

and from the nature of the ground at the point under  
the guns of the frigates, where troops would be subjected  
to be exploded by barges as well as cut off from all  
retreat, it would have been judicious in Capt Miller  
to have attacked the enemy landed at the point.  
Ans: It would have been extremely injudicious in  
Capt Miller to have attacked on that occasion the men  
who landed at the extremity of the point. We should  
have been exposed to the fire of the frigates, & our retreat  
might have been cut off. The design of the movement  
was I understood to attack the enemy if they advanced  
into the country out of the reach of the guns of the  
frigates.

Whereupon the court adjourned to the ensuing day at  
10 o'clock, according to law.

Wednesday July 27<sup>th</sup> 1844.

At the hour appointed this court this day assembled  
pursuant to adjournments, presents

Captain Crabb president  
Captain Lewis & Captains Bacon Members &  
John Law Judge advocates, Captain Sam<sup>l</sup> Miller

being also present, the court was opened, & the pro-  
ceedings of the preceding day being recapitulated, Capt  
Richardson was again called & appeared as a witness  
the other witnesses being absent, & was examined as  
follows.

Quest. by Judge advocates please to state upon what  
grounds or means of information you rely in the sta-  
ments you have made of the motives which induced  
Capt Miller to change his position from the hill where  
the battery was formed to the plain behind the hill  
& from the plain to the edge of the wood, & thence to  
march into the wood.

Answer. I heard Capt Miller at the time occasionally  
express the reasons which actuated his movement. But  
I have also spoken from my own judgment acquired  
on the circumstances under which the several movements  
were made & which would actuate any military man  
to have made similar movements.

Quest. What guns were in the battery on the hill  
& were there any guns under the charge of Lt Harrison  
& what was done with them during the action?

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