they would
be employed with the skilfulness
major Mastellers way in the
habit of working the guns of
the fort with eight men.

Capt. Dyson had a furnace,
abundance of ammunition, force
enough to man eight guns and
keep a picket guard. and much
the greater part of this force well dis-
-ciplined, and, as is proved by the
evidence eager for the conflict.
When Lieut. Berryman came into
the port from picket guard, all
the fleet except two small ves-
-sels were below standing up
and these two small vessels were
at anchor about two miles from
the fort - The range of the thirty
two pounders in the fort was three
miles - Why not now begin the
contest? - The fort had now lost
a small part of the fleet to con
-tend with - A heavy fire might
have produced difficulty and
confusion in forming the line
of battle - The Sea horse frigate

is said to have grounded near the
port - Other accidents would pro-
-bably have happened - indepen
-dently of the great execution which
the length and caliber of the guns,
and the ardor and discipline
of the men would have ensured at
all events. The enemy would have
been repulsed - at least escap-
-ped and cut to pieces as to be
unfit for any ulterior project -
and finally the victim of our land
batteries in attempting to des-
-cend the river. - The honor of the
national standard would have
been maintained. But no - the
star - spangled banner, under
the auspices of this commander in
-stead of being planted on the
rampart, proudly to wave defi-
-ance to the foe, & light Americans
to victory. lies furled in darkness? -
A council is called and the fort
abandoned -

turn over

Note. The flag of Fort Washington was never displayed during the day of its destruction

25th

To grant a copy of the specification of the charges, is all that remains for me to ask of the Court.

When the enemy appears, instead of active preperations to resist him, the commanding officer calls a council & determines to abandon the fort. Whilst the enemy is arranging himself for battle, instead of speaking for the conflict his men with the looks & language of a brave, he marches the unwilling fugitives away, without firing or receiving a single shot.— To the shameful relinquishment of the abandonment all the circumstances of the transaction justly apply. It is unnecessary further to point the attention of the Court to all the first clause of the first specification

As to the latter clause of that specification "speaking words inducing others to do the like", Lt Berryman says that when the council of officers was called Capt. Dyson expressed an opinion that the fort was unable to contend with the force in front, before the question was put. Lieut Edwards & Harrison both say, that before the question was put, Capt Dyson said I wish now I had stated to you the orders I have received

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proposed to state to them the orders he had received from Genl. Winder. What did he state these orders to be? That he heard of an enemy marching in his rear, & approaching his rear, & he was to destroy the abandon the fort. How not this explicitly state to them, before they left and taken upon to act as circumstances should require? ~~He further told them, he had received letters on which he could rely stating that the enemy was flanking in his rear.~~ Is there an atom of testimony before the Court to shew that any such letters were received? Is there a hint to the Court that they did allude to in the testimony is that from Doctor Turner, which was a report of a reinforcement having landed at Benedict. Does not this or some other statement of the officers of the orders & information he had received, the direct tendency of which was to make them vote as they did a moment, to speaking words inducing them to abandon this post &c -

turn over

On the second specification of the first charge - if the abandonment of the fort is not to be justified, that the spiking of his guns & blowing up his magazine, & his casting away & destroying his arms and ammunition contrary to the 32nd of the rules & articles of war & his duty as commanding officer - This specification is supported on a notion ground - There were two large ammunition carts at the fort with horses & harness complete - Yet not a pound of powder was taken away except what the men carried in their cartridge boxes - All was destroyed or left - There were several six pound cannon at the fort, and eight howitzers complete to remove them - Yet not a piece of Artillery was removed. All were spiked & left for the enemy.

The incapacity of the boats at the ferry to transport Artillery has been mentioned - It is contended to be a fair presumption that this was ascertained by the accused & the cause of his not attempting to remove any ordinance. There is no ground whatever to support such a presumption. And there must be a mistake about the boats - In which could carry large ammunition carts, would certainly receive a six pound cannon - Moreover there was no necessity for crossing the ferry.

If the accused cannot be acquitted of the first charge - than the second charge and its first & second specifications necessarily attach -

Saturday 12th November 1814 O. S.

The Court met pursuant to adjournment, all present and after having heard all the evidence adduced whether on the part of the prosecution or the defence, and after due deliberation thereon pronounce the following -

Sentence

On the first Specification of the first charge The Court find that Captain Samuel T. Dyson of the United States Corps of Artillery, being Commanding officer of the United States fort, Fort Washington, did on or about the 27th day of August 1814, when an enemy was approaching said Fort, misbehave himself before the enemy, and shamefully abandon the fort and post which he then and there commanded and which it was his bounden duty to defend. -

The Court find the said Captain Samuel T. Dyson Guilty of the second Specification of the first charge

The Court find the said Captain Samuel T. Dyson Guilty of the first charge

In like full and deliberate manner the Court took into consideration the second Charge, and the three Specifications attached to that charge.

The Court find the said Captain Samuel T. Dyson Guilty of the first specification of the second

charge.

The Court find the said Captain Samuel T. Dyson Guilty of the second Specification of the Second Charge

The Court acquit the said Captain Samuel T. Dyson of the third Specification of the Second Charge

On the second charge, The Court find the said Captain Samuel T. Dyson guilty of Conduct unbecoming an officer, but do not find the said Captain Samuel T. Dyson guilty of Conduct unbecoming a Gentleman —

The Court do sentence the said Captain Samuel T. Dyson to be dismissed the Service of the United States.

The Court adjourned sine die

N. Smith
Brig. Genl. Dist. Marine
& Pres. of the Court

R. K. Wright
Navy - Judge Advocate

A-5
150

Charleston Decr
Fort Washington July 25th
1814

Sir

From the inclosed representation
of Lt Edwards & my own observation
in conformation thereof Fort Washington
is in several respects incomplete in
its state of preparation for defence — &
the eighteen pound columbiads are not
mounted on the Block House ammunition
ought to be sent down for them & the 18 pound
the water battery — Lt Edwards will send
a requisition for the quantity & kind of
ammunition necessary — Can Col Wadsworth
or the proper department at Washington have
the platform enlarged — which will be
necessary to render the battery of the fort
effectual —

I shall proceed down

as far as Port Tobacco to day—

I am with my great

esteem

Sir

Your obt Sert

Wm Hamilton

Benjn Stone

Comg 10th Mg District

Hon Le

John Armstrong

Secy of War

Washington City.

Fort Washington
July 25. 1814

Brig. Genl. Winder
relative to Fort Wash-
ington — incloses a
letter from Lt Edwards
stating the Condition
of the Fort, repairs
wanted &c.

(Col. Wadsworths remarks
on the above also inclosed)

152
a-5

Rec'd July 1814

Fort Washington to 25 July 25. 1814

Sir

I deem it my duty to report to you the defenceless situation of this post. The necessity of mounting heavy artillery in the Block house, is apparent to every Military character, who is acquainted with the ground adjacent to the work. It is true a few Eighteen pound Columbiads have been sent here, but there are no means to enable us to mount them - we are destitute of a Gin & tackle - The width of the platform in the Fort is another subject upon which frequent representations (I understand) were made to Genl. Bloomfield, but without effect - The depth of platform for heavy pieces is generally from three to four toises but seldom less than three - The width of this is but fourteen feet very little more than two toises - at the first discharge of our heavy Guns, I have known them to recoil to the Curtains - When they are heated they would undoubtedly run over it - & then be rendered useless for a time -

On the water Battery there are mounted five excellent long Eighteen pounders (ship. guns) but

there is not a pound of ammunition for them - in case of an attack by water, the utility of these guns would soon be discovered - in defending ourselves against a battery near the level of the water, to aim to strike the Hull of ships in a horizontal line, for the chance of hitting the object is much greater than when firing from an elevation - when it is only in an intersection of the line of fire, by the line of the surface, that the ball can strike a ships hull - In the first case the gunner has only to move his piece horizontally - in the other he must combine his deviation with those of his own elevation & the progress of the ship

Some of the Gun Carriages in the Fort are in bad order, but not so much so as to render them unserviceable - you will perceive by this Morning's report which I enclose what is the strength of my force - those reported sick are invalids - Those on extra duty are men employed in the bake house - Gardens &c and who are from bodily defects, are incapable of guard duty, but would be serviceable in an action -

I have the honor to be &c

Sign'd James L Edwards
Lt Comdg. Fort Washington

Brig. Gen. Wm H. Winder

Commanding 10th Mil. Dis.

Warburton

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Ordnance Dept
Washington, Oct. 21. 1814

Sir

I have transmitting you the Return this morning. I perceive a Note in our Memorandum Book, of 16. August ult.o as follows:

"Gave Order on Mily Storekeeper Pembleton Pt. for 50. Stands Arms with Accoutrements complete for the use of Capt. Dyson's Company, U. S. Artillery, on Duty at Ft. Washington"

The Note is in my own hand.

Writing on

Respectfully Sir

Your Ob.t Serv.t

Major Wender
Asst. Judge Adv.te
Genl

Inspector

A-5
158

A couple of hands were ordered from Green-
leafs Point, on Monday to execute the necessary
Repair of the Gun Carriages at Fort Washington
The Platform is undoubtedly too narrow as well as the
Parapet, but I think Lieut Edwards is mistaken in
representing it to be but 14 feet. It was directed
to be made 20. or 22 feet, if I do not misrecollect.
The disadvantage of too narrow a Platform
may be obviated with no great Difficulty
by checking the Recoil of the Piece, by means of
an elastic Hand Spike introduced between the
Spokes of the Wheels to prevent them from turn-
ing. The Defect of an insufficient Parapet is
not so easily obviated. It would be advisable,
I think, at a proper time, to make a new Work
in Front, 15 or 12 Feet in advance of the present;
which would give sufficient Extent as well for
the Platform as Parapet, without disturbing
the ellagueing &c. The whole original Design
was bad and it is therefore improper to
make a perfect Work of it by any alterations.—
200 Rounds of Shot and Cartridges ~~——~~ for
18[P]s can be sent down if Triangle — proper. Selec-
ted some Grape Shot for the 18[P]s Columbiads
to be prepared long ago. & Tackle and Fall
to mount those Guns on the Block house will
be provided.

Capt. Talbot the whom I have just seen informs me
there was a good Tackle and Fork at Fort Washington
when he left there the Fayr this Platform was made
above 20 feet wide.

D. Wadsworth

159

Sir

Washington 21 Oct 1814

I enclose to you herewith a duplicate Copy of an Ordnance Return, of a date the nearest preceding the late Destruction of Fort Washington.

If any additional Supplies stand to may have been furnished in the above Interval, we have no particular account at present on file.

Respectfully I am Sir

Your mo Ob Hble

Lt. Porter, Capt

& Dy Comy U.S. Ordnance

Major Wendell

Army Judge Advocate &c

Major Winder

Army Judge Advocate &c

(At m. Oneáls)

O-5
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Q-5
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ORDNANCE STORES OF ORDINARY EXPENDITURE.

FOR CANNON.

	Received since last return.												Delivered by order and expended.												Remaining on hand.											
	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3
Round shot,																													132	433		10		332		
Shells,															2					5																
Strapped shot,																																				
Case shot,																															110		12			
Fuzes filled,																																				
Fuzes empty,																																				
Flannel cartridges,																													99	80			112			
Paper ditto,															1		7				3								3	8			24			
Flannel cartridges,																													83	403						
Paper ditto,																													44	177			25			

	Received since last return,	Delivered by order and expended,	Remaining on hand,
Iron. lbs.			
Steel. lbs.			
Flank. Ft.			
Timber. Ft.			
Copper in sheets. No.			
Tin in sheets. No.			
Sokler. lbs.			
Saltpetre refined. lbs.			
Sulphur. lbs.			
Meal powder. lbs.			
Brass wire. lbs.			
Iron wire. lbs.			
Twine. lbs.			
Thread. lbs.			
Linen. Yds.			
Cotton wick. lbs.			
Spirits of wine. gals.			
Vinegar. gals.			
Rosin. lbs.			
Beeswax. lbs.			
Tanned hides. No.			
Loose grape shot. lbs.			

	Received since last return,	Delivered by order and expended,	Remaining on hand,
Powder. Cannon. wt.		3100	
Powder. Musket. wt.		2402	
Cartridge paper. Reams. Cannon.		2	
Cartridge paper. Reams. Musket.			
Musket cartridges. No.		500	100
Flints. No.		1000	132
Musket balls. lbs.			
Buck shot. lbs.			
Rockets. No.			
Hand grenades. No.			
Sticks portfire. No.		1	132
Tubes. No.			
Slow match. lbs.		12	
Wads. No.		20	99
Junk. lbs.		200	
Stands of grape. No.			
Sponge tacks. No.			
Pig lead. cwt. or lbs.			196
Flannel. yds.			
Dressed sheep skins. No.			

ORDNANCE STORES OF ORDINARY EXPENDITURE, CONTINUED.

	Received since last return.												Delivered by order and expended.												Remaining on hand.											
	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3	Empty.	Filled.	Rounds.	42	32	24	18	12	9	6	4	3
Round shot,																																				
Shells,															2																					
Strapped shot,																																				
Case shot,																																				
Fuzes filled,																																				
Fuzes empty,																																				
Flannel cartridges,																																				
Paper ditto,																																				
Flannel cartridges,																																				
Paper ditto,																																				

	COLUMBIADS.				MORTARS.			HOWITZERS.	
	100	50	32	24	15	10	8	8	5 8/10
Received since last return,									
Delivered by order and expended,			2						
Remaining on hand,									

0-5
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RETURN of Ordnance and Ordnance Stores at Fort Washington, Potomack, Maryland

on the 30th *day of* June 1814

CANNON.

	SERVICEABLE.						UNSERVICEABLE.						SPARE CARRIAGES FOR				EQUIPMENTS FOR						
	BRASS.			IRON.			BRASS.			IRON.			GOOD.		BAD.								
	Mounted.			Mounted.			Mounted.			Mounted.													
	On travelling carriages.	On fixed carriages.	Dismounted.	On travelling carriages.	On fixed carriages.	Dismounted.	On travelling carriages.	On fixed carriages.	Dismounted.	On travelling carriages.	On fixed carriages.	Dismounted.	Travelling.	Fixed.	Travelling.	Fixed.	Sponges and rammers.	Ladles and worms.	Bricoles and drag ropes.	Tompions.	Lead aprons.	Ammunition boxes.	Sets of Harness.
42																							
32					2												5	2		2	2		
24					5						1						25	2		9	9		
18																							
12																							
9																							
6				3													3	3	31	3	3	2	
4																							
3																							

COLUMBIADS.

100																							
50					2												3	3		2	2		
32																							
24																							

HOWITZERS.

8																							
$5\frac{8}{10}$																							

MORTARS.

	BEDS.			BEDS.			BEDS.			BEDS.													
	Iron.	Wood.	Dismounted.	Iron.	Wood.	Dismounted.	Iron.	Wood.	Dismounted.	Iron.	Wood.	Dismounted.											
13																							
10																							
8																							
$5\frac{1}{2}$																							

EQUIPMENTS FOR ORDNANCE.

Lanterns.	Portfire sticks.	Budge barrels.	Haversacks.	Shell hooks.	Fuze setts.	Tube boxes.	Gunner's belts.	Powder horns.	Lanthorns.	Powder measures.	Tin funnels.	Prolonges.	Tar buckets.	Thumbstalls.	Handspikes.	Dredging boxes.	Gunner's quadrants.	Caliper compasses.	Tarpaulins.	Tongs for hot shot.	Rasps.	Fuze saws.	Fuze machines.
3	11						15	20	6						11					1			

ORDNANCE STORES OF VARIOUS SORTS.

LABORATORY STORES AND UTENSILS.

	Mortars and pestles.	Scales and weights.	Copper pans.	Copper funnels.	Powder measures.	Sieves.	Brushes.	Scissors and shears.	Powder proofs.	Powder mullers.	Mallets.	Tube injectors.	Cartridge formers.	Soldering irons.												
On hand good,																										
Do. bad & damaged,																										
Worn out or lost,																										

	Rocket paper.	Portfire paper.	Rocket moulds.	Drifts for ditto.	Portfire moulds.	Drifts for ditto.	Mealing tables.	Knives.	Twine.	Thread.	Glue.	Tow.	Copper adze & driver.	Needles.	Awls.											
On hand good,																										
Do. bad & damaged,																										
Worn out or lost,																										

CARPENTERS', WHEELWRIGHTS', AND COOPERS' TOOLS.

	Broad axes.	Hatchets.	Cross cut saws.	Hand saws.	Whip saws.	Saws of sorts.	Augers.	Gimlets.	Gouges.	Wimbles.	Hammers assorted.	Adzes.	Planes assorted.	Rules.	Frots.	Bitts.	Drawing knives.	Caulking irons.	Pincers. Prs.	Shaves.	Cranes.	Turners' Lathes.				
On hand good,				1							1		3						1							
Do. bad & damaged,																										
Worn out or lost,																										

	Grind Stones.	Oil stones.																								
On hand good,	1		1																							
Do. bad or damaged,	1																									
Worn out or lost,																										

BLACKSMITHS' AND MASONS' TOOLS, INTRENCHING AND MINERS' TOOLS.

	Bellows.	Anvils.	Vices.	Tongs.	Sledges.	Hammers. Setts.	Iron squares.	Files.	Compasses.	Brace and drills.	Wrenches.	Nail tools.	Tools of sorts	Trowels.	Armourers' tools.	Miners' augers.										
On hand good,																										
Do. bad or damaged,																										
Worn out or lost.																										

	Felling axes.	Bill hooks.	Spades.	Shovels.	Pick axes.	Iron crows.	Hoes.	Mattocks.																		
On hand good,																										
Do. bad or damaged,																										
Worn out or lost,																										

SMALL ARMS AND ACCOUTREMENTS.

	Stands of arms, French pattern.	Stands of arms, British pattern.	Guns.	Pistols.	Rifles.	Horseman's pistols.	Carbines.	Bayonets.	Ramrods.	Gun locks.	Gun barrels.	Cartridge boxes & belts.	Bayonet scabbards & belts.	Serjeants' swords.	Common do.	Horseman's do.	Horseman's cartridge boxes and belts.	Sword belts.	Brushes and pickers.	Gun slings.	Screw drivers.	Ball screws.	Worms.	Ballet pouches.
On hand good,		31						31				48	35											
Ditto, bad and damaged,		42						34																
Worn out or lost,																								

	Bullet moulds.	Buck shot moulds.	Drums.	Fifes.	Trumpets.	Bugle horns.	Drumsticks.	Drum cords.	Drum heads.	Drum cases.															
On hand good,		2	1				4																		
Ditto, bad and damaged,			1																						
Worn out or lost,																									

SUNDRIES.

	Gins.	Tackles.	Capstans.	Sling carts.	Powder carts.	Hand carts.	Ammunition waggons.	Caissons.	Shot furnaces.	Travelling forges.	Wheelbarrows.	Handbarrows.	Cannon spikes.	Priming wires.											
On hand good,									1		1	2	12	31											
Ditto, bad and damaged,																									
Worn out or lost,																									

REMARKS.

Two Iron Twelve Pound Cannon, and two Iron Six Pound Cannon delivered to Capt. Marsteller, Asst. Dep. Q.r M. Gen.l by order of Col. Wadsworth Com. Gen. Ordnance, since last Return

James L. Edwards
Lieut. Ord.y Corps
Fort Washington

FREE.

Colonel John P. Bell

Inspector Genl.

Army U. States

Washington

BALTIMORE MD
NOV
18

Major Winder

Army Judge Advocate

Court martial

at

(Mr. O. neals.)

Hon'ble
John Armstrong
Secy. of War
Washington City -

Tm/H. Redwood

R. H. Winder Esqr

O'Neals Tavern

Washington City