

"About noon Lieut.-Colonel De Haren arrived from St. Catharines, and brought with him 120 infantry, 25 or 30 dragoons, and some Provincials.

"The enemy occupied in force the road upon which the detachment had marched. Lieut.-Colonel Boerstler collected the effectives of his command, formed them into column and gave in person his orders and the explanation of his object, 'to clear the road by a charge and retreat to Fort George.' His force under arms was diminished by one third, not altogether by death and wounds but partly by the various causes which conspire to thin the ranks of all troops during an engagement. All the wounded were brought to the centre of the column and there were but two wagons to receive them.

"When the column was ready to be put in motion, a British officer advanced and demanded its surrender. The demand was instantly and decisively rejected by Colonel Boerstler; the officer retired and presently returned with a renewal of the demand, stating the great superiority of force, and proposing that an American officer be sent to view them. Lieutenant Kearney, of the 14th Infantry, was accordingly sent, but a senior officer having come upon the ground, refused to permit the examination, but renewed the demand for a surrender. It was added that the American wounded could then be protected, but if the action recommenced, they (the British officers) could not be responsible for the conduct of the Indians.

"Lieut.-Colonel Boerstler referred to the officers about him for their opinion. They decided to surrender if honorable terms could be had, and the detachment was accordingly surrendered, prisoners of war, the officers retaining their horses, arms and baggage.

"The force of the enemy at the time of the surrender amounted to 700 or 800 men, comprising between 450 and 500 Indians, about 300 regulars and Provincial infantry, 25 or 30 dragoons, and a small number of fencibles, and exclusive of 250 Infantry following Lieut.-Colonel Bisshop from Twenty Mile Creek, and arrived near the ground at the close of the action.

"And it does not appear, but the contrary is proved, (so far as a negative can be proved) that Lieut.-Colonel Boerstler sent any messenger to Fort George to demand reinforcements, and to say that he would maintain his ground till they arrived.

"Whereupon the court respectfully submit to the Honorable, the Secretary of War, the following opinion:

"That the march of the detachment from Fort George to the 'Beaver Dams' on the 23d and 24th June, 1813, under the command of Lieut.-Colonel Boerstler, was made in an orderly, vigilant, and military manner.

"That the personal deportment of Lieut.-Colonel Boerstler in the action which followed, was that of a brave, zealous, and deliberate