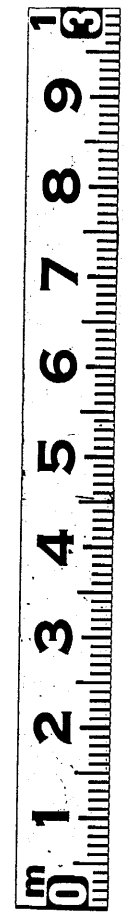


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S T A T E  
 OF THE  
 D E M A N D S  
 O F  
 C O L O N E L D' E S T O R F F,  
 U P O N T H E  
 C R O W N o f G R E A T - B R I T A I N,  
 F O R

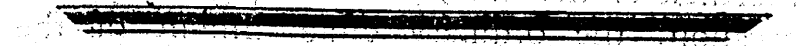
Money advanced, and engaged for, by him,  
 for the Support and Service of the British  
 Legion, during the late War in Germany.

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L O N D O N :  
 Printed in the YEAR M D C C L X V I I .

### Advertisement.

*THE particulars of the following accounts, with the vouchers, and the several authorities upon which they are founded, are not inserted in this State, to avoid extending it to an improper length; but are all ready to be produced when called for.*



# S T A T E

OF THE

# D E M A N D S

OF

Colonel D'ESTORFF, &c.

**I**N the year 1759 the difficulty of obtaining men from the British allies, suggested it to Duke Ferdinand to form, in the occupied and enemy's countries, a corps of five battalions, each battalion to consist of one troop of dragoons of 101, and four companies of foot, of 125 men in each company, with a corps of artillery; which corps was to be called the British legion.

The advantages that must attend such an establishment were so evident, that his late Majesty directly approved of the proposal; upon which H. S. H. ordered an estimate to be drawn up of the expences of raising and supporting such a corps, which was accordingly done, and sent

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over to London; but in the hurry, from the shortness of the time, and the urgency of the occasion, the ordinary establishment of the corps only was inserted, and no mention made of the *contingent expences* that must inevitably attend keeping such a corps in constant condition for service.

The many and eminent services performed by this corps, during the whole course of the war, abundantly justified the raising it, and are too well known to require repetition here.

On the death of Major de Bulow, commandant of the British legion, he was, by Prince Ferdinand's appointment, succeeded in that command, on the 22d of October, 1760, by Lieut. Col. d'Estorff, General Aid du Camp to H. S. H. which appointment was directly confirmed by the King. H. S. H. committed also to him the care of furnishing the corps with all such cloathing, camp necessaries, arms, horses, &c. &c. as should be lost or destroyed by accident, or in action; for which purpose he promised to obtain him money from the British Commissariate, as appears by an express attestation of H. S. H. dated at Vechalde, November 3, 1765.

The accounts of the several articles provided by Col. d'Estorff, in consequence of this charge, were regularly kept by Lieut. Kirchhoff, under the Colonel's own inspection, and were regularly

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laid before the Commissariate, from time to time, as they were made up; but in consequence of the frequent changes in that office, he could never obtain the settlement of them, each new Commissary refusing to enter upon any accounts left unsettled by his predecessors; a practice most oppressive to all, and attended by the ruin of many of the claimants. The accounts, thus successively made up, were five in number.

As a particular specification of all the articles in these accounts would extend this state beyond the proper limits, the general heads, and amount of them only, are given here, together with a short recital of the events that gave occasion to them.

The first account is of "The contingent expences that attended reinstating and equipping, in all points for service, the 5th battalion of the British legion, in the beginning of the year 1761."

On the 27th of January, 1761, the whole 5th battalion, and part of the squadron, was surpris'd by the enemy at Stadtbergen, and made prisoners of war, at which time Major de Lane, who commanded this battalion, was killed.

The next day after that event, H. S. H. wrote to Col. d'Estorff to furnish them with all necessaries as soon as they should be exchanged, which he directly prepared to do: and sending

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an estimate of the expence, according to the best information he could obtain at the time, received for that purpose a warrant from Col. Pierson, dated March 7 following, for the amount, being 16827 RD.

Though the estimate sent by Col. d'Estorff was as exact as could be made, when he came to provide the articles necessary, several more than he had been informed of were found to be wanted, which made the account of his disbursements amount to — 17336 : 29 : 7 So that deducting the — 16827 : 0 : 0 advanced by Col. Peirson

There remained due to him a ballance of 509 : 29 : 7

The second account is for " The contingent expences of replacing the losses of camp-necessaries, horses, arms, &c. sustained by the other four battalions in the campaign of 1760, and reinstating and equipping, in all points for service, the third battalion, and the battalion of Major de Stockhausen, in the beginning of the year 1761."

On the 6th of January, 1761, H. S. H. Prince Ferdinand wrote to Col. d'Estorff, from Uzlar, to replace the losses sustained by the legion in the course of the preceding campaign.

In

[ 7 ]

In the beginning of April following, just as they were all compleat, the third battalion and squadron were totally ruined near Waldec, the greater part being cut off, and the rest taken prisoners of war.

On this event H. S. H. wrote directly to Col. d'Estorff, to reinstate the said battalion and squadron as soon as possible; for which purpose, Colonel Peirson sent him a warrant for RD. 40000, dated the 16th of the same month of April.

While Col. d'Estorff was busied in repairing this loss, the battalion under the command of Major de Stockhausen was dispersed, and a great part of it taken prisoners, near Walshausen, in the neighbourhood of Uzlar, on which H. S. H. wrote again to Col. d'Estorff, to take upon him the care of reinstating this battalion also with the utmost expedition; and for that purpose, Col. Pierson sent him another warrant, dated May 16, for RD. 5000.

The disbursements made by Col. d'Estorff, on these two occasions, added to what he had advanced on the first order of the 6th of January, for replacing the losses of the four battalions in the preceding campaign, amounted, as appears by the accounts all re-

gularly

gularly made up, and properly vouched, to	RD.	MG.	PF.
By deduct. from which	—	—	—
Paid on the first warrant of April 16, and paid on the 2d warrant of May 16, there remained due to him a ball. of	Rs. 40000	45000	7800
			10 : 3

The third account is for "The contingent expences of replacing the losses of the five battalions of the British legion, in the campaign of 1761, and in Spring 1762."

In the active campaign of 1761, the British legion suffered remarkably on many occasions, particularly the 5th battalion, which, soon after it had recovered the loss at Stadtbergen, was again totally ruined in the several actions of Luymen, Dullmen, and Wolbeck, in which the battalion of Udam also suffered most severely.

Sensible of the important services of the legion, H. S. H. wrote to Col. d'Estorff, from Furstenaun, on the 22d of August, 1761, to reinstate these two battalions for service with all possible expedition, which he accordingly did.

To

To discharge the disbursements made by Col. d'Estorff for this purpose, as also for replacing the losses of the other three battalions during the campaign, Col. Peirson sent him, at the desire of H. S. H. a warrant, dated April 16th, 1762, for	R.	MG.	PF.
according to an estimate given in by the Col. of these expences; but when the accounts of the said disbursements came to be made up, they were found to amount only to	—	—	—
			28212
			00 : 00
			25286
			26 : 17

So that there remained a balance, in favour of the Crown, of R. 2925 : 9 : 1

The reason of this was, that the battalion of Borbeck had purchased for themselves some immediate necessaries (for which they still owe) at Lune, Dullmen, and Wolbeck; and had also had an opportunity of sending the greatest part of their cloathing by carriages prest for that purpose.

The fourth account is for "The money advanced by the commanding Officers of the five battalions of the British legion for cloathing

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“ ing their men, in the campaign of 1761,  
“ and reimbursed to them by Col. d'Es-  
“ torff, by order of H. S. H. Prince Ferdi-  
“ nand.”

Harrassed by the many difficulties which ne-  
cessarily attended the care of providing every  
thing for so large a corps, Col. d'Estorff pro-  
posed to Prince Ferdinand, in the beginning  
of the campaign of 1761, that the Comman-  
dant of each battalion should provide cloathing  
for his own men, to which H. S. H. assented.

To pay these Officers for what they had thus  
bought, H. S. H. ordered Col. d'Estorff, by let-  
ter, dated at Willhemstal, July 7th, 1762, to pro-  
vide money upon his own credit, and promised  
it should be reimbursed by the Commissariate,  
as soon as the accounts should be made up ;  
which the Colonel accordingly did.

The money advanced by Col. R. MG. PF.  
d'Estorff, on this occasion,  
amounted to — — 12560 : 27 : 00  
of which he has never since  
received the least part.

The fifth account is for “ The contingent  
expences of replacing the losses suffered by the  
legion, in action, in the campain of 1762.”

The

To induce the Officers to take the greater  
care of preserving their camp-necessaries, equi-  
pages, &c. and thereby save expence to the  
Crown, a new regulation was made in April  
1762, by which each battalion was to furnish  
itself, for a certain sum, with every thing ne-  
cessary, except the losses which they should  
sustain in action, which were to be made good  
to them, at the same rate as they were to the  
Hanoverian troops ; the money necessary for  
making which good was advanced to them by  
Col. d'Estorff, by order of H. S. H. Duke Fer-  
dinand ; and on his promise that it should be  
reimbursed by the Commissariate.

The severe services in which the British le-  
gion was continually engaged, during the whole  
campaign of 1762, necessarily made the losses  
sustained in action very heavy.

The money advanced by Col.  
d'Estorff to make good these  
losses, as appears by the ac-  
counts properly vouched,  
amounted to — — R. 20580 : 10 : 0,  
of which he has never yet  
received any part.

As Col. d'Estorff had really advanced, or  
engaged for, every penny charged in these ac-  
counts, having a ballance thus left, as it were  
cut off from the two first, as over-charged,  
must

must naturally give him pain, beside the loss. He applied therefore to Col. Peirson, to get his accounts settled, who directed Mr. Commissary Halsey to examine them, which he accordingly did, and was satisfied of their rectitude in every respect and circumstance; but when it was expected he should have certified them, he sent them back to Lieut. Kirchhoff, with this message, "that he had reason to be dissatisfied with the service, and would therefore quit it without certifying any more accounts."

Aggrieved by this treatment, and pressed by the persons from whom he had borrowed the money, which he had expended on these several occasions, Col. d'Estorff applied to Prince Ferdinand to interpose with the Commissariate, for the settlement of these, and all his accounts; upon which H. S. H. spoke to Gen. Howard, who promised that Mr. Commissary Fuhr should settle them; but all Col. d'Estorff's solicitations could never prevail to have it done, till the offices were closed in Germany, when he was obliged to send them over to England, to be liquidated by the Commissioners appointed for that purpose, who, on the 11th of November 1765, reported upon them, as part of a demand of the Hanoverian Chancery of War, for money disbursed by them for this corps, though these accounts of Col. d'Estorff's had been given in, in his own name, and were totally unconnected with those of the Hanoverian Chancery.—"That the parliament having

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" provided for the raising and subsisting of this  
 " corps, from time to time, quite up to the  
 " disbanding thereof, the said service thereby  
 " became an ordinary, and as such they had no  
 " power by their commission to adjust any de-  
 " mand arising in the execution of it; but that  
 " as they had taken some pains in examining  
 " into the nature of these accounts, they beg-  
 " ged leave to lay one observation thereupon  
 " before their Lordships, for their informa-  
 " tion.

" In the 2d account, for subsistence and  
 " œconomy-money, they observed that the  
 " Crown of Great Britain is debited from  
 " month to month, for the whole amounts of  
 " these two establishments, but no credit is  
 " given for any money arising from the pay of  
 " *non-effective* men, &c.; nor any muster-rolls  
 " produced to ascertain what it amounted to;  
 " but by a paragraph in the copy of a memo-  
 " rial to Duke Ferdinand, dated at Pymont,  
 " the 27th of May 1762, it appears, that en-  
 " quiry had been made how the money thus  
 " arising had been disposed of.—The transla-  
 " tion of this memorial is as follows:

— " The reason why the Britanic legion  
 " received the advance each time, according to  
 " the compleat establishment is, that the bat-  
 " talions recruited out of the money that arises  
 " out of the *non-effectives*, they not being re-  
 " imburfed the expences of inlisting; and it is  
 " by

“ by this means they reimburse themselves, to  
“ keep themselves compleat.”

“ Now, by this explanation, the accounts,  
“ No. 3, and 4, being for expences said to have  
“ been incurred in re-establishing, and recom-  
“ pleating the corps (partly by the Hanove-  
“ rian Chancery of War, and partly by Col.  
“ d’Estorff, in manner aforesaid) they cannot  
“ be brought as a charge against the Crown of  
“ Great Britain; as it is plain, by the para-  
“ graph in the memorial above-recited (sup-  
“ posed to have been presented by Col. d’Es-  
“ torff, in order to obviate the enquiries that  
“ had been made upon the establishment of  
“ the controul, relative to the expenditure of  
“ the monies that had been advanced on ac-  
“ count, for the use of the legion) that such  
“ expences ought to have been defraid out of  
“ the *non-effective* pay, &c. And that what is  
“ more than this, is an *exceeding* in the or-  
“ dinary establishment, attending the levying  
“ of the said corps, over and above the estimate  
“ laid before the parliament; and which we  
“ find, upon looking into the account, has,  
“ in part, arisen by sundry articles being there-  
“ in charged at higher rates and prices than  
“ those fixed and settled in the said establish-  
“ ment, which in our opinion ought to have  
“ been the rule for carrying on those levies;  
“ or when the same was found insufficient, a  
“ new establishment ought to have been made  
“ thereof, in order to have been laid before  
“ par-

“ parliament; that such exceeding, already in-  
“ curred, and such additional provision as be-  
“ came necessary for the future might have  
“ been made accordingly,” &c.

Before a particular answer to this report is entered on, it is proper to observe that Col. d’Estorff is concerned only in the fourth account included in it, which is expressly that for which he makes this demand.

In answer to the argument drawn from the memorial, to prove that the *non-effective* money should be applied to the discharge of these accounts, Col. d’Estorff thinks it sufficient to say, that, as there is not a single penny charged in his account for inflitting, that argument can in no respect affect his demand.

As to the necessity of a new establishment for such *exceeding*, Col. d’Estorff conceives that, until the Commissioners shall shew by what rule a calculation can be made of the losses which a corps in constant service shall suffer in a campaign, in order to make such an establishment for them, a just account, given in at the end of the campaign, of the losses really suffered, is intitled to payment; and this is the reason why this account *does not come* within the *ordinary* establishment of the corps, but is an *extraordinary*, and as such had been *accorded* to by the Commissariate, and part of it paid; and therefore *does come expressly* within the power of  
of



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of the Commissioners, and ought to have been settled by them, notwithstanding their assertion to the contrary, which, with a propriety peculiar to themselves, they premise to their observations upon it, in their report.

The reason assigned for this *exceeding*, that it arose from higher rates and prices being charged, than those fixed and settled in the establishment, is applicable only to the *ordinary* services of the establishment, and can in no respect affect *contingencies*, which were indispensibly to be provided at sudden emergencies, and under every disadvantage of place and conveniency, (which necessarily raises the price) whereas in providing *ordinaries* there is time to attend to every circumstance that can make them cheap.

Equally judicious with the observations in the report, is the postscript subjoined to it. As Col. d'Estorff's demand is not founded on the estimate given in before the raising of the corps (which it is presumed is the *etat* mentioned here) but for *contingent* expences omitted in that estimate, he certainly is totally unconcerned in a decision made upon a claim, founded on that *etat*.

As the reasons, therefore, given for rejecting these demands, are proved to be utterly without foundation, Col. d'Estorff has an indisputably just right to payment of them, amounting to R. 38529 : 12 MG. : 2 PF.