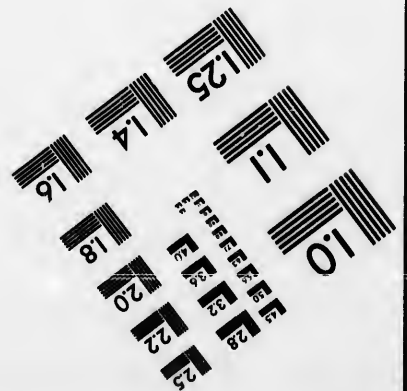
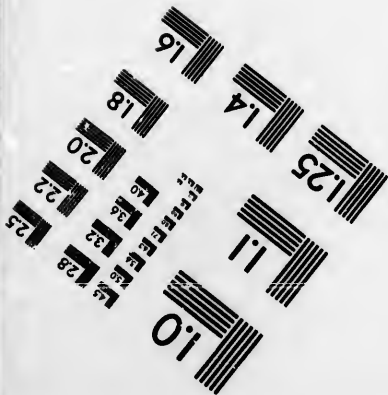
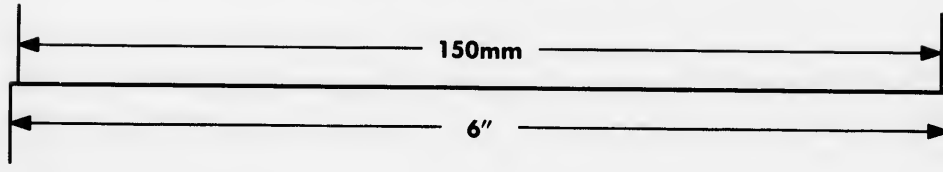
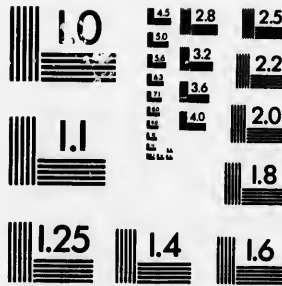
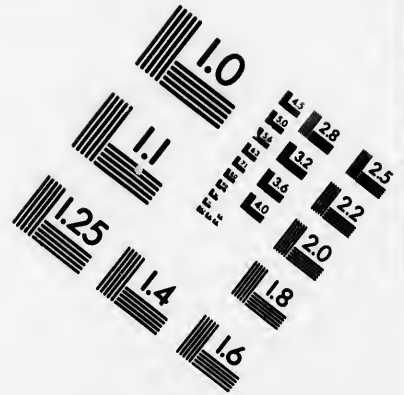
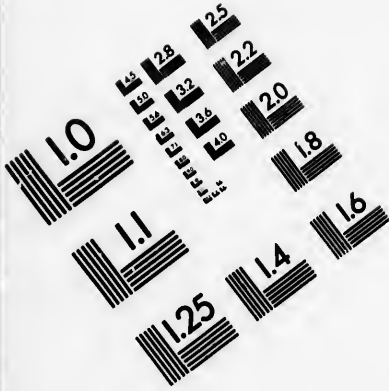


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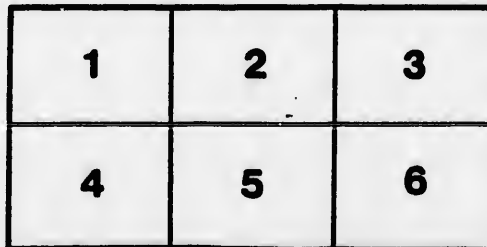
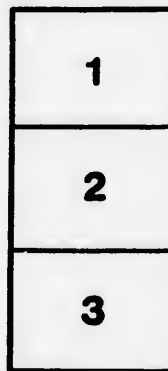
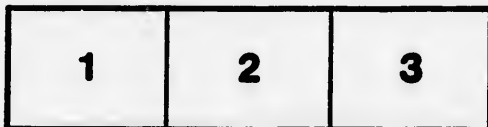
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COPY OF A DESPATCH, from His Excellency SIR FRANCIS B. HEAD, Bart. Lieutenant Governor of Upper Canada, to His Excellency HENRY S. FOX, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto 30th January, 1838.

SIR,

When I had the honor of addressing your Excellency on the subject of the destruction of the Caroline, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary misstatements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning—and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given—and it was with no less astonishment than disappointment that I found either the Government of the State of New York, or the Federal Government, adopting as true the most false and exaggerated statement of the destruction of the Caroline, and not hesitating to speak of that just and rightful act of self-defence, as an assistance to American Citizens. I must confess that I cannot but look upon the application of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from twelve to twenty-two peaceable Citizens of Buffalo were murdered in the Caroline, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their Country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been less justifiable. It is almost too obvious an observation to make, that if an army of American Citizens had taken up a position on their side of the Niagara River, at a point where no island was exposed, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd—whatever the result or injury it would occasion to American territory must be ascribed to that portion of our own Citizens who were in arms against their authority, and committing outrages on their offending neighbours. This being so, it can surely make no difference favorable to the United States, that the army of American Citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe that at a Criminal Court in the State of New York, an indictment has been found for murder against Captain Drew, and others who are supposed (but some of them erroneously) to have been present at the capture

of the Caroline. I cannot but believe that the American Government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this Province was driven by the outrageous aggressions of American Citizens. The British Nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels, the occurrences which have taken place on our western frontier, opposite to the State of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000, or 1,200 in number, with arms and artillery taken from one or more public arsenals, attempted to invade this Province—and did, indeed, actually possess themselves of the Island of Bois Blanc, in the River Detroit. With an armed schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms and military stores on board of her. A considerable military force is now stationed on our western frontier.

I send you the Proclamations issued by Mr. Sutherland, an American Citizen, who styled himself General of the 2d Division of the Patriot Army, VanKensselaer's band of ruffians, I suppose, forming the first. These will shew you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion, were several American Citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government. The American, I perceive, has called on Congress to provide \$600,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this Government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan, appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without any thing farther occurring that can give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American Government for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that in the conduct of the American Militia stationed on Grand Island, or in the construction which the Officers of the American Government seemed disposed to put upon the relative rights of the two Countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the law of Nations—they will follow a more unerring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Niagara Island three inhabitants of this Province have been killed—there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the country from whence they came in an armed body, to commit these flagitious outrages—if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the Province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised—it is not in the nature of things that it should be forborne.

I am upon the point of being succeeded in the Government of Upper Canada by Colonel Sir George Arthur; and I cannot depart from the Province without offering to Your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shewn by Your Excellency to discharge your delicate and important duties.

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satisfactorily and with effect. I can assure Your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the Minister of their Sovereign, for your conduct on this anxious and important occasion.

I have the honour to be,
With the highest consideration,
Your Excellency's most obedient humble Servant,

His Excellency HENRY S. FOX,

&c. &c. &c.

Washington.

F. B. HEAD.

PROCLAMATION.

To the Patriot Army of Upper Canada.

COMPANIONS IN ARMS!

True courage is always accompanied with high honor, and with mercy to a subdued enemy.

We fight not for plunder, or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered and driven from their wives and daughters dragged from their beds and exposed to the most outrageous insults, and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice and scorn and defy oppression.

Soldiers of Liberty! In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the army, will be allowed, without permission of the Commanding Officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the orders of the Officer having command.

Every person NOT IN ARMS must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one not in arms or regularly enrolled, will be permitted to follow the camp. Every soldier will be taken up and punished.

Companions and Soldiers!—We march to restore, not to destroy good order—to preserve, not to violate wholesome laws—to establish equal rights and justice, yielding to others as rigidly as we demand our own.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding 2nd Div. Patriot Army, U. C.

Head Quarters 2nd Division,

St. Blanc, U. C. January 9th, 1838. }

PROCLAMATION.

To the Patriotic Citizens of Upper Canada.

You are called upon by the voice of your bleeding country to join the patriot forces, and save your land from tyranny. Hordes of worthless parasites of the British Crown are quarrelling upon you to devour your substance—to outrage your rights—to let loose upon your defenceless wives and daughters a brutal soldiery.

Rally then around the standard of Liberty, and victory and a glorious future of independence and prosperity will be yours.

THO'S. J. SUTHERLAND,

Brigadier General,

Commanding 2nd Division Patriot Army, U. C.

Head Quarters, 2nd Division,

St. Blanc, U. C. January, 9th, 1838. }

PROCLAMATION.

To the deluded supporters of British Tyranny in Upper Canada.

You are required to lay down your arms, and return quietly to your homes. The patriot army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected, all your private rights preserved to you, your homes secured, your possessions untouched, on condition that you yield up your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your Rulers. We will secure to you all the blessings of freedom by a permanent and honorable tenure.

Avoid then the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance and all will be well with you.

THO'S. J. SUTHERLAND,
Brigadier General,

Commanding 2nd Division, Patriot Army, U. C.

Head Quarters, 2nd Division,
Bois Blanc, U. C. January 10th, 1833. }

(Copy.)

Sandwich, U. C.
6th January, 1833.

To His Excellency, STEVENS T. MASON,
Governor of the State of Michigan.

DEAR SIR,

As the organ of the Magistrates here, and by their desire, I lose not a moment to inform you, that from clear and unquestionable authority, who were eye witnesses to the fact last night, we learn that a schooner laden with arms, ammunition, provisions, and from eighty to one hundred men, left Detroit this morning on her way down the river, with the intention of either attacking this frontier, or taking possession of the Islands belonging to our Sovereign called Bois Blanc, and Fighting Island, or one of them. The schooner, I am informed, is called the "Anne,"—she is at this moment slowly proceeding down the river, and close upon your side below Spring-well, and is towed by a boat with several men in it; she has also two cannon on board. I am also credibly informed, that a large body of men are met at Fort Gratiot, for the express purpose of joining the rebels and fugitives from this country; and that the steam boat "Macomb," has proceeded from Detroit to afford them succour; and we are also correctly informed, that our enemies possessed themselves last night, from the Gaol in Detroit, of a large quantity of arms, and also a wagon-load of gun-powder, from the Powder-house in your city. We are further correctly informed, that they are raising Volunteers, arms and ammunition, at Monroe, to support the rebels and their adherents.

We rely on the sincerity of your declaration, that you as Chief Magistrate of the opposite State, will do all in your power to preserve the peace, to prevent your people from committing a breach of their laws, and to maintain the amity which at present subsists between Great Britain and the United States. We beg leave to repeat our former assertion, that we are prepared for any attack; but we again earnestly call upon you to take such immediate and energetic steps as will prevent bloodshed, and secure the peace of your countrymen and our own from being broken and destroyed. We at the same time beg to assure you, that no exertions on our part shall be wanting to attain that very desirable object; but unless prompt and immediate steps are taken, we will not conceal from you our firm conviction, that hostilities will have commenced, and blood be shed within the next few hours.

I have the honor to be,

Dear Sir,

Your very obedient Servant,

(Signed) JOHN PRINCE.

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DETROIT, 43
January 6th, 1838.

DEAR SIR,

Your favor of this morning has been received. I most sincerely regret that matters are assuming so serious an aspect on our borders. We have despatched a Marshal* to seize the schooner now proceeding down the river. The "Macomb" was stopped, her Captain arrested, and her lading examined, but nothing could be found to justify detaining her in port. A Deputy Marshal has been despatched to Monroe, and one to Fort Gratiot, with authority to call out the power of the respective counties to arrest all persons found in arms. A meeting of our citizens will be held at three o'clock this afternoon, to enrol a volunteer force to aid in enforcing the Laws in this City. I need not again express my determination to do all in my power to prevent the violation of the amity now existing between our Governments.

Very respectfully,

I am, &c.

(Signed) STEVENS T. MASON.

JOHN PRINCE, Esq., Sandwich.

* N. B. the Marshal did go down with about twenty-five unarmed men; when he got within hail of the Schooner, they cautioned him and his party not to come within thirty rods of her, stating that she knew nobody, and would not recognise any law or people; and that if he and his boat advanced nearer they would fire on him. He then returned to Detroit the same evening.

(Signed)

J. PRINCE.

(Copy)

BOIS BLANC ISLAND,
Malden, 8th January, 1838.
Six o'clock, A. M.

GOVERNOR MASON, &c.

DEAR SIR,

On the return of the Steam-boat "United" from her unsuccessful attempt last Saturday, to bring back to Detroit the Schooner "Anne," pursuant to Your Excellency's instructions, three companies of our militia, besides several volunteers, (of whom I form one) proceeded to Amherstburgh, with a view of defending that Town, and in hopes of meeting the rebels and their adherents and supporters at this place.

But I regret to say that we have, for the present, been disappointed; I however deem it proper to inform Your Excellency, as Governor of the State of Michigan, that the above-mentioned schooner was at anchor last evening opposite the lower end of Grope Isle, at a wharf near Gibraltar, and that she had on board seven hundred stand of arms, being no doubt the same arms of which she possessed herself from the gaol at Detroit. There are moreover many hundred of our enemies there, and they have some heavy cannon, which they fired about ten times last evening, and twice during the night. All these facts are within our knowledge. From the conversation which my friend Mr. Charles Baby had with Your Excellency on Saturday last, I was greatly in hopes that the schooner and her cargo, as well as many of her crew, would ere this have been taken under your authority, and dealt with according to law. I now, with the concurrence of my brother Magistrates, beg to enquire whether Your Excellency will permit our forces on this side to attack the schooner,† with a view of taking her and those who may attempt to defend her. If you consent to this our request, we will at once proceed to the attack; and we solicit this favor at your hands, because we are unwilling to commit any act which may be construed into aggression, or a breach, by us, of that amicable understanding which subsists between our Government and yours, notwithstanding our conviction that the men, and schooner, and arms in question, are intended to act hostilely towards Mr. Mercer, one of our Magistrates, has undertaken to deliver this to your Excellency, and a reply to him will be thankfully received by—

Your Excellency's Most Obed't.
Humble Servant,

(Signed)

JOHN PRINCE.

† She was at this time anchored on the American shore, and it was with the utmost difficulty that I was able, by my advice, to restrain our Men (Officers and all) from going from Amherstburgh in a large schooner, to attack and capture the "Anne," lying on the opposite side.

B

(Signed)

J. PRINCE.

HN PRINCE.

(Copy.)

ADJUTANT GENERAL'S OFFICE,
Detroit, January 8th, 1838.*To the Civil Authority of Sandwich, Upper Canada.*

I have the honor to inform you, by direction of His Excellency the Commander-in-Chief, that by twelve o'clock at noon, this day, the steam boats *Erie* and *General Brady*, will leave this City with a sufficient armed force, to proceed to the mouth of this river, to enforce the laws of the United States against armed men who attempt a violation of the same. This communication is given with the view of informing you of the fact, that His Excellency the Governor is with the detachment, and will do all in his power to allay this unfortunate excitement, and that you may understand this movement.*

Very respectfully, Your Obed't. Serv't.

J. E. SCHWARZ,
Adjutant General, Michigan.

* This movement was not attended with any good result. (Signed) J. PRINCE.

(Copy.)

AMHERSTBURG, UPPER CANADA,
9th January, 1838.
Four o'clock, A. M.*To His Excellency STEVENS T. MASON, Governor of the State of Michigan.*

DEAR SIR,

I presume that you have received my letter of yesterday's date. The enemy commenced her attack upon us about sun-set last evening, by firing two cannon shots. Her force, we are informed, consists of the schooner or sloop believed to be the "Anne," referred to in my former letter, also two scows and divers boats, a large schooner, three field-pieces, two twelve-pounders, and one six-pounder, besides a large quantity of arms, and some hundreds of men. One schooner, (the "Anne") sailed up in front of Amherstburgh, along the British channel, between the town and Bois Blanc; this evening our people fired upon her, (knowing her to be the enemy,) and she returned the salutation by two cannon shots. The steam-boat "United," which was very innocently bringing down some passengers from Sandwich to Amherstburgh, was also complimented with two musket shots from (as it is supposed) one or two American steamers proceeding up the river. The schooner, supposed to be the "Anne," then steered from Amherstburgh round the northern end of Bois Blanc. The large schooner is at anchor at the south end of Bois Blanc, and there are lights on Hickory Island, which induce a belief by us, that she has moved near her the scows and small boats above referred to. We assume that the enemy will possess himself (if he has not already done so) of Bois Blanc forthwith. He is lying at anchor opposite to us. We have no hesitation in pronouncing him to be regardless of all laws, and a plunderer and pirate. My object is to secure him, to make him amenable to the laws of this country, and in the name of the Civil Authorities of Upper Canada, as well as in the name of common justice, I now call upon Your Excellency, as the Governor of Michigan, to assist us the subjects of your natural ally, in preventing this enemy from touching upon, or holding any intercourse with the shores of Michigan, whereby we hope to be enabled to capture her, and to bring her to that bar of justice which will deal with her according to her merits.

I have the honor to be,
Your Excellency's Most Obed't. Humble Serv't.

(Signed) JOHN PRINCE.

Colonel Radcliffe, (the Commandant) here, among others. (Signed) J. P.

(Copy.)

DEAR SIR,

Your letter of this date has been received, and laid before the District Attorney of the United States. For your further information I enclose you the copy of a letter which I have addressed to the Magistrates of Sandwich, in reply to their communication of the same date.

Very respectfully, Your Obed't. Serv't.

To JOHN PRINCE, Esquire,
Sandwich, Upper Canada.

(Signed) STEVENS T. MASON.

DETROIT, January 9th, 1838.

GENTLEMEN

The frontier officially to I have as a desire to p and that of of a soverei give you my that the Ge States, with are all the r the powers certain laws tween itself diately to t Marshal, of of Michigan. he enforced cation when prompt and

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(Official.)

EXECUTIVE DEPARTMENT, DETROIT,
January 9th, 1838. 21 44

GENTLEMEN,

The controversy now pending in the Province of Upper Canada, and immediately on the frontier of this State, is beginning to assume so serious a character, that I deem it my duty officially to communicate to you my positive relatives and duties in the premises. Heretofore I have as an individual, rather than in my official capacity, expressed to you and others my desire to preserve the friendly relations existing between the Government of the United States and that of Great Britain, but in the ground now taken, I maintain the position of Governor of a sovereign and independent State of the American confederacy. I will abide by it, and give you my assurance that I will not abandon that position. You are perhaps well aware, that the General Government of the United States is composed of separate and independent States, with certain delegated powers to the Federal Head—amongst these delegated powers are all the relatives of peace and war and intercourse with foreign nations. In furtherance of the powers which have been surrendered by the States, the General Government have enacted certain laws for the preservation of neutrality, and the guarantees of the faith of treaties between itself and other Governments. The executive of these laws does not belong immediately to the State Authorities, but is vested in a District Judge, District Attorney and Marshal of the United States; when these Officers call on me as the Executive of the State of Michigan, conveying the information that the process of the United States Courts cannot be enforced without executive aid, my official duties begin, and not till then, but on every occasion when the contingency stated arises, you will find the constituted authorities of Michigan prompt and ready to discharge every duty incumbent upon them by the laws of their country.

In obedience to the requisition made on the Executive of this State, I have ordered the Marshal of the United States for this District, to enforce the process of this Court, and have dispersed* the armed force stated by you to have been assembled within the jurisdiction of this State, in violation of the Acts of Congress of the United States. It will therefore readily occur to you, that all further communication on this unpleasant subject must be addressed to the District Attorney of the United States. In reply to the immediate enquiries of your letter, I must state that whilst all persons proceeding from this State and found in arms within the jurisdiction of the Province of Upper Canada, have lost all claim to the protection of the laws of the United States, and of this State, and whilst all intercourse between the United States and foreign powers belong to the Federal Government, I cannot permit, without resistance, any invasion upon the soil of the sovereign and independent State over which I preside as Chief Magistrate.

I am respectfully, Your Obed't. Serv't.
(Signed) STEVENS T. MASON,

* They were dispersed for a few hours, but soon all collected together again. (Signed) J. PRINCE.
† Meaning my request that he would allow us to attack and take the Schooner anchored on their shore. (Signed) J. P.

(Copy.)

CHIPPEWA,
January 16th, 1838.

Sir,
Captain Drew, of the Royal Navy, who commands the Naval Department here, in the service of Her Majesty, has just informed me, that he has received a letter from you, stating that Her Majesty's Schooners are anchored in the waters of the United States, and that you anticipate a breach of neutrality between the two Nations.

I have the honor to inform you, that the rebels in arms against Her Majesty's Government abandoned Navy Island on the night of the 14th instant; that their arms and munitions of war are now on board the Barcelona Steam Vessel, in the Port of Whitehaven, Grand Island, and that it is the intention of the rebels to proceed in the same vessel to effect a landing in the western part of Upper Canada;—under these circumstances, it is my duty to watch the rebels, and to endeavour, by every possible and legal means, to arrest their progress, and to prevent their carrying their designs against Her Majesty's Government into execution.

Office,
8th, 1838.

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T. MASON.

If, however, to prevent the possibility of the breach of neutrality which you apprehend, you will undertake to stop the said steam-boat, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they have any of the rebels on board lately in arms upon Navy Island, or any of their arms or munitions of war, I will immediately give orders that Her Majesty's vessels shall merely remain in the Niagara river, as a squadron of observation, and without interfering in any manner with any vessel that may pass or repass upon any business whatever.

I have the honor to be, &c.

C. H. HUGHES,

Lt. Col. Commanding 24th Regt.

And Colonel Commanding Niagara Frontier.

Major General Scott, &c. &c.

Commanding United States Army, Buffalo.

(Copy.)

CHIPPewa,

January 21st, 1838.

Sir,

I have the honor to enclose the last communications between myself and General Scott, commanding the United States troops at Buffalo, which last answer I have only now received, and of which I request you will inform His Excellency the Lieutenant Governor.

I herewith forward the same to His Excellency the Lieutenant General.

I have the honor to acknowledge the receipt of your letter of the 19th instant. I have ordered twenty-five men of the Artillery to proceed to Niagara to-morrow morning, to embark for Toronto, under Captain Glasgow; and have given directions to Lieut. Colonel Cameron, R. A. that the ordnance, and ordnance stores, may be forwarded to Toronto, agreeable to your orders.

Lieutenant Crawley, R. E. is at present at Niagara, for the purpose of inspecting and reporting to you the state of Fort Missisagau; and I agree with you, that a Subaltern of the Royal Artillery should for the present be stationed there, and more Artillery-men than will remain from those to be taken by Captain Glasgow, on account of the number of guns which you propose to leave there.

I have the honor to be,

Sir,

Your most obedient, &c.

C. H. HUGHES,

Lt. Colonel 24th Regt.

And Colonel Commanding Niagara Frontier.

(Signed)

COLONEL FOSTER, &c. &c.

Commanding in Upper Canada.

(Copy.)

HEAD QUARTERS,
Eastern Division U. S. Army,
Buffalo, January 20th, 1838.

Sir,

I had the honor to receive, by the hands of Captain Maitland, your letter of the 16th instant, which enclosed one of the same date from Captain Drew, of the Royal Navy, and I have since received the communication of Colonel MacNab, commanding Her Majesty's militia and naval forces on the Niagara frontier, dated the 18th.

I begged Captain Maitland to offer you my numerous and pressing engagements as an apology for my not giving, at the time, a more formal acknowledgment of the first and second notes; and the same apology was repeated through Captain Glasgow, whom I have since had the pleasure to receive as a visitor.

Both Captains Maitland and Glasgow had opportunities, (and I was pleased that it was so) to witness the character of my occupations, which had for object the defeat, by harm-

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nizing all the authorities, civil and military, both of the General and State Governments, of the hostile expedition on foot, within our jurisdiction, against Her Majesty's neighbouring Province.

From the measures taken, and really to be applied, I am happy to repeat what I orally communicated through Captains Maitland and Glasgow—that I entertain a well-grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition, on this side of Cleaveland; and Brigadier General Brady, United States Army, under my command at Detroit, has taken measures, in conjunction with His Excellency the Governor of Michigan, to maintain the obligations of neutrality in that quarter.

At this place, I think we shall certainly be able to prevent any hostile embarkation; and the Steamer *Barcelona* has already been out, and will proceed again, the moment the wind shall permit, with a detachment of United States troops and the proper civil Officers, as high up the lake as Dunkirk, looking into Cataraque and Silver Creeks on the way. Another, and a better steamer, *The Robert Fulton*, will follow to-night, or early on the morning, with a larger detachment. The latter may go as far as Detroit, and certainly, the weather permitting, as high as Cleaveland. The object of both boats and detachments is the same—to prevent the embarkation of the hostile expedition.

As was explained to Captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honor to address to you my former note, and we, (the civil authorities and myself) are daily in the expectation of receiving a new Act of Congress, giving us yet more ample authority.

The steamer *New England*, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two countries may long be maintained.

It is with reluctance that I advert, and I shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, "to stop the *Barcelona*, or any other vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they may have any of the rebels on board lately in arms upon Navy Island, or any of their arms or other munitions of war," and so I said orally, through Captain Maitland, and added, that whilst I should be happy to do all that our laws would permit to maintain our neutral relations with Great Britain, I had another high duty to perform—that of preventing, by all the means I could command, the violation of the sovereignty of the United States. I said, in my note of the 15th instant to the Commanding Officer of the armed British vessels in the Niagara, that it gave me pain to perceive the armed vessels anchored in our waters, with the probable intention to fire upon the expedition moving within the same waters, and that I should "be obliged to consider a discharge of shots or shells from or into our waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two nations.

Captain Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another, which certainly, in time of peace, no functionary of the United States will ever question, viz.—the common right of both nations to navigate in all their breadth, the waters of the Niagara.

Colonel MacNab, who will pardon me for not addressing myself directly to him,—indeed have not the time, without neglecting some urgent duty of neutrality,—has opened upon me a wide field of complaint and controversy. What may be his peculiar views of international law, as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is also open to me, and I shall not fail, regard- ing of his admonitions, to apply it to current events.

I will, however, state to you, in the spirit of amity, that I knew where the steamer *The Barcelona*, was on the 15th, 16th and 17th instant, passing up from Grand Island to this port, and had no part of the *personnel* or *materiel* of the hostile expedition on board.

Colonel MacNab tells me that, but "for an unfortunato misapprehension of the orders given by Captain Drew," that that vessel—(she alone passed up) would have been assailed. More pacific than the Colonel, I shall call that misapprehension a most fortunate event; and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhappy affair of the *Caroline*.

As to the alleged discharge of arms from Grand Island, on the 13th instant, by a party of New York militia, upon the boat of Lientenant Elmsley, of the Royal Navy, and the correspondence which ensued between Colonel MacNab and Colonel Ayers of the New York militia on the subject, I have no knowledge except through Colonel MacNab. I shall enquire for that correspondence, and refer the whole subject for investigation to the proper State authority now present, only remarking at this time, that Colonel Ayers was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

General Arcularius, who has, I know not how, got into correspondence with Her Majesty's authorities on this frontier, has, I believe, returned to Albany. He held no command on this frontier, either under the State or General Government—being here, as I learn, as the agent of the former, to claim and to get possession of certain arms purloined from the State arsenals; many of these cannon and muskets have already been recovered, and we hope soon to recover the remainder.

I have received a note from Lewiston, stating that a ferry-boat belonging to that place and Queenston, has for some cause or other been detained on your side of the river, to the great inconvenience of our people in that neighbourhood. I make no complaint on the subject, because I am ignorant of all the material circumstances, but will suggest, whether it may not contribute to the restoration of good feelings on both sides, to permit the ferry-boat to resume her usual trips, particularly as I think I can assure all the Navy Island people have advanced up the country, to this place and beyond.

I have the honor, &c. &c.

(Signed)

WINFIELD SCOTT.

P. S.—I have engaged the New England, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of Erie.

(Signed)

W. S.

Col. C. HUGHES,

British Army, Commanding, &c. &c. &c.

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HEAD QUARTERS, 46
Chippewa, January 19th, 1838.

SIR,

It becomes my painful duty to report to you, for the information of His Excellency the Lieutenant Governor, that since I had the honor of commanding the Militia and Naval Force upon this frontier, three of our brave and loyal militia have unfortunately lost their lives in the service of their country, against the rebels and their piratical allies upon Navy Island. They were all killed by gun-shot wounds.

It cannot but become the imperative duty of His Excellency, as I am sure it will be his inclination, to communicate to our Ambassador at Washington, this additional proof of the disgraceful and murderous conduct of those citizens of the United States, who associated themselves with Mackenzie upon Navy Island, under the command of VanRensselaer, who has been recognized by some of the authorities in the United States as a General.

I have the honor to be,

Sir,

Your Most Obedient Humble Servant,

(Signed)

ALLAN N. MACNAB,

Colonel Commanding Militia and Naval Forces.

Lieutenant Colonel STRACHAN,

*Sec. Sec. Sec.**Toronto.*

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R. STANTON, Printer to the QUEEN'S Most Excellent Majesty.

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CORRESPONDENCE,

Between Colonel the Honorable ALLAN N. MACNAB, and Major General SCOTT, of the United States Army; together with the Deposition of SETH CONKLIN, a Citizen of the United States, in relation to the manner in which the American Authorities have observed the neutrality of their Government upon the Niagara Frontier.

SIR,

HEAD QUARTERS CHIPPEWA,

20th January, 1839.

I have the honor to enclose, for the information of His Excellency the Lieutenant Governor, the copy of the letter which I addressed to General Scott, remarking upon a correspondence between that Officer and Captain Drew, of the Royal Navy, together with the verbal reply of General Scott, as detailed in the enclosed report of Lieutenant Colonel Bethune to me. This Officer having been charged with my Despatch to General Scott, I take the opportunity of acknowledging his services, since he volunteered to accompany me while on this command.

I beg also to enclose the deposition made by a person of the name of Conklin, who was a prisoner among the rebels at Navy Island, showing the manner in which the Officer in command of the United States Forces upon Grand Island, has preserved the neutrality of his Government in relation to the late disturbances upon this frontier.

I have the honor to be,

Sir,

Your Obed't. Humble Servant,

ALLAN N. MACNAB,

Colonel Commanding Militia, and Naval Brigade.

(Signed)

Lieut. Colonel STRACHAN,
Military Secretary.

(Copy.)

To the Commanding Officer of the armed British Vessels in the Niagara.

HEAD QUARTERS, UNITED STATES ARMY,

Eastern Division,

Two miles below Black Rock,

January 15th, 1838.

SIR,

With His Excellency the Governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil and waters from violation.

The proper Civil Officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances it gives me pain to see the armed vessels mentioned anchored in our waters, with the probable intention to fire upon that expedition moving within the same waters. Unless that expedition shall first attack, in which case we shall interfere, we shall be obliged to consider a discharge of shot or shells from or into our waters, from the armed Schooners of Her Majesty, as an act seriously compromising the neutrality of the two Nations. I hope therefore that no such unpleasant incident may occur.

I remain Sir, respectfully,

Your most obedient,

(Signed)

WINFIELD SCOTT.

SIR,

HEAD QUARTERS, CHIPPEWA,

16th January, 1838.

I have had the honor to receive your letter of the 15th instant, in which you state "it gives you pain to perceive the armed vessels of Her Majesty anchored in your waters, with the probable intention to fire upon that expedition moving within the same waters."

The object I have in view is to prevent the rebels who have lately been in arms against Her Britannic Majesty upon Navy Island, and who have now taken shelter upon Grand Island, a territory of the United States, from effecting a landing in any part of the Province of Upper Canada; and for this purpose I have made such a disposition of the force under my command as will most effectually perform that service.

With reference to the vessels of Her Majesty being anchored in your waters, I have always understood, that so long as Great Britain and the United States were at peace and amity, that the right of the full navigation of the River Niagara belonged to each power; and if I have suffered an infringement upon any international law, I beg you will do me the favor to refer me to it.

I have the honor to be,

Sir,

Your most obedient humble Servant,
ANDREW DREW,

(Signed)

Commander in the Royal Navy,
Commanding Naval Brigade.

To GENERAL SCOTT, &c. &c. &c.

Commanding the Forces of the United States, &c. &c. &c.

HEAD QUARTERS, CHIPPEWA,

18th January, 1838.

(Copy.)

SIR,

The correspondence which has taken place between you and Captain Drew of the Royal Navy, during my short absence from this frontier, where I have the honor of commanding Her Majesty's Naval and Militia Forces, having been laid before me by that Officer, I beg to offer a few observations upon it.

You state that you, with His Excellency the Governor of New York, are near Black Rock, with troops at hand, to enforce the neutrality of the United States, and to protect your own soil and waters from violation—that the proper civil authorities are also present to arrest, "if practicable," the leaders of "the expedition" on foot against Upper Canada—that under these circumstances it gives you "pain" to perceive the armed vessels of Her Britannic Majesty anchored in your waters, with the probable intention to fire upon that "expedition" moving within the same waters—that unless that expedition shall first attack, in which case you will interfere, you will be obliged to consider a discharge of shot or shells "from or into" your waters, from the armed schooners of Her Majesty, as an act seriously compromising the neutrality of the two Nations—that you hope, therefore, that no such unpleasant incident may occur.

With regard to your views of the right of the expedition referred to, to pass up the Niagara River, near your shores, unmolested by the Forces under my command, I beg to enter my most decided protest. The waters of the Niagara River, for the purposes of Navigation, are, as Captain Drew has very properly said, common to the inhabitants of Great Britain and the United States, so long as these powers are at peace with each other; and that being the case, I cannot understand why the schooners under my command, and anchored in the river, have not the right to capture and destroy any expedition on foot against Upper Canada, and moving upon the waters of that river, whether on the one side or the other, or exactly in the centre of the stream. My own opinion is that they have that right, and had it not been for an unfortunate misapprehension of the orders given by Captain Drew, to the Officer in command of the schooners, that right would most assuredly have been exercised.

The second paragraph of your letter appears to me so much at variance with that neutrality which, in my humble opinion, should be observed upon the present occasion by Officers of the United States, that I cannot refrain from making a remark or two upon it.

I cannot understand why it should give an Officer of a neutral power "pain" to observe an intention on our part to punish the actors in an "expedition on foot" against this Province. It appears to me, that such an intention should rather give pleasure than pain to an Officer

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The Hon. AL
Commanding Militia

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situated as you are, who really desired to see the rebellion against the constituted authorities of Upper Canada put down; more particularly as the majority of the persons concerned in the hostile expedition were citizens of your own country, and were in fact in the situation of mere banditti.

I regret to observe an evident intention on the part of the authorities of the United States, stationed on the Niagara frontier, to screen the guilty actors in this disgraceful outrage against the laws, as well of Great Britain as of the United States, otherwise we should not hear those authorities speak of the "practicability" of arresting the leaders of that expedition, when so completely in their power, as those men are who lately occupied Navy Island.

I had, on the 11th instant, the honor to address Commissary General Arcularius, or the Officer in command of the United States Militia Forces, on the Niagara Frontier, upon the subject of an outrage committed by the Militia Force of the United States, stationed upon Grand Island, on Lieutenant Elmsley, of the Royal Navy, and the Boat's Crew under his command, but I have not as yet received any answer to my communication upon this matter. I may now briefly state, that the outrage complained of was the firing upon Lieutenant Elmsley, by the Militia Force alluded to, and directly under the American Flag.

I trust that you will cause an investigation of this serious charge to be made—and I have the honor to request that the result of your enquiries into this matter may be communicated to me with as little delay as possible.

I beg also to refer you to the correspondence that took place on the 13th instant, between Colonel Iron Ayer, of the 48th Regiment, 47th Brigade, New York Militia, in relation to certain complaints made by that Officer to me; in order that the same may be laid before the proper authorities in the United States for investigation—as I have no desire to conceal from the world any part of my conduct, whilst in command of Her Majesty's Forces upon this frontier.

I have the honor to be,
Sir,

Your most obedient humble Servant,
(Signed) ALLAN N. MACNAB,
Colonel Commanding Militia & Naval Forces,
Niagara Frontier.

Major General SCOTT,
United States Army,
Sr. Sr. Sr.
(Copy.)

HEAD QUARTERS, CHIPPEWA.

Friday night, January 19th, 1838.
I have the honor to report to you, that I proceeded to Buffalo with your Despatch to General Scott, of the United States Army, where I had the honor of an interview with that Officer this morning.

After General Scott had perused the Despatch, he desired me to inform Colonel MacNab, at a convenient time he would answer his Despatch in writing—that at present he could do so verbally. General Scott then remarked, that it was evident Colonel MacNab was anxious of drawing him into a correspondence, for which he had no leisure at present, as his time was wholly occupied in endeavouring to preserve the neutrality of the United States against the existing disturbances on our frontier;—that Colonel MacNab might have leisure for maintaining such correspondence, but he (General Scott) had not;—and that he had been so employed in maintaining the neutrality of the United States, two Officers of the British Army in the house (American Hotel) could testify.

I beg leave to remark, that General Scott appeared very much agitated on perusing your Despatch, and while he made the above verbal communication.

I have the honor to be,
Sir,

Your most Obed't. Humble Servant,
(Signed) D. BETHUNE.

Colonel,
The Hon. ALLAN N. MACNAB,
Commanding Militia and Naval Forces, Niagara Frontier.

(Copy.)

District of Niagara, } SETH CONKLIN, late of Syracuse, in the State of New-York, but now
to wit. } of Chippewa, in the Province of Upper Canada, Miller, deposeth upon
 oath and saith, that he went to Navy Island on Sunday the seventh of January, instant; that
 he left the Island on the following morning; that he was taken up by a party of the Militia
 of the State of New-York, stationed on Grand Island; that he was accused by said Militia
 being a spy on Navy Island, when a Sergeant of said Militia held a pistol to Deponent's
 breast and threatened to shoot him, and at the same time five or six of his men seized Depon-
 ent and dragged him to a boat, in which they attempted to put him, for the purpose of taking
 him over to the Patriots upon Navy Island; that at the earnest entreaty of Deponent, he was
 taken back to the Commanding Officer on Grand Island, Colonel Ayer, by who he was
 questioned as to where he had been, and why he had been at the Island; that Colo. Ayer
 then ordered him to be searched, upon which he claimed protection of Colonel Ayer, as an
 American Citizen; and Colonel Ayer said he should be protected, and gave him in charge of
 a Sergeant, who kept him a prisoner till after dark; that Major Chase, of the Navy Island
 Patriots, then came from the Island, to sup with the United States Militia Officers, when another
 Colonel of the United States Militia, a tall man, with a dark complexion, told Deponent that
 he must return to the Island; that Deponent again claimed from this Officer protection, as an
 American Citizen, but that he replied—"You shall go immediately, and if you hesitate we
 will force you." He said further, that if Deponent remained on Grand Island, he would be
 shot, and that if any disturbance occurred concerning him, he, the Colonel, would shoot him
 with his own hand. That when Major Chase, of the Navy Island Patriots, demanded Depon-
 ent, the last-mentioned Colonel said that he might take him; that Deponent again claimed
 protection as an American Citizen, when Major Chase said, if Deponent was allowed to
 remain on Grand Island he would escape and inform the British of the state of Navy Island
 but that the Sergeant who had him in charge wished, that to satisfy General VanRansselaer
 he might be sent to Buffalo Gaol, to which Deponent consented; that the rest of the Militia
 insisted upon his going to Navy Island, and that he entreated of them not to send him there
 alleging that he would certainly be shot before he got there; that the Sergeant then proposed
 for him to choose three men of the guard to accompany him. Deponent fearing that he should
 be murdered before he got there, did choose three men to accompany him, and he was taken
 by five Militia-men, namely, a Sergeant and four men of the United States Militia, in company
 with Major Chase, and delivered by them at General VanRansselaer's quarters, in charge
 Major Chase. Major Chase told the sentries at the head of the Island, to allow the boat with
 brought over Deponent to pass, as it was a friendly boat. That Deponent remained a prisoner
 upon Navy Island until the Patriots evacuated it, during which time he was kept in confinement,
 in a house on the south front of the Island, which was open to the fire of the
 British guns; and that three of their shot passed through the house whilst he was confined
 there.

(Signed)

SETH CONKLIN

Sworn before me at Chippewa, }
 this 18th day of January, 1838. } (Signed)

SAMUEL STREET, J. P.

