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ANOTHER PATRIOT GENERAL

By the Honourable William Renwick Riddell,

IN *The Canadian Magazine* of November, 1914, appeared an account of Thomas Jefferson Sutherland, a General in the "Patriot" army of 1838. The following article deals with his comrade Edward Alexander Theller, who hated and despised him and was hated and despised by him in equal measure.

Theller was born in Colerain, County Kerry, Ireland, January 13th, 1804, of a good family; he received a good education and distinguished himself as a linguist; even as a youth he became proficient in French and Spanish, an accomplishment that was to stand him in good stead in later life. At a rather early age he came to the United States, but retained to the end his love for his native land and (what he considered a necessary corollary) his hatred for England and all things English.

When the time came for him to elect his allegiance, he became an American citizen, formally forswearing all allegiance to the King in whose dominions he had been born. About 1824 he came to Montreal, where he studied medicine. A fellow student was Dr. Chénier, who was to become a prominent leader in the Rebellion in Lower Canada and to die in battle at the Church at St. Eustache. Some say that Theller was for a time a member of a free love community in New York State.

Theller practised medicine for a

time in Montreal and also carried on a drug store in partnership with Dr. Willson, after whose death he married his widow, Ann Pratt, a lady of some means, daughter of an English gentleman. He seems to have been convinced of his success as a medical man, especially in healing cholera.

His residence in Lower Canada increased rather than diminished his hatred of Britain; and in 1832 he removed from under the flag, settling in Detroit, which had been visited by an epidemic of cholera. Both in that year and in 1834, in another epidemic of cholera, he did good service as a physician.

A man of much energy, he prospered financially and in a few years he was the owner of a wholesale grocery store and also of a drug store; he was as well a physician in active practice in partnership successively with Dr. Lewis F. Starkey and Dr. Fay. He became one of the most prominent supporters in Detroit of the "Patriot" cause; and when an invasion of Upper Canada was planned in the winter of 1837-38 he was chosen as Brigadier-General to command the first Brigade of French and Irish troops to be raised in Canada. The "Sympathizers" were firmly convinced that it only required a force of invaders to appear, to cause the Canadians to rise *en masse* against the supposed tyranny of Britain. Theller, indeed, continued to believe that

excepting the Orangemen, "the vile Orange faction", and the Family Compact there were very few loyal Canadians. He writes: "Nor did I meet during all my stay in Canada with but two Roman Catholic Irishmen who were loyal or wished well to the British Government". He seems never to have heard of the Irish Roman Catholics of Peterborough, who marched from that place to Toronto in the depth of winter to offer their services to the Governor.

Theller was determined not to violate the laws of the United States by taking any part in levying a force or joining one in the United States. Taking advice from the United States District Attorney, he considered that joining out of the United States, an expedition which had come from there, even though it might have been previously and unlawfully set on foot within the jurisdiction of the United States, was perfectly legal and did not violate the American statutes. Accordingly, upon the day agreed upon for a rising opposite Detroit, he crossed over to Canada in a ferry boat and landed at Windsor.

The "rising" did not rise, and after a wordy encounter with the redoubtable Colonel Prince, Theller returned to Detroit. This was not the first that these two met nor was it to be the last time. Theller had previously been the cause of Prince being arrested in Detroit for a debt alleged to be owing to an Irish servant for wages; and the men were bitter enemies. Prince he describes as follows: "Dark and mysterious, cruel and vindictive, plausible but to deceive, he spared neither money, nor time, nor art to crush the spirit of reform and blight the hopes of the friends of Canadian independence". Prince in turn describes Theller as a "d—d piratical scoundrel".

An invasion was then planned from Gibraltar, about twenty miles below Detroit, and Theller made his way thither, still determined not to join the force or do anything except be-

yond the legal jurisdiction of the United States; so far, however, as his "advice was of service it was freely tendered and accepted"; this he calls being "nicely scrupulous about the law", but many a man has been hanged for less.

He crossed over from Gibraltar in a small boat into British waters and took command of the stolen schooner *Ann*. The following day, January 9th, 1838, when discharging the cannon with which the *Ann* was armed he received a blow on the head from the recoiling gun that felled him to the deck and down the hatch-way into the hold. Before he could recover himself, the *Ann* had been captured by the gallant Canadian militia. Stunned and senseless, Theller was dragged out by the victors, and upon partial recovery he found himself and his comrades under the charge of Lieutenant Baby. He was taken to the hospital, and when enjoying a refreshing and invigorating sleep was awakened by a kick on the ribs from his ancient enemy Colonel Prince who ordered him to be tied and taken to Fort Malden.

Next day, tied two and two and thrown into the bottom of a wagon, Theller and his captive comrades were sent off to Toronto, accompanied by a strong guard of soldiers and a dozen of the St. Thomas volunteer cavalry riding alongside and going ahead as scouts. The officer in charge of the escort was found to be an old acquaintance of Theller's, Dr. Beakenridge, who had studied his profession in Detroit in the office of Dr. Fay, Theller's former partner. But Beakenridge was "the son of an old revolutionary Tory" and "was well worthy of his sire"; and "this most ungrateful wretch", although Theller had "for months saved him from literally starving", treated the prisoners even worse than his instructions from Prince warranted.

After a tedious journey of five days they reached London, an "apparently flourishing village . . . on the

River Thames". Ten days in the London gaol passed before an order came for Theller and some others to be taken to Toronto. On this journey the prisoners were not tied.

The cavalcade passed through Brantford and Hamilton, and at length arrived at Toronto. The last words Theller heard before passing through the prison doors came from a "decent-looking man": Bad luck to your impudent face, you bloody Yankee! I hope I may never see you come out of that place until the morning you are to be hung".

On March 24th, 1838, he was presented with a copy of an indictment for treason and on April 6th was called to trial. Mr. Hagerman, the Attorney General, and Mr. Sherwood prosecuted, and the sole defence was that Theller was not a British subject but an American citizen. The Crown admitted that he was a naturalized American citizen, but claimed that "once a subject always a subject" and that he was still a British subject. The facts were proved, and the jury speedily gave their verdict: "If the prisoner is a British subject, he is guilty of Treason". Theller and some American writers preposterously contended that this was a verdict of acquittal; but by the law of England (then and until 1870) and by the law of Upper Canada, the prisoner was a British subject; and he was rightly convicted. Mr. J. E. Small, one of the leaders of the Bar and some time Treasurer of the Law Society, assisted Theller in his defence and remained his staunch friend. Theller describes Hagerman—"Handsome Kit"—as "a large man with an unmeaning, bloated countenance; his nose had been broken but whether in a midnight brawl or not I cannot say, but it gave a hideous and disgusting look to his face"; Sherwood was a "sprout of revolutionary Toryism"; Chief Justice Robinson guilty of "strange perversion", and the jury "all a packed jury of Tories"; the law "unjust, tyrannical and barbarous".

On April 10th he was called up for sentence; the sentence was, of course, that he should be drawn to the place of execution on a hurdle and hanged a fortnight thence, and that his body should be given to the surgeons for dissection.

The execution of Lount and Mat-George Arthur, however, determined King "an alderman and an Irishman too" for his burial in the doctor's "own family burial-place in the Catholic burying-ground". Thinking his petition to the Governor would be futile, he prepared for death. Sir George Arthur, however, determined to reserve his case for her Majesty's pleasure by reason of the great legal questions involved. Theller it is true, and those who accept his statements as gospel, say that his reprieve was due to a fear that the Irish troops would mutiny if he an Irishman were executed while the sentence of General Sutherland an American was commuted—*credat Judaeus Appella*.

On St. George's Day, Theller's faithful wife left behind at Detroit, came to Toronto from Lewiston by the American steamer *Oneida* and made her way to the gaol, while friends who were to present a new petition to Sir George Arthur were hastening to Government House. They soon brought the good news that those whom the prisoner calls "the tyrant and his minions of the perjured wool-sack and the Council" respited him from immediate death. It was currently reported that at the first petition the Council was equally divided, two for reprieve and two opposed, including "a bloodthirsty old Scotsman, Allen or Billy Allen as he was called, . . . who was decidedly for hanging and quartering and could not be persuaded to yield a jot . . . one of the Council, the Honourable Mr. Draper (Solicitor-General) being absent on the London circuit". However that may be, the second petition was successful.

Shortly afterwards he was visited in prison by the Honourable Aaron

Vail, who had been commissioned by the American Government to look into the situation of the American prisoners, but he could afford no relief.

An outbreak of smallpox induced the Government on the representation of "Dr. Widmore (*i.e.* Widmer) a good, kind-hearted man" to weed out the prison, and on May 15th some fifty-five prisoners were released after entering into recognizances to keep the peace for three years. Some returned to their Canadian homes, but "most of them preferred to leave the country, property and all and go into the United States". Next day orders came to remove Theller and others, twenty-five in all, to Fort Henry, Kingston. Escorted by a guard of negro volunteers, the unfortunates, chained two and two, were taken by Sheriff Jarvis to the Steamer *Commodore Barry* and huddled in the after part of the boat, closely penned in and still in chains.

A plot to take possession of the steamer and run her into Sackett's Harbour came to nothing, owing, Theller says, to Sutherland's cowardice. After remaining in Fort Henry overnight, Theller and the other nine American prisoners "were again placed under our sable escort and marched . . . to a boat," to be taken through the Rideau Canal to Lower Canada. Changing boats at Bytown (Ottawa), they made their way down the river to "Granville" (Grenville); then marched across about fifteen miles to Carillon and embarked on another boat, which took them to Lachine. At Carillon a negro soldier who had "been a slave in Kentucky, from whence he had run away" was drowned, and all Dr. Theller's efforts at resuscitation proved fruitless.

From Lachine they went by barge to Montreal and were incarcerated in the new gaol. Theller gives an interesting account of the conduct of the crowd who watched their march from the River to St. Paul's Street and from thence to New Market and thence

to the gaol: "The most abusive epithets against ourselves and country were made use of; such as d—d Yankees, sympathizers, pumpkin-eaters, wooden nutmegs".

The fare in Montreal gaol was an admirable contrast to that at Toronto: "Roast and boiled, fish and flesh, fricassees, ragouts, patés, innumerable, and even the *coup d'appetit* in the shape of good rum was not wanting. Brandy, gin and wine of all sorts and qualities were set on; and we poor hungry, half-starved wretches thought it must be queer fare to have in prison". It was no wonder that they thought "old Kidd, the jailer in Toronto, would stare could he but see such a table . . . or Molineaux, his deputy, the old skunk". But this food was not the regular gaol fare; it was a present from the political prisoners, "lawyers, notaries, priests, seigneurs and other wealthy landed proprietors". These prisoners also sent what they could spare of their clothing, such as shirts, drawers, stockings, shoes, which were much appreciated by the half-clad Americans.

The stay in Montreal was short; the prisoners were taken by boat to Quebec. They were put in the hold of the vessel, as the owners, John Torrance & Company, had given orders that the cabins were not to be polluted by the presence of any Yankee brigand. Touching at Three Rivers, a copy of Lord Durham's Proclamation was procured. Theller did not think anything would come of it in the existing miserable state of Canada. At Quebec they were lodged in the Citadel. An order came to send Theller to England, but in October he managed to effect his escape with several others. After lying concealed in Quebec for a short time, friends took him, along with Colonel Dodge, across the River and finally across the line.

They then went to Augusta, Maine, sailed thence by the Steamer *Vanderbilt* for Boston and thence to New York, where they met William Lyon

Mackenzie and several Patriots who had just arrived from exile in Bermuda.

Theller attended and addressed meetings with Mackenzie in New York, Philadelphia, Washington, and Baltimore in favour of the Canadian rebels, but the news from Canada was discouraging, and sick at heart he took his way homeward by the great western route, the national road. Crossing the State of Ohio to Cleveland, he took the stage for home, travelling day and night to prevent the utter folly of a proposed invasion of Western Canada from Detroit. He arrived in Detroit December 4th, 1838, too late to check the invasion which had already begun and which resulted so disastrously for many of the invaders.

On the second day after his arrival he was arrested to answer to an indictment which some of his friends, during his imprisonment in Canada and with a hope of procuring his extradition, had caused to be found against him for breach of the neutrality laws of the United States. In the following term, June, 1839, he was acquitted; perhaps the fact that the presiding Judge was Ross Wilkins, who had taken quite as active a part in the Patriot movement as Theller himself, may have had something to do with this result.

During the summer of 1839 Theller started a daily paper, *The Spirit of '76 or Theller's Daily Republican Advocate*, which he published for about two years; it had also a weekly edition.

In 1841 he published a book in two volumes, "Canada in 1837-38", which contains a history of the rebellion and

especially his own part therein. It contains a good deal of "fine-writing", much gasconading, much evidence of hatred of Britain, but little of value historically or otherwise. Unlike Sutherland's production, this work is quite common.

The cholera was raging in Buffalo in that year, 1841, and thither Dr. Theller went and resumed the practice of medicine. In 1849, hearing that there was in Panama an epidemic of yellow fever, he made his way to that city. He was met there in 1857 by Mr. Kingsford, who in his "History of Canada" gives an account of the meeting. He was at the time keeping the Cocoa Grove Hotel in the suburbs, a most beautiful spot.

He went from Panama to San Francisco, where he started and edited *The Public Ledger* and afterwards *The Evening Argus*. He died at Hornitos, Mariposa County, California, May 30th, 1859, in his 56th year. One of his sons who was in the United States Army was killed by the Nez Percés in 1877; the other two both lived in San Francisco; his only daughter married F. X. Cicott of Detroit and died in 1865 while her husband was Sheriff of the County, leaving a number of children.

Theller was "plump, full-figured, black-haired, with blue eyes, straight well-formed nose and high forehead, and about five feet six inches in height"; believed himself to be like Napoleon both in person and in genius, with a magnetic tongue, "an Irish enthusiast for anything opposed to Great Britain, a native born Fenian". So say those who knew him; but without he was a kindly soul, with an open heart and hand for the unfortunate.

