

officer, and the conduct of the regular officers and men under his command was equally honorable to themselves and to their country.

"That a retreat from the field after the force of the enemy had been ascertained could not be justified on any military principle, and if attempted in column, must have exposed the men to certain death in their ranks, with very little means of resistance; if by dispersion, the immediate massacre of the wounded and the slaughter in detail of a multitude of exhausted and tired fugitives, must have been the inevitable consequences.

"That the surrender was justified by existing circumstances, and that the misfortune of the day is not to be ascribed to Lieut. Colonel Boestler, or the detachment under his command.

"And the Court is unanimous in the expression of this opinion and foregoing report of facts."

"(S'gd) JAMES P. PRESTON,

"Colonel 23rd Infantry, President.

"Attest: LEWIS B. WILLIS,

"Captain 12th Infantry, Recorder."

EXTRACT FROM DEPOSITION OF MAJOR GEN. LEWIS.

"To the sixth and seventh interrogation, this deponent answers: That he was frequently pressed to send a detachment to the vicinity of the Beaver Dams, during the latter days of his command at Fort George, which he always resisted, because the position and means of the enemy enabled him to reinforce with the greater facility than the American army could. So strong were these impressions on the mind of this deponent, that when he quitted that command he earnestly advised the gentleman on whom it devolved to resist the youthful, ardent spirits which would probably beset him on the subject; assuring him that any detachment sent on that service, unless very powerful, would probably be sacrificed, and be, perhaps, thereby disenabled to take possession of the heights, when the necessary transportation could be furnished, which this deponent was of opinion ought to be done."