

A
PATRIOT GENERAL

BY

THE HON. WILLIAM RENWICK RIDDELL, LL.D.

Fellow of the Royal Historical Society, Etc.



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AFTER William Lyon Mackenzie's failure in the rebellion of 1837 he made his way to the United States, arriving on the south side of the boundary line December 11th of that year. The following evening he addressed a large crowd in a Buffalo theatre, and there for the first time met Thomas Jefferson Sutherland. Sutherland was an American citizen of Scottish descent, and at the time living in Buffalo. He at once threw himself into the movement to assist the Canadian insurgents, showing decidedly more ardour than discretion. He was much more enthusiastic than Mackenzie himself in drumming up recruits, and his showy street displays called down on him the rebuke of the suffering, ardent Mackenzie.

Sutherland was of no very high type. Theller, his comrade and co-Brigadier-General, calls him "a plumed popinjay and blustering Bobadil" whose subsequent conduct "was but an exposure of imbecility, indecision, avarice, meanness, treachery, and cowardice; he had neither firmness nor fortitude, he had neither skill nor daring." He was, however, of somewhat imposing personal appearance and was gifted with a copious flow of words, which some considered eloquence.

In common with most of his countrymen, he believed that Canadians were groaning under the iron heel of monarchical tyranny and that three-

fourths of them were disposed to try an appeal to arms to establish political independence. He describes himself as "an ardent admirer of democratic institutions and an enthusiastic advocate of political freedom," and he entertained "the desire to obtain the . . . applause which might . . . accrue to . . . the agents in the establishment of another independent republic on the continent of America."

It was to Sutherland that was due whatever credit might attach to the plan of occupying Navy Island, and he was made second in command of the Patriot Army (then under Van Rensselaer) with the title of Colonel. While by no means of the influence, capacity, or military experience of Van Rensselaer, he could and generally did keep sober, which is more than can be said of his chief.

Some five or six hundred men ultimately were mustered on the island, and there they formed a camp covered by the flag of independence with its two stars symbolical of the two Canadas.

Sutherland was always in evidence. When not at the camp, he was making for Canadian independence elsewhere. He got in Buffalo an extraordinary story that the Canadian authorities were sending a negro cook to poison all his gallant band, and he warned his forces accordingly.

In Detroit at the same time there was a similar movement in favour

of the Patriots; and toward the end of the year Sutherland was sent by Van Rensselaer to assist—perhaps to lead—that movement. He went by way of Cleveland, where he picked up a number of recruits from Ohio, and on January 8th arrived at the Detroit River on a small steamboat called the *Erie*. At Gibraltar he found a number of Patriots and some boats, among them the schooner *Anne*, loaded with cannon and muskets. He produced his credentials, and claimed the command of the force of about five hundred strong. A council of war was called, and though his demand was resisted for a considerable time, it was finally decided to acknowledge the Navy Island authorities and give Sutherland—now a brigadier-general—the direction of affairs, at all events until the Island of Bois Blanc should be taken.

Next morning Sutherland busied himself in the field of oratory. It was the anniversary of the battle of New Orleans, and he addressed the multitude, alluding to that glorious day, the glorious cause in which they were engaged, and wound up "with the poetic declaration that the God of Battles was smiling in the sunbeams, the sure harbinger of success." And indeed so He was; Sutherland's mistake lay in not determining on which side success was to lie.

Boats put off to attack Bois Blanc; the schooner *Anne* was mismanaged and drifted into the lake, but she was brought about to assist in the attack. But the island was abandoned by the British, and nothing came of the enterprise.

Sutherland, with his headquarters in a log shanty and his men gathered about fires near by, passed a cold night in their encampment. Next morning he passed over to the deserted island, but the *Anne* was taken with all on board by the British, who, Theller tells us, actually shot "with the manifest cruel determination of sacrificing life."

Probably it was this extraordinary

determination on the part of the opposing soldiers which influenced Sutherland the next day to abandon Bois Blanc and relinquish his command. He had found time, however, during the day to issue a proclamation inviting the patriotic inhabitants of Upper Canada to rally round his standard. "You are called upon by the voice of your bleeding country to join the Patriot forces and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance; to outrage your rights; to let loose upon your defenceless wives and daughters a brutal soldiery." Probably Sutherland believed all that, but certainly the Canadians did not.

He went to Detroit and was arrested; but, being released, he tried to organize another expedition of his own, issuing a new proclamation for that purpose. His efforts failed, and he resigned all military command, advertising in a Detroit newspaper the fact that he had retired from the Patriot cause. This did not seem to convince the Patriots that he had really left them, so he called a public meeting in Detroit about February 18th, 1878, when he made a formal statement that he had resigned his command and would have nothing further to do with the Canadian revolutionists.

A couple of days afterwards he set out for Buffalo, his residence, but at Monroe, a small village about forty miles from Detroit, he was robbed of money, papers, and baggage. Returning to Detroit, he learned that the thieves had been seen fleeing towards Sandusky, and on March 4th he set off across the ice from Gibraltar for Sandusky, with one companion only, a lad of sixteen or seventeen years. They were unarmed except for two old useless swords, the property of the General. Unfortunately for him, the well-known Colonel Prince was that day driving in a sleigh, with Prideaux Girty and Mr. Haggerty, along

the shore of Lake Erie, returning from Gosfield. About 4.30 p.m. Prince caught sight of the two men on the ice. He made up his mind that they were spies—he had a great eye for “sympathizers”—and made chase with Haggerty and some men whom they had met in the meantime. Prince had a gun, and the travellers made no difficulty in surrendering. Prince brought the prisoners to Fort Malden (Amherstburg), overruling the suggestion made by one of the party that Sutherland should be executed on the spot.

Colonel Maitland was in command at Fort Malden; he decided to send the prisoners down to Toronto. Sutherland seems to have expressed a wish to make a statement; at all events, he was brought before Colonel Prince, Major Lachlan, and Captain Girty, Justices of the Peace of the district, and did make a statement which was used against him at his trial. He was then sent to Toronto, where he arrived on March 12th, and was incarcerated with a number of his countrymen and Canadian rebels who had been taken prisoners.

An Act had been passed earlier in the year, January 12th, 1838, (1 Vic. cap. 1), which provided that any citizen or subject of a foreign country at peace with Britain who should be or continue in arms against her Majesty within the Province, might be tried by a militia general court-martial and, upon being found guilty, sentenced to death or such other punishment as the court-martial should award.

Sutherland was the first to be sent for trial by Sir Francis Bond Head, and he came before the court-martial the day succeeding his arrival at the capital (March 13th). The court was composed of Colonel Jarvis (President), Colonel Kingsmill, Lieutenant-Colonels Carthew and Brown, Majors Gurnett and Dewson, and Captains (John) Powell and Fry, with Colonel FitzGibbon as judge advocate. After preliminaries on three days, on March

19th the prisoner was asked if he had any objection to make to any member of the court. The members of the court-martial being jurors as well as judges, challenge lies against any member. He challenged Major Dewson as being an officer in the British army; the law had been that no officer serving in any of his Majesty's other forces could sit on any militia court-martial, but that had been changed on March 6th, 1838, by an amending Act. This objection was overruled. He objected also that the President and half of the members of the court had never sat on a court-martial before. This, of course, was not a valid objection. He pleaded not guilty, and the trial continued on four days.

Prince and Girty gave evidence as to his capture, and others as to his bearing arms at Navy Island. Judgment was delayed for some time, but at length he was convicted and sentenced to transportation for life.

From an examination of the evidence, it is rather to be inferred that the capture was not in Canadian territory; the evidence is very conflicting. The inexperience of the President led to many irregularities, and though there can be no doubt that the prisoner had been in arms against her Majesty, it cannot be said that he had a fair trial. He cross-examined the witnesses with some skill, but called no witnesses on his own behalf. He is said to have had the advice and assistance of George Ridout and others in the conduct of his defence.

While lying in prison, awaiting the judgment of the court, he is said to have offered the Lieutenant-Governor to give full information concerning the rebels, but Sir Francis declined to interfere. It is certain that, losing hope, he attempted suicide by opening his veins with a knife he had borrowed from one of the guards on the pretext that he wanted to make a pen. It was some time before he fully recovered.

Sir George Arthur, the new Lie-

tenant-Governor, and his advisers were in no small difficulty in respect to Sutherland. His trial was irregular, as they knew, and there was more than doubt whether he had not been arrested within American territory. They finally sent him to Quebec with other convicts. Theller says Sutherland was a coward and therefore refused to join in a plot to release themselves on the boat on the way to Kingston. The prisoners were lodged in the fort at Kingston for a night and then sent on to Montreal and Quebec, arriving in Quebec on June 15th, and all lodged in the citadel to await her Majesty's pleasure.

On the boat from Montreal to Quebec, the captain, who was an ardent Loyalist, refused to allow his cabin to be polluted by the presence of any Yankee brigand—this was on the orders of the owners, John Torrance and Company—so the prisoners were all packed in the hold. Sutherland seems to have defended his conduct in a spirited manner; he had the "gift of the gab" largely developed and liked to talk.

In the citadel some of the prisoners were smitten with smallpox, amongst them Colonel Dodge, who shared with Sutherland and eight other Americans one of the casemates; but Sutherland escaped the contagion. He occupied his time in writing a long and elaborate letter to Lord Durham, the Governor, setting forth the facts of his connection with the Patriot forces, his capture, and trial. This letter, dated July 4th, 1838, is well written, the argument is well sustained and logical, and the authorities cited such as are cogent. No one could frame such a letter without a knowledge of international law, and it is almost certain that Sutherland had the assistance of able lawyers—there were many at that time in Quebec, as in Toronto, who would lend their aid to a sympathizer.

More than a month afterwards he was notified that the matter had been referred to the home authorities, and

in the course of a few days after this notice he was informed that the Home Government had directed his discharge on account of the irregularities at his trial, but that he must give security not again to enter her Majesty's dominions. He was removed the same day to another room in the citadel, which he occupied by himself, and after some time was informed that the pardon signed by Sir George Arthur was irregular and had to be returned for correction.

Tired of waiting, he wrote to Sir George on October 8th, asking to be informed of the form and amount of the security required, if security was to be exacted from him, and he would like to procure it. He was informed that his own bail and two sureties in \$2,000 each would be taken as assurance that in a fixed number of days he would not be in any part of her Majesty's dominions, his own bail to be taken in Quebec, that of the sureties in Toronto. He tried his best to find sureties, but not unnaturally failed. He offered to pledge himself in any manner that might be prescribed, but was told that his word was valueless and that other security must be given. One of his comrades is said to have remarked that sureties would run no risk, for an ox-team could not draw Sutherland within sight of Canada again. He appealed to Lord Glenelg, the Colonial Secretary, in a carefully-drawn document, which he says he drew up in his "cell by the aid of a rush light, without reference to books or authorities" (which may be true) "and without consultation with friends or advice of counsel" (which in view of everything is almost certainly false).

On October 16th Theller and a number of his companions made their escape from the citadel, and Sutherland was removed to the "black hole" for safety, and kept there five weeks. Some months after he was sent to Upper Canada and unconditionally released. He made his way to the United States, and his subsequent

career is of little historical interest.

He wrote from New York on New Year's Day, 1840, a letter to her Majesty asking clemency for the Americans who had been sent to Van Dieman's Land; and the following year he published at Albany a small volume dedicated to the lawyers of the United States, which contains the letters to her Majesty, Lord Glenelg, Lord Durham, and Sir George Arthur, with an appendix containing the proceedings at the court-martial at Toronto, the statutes relating to court-martial, and a list of the captive American Patriots.

It is from this volume (of which

Kingsford must have had no knowledge), and Theller's gasconading "Canada in 1837-8," that most of the story is taken.

Theller finds no words too opprobrious to apply to his brother general: "Coward," "traitor," whose "lying . . . vanity and assumption of importance, as well as his playing the special spy upon us and the betrayal of our secret at Toronto, made all men despise him." We do not know Sutherland's opinion of Theller, but no one can read Theller's book without suspecting him also of "lying, vanity, and assumption of importance."