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NO. 44

RECORDS OF NIAGARA
A COLLECTION OF CONTEMPORARY LETTERS AND DOCUMENTS
JANUARY TO JULY, 1813

Collected and Edited by BRIG.-GENERAL E.A. CRUIKSHANK

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LIEUT.-COLONEL CECIL BISSHOPP
(See Page 70)

Editor's Note.

The documents printed, nearly all for the first time in the following publication, like those in its immediate predecessors, have been collected from several widely separated sources. A few have been transcribed from rare contemporary newspapers. They will be found it is hoped, to throw considerable interesting light on local history.

RECORDS OF NIAGARA
NO. 44

1813

FROM GENERAL SHEAFFE TO SIR GEORGE PREVOST

A letter from General Sheaffe to Sir George Prevost, written at Fort George on January 6th, throws considerable light on his situation at that time when Winter had put an end to active operations.

"I have received this day a communication from Dy. Commissary Genl. Couche of which I have the honour of transmitting a copy. (See also Documentary History, 1812, Part II. p. 334). The issues of Provisions have considerably diminished in this District and will remain some time much below their late amount. At York and Kingston, they will continue to be at least as great as they have for some time been, owing to the increase of the Marine establishment at those Posts. At Amherstburgh, it appears probable that the consumption will be increased during the Winter as many sources of supply that the milder season furnished to the Indians will no longer exist. The several Corps and Departments in this Province have been compelled to apply to the Commissariat for pecuniary aid, it not being able to obtain money from any other source.

"As the pay of the Militia, and other Provincial expenses have been furnished by the Commissariat, and it probably not being regular that such monies should be finally accounted for through it, it may be necessary to establish some mode, whereby the Province should be made accountable for them, through its proper officer, the Receiver General, I request your Excellency's advice and instructions on this Head, as it appears to be of importance that a plan to regulate such matters, should be speedily adopted, for the simplifying and facilitating the settlement of the public accounts.

"I propose going to York in the course of a few days, the passage of the River being impracticable, (The Niagara River for an invasion.) and likely to remain so for some time.

"It has been suggested to me that two or three Battalions might be formed in this Province, if encouragement were given by a promise of land &c. A proposition has been made to me by a Major of Militia, (Major Titus Geer Simons of the 2nd York) to raise a Corps of 2 or 300 men in York and its vicinity, and increase it by inlistments elsewhere to 5, or 600, not to serve out of the Province but in such cases as it may be legally required of the Militia. I beg leave to submit this subject to your Excellency's consideration with the hopes of being honoured with an early intimation of your opinion thereon, and of the principles on which you would recommend and approve of the formation of such a Corps. It is thought by some that the inlistment of Militia man is prohibited by the 23rd

Article of the Militia Act, passed the 5th of last August, but such a construction appears to me to be controvertible."

"I shall not urge the necessity of a considerable reinforcement to this Province, as it must be sufficiently obvious to Your Excellency that it will be required to resist the augmented force which the enemy will probably direct against us, and to aid in protecting our dockyards from the early attempt which will no doubt be made on them to defeat our efforts for establishing a naval superiority."

(Dominion archives, C.177, pp. 1-5)

PREVOST'S REPLY

The inevitable delay in the transmission of most important letters in the winter, is shown by Prevost's reply, written at Quebec on January 21.

"The Montreal mail which arrived this morning brought me your letter of the 6th inst. and its enclosures.

The attention of the Commissary General has been called to the papers relating to the provisions and he will give such directions as may be expedient to his Deputy in Upper Canada as to the means to be adopted by him in procuring the supplies to meet your wants in this respect.

"The Military Secretary's letter of the 3rd instant, will have conveyed to you my ideas on the subject of Militia disbursements & the propriety of an appointment of a Dy. Paymaster. This communication will probably have reached you at York where you might be enabled to supply that officer.

"I presume your removal from your Dist. Hd. Quarters to York is with an expectation your presence at the seat of government would accelerate the accomplishment of the civil concerns of your command. I sincerely hope you may not experience disappointment, but be enabled by the good disposition of your Legislature speedily to return to your post with additional means of repelling the designs of the enemy against Upper Canada. I consider the suggestion of raising two or three battalions in the Province of Upper Canada with encouragement of the promise of lands which might be recommended by you to the Secretary of State, to be confirmed by H.R.H., the Prince Regent, to such as engage under those expectations as a judicious measure. These Corps would be literally incorporated militia serving under the Militia laws & not to serve out of the province except as provided for by that act. As an inducement to promote the formation of such corps, the Legislature would no doubt accede to a certain sum being allowed each man as an outfit to provide some articles of necessaries not to exceed £5 Currency. It has been proposed that a sum not exceeding L3 shall be given in this Province for the outfit of each Militiaman required for service in the next summer. It is very desirable that the Corps should not be encumbered with field officers from the Militia, but that intelligent and active captains from the line, possessing discretion and skill, should fill those situations. I am aware the execution of such a plan may be attended with great difficulties, notwithstanding the incontrovertible benefit arising from it to the service, therefore I only suggest the measure, trusting to your judgment for the execution of the whole or part of it according to the disposition of the people you have to deal with.

"My last communication will have made you acquainted with the extent of the reinforcement I can send you consistent with the safety of other parts of my command. I

trust that with this, the addition of a well organized militia and the assistance of the Indians, you will feel yourself enabled to maintain all your positions from Cornwall to Detroit and Michilimackinac and to bring a second campaign to as honourable a termination as you did the first. I readily assure you that if His Majesty's Government increase my means of defending the North American Provinces in the Spring, I will send you a full share of whatever arrives.

Since the Winter roads have become practicable no intermission has taken place in forwarding to Upper Canada supplies of every description for land and lake service." (Dominion Archives, C.1220, pp. 118-9.)

FROM COLONEL CLAUS TO SIR JOHN JOHNSON

A letter from Colonel William Claus to Sir John Johnson, the Superintendent General of Indian Affairs, shows that there was considerable discord between the officials of that department and military officers which could not fail to be detrimental.

Fort George, 7th Jany. 1813.

"Dear Sir,

The enclosed letters, one from Mr. Ironside of the 9th of Dec., covering one from Colonel Elliot to him, dated 17th Nov. & Col. Elliot's to me of the 20th Dec. last, ought to have been sent earlier but circumstanced as I am, I find it difficult to get through. As you will perceive by Elliott's letter to me, that he has been much disappointed in the assistance that was promised, his situation has been particularly hard, he has been constantly and actively employed since the War & I am sorry to say that notwithstanding his every exertion, that situated as our Dept. is, we are subject to the orders and whims of every subaltern officer in the service.

His long service & age did not screen him from being called out, but what he very properly treated as he should. It was on the first expedition to the Miami when fault was found with him for not ordering the Indians to do what was thought by the officer, they should do & no direction left to the Indian Officer, I have understood (for Elliot has never reported the business to me), that the Indians were expected to obey orders the same as the soldiers & because they did not, they and their officers were a set of damned useless people.

It is much to be desired that Sir George Prevost would place us upon some footing so as to put us out of the power of every officer, by this I do not mean all officers in the service, but give us some rank, so as to prevent us being subject to the orders of young officers. You will perceive by Elliot's letter that there have been representations against the Indians on the Fort Wayne expedition. Gen. Sheaffe tells us nothing has come to him. Should anything have been said below, I hope his request will be urged by you to have a hearing and then we shall be seen in our true light & the world will know that if it had not been for the determined conduct of the Indians, that perhaps the Province would not now be in our possession. The bearers of this are seven of the Six Nations who go to see the Seven Nations of Canada to talk over old affairs and renew their friendship. By them I send a message to the 7 Nations reminding them of their promise to my Father of their fidelity to the King when he had the care of them, & to encourage them to be of one mind & also to inform them of the message we received from the Western Indians that they had joined the King in the War against the Americans, that their eyes were fixed on

all Indian Nations & that any one that held back would be hereinafter be remembered and cut off.

"I am so badly off in stationary that I cannot have a fair copy made of the enclosed letters. The paper I now write on is beg'd from Mr. Powell, my neighbour, a little remaining of his stock & the pen I got this day from Capt. Loring. We have not received any stationary for these last five years. We have a very unhealthy season, a complaint prevails that carries off the patient in 5 or 6 days. I am sorry to tell you that poor Cardotta died of it last night, a loss I shall much feel. I was going to send him off to St. Joseph. Our stores are all but empty, pray send us anything you can. We look and hope for a strong force in the Spring & have nothing to give. No doubt attack and that a very formidable one, will be made on this Frontier in the Spring. I would wish very much that you would interest yourself on behalf of Elliot, who is the worst paid man in two Provinces. He has but L100 a year for his services for without serving, he would have his half-pay, £100, which he sacrificed by accepting of the appointment.

"My papers as well as everything else, are in such a confused state that I can seldom lay my hand on any letter, & I do not know whether I have wrote you since the affair of the 28th Nov. last. One the appearance of the enemy moving I sent Major Givens, Lt. Chew & three interpreters, with a number of Gd. River Indians & Chippewas, to post themselves near Fort Erie & Capt. Norton with some more of the Gd. River Indians & Chippewas to be read to act either the right or left of our lines. Major Givens' Indians who were encampt about 6 miles below Fort Erie, were in time to act & were of great use & behaved well. They kept up a very warm fire on the boats & must have done great execution as they got to the water's edge and took deliberate aim every shot. In that affair, my friend Lt. King of the Arty, was severely wounded and made prisoner. He was shot down at his 6 pounder & the port-fire was knocked out of his hand. I have been over to Black Rock twice to see him. My last visit was last Thursday, & I am happy to say, he is likely to do well & I intend going over in about a fortnight to bring him over. Every kindness is shown him but they are badly off for every comfort for an invalid. We have lost several valuable Indians with the prevailing distemper a kind of pleurisy, a violent pain in the side and the head.

"With sentiments of esteem & regard, I am Dr. Sir,
Yours most faithfully, "W. Claus."

"The Hon. Sir John Johnson, Bart.

(Claus Papers, Copy by Miss Catherine Claus.)

FROM COMMODORE CHANCEY TO SIR JOHN JOHNSON

After having laid up his ships on Lake Ontario for the winter in Sackett's Harbour and provided for their defence, Commodore Chauncey went to Buffalo to arrange for the construction of ships of War on Lake Erie. A small shipyard had been constructed at the mouth of a creek flowing into the Niagara River below Black Rock, where several merchant schooners were being converted into gunboats. From Black Rock, he wrote a letter to the Secretary of the Navy on the 25th December, 1812.

"This Frontier is left with less protection than its importance requires, from this place to Lewiston, a distance of about 24 miles, there is not a single sentinel. There is about 300 of the 14th Reg. stationed at this place, the rest of the army have gone into winter quarters 11 miles back from the River, (At Williamsville) therefore if the enemy

should think proper to cross, spike all the guns, and destroy all our stores, there is but little to prevent them. I am erecting a Block-House near the vessels with a view to their protection and the stores belonging to the Navy Department which I hope to preserve. Notwithstanding we are assured by the Military, the people upon this Frontier place so much more reliance upon the protection afforded to them by the seamen than the Military that if any circumstances should make it necessary to remove the seamen, this part of the Frontier would be immediately deserted.

(Captain's Letters, Navy Department, MSS, Washington).

FROM COMMODORE CHAUNCEY TO GENERAL SHEAFFE

He wrote on the same day to Sheaffe, apologizing for the misconduct of some of his seamen in the recent incursion and proposing an exchange of prisoners.

"Upon my arrival at this place," he said, "I was mortified to learn that a party of three sailors had crossed the River on the 28th ulto. and burnt two houses, the property of individuals. This act, I assure you Sir was done without the knowledge of the Naval Officers commanding on this Station, and the men have been made sensible of the impropriety of their conduct.

"I will also assure you that as far as in my power to prevent, no similar act shall be repeated by the men under my command.

"I understand that these Seamen were taken on the morning of the 28th ulto in company with some Soldiers, and are now Prisoners at Fort George. I trust, Sir, that you will not hesitate to let these men return, when I assure you that I hold Colonel Vincent's Receipt for Captain Brock (James Brock, paymaster of the 49th Regiment, a brother of the General), and the officers and crew of the Mary Hatt and Elizabeth (Canadian Merchant Schooners) taken by the squadron under my command upon Lake Ontario in Nov. last., and who were sent to Kingston immediately after, upon their Parole. Lieut. King (Lieut. Charles King of the Royal Artillery) is in a way of recovery. I will send him over upon his parole, the moment he can be removed with convenience to himself.

(Sheaffe's Letter-Book)

SHEAFFE'S REPLY

Sheaffe's reply from Fort George on 4th January, 1812, courteously declined an exchange of seamen until he received further instructions.

"I have the honor of acknowledging the Receipt of your Letter of 25th December. Brigadier General Smythe, soon after the burning of the two houses to which you allude, thought proper to explain in a letter addressed to the Commanding Officer at Fort Erie, (See Documentary History, 1913, Part II. P.246. by what means that act had been committed, and to declare his disapprobation of it. I receive with great satisfaction the assurance of your participating in his sentiments on the occasion.

"I regret that it is not in my power to accede to your Proposal for the release of the American Seaman taken on the 18th November. The Treaty for releasing on their Parole, between General Dearborn and General Prevost, no providing for such a case, I must await authority to liberate those men. It is not however to be expected that more Prisoners will be sent over from hence on their Parole, until the Officer Commanding the United States Forces on the Niagara Frontier, shall have performed on his part, what remains to be done for the completion of the exchange of those who have been returned

by us on their Parole. For Captain Brock, I have no doubt that a Captain of the United States Army has been released.

If the officers and crews of the Mary Hatt and Elizabeth have not been exchanged, it will be necessary that I shall be furnished with their names and with authority from His Excellency Sir George Prevost, to enter into a negotiation for their exchange on which I shall without delay apply for instructions.

P.S. I beg you will accept of my thanks for your pleasing account of Lieut. King, and for your assurance of sending him over on his Parole when he can be removed with convenience. The name of the Officer of similar rank of the U.S. Army, now on Parole, may be sent with him, for their mutual exchange."

(Sheaffe's Letter-book)

FROM COMMODORE CHAUNCEY TO THE SECRETARY OF THE NAVY

From Black Rock, Chauncey went to Erie in Pennsylvania, where another ship-yard had been established and the construction of gun-boats begun. From that place, he wrote to the Secretary of the Navy on the first day of January, 1813.

"I arrived here yesterday and found that Mr. Dobbins had commenced the building of four gun-boats, two of the frames was already raised and the other two nearly ready these boats are too small to cruise upon this Lake and the two that are the most forward are in a state I cannot alter them by the other two, I have added ten feet to their length which will make them safe vessels.

"Mr. Dobbins has already expended three thousand dollars - he sent me a copy of his instructions in October last. I then wrote to him not to commence building until he heard further from me upon the subject, he however states that he never received that letter which was the reason that he commenced the boats without instructions.

"These boats will not be ready to launch before the middle of April, there is but few carpenters to be got here and most of these are house carpenters. I have however ordered three good ship carpenters from Sacketts Harbour to this place which will enable Mr. Dobbins to progress with the work pretty fast until the Spring when I will furnish more workmen.

"The Harbour of Presque Isle is large and capacious (sic) and would be a fine rendezvous for our vessels on this lake if there was more water on the bar which unfortunately only admits vessels drawing from 4 to 5 feet. Yet in my opinion, it is the best and indeed the only place we can build at. The situation is healthy and good accommodations may be procured for the workmen and the place can be easily defended.

"Before I leave here, I shall inform myself of the resources of this part of the country in furnishing materials for building and equipping vessels for war, my present impression is that it abounds with fine timber and iron and cordage may be procured with facility from Pittsburgh."

(Captain's Letters, Navy Department, M.S.S., Washington)

FROM CHAUNCEY TO SECRETARY HAMILTON

Returning within a week from Erie, Chauncey wrote to Secretary Hamilton from Black Rock on Jan. 8.

"I arrived here from Erie yesterday and found things much as I left them. The vessels at this place purchased for Acct. of the Navy Department (four in number, besides

the Caledonia) are in that state that they cannot be removed until we have possession of the opposite side of the River. I have therefore determined to procure materials at Erie this winter to build a brig of about 300 tons to mount the guns of the Oneida upon her. The cost of the materials will not be great and can be sold with little loss if not wanted. I shall be in a situation in the Spring (if we get the vessels out of this river) to build the Brig in the course of a few weeks which will enable me to seek the enemy upon this Lake. Unfortunately, one of the Vessels at this place taken up for the purpose of entering into a more extensive alteration than I wished or contemplated. Soon after the Carpenters got at work, the enemy commenced a fire upon this place which induced them to break off and return to New York, the consequence has been that the vessels still remain in the state in which the Carpenters left them in October last, that is with their decks and sides all tore up. I have not deemed it advisable under all circumstances to do anything to them this Winter as the weather is unfavourable and the days are short, consequently the men would work under disadvantages that will be removed in the Spring. Moreover I do not wish to incur expense that may prove vessels can be of no use to us consequently any repairs put upon them would be thrown away. I have however, contracted for all the stuff requisite to repair them to be delivered here this Winter, and in the Spring, I shall be in a situation to complete their repairs and mount their guns in a few weeks if there was no other obstructions the ice in this River would prevent our getting into the Lake before the first of June and as I shall be able to get out of Sackets Harbour about the first of April, I contemplate bringing all the Carpenters from that station to this by water which will give us an abundance of time to fit these vessels or build the Brig at Erie or both as circumstances may require.

"The vessels here have been hauled into a small creek in rear of Squaw Island where they are safe from the ice and the shot of the enemy and I am erecting a Block House to mount four guns on the top, besides musquetry, near the vessels which will enable our men to protect them completely even if the enemy should attempt to cross over with an intent to burn them. Both officers and men had suffered very much this Fall and Winter, for the want of quarters, they have been living about in the woods in small huts, made of leaves of trees, ever since they arrived on this station, and Lieuts. Elliott and Angus have not been able to procure quarters for them, the consequence has been that we have lost many by sickness and a number by desertion. I am only astonished that so many have remained true to their Country under all the privations which they have suffered. I am in hopes to get both men and officers into comfortable quarters by the 15th instant., as the building for their accommodation is now under cover and will be ready I think by that time to receive them when they all will be more happy and more healthy. The wounded Officers and men are doing very well. Midshipman Graham has suffered an amputation of the leg.

"I am making arrangements for collecting all our stores into one building which are now distributed in almost every direction for twenty miles around owing to the great confusion which has prevailed upon this Frontier ever since the War.

"I have been induced, (as I informed you by a former communication) in consequence of losing the service of many officers by death and wounds, together with the conduct of Lt. Angus, to appoint Midshipman Dudley and Holup to act as Lieutants which I hope you will approve of.

"I hope to be able to arrange my business on this station so as to leave here for Sackets Harbor next week from which place I will write you the state of my command there."

(Captain's Letter, Navy Department, MSS. Washington).

FROM COLONEL CLAUS TO MAJOR JAMES GIVINS

The messengers appointed by the Six Nations to solicit the co-operation of the Indians in Lower Canada, who apparently made the long journey on foot, were provided with letters to the resident agents of the department at York and Kingston, to facilitate their march. To Major James Givins, the agent at York, Col.

Claus wrote: Fort George, 16 January, 1813.

"Sir,

The bearers, seven men of the Six Nations, are Messengers to the Seven Nations of Canada, you will give them what assistance you can in provisions.

"I wrote to you a few days ago, enclosing a letter to Mr. Askin (John Askin Jr., Storekeeper for the Indian Department at Mackinac and St. Joseph) at Mackanac, should no opportunity offer very soon trusty Indians must be sent as a answer is very soon required."

(Claus Papers, Copy by Miss Catherine Claus).

FROM COLONEL CLAUS TO CAPT. JOHN FERGUSON

His letter to Captain John Ferguson, the agent at Kingston, was more urgent.

Fort George, 17th January, 1813.

"Sir,

"The bearers, 7 men of the Six Nations, are on a mission to the Lower Province, you will please give them every assistance in your power in provisions, & should any of them be taken sick on the road, you will furnish them with a paper requesting of the Inhabitants to assist them with a slay from post to post. As we have no station lower than Kingston, Gen. Sheaffe has written to Col. Vincent to give them letters to the different Military Posts between Kingston and Montreal to supply them with provisions."

(Claus Papers, Copy by Miss Catherine Claus.)

FROM COLONEL CLAUS TO PROVOST'S SECRETARY

Colonel Claus having informed General Sheaffe that interest had become due upon the money derived from the sale of lands of the Six Nations on the Grand River, which had been invested for them in England, he brought the matter to the attention of Prevost's Military Secretary in a letter from Fort George on Jan. 17.

"I am directed by Major General Sheaffe to transmit to you the accompanying Letter from Colonel Claus, Dy. Supt. Genl. of Indian Affairs, and to request that it may be laid before his Excellency, the Governor in Chief.

"It is impracticable to obtain the money in this Province to satisfy the claims of the Indians. It has been due to them several months and even if cash could be got for Col. Claus's bills as Trustee, a loss would be sustained owing to the rate of exchange, that Government, it is conceived, would not allow to fall on the Indians. Major General Sheaffe therefore begs to propose for His Excellency's consideration that the sum of _____ be remitted to the Dy. Commissary Genl., about five hundred of which to

be in silver and the remainder in the smaller army notes, to be paid into the hands of Colonel Claus, for his Bill for that amount, as Trustee for the Six Indian Nations."
(Sheaffe's Letter-Book)

FROM CAPTAIN LORING TO THE MILITARY SECRETARY

"As the local stores were no longer able to supply the soldiers with the small articles needful for cleaning and mending their clothing and accoutrements, General Sheaffe recommended that they should be furnished in future by the commissary officers. Captain Loring wrote on the subject to the Military Secretary from Fort George on January 25th.

"Major General Sheaffe has directed me, in reference to an order for the officers to procure supplies of necessaries for their men from the Lower Province, to request that you will lay before His Excellency, the Commander of the Forces his suggestion that supplies of clothing and necessaries for the Troops here, may be sent up by the Commissariat to be issued. Major General Sheaffe is induced to propose this measure from a conviction that the procuring the articles necessary for the soldiers comfort from so great a distance, particularly at this crisis, would be attended with much more difficulty and even risk, than the Individuals commanding companies could be enabled to surmount, or bear the heavy responsibilities of."
(Sheaffe's Letter-Book)

FROM CHARLES ASKIN TO HIS FATHER

The tranquility of the Niagara Frontier was scarcely disturbed during the Winter months by even a rumour of hostility. On the second day of February, Charles Askin wrote a letter from the Head of Lake Ontario which is here transcribed:

"Dear Father,

"I wrote to you three or four days ago, and enclosed some newspapers to you which I left at Queenston to be forwarded from that. I have still one left which I shall now inclose in which you will see the famous General Smith's Official Despatch respecting the Battle of Fort Erie, which is one of the most ridiculous things I have read for a long time past.

"I was much rejoiced to hear of the great Victory obtained over the Enemy at River Raisin. From what I have learnt, General Harrison is supposed here on his way to Detroit. Some troops have left Buffalo some time since to reinforce his Army. Its a great pity we have so few regular troops here that we can spare but a Very Small Number to assist you above, one hundred and forty of the 41st Regt. passed this on their way to Amherstburg to-day. I am afraid no more are going up for some time.

"I am now settling all my business, so as to have my affairs in such a state as to be able to leave home (if necessary) for some months without suffering much by it.

"I find I have an acct. in my books against James and another against Alex, both of which I now inclose. I think I owe Theresa something. I shall make her acct. soon and send it to her, probably James may not owe me although I have nothing in my books to his credit. I cannot recollect now how I paid him the difference between the value of Eclipse & the Colt I gave him, but he may remember. I should like to know if any of the Cider sent down belonged to him and if he has any acct. against me.

"Mr. Robert Dickson arrived from Lower Canada three days ago, its thought that he is to have Command of a large body of Indians - the latest news we have from below is that the French were obliged to leave Moscow.

"I inclose Poudrie's note and Thomas Collin's which I have found among my papers.

"Please give my love to my Dear Mother, my Brothers and Sisters and believe me to be Dear Father &c."

(Burton Historical Library, Askin Papers)

FROM GENERAL SHEAFFE TO SIR GEORGE PREVOST

The pay and maintenance of the Militia called out for the defence of the Province was a charge upon the Provincial Treasury which had long since been drained and large advances had been made by the Deputy Commissary General to meet the most urgent demands for civil as well as military expenses.

These were ultimately met by drafts upon the Military Chest, which it does not appear were ever repaid by the Province. A letter from Sheaffe to Prevost written at Fort George on February 8, shows the comparatively large sum required for these purposes.

"I have the honor to acquaint you that the Dy. Commissary General has handed me a statement for the several sums advanced by him to this date, for Provincial Services in Upper Canada, amounting to £25,000 Army Pay. I am therefore to request that you be pleased to grant your Warrant to that amount in favor of the Receiver General of the Province. And as a farther sum will be required immediately in aid of the civil chest, I beg you will be pleased also to grant another warrant for L12,000 Army Pay, and that the Commissary General may be directed to forward the amount to the Receiver General. The average Provincial expenses arising out of the War with the United States, may be stated in ROUND sums, as follows:

Amherstburg and Detroit	£2,000 per month.
Long Point	£500 per month.
Fort Geroge and Dependencies	£5,000 per month.
York	£800 per month.
Kingston	£2,000 per month.
Prescott & Eastern District	£2,000 per month.
	Total £12,300 per month

Exclusive of Rations of Provisions."
(Scheaffe's Letter Book)

LETTER FROM COLONEL PROCTOR

Letters from Colonel Proctor, commanding at Detroit and Amherstburg, contained a very urgent appeal for a small reinforcement, which in fact was already on the march, and disclosed an alarming situation. In the first of these, he said:

"If you do not send me as many as will replace those who are in consequence of the affair of the 22nd (At the River Raisin) unfit for service, I mean of the 41st Regt. very serious consequences may follow the Enemy's Advance, which should be expected and immediately. We shall do our duty, but that will not save the Country, tho' it may our Credit."

In the second letter, written three days later, he announced that the hostility and treachery of some of the inhabitants of the Michigan territory had induced him to take more drastic measures to enforce obedience.

"To preserve the Territory therefore," he said, "I found myself under the absolute necessity of declaring Martial Law therein; I have also found it necessary to order some of the more suspicious and turbulent characters to quit the territory, among whom are some British subjects. They will proceed to Fort George under escort and there will be at your disposal, tho' I shall take upon me to make some remarks respecting some of them."

Among these persons deported from Detroit were Chief Justice Woodward, who had been retained in office, and Colonel Elijah Brush of the Michigan Militia, whose wife was a sister of Charles Askin. Captain Loring wrote from Fort George on February 12 to Colonel Baynes, the adjutant general.

"I am directed by Major General Sheaffe to forward to you the two accompanying Letters from Colonel Proctor together with a copy of the Resolutions of a Party of the Inhabitants of the Territory of Michigan, referred to by him (See Historical Collections of the Michigan Pioneer & Historical Society, Vol.XV, Pp.241-2)

The Papers were brought express by Mr. Mackintosh who met Mr. Dickson and Capt. Norton on their route to Amherstburg and was informed by them that about a hundred of the Grand River Indians were assembled and ready to march. He afterwards stopped at the house of Mr. Chew of the Indian Department by whom an express was sent for those Indians to proceed immediately to Amherstburg and directions have been sent up for as many more to follow them as Lt. Col. Bostwick of the Oxford Militia, who happened to be here, for the Middlesex, the Oxford and the Norfolk Regts. of Militia to march immediately under Colonel Talbot to reinforce Colonel Proctor.

"Major General Sheaffe desires me to say, that he does not deem it prudent to detach any farther portion of the Regular force from this line, the Enemy being in great force and there being a bridge of ice between us. The Militia of this District are called in."

(Sheaffe's Letter-Book.)

FROM CHARLES ASKIN TO HIS BROTHER-IN-LAW

Naturally Charles Askin took considerable interest in the fate of his brother-in-law, who seems to have received better treatment than his fellow prisoners. On February 23, he wrote from Queenston to his father:

"I wrote to you on Monday last by Mr. Gain in answer to three letters I lately had the pleasure of receiving from you. Mr. Brush is still here. The other Citizens of Detroit are in Niagara and hardly allowed the liberty of walking the Streets. I am happy to say the behaviour of Mr. Brush has been different and he has had the privilege of coming up and going down from this to Niagara when he pleased. I have staid here several days on his account tho' I was anxious to get home. I believe I shall go to-day. Alex. Hamilton will do any thing he wishes, therefore he will be at no loss when I am gone. I have paid Mr. Brush sixty-one dollars for you, which he says was the amount of the 4 Dooblooms you got of him, and I have paid John Meldrum, (One of the prisoners) twenty dollars for Alex, which I must beg he will return to me as soon as possible as I am very much in want of money, the remaining thirty dollars which Alex owes Mr. Meldrum, he should pay to some of his friends at Detroit. I suppose to his Wife of his Father. The detention

at Niagara of these people from Detroit will be attended with a great deal of expense to them; but it will teach them to behave themselves, a little punishment will do them no hurt.

"We were for some time in great hopes of seeing General Harrison and his Army here (As prisoners of War), but from what I can learn, I do not think he will be ready to come forward for some time to Detroit, and its probable he will not dare to advance at all.

"We see no Troops opposite this and I believe the enemy have not many in Fort Niagara.

"Col. Proctor & Col. Vincent are promoted and are both Generals now.

"I am sorry to say Lt. King of the Royal Artillery died yesterday morning at Black Rock or Buffaloe of the wounds he received in the action on the 18th Novr. last, he was an active and gallant officer."

(Burton Historical Library, Askin Papers)

FROM CAPT. LORING TO THE COMMANDANT AT KINGSTON

"A letter from Captain Loring the the Commandant at Kingston, written at York, gave orders for the deportation of the two most favoured of these prisoners of war, some of them being sent to Quebec for confinement.

"I am directed by Major General Sheaffe to inform you that on the arrival of Colonel Brush, American Prisoner of War, and Mr. Woodward, the late Chief Justice of the Territory of Michigan, at Kingston, (who proceed from hence escorted by Lieutenant Johnston of the Canadian Regiment, the bearer of this Letter) they are to be crossed over to the American shore, together with their Horses, should they require to take them, this however I do not imagine will be the case, as they are now endeavouring to dispose of them.

(Sheaffe's Letter Book)

FROM LT.-COL. BRUYERSS TO SIR GEORGE PREVOST

After having visited the Niagara Frontier for a few days, Lieut. Colonel Bruyers made a careful report upon its defences to Sir George Prevost which was written at Kingston on February 13th.

"I would have written to Your Excellency from Fort George to report the state of that Frontier," he said, "but the extreme illness of Major General Sheaffe during the time I was there prevented my communicating with him on business until two days previous to my departure in order to obtain his approbation and concurrence for the measures of defence which I proposed to adopt for the defence of that line.

"The work at Fort George is in a very ruinous and unfinished state; fortunately the line of curtain opposite the American shore was completed last Fall and has been the means of protecting the Troops during the severe cannonading that took place at that time. It will be indispensably necessary to complete this Fort as a Field Work as soon as the season can possibly admit of removing earth to form the parapet of good sod work of sufficient height and thickness to resist battering from the opposite shore.

It will further be very desirable to diminish the line as much as possible by cutting off the present work on the south-east front in order to reduce the extent of the Fort which

is rendered very weak by enclosing too large a space of ground; it will then become much more compact and defensible; at the same time it will decrease the labor and expense necessary to its construction.

"Major General Sheaffe has approved of the manner in which this work is proposed to be done, which I will have the honor to more fully explain to Your Excellency on my arrival at Quebec. Splinter-proof barracks to contain about 400 men will be required to be constructed in the rear of the curtains to secure them from the effects of shot or shells. Stabling of the Artillery Horses with barracks for the drivers and Royal Artillery must also be provided within the Fort. The present blockhouses are so much exposed that it will be necessary to take down and remove the upper story of these buildings and to lower the whole to the level of the proposed terre pleine. They will then be sufficiently secure to contain the ordnance and commissariat stores for the use of the Garrison. The powder magazine can only at present be made temporary, constructed of log work well covered with earth. The public buildings near the river at Navy Hall should all be removed as soon as possible and rebuilt in a place of security at some distance from and in the rear of the Fort. The stores they contain and the buildings themselves are so exposed to immediate destruction that no delay should take place in this service. Gun sheds are required for the car-brigade and field guns in the Fort. An hospital for the Troops to be built out of range of the enemy's guns in rear of Fort George, to consist of four wards for one hundred patients with a surgery and surgeon's quarters is strongly recommended and applied for by the medical department; the sick and wounded are at present accommodated in a Church (St. Mark's) within range of the opposite batteries.

"There are six detached batteries containing eleven pieces of ordnance of different natures between the Lake and Fort George; four batteries with five pieces between Fort George and Queenstown. Two batteries with two guns on the mountain at Queenstown. Two batteries with three guns at Chippawa. Three batteries with three guns opposite Black Rock, below Fort Erie. This number of detached batteries may at first sight appear superfluous and unnecessary, but the commanding positions that each of them occupy are so very essential that it is not possible to diminish or reduce them without making the point so reduced the place for disembarkation for troops. The only object necessary to be accomplished is to secure these batteries with a strong line of palisades in the rear to guard against surprise or sudden attack. This would have been done last Fall but regulars and militia were so constantly harassed and employed to protect this extensive line that they had not a man to spare either to prepare the palisades or fix them. Small temporary magazines constructed of log work covered with earth to contain each a few barrels of powder are required for the service of these batteries. I have directed these magazines to be immediately constructed and the batteries to be enclosed.

"A tower or small redoubt to command the entrance of the river is essentially necessary to be erected on Mississauguai Point.

"It is also requisite that the work at Fort Erie may be continued and completed as early as the season will permit. Altho' liable to some objections, it will in my opinion, be the most expeditious and best system to finish what is already begun than to take up a new position. The battery to protect the front may be constructed with sod work, the guns to be mounted on traversing platforms and elevated as much as possible to guard against the commanding batteries on the opposite shore. A magazine will be required

within the Fort, which may in the first instance be built with timber in a temporary manner that no delay may take place to secure the powder.

"Accommodation is very much wanted for the troops on this part of the Communication, particularly officer's quarters; so many of the houses on this line have been destroyed by fire that it becomes a very serious deprivation and quarters must be built to lodge the men. Splinter-proof barracks must be constructed within the Fort similar to what is proposed at Fort George. The number of men for the defence of this line must indispensable be augmented to afford any reasonable expectation of maintaining the positions on this Frontier. The distance from Fort George to Fort Erie is thirty-six miles. Twenty-eight miles of this distance is accessible and favorable to disembark at any point from the opposite shore. I have arranged with Major General Sheaffe relative to the most material of the services herein mentioned."
(Dominion Archives, C.387, pp. 15-18)

MILITIA ORDERS

General Sheaffe had been disabled for several weeks by serious illness but had sufficiently recovered to go to York for the opening of the Winter Session of the Provincial Parliament. He was still much enfeebled and his mind was dulled by disease. Sir George Prevost made a hasty journey from Montreal in a sleigh as far west as Fort Erie, inspecting the troops and fortifications and even "visiting the advanced positions which the solid state of the ice at the Northern extremity of Lake Erie had rendered it indispensably necessary to establish to prevent those incomplete & open batteries from being surprised or taken in reverse." (Prevost to the Duke of York, Quebec. 20 March, 1813. C.1220. p. 233.)

Movements of troops on the opposite side of the Niagara actually cause so much alarm that it was considered necessary to call upon the militia to reinforce the troops on duty.

Head Quarters, York, 16th March, 1813.

"M.G. Orders.

"His honor Major General Sheaffe is pleased to direct that the five Lincoln and the second York Regiments of Militia are to furnish with all possible expedition three companies each for duty on the Niagara line.

"Agreeably to the new Militia Law, there will be one Captain, one Lieutenant, one Ensign and three Sergeants to each Company and it is not to exceed fifty rank and file. The Commanding Officer of each Regiment and the other Officers whom he may find necessary to call on for the purpose are enjoined to use every exertion for the assembling and march of these Detachments to the nearest point of the Frontier.

"His Honor Major General Sheaffe, being determined to notice with the utmost severity, any neglect or disobedience which at such a juncture may endanger the safety of the Province, but he trusts that the spirit which rescued the country at detroit and at Queenston, still so generally and powerfully prevails that it will save His Honor from the painful task of censure and leave him nothing to bestow but praise and commendation. "By order, "AENEAS SHAW, Adj. Genl. Militia."
(Dominion Archives, Militia Papers, M.D. 32)

FROM COL. VINCENT TO SIR GEORGE PREVOST

Active hostilities began with a lively artillery duel between the batteries on the opposite sides of the River at Black Rock and near Fort Erie on March 17, and the companies of the Second Lincoln and Norfolk Regiments of Militia which had been stationed along the shore of Lake Erie, as far up as Point Albino were hurriedly marched down to resist a landing which was supposed to be imminent but was not attempted. Colonel John Vincent, commanding at Kingston, was transferred to Niagara, to command the division on that Frontier, with the local rank of Brigadier General. He was well known to many of the inhabitants from being previously stationed at Fort George and possessed their entire confidence and esteem.

Soon after his arrival there, he projected an assault upon Fort Niagara, which he believed could be easily taken but this was disapproved by Sheaffe as being contrary to the strictly defensive policy advised by the Governor.

"The last information of the Enemy at Niagara states their number was much lower than it had been supposed to be," he wrote to Prevost from York early in April. "Two hundred are said to form the Garrison of Fort Niagara. This intelligence has encouraged Brigr. General Vincent to propose a plan for an attack on it with four hundred men, for which purpose it seems that more boats are required, than we can at present command, besides it was thought a necessary part of the plan to employ the aid of the Indians in its execution. It appears to me that such an operation, if we possessed the means of effecting it, would not accord with the principle adopted by yr. Excellency with regard to Sacketts Harbour, as communicated in yr. private Letter of the 18th March, which has arrived since I began this Letter." (Sheaffe's Letter-book.)

LIST OF TAVERN LICENSES

A list of licenses issued for conducting taverns and shops in the Niagara District contains several familiar names.

"Account of the Tavern Licenses issued in the District of Niagara between the 5th Jany and 5th day of April, 1813.

John Knox	Thomas Powis	James Bunting	John Smith
John Daley	William Wynn	Robert Waddle	Peter Welch
Paul Shipman	William Terryberry	John Emery	Mary McBride
Samuel Swayze	John Palmer	Edward Brady	James Henry
Charles Anderson	John Halley	William Vanderlip	Abraham Markle
Frederick Anchorin	Nathan I. Fowler	Isaac Swayze	at 3 pounds each.

Total amounting to sixty-six pounds Halifax.

Shop Licenses.

John Young	Francis Crooks	John Dorman	John Grier
William Crooks	James Crooks	John Elbert	Daniel Shunck
Elijah Secord	Andrew Heron	John Baldwin.	

(Dominion Archives, Sundries, U.C. 1813)

FROM LT.-COL. JOHN WARREN TO MAJOR-GENERAL SHAW

A Veteran Officer in the Militia, who was also commissary at Fort Erie, found it necessary to resign his commission and was succeeded by his son, John Warren, Junior.

From Lt. Col. John Warren to Major General Shaw.

Fort Erie, 7th April, 1813.

Sir,

The duties of the Commissariat at this post since the commencement of the War have increased nearly tenfold and require every attention that myself and two assistants can give. The rapid decline of my health for the two months last past, had put it out of my power to attend to the station that I hold in the Militia with that strictness that it requires. I am therefore constrained to request that my resignation of Lieutenant Colonel of the 3rd Regiment of Lincoln may be accepted.
(Militia, U.C., 1813)

FROM CHARLES ASKIN TO HIS FATHER

Charles Askin diligently collected news for his father's information. On April 23, he wrote to him from

"Mountain, 3 miles from Queenston."

"I have long anxiously wished for an opportunity of writing you, to return thanks for the loan of seventy five dollars you were so kind as to send me by Mr. Pattinson, the receipt of which relieved me from small embarrassments which the loss of the hundred dollars last Winter would have thrown me into; but I sincerely hope you have suffered no inconvenience by sending me that sum or I shall regret having got it.

"I had the pleasure of receiving a few lines from you some days ago desiring me to send up Eclipse (a riding horse), which I will do as soon as he is in a condition to perform the journey, and that I have a good chance of sending him. Forage for horses is hardly to be got, there has been so much consumed by the Field Officer's horses, Dragoons Do., and the horses of the Carr Brigade, and not so much hay cut last Summer as there used to be in other years; for many were doing duty as Militia men and lost most everything they had; but this has been the case at Sandwich as well as here. Flour is 10 Dollars per barrel which I think is low considering the times. I see in a newspaper an extract from a Boston Paper, which says that every barrel of flour sent to supply Harrison's Army cost one hundred and twenty dollars when delivered to the Government of U.S. I believe it must be very expensive getting flour to where his Army are stationed, but still do not think it can cost so much.

"The American Government have accepted the Mediation of Russia and the Ambassador from the Country on his arrival in the United States was well received. An American Officer who came over to Niagara two days ago with a Flag of Truce, says that an Express had gone to Sir John Borlase Warren, who has power to treat with them, but when the Express arrived at Sir John's Station, he had put out to Sea, the dispatches were opened which were for him by the Officer next in Command, who immediately sent a cutter out after him; and in three days, Sir John returned and sent a dispatch immediately to Washington. The Officers says that an Armistice for six months was requested which was the occasion of the communication between his Government and Admiral Warren, this will probably be the forerunner of a Peace. If they wish for Peace so much the better; if not, I think we will soon be prepared for them here, so as not to dread any force they

can bring against us, part of the 8th Regt. have arrived at Niagara and the remainder of them are on their way up here, the 104th Regt. were at Kingston some days ago on their way up, part of the Glengarry Light Infantry Regt. are here and the rest of them coming, and three Companies of Voltigeurs, when all these get here, we shall have a very respectable force. The 41st are at Fort Erie under Orders for Amherstburg.

"They are recruiting here for a Troop of Dragoons, a Corps of Drivers, 2 Companies of Artillery and a Corps of Artificers, which to complete will take four hundred men, who are to serve during the War with the United States, these Corps interfere very much with the Regiments of Incorporated Militia which we are attempting to raise here and to one of which I belong. I have been as successful in getting men as almost any one yet have not got my complement. I think if I had Alex. Askin with me, I should get them in two or three days for I think he would make an excellent recruiting officer.

"The whole of the immense Army taken by Bonaparte into Russia has either been taken or destroyed, except a few Officers who made their escape with him. Genl. Yorke who commanded 30,000 of the Prussians in Bonaparte's service was forced to enter into a convention to save himself and men, one of the Articles of which was that his Army are to occupy a District in Prussia which was to be perfectly neutral and that if the King of Prussia did not ratify the convention, they were not to fight against the Russians for 2 months from the date of the Convention. Mr. Barlow, the American Minister at the Court of France, died on the road between Dresden and Paris of the Fatigues of his Journey to and from Wilna, he had gone to congratulate Bonaparte on the taking of Moscow. One of Barlow's attendants, who did not wish to perform the Journey made his escape to Heligoland, where he was taken up as a Spy and in his possession some papers were found of consequence, among which was a proposal from Bonaparte to Madison to guarantee the Presidency of the United States to him for life on condition of his declaring War against Great Britain. Bonaparte also complains of the want of energy in the American Government and wishes it subverted. He offers to send over 3,000 French Officers which he directs how to be introduced into the American Army without creating any suspicion, offers also to lend him money and a few frigates -- that Mr. Barlow is dead, I believe, but whether the rest of the story is true, I have some doubts, so many stories of this kind are now made and the people have been so often deceived that should all this be a fact, they will give no credit to it in the States.

"By a Letter, an extract from which I have seen in a Newspaper, from an Officer in Harrison's Army, dated 28th Jany., it appears that only 27 of Winchester's Army made their escape from the River Raisin on the 22nd January."
(Burton Historical Library, Askin Papers)

PETITION TO GENERAL VINCENT

The capture of the seat of government and its occupation for several days by an overwhelming hostile expedition at the end of April was a serious disaster causing great discouragement. A ship of war on the stocks, larger than any then afloat on Lake Ontario, with the supplies necessary for its completion, and the buildings of the dockyard, the Garrison and public offices were destroyed. The civil administration of the Province was dislocated and all communication with Kingston and Lower Canada was cut off for about two weeks. The movement of much needed reinforcements already on the march

was delayed. The situation appeared so alarming that the most influential magistrates united in preparing an address to General Vincent suggesting resort to martial law to maintain order.

"To Brigadier General Vincent.

"At a time when the Enemy has possessed himself of the Capital of the Province and the President (is) driven from it, the Judges of the Court of King's Bench under control of the enemy, the public records burnt, and all benefit of the laws suspended or annihilated and the Enemy momentarily threatening an invasion. Such a state of things could never have been contemplated by our Legislature otherwise it would have been provided for by the enactment of more efficient Laws. We therefore as men of some standing and weight in this Society and holding real property to a great extent, humbly offer it as our Opinion that under existing circumstances, self-defence is paramount to all other considerations and at present recourse only to the civil laws of this Country would be unavailing and paralyze the best exertions of His Majesty's Loyal Subjects, endanger our existence as a people and government, the safety of which ought to be supreme law. When we observe a supineness or want of alacrity in some of our Militia, traitors joining the Enemy, and some fostered among ourselves, reason and argument become nugatory. A regard to the interests of our Sovereign and the deliverance of these Provinces from the domination of the Enemy would well warrant the immediate adoption of Military law administered with due regard to the habits and feelings of His Majesty's loyal subjects but aware that in your situation, it might not be thought expedient to promulgate the same, but placing the most confidence in your discretion and ability, we would humbly presume to advise that you would take upon yourself to adopt such measures as in your own judgment would tend best to the defence of the Country and in the exercise of such measures should individuals find a more rigid system adopted that in calmer & better times, might be complained of, yet the necessity of such must now be apparent to all and the Agent will meet decidedly with his Sovereign's approbation and indemnity from a discerning public.

"Should eventually contingencies occur which might expose you individually to animadversion from such measures, we pledge ourselves upon all occasions hereafter to come forward and defend the necessity thereof, and we hesitate not to say we will jointly and individually be responsible for any pecuniary deterioration your private resources may sustain thereby.

"W.Dickson; Js. Crooks; John Symington; R. Nichol; Thos. Dickson; A. McDonell; Jno. Powell; Jos. Edwards; A. Cameron; Robt. Campbell; Amos Chapman; S. Street; T. Cummings; T. Clark; D. Secord; George Gurney; Robert Grant.
Niagara, 8th May, 1813."

FROM GENERAL VINCENT TO GENERAL SHEAFFE

By that time, the Squadron, which had been employed in the expedition, which had taken York, had crossed the Lake and landed the Troops on board at the Four Mile Creek in rear of Fort Niagara, where they were joined by another considerable Force transported in boats from Oswego and were encamped in the woods, out of sight. The next ten days were employed in making arrangements for an attack upon Fort George in conjunction with the Ships of War which were sent to Sackett's Harbour to bring up reinforcements to make success certain by weight of numbers. The arrival of this fleet

could not be concealed from observation and was immediately reported by General Vincent in a letter to General Sheaffe, who was then at Kingston.

Fort George, 20th May, 1813.

"Sir,

"I have to inform you that seven vessels appeared on the lake about sunset last night, and this morning we discovered at anchor, two brigs and fifteen smaller vessels with each a large batteau.

"At daylight, they were seen in the act of disembarking men.

"I have every reason to expect an immediate attack especially from a movement the enemy made yesterday, bringing a strong force from their left to the Fort and the encampment to the rear of it.

"At all events, I do not think a moment should be lost in giving you the information of this portion of the enemy's fleet being at this quarter.

"I have made no change in the distribution of troops since my return to you of yesterday except that I have ordered the detachment with the six pounder at Chippawa to Queenston."

FROM THE GOVERNOR-GENERAL TO VINCENT

Vincent had then received a letter from the Governor-General, informing him that Sir James Yeo and other Officers with 450 seamen had arrived for service on the Lakes and were on their way to Kingston.

"This with smaller reinforcements," he added, "will, I hope, enable us to regain our ascendancy on Lake Ontario. I am also strengthening the Posts in that Province by additional troops and I shall not fail to supply you with whatever you may stand in need of as soon as your wants are made known to me. Under each circumstances I trust I may rely upon a continuance of your best exertions for repelling any attempt of the enemy upon your Frontier & for preventing them from gaining a footing in the Province."

FROM PREVOST TO VINCENT

"After writing in these terms from Montreal, Sir George Prevost went forward to Kingston, where he received Vincent's reply and wrote to him again.

Kingston, 24th May, 1813.

"Sir,

"I was early this morning honored with your despatch of the 19th instant. (This letter is printed in the Documentary History, 1913," pp. 235-70. The confidence you repose in the steady zeal and high spirit animating every individual on the Frontier committed to your charge is highly gratifying as such feelings cannot fail in producing the glorious result you anticipate from the attempts the enemy may make upon your position.

In ten days, our flotilla will be ready to go forth to dispute the ascendancy on Lake Ontario with the enemy; a series of exertions have led to this state of forwardness in our naval preparations. I am much mistaken if Commodore Chauncey is not over-matched. Our little fleet will consist of the Wolfe, carrying 4.68 lb. Carronades and 14 - 18 lb. long guns. The Royal George, the Moira, the Regent and Sir Sidney Smith are well-manned.

"You will on all occasions express frankly your sentiments upon all subjects connected with the important duties you have to perform and in return you find in me a readiness to remove or alleviate the difficulties you have to contend with to the extent of your reasonable expectations from the scanty resources His Majesty's Government have hitherto placed at my disposal."

FROM SIR GEORGE PREVOST TO CAPT. NORTON

Vincent had reported that Captain Norton, "whose anxiety and zeal for the public service is so constantly conspicuous" was encamped on his left towards the Lake with about one hundred Indians and Prevost wrote to Norton on the same day a private letter to stimulate his efforts.

"Kingston, 24th May, 1813.

"Sir,

"It is with very great satisfaction that I have heard from different quarters the high commendations which have been passed upon your courage and activity since the commencement of the War with America. I earnestly recommend to you a perseverance in the same well example which you have hitherto afforded to the brave warriors whom you have brought into the field and a continuance of your exertions to keep up and to increase the numbers of a description of force so truly formidable to the enemy and so capable of sustaining the good cause in which we are engaged.

"Accept my thanks for yourself and those whom you lead and the assurance that I will take every opportunity of making known your exertions in the cause of your Great Father to His Royal Highness the Prince Regent."

FROM GEN. VINCENT TO THE OFFICER COMMANDING AT KINGSTON

At the end of a destructive bombardment of his position and in anticipation of an immediate attack by an immensely superior force, Vincent addressed a letter to the Officer commanding at Kingston.

Fort George, 26th May, 1813.

"Sir,

"I have to inform you for the information of the Commander of the Forces that the whole of Commodore Chauncey's fleet are at anchor off the American Four Mile Creek.

"They commenced a cannonade on our Fort at daylight this morning and I am sorry to state that every building in the Fort is at this moment burnt down except the place that was formerly the magazine and the new casement. The Town has as yet escaped their fire, but I expect to hear every moment that they have opened their guns against it.

"I am fully confident that it is the intention of the enemy to attempt making a landing this night or to-morrow morning on my right and left and I understand from a deserter who came over last night, that the order was out for the attack to take place this morning and to have two days provisions dressed for that purpose. I also understand from this man that the enemy's strength is to be between seven and eight thousand.

"I have therefore to hope that the troops are on the way to my assistance.

"Everything that is possible shall be done for the support of this place, but if I am overpowered, I shall take up a central situation and wait there for the support I have every reasons to expect from Kingston.

"I have at this moment received the Adjutant General's of the 16th inst. and as I am much hurried, I have requested Colonel Myers to write him fully on the present situation of this post. (This letter is printed in the Documentary History, 1813," but unfortunately misdated May 20, pp. 237-9.)

FROM SIR GEORGE PREVOST TO THE DUKE OF YORK

Vincent's letter of May 20 was a principal factor in inducing Prevost to attempt a diversion in his favour by making a premature attack on Sackett's Harbour for which his means were inadequate and failed to gain complete success. Soon after his return from that adventure, he learned that Vincent had been forced to retreat and made a report on the subject in a letter addressed to the Duke of York, the Commander in Chief.

Head Quarters, Kingston, U. Canada, 3rd June, 1813.

"Sir,

"I had the honor of informing Your Royal Highness in my despatch of the 1st inst. of the appearance of the enemy's fleet off Niagara, & of the effect of the cannonade of their ships & batteries on Fort George. I have now the honor of acquainting Your Royal Highness that on the 27th ulto. the enemy succeeded in effecting a landing about two miles from that Fort under the fire of their flotilla & batteries with a force so very far superior to any that we could bring against them, that notwithstanding the most gallant & determined resistance on the part of His Majesty's Troops under the command of Colonel Vincent, he was unable to maintain his position, to retire with the whole army which he had collected from Chippawa & Fort Erie to the Head of the Lake.

"I have great satisfaction in stating to Your Royal Highness that by the report of Colonel Vincent, I find that this part of the Frontier was not abandoned until every possible exertion had been made to retain it & until the Forts and Batteries had been rendered at least for a time a useless acquisition to the enemy by their destruction and that of the ammunition which could not be carried away. Notwithstanding the unequal contest which was so long and so gallantly supported by a handful of His Majesty's Troops against an overwhelming force, the Army has not been very considerably weakened by the loss they have sustained & they were enabled to retire without molestation from the enemy to a position at the Head of Lake Ontario where Colonel Vincent will endeavor to make a stand until I shall have it in my power to reinforce him or until circumstances shall oblige him further to fall back. Conceiving that the appearance of the fleet under Commodore Sir James Yeo off the position occupied by Colonel Vincent might give additional consequence to his Troops, I have embarked the remainder of the 8th Regiment consisting of about 200 men with which & a supply of clothing, ammunition & provisions, the fleet sailed this morning.

"I sincerely regret that I cannot add to this despatch a report of the arrival of any portion of the Troops announced to be on their way to Quebec from Cadiz, Malta and the West Indies."

(C 1220, pp. 385-6.)

EXTRACTS FROM THE QUEBEC GAZETTE

The undaunted spirit, that still continued to animate the small body of men under General Vincent's command, in the face of very alarming loss, is well shown in a brief account of the Battle of the 27th May, published in the Quebec Gazette on Thursday, July 7.

The following extracts are from a Letter of an Officer of rank in the gallant division of the Army under Brigadier Gen. Vincent, dated 31st May.

"Our little division has taken up a fine position near the Head of Burlington Bay, which Brig. Gen. Vincent proposes to occupy until favorable circumstances allow to our gallant little band assuming offensive operations. The conduct of the troops engaged on the 27th was beyond all praise, and probably few instances are to be found in Military Annals where 700 men successfully opposed 7,000, supported by a tremendous fire of shot and shells from the shipping which extended upwards of two miles along the coast, taking all the streets of the Town. Yet under these disadvantages, our gallant detachment advanced in line on the plains, in the hope that the great disparity in numbers would induce the enemy to make a similar movement, but the shower of shot and shells in which they alone trusted, was their only return.

After a full hour's halt, we deliberately and proudly fell back upon Queenston, where being joined by the detachments at Chippawa and Fort Erie, under Lieut.-Col. Bishop, we marched upon this position. The movements of the Troops were performed with the coolness and precision of a parade. The Militia behaved most gallantly, and have by their subsequent conduct evinced in the strongest manner, that if there are some bad subjects among us, that there is still a preponderating majority of men zealously devoted to their country's cause. The best spirit and confidence in our ultimate success prevails. The enemy have spread a report of an intention of what he calls intercepting us. If he attempts it here, he will perhaps catch a Tartar. His Ships Guns will avail him nothing against our bayonets."

FROM GEN. VINCENT TO THE ADJUTANT-GENERAL

On June 4, Captain Robert McDouall, an aide-de-camp to the Governor General arrived from Kingston at General Vincent's headquarters at Burlington Heights, with instructions to him that if he was forced to retreat towards Kingston, to detach a considerable portion of his regular troops to reinforce General Proctor at Detroit. Later in the day, he received a report from his outposts which induced him to believe that an attack would be made upon his position and in a hasty letter to the adjutant general, he remarked:

"As circumstances are at present, I am determined if possible to be beforehand with them."

PREVOST'S REPLY

This letter was received at Kingston, three days later and Prevost promptly encouraged him to take the offensive.

Kingston, 7th June, 1813.

"Sir,

"Concluding that the presence of our flotilla near your present position with the arrival in it of fresh troops and such supplies as could be procured here, will have had the best effect. I recommend your taking immediate measures for harassing the enemy with

your Indians supported by Light Infantry and militia thereby depriving them of the opportunity of exhausting a country you will soon I hope be enabled to re-occupy.

"I send you Major de Haren as an Officer well qualified for the execution of such a service. He is accompanied by 250 Indians who are supported by detachments from this Garrison. You must organize a Corps for this service and the sooner you bring forward the warriors, the less disposition will be manifested by them for returning to their villages.

"As soon as Sir James Yeo returns, I will make arrangements for the transport of the 2nd Battn. 41st Regt. and additional stores and salted provisions.

"Altho' the want of co-operation from the navy and the smallness of the force employed, prevented us from obtaining complete success at Sackett's Harbor, still I have had the satisfaction to learn that with the naval stores, the sails and rigging of the new vessels were destroyed in the conflagration. This circumstance will case a delay in the preparations for increasing the American Flotilla."

(C. 1221. Pg. 139)

FROM PREVOST TO THE DUKE OF YORK

Before this letters was written, Vincent had begun his offensive by a night attack upon the enemy's encampment at Stoney Creek, which inflicted such loss upon them that they began a hasty retreat next morning. This was accelerated by the opportune appearance of Yeo's squadron in the Lake on their flank. Prevost described these events in an official letter to the Duke of York.

Headquarters, Kingston, Upper Canada, 15th June, 1813.

"Sir,

"I have great satisfaction in communicating to Your Royal Highness that the successful result of an attack made by a Division of the Army under Colonel Vincent upon the advanced camp of the enemy on the 6th inst. in which British valor and enterprise were most conspicuously displayed, the particulars of which affair are detailed in Colonel Vincent's report (See "Documentary History of the campaign on the Niagara Frontier in 1813" Part II, pp.8-10) I have the honor to transmit to Lord Bathurst.

"After the retreat of Colonel Vincent from Fort George on the 27th ulto. before an overwhelming force which it was not possible with his small numbers to resist, he took up a strong position at the Head of Lake Ontario. The enemy having pushed forward a very considerable body consisting of 3,500 infantry, 250 cavalry and 8 or 9 pieces of artificers, evidently for the purpose of attacking Colonel Vincent's Division, he most judiciously determined upon anticipating them by attacking their camp about eight miles distant.

This was accordingly affected a little before daylight on the 6th instant by detachments from the 8th & 49th Regiments, consisting of 700 men under the command of Lieut. Colonel Harvey, the Deputy Adjutant General.

The enemy were completely surprised and after a short tho' severe action, driven from their camp with the loss of three guns and one brass howitzer. Two Brigadier Generals, the first and second in command, and upwards of one hundred officers and men were made prisoners. Our troops having returned to their cantonments with their prisoners and two six pounders, all that they had the means of bringing away, the enemy broke up their encampment and retired with the greatest precipitation to the 40 Mile

Creek, from whence I have the pleasure of informing Your Royal Highness, they have since been driven by the appearance of the squadron under the command of Sir James Yeo off that post and by the approach of a body of 400 men pushed on in advance under Major Evans. From this last position, the enemy retired in such panic and confusion, that they left in our possession the whole of their camp equipage and considerable quantities of stores, provisions, boats, &c. By the last accounts of them, they had retreated to Fort George where they were concentrating their forces, having evacuated Fort Erie and Chippawa." (c. 1220, PP. 399-400)

EXTRACTS FROM THE RICHMOND ENQUIRER

Two letters published in the Richmond Enquirer of 23rd June and 3rd July, 1813, written by officers in the United States Army, describe the same events from an opposite point of view.

"Camp at Fort George, June 9th, 1813."

"I walked down to the beach yesterday morning to see some English prisoners brought up in boats the night before from a place called Forty Mile Creek. They are very clean, smart looking fellows.

"General Chandler had taken the command before are army was surprised by General Vincent. Our camp they say was very badly and loosely laid out. The British advanced silently with fixed bayonets, not a musket was allowed to be loaded for fear of blowing their design. Some officers and men advanced at some distance ahead of them, who hailed, amused, and stabbed some of our sentinels, pretending to give the countersign. The advanced guard was first alarmed by hearing the dying groans of a sentry who had been run through. Five pieces of light artillery were seized and fired against our troops.

"The regiments in the centre and rear never got to the assistance of those in front. The 16th Regiment when formed was broken through by our Cavalry that had cut its way through the 49th British Regiment and could not stop. Owing to that and the darkness, some of the companies engaged their own men.

The inhabitants hereabouts are almost altogether very inimical to the Yankees - the men would scalp them and the women of Newark are loyal enough to eat their hearts and drink their blood. I do not believe wolves are more cruel if they dared. I wonder that the men are not deprived of all the arms in their houses and prevented from going at large. Several of them are married into Indian families and are captains among the savages. Carr (Kerr) (William Johnson Kerr), Norton, (John Norton), Dickson (Robert Dickson) and Ferguson (John Ferguson of Kingston) and other Scotchmen are in this predicament.

Instead of giving liberty to such wretches, who have murdered many a Yankee, I think they ought to be hung up. But the three first named are with the English Army or the Indians. Many cruelties committed by these and other white men in Indian dress are charged to real Indians. I hope these villains will be put to death and their estates confiscated. We can never trust them.....

"There is a number of Yankees here from Grand River - they came to obtain parole and say that if our Army leaves them, they dare not return to their homes for fear of the Indians. Norton and other Scotch Chiefs have lists of suspected Yankees whom

they will plunder and murder without remorse. What distresses our friends have suffered for refusing to take the oath and perform militia duty is incredible.

Some died in jail and others have been robbed of their property by being fined eight dollars at every draft. I pity them and I am surprised that General Dearborn (as our officers are) has confirmed the old magistrates in their appointments, who used to oppress and imprison and pillory our American adherents.

This conduct annoys us but I suppose General Dearborn has some reason for it."

FROM A CAPTAIN IN THE 20TH U.S. INFANTRY

The second letter was written by a Captain in the 20th United States Infantry, who was present at Stoney Creek.

Fort George, June 10th, 1813.

"On the first of June, General Winder with his brigade left this Fort in pursuit of the enemy, who had retreated to the Head of Lake Ontario. On the 5th, in the evening, we drove in the advanced guard and approached within seven miles of the position they had assumed for defence. We encamped for the night at sunset, disposed in various and distant situation and too much scattered for a prompt co-operation in case of an attack. On the morning of the 6th at 2 o'clock whilst darkness still overspread the horizon, we heard a firing when the attack was made and a few minutes after, the savage yells of the enemies. The 5th Regiment and two Companies of the 20th consolidated with it, amounting to 250 effective men under the command of Lieut. Colonel Milton had taken to precaution to extinguish the lights of its fires and lay under arms on the place it was to form during the night and, in one minute after the alarm was heard, was prepared for action. General Winder ordered this Regiment to proceed to the point of attack, which movement was immediately executed and the action commenced between it and the enemy at distances of between 20 and 100 yards. The firing was maintained for about 15 minutes when the Enemy was repulsed and we were ordered to take a position to secure our flank in case of a repeated or additional attack. A Company of Artillery was stationed not far from the right of the ground we originally occupied and at the moment of our withdrawal was ordered to cease firing under an impression that the whole of the enemy had retreated but a party of them had suddenly dashed in and taken possession of three pieces of cannon and when Chandler and Winder reached the spot, they discovered their misapprehension too late to prevent their capture. The small party of the enemy approached under cover of the darkness after our firing ceased and were not discovered until they ordered a charge with bayonets. It is reported that General Winder addressed the enemy saying, "Come on my brave fellows, they are routed". The 5th Regiment remained at its new position until daylight impatiently awaiting orders. None could conjecture what had become of the Generals. At length, it was concluded they were taken prisoners and Colonel Burns of the Light Dragoons assumed the command. At this time, there were the 5th Regiment and about 200 other troops in the field well formed and highly animated and the 13th & 14th Regiments were on their march to join them. Colonel Burn called a Council of War and it was determined to be expedient to return to 40 Mile Creek (about 10 miles in our rear) to procure supplies of ammunition and provisions, which were nearly exhausted and our boats had been ordered back. This measure was disproved by almost all the platoon officers, who wished for an immediate and vigorous pursuit, but as Colonel Burn was an experienced officer and the enemy had

probably got too much of a start to be overtaken on that day, the proceeding perhaps was prudent though not agreeable to my feelings nor glorious to our arms. Many stragglers, however, would certainly have been taken. As a proof of the disorder of the enemy, the British General Vincent was missing so long that a flag was sent for his body, supposing that he had been slain. He had lost his hat, was dismounted and wandered a considerable time in the woods. There were but few Indians with the British and the latter set up the savage yell before the attack was made. This artifice was unworthy of regular troops and it excited no other sentiment but contempt among our soldiers. Though we have not completely effected the object of our expedition up the Lake, the surrender or destruction of the enemy's force, the coolness, the collected and determined intrepidity of many of our troops have been conspicuously displayed and they have acquired valuable experience to be applied in future operations of the army.

"We have endured every hardship and privation, the officers in common with the soldiers. We have borne hunger, thirst and loss of sleep, we have endured the extremity of cold and heat and have frequently laid upon the wet ground in the open air and sometimes rain to seek the necessary repose.

"Generals Boyd and Lewis joined us at the 40 Mile Creek and had made every preparation for again pursuing the Enemy when a peremptory order was received from General Dearborn to return to Fort George, it being apprehended that the British fleet, which now appeared, would take in their troops and attack the place. On the morning of the 8th, we accordingly commenced a retrograde in good order and at our leisure. The Enemy's Fleet made an attack on our boats and effected the destruction of them and all our Company and personal Baggage. On this retreat, the men were so much fatigued that whenever a halt was made, they dropped down for a rest in the ranks. Myself and Captain Randolph of the 20th have been attached to the 5th Regiment and thus fortunately have had an opportunity to engage in action. I only had two men wounded and Captain Randolph three. The regiment had several more men wounded but only two of them mortally. The enemy's fire is always rapid and less effective than ours. They lose over five times as many as we do. They had 120 killed and wounded and we had about thirty.

"Colonel Proctor has just arrived with a reinforcement and we shall have another battle in a few days.

MEMORANDUM OF MAJOR PLENDERLEATH'S SERVICES

"After the death of Major Plenderleath, at the request of his widow, Colonel James FitzGibbon, who had served with him for many years in the 49th Regiment, prepared a memorandum of his services from which the following is an extract.

"On the 27th of May, 1813, The American Army crossed the Niagara River and drove the British from Fort George & from the whole frontier up to Fort Erie, the several frontier detachments were united at the Beaver Dam, some 10 miles back from the Frontier & thence retreated towards Burlington Heights at the head of Lake Ontario. The American Army soon followed and on the evening of June 5th, bivouacked for the night at Stoney Creek within 3 or 4 miles of the British. Later in the evening, the British Commander determined on attacking the Americans before day on the following morning & for which purpose his small force, about 700 bayonets, was countermarched & whilst it was yet dark, commenced the attack. The enemy, about 3,000 strong, fled from around

their fires in the open farm grounds where they were sleeping and formed out of view in the rear & commenced a heavy fire of cannon and musketry, while the British endeavoured to form in the extreme darkness upon unknown & rough ground, covered with rail fences, fallen trees, and stumps, soon fell into inextricable confusion and broke & fell back into the surrounding woods. Major Plenderleath, who was with that part of the force which formed in the high road, soon discovered what was passing on the partially cleared ground on right & left, at once decided on charging the guns in his front on the road, then beginning to fire upon him. He called aloud for volunteers to follow him, upon which a young Scotch Sergeant, named Fraser, only 19 years of age, sprang forward, followed by about 30 men, and led by the Major, they charged the gunners, killing & dispersing every one of them. At this moment, the 2 American Generals, Chandler & Winder, rushed forward followed by some of their officers & men, but they were received on the points of the bayonets of our soldiers, who took the 2 Generals with 5 other Officers and 75 men prisoners. These they brought off together with 2 of the field pieces, of which there were 4, but 2 were left behind for want of men to drag them away. The Major's Horse was killed under him & he was severely wounded. On rising from the ground, he laid hold of a soldier, who was near him, to help him to his feet & soon found he had hold of an American, but the man immediately surrendered on being ordered to lay down his arms.

"In justice to Sergeant Fraser, it ought to be stated he stabbed 7 Americans & his younger brother, a lad of 17, stabbed 4. The Sergeant also captured General Winder, who was in the act of raising his pistol to fire at him, but Fraser promptly put his bayonet to the General's heart & commanded him to throw the pistol down, which the General did and surrendered. Fraser is now, (1 January, 1854) a half pay Lieutenant and a Colonel of Militia in Upper Canada.

"The Major then brought off his prisoners & guns & in the retreat was joined by scattered troops who were soon by returning daylight, enabled to find their way back from the surrounding woods to the road.

"After the capture of the American Generals, the officer next in command of their army, being but a Militia Colonel & without experience, deemed it most safe and prudent to march his troops back to Fort George & there await the arrival of Major General Dearborn, who was then on his way from Washington to take command in chief on the frontier.

"The advance thus made by Major Plenderleath saved that small army and consequently most probably the whole of Upper Canada. For had it not been so made, the Americans would have maintained their ground till daylight when they would have discovered that our force was dispersed in the woods and liable to be made prisoners in detail as they issued from thence to the high road individually or in small parties."

FROM PREVOST TO VINCENT

Vincent was so much encouraged by his success and the arrival of reinforcements that in a letter written to Colonel Baynes from the Forty Mile Creek, he announced his intention to advance and attempt to retake Fort George if Yeo would co-operate with his squadron, which had gone down the Lake. In reply, Prevost advised caution.

Head Quarters, Kingston, 18 June, 1813.

"Sir,

"The Adjutant General has communicated to me in the letter you addressed to him on the 14th inst. (Documentary History, 1813, Part II. p. 74) wherein you express a determination to push forward and retake Fort George provided Sir James Yeo would co-operated with his squadron in the enterprise.

"Although I approve the energy and applaud the valour which has been so conspicuous in the Centre Division of the Army of Upper Canada, still I cannot allow you to dissipate your force uselessly at a moment when the concentration of it entire with the reinforcements which are moving toward you, a combined operation upon the positions occupied by the enemy on both banks of the Niagara River, might be undertaken with a well founded expectation of success. However, to preserve unabated the ardor which glows in the troops under your command and with a view to increase the uneasiness which you represent as existing in the American camp and which might cease by inactivity on your part and become confidence,

I have made the following arrangements with Sir James Yeo, who sailed yesterday for the purpose of interrupting the supplies for the American Army moving by water and for carrying away or destroying the depots of stores collected at Oswego and the Great and Little Sodus together with all the vessels and boats he could get at, but in the event of the wind not favoring this design, then the Commodore is to proceed direct for Niagara and after having communicated with the British Commanding Officer of the Troops, it is proposed, if circumstances are favorable, that the ships of his squadron should anchor opposite to the enemy's camp at Four Mile Creek for the purpose of cannonading it and if advisable of landing such of the Troops and the marines he may have on board at the time to countenance and support a simultaneous menace on the enemy near Fort George which is to be made by your light troops and Indian warriors, which, if feebly resisted by the enemy and producing signs of confusion and dismay, might be followed up by the main body to dislodge the Americans from the ground they occupy within His Majesty's territories.

"Sir James Yeo has received on board the Wolfe in specie, L500 for the Deputy Commissary General. Brigade Major McLean and Captain Chambers are to proceed from hence in the course of the day as will also Major General de Rottenburg who has relieved Major General Sheaffe. Two companies of the Royals and a detachment of the 104th Regiment have just left Kingston under command of Colonel Stewart."
(G.1221, pp. 153-4.)

SUPERCESSION OF GENERAL SHEAFFE

"The supersession of General Sheaffe and the difficulties to be surmounted in the successful defence of the province were related in a letter addressed to the Duke of York sent to England by Captain Robert McDouall, as a special messenger.

Head Quarters, Kingston, Upper Canada, 23rd June, 1813.

"Sir,

"Since I had the honor of addressing Your Royal Highness on the 15th instant, the Government of the United States has not ceased to make every exertion to bring forward a sufficient force to wrest from His Majesty's Troops the positions occupied by them at one extremity of a long line of defence while every nerve has been strained by me to maintain and strengthen them. It is therefore probable that the army possessing the

power of concentrating and maintaining a preponderating force at the remote points will ultimately succeed. The resources of America for obtaining this object are not only superior in extent and more readily brought out by the comparative risk to which she exposes herself by accumulating a great force on the Niagara line, bears no proportion to the hazard I should incur by a similar movement with the troops under my command, a measure that would unavoidably expose several of our vulnerable points.

The two fleets are at present nearly equal, but in this respect also the resources of America for increasing her navy on the Lakes are greater in extent and more easily available than those possessed by England. To counterbalance these advantages, however, high discipline and valour are decidedly in our favour. If my observations are correct, Your Royal Highness will allow that the chances of success are on the side of America in proportion as her superior resources are suffered to accumulate and grow into so preponderating a force as neither to be checked nor counteracted by valour and discipline. This is the principle which has hitherto guided my conduct. I have acted upon it with some success. I have disappointed the expectations of the American Government of finding Upper Canada an easy conquest, as well as in its view of obtaining the fur trade and of obtaining an absolute dominion over the Indians. The support I have received from the General Officer in command since the death of Major General Brock, I am sorry to say, has not always corresponded with my expectations. Circumstances indicating an insufficiency on the part of Major General Sir R.H. Sheaffe to the arduous task of defending Upper Canada, have induced me to place Major General de Rottenburg in the military command and civil administration of that Province, which measure will, I hope meet with the approbation of His Royal Highness, the Prince Regent, and that of Your Royal Highness. Except Sir John Sherbrooke, the Major General is the only General Officer of high character and established reputation serving in the Army in the North American Provinces to whom I could entrust this important duty, without embarrassing myself with it to the prejudice of the other possessions of His Majesty committed to my charge.

"Your Royal Highness, will, I hope, pardon my lamenting the detention and delay experienced by the Regiment de Watteville going to Halifax previous to their coming to Quebec, altho' I am satisfied His Majesty's Government adopted this precautionary measure from some decided opinion which it had received upon the subject, still I cannot but regret it as the consequence of so circuitous a route, when all dangers from the ice in the River St. Lawrence had ceased, that I have been deprived of the services of this valuable corps at the critical period when the enemy reckoning upon their numerical superiority, were induced to make a third serious attack upon Upper Canada, with means amply sufficient for the enterprise, with an improved Army, better organized, better disciplined, and more ably commanded. I expect to be joined by that Regiment in the course of the next week, and then I shall feel enabled to undertake some offensive operations calculated to cripple and destroy the enemy's marine resources, by the success of which I can alone hope to maintain the position I at present hold in Upper Canada.

"I feel truly gratified for the interest Your Royal Highness has been pleased to take in the naval concerns of this command. It is, however with regret, I inform Your Royal Highness, that I have been compelled to dismantle the battereis at this post for the purpose of arming the vessels lately built on the lake, in consequence of the

disappointment I have experienced in the arrival of the carronades I had demanded for that service both from England and from Nova Scotia.

'My aide-de-camp, Captain McDouall, will have the honor of delivering to Your Royal Highness this despatch. He is an intelligent, deserving officer, and well qualified, particularly from having lately been with the different divisions of the Army on our Frontier and personally engaged in several of the actions, to give any information respecting the state of the Provinces, which Your Royal Highness may require from him."

CONTROVERSY OVER FIGHTING

In accordance with Prevost's instructions of the 7th June, Vincent advanced with his main body to the Forty Mile Creek and sent forward an advanced guard to the Twenty Mile Creek under Lieut. Colonel Bisshopp to occupy the road junction there. From his force, Major de Haren with two companies of the 104th, the light company of the 8th, Kerby's newly organized Company of Incorporated Militia, and two small troops of Provincial dragoons, was directed to occupy the site of the present City of St. Catharines, where three roads branched off leading to Niagara, Queenston, and Chippawa. Lieut. James FitzGibbons with a Company of picked men from the 49th Regiment was sent forward on the road from the Twenty Mile Creek to DeCew's Falls to occupy a stone house at that place. The whole body of Indians, numbering nearly five hundred, were instructed to form their camps in the woods, nearly midway between de Haren's and FitzGibbon's positions to be in readiness to support either, while Bisshopp could advance to the assistance of either with nearly equal facility, or they could retire upon his command. De Haren established outposts at the crossings of the Ten Mile Creek on the roads toward Niagara and Queenston. Scouting parties were sent out on the roads leading to the river to gain intelligence and arrest persons suspected of sympathy with the enemy. On June 24, a detachment from the invading army advancing against FitzGibbon's station was surrounded and compelled to surrender.

The field of action in this combat was so extended and in many places so thickly wooded and on the part of the victors so many detachments were acting independently under different officers, that considerable misunderstanding occurred and prolonged controversy ensued in after years. Besides FitzGibbon's party of the 49th, which had actually taken little part in the fighting although its opportune appearance in the enemy's front at a critical moment and its commander's adroitness and audacity had induced the surrender, a large body of Indians from Lower Canada under Captain Dominique Ducharme and other French Canadian Officers, and a smaller number of the Six Nations Indians commanded by Captain William Johnson Kerr and his cousin, Lieut. John Brant, had been actively engaged, and part of a troop of Provincial Dragoons had taken possession of the road by which the enemy had advanced and menaced their retreat. The officers commanding these parties not unnaturally believed they had not received sufficient credit for their exertions.

EXTRACTS FROM THE QUEBEC GAZETTE

Two accounts of the Battle, evidently written by well informed local residents, were published soon after in the Quebec Gazette.

THE QUEBEC GAZETTE.

THURSDAY, JULY 15, 1813.

Montreal, July 6.

Immediately after the gallant affair of our advance on the 6th ultimo, Lieut. Fitzgibbon made application to General Vincent, to be employed separately with a small party of the 49th Regiment and in such manner as he might think most expedient, the offer was accepted; and this little band has since then been constantly ranging between the two armies. Many events would naturally occur on such a service, which would be very interesting, but are necessarily prescribed in our limits of the tale, and we will confine ourselves to two very extraordinary occurrences; about the 30th ult. Lieut. Fitzgibbon went in pursuit of 46 vagabonds, volunteer cavalry, brought over by a Doctor Chapin from Buffalo, and who was for some weeks plundering the inhabitants round Fort Erie and Chippawa; he came near to them at Lundy's Lane, about a mile below the Falls, but he discovered that they had been joined by 150 infantry - his force was about 44 muskets - he did not think it advisable to attack; and therefore his party was kept concealed. He however, rode into the Village, at the end of the lane, dressed in green to reconnoitre - he could not perceive the enemy. Mrs. Kirby (wife of Captain (afterwards Colonel) James Kerby, of the Second Regiment of Lincoln Militia) who knew him ran out and begged him to ride off, for that some of the enemy's troops were in a house at a short distance - he saw a horse at a door, and supposing there were none but his rider in the house, he dismounted and approached it, when an infantry soldier advanced and presented his piece at him; he made a spring at him, seized his musket, and desired him to surrender - the American resisted and held fast - at this instant, a rifle- man jumped from the door with his rifle presented to Lieut. Fitzgibbon's shoulder, who was so near to him, that he seized the rifle below the muzzle and pulled it under his arm, keeping its muzzle before and that of musket behind him; in this situation, Lieut. Fitzgibbon called upon two men who were looking on to assist him in disarming the two Americans, but they would not interfere; poor Mrs. Kirby apparently distracted, used all her influence, but in vain; the rifleman finding that he could not disengage his piece, drew F's sword out of its scabbard with his left hand, with the intention of striking at Lieut. F; when another woman, Mrs. Dunfield (Sarah, wife of Edward Defields), seized the uplifted arm and wrested the sword from his grasp; at this moment, an elderly man named Johnson, came up and forced the American from his hold on the rifle, and Lieut. F., immediately laid the other soldier prostrate; a young boy of 13 years old, a son of Dr. Fleming, was very useful in the struggle which continued for some minutes; Lieut. F. thus relieved, lost not a moment in carrying off his two prisoners and the horse, as the enemy's forces were within 200 yards of him, searching a house round a turn of the road.

At 7 o'clock in the morning of the 24th ult. Lieut. F. received a report that the enemy was advancing from St. Davids with about 1000 men and 4 pieces of cannon, to attack the stone house, in which he was quartered at Beaver Dam; about an hour afterwards he heard the report of cannon and musketry; he rode off to reconnoitre, and found the enemy engaged with a party of Indians, who hung upon his flanks and rear and galled him severely - Lieut. F. dispatched an Officer for his men, and by the time of their arrival, the enemy had taken a position on an eminence at some distance from the woods in front; he estimated the enemy's strength at 600 men and 2 field pieces, a 12 and 6 pounder. To make the appearance of cutting off his retreat, Lieut. F. passed at the charge step across his front; to gain his other flank, under a quick fire from his guns, which however did not the slightest injury. He took post behind some woods, and saw that the

Indians were making very little of the Enemy, and it would have been madness in him with 44 muskets to dash at them across open fields, where every man he had could be so easily perceived. Many of the Indians were at this time taking themselves off and he began to think of his own retreat; he had a hope however, that Colonel De Haren would soon join, but fearing that the enemy would drive him off or make good their retreat, he determined to play the old Soldier, and summon the enemy to surrender. He tied up his handkerchief and advanced with his bugle sounding the "cease firing", a flag was sent to him, by a Capt. McDouall of the Artillery -- Lt. F. stated that he was sent by Colonel Deharen to demand their surrender, and to offer them protection from the Indians, adding that a number had just joined from the north-west, who could not be controlled, and he wished to prevent the effusion of blood. The Captain went back to his Commanding Officer Lt.-Col. Boerstler, and soon after returned saying that Col. B. did not consider himself defeated and could not surrender. Lt. F. proposed that Col. B. should send an officer to see Col. Deharen's force; when he would be better able to judge the necessity. He soon returned with a proposal that Col. B. should himself be shewn the BRITISH, and if he found the force such as to justify his surrender, he would do so, to this Lt. F. said he would return to Col. Deharen and state Col. B's proposal. The real intention of shewing the enemy's officer our small force never existed, but appearances must be kept up, in order to carry on the farce. On Lieut. F's return, he found Capt. Hall (Captain John Hall of the Canadian Fencibles, Inspecting Field Officer for Militia Cavalry) with 12 Dragoons just arrived to whom was communicated what had passed, and Capt. Hall immediately assumed the rank of Colonel for the purpose. On this Lieut. F. returned and stated that Col. Hall now being the senior officer on the spot, did not think it regular to let the enemy see his force, but that it was perfectly ample to compel the surrender; and from motives of humanity, five minutes would be allowed for acquiescence; and if refused, hostilities would recommence at the expiration of this period. Col. B. agreed to surrender on condition that the Officers should retain their horses, arms and baggage, and that some militia and volunteers (among whom were Dr. Chapin and his marauders) should be permitted to return to the States on parole. When the extent of our force is considered, it is no wonder that these conditions were acceded to. Lt. F., at this moment most fortunately met with Col. Clarke of Chippawa who came galloping up and who proceeded to assist him in disarming the enemy, as Col. Hall could not appear and his only officer (an Ensign) must remain with the men. Col. Deharen immediately afterwards appeared with the flank companies of the 104th Regiment and the whole affair was soon settled, thus putting into our possession 26 officers, one 12 and 6 pounder, two caissons and two wagons, and above 500 prisoners, including 20 Dragoons. Had not Col. Deharen arrived at that moment, this large number of the enemy would have yielded to 43 soldiers of the 49th Regiment for all the arrangements were made previous to the arrival of that officer. The Indians behaved well; they killed and wounded during their skirmishing about 50 of the enemy. We are informed that at the moment of the summons being set, many of the enemy had gone off - the number of Indians engaged did not exceed 80. Thus terminated a bloodless victory on our part. If promotion and reward await the Officer selected to be the bearer of dispatches announcing an enemy's defeat, we cannot doubt but the hero of this achievement will receive that favor from his Sovereign, to which his services have established so just a claim, and who we believe has no other patronage but his own distinguished merit."

"THE QUEBEC GAZETTE.

THURSDAY, JULY 28, 1813.

"Montreal, July 17.

Extract of a letter, Flamborough, Upper Canada, June 20th, 1813.

"The loss of another division of about 700 men and two pieces, (a 12 and a 6 pounder) of cannon, seems to have determined the enemy to remain close to that place, where I am sorry to say, the conduct of their Generals, their officers and men has been disgraceful in the highest degree to the inhabitants who had returned to the place upon repeated promises, as well general as particular that their property would be respected and protected. Plunder is however, the order of the day, and what is worse, the personal liberty of all the inhabitants has been taken from them, except a very few indeed, who were always suspected, and who have now openly joined the enemy. You will not be surprised when you learn that the editor of the late Guardian, led the American army in pursuit of ours; when you recollect the matter with which its columns were usually filled - another also an Irishman, is seen at the head of almost every party of depredators who too frequently visited the interior of the country until lately. To the honor of Niagara be it said that General Dearborn has been heard to express his deep regret and sincere disappointment, that so few of its inhabitants should have sought protection under the wings of the American Eagle, and the keen disappointment he feels may have goaded him on to the disgraceful and mad step he has committed. In sending off to Greenbush, those that he could get hold of; amongst whom I am sorry to enumerate the names of Edwards, Murehead, Dickson, Symington, Lawe, two Kerrs, M'Ewan, Parson Addison, Powell, Heron, Green, Baldwin, Clench, Jones, Ball, Decoe & John Crooks. Mr. Lawe, M'Ewan & the two Kerrs were wounded in battle of the 27th past; and

I understand no means of conveyance is furnished them on the road, unless at their own expence. I had the good fortune to escape this jaunt from the circumstance of my living about six miles back in the country, whither I had removed my family immediately after the attack on York took place; twenty-five mounted riflemen were however sent after me, but having caught a glimpse of them a short distance from the house,

I had time to effect my escape into the woods, and the next morning at day break, I proceeded for this place, leaving Mrs. _____ very unwell and the family exposed to the brutality of a set of miscreants unequalled in the annals of the world; however, I hope a just vengeance will overtake them soon and that they will be severely retaliated upon for all their enormities, one part of which I must not omit, namely their confining of 23 of our soldiers taken on the 27th in a dungeon, who are to be dealt with in the same manner, that an equal number of Irishmen taken at Queenston, and at other places, in arms against their Sovereign and who very properly were sent to England last Fall."

"The following account of the action, between the Indians and Americans, on the 24th ult., was written by a Gentleman who witnessed the affair; addressed to his friend in this city.

"I beg leave to inform you of the gallantry and coolness displayed by the Cognawaugha, Lake of Two Mountains, and St. Regis Indians, under orders of Captains Ducharme, Lormier, Gamelin and Lieutenants LeClair, Evangeliste St. Germaine, and Langlade, in the action which was fought on the 24th last, at 12 Mile Creek. Their military prowess deserves the highest encomiums. At 7 o'clock in the morning, our brave

Indians perceived that the enemy was approaching upon our advanced posts, and notice was given to Colonel De Haren by an officer of the Department, but he would not believe it. The officers of the Indian department went to meet the enemy with our gallant warriors and entered into an engagement that lasted from eight to twelve o'clock, unassisted by regular troops, and only aided by three men of the Incorporated Militia, who came on, and Capt. Kerr and Lieutenant Brant with 15 Agniers (Mohawk) Indians. The enemy was three times hardly repulsed with great fright and loss.

"Their force consisted of 700 foot, 100 horses, 50 riflemen, and 3 pieces of ordnance.

"Some of the riflemen made their escape, but the remaining part of the Army not being able to get out of the hands of our brave Indian warriors, was left a prey to their valour, when the Colonel came on and concluded a capitulation with the enemy. In order to assuage the wrath of the Indians, Captains Ducharme and Lorimer were obliged to repeat what Col. Claus had promised to them, that they would be put in possession of the spoils and horses of the enemy. The Americans lost about 100 foot, 15 horses killed, and 600 prisoners with all their artillery and horses.

"The loss of the Indians consisted of 7 men killed, and 16 wounded."

EXTRACT FROM THE NIAGARA GLEANER

A letter, dated 10th July, 1818, published in the Niagara Gleaner on 16th July of the same year contains the following interesting statement:

"Even the Indians of Upper Canada do not appear to have been so hotly engaged as those from the Lower Province sent by the Commander of the Forces to assist in defending our country, for the people of the Grand River had only one Delaware killed, the Chippewas from Matchedash also one killed of their warriors, while the whole amount of the loss of the Indians in that affair, I think, amounted to nine men."

FROM COLONEL HARVEY TO CAPTAIN KERR

Captain William Johnson Kerr was extremely discontented to find that he had not even been mentioned in official correspondence and continued to press his claims for recognition for many years. In 1818, he addressed a memorial to the Duke of York, Commander in Chief of the Army, in which he enclosed letters from Fitzgibbon, Major Evans, and Colonel Claus, supporting it, which are printed in Volume VI of the Documentary History on Pages 119-121. He had written at the same time to Colonel (afterwards Sir John) Harvey, then acting as Adjutant General in Canada, who gave him faint encouragement in the following letter:

HEAD QUARTERS, QUEBEC. 4 April, 1818.

"Dear Sir,

"I fear the time is past for making any representation with any prospect of advantage on the subject of your letter.

"His Royal Highness, the Commander in Chief as well as His Majesty's Minister can only form their judgment on Military events in remote parts of the world from the Official Documents and Reports which they receive through the Established and regular channels of communication. These have given considerable credit to Captain Fitz Gibbon for his conduct and address in the affair at Beaver Dams & you will assuredly be told that if you considered the merit, which of right belonged to you on that occasion, had

been given to another, you ought to have made your representation at the time when the facts could have been investigated by competent judges on the spot. My advice to you, however, as you state it your intention to proceed to England, is to apply personally to General Vincent, who held the command at that period to which you refer, (who never intentionally injured any human being, I am certain), and in whom I am persuaded you will find every possible disposition to do all that may be in his power to place your really gallant, zealous and useful services during the late War in the light which they merit. I beg you to make whatever use of this Letter you may think proper and to believe me,
Dear Sir, to be &c.

J. HARVEY.

"Captain W.J. Kerr, (late) Indian Department."

FROM KERR TO EARLY BATHURST

Kerr's application was unsuccessful. Seven years later, he prepared a second memorial stating his case in different terms, addressed to Earl Bathurst, who had been Colonial Secretary since 1812.

"Your Lordship's Memorialist was at the capture of Fort Niagara, Lewistown, Fort Schloser, Black Rock, and Buffalo on the Enemy's Shores, was also in the battle of Chppawa under Major General Riall, in which action your Lordship's Memorialist was made prisoner and detained until peace took place when the department was reduced.

"Your Lordship's Memorialist was in the mercantile business previous to the late War in this Country and from his connections and influence with the Six Nations of Indians, was solicited by Major General Sir Isaac Brock and Colonel Claus, Deputy Superintendent General of Indian Affairs, to accept of a Captaincy in the Department from which circumstances the property of Your Lordship's Memorialist was taken and destroyed to a large amount whenever it was found and in consequence your Memorialist has suffered very material injury.

"Your Lordship's Memorialist begs leave to refer to the Letters transmitted herewith in corroboration in some degree of the above statement. Had he ever been as solicitous to procure certificates of his conduct during the late War in this Country, as he was zealous to further His Majesty's Service, he would have been enabled to lay before Your Lordship more satisfactory proof of his claims to Your Lordship's consideration.

"Your Memorialist therefore humbly prays Your Lordship to take his case into consideration and to recommend him for a pensioner or half pay agreeable to his Rank from the period of his discharge from the Department, which was on the 24th Day of December, 1815, or such other compensation as to Your Lordship may seem meet, and as in duty bound will ever pray.

WILLIAM J. KERR

"Late Captain, Indian Department"

"Burlington Bay, Upper Canada, 12 October, 1825."

This memorial was forwarded to Colonel Claus, as Deputy Superintendent of Indian Affairs at Niagara for transmission to the Lieutenant-Governor.

CERTIFICATE FROM CLAUS

Besides copies of letters from Major Evans and FitzGibbon, a certificate from Claus was enclosed, written on the Anniversary of the action at Beaver Dam in 1818.
Fort George, Upper Canada. 24 June, 1818.

"I do hereby certify that Wm. J. Kerr, Esquire, late Captain in the Indian Department, commanded a party of the Western Indians and Six Indian Nations in an action with the Enemy commanded by Lt. Colonel Butler on the 24th day of June, 1813, near de Coe's Beaver Dam, when the whole of the American Force were captured with two pieces or ordnance, Trumbrils, &c. None were engaged with the Enemy that day but the above Indians and about 180 of the 7 Nations from the Province of Lower Canada.
W. CLAUS, Dy. Supt. General."

In his letter forwarding these papers, Claus considered it necessary to point out an error in the memorial.

Fort George, 12th December, 1825.

"Sir,

"I have the honor to transmit herewith a letter from Mr. William J. Kerr, addressed to me and dated the 12 ultimo. covering several documents, which he requests that I will transmit to His Excellency Major General Sir Peregrine Matiland, K.C.B.

"I feel it my duty to correct a statement made in Mr. Kerr's Memorial that he was appointed by the late Major General Brock; he was appointed at my request by the late Colonel Myers, who then commanded on the Frontier in the absence of Major General Sir Isaac Brock, who was then at Detroit. I have no doubt but Mr. Kerr believes the appointment was made as he stated.

"I have the honor to be &c. W. CLAUS, Dy. Supt. General, Indian Affairs.

Major Hillier, Secretary to His Excellency, Major General Sir P. Maitland."

"The Memorial then forwarded differed considerably from former statements and boldly claimed the entire credit of defeating the enemy and forcing them to surrender. The Lieutenant-Governor made no recommendation.

FROM MAITLAND TO EARL BATHURST

"No. 204 - Miscellaneous "

"My Lord,

"At the request of Mr. William Kerr, formerly a Captain in the Indian Department in this Province, I have honor to forward to Your Lordship his memorial praying for half pay on account of his services in that capacity during the late War. This memorial is accompanied by several certificates and by a representation from the head of the Indian Department in the Province. I have the Honor to be, &c. P. Maitland.

"The Earl Bathurst, K.G. &c. &c. &c."

"To the Right Honorable Earl Bathurst, Secretary of State for Colonial Affairs,
&c.&c.&c.

"The Memorial of William Johnson Kerr, Esquire, of the District of Gore in the Province of Upper Canada and late a Captain in the Indian Department."

"Most respectfully sheweth".

"That Your Lordship's Memorialist was appointed Captain in the Indian Department at the commencement of the late War between Great Britain and the United States of America by the late Major General Sir Isaac Brock and served under the following Officers, viz. Major General Sir Isaac Brock, Major General Sir Roger Hale Sheaffe, Major General Vincent, Lieutenant General Sir Gordon Drummond, Major General Riall and Colonel Claus of the Indian Department and was in most of the actions fought on the Niagara Frontier.

"That your Memorialist had the honor to command about five hundred Indian Warriors on the 24th day of June, 1813, and attacked a much larger force of the Enemy under the command of Colonel Boerstler, and obliged him to surrender after a severe engagement of two hours, in which action were captured about six hundred prisoners, of the Regular Army, two field pieces, one six and one twelve pounder, two Baggage wagons, two tumbrells, five hundred stand of small Arms, forty horses and a stand of Colours on which occasion there was not a single cartridge expended by His Majesty's regular forces, neither were there a single soldier or militia man killed or wounded - That Major Genl. Vincent in his official dispatch of that affair gave the whole credit of the affair to Lieut. Fitzgibbon of the 49th Regiment, when in right it was due to your Memorialist and the Indian warriors under his Command as will appear evident to Your Lordship from the Letter of Sir John Harvey, Depy. Adjutant General at the time, as well as that of Capt. Fitzgibbon himself, who commanded a small detachment of the 49th Regiment, consisting of about fifty men who were not in the action, although they arrived at its close. The report of the Battle, transmitted by Your Lordship's Memorialist to Colonel Claus, Deputy Supt. General of Indian Affairs, was not noticed by Major General Vincent in his official dispatch. Your Lordship's Memorialist begs leave to refer to Lieut. Colonel Bishopp's report of that action as is copied in the Annual Register for that year. Your Lordship will perceive from the Letter of Colonel Evans, (then Major of Brigade) that the favorable result of that action effectually checked the Enemy's marauding parties along the Niagara Frontier to the great relief of the inhabitants, His Majesty's subjects."

LETTER FROM JAMES FITZGIBBON

More than two years later, probably in compliance with a request from Captain Thomas Coleman, who had commanded the Montreal Troop of Canadian Light Dragoons, FitzGibbon acknowledged the service rendered by a party of his men at the Beaver Dam.

"York, Upper Canada, 26th April, 1828"

"I served in Upper Canada during the late American War and have seen something of the services of the troop of Provincial Light Dragons raised in Lower Canada by Captain Coleman. On the 24th of June, 1813, a detachment of that troop arrived most opportunely in front of a detachment from the American Army whose commanding officer I was then negotiating terms under which the detachment was to surrender themselves prisoners of war. The detachment did surrender and I have no doubt the appearance of the Cavalry had a favorable effect and contributed to make them surrender. The numbers of the enemy exceeded 550 men including about 50 Dragoons with two guns, tumbrels, waggon, &c. The British troops present at the moment the terms were agreed upon consisted not quite 50 men and about 20 dragoons of Captain Coleman's troop with a body of Indians. From this force, the American detachment

might without difficulty have retreated had they known its amount and the direction of the roads in the vicinity.

"The other services of the troop I did not witness but of the character of its commander and the conduct of the troop I had often heard favorable mention made. "James FitzGibbon, then Lieut. in the 49th Regt."

FROM FITZGIBBON TO SIR JOHN COLBORNE

Four years afterwards when seeking preferment from Sir John Colborne, who had succeeded Sir Peregrine Maitland as Lieutenant-Governor of Upper Canada, FitzGibbon presented another memorial giving a detailed account of his Military Services in the War.

"EXTRACT FROM A MEMORIAL FROM JAMES FITZGIBBON TO SIR JOHN COLBORNE, DATED AT YORK, 4TH JUNE, 1832."

"Humbly Sheweth,

"That Your Excellency's Memorialist was Lieutenant & Adjutant in His Majesty's 49th Regiment, in Montreal in Lower Canada, when the Government of the United States of America declared War against Great Britain in the year 1812. That desirous of being employed in the most active service, he solicited leave to resign his Adjutancy and was, by the authority of the Commander of the Forces, permitted at once to give up the duties of that office, whereupon the Commanding Officer of his Regiment placed him in command of a Company. That he was forthwith employed to escort a Brigade of Boats, 24 in number, from Montreal to Kingston with ordnance stores of great importance to the Posts in Upper Canada at that Crisis. That this service was successfully performed, and on returning to Montreal, he found his Regiment under orders for Upper Canada and proceeded with it back to Kingston. That in January following, he was selected to conduct to the Niagara Frontier a Brigade of 45 Sleighs with Stores, where he arrived on the 18th of that month, and was four days afterwards detached with the company under his command to the most distant outpost dependent on Fort Erie. That after the action at Stoney Creek in June following he applied for and obtained leave to select a Detachment of 50 Chosen men - to be employed in advance of the Army, and with authority to act against the enemy as he pleased, and on his own responsibility solely. That he advanced from the army at ten o'clock at night of the same day on which he made the application, having during that day selected the Men for his detachment and transferred the Company he commanded with their accounts to another officer; and on the 24th of the same month, aided by a body of Indians, he captured a chosen Detachment of the Enemy sent out from Fort George expressly to capture your Memorialist and his small Detachment; which Detachment of the Enemy consisted of upwards of 550 men of whom 50 were cavalry, with also two Field Pieces, a six and a twelve pounder, and four Tumbrils and Caissons. That for this successful operation His Royal Highness The Prince Regent was graciously pleased to promote him to a Company. That during the remainder of the War, he was constantly in the advance parties of Militia frequently under his command, except during short periods in Lower Canada whither he was sent three times during the War. That during the Operations on the Niagara Frontier in 1814, the Lieut.-Colonel and the Major of the Incorporated Militia were successively wounded and sent to the rear, and after the departure of the last wounded of those officers, Sir Gordon Drummond was pleased to appoint your Memorialist to the Command of that Corps, which command he held during

the remainder of the operations before Fort Erie, and until the Lieut. Colonel was so far recovered as to resume his Command, when your Memorialist returned to his Company. That in February following he was sent from Kingston to Quebec to recruit from limited service men then in that city waiting the opening of Navigation to be sent home to be discharged; but the ratification of the Treaty of Peace being announced he was sent back to his Regiment in Upper Canada; having under his command one hundred men who had volunteered, and who were marched by him over the Snow to Kingston. That in the year 1816, the Regiment into which he had been promoted was placed on half pay."

This was accompanied by a copy of a letter from Sir George Prevost and a memorandum by Sir John Harvey, commended his conduct very warmly.

FROM SIR GEORGE PREVOST TO JAMES FITZGIBBON

"Head Quarters - Kingston, 29th June, 1813."

"Sir,

"It is with much satisfaction I take up my pen to acknowledge the high sense I entertain of your distinguished conduct in the management of the affair which terminated in the surrender of Colonel Boerstler's detachment from the American Army on the 24th Instant.

"The impression under which I address you cannot leave a doubt in your mind of the nature of my disposition towards you and of my intention of submitting the detail of your services to His Royal Highness The Commander In Chief's consideration.

"I have the honor to be &c. George Prevost.

"Lieut. FitzGibbon, 49th Regiment."

MEMORANDUM BY LIEUT.-COLONEL JOHN HARVEY

"Lieut. FitzGibbon was permitted to select the Men for this service and their conduct proved the discrimination evidenced in the Selection; both with respect to the Enemy and towards the Inhabitants their conduct was admirable.

"The Lieutenant himself displayed most valuable qualities as a Partisan Officer and the detachment in every respectfully answered the purposes for which it was formed.

"J. HARVEY, Lt. Col. D.A.G.,"

"Kingston, Upper Canada, 20th December, 1814."

(From copies attached to FitzGibbon's Memorial to Sir John Colborne of 4th June, 1832).

The want of necessary supplies had prevented Vincent from advancing with the main body of his small division as he was obliged to rely almost entirely upon the resources of the adjacent country for subsistence and transport. Acting on the advice of the Magistrate in their recent addresses he had, with apparent reluctance and misgiving, published a district order announcing that martial law "shall immediately come into effect, as far as supplying the wants of the Army under any plan, or the sending away or apprehending all under any plan, or the sending away or apprehending all traitorous or disaffected persons may render expedient.

FROM J.C. HERRIES TO GEORGE HARRISON

The losses of provisions and military and naval supplies destroyed in the magazines and storehouses at York and Fort George was reported to be serious and

extremely distressing as they could only be replaced by precarious shipments from England at an uncertain date. This is shown in a letter from J.C. Herries, dated at the Commissary in Chief's office in London, on the 31st July, and addressed to George Harrison, secretary to the Treasury Board.

"I have the honor to state to you for the information of the Lords Commissioners of His Majesty's Treasury that Mr. Robinson in a letter dated Quebec 19th ultimo, reports his having received Letters from Depy. Asst. Commissary General Crookshank at York, apprizing him that the Army under General Vincent has been obliged to retreat and had taken up a position at the Head of Lake Ontario and that in consequence of the Army's Retreat from Fort George, Mr. Crookshank apprehended the most of the supplies at that place had fallen into the Enemy's hands.

"Mr. Robinson also adds that from other Sources of the Information he had learnt that the Sloop of War on the Stocks at York, with all the Marine Stores for completing her in building, rigging &c. were burned."

FROM HON. JOHN RICHARDSON TO SIMON MCGILLIVRAY

The gloom and depression caused by these reverses were very forcibly described in a private letter to Simon McGillivray, then in London, dated at Montreal on 7th June, 1813, and probably written by Hon. John Richardson, a member of the Legislative Council of Lower Canada, and a partner with McGillivray in the Northwest Fur Company, and later the reputed author of "The Letters of Veritas."

"The first ships from Quebec are to sail on the 10th Inst., at least a month later than I expected, for I thought our Governor would have been solicitous to send off a vessel early with an account of our political situation, which must excite a little interest even in England.

"Since the Navigation opened in April, the enemy has carried on his operations unmolested for the subjugation of the Upper Province - the recent surrender of Niagara has gone far towards the completion of his wishes, as we thereby are cut off from all Communication with the country beyond it and I am very apprehensive that in return for the bravery and gallant Conduct of General Proctor, who has so successfully fought and so repeatedly beat the Enemy, and who with very little assistance has hitherto kept possession of not only our own Territory but that of Michigan, he is doomed to become the prey of an overwhelming force, or be forced to surrender for want of supplies of provisions and Ammunition.

He may save himself if the Indians soon join him in force, by pushing off to River La Tranche and uniting with General Vincent at the Head of Lake Ontario, but it is dubious if the latter will be able to maintain his position, and it is certain he will not if we do not beat the Enemy on the Lake. A failure in the latter instance would enable the Americans to land Troops and cut him off from Kingston, which would be a fatal blow to him and General Proctor. Our ships have sailed to supply our little Army with Provisions and Ammunition.

"An attempt may perhaps be made by Genl. Vincent to go to the assistance of Proctor, but it will be a bold measure, & its success in keeping Detroit &c. must depend on their being strongly supported by the Indians.

"Dickson is expected to arrive at Detroit with a considerable number about this time, but I am afraid that they will be inefficient when they find us without supplies and hear of our Disasters lower down.

"As the events that have been passing in this Province since the commencement of the War seem to have excited little or no alarm for our safety, it may be that Government will not be a little surprised when they learn what has happened -- But that will be singular for the Enemy has proclaimed his intentions, his preparations have been seen and known since October last, if not sooner & nothing else could be expected.

Believe me that after General Brock defeated Hull, and render'd abortive the designs of the American Government on the breaking out of the American War, every misfortune which has befallen us has arisen from the infatuation of our own Government in not sending Troops and a few sailors to the Province & rendering not only unavailing but injurious to us (by exhausting our small force) the very victories that we have so hardly and with so much difficulty obtained.

"At the commencement of the War, we had on Lake Ontario, five fine ships carrying from 10 to 20 Guns when the Enemy had only one 18 Gun Brig. and four or five paltry schooners. Strange, however, to relate we had not a Sailor nor Captain to command them that had seen a shot fir'd & when sent to capture with our whole Force, the Enemy's Brig. they ran away because a 32 Pounder was fired at them from the shore and they were afraid it would hit their vessels. It is also a fact that two of our Vessels of 12 and 15 Guns each would not approach a schooner with one gun, and the latter got off in triumph loaded too with Military Stores - When the enemy found us thus despicable they set seriously about recruiting their Navy and had so far succeeded by the end of Oct., that they took all our Merchant Ships but one, and blockaded our Ships of War in Kingston. Had Government been pleased during the Summer to have sent us about 250 Sailors to fight our ships, the force of the Enemy would have been annihilated, their Harbour render'd useless, and they never could have had it in their power to enter into competition with us on the Lakes, where they had only one Port. Thus the very foundations of our Misfortunes would have been destroyed, for without ships, they could not have collected such large bodies of Troops at any given place, nor have made any descent on our side of the Lake, nor yet have prevented us from reinforcing as was required, such points as they threatened with attack.

"But not a Sailor was sent us till the Spring and tho' they arrived after a most fortunate passage & were sent off with uncommon expedition and exertion, they were only 450 in number and the blow was struck beforehand. This deficiency of Sailors was soon perceived but other causes within our own Control, succeeded to distress us. The first was the armistice between General Prevost and General Dearborn whereby Genl. Brock was stopped in the Career of Victory and the Enemy got time to strengthen their Works, collect their forces and prepare for us, the Battle of Niagara in October. This sanguinary Contest, in which that excellent and ever to be lamented Officer General Brock lost his life, was so favourable for us, that the whole of the Enemy were kill'd or taken & what did his successor, Major General Sheaffe do?

He liberated all his Prisoners but the Regulars, & made an immediate Armistice to give them time to collect forces for another attack. This they did in the face of our Garrison, who could have destroyed their whole fortifications and taken their cannon with only 100 men so reduc'd were they after the Action.

"But as soon as General Smyth had collected 6 or 7,000 Men & brought his Boats to a convenient Spot for crossing, he inform'd us that the Armistice was at an end, and again attack'd us. He was defeated and their line was subsequently left to the care of about 500 men & could easily have been taken, but as on all former occasions, we were not allowed to attack them. "We would irritate them and that would unite them" said some of our wise men, "and then they would be sure to Conquer us." The same policy has been adopted by our Government throughout. They have allowed the enemy to inflict misery on us when and where he chose, and have prevented us from retaliating when in our power. In one solitary instance, at Ogdensburg, we retaliated and the Governor General's order apologized for it. Till the end of February, the whole of the Enemy's Navy lay in Sackett's Harbour guarded by about 500 men, and tho' only 40 miles distant from Kingston and at least 2,000 men could easily have been sent over, yet the golden opportunity was neglected, the Enemy perceiv'd his danger, and sent several thousand Troops to guard against it.

"From the time they began their preparations which have ended in the capture of our whole line, with all our valuable stores, Guns & provisions at Niagara with the sacrifice of 3 to 400 valuable lives & the pillage and ruin of all the Inhabitants in that part of the country. The grand outset at York cost them (the Enemy) 700 men, that of Fort George, nearly 3 to 400, so that they have not obtained a bloodless Victory.

"Another and very serious piece of misconduct on our part was the building of a new ship (a Frigate) at York, where there was neither fortifications nor Troops to defend it, and where it could be destroyed without the Enemy's landing. There was not a man in the Country besides them who laid down that did not predict that it would be burnt on the opening of navigation & such was the unhappy fate of that ship, that had it not been burnt, it was next to certain there was not water to launch it, or soil that would support the ways, for tides do not rise in Lakes and a deep marsh is not well calculated for supporting a heavy weight. It would also have been necessary that we should be Masters of the Lakes to be enabled to transport to York the Guns, Anchors, Cables & other materials, and if previously Masters of the Lake, there was no occasion to build that ship. The expense of building there was also double what it would have been at Kingston, where it would have been in company with the rest of our Ships and in perfect security.

"This ship, which if we had Guns & Sailors, would now have been ready to go out, would undoubtedly have made us complete Masters of the Water, and the want of it may not only occasion our defeat, but endanger or even cause the loss of Upper Canada.

"With such ships as we possess, Sir Jas. Yeo sailed from Kingston to assist General Vincent, on the 3rd Instant and if Com. Chauncey with his 19 sail against our six feels bold, a battle must very soon take place. I have all the confidence in Sir James, that his high character deserves, and hope success, tho' the odds in Ships, Metal, and Men are much against him. I am not yet of opinion because the American Frigates have beat ours, that we are not superior to them, and tho' Chauncey is deem'd a good Officer, I think Sir James is at least his Match. A drawn battle would not suit us, for the Enemy can soon recruit both ships and Men but we cannot. We have only a Schooner on the Stocks, they have a Frigate.

"If Chancey does not come out, till the new Frigate is ready, which will be in a month, we shall be badly off, for he will then have a superiority we cannot oppose. We ought in such case to send 3 or 4,000 men down to Sackett's Harbour, and I am confident

that with the assistance of our Fleet we will destroy them. If we can do that, we may recover Niagara but I am afraid we cannot do it otherwise.

"Indeed, it would be folly to attempt it with less than 4,000 Regulars assisted by our Fleet, the Militia and Indians.

"The Americans have at least 10,000 men on our side, and can destroy Batteries, carry off Guns, and render the Post untenable but by superior numbers. If the Enemy beats our Fleet, we must try to keep Kingston which will be difficult to do as they can cut off the communication between that place and Montreal, and prevent supplies from being forwarded. Thus our situation is not the most agreeable, and we have little prospect of its being better. A great part of the intended reinforcements for this Country is to come from Halifax, yet strange to say, tho' the Troops were there since March, if not sooner, none of them have yet appeared altho' the Sailors arrive from Europe a month ago.

"Those from Cadiz have not arrived nor any others but 1500 men from Ireland, partly raw Recruits. One would really imagine the Govmt. expects this extensive Country is to be maintained against the population of the United States by a handful of men, for if only 6,000 Troops come out this year, they may indeed with the sacrifice of every comfort of the Inhabitants and of their ordinary pursuits enable us to defend the Lower Province, but as to acting offensively it is a mere farce.

"The Enemy will be much elated with his late success and will readily get as many Volunteers as he chooses to molest us in the Upper Province and threaten us here. This will divide our small force and render it inadequate to any enterprise.

"I shall not be surprised if in the course of three or four weeks, we have 8 or 10,000 men on our lines.

"An alarm was given us the other day when two of their Armed Schooners of 11 Guns each attacked four Gun Boats we have a little beyond Isle aux Noix. We luckily took them and they will be of great service to us on Lake Champlain where we had not a Vessel.

"We are in general, very badly off for intelligence of the Enemy's operations because economy will not admit the expence of obtaining it, while on the other hand, we have a considerable number of Americans residing in the Province, who give their Countrymen all the information they can wish. The business of York has given such a disgust to General Sheaffe that he never can have the least influence in that Province. The Enemy not only got the public Stores there but we did not remove the Military Chest in which there was 2,500 Pounds - the Royal Standard was left but fortunately must not have been found by the Enemy and we think it was consumed with the Government House, and what may be more injurious to us still, no part of the correspondence of the Government, or any of the confidential papers were removed. The Enemy got them all, and a portion of them will very probably hereafter decorate the Columns of the American Gazette -- I shall say nothing of the manner in which the defence of the place was conducted, as opinions are divided but it is very harshly censured.

"To come to our actual situation, I shall confine myself to observing that nothing but a Naval Victory can save any part of the Upper Province above Kingston, and if we are beat the latter place as well, the whole of the Country must I fear fall.

"The system hitherto pursu'd of not attacking the Enemy, however fair the opportunity, has been our ruin and if continued must involve all of us in distress & cause our subjugation - Should we fortunately obtain a decided Naval Victory, we shall

probably be able to drive the Enemy out of the Upper Province as we need not keep a strong Garrison at Kingston and our whole force may be directed to one point. I am not without hopes of success and am convinced that Sir James Yeo will beat them if anybody can. They have at least 1,000 good sailors which is more than double our number.

"But we are not disheartened as the disposition of the People is good & both by Water & Land we shall give many hard blows before we surrender. The 8th Regiment has suffered severely in the actions at York and Fort George, and the Officers in General have borne their share of the Misfortunes of the day. None of our Friends at Niagara are kill'd."

(Q. 125, pp. 87-100)

FROM MCGILLIVRAY TO THE SECRETARY OF STATE.

Mr. McGillivray transmitted the above extract from his friend's letter to the Office of the Secretary of State for War and the Colonies, in a covering letter dated at Cannon Street on August 10th, in which he made some significant comments.

"In corroboration of my correspondent's observations," he wrote, "I can state one fact which may perhaps not have come to your Lordship's knowledge - On the very evening before the Action at Queenston (Niagara) in which General Brock fell, he wrote a letter to a friend in Quebec, expressing his decided disapprobation of the system of forbearance by which he was prevented from crossing the River to destroy the means which the Enemy were preparing (actually in sight) to attack him when and where they thought fit - He complained bitterly that "his hands were tied up" -- wished that he was employed with Lord Wellington, or on any service or under any circumstances different from those in which he was then placed, -- On the following morning, he was attacked and fell and with him fell the best hopes of the people of Upper Canada. "I shall not further intrude upon your Lordship's attention than merely to express my earnest hope that effective succours may be sent to Canada before the close of the Season -- Seamen and Marines for Lake Erie and Lake Ontario are particularly and indispensably requisite if Upper Canada is to be defended and the defence of that Province remote as it is, is so necessary to the interest of this Country and the honor of the Crown, that a doubt cannot be entertained as to the intentions of His Majesty's Government upon the subject.

"If Lake Ontario was accessible to ships from the Atlantic Ocean, I have no doubt that a sufficient portion of His Majesty's Navy would be sent thither to destroy any Force which the Enemy could collect and the question now is shall a sufficient number of Men without the Ships be sent thither for the same purpose?

"I am perfectly aware," he took care to add discreetly, "that the comments of private individuals upon public measures are frequently liable to error from their being not sufficiently informed of all circumstances of the case, or the consideration which may have led to the adoption of the measures complained of; but in the present instance, I have occasion to think that the universal opinion in Canada accords with the observations made by my correspondent upon the impolicy of the system of forebearance, by which the American Forces upon the Frontiers of Canada have been suffered to accumulate and collect for the Invasion of that Province, which have now made them so formidable and which since the opening of Navigation, they have employed with so much effect."

(Q 125, pp. 83-6)

LIEUTENANT-COLONEL CECIL BISSHOPP

Encouraged by the unforeseen and amazing result of the fight at the Beaver Dam, Vincent immediately advanced his headquarters to the Twelve Mile Creek and sent forward strong outposts to the line of the Four Mile Creek on the Lake Shore Road, at the Cross Roads, and at St. Davids, where they found comfortable quarters in the Mills and Farm Houses. Cattle, sheep and pigs were taken without immediate payment and slaughtered for food out of sheer necessity and horses and wagons impressed for transport. General de Rottenburg arrived on the last day of June with a small reinforcement and assumed command. This increase of force aggravated the difficulties of maintenance as a small transport loaded with provisions and ammunition destined for its supply had been captured by the enemy. But the line of outposts was strongly reinforced and extended to Queenston in the expectation of curing off all local means of supply from the invading army. The baggage of all ranks was cut down to the lowest point. An officer of the Royal Scots informed his wife that "no officer is allowed more than he can put under his arm and run with on all occasions."

An attempt to interrupt the enemy's line of communication on the opposite side of the river had then become practicable and early on the morning of July 5th, the small post at Fort Schlosser was taken by surprise. The same day, a scouting party of the enemy was driven across the river at the Fort Erie Ferry and an attack upon Black Rock was reported practicable by FitzGibbon. This was successfully carried out on the morning of July 11th, but heavy loss was sustained in re-embarking. Lieutenant-Colonel Cecil Bisshopp, who was in command, received three severe wounds, which at first were not considered dangerous. They proved fatal five days later and his death was felt to be an almost irreparable loss. During his few months of service, he had become generally admired and respected by all ranks among the militia as well as the regular soldiers. He was the only son of Sir Cecil Bisshop, Baronet, who afterwards became Lord de la Zouche. He had already served with credit in Flanders, Portugal, and Spain and had been elected as member of the House of Commons for Newport in the Isle of Wight. His death at the early age of twenty-seven was scarcely less lamented than that of General Brock. He rests under an altar tomb in the Graveyard on Drummond Hill and his portrait has been selected as a fitting frontispiece to the present publication.

FITZGIBBON'S STATEMENT

A written statement by FitzGibbon, preserved among the papers of Bishop Strachan, shows that he claimed great credit for planning these operations.

"On the declaration of war by the United States Government, I resigned my commission as an Adjutant of the 49th Regiment in the hope of being employed on detached service as opportunities might occur. I was immediately detached with an Escort in charge of a Brigade of Boats to Kingston in July and from thence in January following with a Detachment to Fort George.

"From the vicinity of Fort Erie, I was called in to join the army retreating from Fort George on the 27th of May, 1813.

"After the affair at Stoney Creek, I requested the General to detach me in advance of the Army with 50 men to be employed at my discretion - the request was granted and in twelve days after, I captured Colonel Boerstler's Detachment of the Enemy.

"The Americans having been confined soon after to Fort George, I was sent to the Fort Erie Frontier to protect the inhabitants from the plundering parties frequently sent from the enemy's shore. On the night of the 3rd of July, I planned an attack on the Posts of Black Rock and Schlosser to be carried into execution on the night of the 4th. Boats could not be procured to cross to Black Rock wither I had marched on the night of the 3rd. I then determined to cross in a small skiff with Colonel Burewell and Lieut. Wm. Kerby of the Militia, Volunteers for the occasion, and burn the Block House and Navy Buildings behind Squaw Island. At the same time, I sent Ensign Winder and Volunteer Thompson of the 49th Regt. to Chippawa with a note to an Officer of the Militia, who had just arrived there with 30 men, requiring him to proceed under the direction of Mr. Winder and attack Schlosser at Daylight the next morning. Col. Clark had happened to meet Mr. Winder on his arrival and was pleased to approve of my plan, and he took command of the party himself. He took the place, making Prisoners two Officers and a few Men and brought away four large Boats, a Brass Field Piece and a considerable quantity of small arms and other stores.

"The wind blowing fresh during the night made it impossible for me to cross to Black Rock, the skiff being too small.

"Notwithstanding that the enemy now knew I was on the Frontier, I determined again upon attacking Black Rock, having procured boats from below. Two days afterwards I had everything in readiness when Colonel Bisshopp came up and informed me that he had obtained the General's leave to attack it himself, and that my Detachment was to compose part of his. Arrangements being made, He attacked it on the 11th, my party leading the Advance. I was in possession of the place before he came up, his boats having been carried far down in crossing the River. The result of this affair is well known."

(Ontario Bureau of Archives, Strachan Papers, Package Q)

FROM MAJOR FULTON TO SIR GEORGE PREVOST

An unpublished letter to Sir George Prevost from Major J.F. Fulton, one of his aides-de-camp, who had been sent as his representative to de Rottenburg's headquarters, shows that desertion had become alarmingly frequent.

"12 Mile Creek, 7th July, 1813."

"I am extremely sorry to inform Your Excellency that the desertions from this army lately have been very great. No less a number than fifteen men from the 104th Regiment, four of whom belong to their flank companies. In consequence of the shameful conduct of this Corps, the Royals have been sent to relieve them. Three men have also deserted from the 41st Regiment, one of whom has been taken and is to be tried this day."

(Dominion Archives, C.1024, P. 24)

General de Rottenburg was a stern disciplinarian, trained in a foreign army. He was not inclined to treat such a crime lightly. The private of the 41st, who had been taken on his way to the enemy was tried, found guilty, and sentenced to be shot to death. The sentence was instantly approved and carried out the next morning in the presence of a large body of soldiers as could be assembled to witness it. A few days later, five men of the 104th and a private of the Royal Scots, also taken in the act of deserting, were tried,

found guilty, sentenced and shot in the presence of many of their comrades. Desertions then became rare.

When he relieved General Sheaffe of the Military Command in the Province, de Rottenburgh had taken the oath as President of the Executive Council and Administrator of Civil Affairs, in the presence of as many of its members as could then be assembled and announced the fact in a proclamation from Kingston on June 19.

The arrival of the Governor-General and the establishment of his headquarters at Kingston a few days later created an anomalous situation.

DeRottenburg supplemented Vincent's limited proclamation of martial law by another appointing certain magistrates as commissioners to take charge of the grain and livestock on farms, abandoned by their owners or tenants, who were supposed to have joined the enemy and dispose of such property to the best advantage for the subsistence of his Army.

FROM THOMAS DICKSON TO EDWARD MacMAHON

A letter from Thomas Dickson, of Queenston, one of these commissioners to Edward MacMahon, the civil secretary, has survived. "Thorold, 21st July, 1813."

"Sir,

I am this moment favored with yours of this date and shall go out this evening and consult with Messrs. Street, Clark & Cummings, who are at present the only Magistrates left in this part of the District and will either answer your letter more particularly thereafter or take the first opportunity of waiting on His Honor, Major General de Rottenburg to give every information, I am able respecting the number of meat cattle in the District of Niagara."

(C.686, p. 68)

FROM CHIEF JUSTICE SCOTT TO GENERAL DE ROTTENBURG

To remove any doubt of the validity of such proceedings, Chief Justice Thomas Scott had been consulted and the advice of a committee of the Executive Council obtained. This was given in a letter from Chief Justice Scott to General de Rottenburg.

"York, July 18th, 1813."

"Sir,

"The Acting Attorney General has signified to me as Chairman of the Committee of the Executive Council by desire of Your Honor that after the possession of a part of our Frontier in the District of Niagara by the American Army, many of the inhabitants, disaffected to our Government, joined the enemy & that some of them have left large crops of grain almost ready for harvest that unless some measures are speedily taken, will be altogether lost. He has also signified that Your Honor desires the Committee of the Executive Council to suggest some method by which you may be enabled to secure for the benefit of the public, the produce of the lands thus treasonably abandoned.

"The Committee after serious consideration beg leave respectfully to submit that if it is inexpedient to commit to any of the Military Departments, the carrying into effect the measures proposed, the plan suggested by Your Honor ought to be adopted in appointing Commissioners in the Districts where the inhabitants have so deserted their lands to report upon the cases that do occur to make the necessary arrangements for the

preservation of the grain, to appreciate its value, and receive and answer any claims that may arise by reason of the execution of their powers.

"The Committee beg leave further to submit as their opinion, that the Commissioners ought to be appointed by Your Honor from the Magistrates of the Districts where the lands so deserted are situated."
(Sundries, Upper Canada, 1813)

FROM JOHN B. ROBINSON TO EDWARD MacMAHON

A Letter from John Beverly Robinson, the acting attorney-general, to Edward MacMahon, contained a draft of a Proclamation and gave further legal advice.

"York, July 23rd, 1813."

"Sir,

"In obedience to His Honor's desire signified in your note of the 20th instant, I enclose draft of a Proclamation upon the principles mentioned in the Chief Justice's letter.

"At the same time, I beg to be permitted to state through you to His Honor that according to my impression of the matter the reference to the Executive Council was merely to obtain the sanction of their advice for the adoption of a measure by His Honor, not precisely consistent with legal provisions, but perfectly equitable of the country. It could not be expected that although they acknowledged the necessity of the object to be obtained and recommended the adoption of some measure to reach it the Executive Council could furnish the means because any step taken to that end must in some degree anticipate the operation of the law and of course cannot be in conformity to its rules. The Council have no other means than the laws afford them of enforcing it at all and should a Commissioner in acting under this proclamation meet with opposition he must be supported by the Military Authorities.

"In fact a particular measure highly yet not strictly warranted by law is found absolutely necessary for this supply of His Majesty's troops defending this Province. The Executive Council appointed for His Honor's guidance and advice have upon reference acknowledged the necessity and recommended the adoption of a measure to meet it. As president of this Council and as an Act of that Council His Honor cannot enforce that measure. As Commander of the Forces he can. It seems better then for the sake of consistency and propriety and that every department may preserve its proper functions that the measure should expressly originate in that power which only can produce or uphold it.

"Upon these grounds I take the liberty of suggesting that instead of publishing the enclosed proclamation His Honor should by a Military Order or Notification, as Commander of the Forces appoint the Commissioners mentioned in that instrument and make such order for the regulation of their proceedings as he may deem expedient and I am the more free in this recommendation as I observe that the letter of The Honorable Chief Justice merely suggests the appointment of Commissioners without expressing by what authority they should be named. His Honor's discretion however, will determine and I trust what I have said will be found intelligible and reasonable. "

N.B. "I take the liberty of sending a form of notification which His Honor may adopt, a copy of which or of any more proper that may be chosen should be sent to each person named as commissioner and several other copies affixed in places of notoriety."
(Sundries, Upper Canada, 1813)

Following this advice, a District General Order was issued, dated at the Army Headquarters, St. Davids, on July 24, appointing Richard Hatt, Samuel Hatt, Richard Beasley, Robert Nelles, Abraham Nelles, William Crooks, Samuel Street, Senior; Thomas Clark, Thomas Dickson, John Warren, Crowell Willson, and Thomas Cummings as Commissioners to take charge of the abandoned property "to husband the same; to gather in the grain and dispose thereof to the best advantage for the legal claimants."

FROM PREVOST TO De ROTTENBURG

The subject of the punishment of persons arrested for treasonable conduct by martial law was referred to Sir George Prevost as Commander in Chief for his advice, which was given in a letter addressed by him to General de Rottenburg from Kingston on July 28.

"I have had the honor of your letter of the 24th inst., requiring my opinion and advice respecting the mode of proceeding against persons charged with treasonable practices during the existence of Martial Law in the Niagara District. If Martial Law has in fact been regularly proclaimed in the Niagara District, I conceive that little difficulty will exist upon this subject, as in that case under the 15th & 16th articles of the 14th section of the Articles of War persons accused of the crimes you mention may be brought before a General Court Martial, which you are already authorized to convene and may be tried and punished by it, but I have some doubt whether Martial Law does at present exist in the Niagara District to the extent that would warrant a Court Martial to take cognizance of such offences if committed by those persons.

"The declaration of Martial Law by the District General Order published by Brig.-General Vincent and the authority given him by Major Genl. Sir R. Sheaffe was merely for the purpose, as far as my recollection serves me, of getting a supply of provisions for the troops and to authorize the seizure of such supplies from persons withholding them.

"If from the circumstances of the enemy being in possession of part of the Niagara District and the danger consequently to be apprehended from the traitorous practices of those who are disposed to favour them, you deem Martial Law necessary to be enforced, then as President of the Province having power to declare it, you ought in my opinion to put that District under Martial Law and thereby to suspend, for such time as you may think it expedient, the jurisdiction of the ordinary Courts of Law. When that is done there can, I think, be little doubt that persons accused of the practices alluded to might be tried under the 15th and 16th articles of the 14th section of the Articles of War before a General Court Martial to be assembled in the usual manner."

(C. 1221, pp. 143-4)

The manner in which the commissioners carried out the duties imposed upon them is indicated in the following certificate:

"John Mann having applied for leave to take care of the Stock and Grain on the farm abandoned by Ebenezer Kelly in the Township of Grantham by virtue of the power vested in us by General de Rottenburg, we hereby agree that John Mann should take possession of the Grain & Stock on the said farm, and as soon as possible render unto us an account of the same - Witness our hands at Stamford, 28th August, 1813.

Thomas Dickson, J.P. Thomas Clark, J.P.

(Dominion Archives, Sundries, Traitors & Treason - War of 1812.)

The burden of the War bore heavily on all classes of the inhabitants in the seat of Military Operations in the Niagara District under the limited application of martial law. When General Vincent retired to the Head of the Lake on the evening of May 31, he established his headquarters in the house of Colonel Richard Beasley, then Commanding Officer of the Second Regiment of York Militia. Finding the adjacent lands were a fine defensible position, he determined to occupy and fortify it as a depot for supplies and a temporary naval base. It then became known as Burlington Heights.

Beasley was a cousin of Hon. Richard Cartwright and had in early life been an Assistant Commissary at Fort Niagara. Afterwards he became a Fur Trader at Toronto but settled at an early date in the Township of Barton. He bought a large tract of land on the Grand River from the Six Nations, part of which he sold profitably to settlers from the United States. He had represented Durham, West York, and the first riding of Lincoln, and Haldimand in the third Parliament. He had been elected Speaker in the third session of that Parliament and was without doubt, a person of considerable importance. The claim for compensation which he presented after the War had ended and possession of his farm was relinquished on the first day of September, amounted to 3,475.17/, Halifax Currency. He acknowledged the receipt of £225 as rent for his house, £75 as rent for his barn, and £168.15/ as rent for his storehouse from 1st June 1813 until the 1st September, 1815.

His claim was accompanied by the following letter:

FROM RICHARD BEASLEY TO THE BOARD OF CLAIMS

"To the President and Gentn. composing the Board of Claims at Fort George.

"Gentn.

"I have thought it necessary to Accompany my Ac't with a letter containing a statement of a few facts which can be Substantiated by most of the Magistrates of the district of Niagara. I was in the year 1813, situated on a farm in the Township of Barton, in the District of Niagara consisting of nine hundred & fifty acres of land, one hundred and sixty of which was cleared and under fence; there was on the premises a Brick House, Barn, Storehouse and Outhouses, an Orchard containing two hundred bearing apple trees, a Garden with a number of choice fruit trees, and a Nursery of Young Apple Trees. I depended on the product of my farm for the support of myself and family, which consisted of myself, wife and eight children besides servants. My premises on the 1st of June, 1813 was taken forcible possession of by his Majesty's Troops under the Command of General Vincent; the provisions I was then provided with for the Support of my family as well as my crops that were growing was totally destroyed by the army and I was prevented from Sowing my Buck Wheat and other Grain; myself and family had to leave the premises and seek shelter where we could find it. Shortly after the Battle of Stoney Creek, which was on the 6th of June, 1813, the Army commenced fortifying on my premises the destruction that they and the Indians who were encamped on my Land and made in my timber was Astonishing; my farm and Buildings are left in a most Desolate Situation, the depreciation and Waste of my property at Burlington has been Great, will be Admitted I presume by persons who have had personal knowledge of the situation of the premises previous to the War and the state they are in at the present time.

"I am Gentn. your Humble Servant, "Richard Beasley"

Barton, 12th Sept. 1815."

FROM MRS.HANNAH FREY TO LIEUT.-GOV. GORE

After the advance to the Four Mile Creek, the farm houses, barns, mills, storehouses and buildings of every description, were occupied for military purposes, from the Lake to St. Davids, and ultimately to Queenston.

The fences were torn down to permit free movement of troops and were then burned as firewood. Timber was recklessly cut down to form breastworks and shelters, or merely to clear the ground in front. The farm belonged to Mrs. Hannah Frey at the Cross Roads became the main position of Vincent's force. Her misfortunes were briefly and reticently stated in a petition addressed to Lieutenant-Governor Gore, dated at Niagara on the 20th February, 1816.

"Your Memorialist is the Widow of the late Captain Frey, formerly belonging to the Corps of Butler's Rangers.

"That the said Captain Frey, husband of your Memorialist, was killed by a Cannon Ball from the enemy's Battery on the 21st of November, 1812. She was thereby deprived of the benefit she received from his Half Pay.

"That after your Memorialist experienced so ruinous and melancholy a loss, she still derived some relief from the rent of a House in the Town of Niagara until a merciless Enemy destroyed it by fire with the rest of that devoted place.

"And a farm at the Cross Roads in the Township of Niagara which was occupied by His Majesty's Troops and Indians from the 17th of July till the 9th of October, 1813, during that time, they destroyed it by making Batteries, Breastworks and Incampments and burning fences which has rendered it useless ever since.

"That many severe losses sustained by your Memorialist has reduced her circumstances to the lowest ebb.

"Your Memorialist therefore prays that your Excellency will be pleased to give her such relief by way of a Pension or otherwise as your Excellency in your wisdom may think meet."

This application was supported by a letter from Colonel Robert Nichol, then a member of the Legislative Assembly, who having been Quartermaster General of the Militia during the War, knew her situation well. It was addressed to William Halton, the Lieutenant-Governor's civil secretary and dated at York, on the 26th February, 1816.

"Having been applied to by a Mrs. Frey of the Niagara District to state her case to His Excellency, the Lt. Governor, I beg leave to observe that her Late Husband, Captain Bernard Frey was on duty at Niagara on the 20th November, 1812, as a Volunteer & was on that occasion, killed by a shot from the Enemy's Batteries.

"Captain Frey was on the half pay of the late Corps of Butler's Rangers and was a very loyal & zealous subject - The following year when the Enemy got possession of the country, Mrs. Frey was on a charge of sending intelligence to the British Army, taken prisoner & sent into the States & when the British army at a subsequent period advanced to the Four Mile Creek, it encamped on her farm -- having destroyed her Fences, cut and destroyed her Meadows & Fields for the purpose of entrenching themselves by which she sustained great injury - Mrs. Frey thinks that on a representation of her case to His Royal Highness, He will be graciously pleased to order her a pension agreeable to the scale for Officer's Widows and hopes that His Excellency will be pleased to interfere on her behalf."

LOSSES SUSTAINED BY GEORGE ADAMS

George Adams, who was a Magistrate and a Lieutenant in the First Regiment of Lincoln Militia, had been dangerously wounded in the Battle on the 27th May and taken to his home in the small village at the bridge over the 12 Mile Creek, which had lately received the name of Saint Catharines. When General Vincent advanced to that place, his headquarters were established in his house, probably the best available building.

His claim for compensation shows that this fact did not save him from the insistent demands of a force living on the resources of the country they were engaged in defending.

"Statement of Losses sustained by George Adams of the Township of Grantham by His Majesty's Troops and Indians in the year 1813, commanded by General Vincent.

"49 Sheep killed and carried away by the Troops and Indians under the Command of General Vincent in July, 1813, when on the advance from Stoney Creek at 15/ each. £35.11.0

"37 Fat Hogs taken from my Distillery at 20/ each. £37.0.0

"One Horse Waggon taken by Doctor Thomas for use of the Hospital (never returned) on the retreat in October. £15.0.0

"A receipt given by Mr. Ingham of the King's or 8th Regt. for thirteen days of my Team which I afterwards lost and never received Payment for at 15/ £9.15.0

Total £98.5.0

After the second retreat of the Army in October, 1813, his known loyalty and the fact that he was an Officer in the Militia and a Magistrate was considered a sufficient pretext for raiding his house and carrying him away as a Prisoner of War. In a second raid his Distillery was destroyed.

"Statement of Damages sustained by a Party of the American Army under the Command of General Porter and Colo. Hopkins to George Adams of the Township of Grantham in the month of October, 1813.

"Two Dispatch Horses which had just come off duty from Major General Vincent, taken by General Porter upon the 11th October, 1813. £50.0.0

"Two Saddles and Bridles, Ditto. £10.0.0

"A Large Distillery with three Copper Stills, &c., Burned & Destroyed by a Party of the American Army under Command of Col. Hopkins on the night of the 19th October, 1813. £250.0.0.

"This Distillery was situate in the Village of St. Catharines in the Township of Grantham and was occupied as a Bakehouse for the use of his Majesty's Troops from the time of Genl. Vincent's advance from Stoney Creek untill the Retreat from the Cross Roads in October. Total, Halifax Cy. £310.0.0

ADDENDA

The following interesting contemporary account of the Battle of Queenston Heights has been communicated to the editor by the kindness of Mrs. James Brighty, of St. Catharines. As it contains various particulars of that conflict not found in any other account, no apology seems necessary for its reproduction as no copy of the "Bee" newspaper is known to be in existence, and the introductory comments of the editor of the "Gleaner," Andrew Heron, are not uninteresting.

EXTRACT FROM 'THE GLEANER AND NIAGARA NEWSPAPER', SATURDAY, JUNE 23, 1827, VOL.10, NO. 32.

"We have inserted from an old copy of a weekly called the "Bee," edited by Mr. Durand, an account of the Invasion of this Province at Queenston, during the late War, and containing the manner by which our beloved and much esteemed General Brock came to his death, not doubting but it will be interesting to our readers, although an old story.

"A few copies of the transactions of that uneventful day have been struck off and are for sale by the person who had the care of Brock's Monument.

"We believe there are few travellers who pass the road from the Falls to this Town, but will take the opportunity of enjoying for some minutes, the charming and extensive prospect from the platform of that monument. We understand that a good telescope had been provided which will add greatly to the delightful prospect.

"The extraordinary lenity shown to the Militia Prisoners taken at Queenston was very impolitic, and we now know had no good effect. Had they been taken bravely defending their own country, every person would have approved of these measures. They would have then been performing a sacred duty, but when they volunteered to invade a foreign country, they deserved less lenity than regular troops, who are obliged to go wherever they are commanded. This, however, was only a continuation of the wretched policy that had been advocated by those who ought to have known better, which led to the ruin that followed on this Frontier.

"Immediately after the Declaration of War by the United States, General Brock made preparations to take possession of Fort Niagara, which it was well known and could easily have been done - the works in a ruinous state, and only a few men. Unfortunately a Council of War was held at which some of our country gentlemen acted a prominent part and advised the General not to cross the line - the reason assigned was, forsooth, that it would irritate the enemy.

"During the time of the Battle of Queenston, it was known that every person had fled from the Fort, and although the General was urged to allow possession to be taken, he declined. Now we have no hesitation in stating, that had the Fort been taken as it was afterward was by the Brave Colonel Murray, without consulting T.O. and W.D., and fortified as it afterward was, this Town would not have been destroyed, and of course the Frontier on the other side would have been safe, which was a loss to both sides, and a benefit to none."

(Reprinted from the "Niagara Bee" of October 24th, 1812).

"The unfortunate loss of the brave General Brock, early in the morning of the memorable 13th inst. in the Battle of Queenston Heights, for a while seemed to overcloud the brilliant sun of victory, and the people paused to mourn their country's friend ere public rejoicing for the glorious issue of the day could prevail.

The loss is truly great, and requires the pen of an able panegyrist to paint it in its proper colours; perhaps it is as well that it has fallen to our humble lot to blunt the poignancy of grief, from our inability to portray the numerous virtues of the fallen Hero now lost to the people of Canada - forever lost. General Brock was bold and daring, even to excess - utterly regardless of danger - his country's good - the honor of England - the fame of Britain was his leading star - onward he moved, and as he advanced swept in his

train a series of gallant achievements to the page of history -- terrible in battle - yet a most generous foe - a friend to humanity - he loved the inhabitants of Canada - their interests were his continual study, their rights and privileges his sacred care to preserve - none suffered under his administration - even the guilty wretch sued confidently to him for mercy - can it be wondered then that he is universally beloved, and that he is, alas, now equally regretted.

"He died in the honourable bed of a soldier - the Field of Glory - peace to his shade - the grateful tribute of many a friendly tear has fallen from the warrior's eye, and down the lovely cheek of a female beauty, in sad recollection of their forever lost friend.

"The morning of the 13th, most dreadful retribution was taken on the enemy for our misfortune - the carnage in the boats as they were crossing to invade our shores was horrible - whole boatloads of the enemy were annihilated by the fire of our Artillery and gallant soldiery, whilst other overwhelmed with terror, took refuge in a watery grave - until about a quarter of an hour previous to the death of General Brock, every effort of the enemy to succeed in landing was foiled, except at the extreme point in the Queenston bottom, which from its situation, was entirely out of reach of our canon - at this particular spot, they had succeeded before break of day in landing a part of the 13th Regiment and three boats of Militia, and even here they were surprised by a detachment from the Head of the Lake Militia and a party of the 49th, who discovered them as day was dawning, all formed close under the hill. The enemy received a volley, lost six men killed and wounded, and retired to their boats under cover of a steep bank, from whence a continued fire was kept up, and returned from our side for about an hour with the loss of one man killed and four wounded.

"It was from under this bank and the ledge of rocks up the river that the enemy first attempted to ascend a fisherman's path up the mountain, shaded by small trees and shrubbery from the view of our troops at the battery and elsewhere, at least until they got up in considerable numbers, when they were discovered by a party near the stone house of Mr. George Hamilton, and immediate information sent from thence, twice, toward the Battery, stating the circumstance - the first intimation was unfortunately disregarded, and the last, when the General himself was notified, a small party of about 30 to 40 men were ordered to march with Lieut. Col. McDonnell, joined by Major Robinson (Probably Major William Robertson of the First Regiment of Lincoln Militia, a step-son of Robert Hamilton), as a Volunteer, from the battery along up the mountain to drive them back again - by this time however, they reached the summit they found the enemy formed to the amount of 200 men, who immediately commenced firing, and from the superiority of their number, succeeded in driving our men back and came down on the Battery, from which General Brock and his small force retreated toward Queenston.

"It was a small field near to the Tavern, formerly occupied by one Miller, that General Brock received his mortal wound, supposed to have been a musket shot fired from near the Battery, and which entered below his breast and lodged near his backbone. The brave Chief rallied his men and was in the act of cheering to the charge part of the Light Company of the 49th & some of the Militia when the fatal ball was received, his exclamation was "push on, never mind me' - and well did the men perform the orders, for notwithstanding the disadvantages of being obliged to ascend the hill exposed to a heavy fire from the top (which by this time was covered with troops who had followed up the path before mentioned), and a cross-fire from near the edge of the rocks on the river,

where they found a fresh reinforcement of them, and who in their turn, succeeded in forcing our party to retire on St. David's and Vrooman's Battery, and for a while they remained in possession of Queenston Heights and the Hill Battery.

It was in the engagement last named, that we regret the loss of Lt. Col. McDonnell, A.D.. to General Brock - he was shot while on horseback, encouraging the men. The Province of Upper Canada, by the death of Col. McDonnell, has been deprived on one of its most enterprising young men - the discerning eye of the Major General had singled him out. and was forming his mind to have become a prominent figure among us - fortune had already begun to lavish her favours, and her blushing honours stood thick upon him - he has appeared and passed away from us like a brilliant meteor in the firmament.

"His remains were interred beside his beloved friend and patron, General Brock. But to return to our cursory account of the engagement.

"Immediately after the enemy's getting possession of the heights, &c. it was thought prudent to retire on Vrooman's Battery to wait for reinforcements from Niagara; a party of Indians first arrived, commanded by Captain Norton, who advanced through the fields towards the mountain, and soon after the appearance of Major General Sheaffe gave new life and spirits to all present. His Honour was accompanied by his Aide de Camp, Mr. Coffin (Lieut.Col. Nathaniel Coffin, brother-in-law of General Sheaffe (1783-1846) afterwards Adjutant General of the Militia of Upper Canada), Captain Glegg (Major John Baskervyle Glegg of the 49th Regiment, A.D.C. to General Brock.) Capt. Holcroft of the Artillery, &c. &c. The most judicious dispositions were instantly made; full confidence seemed to inspire both regulars and militia, and they took the route through the enclosures towards the mountain, having along two field pieces. The Indians, by this time, had brought the enemy to an engagement, and gave them a fair sample of what the remainder of the day was to afford them.

"These brave tenants of the woods remained on the mountain, and kept the enemy in check, whilst some of them like a flaming beacon, stood prominently on the jutting rocks as a guide to our main body where to ascend most securely - nothing could be more forcibly impressive. The summit was gained with perfect ease and good order and the 41st and 49th advanced against the fore, having on their left flank the Indians and Light Infantry of the 41st, and on their right, all the Militia.

"In this order they marched onward till they reached the point of formation, in a field belonging to Mr. Phelps (Probably Elijah Phelps, see Russell Papers, Vol. II, p. 297.) adjoining the main road from Queenston to the Falls, and then a further reinforcement joined, of Regulars and Militia from Chippawa under the command of Col. Clark (Lieut.-Col. Thomas Clark of the Second Regiment of Lincoln Militia (1770-1837), a member of the Legislative Council from 1815 until his death) and Captain Bullock. (Captain Richard Bullock of the 41st Regiment, afterwards Adjutant General of Militia for Upper Canada).

"The attack now began, the Indians and the Light Infantry of the 41st on the right, and the two small field pieces dealing out a most tremendous fire upon the enemy who were in a small piece of woods that skirted the Queenston Camp. It was now that the rash invaders rued their attempt and fled with precipitancy, terror adding wings to their feet, and depriving them of reason. They hurried one another over the rocks and precipices with the utmost consternation, and with a degree of destruction not to be

described; the dead, dying and mangled lay in heaps under the rocks, whilst the river received an immense number in its deeply bosom.

"A flag of truce from those that remained, begging for quarter ended the day, and General Wadsworth, Colonel Scott and 71 other officers, together with 853 men were made prisoners of war. The enemy's loss in killed and wounded could not be less than 400 or 500 men, whilst ours, strange to tell, consisted of only 11 killed and 80 wounded. The Indians lost only 5 men and 9 wounded. At any time during the day our force did not exceed 750 men -- that of the enemy, from the misstated Buffalo account was 1300 but we think that it was 1500 at least. To point out any particular officers or men who distinguished themselves in the late contest would be improper, where all did their duty so manfully, 'twere invidious to remark - the result - the glorious result - speaks too plainly to be misunderstood how nobly each arm upheld its country's cause.

"Shall we omit to return our humble thanks to the God of Battles for his merciful aid on this splendid occasion? Inhabitants of Canada, it is most manifest that the hand of Providence is with us, highly approving the justice of our cause, and smiling at our efforts and struggles for our rights and liberties! He - He it is that gives us victory; then let us ascribe all to him, implore a continuance of His blessings and support - and come, Americans, come in legions of myriads to invade our land and you will find in Canada, an untimely grave!

"On the 18th, all the American Militia, who were taken prisoners at the Battle of Queenston, including the officers (and the wounded men indiscriminately), were sent across the river on their parole not to serve during the war, and even the officers' side arms were returned to them.

"We do not mean to criticise acts of our executive, but surely such lenity is not to continue forever! We only wish that the people on the other side may feel that gratitude for such unexampled generous conduct which it merits - no doubt it has been the consideration that the innocent militiamen were actually forced at the very point of a bayonet to cross the river, that induced His Honour Major General Sheaffe to take pity on them. It is impossible, however, but that such generosity must strike even to their hearts, and when these men return to their peaceful home and hear old England's name abused and vilified, they will raise up involuntarily and deny the charge, and tell the wicked partisans of France, 'tis false and villainous all that you say, for he we stand a living proof of the friendship of the British nations towards our country, and it is your base and insidious policy alone that has heaped such disgrace upon our country, and caused the murder of our fellow citizens."

The printing press, used in the publication of the Guardian Newspaper, had been sold early in June, 1812, to Richard Hatt of Ancaster, and his associates, who began the publication of the "Bee," having engaged James Durand as editor. The vivid and circumstantial account of the Battle of Queenston, reprinted above, apparently from the pen of a participant, was probably written by him. He commanded a flank company of the Fifth Regiment of Lincoln Militia, recruited near the head of Lake Ontario, in the Battle of Queenston and his services were favourably mentioned in General Sheaffe's official letter and in general orders. In 1816, he was elected to represent the west riding of the county of York and the Townships of Ancaster and Saltfleet in the Legislative Assembly in the place of Abraham Markle, who had been expelled for deserting to the enemy. He became an active opponent of martial law. At the general election of 1816,

he was elected as one of the members for the new county of Wentworth, but was expelled for libel on 7th March, 1817. He was re-elected and sat in the Assembly until 1820. He was a native of Wales, born in 1775, and died at Ancaster in 1833.