

Court are further of opinion that the imputation contained herein against Lieut.-Colonel Dennis is by no means supported by the evidence.

As to the 5th Charge.—That as to this charge nothing which has transpired in the evidence offered before this Court having varied the report made by Lieut.-Colonel Dennis to Colonel Lowry, the officer commanding on the Niagara frontier, as published in the Gazette of the 23rd of June last, and finding that the statements therein contained are fully supported by evidence before the Court, this Court are further of opinion that this charge is not sustained.

As to the 6th Charge.—That with reference to the allegation of misconduct on the part of Lieut.-Colonel Dennis contained in this charge, the officers preferring it, having based that assertion on an opinion which they appear to have formed as to the course which ought to have been, but was not adopted by Lieut.-Colonel Dennis with the force at his disposal, the Court are of opinion that although subsequent events and results may have properly led to the conclusion that such a course might have resulted in the manner alleged in the charge, no charge of misconduct in not adopting such a course is sustained, first, because it does not appear from the evidence that at the time when it is alleged that this course might have been successfully adopted, the officer in command had foreseen occasion for it. And also because it is by no means clear to the Court that there was time after he became aware of the vicinity of the enemy to have taken the steps suggested in this charge.

(Signed) GEO. T. DENISON,  
Colonel, President.

J. SHANLY,  
Lieut.-Colonel.

S. B. FAIRBANKS,  
Lieut.-Colonel.

Fort Erie, 8th November, 1866.

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Colonel Denison, the President, having been overruled by the majority of the Court, has signed the proceedings as its