

A POLITICO-MILITARY STUDY OF THE DETROIT RIVER
BOUNDARY DEFENSE DURING THE DECEMBER 1837 -
MARCH 1838 EMERGENCY

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CURRICULUM STUDIORUM

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INTRODUCTION

The Rebellion of 1837 is the name which many historians have given to that series of violent occurrences involving Upper and Lower Canada during the years 1837 and 1838. Since the centre of this struggle evolved around the future type of government to be enjoyed by the Canadas, the historiography of this period has tended to concentrate upon the political aspects. Only passing remarks and outlines have served to depict the military side of the Rebellion, while nothing at all has been done regarding a politico-military study of the event.

This tendency to dwell upon the political as distinct from the politico-military sphere has also, in part, been due to the inherent complexities associated with any inter-disciplinary relationships, that is interpreting military science as a discipline. With respect to the politico-military approach, an historical appreciation of the political forces involved and the military measures adopted, in regard to their geographical setting, are requisite for a complete understanding of the subject matter. So too, the nature of such a treatment by definition dictates that perforce, it must confine itself in time and space.

In this thesis, the concentration is placed upon the Detroit River boundary area. During the opening phase of the emergency there, occasioned by the 1837 Rebellion, many

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Upper Canadians of the Western District became enveloped in the machinations of the Rebels and their American sympathizers, otherwise known as Patriots. How this entanglement came to pass, and what the Anglo-Canadian as well as the American officials did about alleviating the situation, forms the subject matter of this study.

The politico-military approach to these questions and their solutions, which is utilized, is from the Anglo-Canadian viewpoint. In essence, the purpose here is to evaluate the type and extent of control which the Colony's political and military leadership exercised over the military forces available to them. Then too, the effectiveness of the military measures actually undertaken is closely scrutinized to determine the real significance of these endeavours. It is in this process that a limited examination of the Rebel-Patriot forces and the activities of the American State as well as Federal Governments provides a greater understanding of the defensive arrangements employed by all the parties concerned.

The difficulties encountered in conducting the defense of the Upper Canada boundary were indeed numerous and varied. Basically, every principal civil and military official in the Canadas in addition to the British Colonial Secretary, had their own views as to how the campaign against the Rebels and Patriots should be conducted. The

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forces at their disposal consisted of the Militia Volunteers, the Incorporated Militia (the primary distinction between the two being that the former were recruited voluntarily and the latter compulsorily), the Indian warriors, and the British Regulars. The matter was then further complicated by the clashes of personality, the effectiveness of intelligence reports, the confusion in some public offices, and the delays of communications. All this formed an interminable web of complicity and duplicity wherein a defense effort was formulated and executed.

Co-related with the Anglo-Canadian scene were the developments in the United States. Diplomatic exchanges between the British Minister at Washington with the authorities in the Canadas and Great Britain on the one hand and their American counterparts on the other, served to initiate and clarify the policies of all governments involved with respect to the Patriot movement. And of course, there were the demonstrations and intriguing of the Rebel-Patriot forces themselves, which provided still another ever changing factor to be considered.

Finally, through the combining of all these elements we see the evolution of those events which transpired along the Detroit River boundary during the emergency. In their development, politico-military relationships are formulated, and it is through a study of these that we are able to

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understand the operation of Upper Canada's defense measures on the Western frontier between December 1837 and March 1838. By this undertaking we trace a pattern of human endeavour and reveal yet another page in Canada's history.

CHAPTER I

REBELLION BREAKS OUT IN THE CANADAS

In the year 1837 rebellion broke out in the Canadas. This probability had been foretold in Lower Canada through various signs of discontent, and the authorities there had taken the necessary military measures through troop concentrations to counter the success of any such exigency. The reverse situation held true for Upper Canada, where, despite local indications of dissatisfaction with the Government, "it was not thought unsafe to forebear for a time at least, to take any notice of the proceedings."¹ As a result of this attitude, no military preparations were taken to meet any possible emergencies, whether from internal uprisings or foreign invasions.

It must not be misunderstood that there were no military provisions made to meet any internal strife in the Upper Province. Indeed, the reverse was true. As early as July 5, 1836, General Lord Fitz Roy Somerset, Horse Guards,

¹ Public Archives of Canada, Ottawa, Record Group 7, Series Group 16A, Vol. 4, p. 36-48, Letter from Sir Francis Bond Head, Lieutenant-Governor of Upper Canada, to Henry S. Fox, British Representative to the United States in Washington, Toronto, January 8, 1838. For the sake of brevity, hereafter Public Archives of Canada, Ottawa, will be footnoted as P.A.C., while Record Group will be designated by the letters RG and Series Group by the letters SG.

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London, England, had informed Sir Colen Campbell, Major-General Commanding Her Majesty's Forces in Nova Scotia, that he (Campbell) "was directed in an emergency to furnish Military assistance to Sir John Colborne (Lieutenant-General) Commanding Her Majesty's Troops in the Canadas."² However, this was provided that the absence of such troops on temporary duty would not prejudice his Command.

In a letter of March 22, 1837,³ Somerset reaffirmed his previous instructions to Campbell adding that any reinforcements to Colborne must be requested by him. Somerset also assured himself that Colborne was aware of the possible additional troops upon which he could draw, by sending a covering letter to him stating that:

If the forces under your command are inadequate to perform the duties assigned by the Earl of Gosford (Governor-General) with respect to the internal situation in the Canadas, you are hereby authorized by the General Commanding in Chief to apply to the Major-General (Campbell) for reinforcements.⁴

2 P.A.C., RG 8, SG C, Vol. 608, p. 3-3a, Letter from General Lord Fitz Roy Somerset, Horse Guards, to Sir Colen Campbell, Major-General Commanding Her Majesty's Forces in Nova Scotia, London, England, March 22, 1837.

3 Ibid.

4 P.A.C., RG 8, SG C, Vol. 608, p. 1-2, Letter from Somerset, Horse Guards, to Sir John Colborne, Lieutenant-General Commanding Her Majesty's Forces in the Canadas, London, England, March 22, 1837.

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It thus becomes imminently clear that, with respect to meeting any military difficulties in the Canadas, Colborne could draw upon the Nova Scotia Command for British Regular reinforcements, who could be despatched anywhere within the Canadas. There were, however, obvious limitations in that such troops could only be utilized temporarily, and then only during the duration of peaceful conditions in the Nova Scotia Command. The weakness of this arrangement is immediately discernible in the fact that a number of incidents occurring simultaneously or spasmodically in widely scattered areas would automatically disperse all Regulars to duty in their individual Commands. This could conceivably bring about a situation, where the available forces would be spread too thinly to effectively deal with any one of the emergencies. Such a particular combination of circumstances was considered highly unlikely, in fact so unlikely as to cancel out any thought of expenditures to counter such a situation.

While an increase in the number of Regulars stationed in British North America would provide an impractical solution to the question of security, and could eventually disturb Anglo-American relations by raising the doubt as to the ultimate purpose of such forces, a more practical and less disturbing solution was at hand. The British had correctly assumed that only a major calamity

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would result in the complete dispersal of all Regulars. Such a calamity would provide, by the psychological factors inherent in any politico-military explosion, a period of forewarning, wherein further preparations could be set in motion. According to this logic, which is deducible from the arrangements actually executed, the Regulars stationed on this side of the Atlantic were to attempt to defeat or contain an enemy until Canadian Militia (including the Indians) could be mobilized and sent into action. Then again, if these forces proved inadequate to the task, they were to fight a series of delaying actions that would provide sufficient time to allow overseas contingents of Regulars to reach here, whereupon all the loyal forces would unite to deliver the enemy a coup de grâce.

Although we have here the general outline of how the Anglo-Canadian authorities proposed to counter force with force in the Canadas, more specifically, we also have the answer as to how any emergency along the Detroit River boundary was to be settled. The method by which a settlement was to be carried out, and the method which in fact was employed in doing so, however, are two distinct entities. Yet, apart from noting the existence of this plan for military action, our attention must needs concentrate upon the immediate circumstances that led to the implementation of the plan or its lack of implementation.

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In the first paragraph of this chapter, it was mentioned that because of many evidencies of dissatisfaction with the Government of Lower Canada trouble had been expected, and that the necessary military measures had been taken to counteract any eventuality. It was also mentioned that there had been indications of trouble coming in Upper Canada, but that the Lieutenant-Governor of the Province, Sir Francis Bond Head, had deferred from taking any action for the present. The reasons behind this decision were many and varied. It is evident, however, that Head was aware of some mischief being afoot, yet remained uncertain as to the degree of trouble that might be expected. As a result, he first sought the further discouragement of the malcontents by ignoring them. Secondly, he avoided making a military show-down lest the occasion be taken by the disaffected as a time for rallying, or lest they overpower the Regular forces sent against them through utilizing the element of surprise, and thus heap discredit upon the effectiveness of the Government of Upper Canada.

With this object in mind, that is countering the activities of the disenchanted in the Upper Province through ignoring them, yet keeping his forces strategically dispersed, Head contacted Lieutenant-Colonel Foster, Commanding Her Majesty's Forces in Upper Canada, with Headquarters at Toronto. In this despatch of October 28, 1837,

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Head informed Foster that "the number of troops at present at Toronto should not be increased until further orders,"⁵ and that Foster was to order "any spare detachments which are not required in Lower Canada to proceed to Kingston instead of to Toronto."⁶

Through this directive it can be seen that Head apparently expected the majority of trouble would emanate from Lower Canada. Despite the assumption, however, he elected to take no chances, by deciding not to increase his Toronto complement, thus avoiding any alarm. Instead, he tactfully decided to station any spare forces he might receive from Lower Canada in Kingston, where they would be equally accessible to both the Toronto Command and the Montreal Command. At Kingston their presence posed a psychological deterrent to the organization of demonstrations, as well as a physical deterrent to the perpetration of any violence.

Three weeks after the above mentioned communication, Colborne became convinced that there would be a great deal of trouble in Lower Canada.⁷ Uncertain of the support

5 P.A.C., RG 7, SG 16A, Vol. 4, p. 1, Letter from Head to Lieutenant-Colonel Foster, Commanding Her Majesty's Forces in Upper Canada, Toronto, October 28, 1837.

6 Ibid.

7 P.A.C., RG 7, SG 16A, Vol. 4, p. 9-11, Letter from Head to Governor-General The Earl of Gosford, Toronto, November 21, 1837.

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available to him from Upper Canada, apart from the British Regulars, he contacted Head requesting information as to the extent of the military assistance he might expect should an emergency arise in the Lower Province.

Head in making his reply, maintained his original policy by informing Colborne, that there was no need for any concern about the political situation in Upper Canada, but, nevertheless, he could not promise him any reinforcements from the Militia of Upper Canada. In justifying this decision, Head sent a despatch to the Earl of Gosford at Quebec on November 21, 1837,⁸ explaining the reasons for his action. A copy of this letter was also sent to Lord Glenelg, Secretary of State for the Colonies, Queen Victoria's Chief Minister responsible for administering British North America.

In Head's letter to Gosford, he stated that:

he has told Glenelg that he believes Mr. Papineau is trying by agitation to force the colonial administration into a position which will result in the House of Commons in England abandoning the Canadas rather than maintain a position which requires eight Regiments to defend it.⁹

Head continued, that he had recommended to Glenelg respecting the military arrangements,

that there should be no troops in Lower Canada excepting garrisons for Montreal and Quebec, and that Mr. Papineau should thus be driven from agitation

8 Ibid.

9 Ibid.

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to attack.¹⁰

As for the Colonial Office's handling of the situation, he confided that he was not aware of Gosford's opinion, but as for himself, he had consistently opposed them. In closing, Head stated that matters were quiet in Upper Canada, but that the seditious reporting of some newspapers, while abating, had done a considerable amount of harm.

Although no notice was taken of Head's proposals concerning military arrangements for the Lower Province, the Lieutenant-Governor proceeded to strengthen further his own position with respect to the Upper Province. More specifically, we will see that he set about to placate the Indians, so that their sentiments might be aligned in the proper direction should their services as warriors be required by the Government of Upper Canada. Whether this was the deliberate policy of Head or merely proved to be the indirect result of a general policy of caring for the Indians is not readily discernible. It is sufficient to state, however, that while the purpose behind the means is cloudy the end result is abundantly clear.

Respecting those bodies of Indians that were within the military environs of the Detroit River, and who could consequently be expected to render military service along the Western boundary, it will be found that several projects

¹⁰ Ibid.

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were in the process of being developed on the eve of the emergency along that frontier. One of these events occurred on July 17, 1837,¹¹ when the Chiefs and Principal Men of the Wyandotte Tribe of Indians residing in the Township of Anderdon, formerly the Huron Reserve, in the Western District of Upper Canada, held a Council. At this meeting they appointed the Superintendent of Indian Affairs for the Indian Department of Amherstburg, George Ironside, to be their Head Chief.

These Indians according to accepted custom sent a despatch to the Lieutenant-Governor in which they expressed their confidence in Ironside to act on their behalf and asked Head to confirm the appointment. Accordingly, on September 25, 1837,¹² Samuel C. Jarvis, Chief Superintendent of Indian Affairs with Headquarters in Toronto, notified Ironside, that his appointment had been approved, adding that he was regarded as the best man for the position in that District. From this point, it is possible to trace the leadership of Ironside over the Wyandotte Indians and his influence upon them down to and during the emergency.

11 P.A.C., RG 10, SG A7, Vol. 128, Letter from The Chiefs and Principal Men of the Wyandotte Tribe of Indians to Head, Township of Anderdon, July 17, 1837.

12 P.A.C., RG 10, SG A7, Vol. 128, Letter from Samuel C. Jarvis, Chief Superintendent of Indian Affairs, to George Ironside, Superintendent of Indian Affairs at Amherstburg, Toronto, September 25, 1837.

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Apart from the Wyandotte Indians there were several other tribes, all of whom were capable of supplying warriors for military service along the Detroit River boundary. From the document providing the Estimated Number of Resident and Visitation Indians Requiring Presents For The Year 1839 in Upper Canada,¹³ submitted to the Indian Department on November 10, 1837, it is possible to learn of the Indian disposition. This document contains a list of the number of male Indians classified according to nation, their place of residence, and status as chiefs or warrior, which in turn indicates their ability to render military assistance on the Detroit frontier.

According to this statement these Indians were: the Chippewa Indian Nation resident at St. Clair Rapids, Chennail Ecarte and River Aux Sables, including those Indians recently arrived from Sagenong; the Indian Nations of Huron, Chippewa, Shawanee and Munsee all resident at Amherstburg; the Indian Nations of Chippewa, Munsee and Moravia resident on the Thames River at Delaware; and the Six Nation Indians resident on the Grand River. They represented a total of 131 chiefs and 979 warriors, out of the 213 chiefs and

13 P.A.C., RG 10, SG A7, Vol. 67, p. 1-4, Estimate of Goods Required by the Indian Department as Presents to Indians in the annexed Numerical Statement for the year 1839, signed S. C. Jarvis, Toronto, November 10, 1837.

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2,255 warriors in Upper Canada due to receive gifts from the Indian Department as part of the 8,731 men, women and children on the 1839 gift list for the Province.¹⁴

The location of these Indians, the numbers due to receive Government gifts, the nature of these gifts i.e. whether Common Equipment or Full Equipment (the distinction being the former included fewer weapons of war than the latter) and their quantities,¹⁵ all contribute factors essential in making an accurate assessment of the Indian military potential. From this information prepared for 1839 it is clear that by late 1837, the preceeding number of Indians were available for military service along the Detroit frontier. A close examination of the goods being supplied these Indians reveals that hundreds of new fire-arms were to be distributed among them, such that they might become proficient in their use and inestimable value as self-trained marksmen in case of military duty.

14 Ibid.

15 Ibid. More specifically, totalling the Full Equipment and Common Equipment to be issued, it will be seen that those items of military significance were to be supplied in the following quantities: 5,231, butcher's knives; 5,149 pounds of ball; 17,702 pounds of shot; 7,617 pounds of gun-powder; 10,298 flints; and under Extra Articles there were 40 Chiefs guns; 40 rifles; 50 flags, and 20 medals. These figures refer to all those Indians due to receive gifts in Upper Canada, and not those in close proximity to the Detroit River Area.

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This policy, an old practice of the Indian Department, was designed to keep a constant stream of new weapons moving into the hands of the Indians, so that their value as warriors to the Crown might not be lost, through lack of skill or familiarity with new firearms. Since these weapons were highly prized by the Indians, such presents also assured their unfailing loyalty to the Government.

Besides these gifts, other Indians in Upper Canada from the Mohawk, Seneca and Tuscarora Tribes of the Six Nation Indians, some of whom lived in areas adjacent to the Detroit boundary had suffered losses as a result of the War of 1812, were now to receive compensation for these losses.¹⁶ On November 29, 1837, James Givens, the Senior Officer of the Indian Department in Upper Canada under Jarvis, proceeded to distribute in Halifax Currency, cash payments to these Indians amounting to £1,583/6/8. This represented their share of a third payment out of the £5,000 sum awarded by the Board of Commissioners under the Provincial Act passed in the Fourth Year of the Reign of King George IV.

In addition to these cash settlements, a Revised Schedule of Presents For Indians Of Upper Canada, dated

¹⁶ P.A.C., RG 10, SG A7, Vol. 67, Pay Lists of the Mohawks, Senecas and Tuscaroras Indian Claimants for Losses sustained during the late War, November 19, 1837.

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November 29, 1837,¹⁷ provided that further consideration be given the Indians. Those in the Province who had been wounded during action in the War of 1812, their wives, the widows of those Indians killed in battle, and their other dependents were now to receive special gifts. This same document also held that:

the List of Articles not comprised in the schedule of Equipments of Presents, which may be issued to meritorious Chiefs and Warriors, under the denomination of Extra Articles,¹⁸

will be flags, medals, Chiefs' guns, rifles, brass kettles and shoes.

The superintendent will be at liberty to exercise his discretion as to the article to be issued to the individual; but the expense in the whole must never exceed L9 Sterling, per 100 Chiefs or Warriors, at the prime cost prices of the Treasury List, in force at the time of the Superintendent's requisition upon the local Commissariat Officer.¹⁹

We thus see, that either as the result of the execution of a master plan or the normal operation of the Indian Affairs Department, the perfect relationship between the Indians and the Government of Upper Canada had been established. The Indians were well organized by the Department under superintendents who had the confidence of

17 P.A.C., RG 10, SG A7, Vol. 67, Revised Schedule Of Equipments Of Presents For Indians Of Upper Canada, and List Of Extra Articles Of Presents, November 29, 1837.

18 Ibid.

19 Ibid.

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the Indians. The Indian village locations were scattered throughout the Province so that their presence created no great pressures on the surrounding residents. This arrangement also prevented any concerted Indian conspiracy being organized, while at the same time providing a situation ideal for mobilizing local Indians to serve as warriors for the defence of a particular area.

Through a generous regular allotment of gifts to resident and visiting Indians, the loyalty of all the Indians was assured. Since some of these gifts were in the form of new firearms, the value of the Indian warriors to the military was considerable. Still, more efforts were made to remind the Indians of their military worth and the rewards to be gained from such service by the distribution of special gifts and a third cash payment to the Indians, and/or their dependents who had suffered losses during the War of 1812.

It cannot be denied that the partial payment method of rewarding the Indians was most astute. Such a procedure not only prevented them from throwing all their money away at one time, thus creating a constant strain on the regular Indian budget, but it also assured their continuing allegiance over a longer period of time, than might have been provided under an alternative system of payment. Finally, it can be seen that those chiefs and warriors, who had

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given meritorious service in the late war, were to be rewarded with 'Extra Articles', namely, the appropriate military articles of flags, medals and firearms, over and above any other payments to them. Since the official most familiar with the individual Indians, i.e. their local superintendent, was to make these additional awards, it can be reasonably assumed, that the loyalty of the Indians to the Crown at this particular time was a matter beyond dispute.

Thus far, we have examined the military arrangements incorporating the British Regulars, Militia, and Indians, which it was possible for Sir Francis Bond Head to employ in order to discourage any violent upheavals affecting the Upper Province. However, an item possessing great import, but about which there is little information, concerns the use of Government funds for the procurement of intelligence regarding the nature and extent of dissatisfaction in the Canadas. Similar secretive measures were also employed to obtain information about the deployment of the disaffected Canadians, who took refuge in the United States.

The first instance of the practice coming into usage at this time appears in a letter to Colborne from the Lord Commissioners of the Treasury, London, England, dated December 7, 1837.²⁰ In it their Lordships sanction

20 P.A.C., RG 8, SG-C, Vol. 608, p. 7-8, Letter

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the use of £2,000 from the Military Chest (Military Budget for the Canadas) in order for the Governor-in-Chief "to procure correct and timely information of passing events."²¹

Respecting the nature of the intelligence gathering system, it will be seen that there appears to be no overall system functioning as a separate unit of either the civil or military administrations. Rather, it is apparent that each area official relied upon local friends or friends of local residents to provide pertinent information. Then, after persons familiar with an informant had attested to the reliability of his information, this particular item was forwarded to be assessed by the higher civil and/or military authorities, who co-related it with their other intelligence. The difficulties that arose regarding the allocation of forces, due to the conflicting nature and source of intelligence reports, is a matter which will be investigated thoroughly in the succeeding chapters, as will the nature and effectiveness of the intelligence gathered by the disaffected.

While all these discreet arrangements awaited an opportunity for application in Upper Canada, violent bloodshed in Lower Canada marked the beginning of rebellion

from Treasury Chambers to Colborne, London, England, December 7, 1837.

21 Ibid.

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there in November 1837. The introduction of repressive measures in the Lower Province by the military began a process of restoring order that resulted in some Insurrectionists being killed or wounded, others being arrested, and the remainder dispersing. Some even made their way across the border into the United States.

The suppression of the rebellion in Lower Canada through measures that required the use of all the British Regulars in Upper Canada, did not, however, influence Head into an introduction of similar procedures for the Upper Province, primarily because matters there remained relatively quiet. Prior to December 4, 1837:

it had been reported to the U.C. Government that in a remote portion of the Home District a number of persons occasionally met and drilled with arms, under leaders known to be disaffected; but it was not believed by the Government that anything more could be intended than to make a show of threatened revolt, in order to create a diversion in favor of the rebels in Lower Canada.²²

On the night of December 4, 1837, Head's policy of forbearing to act for the present was shattered "by the intelligence that about 500 persons armed with rifles were approaching"²³ Toronto, and had been reported to have committed acts of violence along the way. This body of

22 P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Head to Fox, Toronto, January 9, 1838.

23 Ibid.

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armed men was from the Home District, which contained 60,000 of the approximate 450,000 people inhabiting the Province, and they were about to attack Toronto, an undefended city containing 10,000 souls. Since there were no Regular troops in the Province, as they were all being used in Lower Canada, Head ordered out the Militia which caused a frantic rush to arms, that produced a loyal armed, undisciplined mob of Torontonians within a few hours.

At the outset Head realized that any determined resistance against the Insurgents might result in a defeat for the Government forces, a risk he could not afford to take. As a consequence, he withheld his permission to directly oppose the Rebels for the present, although this decision was opposed by his military advisers. During the interim, many people from all quarters flocked to the colours, while the strength of the Insurgents steadily decreased. Finally on December 7, 1837, an overwhelming force of Upper Canada Militia moved against the Rebel mob, who had been led to revolt by the seditious printing of the newspaper Editor, William Lyon Mackenzie. The insurrection thereupon disintegrated, with many prisoners being taken, but they were later released by Head's order and instructed to return to their homes. Other Rebels including Mackenzie managed to escape and slipped across the boundary into the

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United States.²⁴

Against the background of this farcical rebellion Head received information that a similar disposition to violent upheaval had been observed in the District of London. As a result, a Militia force of about four hundred was sent into the area to assist in the preservation of law and order. Upon the arrival of these troops, their numbers were expanded by three times as many local volunteers, whereupon the armed Rebels, totalling about three hundred and led by the American-born Doctor Duncombe, promptly dispersed. Within a week the majority of them were in custody, but some did manage to escape to the United States.²⁵

The dissemination of the armed Insurgents near Toronto and those outside London did not end the threat of a recurrence of such violence. This was because the principal spokesman of the disenchanted in Upper Canada, Mackenzie, had managed through a disguise to cross the Niagara River and reach Buffalo, in the State of New York. During the time Mackenzie was making good his escape and the other Insurgents were being rounded up, reports were circulated along the American frontier including Buffalo, "that Toronto had been burnt and that the rebels were completely

24 Ibid.

25 Ibid.

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successful."²⁶ However, these rumours spread by fellow conspirators, who had already reached the American shore, were proven to be false before Mackenzie arrived on the American side. The importance of these events is not so much the successful escape of Mackenzie, but rather his enthusiastic acclaim, along with the other escapees, by many Buffalo citizens, who regarded them as heroes of the battle for democracy against tyranny.

The consequences of such an alignment, that is the American people in open and direct support of Canadian revolutionaries, were astronomical. Undoubtedly everyone concerned realized the consequences or they would not have been a party to them, however, only a few really understood the possible results. The Canadian revolutionary escapees as did many highly placed American border States' officials and thousands of United States sympathizers saw in such support a victory for their cause. The Colonial Office, Head, the American President and only a few prominent American border States' authorities, who will be dealt with in the succeeding chapters, saw in this support the basis for a full-scale Anglo-American conflict, which both nations wanted to avoid.

The assistance given Mackenzie, who proceeded to hold meeting after meeting in Buffalo espousing his cause

26 Ibid.

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of a republican form of democratic government for Upper Canada, was in no way small. Mackenzie, declaring his intention of invading Canada with an armed force in order to establish a Provisional Government, began to enlist large numbers of revolutionary minded American men, both young and old from the thousands of unemployed victims of the Panic of 1837.²⁷

The new recruits soon far outnumbered the few ragged Canadian escapees. Nor was this recruiting activity limited to the Buffalo area, for in a number of towns along the New York State frontier, volunteers grouped together, most of them gravitating toward Buffalo. Not only were volunteers in profusion, many being influenced by the promises of money and free land, but small arms, ammunition and food provisions were openly solicited and received as were monetary contributions, of which more will be discussed shortly.²⁸

The only other item essential to their plans was artillery, and here the need was supplied through raids upon the New York State Arsenals.²⁹ Despite the fact that

27 P.A.C., RG 7, SG 16A, Vol. 4, p. 25-26, Letter from Head to Fox, Toronto, December 23, 1837.

28 Ibid.

29 This matter is examined more fully in a succeeding chapter.

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these activities violated United States Federal and State laws, and the laws regarding nations at peace with one another, it will be shown that it was some weeks before any action was taken by the Buffalo, New York State and United States officials to impede such rebellious actions.

But all this activity could not be secreted from Head, nor was there any attempt to do so apart from the military arrangements being made by the Rebels or Patriots, as they eventually began to call themselves. Yet, it was this very unabated duplicity of open solicitation for support and secretive organizing for invasion, that caused Head on December 13, 1837,³⁰ to send a despatch to Governor Marcy of the State of New York informing him, that he (Head) was aware of what was transpiring.

In this letter Head explained that an unsuccessful insurrection had just been perpetrated in Upper Canada. He went on to state that the leader of this movement, Mackenzie, having escaped to Buffalo, was officially reported by the Magistracy of the District of Niagara to be busy with American sympathizers "calling public Meetings in Buffalo to procure countenance and support among the Inhabitants of

30 P.A.C., RG 7, SG 16A, Vol. 4, p. 17-18, Letter from Head to Governor Marcy, State of New York, Albany, Toronto, December 13, 1837.

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that City to the efforts of the disaffected in Upper Canada."³¹

Head expressed concern about this situation and its probable consequences. He called upon Marcy to exert his influence. Sir Francis wanted the public officials in New York State to exercise their authority in order that the ties of friendship that existed between the people of the United States and the subjects of Great Britain might be strengthened. He hoped that these American authorities would restrain those persons who sought to disturb the peace by attacking their British neighbours. As an assurance to the New York State Governor, that the pronouncements of insurrectionary activity being circulated by Mackenzie were completely unfounded, Head stated:

that there is not at this moment, to my knowledge, within the whole extent of Upper Canada a single body of men assembled with arms or otherwise in opposition to the Government.³²

On the same day that Sir Francis despatched this communication to Governor Marcy at Albany, New York, the entire nature of the rebellion affecting Upper Canada assumed new and more awesome proportions. From this moment onward, the Rebellion of 1837 in Upper Canada became an

31 Ibid.

32 Ibid.

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item of international concern. It could no longer be ignored as an exclusive matter of internal upheaval, but rather it had to be recognized as a foreign backed insurrection.

The introduction of alien supporters into the ranks of the Canadian Rebel escapees changed the character of the movement before the eyes both of the loyal Government supporters and of the Canadian malcontents. Skilful propagandizing resulted in the majority of these two camps of thought seeing in the new situation another attempt by the Americans to seize control of British North America, as compensation for their failure to do so in the War of 1812. Regardless of the fact that such was not the intention of the Patriots, this was the light in which they were regarded, and among other reasons, it helped contribute to their defeat.

CHAPTER II

THE EMERGING STRUGGLE

On December 13, 1837, the entire character of the Rebellion in Upper Canada changed. This was due to the invasion of Navy Island by a group of New York Patriots. Under the political leadership of the Canadian Mackenzie, but the military direction of the American Rensselaer Van Rensselaer from Albany, New York, these armed Rebels seized this British possession situated in the Niagara River just above the Falls. The intention of the Patriots was to hold the Island, which they could defend easily, while attempts were made to obtain more support, both moral and physical, from American sympathizers and Canadian malcontents.

Once they had acquired a sufficient armed following and felt the moment opportune for inciting open rebellion, it was the avowed intention of the Patriots to invade the Canadian mainland, gather the rebellious in the Province about them, and then proceed to overthrow the Government of Upper Canada. These idyllic arrangements formed the background to the venture surrounding Navy Island. More especially, they also formed the background to the episode enacted along the Detroit River with which this thesis is primarily concerned.

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The Patriots executed their seizure of Navy Island on December 13, 1837, and Head notified Colborne of the event on December 18, 1837.¹ It would appear in comparing these dates, however, that an unusually long period of time elapsed, considering the nature of the intelligence, before the Lieutenant-Governor made any attempt to inform his military superior of what was happening. One might even interpret the conduct of Sir Francis on this occasion as being prejudicial to the security of Upper Canada. Yet such was not the case, for the five day lapse of time covered the detection and verification of the landing, in addition to the notification of the Lieutenant-Governor by the Provincial military officials along the border.

Further clarification of this matter is provided through an analysis of the critical position in which Head's Province had been placed. Specifically, Sir Francis, "not believing that such an outrage would really be committed, (had) no force whatever.... assembled at the time, to counteract the hostile movement."² This meant that apart from the untrained Militiamen, which Head ordered into

1 P.A.C., RG 7, SG 16A, Vol. 4, p. 18-19, Letter from Sir Francis Head, Lieutenant-Governor of Upper Canada, to Sir John Colborne, Lieutenant-General Commanding the Canadas, Toronto, December 18, 1837.

2 P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Head to Henry S. Fox, British Minister at Washington, Toronto, January 8, 1838.

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action at Niagara, he had to rely on any British Regulars which Colborne might give him from the Lower Province. This situation demanded the promptest action on the Lieutenant-Governor's part in notifying the Military Commander of the Canadas, as to developments in Upper Canada. All things considered therefore, it must be assumed that Head did act with all alacrity in this matter.

Returning to the communique of Sir Francis,³ we find that he first explained to Colborne the recent suppression of the London District disturbances by the Provincial Militia. This opening gambit was obviously an attempt on the part of Head to allay any suspicions by the Lieutenant-General, that the present embarrassing circumstances were the natural results of insufficient planning. On the contrary, as we have already seen, it was in fact the end product of a purposeful design skilfully executed by formidable Reactionaries. To discourage any further doubts held by Colborne, Head emphasized, that prior to the Navy Island landing, the only embarrassment to the Provincial Government had been the large number of political prisoners under detention.

Aware of the fact, that it was the responsibility of Sir John to defend the Upper Province and co-ordinate

3 Ibid.

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local Militia operations with those of the Regulars, Sir Francis contented himself with supplying all the information available to the Lieutenant-General. Especially did Head stress the fact that the Patriot force of approximately five hundred armed men was being steadily supplied with more recruits, provisions of food, as well as ammunition and artillery, from the American mainland. As a consequence of this activity, the Rebels already had, among other things, three pieces of artillery on the Island. In relation to those forces marshalled to oppose the Patriots, Sir Francis stated that he had assigned Major Cameron with several units of the Provincial Militia to the Niagara frontier for its defense.⁴

Yet, despite the apparent strength of Upper Canada's position, Head expressed his concern over the existence of "a rebel camp within the Province to which foreigners are invited to flock and to which they may possibly resort in great numbers."⁵ This situation was extremely dangerous since such a stronghold could act as a rallying point for the disaffected Canadians, in which case it was possible for a formidable Patriot force to arise that could

4 Ibid.

5 P.A.C., RG 7, SG 16A, Vol. 4, p. 18-19, Letter from Head to Colborne, Toronto, December 18, 1837.

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prove too powerful for the Upper Canada Militia to dislodge.

Through this analysis, it is apparent that Sir Francis had realized only a portion of this potentially dangerous predicament, as outlined in the first paragraph of the chapter. Even so, he still refrained from requesting immediate military assistance knowing that the moment the situation in Lower Canada improved, Colborne would move his Regulars into the Upper Province to deal with the Navy Island problem.

As the element of terror slowly began to permeate the Niagara frontier causing extreme apprehension over the question of where the Rebel force would attack next, we find that other sections of the Province became similarly afflicted. On December 15, 1837,⁶ a message to this effect was sent by William Jones, Superintendent of Indian Affairs at Port Sarnia, to Jarvis- his superior in Toronto. Jones stated in this disquieting communique, that all the loyal subjects residing in and near Port Sarnia had become most anxious about their continued safety, due to the reports of rebellion which they had received involving other parts of the Province. As if to add credence to these reports,

6 P.A.C., RG 10, SG A7, Vol. 67, Letter from William Jones, Indian Superintendent for Port Sarnia, to Samuel C. Jarvis, Chief Superintendent for Indian Affairs, Port Sarnia, December 15, 1837.

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the Superintendent recorded that the mails had been robbed. Consequently, the proclamation and instructions from the Lieutenant-Governor had not arrived, and therefore Jones now requested directions as to what he should or should not do under the circumstances.

In the Superintendent's reference to the robbery of the mails, we see revealed the fact that the Patriots were attempting to terrorize the Port Sarnia citizens. Apparently, the mails were not being destroyed outright, but rather those letters addressed to the local Provincial officials were being seized. This meant that no information was reaching Port Sarnia with respect to preparing its defense. Such a manoeuvre was undoubtedly calculated to cause panic and confusion, wherein the forces of insurrection might take the opportunity to effect their desired purpose. Yet, in this process, the Rebels ignored the human factor of Superintendent Jones, who, we will presently see, initiated his own measures for the protection of the frontier.

Meanwhile, back on the Niagara border, it became clear by December 19, 1837,⁷ that Head's fears respecting the Patriots on Navy Island were indeed coming true. On that date, William Lyon Mackenzie, signing himself with the

⁷ P.A.C., RG 7, SG 1, Vol. 88, p. 64, Proclamation, Navy Island, Upper Canada, December 19, 1837.

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title of Chairman of the Committee of the Provisional Government, issued a Proclamation declaring that:

Three Hundred acres of the most valuable lands in Canada, will be given to each volunteer on Navy Island, U. Canada. Also \$100 in Silver, payable on or before the 1 st of May next.⁸

While knowledge of the method utilized by the Patriots for their recruiting was known by many American and Canadian officials, this Proclamation had the effect of making the information universal. At the same time a sense of urgency was injected into the situation by establishing openly the date by which the Patriots proposed to accomplish their purpose. This clever instrument had the effect of instilling incentive into the Patriot ranks, encouraging the disaffected within the Province to make their decision now, and increasing the tension along the Niagara frontier amongst the loyal Canadians as to where and when the next uprising would take place. In particular were the Niagara District citizens perturbed about the arrangements or lack of them being made for their own defense.

When the Patriots had first established themselves on Navy Island, Major Cameron had been despatched with

⁸ Ibid. These inducements to enlist in the Patriot cause were possible, because it was the intention of the Rebels to seize the Government funds and the Clergy Reserves to make restitution. Prior to May 1, 1838, however, they were to receive no pay, only food, accommodation and arms.

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several hundred Upper Canada Militiamen to assume the responsibility of defending the Niagara frontier. His Headquarters had been located at Chippewa, a small village directly across the Niagara River from Navy Island. No sooner had this been accomplished, than Cameron was promoted to the rank of Colonel and made Assistant-Adjutant-General of the Militia in Upper Canada. It was in this new capacity that he then appointed Colonel McNab, Speaker of the House of Assembly, on December 20, 1837, to be Commander of the Forces on the Niagara front. Head gave his hearty approval to this appointment,⁹ for McNab had led the Militia in crushing the London District Rebels.¹⁰

The concern over developments on Navy Island respecting the Patriots, prompted Sir Francis to send a note to Colborne on December 23, 1837.¹¹ Apart from congratulating the Lieutenant-General on the success of his recent campaign against the Rebels in Lower Canada, Head remarked that there still remained one group of armed Revolutionaries. These were the men on Navy Island. All the others within

9 P.A.C., RG 7, SG 16A, Vol. 4, p. 28, Letter from Head to Colonel Cameron at Chippewa, Toronto, December 28, 1837.

10 P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Head to Fox, Toronto, January 8, 1838.

11 P.A.C., RG 7, SG 16A, Vol. 4, p. 20-21, Letter from Head to Colborne, Toronto, December 23, 1837.

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the Upper Province had either been arrested or had disappeared.

In relation to the Navy Island question, the Lieutenant-Governor of Upper Canada explained that the entire affair was daily deteriorating due to the continuing arrival of American recruits and war materials for the Patriots. Then too, the American Press was openly supporting Mackenzie, who had now issued a Proclamation establishing a Provisional Government,¹² and raised his own flag called the Standard of Liberty or the Flag of Independence.¹³ To discredit further the Provincial Government, a price of five hundred pounds had been placed upon the head of Sir Francis for his apprehension by the Patriots.¹⁴

As far as the military situation was concerned, Head stated that he had received creditable information to the effect that large numbers of Americans were in route from various parts of the country for Navy Island. At the present time he estimated that the Island Patriot force numbered close to seven hundred men. Cameron, according to Sir Francis, was convinced that a landing on the

12 Ibid.

13 P.A.C., RG 7, SG 16A, Vol. 4, p. 24, Letter from Head to Governor Marcy of New York, Toronto, December 23, 1837.

14 P.A.C., RG 7, SG 16A, Vol. 4, p. 20-21, Letter from Head to Colborne, Toronto, December 23, 1837.

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Canadian mainland by the Patriots of Niagara could be expected any hour. "Under these circumstances, which amount to an invasion by the Americans,"¹⁵ Head requested that Regular military assistance be despatched immediately from the Lower Province to Toronto, "to meet the extraordinary exigences of the case."¹⁶

Realizing, that prompt direct action could prevent this whole business from assuming the dimensions of a continental conflict, Head not only sought Regular military support, but also diplomatic intervention. In particular, he attempted to enlist the active support of the British Minister in Washington, Henry S. Fox, through a despatch of December 23, 1837.¹⁷ Sir Francis explained here, that the entire peace and security of Upper Canada were being jeopardized as the result of the Navy Island invasion by a group of armed Patriots.

Concerning the previous Rebellions of Lower and Upper Canada reported in the press, these had both been suppressed. This task had been performed in the Upper Province solely by the local Militia, whereas the Regulars

15 Ibid.

16 Ibid.

17 P.A.C., RG 7, SG 16A, Vol. 4, p. 21-23, Letter from Head to Fox, Toronto, December 23, 1837.

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were utilized with the Militia in the Lower Province. Most of the Insurgents in both instances had been captured or dispersed. Yet, the principal leader of the Rebels in Upper Canada, William Lyon Mackenzie, had made a successful escape to New York State, and it was he, who now directed politically, the Navy Island Patriots. As for their military strength and leadership, this was provided basically by the citizens of Buffalo.¹⁸

In this correspondence, Head was especially anxious to make Fox aware of the inherent dangers in the situation. Primarily, the Lieutenant-Governor expressed his doubts as to the ability of the American public authorities, and the more responsible members of the population, who realized the explosive quality of the circumstances, to control the aroused feelings of their fellow countrymen. Sir Francis also mentioned that he had sent a letter to New York's Governor Marcy¹⁹ (and enclosed a copy), concerning Mackenzie's activities in Buffalo, before the Patriot attack, but as yet had received no reply. Nor was Head informed of "what steps, if any, have been taken on the part of the American Government at Buffalo, to repress this hostile

18 Ibid.

19 P.A.C., RG 7, SG 16A, Vol. 4, p. 17-18, Letter from Head to Marcy, Toronto, December 13, 1837.

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rising of their People."²⁰ This clever phrase concealed the fact, that the Lieutenant-Governor already knew that almost nothing had been done to halt the demonstrations.

To corroborate his accusations about American support for the Canadian Insurrection movement, Head forwarded several Buffalo newspaper accounts which indicated their avowed encouragement of such a venture. Considering the obvious intentions of some American citizens to actively participate in the instigation of a Canadian uprising, Sir Francis declared that he anticipated having a large force of Regulars join the Provincial Militia presently on the Niagara frontier. By these measures and further communications, he hoped to thwart the advances of the Rebels.²¹

Head concluded his letter to Fox by noting that while the earlier upheavals in Upper Canada had been suppressed by the local Militia, he expected that the threats to peace between Britain and America occasioned by the present invasion would invoke Britain's intervention. He felt too, that the peaceful citizens of the Upper Province deserved better treatment from their American neighbours. As a consequence, the Lieutenant-Governor urged Fox, in the

20 P.A.C., RG 7, SG 16A, Vol. 4, p. 21-23, Letter from Head to Fox, Toronto, December 23, 1837.

21 Ibid.

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name of the Upper Canadians, to appeal for United States military interference, so that the escapades of the Patriots might be discouraged before they produced another Anglo-American conflict.²²

By making a careful analysis of the document discussed above,²³ it is possible to reconstruct Head's truly precarious position. At the outset, the Lieutenant-Governor revealed to the British Minister, that the first minor disturbances referred to as rebellions, were so disorganized and so lacking in support, that these weak efforts could be easily suppressed by the Upper Canada Militia. However, with the advent of the Navy Island invasion, which was proven to be unabatedly backed by American money, provisions and men, in addition to being directed by American leaders of military competence, the circumstances of rebellion changed considerably. Here was a revolutionary band, under reasonably competent control, independently supplied, that could act as a rallying point for Upper Canada's politically disenchanted.

Still more enlightening was the revelation by Sir Francis that the forces he had available were sufficient to deal with the present crisis, but should the strength of

22 Ibid.

23 Ibid.

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the Rebel band increase, then he would have to rely on support from England. In other words, to counter the possibility of a larger Patriot force, Head would have to have reinforcements or go under. Obviously, therefore, the security of his entire position for the moment, was predicated on the ability of Fox to influence the United States authorities into adopting more strenuous measures in restraining the sympathetic American supporters of the Canadian Insurrection.

At this juncture, it is now possible to visualize the true nature of this Anglo-Canadian contest. Of necessity, it will involve diplomacy, official American co-operation, local Canadian civil, Militia and Indian assistance, plus the limited participation of some British Regulars. Ultimate success will of course be dependent upon the fruitful co-operation of all those elements opposing the Patriots. Yet, as we shall see, the degree of this co-operation will prove to be the unknown factor throughout the entire emergency.

Considering the faith that Sir Francis was placing in the ability of the United States officials to restrain the Patriots, and his lack of adequate defenses, it is little wonder that he decided to despatch a special representative to Washington. The Honourable Archibald McLean,²⁴

24 P.A.C., RG 7, SG 16A, Vol. 4, p. 24, Letter from

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former Speaker of the House of Assembly for Upper Canada, and then a Provincial Judge, was chosen to make this journey via Albany, where he was to visit Governor Marcy before proceeding.

The purpose of McLean's trip was outlined in a letter of introduction from Head to the Governor.²⁵ In it, Sir Francis stated that the judge was on his way to inform the British Minister in Washington of the exact nature of American assistance being given to the Navy Island Patriots. So too, he was to explain the real intentions of the Island Revolutionaries. Respecting Marcy's activities in this regard, Head expressed the desire that the New York Governor would "by the most energetic means, put an immediate stop to proceedings which must otherwise inevitably lead to a national contest."²⁶ Through this visit, Sir Francis intended that any statements made by the New York Governor would be used as further evidence for the report to Fox, that no effective measures were being taken by the American authorities to avert a continental war.

In a second letter of introduction accompanying McLean, this one addressed to Fox, we find that Head

Head to Marcy, Toronto, December 23, 1837.

25 Ibid.

26 Ibid.

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justified the sending of a personal representative on the grounds that the dangerous nature of recent developments in Upper Canada necessitated the transmission of the most accurate information.²⁷ Regarding the attitude of the New York Governor to the Patriot demonstrations, a most essential element in this intelligence, Sir Francis noted that McLean had deliberately sought Marcy's considered opinion, all of which was to be related to the British Minister.

Head also described the latest happenings in the Upper Province with respect to the Rebellion and the landing on Navy Island. Finally, in his concluding remarks, he gave a pronouncement on the possible outcome of the situation. The Lieutenant-Governor frankly admitted, that unless the increasing American enthusiasm for seizing the Upper Province was suppressed by the United States armed forces, then the Patriots would succeed, for his present Anglo-Canadian military might was unequal to the magnitude of the task.²⁸

Having done all in his power to set the wheels of diplomacy in motion, Sir Francis once again concentrated upon convincing Colborne, that his Regulars were essential for effecting a satisfactory conclusion to the Navy Island

27 P.A.C., RG 7, SG 16A, Vol. 4, p. 25-26, Letter from Head to Fox, Toronto, December 23, 1837.

28 Ibid.

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affair. Accordingly, on December 26, 1837,²⁹ Head sent a despatch to the Commander of the Forces in the Canadas, with Headquarters at Quebec City, informing him of the Niagara frontier situation.

Besides including communications indicating that some American citizens were openly denouncing the Upper Canada regime, the Lieutenant-Governor mentioned that the Island Rebels were now estimated to number over seven hundred well-drilled men. In addition, they were reputed to possess thirteen pieces of artillery, which they had clandestinely removed from the New York State Arsenals. The loyal forces assembled on the frontier by December 25, 1837, amounted to six hundred Upper Canada Militiamen spread out from Fort Erie to Niagara. On the following day however, they were joined by eight hundred Provincial Militia under McNab accompanied by three hundred Indian warriors led by Colonel Jarvis, Chief Superintendent of the Indians.³⁰

Although Head felt his position respecting the Niagara frontier to be tolerably secure with these reinforcements, he was nevertheless apprehensive lest developments there jeopardize this situation. As Commander of the

29 P.A.C., RG 7, SG 16A, Vol. 4, p. 26-27, Letter from Head to Colborne, Toronto, December 26, 1837.

30 Ibid.

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Militia in Upper Canada, and therefore responsible for their actions, Sir Francis confided in Colborne, that he did not believe an attack against Navy Island should be launched at this time.³¹

The political sagacity of this decision, Head felt to be of paramount importance, for if the Government forces were defeated in an attack, it might precipitate a general rush of Rebels into the Province. Then again, the Lieutenant-Governor's professional experience as a former officer of the Royal Engineers convinced him, that it was unwise for undisciplined Militia to attack an armed group, who had entrenched themselves on an island. This was especially true when no avenue of escape was left open to the defenders, who would thus be encouraged to resist. Conversely, any repulse of the attackers could easily result in their being swept over Niagara Falls located a little over two miles further down the River. Finally, Head argued, that even if the loyal troops did take the Island, the limited number of Militiamen available would force the evacuation of the position, in which case the Patriots would return, and the whole process would then have to be repeated.³²

31 Ibid.

32 Ibid.

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Towards a solution of the problem, Sir Francis suggested that the Rebels be left with the question of how to attack the mainland, which placed them at a disadvantage rather than the loyal troops. As to what plan of operations should be adopted, the final decision was left with Sir John for it was his responsibility to integrate all military activities within the Canadas.³³

The proposals presented to Colborne by Head in the communique discussed above,³⁴ successfully portray the hidden dilemma of Upper Canada's defense. Primarily, this involved the ill-defined lines of authority respecting the Lieutenant-Governor and the Lieutenant-General in relation to the direction of Upper Canada's Militia and Indian warriors, as well as the British Regulars.

According to the regulations in force at that time, the Lieutenant-Governor's Office controlled both the Militia and the Indians of the Upper Province. The Commander of the Forces for the Canadas was in charge of the defenses for both Provinces, which included direct control over all British Regulars. In point of execution, however, we find that, while Head conceded to Colborne authority over planning, he simultaneously requested Regular reinforcements

33 Ibid.

34 Ibid.

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and issued orders to Jarvis and McNab, there being no one else assuming such responsibility on the Niagara frontier. This particular procedure will prove to be the rule rather than the exception. In every circumstance of concerted military action that this thesis will examine, it will be found that it was the officer on the spot instead of the one actually in charge, who assumed command and established a policy for local military operations.

Acting under this double authority, we find that Sir Francis wrote Cameron at Chippewa on December 28, 1837,³⁵ to explain to him as well as McNab, the new plans for Navy Island. Respecting the cannon fire which the Rebels were pouring down on the Canadian mainland situated a mere six hundred yards away from the Island, the Lieutenant-Governor directed that it would be politically more expedient, if the Militia did not return the fire. By this policy, Head calculated that Canadian animosity toward the Patriots would increase considerably, since there would be no reason for the Rebels to continue their cannonading.

Another matter which would be of extreme importance at a later date was also mentioned by the Lieutenant-Governor in this despatch. It concerned the issuance of rations

³⁵ P.A.C., RG 7, SG 16A, Vol. 4, p. 28, Letter from Head to Cameron, Toronto, December 28, 1837.

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to the families of those men serving in the Upper Canada Militia. In this regard, Sir Francis stated that no such rations were to be issued because it was impractical; rather, each Militiaman was to be given eight dollars a month plus rations for as long as he would remain on active duty.³⁶

Having done all he could for the present, Head felt the moment opportune to send a report to Glenelg.³⁷ Accordingly, on December 28, 1837, he sent off a communication. Apart from reviewing the suppression of the late Rebellion, the Lieutenant-Governor went on to describe the new trouble which had arisen, and to note the potentially dangerous character of the circumstances especially in relation to a possible Anglo-American conflict.

Head explained, that an American based and supported group of Patriots had seized control of Navy Island situated in the Niagara River. On this British possession, they had proceeded to establish a Provisional Government of Upper Canada, and openly attempt to incite an uprising within the Province. He stated further, that the Earl of Gosford, Sir John Colborne, Governor Marcy of New York State, and Henry Fox in Washington, had all been informed of these

36 Ibid.

37 P.A.C., RG 7, SG 12, Vol. 28, Letter No. 133 from Head to Lord Glenelg, Colonial Secretary, Toronto, December 28, 1837.

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developments, and enclosed copies of his correspondence with them.³⁸

Respecting the military arrangements made in Upper Canada, Sir Francis informed the Colonial Secretary that a Provincial Militia force of about two thousand men was now on the Niagara frontier. In addition, the necessary measures had been taken for calling out more Militia troops should their presence be required. Then in concluding his letter, Head made the statement that:

Having thus done all in my power to withstand a foreign invasion, which was never contemplated in my Despatch to Your Lordship No. 124 dated 18 Nov. I feel it my duty to recommend contrary to the suggestions contained in that Despatch: that Her Majesty's Government should afford to the Commander of the Forces every possible assistance promptly and effectually to put down this attack by American Citizens unauthorized by their Government and in open violation of the Laws.³⁹

One cannot help but note the brilliance with which the Lieutenant-Governor carried forth his objective of trying to obtain Regulars from Colborne for use in the Upper Province. Similarly, his efforts in attempting to exert diplomatic pressure upon the United States and New York State Governments to intervene in the Patriot movement were equally commendable.

38 Ibid.

39 Ibid.

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The despatch to Glenelg, which we have been discussing above⁴⁰ is particularly interesting in revealing the skill with which Head depicted himself as providing the only troops - Provincial Militia - able to defend the Niagara frontier. His tireless efforts to keep all those in authority informed of the latest developments are also represented. Finally, the master stroke is seen in the request by Sir Francis to the Colonial Secretary, that Colborne be sent reinforcements, in order that the latter might in turn provide some additional forces to crush the Upper Canada invasion. The sarcastic irony that Head employs here pictures Sir John as being unreasonably hesitant or unco-operative. This opinion of Colborne by the Lieutenant-Governor we will find to be not without foundation.

The alacrity with which Head contacted Marcy and Fox would appear by December 28, 1837, not to have gone unnoticed. Indeed, during December 1837, unknown to Sir Francis, the United States Secretary of State, John Forsyth, had been ordered by the President to inform the Governors of the States of Vermont, New York and Michigan, that a new policy had been adopted toward the Patriots. The Secretary had explained to these Governors, that henceforth, all persons engaged in activities within their borders who sought to

40 Ibid.

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cause trouble with foreign nations and violate the laws of the United States were to be apprehended.⁴¹ So too, the United States Secretary of the Treasury, Levi Woodbury, had directed all Collectors of Customs along the Canadian-American border to co-operate with the United States District Attorneys in helping to preserve United States neutrality.⁴²

The execution of these directives is verified by a document from N. Garrow, United States Marshal for the Northern District of New York State. In late December 1837, he had been directed by his District Attorney, who in turn had received instructions from Governor Marcy, to proceed directly to Buffalo. There, he was to serve processes on all those persons suspected of violating American neutrality laws.⁴³

Garrow, upon his arrival in the City on December 22, 1837, promptly made a personal investigation of the entire situation, and then wrote a report of his findings to

41 P.A.C., Pamphlet 1-1634, Document 74, p. 37-38, Letter from John Forsyth, American Secretary of State, to Marcy, Washington, December 7, 1837.

42 P.A.C., Pamphlet 1-1634, Document 74, p. 50, Letter from Levi Woodbury, American Secretary of the Treasury, to Collectors of Customs of Ports on the Canada-United States Border, Washington, December 20, 1837.

43 P.A.C., RG 7, SG 1, Vol. 88, p. 70-74, Letter from N. Garrow, United States Marshal, Northern District, New York State, to Martin Van Buren, President of the United States, Buffalo, December 28, 1838.

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President Martin Van Buren on December 28, 1837.⁴⁴ In this account, the Marshal, apart from noting the nature of his mission, commented that he found the whole area to be in a state of extreme excitement. As a result of this condition, he had issued his warrants but, had not followed up this action with any arrests.

The Marshal explained that approximately three hundred armed Patriots had been gathered together, including Canadian escapees, under W. L. Mackenzie. Through the military leadership of Rensselaer Van Rensselaer from Albany, New York, these men had forcibly taken possession of Navy Island, a British possession in the Niagara River just above the Falls. To make matters worse, Garrow reported that American sympathizers were continually supplying these Patriots with more recruits, weapons of war and provisions of food. It was these supporters who were presently causing all the trouble through their machinations which had now resulted in a reputed increase of the Navy Island forces to a total of one thousand well-armed men.⁴⁵

As far as developments at the present were concerned, Garrow told the President, that a group of individuals were then engaged in cutting two steamboats out of the ice at

44 Ibid.

45 Ibid.

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Buffalo. Ostensibly, their purpose was to employ the vessels as Patriot transports between Navy Island and the American mainland.⁴⁶

Considering all that he had seen as to the Patriot strength in and about Buffalo, the Marshal concluded that it would require an American armed force stationed along the Niagara frontier to suppress the unlawful activities of these Revolutionaries. This course of action Garrow noted was also suggested by Colonel McNab, the Canadian Commander of the troops stationed along the Niagara boundary. Numbering in all about twenty-five hundred Provincial Militia, the Northern District Marshal noted that this figure was subject to constant change due to the daily arrivals of new reinforcements. With the basic politico-military trends in this situation outlined, Garrow closed his communication by assuring the President that he had also informed Governor Marcy of the situation, and that he was doing all in his power to maintain a strict United States neutrality.⁴⁷

Through the comparison afforded by the letters from the Lieutenant-Governor to Glenelg, and the Marshal of the Northern District to Van Buren, it is possible to adjudge

46 Ibid.

47 Ibid.

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that Sir Francis in his interpretation of the Patriot landing on Navy Island, tended to overstate the case. In Garrow's report, there is verification of the fact, that by December 28, 1837, the magnitude of the whole affair surrounding American support for the Navy Island Patriots had reached such proportions, that it would require the intervention of American troops to maintain neutrality. But, it would take time before the State and Federal officials became acutely aware of the dimensions of the situation, and during that interval, the struggle would spread along the frontier.

CHAPTER III

THE ACTION OF THE MAGISTRATES

The last days of December 1837, marked not only the climax of the Navy Island Affair, but also the beginning of the real emergency along the Detroit River frontier. During this period, an incident took place which has been referred to as the cutting out of the Caroline. It involved the seizure and destruction of an American owned vessel in American waters by an Anglo-Canadian force, because the ship was being used by the Patriots to transport men and supplies over to Navy Island. While this very episode was taking place on the Niagara River, a Patriot group was in the process of organizing a demonstration on the Detroit River. What relationship the Niagara and Detroit Patriots were to each other, and what influence the Caroline Affair had on the Patriot movement as a whole, is the matter which this and the succeeding chapters will thoroughly explain.

The cutting out of the Caroline or the Caroline Affair is an event in Canadian History, which has been much distorted. This has been due primarily to the gullibility of many historians in accepting what has been already written on the subject as the gospel truth, without bothering to examine the original documents on the escapade in order to ascertain exactly what happened. The Caroline Affair

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is particularly pertinent to the developments along the Detroit River boundary, because the circumstances surrounding the episode sparked an international controversy between Great Britain and the United States. As a direct result of this controversy, the heads of state in both countries became acutely aware of the inherent dangers in the Navy Island situation respecting a continuance of Anglo-American peace in North America.

The Caroline Affair also changed the attitude of many American citizens toward the Canadian rebellion due in large part to the distorted and emotional reports which were soon circulated about the ultimate fate of the good ship Caroline. From now on, many Americans viewed the spread of republicanism through a Canadian rebellion as being a part of their destiny, rather than contributing their efforts in the hampering of a few over-zealous, misguided, misinformed, but well intentioned fellow citizens. Changes were also wrought in the officialdom of Upper Canada. Now they became imminently conscious of the fact that the United States Government would not tolerate any further high-handed escapades such as that perpetrated on the Caroline, even though such activities would assist in frustrating the Patriot demonstrations.

Specifically, the cutting out of the Caroline involved receipt of positive information by Colonel McNab

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from persons in Buffalo on December 28, 1837, that a small steamboat of about fifty tons called the Caroline had been hired by the Patriots. It was to transport men, military stores and food supplies from Fort Schlosser to Navy Island.¹ Fort Schlosser was believed by Head to have once been a military position prior to the Conquest. By 1837 however, it constituted neither a fortress nor a village, indeed it consisted of only a house, which had been converted into a tavern, and a wharf in front of it on the Niagara River. The importance of this landing located on the American mainland opposite Navy Island, was that the tavern served as the local Headquarters for the Patriots, while the wharf served as the embarkation point for the majority of men and material being transported to the Island.

Upon receiving the intelligence, McNab resolved that should the designated vessel in fact engage in the provocative act of transporting men and military goods to Navy Island from Fort Schlosser, then he would make an attempt to seize the ship. Accordingly, the Caroline did sail down to Navy Island from Buffalo and proceeded to make several trips between the Island and Fort Schlosser delivering military stores including a cannon and some

¹ P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Sir Francis Head, Lieutenant-Governor of Upper Canada, to Henry S. Fox, British Representative to the United States, Tronto, January 8, 1838.

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reinforcements on December 28, 1837. As a consequence of this activity, McNab appointed Captain Drew of the Royal Navy to take charge of a small body of Upper Canada Militia, and proceed to either capture or destroy the Caroline.²

During the night of December 28-29, 1837, Drew and his men in several small boats rowed across the Niagara River to Fort Schlosser. There, they found the Caroline moored to the wharf of the tavern, and under the protection of armed Patriots some of whom were on board the ship, while the remainder were inside the house. Despite the presence of these guards, Drew and his Militiamen proceeded to take the ship by force, which resulted in a minor skirmish whereby several persons on both sides were injured. They then slipped the Caroline's moorings, and attempted to tow the steamship across the Niagara to the Canadian shore. Once the vessel got into midstream however, the current proved too strong for the towing boats, whereupon they set the Caroline afire and abandoned it, after removing the two captives on board.³

Contrary to what many history books have recorded, the blazing vessel did not then drift down the Niagara River and go over the Falls. In point of fact, the Caroline

2 Ibid.

3 Ibid.

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did drift down the Niagara River toward the Falls while it was still burning. But then, it became wedged between some rocks above the Falls where it burned to the waterline.

Subsequently, its engine fell out and for many years afterward it could be clearly seen sitting on the River bed.⁴

As for the burned out hulk wedged in the rocks, this raft-like debris eventually, through the action of the current and the waves, broke loose and did drift over the Falls. The mistaken idea that the Caroline drifted down over the Falls while it was still ablaze, stems from one of Head's earliest reports from Niagara on the incident. Nevertheless, a further examination of the sworn testimonies made by those Canadian and American participants and eye-witnesses of the affair, will be shown to refute Head's earlier statement as to the fate of the Caroline.

Respecting the two prisoners removed from the Caroline before she was set adrift, one was a Rebel escapee from Lower Canada, who had been awaiting transportation to Navy Island when the ship was seized. The second prisoner, a boy from Lower Canada then living in the United States, was apparently on the ship at the moment the Upper Canada Militia made their attack, and as a consequence of the

⁴ John Charles Dent, The Story Of The Upper Canadian Rebellion, Toronto, C. Blakett Robinson, 1885, II, p. 217.

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firing put up by the Patriots on the wharf, decided to remain where he was. Once the ship left the wharf, he had no other choice, but to abandon it with the Militiamen. The day following the incident, he was returned to the United States via the Niagara Ferry.⁵ Apart from these two persons the only other individual who was associated with the Patriots in the affair was a man by the name of Amos Durfee, and he was killed on the Fort Schlosser dock during the attack on the Caroline.

Despite the fact that these people were the only ones to become directly involved in the episode, it was soon charged by various American papers, that a number of Patriots had been killed in the seizure of the Caroline. It was further reported that they had been sent over Niagara Falls to a watery grave in a burning ship. Although this rumour lacked proof, the spirit of the times was such as to accept the account as another indication of the tyrannical activities practised by a despotic Government in Upper Canada. The undisputed news reports that a force from Canada had violated American neutrality by an act of violence in American territorial waters, was sufficient evidence upon which to place rumours of atrocities. Yet,

5 P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Head to Fox, Toronto, January 8, 1838.

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before the full effects of the Caroline Affair could make themselves felt upon the American officials in Albany and Washington, other events indicated that the Patriot movement was spreading beyond the confines of the Niagara frontier.

When the Patriots had first occupied Navy Island, they had done so as part of a master plan discussed earlier. This plan had provided that a token force composed mainly of American Patriots but including some Canadian escapees, should establish themselves in an easily defended position on British territory. From here, they were to try and incite rebellion in Upper Canada and recruit more volunteers, who were to be armed and supplied by American supporters. This former function was to be carried forth mainly through the issuance and circulation of proclamations. Eventually, of course it was envisaged that a move would be made against the mainland of Upper Canada, that is when sufficient political discontent in Upper Canada combined with Patriot strength would make an invasion certain of success.

Once this plan of action had been partially put into effect at Navy Island, it was realized that similar ventures perpetuated elsewhere along the Upper Canada boundary would provide the overall cause of the Patriot movement with a greater opportunity for success. So too, it would also force the Government of Upper Canada to

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disperse its military units, thus reducing the opposition it could muster against any one scheme. With this measure particularly in mind Rensselaer Van Rensselaer, as Commander-in-Chief of the Patriot forces, appointed Colonel Thomas Jefferson Sutherland, a New Yorker of Scottish parentage, to the rank of Brigadier-General and Commander of the 2nd Division of the Patriot Army of Upper Canada on December 28, 1837.⁶

His commission read as follows:

Brig.-Gen. Sutherland will repair with all despatch to Detroit and its vicinity and promote every arrangement for making a descent upon Canada in favor of the Patriots as he in his judgment may deem advisable, after consulting with the Canadian and American friends in that quarter.⁷

Sutherland set out immediately for Detroit, making his first stop at Cleveland on Lake Erie. Here, he found a number of persons sympathetic toward the Patriot cause, who were willing to fight for it. The majority of these men with regard to their economic status, were like those Patriots which Mackenzie had recruited at Buffalo, that is seasonally unemployed workmen on the Lakes. Of course, their numbers had been considerably swollen by the depression of that year.⁸ As part of the campaign to find support

6 Robert B. Ross, "The Patriot War", Michigan Historical Collections, 1894, XXI, p. 517.

7 D. B. Read, The Canadian Rebellion of 1837, Toronto, C. Blackett Robinson, 1896, p. 345.

8 William Kingsford, History of Canada, 1836-1841, Toronto, Rowsell & Hutchison, 1898, X, p. 449.

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for the Patriot cause, Sutherland under the auspices of the local Patriot exponent, the Reverend M. Wiley, spoke at the Courthouse in Cleveland on New Year's Day, after which a committee was appointed to receive donations.⁹ The end result of these exhortations by Sutherland was that he succeeded in gathering together a band of some sixty-two Cleveland Volunteers,¹⁰ who were placed under the command of Captain E. M. Townsend.¹¹ This Patriot force then proceeded to Gibraltar, a small village in Wayne County, Michigan, at the confluence of Lake Erie and the west bank of the Detroit River, almost directly opposite Fort Malden in Upper Canada. They travelled on board the steamship Erie, which¹² reached its destination on the evening of January 6-7, 1838.

In the meantime, the Michigan frontier and in particular the city of Detroit, had become the refuge of numerous escaping Upper Canada Rebels. Among the more prominent escapees to make their way into Michigan in December 1837,

9 Oscar A. Kinchen, The Rise And Fall Of The Patriot Hunters, New York, Bookman Associates, 1956, p. 17-18.

10 Silas Farmer, The History Of Detroit And Michigan Or The Metropolis Illustrated, Detroit, Silas Farmer & Co., 1884, p. 301.

11 P.A.C., RG 7, SG 1, Vol. 88, p. 74-76, Handbill To The Citizens Of Detroit from E. M. Townsend, Captain Cleveland Volunteers, Detroit, Michigan, (no date), approximately late January 1838.

12 Farmer, op. cit., p. 301.

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were Donald McLeod, a former Brockville school-master, followed by Dr. Charles Duncombe, the leader of the abortive uprising in the London District who donned women's clothing to effect his escape.¹³ Similar to the Patriot gatherings held at Burlington, Albany, Rochester, Lockport, Buffalo, Cleveland and other American towns concerned with developments in the Canadas, a public meeting was called in Detroit on January 1, 1838, at the main theatre. There were in Detroit at that time, some 320 Rebel refugees from Upper Canada, who were all in need of assistance, hence the occasion for the public get-together. Nor was the Patriot appeal to Detroiters wanting in success, for a total of \$134.56 plus ten rifles were subscribed to aid in relieving the want of the escapees as well as contributing to the information of a Patriot army.¹⁴

The Patriot sympathizers in Detroit goaded onward by their indignation at the Caroline Affair as well as the reports from the numerous refugees, formed a Council of The Friends of Canadian Liberty.¹⁵ Under the leadership of Henry S. Handy from Illinois, this Council organized The

13 Kinchen, op. cit., p. 16.

14 Farmer, op. cit., p. 301.

15 John Charles Dent, The Story Of The Upper Canadian Rebellion, Toronto, C. Blackett Robinson, 1885, II, p. 225.

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Patriot Army of the Northwest, with Handy assuming the title of General. He established a group of staff officers under him which included James M. Wilson as Major-General, and Brigadier-Generals E. J. Roberts and Dr. Edward Alexander Theller, an Irish-Canadian immigrant from Lower Canada, who had once practised medicine in Montreal. It was to be Theller's task to recruit a brigade of French-Canadian and Irish-Canadian volunteers from the Upper Province.¹⁶ With his staff of officers, Handy set out to recruit and equip a Patriot force which he proceeded to concentrate opposite Fort Malden at Gibraltar by January 6, 1838, preparatory to making an assault on the Canadian shore.¹⁷

The result of the commotion created by the suppression of the rebellion near Toronto, and in the London District, the Patriot landing on Navy Island, and the persistent rumours that groups of Patriots were organizing in Michigan for an assault on Upper Canada, could not help but instill terror into the hearts of the Canadian residents along the Detroit River. Nor were their fears in any way lessened by the knowledge that the mails were being robbed in Upper Canada, that no British Regulars were then in the Province, and that no arms were available which could be

¹⁶ Kinchen, op. cit., p. 23.

¹⁷ Farmer, op. cit., p. 301.

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issued to any Canadian volunteers.¹⁸

This feeling of helplessness was intensified through the lack of assistance provided by Head, who had neither Regulars, nor arms, nor Militia to spare for the Detroit frontier at that time. The reason for this predicament was that the Regulars had been withdrawn to do duty in Lower Canada upon the outbreak of demonstrations there late in 1837, and thus far none had been returned. Respecting the lack of arms in the Province, as soon as the rebellion had begun, Sir Francis had ordered all private arms including ammunition seized and shipped to the Ordinance Stores at Toronto for use by the Government. Although this was the official reason provided for the action, there is no doubt at all, that Head also looked upon the measure as a precaution against armed insurrection.

While some of these weapons were subsequently issued to activated Upper Canada Militia units, the majority of the arms remained stored at Toronto. This procedure meant of course, that should an emergency arise, then the Militia of the Province, except those near the capital, would have to await the receipt of such arms by what ever transportation facility was available at the time, or else try and

¹⁸ John McCrae, "Battle Of Fighting Island, February, 1838", Essex Historical Society, Papers and Addresses, 1913, I, p. 29.

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locate any weapons not previously surrendered to the Government. Finally, with regard to the Militiamen already in service, the Lieutenant-Governor could not afford to remove any of these troops from the Niagara frontier for duty along the Detroit River. But, he could and did order the formation of local Volunteer Militia in the Western District and vicinity during December 1837, in answer to the earnest appeals from the people for some measure of protection and assistance in defending this portion of the frontier. With an appeal for volunteers, many who were strongly sympathetic towards Mackenzie's ideas came forward to fight for the Province, while others recalling their services rendered from 1812-1814 once again joined the colours. All these men volunteered under the belief that this new emergency was another attempt at foreign invasion rather than internal upheaval.¹⁹

Accordingly, during the last few days of December 1837, Essex County an area supporting a population then of 8,554, found itself with neither arms nor ammunition but numerous volunteers.²⁰ Since it was obvious to the responsible citizens of the County, that all indications pointed

¹⁹ Ibid., p. 28.

²⁰ Francis Cleary, "Notes On The Early History Of The County of Essex", Essex Historical Society, Papers and Addresses, 1913, I, p. 11.

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to an imminent attack from the Patriots, they decided to act on their own. Towards the latter part of December 1837, a meeting of the Magistrates of the Western District, which included the Essex area, was called together. At this meeting the magistrates drew up a plan of action for the defense of the Detroit River boundary against the Patriots. It was decided first of all that the volunteers should be enrolled in Volunteer Militia units. James Dougall, a magistrate, was placed in charge of guarding the Ferry landing from Detroit, so that no suspicious looking individuals would be allowed to land in Windsor. William Anderton, the Collector of Customs for Windsor, was a member of the Magistrates Committee, and was appointed to the position of Commissary-General for the local Volunteer Militia. There remained a few problems, however, namely how to provide a Militia force with arms, ammunition and provisions, when there were none in south-western Upper Canada, and no money with which to purchase any such items?²¹

A solution to the problem was close at hand, James Dougall, who owned the largest dry goods store in Windsor, stepped forward and placed at the disposal of the Committee, the large sum of money which he had already deposited in

21 James Dougall, "That Windsor Battle. An Account of it from a Canadian Standpoint", Michigan Historical Collections, 1886, VII, p. 82.

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the Bank of Michigan, Detroit, preparatory to arranging for its transfer to England as payment for his spring goods purchase. Using only part of this money, Thomas Paxon of Amherstburg purchased several hundred barrels of flour and pork from Gibraltar and Monroe, Michigan, while the remainder of the money was spent by Dougall and Paxon on purchasing all the arms and ammunition available in Detroit. So as not to draw attention to their exploits, all the purchases of arms and ammunition were made through a friend of Dougall, W. L. Whiting, then a shipping agent of Detroit, but formerly a businessman in Prescott, Upper Canada. Whiting quietly had all the goods crated ready for shipment, the intention being to move them whenever Canadian boats might be able to safely make the transfer.²²

Secrecy was particularly important because Dr. E. A. Theller was then in Detroit helping to organize a Patriot force for the purpose of invading Upper Canada. The Patriot plan of action called for a rush to the Canadian shore across the ice of the Detroit River, but so far the winter had remained open. As a result the magistrates secured several row-boats which they sent across the River to load the needed supplies. No sooner were the crates safely on board, than Theller, having been informed at the last

22 Ibid., p. 82-83.

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moment of what was happening, appeared running down the street towards the wharf, where the loading operation had just been completed. Apparently, because of the short notice given them, none of the hundred men with Theller had had time to arm themselves. Consequently, all the Canadian boats were able to effect a successful escape, with Theller's men reduced to throwing some cordwood piled on the dock after the fleeing gun-runners. The importance of this whole episode, however, is that with these military stores, the Essex Volunteer Militia could now be partially equipped to defend the Western District frontier.²³

Beyond any doubt, the most outstanding citizen to become a member of the Essex Militia was John Prince. He immigrated from England to Upper Canada in 1833, and settled near Sandwich, the capital of the County, in August of that year.²⁴ Besides bringing his wife, four children and servants, Prince brought with him a private fortune estimated to have been \$300,000 to 75,000 guineas worth of gold, which made him the first man of wealth to settle in Essex County.²⁵

²³ Ibid., p. 83.

²⁴ Francis Cleary, "History of the Town of Sandwich," Essex Historical Society, Papers and Addresses, 1915, II, p. 67.

²⁵ Friend Palmer, "Early Days Along The Border", Essex Historical Society, Papers and Addresses, 1915, II, p. 101.

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Upon his arrival, he set about to build Park Farm, a large estate close to Sandwich, and proceeded to stock it with thoroughbred cattle,²⁶ in addition to setter dogs and several brace of pheasants, which he introduced for his sporting pleasure.²⁷ A former solicitor in England, Prince through his aristocratic and eloquent speech, as well as his generous hospitality, quickly became the most prominent figure on the Western frontier. It was only natural, therefore, that he should enter politics in 1836 representing Essex County along with Francis Caldwell in the Upper Canada Legislature until 1856. When the emergency began along the Detroit River in 1837, Prince was made a Lieutenant-Colonel in the Essex Militia, and also served on the Magistrates Committee. The following year he was admitted to the Law Society of Upper Canada, and that year he came to play an eventful role in the repelling of the Patriot invasions.²⁸

Besides the Essex Volunteer Militia, there was a body of Kent Volunteers organized during the last days of December 1837 in Chatham under the command of Captain Bell,

26 Cleary, "History of the Town of Sandwich", op. cit., p. 67.

27 Palmer, op. cit., p. 101.

28 Cleary, "History of the Town of Sandwich", op. cit., p. 68.

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Lieutenant Baby, Lieutenant T. McCrae, and Ensign Cartier.²⁹ Plagued by the same lack of equipment as the company of the Essex Volunteers under Captain Sparks, the Volunteers from Kent County were turned out equipped with a blanket from the Chatham dry goods store of James Read. As for weapons, only a few of the men were armed with either a shotgun or rifle, the majority possessing no military weapons whatsoever. This was the circumstance at that time of most of the Volunteer units that marched to Sandwich, which served as the Militia Headquarters for the Detroit frontier. At Sandwich all the Militiamen were quartered in the old stone barracks, but a guard of twelve men was sent up to Windsor, a village of about two hundred people, each day. The guard-house in Windsor occupied a two-story frame building located on the south side of Sandwich, i.e. the river road, near the present day Windsor Avenue.³⁰ The drilling of the troops in Sandwich was carried out in front of the Old Huron Catholic Church.³¹

While these events were being accorded significance in the area of the Detroit River boundary, other matters

²⁹ McCrae, op. cit., p. 29.

³⁰ John D. Sullivan, "The Canadian Rebellion Of 1837-38", Essex Historical Society, Papers and Addresses, 1915, II, p. 8

³¹ Friend Palmer, "The Battle of Windsor", Essex Historical Society, Papers and Addresses, 1915, II, p. 30.

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were transpiring in England, which would soon bring about considerable changes in Upper Canada. In particular, Glenelg, on December 29, 1837,³² wrote Sir George Arthur, then in England, forwarding to him, his Commission as the next Lieutenant-Governor of the Province of Upper Canada. Apart from congratulating Arthur on his new appointment, the Colonial Secretary noted that the British Government was aware of the unsettled conditions existing in Lower Canada, where an insurrection was being crushed by military force, but that he, Glenelg, had great confidence in the people of Upper Canada. His Lordship went on to comment, that trouble might be forthcoming in the Upper Province along the eastern frontier which was adjacent to the vicinity of the rebellion in the Lower Province. Yet, in dealing with this or any other situation, Glenelg cautioned Arthur, that his conduct at all times would be subject to comparison with that of Head, who possessed the confidence of the majority of the people in Upper Canada, through his distinguished public service.

With respect to the principles to be employed in the conduct of affairs in the Province, the Instructions provided Sir Francis, when he assumed power on December 5, 1835,

³² P.A.C., RG 7, SG 1, Vol. 83, p. 368-375, Letter No. 9 from Lord Glenelg, British Colonial Secretary, to Sir George Arthur, Lieutenant-Governor of Upper Canada Designate, London, December 29, 1837.

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were to be utilized in the manner of application adopted by him, for "the main course and spirit of his policy"³³ had been whole-heartedly approved by the late King. The Colonial Secretary then confided in Arthur, that regardless of Head's reasons for doing so, the British Government regretted his resignation at the present time, but they did hope that Sir George would attempt to imitate the former Lieutenant-Governor in:

the uncompromising firmness with which he resisted every endeavour to subvert the Political Institutions of Upper Canada, the energy with which he opposed himself to the Enemies of Order and of Peace, and the frank and open bearing with which he threw himself on the loyalty, the reason, and the public spirit of the great body of the People.³⁴

Glenelg concluded by assuring Arthur that the full support of the British Government would be accorded him so long as he acted in concurrence with his Instructions and the directives issued by the Ministers of the Crown. In this regard, the Colonial Secretary stressed the necessity of there always being a full and frank exchange of ideas, between the British Government and the new Lieutenant-Governor.

That same day, December 29, 1837,³⁵ Lord Glenelg sent a second despatch to Arthur. It concerned the proposed

33 Ibid.

34 Ibid.

35 P.A.C., RG 7, SG 1, Vol. 83, p. 365-367, Letter No. 8 from Glenelg to Arthur, London, December 29, 1837.

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expediency of calling out the Upper Canada Militia immediately, and the advisability of utilizing a Military Officer in the position of Military Secretary to the Lieutenant-Governor for the purpose of dealing with such matters.

Respecting this proposal His Lordship explained that Sir John Colborne had already been assigned several Military Officers for use in the public service due to the calling out of the Lower Canada Militia. Arthur was further advised to concur with Colborne on the organization of the Upper Canada Militia, at which time Sir John could supply any extra personnel. It cannot help be noted, that the Colonial Secretary is obviously unaware of the insurrection and invasion which have just taken place in the Upper Province.

The decisions made in England on December 29, 1837, did not influence the deteriorating course of events along the Niagara frontier for the present. On the 29th, we find that the District Attorney of the County of Erie, H. W. Rogers, writing from Buffalo in his capacity as Acting Officer for the United States Government, contacted McNab. He was deeply concerned about reports that Anglo-Canadian forces had made landings within the past twelve hours on Grand Island, an American possession in the Niagara River close to Navy Island.³⁶ Rogers went on to explain, that the city of

³⁶ P.A.C., RG 7, SG 1, Vol. 88, p. 261-262, Letter from H. W. Rogers, District Attorney of the County of Erie,

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Buffalo was in a state of commotion over the reports, which he personally did not believe to be accurate. Nevertheless, in the interests of public peace, he was making this investigation in the hopes of quelling the apprehension among the people. Since the District United States Marshal was absent from the frontier, Rogers notified McNab, that Judge McLean of the City had been directed to visit the Colonel. He was to give him a first-hand account of the attitude of the people in Buffalo toward the state of affairs along the border. The Acting Marshal then assured McNab, that the United States authorities would do everything in their power to see that a strict neutrality was maintained.

Pursuant to the notification provided in the above mentioned despatch, Mr. Justice McLean saw the U. C. Colonel Commanding at Chippewa on December 29, 1837, after which McLean sent a report of his visit to Rogers.³⁷ The Judge stated that McNab's men made no landings whatsoever on Grand Island. There were, however, some persons, presumably Patriots, on this Island, for on December 28, 1837, an unarmed party of men and women from the Upper Canadian mainland, travelling in an open boat, had been fired upon by a

to Colonel The Hon. McNab, Commanding Chippewa, Buffalo, December 29, 1837.

37 P.A.C., RG 7, SG 1, Vol. 88, p. 263-266, Letter from McNab to Rogers, Chippewa, December 29, 1837.

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volley of musket shot, while passing near the Island. McNab also informed McLean, that another similar incident had taken place on the 28th off Fort Schlosser, when one of the U. C. Militia boats coming near the landing was fired upon by a cannon. Finally, the Judge was told by way of some sort of justification, that McNab had positive information which held the Caroline to have been purchased by the Patriots and to have been engaged in supplying American arms to Navy Island, all with the knowledge of the United States authorities.

The whole matter of armed persons being present on Grand Island, would seem to have been explained on December 29, 1837, by Lieutenant W. Lockwood of the St. Catherine's Troops of Cavalry stationed on the Niagara frontier, in a report he sent to McNab.³⁸ Lockwood informed the Colonel, that at 8 o'clock that morning, approximately twenty Patriots had been seen on Grand Island building a small bridge across a ravine. The Lieutenant went on to state that upon being observed from the mainland, the Patriots opened fire with a volley of musketry. Thereafter, they completed their work, then left two guards at the bridge site, while the remainder returned to the lower end of the

³⁸ P.A.C., RG 7, SG 1, Vol. 88, p. 267, Letter from W. Lockwood, Lieutenant St. Catherines Troop of Cavalry, to McNab, Chippewa, December 29, 1837.

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Island.

All these incidents are of significance, because they mark the period when the public opinion of both the United States and Upper Canada were formulating an image of either acceptance or rejection of the Patriot movement. Specifically, however, we are concerned with these events in that they proceeded to originate the defensive measures adopted by the Upper Province and the United States Government against the Patriots. Furthermore, the particular episodes which have been discussed above, assisted in increasing the pace of revolt along the Niagara frontier. By so doing they brought the time closer to when the Navy Island Patriots would face their moment of truth, leave their Island stronghold, and disperse to form several smaller Rebel groups along the Canadian-American border. It was the addition of these Navy Island evacuees to the Patriot sympathizers already gathered along the Detroit River boundary, which ultimately created the greatest threat to the peace and security of that region.

CHAPTER IV

THE NATURE OF THE STRUGGLE BECOMES APPARENT

As the last days of December 1837 waned, and the turbulent year of 1838 dawned, the nature of the struggle that was to beset Upper Canada became apparent. The lines along which the Patriots would attempt to realize their cause became abundantly clear. So too, the process by which the Upper Canada Government would seek a successful conclusion to the disturbances began to unfold. The revelation of the plans to be adopted by the Patriots and the Government in the Upper Province, must in no way be construed as forming the pattern of their eventual outcome. On the contrary, they came to represent an entirely different matter.

On December 30, 1837,¹ Glenelg wrote to Head notifying him that his despatch No. 124 of November 18, 1837, had been received. The time delay experienced between the sending and receipt of these messages to and from the Colonial Office is discernible from a comparison of their respective dates. We also find through the communication of Glenelg, that he has concurred with the suggestions of Sir Francis regarding the adoption of certain measures the Lower

¹ P.A.C., RG 7, SG 1, Vol. 83, p. 388-389, Letter No. 259 from Lord Glenelg, Colonial Secretary, to Sir Francis Head, Lieutenant-Governor of Upper Canada, December 30, 1837.

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Province, but that the recent events there now made them impractical to apply.

Glenelg went on to state that he was in perfect agreement with Head's reply to a recent request from Colborne. The request sought the use of Militia units from Upper Canada in the Lower Province to assist in the suppression of the Rebellion. Admittedly, the particular policy suggested by Sir Francis in this matter is not detailed. However, it is clear that Glenelg on this occasion in fact agreed to the use of some Upper Canada Militiamen in Lower Canada. These men were to be taken from the eastern vicinity of the Province, provided that this withdrawal of troops from Upper Canada would in no way prejudice the security of the Province. We shall see presently, that Head's defensive preparations were indeed hampered by Colborne's policies.²

That same day, December 30, 1837,³ the Colonial Secretary also despatched a message to Sir John. In this communique, he outlined the military arrangements which were being set in motion in England. Specifically, they provided that the Lieutenant-General be given the utmost support for his suppression of the revolt and the restoration of order

2 Ibid.

3 P.A.C., RG 7, SG 5, Vol. 17, p. 12-14, Letter from Glenelg to Sir John Colborne, Lieutenant-General Commanding the Canadas, London, December 30, 1837.

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in Lower Canada. According to these plans, it was the intention of the British Government to increase the strength of the Regular forces in British North America to a total of ten thousand men. This included from four to five hundred cavalrymen, and excluded the artillery companies which were to be added to the present artillery units already in the Canadas, along with a company of sappers and miners. Pursuant to the fulfilment of these designs, Glenelg stated that a force of Regulars, amounting to one thousand men, were then under orders to proceed immediately to Halifax from Britain. This force included the 93rd Infantry Regiment and were to replace those troops removed from Nova Scotia by Colborne.

The Colonial Secretary also anticipated that the 65th Infantry Regiment, stationed in the Barbados, would probably have arrived in the maritime Province. This Regiment was directed to proceed there as a result of a request from Sir Colin Campbell made to the Admiral Commanding the North American and West Indian Stations. The basis for this manoeuvre was a need of reinforcements to fill the gap left by those troops withdrawn by Colborne to deal with the Lower Canada disturbances. But what of the remainder of the Regulars required to bring the British North American forces up to the desired strength? These would be forthcoming with

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the opening of the navigation season on the Great Lakes.⁴

Apart from the regiments already mentioned, the military build up was to be effected by the sending of two Battalions (in the British Army the words battalion and regiment in this particular instance are interchangeable) of Guards, in addition to several other regiments. The strength of those regiments already in British North America as well as those proceeding here were to be increased to one hundred men per company.⁵ The significance of this measure should not be overlooked. By an increase of company strengths, more men could be brought into the Colonies. Through this device, any possible disruption in Anglo-American relations might be avoided regarding the purpose behind transporting so many Regulars to this side of the Atlantic, that is besides aiding in the suppression of the Rebellion.

As far as the requirements of the new cavalry units were concerned, the General Commanding-in-Chief of the British Army, Lord Hill, proposed that measures be immediately instituted for the purchase of cavalry mounts in America. Towards this end, the number of horses available, their means of purchase, and their cost were to be promptly ascertained. Colborne was to forward this information to the

4 Ibid.

5 Ibid.

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British Government before the opening of navigation. In order to establish the cheapest means possible of obtaining the cavalry mounts, quotations from the Canadas, the United States and England, were to be considered. Lord Glenelg went on to state, that those officers responsible for the purchase of horses for those regiments being sent to North America were proceeding as soon as possible to New York City there to await Colborne's instructions.⁶

In regard to the military staff for British North America, the Colonial Secretary made note of the fact, that the Volunteer Corps was to be made efficient through the addition of experienced officers. As for the Commanding Staff, the Brigade of Guards which was to arrive in the spring would be commanded by a Major-General and a Brigade Major. This would result in augmenting the Military Staff Commanding the Canadas to a total of two Major-Generals, a Brigade Major, and providing an Assistant with two Deputy-Assistants for each of the Military Departments. Glenelg also remarked, that if Colborne thought of any other method by which the British Government might strengthen the Lieutenant-General's position in the Canadas until the arrival of the reinforcements in the St. Lawrence, he was to

6 Ibid.

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notify His Lordship at once.⁷

This tremendous military build up, unknown to the Patriots, predicated the success of any invasion and/or internal upheaval to the period from January to March 1838. Thereafter, the number of British Regulars assisted by untrained local Militia and Volunteers would spell the doom of any violent venture perpetrated against the authorities of the Canadas. Yet, although the Patriots remained unaware of the British Government's new Policy, they nevertheless did proceed to open hostilities during the winter along the Canadian-American border, and in particular on the Detroit River boundary.

Momentarily incognizant of Glenelg's new preparations, Head contacted Colborne on December 30, 1837,⁸ respecting the situation on the Niagara frontier. The Lieutenant-Governor told the Lieutenant-General, that the Patriot force on Navy Island was now estimated to number about five hundred well-armed men. The Upper Canada Militia force under Colonel McNab defending the Province along the Niagara River totalled over two thousand men. Head also explained, that he intended visiting Chippewa within a few days to plan the most propitious method for removing the

7 Ibid.

8 P.A.C., RG 7, SG 16A, Vol. 4, p. 29-30, Letter from Head to Colborne, Toronto, December 30, 1837.

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Patriots from the Island. In this regard, however, he hesitated launching an attack because he believed the Rebels would soon evacuate the place on the grounds that it was untenable.⁹

Having depicted the general military situation with respect to the Upper Province, Sir Francis then came to the real purpose of his letter. This was to inform Colborne of the trouble he (Head) had been having with the military authorities in Kingston. To begin with, Head was of the opinion that Colonel Cubitt at Kingston had supplied one thousand stand of arms to Colonel Manahan, and had shipped a cannon to Brockville, while simultaneously leaving the Lieutenant-Governor's request for arms unfilled. In addition, Cubitt had detained almost half of the 24th Regiment contingent at Kingston, despite the fact that Sir Francis had especially ordered Colonel Foster to despatch these men to Toronto.¹⁰

The reason why Sir Francis had wanted these troops in the first place was to provide prestige while doing guard duty. His intention had been to bring over two hundred political prisoners to trial. But, with the retention of the 24th Regiment detachment by Cubitt, Head felt he could

9 Ibid.

10 Ibid.

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not proceed with his plans. Because of these setbacks, the Lieutenant-Governor notified Sir John that he had now sent Foster personally to Kingston in order to report on the actual number of troops and "to take measures for obedience of his commands as well as mine."¹¹

The following day, December 31, 1837,¹² Head again wrote Colborne. This time Sir Francis, having received new information from the frontier, was anxious to explain the changing situation in the Upper Province to the Commander of the Forces in the Canadas. Specifically, Head noted that the number of Patriots on Navy Island were reported to be on the increase. There was also reliable intelligence from the Detroit River area indicating that preparations were under way for a second Patriot invasion of Upper Canada along the Detroit boundary.

Regarding the situation on the Niagara frontier, some of McNab's boats had been fired upon from Grand Island (an American possession), as well as from the United States mainland. Head remarked further that a Patriot supply ship called the Caroline had been cut out, set on fire and left to drift over the Falls. Considering the possible repercussions that could arise from this venture, Sir Francis

¹¹ Ibid.

¹² P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 103 from Head to Colborne, Toronto, December 31, 1837.

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predicted that undoubtedly there would be an increase in the forces on Navy Island. Consequently, he now proposed that an attack be launched against the Island Patriots. Toward the execution of this design, the Lieutenant-Governor informed Sir John, that it was his intention to depart for Chippewa the next day in order to decide on a method of attack. In the light of the present situation, Head expressed the wish that his Province "ought instantly to be supplied with an additional military force and especially with the assistance of an officer of activity and experience."¹³

The displeasure shown by Sir Francis toward the inactivity of the Lieutenant-General, and the latter's apparent disinterest in the affairs of Upper Canada cannot help but be observed. This situation stemmed from Colborne's lack of respect for the chief civil authority in Upper Canada, which in turn sprang from Sir John's resentment of the Lieutenant-Governor meddling in the defensive arrangements of the Upper Province. Then again, Head had no other choice in the matter, for he was not prepared to let his Province be overrun by the Patriots due to the neglect of the Lieutenant-General Commanding the Canadas.

It will be seen eventually, that Colborne's attitude toward Head actually affected the performance of his duties.

¹³ Ibid.

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Particularly is this apparent when one realizes that Sir John consistently treated all the intelligence received from Upper Canada as overstating the case. Consequently, we find that the Lieutenant-General invariably acted after an event rather than before it. This disgraceful state of affairs has been completely overlooked by historians on this period in their rush to heap praise upon Colborne and condemnation on Head.

While the Head-Colborne conflict of military interests continued unabated, Sir Francis still proceeded to try and prevent the Patriot incursions from increasing. On December 31, 1837,¹⁴ he sent a note to Fox in Washington urging him to keep up his efforts in seeking United States Governmental discouragement of the Rebel activities. Head made mention of the fact that the number of persons gravitating toward Navy Island was increasing. The Patriot vessel *Caroline* had been destroyed and McNab's boats had been fired upon. Nor were the prospects of violence being committed limited to the Niagara district. Intelligence from the Detroit frontier indicated that preparations there gave warning of a pending Patriot attack. Despite the apprehension arising from this predicament, Sir Francis provided Fox

14 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 102 from Head to Henry S. Fox, British Minister at Washington, Toronto, December 31, 1837.

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with some reassurance that all was not lost. He informed the Washington Minister that the British Government was about to supply the Canadas with officers experienced in the maintenance of large military formations. Then too, within the Upper Province, all remained quiet without a Rebel to be found.¹⁵

It appears in this letter,¹⁶ that Head either consciously or unconsciously gave away his true position to Fox. He mentioned that Upper Canada was to receive experienced officers from Britain familiar with the operation of large military groups. From this statement can be deduced the fact that Head had no such officers nor any such force within the Province. The reason for this situation was that Colborne had taken all the professional officers and men for use in Lower Canada. This meant that Upper Canada was relatively unprepared to defend itself, nor could it offer anything more than token resistance, even by calling out the Militia and Indians to serve under experienced military commanders.

The responsibility for defending the Province was thus placed upon Fox by implication. It was to be his duty to convince the American Federal Government to intervene

15 Ibid.

16 Ibid.

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and prevent their citizens from perpetrating acts of violence in the name of the Patriot movement. There was, however, a time limit injected into these circumstances, because the recurring Patriot-Militia incidents were causing the number of Rebels to increase steadily. The United States Government would have to act soon, or else a continental conflict involving the use of thousands of men would be the result. This possibility neither Britain nor America looked upon with favour.

While the Government of Upper Canada was thus urging further remonstrances in Washington, and Head was contemplating mounting an attack on the Insurgents of Navy Island, Henry Arcularius, the Commissary-General of the State of New York, contacted McNab at Chippewa. That same day, January 2, 1838,¹⁷ McNab replied to the despatch of Arcularius. The Commissary-General had requested a postponement by the Colonel of any attack upon Navy Island, until he could demand the surrender of any and all the ordinance stores and arms belonging to the State of New York, which were then in the possession of the Patriots. In the event that the Rebels agreed, without undue delay, to return this equipment, Arcularius also sought permission to remove these stores from

¹⁷ P.A.C., RG 7, SG 1, Vol. 88, p. 274-277, Letter from the Hon. A. N. McNab, Lieutenant-Colonel Commanding at Chippewa, to Henry Arcularius, Commissary-General of the State of New York, Chippewa, January 2, 1838.

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the Island.

McNab in making his reply lauded the spirit which was being shown by the Commissary-General in attempting such a feat. He explained, that his orders were to co-operate fully with any endeavours by the United States officials and responsible citizens to avoid bloodshed, and bring an end to the Patriot activities. Consequently, McNab promised to suspend all operations against Navy Island, until he received word from Arcularius. The Colonel then expressed the hope, that the same spirit of co-operation shown by the Commissary-General would induce the other American authorities to prevent any further assistance from the mainland reaching the Navy Island Patriots.¹⁸

Two days later on January 4, 1838,¹⁹ Van Rensselaer, having been contacted by Arcularius, made his reply. The General Commanding the Patriots explained to the New York Commissary-General, that when he had assumed control over the forces on Navy Island, he had been informed that some of the Patriot weapons were in fact United States Government property. Notwithstanding, he had been led to understand that all these weapons were merely on loan for the duration

¹⁸ Ibid.

¹⁹ P.A.C., RG 7, SG 1, Vol. 88, p. 272-273, Letter from Rensselaer Van Rensselaer, General Commanding the Patriots at Navy Island, to Arcularius, January 4, 1838.

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of the conflict from numerous Government officials.

Although the Patriot General had as yet not been able to ascertain the accuracy of this information, he nevertheless assured Arcularius in the communique, that at his earliest convenience, he would personally investigate the matter. If, as a result of this investigation, Van Rensselaer should discover any Government war materials, then he promised the Commissary-General to make arrangements for its return.²⁰ Needless to state, however, no mention was made as to the approximate time when these measures might be executed.

The final note of this episode was written on January 5, 1838,²¹ when Arcularius notified McNab of Rensselaer's refusal to co-operate. The Commissary-General thanked the Upper Canada Militia Colonel for his forbearance in this matter, confiding that he had done all in his power to prevent further bloodshed. In closing, Arcularius remarked, "if the poor deluded beings who have encamped at Navy Island are slain, their blood be on their own heads not mine."²²

The Arcularius mission does prove beyond any doubt the sincerity of the efforts by some New York Government officials in trying to halt the Patriots, before their

20 Ibid.

21 P.A.C., RG 7, SG 1, Vol. 88, p. 270-271, Letter from Arcularius to McNab, Niagara Falls, January 5, 1838.

22 Ibid.

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misdirected course led to international complications. During this interlude, the Island Patriots were provided with a period of tranquility, and the Lieutenant-Governor of Upper Canada along with McNab consulted on the best method for launching an attack against these Rebels. But, the peacefulness of the Niagara frontier in no way was representative of conditions throughout the Upper Province. In particular, the Detroit River area was most apprehensive about the local Patriot activities. So too, administrative difficulties involving the payment of those Militia groups already activated, foreshadowed a rising discontent among the military which bordered on mutiny and desertion.

These questions of the situation on the Detroit frontier and that of Militia pay, both bore a direct relationship to the security of the Upper Province. Yet for the moment, Sir Francis did not appear to have been aware of these problems. His absence on the Niagara front appeared to be the reason. But, it is apparent in a later document,²³ that the Lieutenant-Governor's correspondence was being forwarded by steamboat from Toronto to Chippewa without any undue delay. If such was in fact the case, the administrative laxity, must be due directly to the inefficiency of Head. It was not any weakness in the function of his office

23 P.A. C., RG 7, SG 16A, Vol. 3, Letter No. 104 from B. Rolundon to John P. Askin of London, Toronto, January 5, 1838.

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staff which brought about the unfortunate situation at Windsor and the confused financial arrangements regarding the payment of the Militia.

Concerning the method of paying the activated Upper Canada Militia force, the first indication of maladministration appeared on January 3, 1838.²⁴ It was in a letter from the Assistant-Military Secretary at Toronto, Captain F. Halkett, to the Military Secretary at Quebec, Colonel Rowan. In this despatch Halkett remarked that several complaints from various officers had been received about the inconveniences of the prescribed method for paying the Upper Canada Militia. The Assistant-Military Secretary at Toronto expressed particular concern over the fact that the procedure as outlined in the General Order of July 23, 1837, in the case of Colonel Airey, was prejudicing the performance of the public service. The regulation causing so much consternation was that requiring the signature of a Militiaman before receipt of his pay. In bringing the question to the attention of the Commanding of the Forces in the Canadas, Halkett recommended that the pay regulations be changed in the interests of continuing the public service.

²⁴ P.A.C., RG 8, SG C, Vol. 708, p. 1-2, Letter from F. Halkett, Assistant-Military Secretary at Toronto, to Colonel Rowan, Military Secretary at Quebec, January 3, 1838.

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Although no immediate action was taken regarding revision of the orders establishing the method for paying the Upper Canada Militia, Halkett's communication does give warning that the situation was assuming dangerous proportions. Indeed, a letter from the Acting-Quarter-Master-General of Militia, Colonel J. B. Macaulay, a Judge of Upper Canada, to the Military Secretary of the Lieutenant-Governor of Upper Canada, Captain Strachan, dated January 4, 1838,²⁵ indicates that the matter was definitely serious.

Macaulay noted that there were financial difficulties, and that while Colonel Foster was on the frontier, Toronto was filled with persons awaiting the settlement of their claims against the Government. In fact, without some restitution, these individuals would be unable to carry on the public service. But, Macaulay pointed out, there were no funds available for this purpose. Consequently, he proposed that the Bank of Upper Canada temporarily advance a small amount sufficient to allow these persons enough to continue their public duties. This procedure would admittedly lead to a further embarrassment of the Upper Canada Government by encouraging other claimants to submit their unsettled accounts. Still greater administrative

25 P.A.C., RG 8, SG C, Vol. 642, p. 93-94, Letter from Colonel J. B. Macaulay, Acting-Quarter-Master-General of the Upper Canada Militia, to Captain Strachan, Military Secretary at Toronto, Toronto, January 4, 1838.

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difficulties were present in the refusal of the Assistant-Commissary-General at Toronto, R. Foote, to acknowledge any money warrants authorized by Macaulay on the grounds that his regulations prohibited such transactions.²⁶

Apart from a lack of funds and an inadequate system for paying the Militia, the primary financial trouble involved in settling any and all accounts arising from the public service of the Upper Canada Militia stemmed from the validity of the Militia General Order dated December 15, 1837.²⁷ By this Order Judge Macaulay had been appointed to act as Quarter-Master-General for the Upper Canada Militia. Accordingly, all the officers of the Upper Canada Government including Heads of Departments had been directed to furnish such money, public stores, and military supplies as Macaulay would require.

This Militia General Order appeared to have credence. The fact of the matter was, however, that Foote, from whom all military stores and public moneys of the Colonial Office and Military Chest were issued, was not subject to any Upper Canada Militia Orders.²⁸ Therefore, he

²⁶ Ibid.

²⁷ P.A.C., RG 8, SG C, Vol. 642, p. 95-97, Letter from R. Foote, Assistant-Commissary-General at Toronto, to Macaulay, January 5, 1838.

²⁸ Ibid.

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could not recognize any authorizations for expenditures from the Acting-Quarter-Master-General of the Upper Canada Militia. As a consequence, all the outstanding warrants for expenditures could not be settled without being referred to the special consideration of an Audit Board as well as the Lords of the Treasury. On the other hand, the only signatures upon which any issues might be made were those of Colonel Foster, Commanding the Forces in Upper Canada, and that of the Commissary-General.

Foote also informed Macaulay, as outlined in this communication, that all the arrangements made by the Militia Commissary-General contravened the regulations. Specifically, Foote explained that once an enemy had actually invaded the Province, all the military forces including the Militia came under the control of the senior military officer commanding, in this case Lieutenant-General Colborne.²⁹ Therefore, the Senior Officer in Upper Canada, Colonel Foster, could be expected to receive orders to the effect that he assume control of all military matters within the Province.

The Commissary-General also stated that Sir Francis had no authority to authorize any expenditures from the Military Chest or budget without the counter-signature of Foster. In concluding his message, Foote suggested, that

²⁹ Ibid.

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since both Head and Foster were absent from Toronto on the Niagara frontier, Macaulay should desist immediately from making any further requisitions from the Commissariat in the interests of reducing any more administrative confusion.³⁰

Considering the nature of the difficulties that faced Upper Canada at this time, one cannot help but be amazed at the existence of such administrative conflicts of interest. It is difficult to comprehend what purpose if any was being served by the initiation of such problems, especially when it is so obvious that they hindered the smooth and efficient operation of Upper Canada's defensive measures. The probability that the parties involved were not aware of the damaging nature of their activities can certainly be ruled out, when one considers the governmental positions occupied. Then too, the thought that they might have been engaged in aiding the Patriot cause must also be ignored for the same reason. This leaves but one conclusion. Both participants were inherently jealous of the power they exercised. Nor can this argument be distorted by injecting the idea of nationalistic rivalry, for the actual conflict concerned two Englishmen, namely the Lieutenant-Governor of the Upper Province and the Commissary-General at Toronto.

30 Ibid.

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Yet the struggle of the civil authority against the military authority in the Province was by no means limited to the aforementioned individuals. Indeed, we have already become acquainted with the principle culprit in this design, Sir John Colborne. His infatuation with the office of Commander of the British Forces in the Canadas has thus far become abundantly clear. However, the efficiency which accompanied the execution of his duties would appear to successfully mask any and all shortcomings. Despite this facade, it cannot be denied that the attitude held by Colborne toward the civilian authorities of Upper Canada admits a degree of military incompetency rather than inefficiency.

Sir Francis Head for his part endeavoured to break the administrative deadlock upon his return from Chippewa where he had spent a week. He did this by promptly issuing a Militia General Order appointing Colonel Foster Commander of all the military personnel both Militia and Regulars in the Upper Province.³¹ Through this gesture, the Lieutenant-Governor hoped that Commissary-General Routh at Quebec, would sanction the payment of the Militia expenditures for Upper Canada, which he had thus far refused to do.³²

31 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 107 from Head to Colborne, Toronto, January 8, 1838.

32 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 106 from Head to McNab, Toronto, January 8, 1838.

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On January 8, 1838,³³ Head notified McNab of the change of command. He pointed out that any official correspondence regarding the state of affairs of the Militia and the Niagara frontier had better be directed to Foster now instead of Strachan. Copies of such communications were still to be sent to the Lieutenant-Governor. Due to the promotion of Foster, Sir Francis stated, that he would not be returning to Chippewa, but that an experienced professional officer, Colonel Hughes, was being sent to Niagara immediately. The presence of Hughes, specified the Lieutenant-Governor, was in no way to alter the nature of the military and naval organization on the frontier, where McNab was to remain in supreme command. Hughes, for his part, was to exercise command under McNab of all the Regulars, that is namely his own regiment and the detachment of artillery. In this situation, Head advised that McNab pay scrupulous attention to military detail and employ a great deal of tact.³⁴

Another despatch sent the same day as the above informed Colborne of the military changes in the Upper Province.³⁵ Sir Francis also explained that the measure had been necessitated by the demands of Routh. In an endeavour

33 Ibid.

34 Ibid.

35 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 107 from Head to Colborne, Toronto, January 8, 1838.

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to indicate that no military differences existed between Foster and himself, Head closed with the comment that they had already reached complete agreement as to the defensive arrangements requisite for the Province.

The promotion of Colonel Foster to the position of supreme military commander in Upper Canada by no means solved the problem of paying the Militia, for there still remained the questions of the method of payment and source of the funds for such payments. Yet the process of setting the Provincial financial matters respecting the Militia in proper order was momentarily pushed into the background as a new element of terror loomed into sight. Events on the Detroit River boundary altered the scope of the Patriot conflict from one of local significance at Niagara, to one of inter-State importance along the Canadian-American border.

CHAPTER V

THE GIBRALTAR EXPEDITION

The date January 8, 1838, marked the departure of the Detroit River boundary from an era of peace to an era of violence. It was not, however, a departure toward international hatred, rather it was an emergence of a bitterness both in Upper Canada and Michigan towards those individuals who would disturb the tranquility of the two nations bordering on the Detroit River. The eruption on the Western frontier extended the scope of the Rebellion in Upper Canada to include the area from Niagara Falls to Sandwich. The second invasion by an American backed Patriot force into Upper Canada, also had the effect of changing Colborne's attitude towards the nature of rebellious activities in Upper Canada. From this moment onward Colborne's direction of military affairs in the Upper Province assumed more earnest and serious consideration. One cannot, however, absolve the Lieutenant-General for his callous inefficiency in ignoring the intelligence from both the Niagara and Detroit areas. This former attitude of mind endangered the security of the citizens of Upper Canada. It is not the intention of this author in any shape or form to attempt to hide or excuse these previous military shortcomings while reviewing the astuteness with which Colborne handled the forthcoming situation.

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Before dealing directly with the events following January 8, 1838, and the Gibraltar Expedition on the Detroit River, it is necessary to recall the several factors which foretold the coming of an eruption. The first indication that all was far from tranquil along the Western frontier, apart from those matters previously discussed in an earlier chapter, appeared in the initial issue of the Western Herald Newspaper. In this Windsor-Sandwich paper of January 3, 1838, a proclamation was published bearing the date of December 30, 1837.¹ It was signed by the following Justices of the Peace of the Western District, namely: John Prince, Chas. Elliot, Robert Mercer, J. B. Baby, William Anderton, and J. A. Wilkinson. This proclamation warned all British subjects living along the Detroit River frontier, that the United States and Upper Canada were at peace - hence, no violence whatsoever would be tolerated. Through this pronouncement, these magistrates of the Western District proceeded to exercise their responsibility for the defensive arrangements of the Detroit frontier. While, admittedly, their authority is self-assumed, the fact of the matter is, that they now made known to all and sundry their determination to effect their purpose with alacrity.

¹ Francis Cleary, "History of the Town of Sandwich", Essex Historical Society, Papers and Addresses, II, p. 69.

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As this proclamation was being read by the public, the Kent Volunteers from Chatham on January 2-3, 1838, set out on their fifty mile march to Militia Headquarters at Sandwich.² According to John McCrae, who was a member of the group, they numbered approximately one hundred men.³ But, despite this call to arms at Sandwich, Halkett in Toronto directed Colonel Jarvis - upon the request of the Lieutenant-Governor - to dispense with the services of the River Credit Indians immediately. This order was given on January 4, 1838.⁴ Jarvis was also instructed to make a report on the number of Indians called out thus far for service with the Militia. The purpose of this gesture, was to use the information as a basis for demobilizing as many Indians as possible, so that they might be sent back to their homes.

The following day, January 5, 1838,⁵ J. B. Clench, the Superintendent of Indian Affairs for Delaware, Upper

2 John McCrae, "Battle Of Fighting Island, February, 1838," Essex Historical Society, Papers and Addresses, 1913, I, p. 29.

3 Ibid., p. 29.

4 P.A.C., RG 10, SG A7, Vol. 68, Letter from F. Halkett, Assistant-Military Secretary at Toronto, to Colonel Jarvis, Chief Superintendent of Indian Affairs in Upper Canada, January 4, 1838.

5 P.A.C., RG 10, SG A7, Vol. 125, Letter from J. B. Clench, Superintendent of Indian Affairs at Delaware, to Jarvis, January 5, 1838.

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Canada, despatched a letter to Jarvis which conflicted completely with Halkett's directive. Clench informed Jarvis, that he had received many messages "from Sandwich stating that the Public mind was much excited there by the hostile bearing of many on the opposite shore."⁶ As a consequence of the situation on the Detroit frontier, Clench stated that he felt it his duty to call out the Indian warriors under his superintendency whose loyalty was beyond question. He explained that it was his intention to march the next evening to his general rendezvous on the lines which presumably was Sandwich. The Indians under the command of Clench were to be accompanied by a surgeon, Robert Ironside.

The contradictory nature, of the activities being carried out by Jarvis (upon Halkett's orders) and Clench as indicated by the letters just discussed above, would seem to be explained by an intelligence mentioned in a despatch from B. Rolundon of Toronto to John P. Askin of London dated January 5, 1838.⁷ In this communication, besides referring to the absence of the Lieutenant-Governor at Niagara and the fact that Askin's letters were being forwarded to him,

6 Ibid.

7 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 104 from B. Rolundon to John P. Askin of London, Toronto, January 5, 1838.

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Rolundon mentioned a recent intelligence received from A. Rijney. Rolundon spoke of Rijney as an American born merchant then resident in Toronto whose disposition toward the Government of Upper Canada was considered acceptable.

Apparently Rijney had just returned to Toronto having completed a business trip that took him overland from Chicago to Detroit which he had left on December 31, 1837. During this trip Rijney had noticed nothing which might occasion apprehension among the officials of Upper Canada concerning the security of the Province. Yet, Rolundon expressed caution against putting too much confidence in this report.⁸ However, the fact of his mentioning it indicates that he did place some credence in Rijney's observations. Lest this intelligence be misunderstood, one should note, that Rijney would not have noticed any Patriot activity in the area he travelled, because all the consternation was taking place on the other side of Detroit, namely in the Gibraltar district. Gibraltar was a small town on the American mainland opposite Bois Blanc Island.

Returning to the matter of Halkett's order to Jarvis for the dismissal of the Indian warriors called out to assist the Militia, we note that Head had issued this directive while at Chippewa and before receiving the Rijney

⁸ Ibid.

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intelligence. This being the case the only explanation for his decision in the light of the Detroit River situation must be that he was continuing to judge all intelligence from the Western frontier as exaggerated. Lack of information from the Detroit area to the Lieutenant-Governor is disclaimed by the stream of messages to which the Windsor-Sandwich officials repeatedly make reference. Thus, it must be stated that Sir Francis in fact utilized a double standard for intelligence analysis. There was the study given information received from Niagara and the rest of the Province, then there was the less rigid attention given intelligence received from the Detroit frontier. This duplicity in fact prejudiced the security arrangements for the defense of the Province as illustrated by the proposed disbanding of the Indian warriors then on active duty. Such a decision, considering the background of information upon which it was based, can only be regarded as the product of incompetency.

Apart from the public warning issued by the Western District Magistrates, the advance of the Kent Volunteers to the Detroit frontier, and the movement of the Delaware Indian warriors under Clench to Sandwich, there were still more indications of other preparations from Port Sarnia. In particular, on January 5, 1838,⁹ William Jones, the

9 P.A.C., RG 7, SG 16C, Vol. 43, p. 120, Letter from

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Superintendent of Indian Affairs at Port Sarnia, was sent a message from I. Joseph, the Provincial Secretary, assuring him that the Lieutenant-Governor

has taken such measures for the defence of our Coasts in the Western District, from foreign invasion as he has reason to believe will be effectual for that object.¹⁰

The purpose of this correspondence was apparently an attempt on the part of Sir Francis to try and dispel the fears of Jones expressed in his communication of December 28, 1837, that an invasion of the Western frontier was about to be perpetrated by a group of American Patriots. However, the date of the despatch indicates that the reply given Jones by Joseph on behalf of Head was made before the receipt of the Rijnen intelligence. Then again, the official preparations for the defense of the Western District to which Joseph alludes never in fact existed at this time. This assumption is proved by Jones' despatch of December 28, 1837, referred to above. Otherwise, why would the Port Sarnia Superintendent inquire as to defensive arrangements against a Patriot invasion, if in fact they already existed? The action of the Western Magistrates would also appear to

I. Joseph, Provincial Secretary at Toronto, to William Jones, Superintendent of Indian Affairs at Port Sarnia, January 5, 1838.

10 Ibid.

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be foolhardy if the defense of the Western frontier was indeed assured.

Since this was obviously the situation, what did Head mean by his reference to having taken measures that ensured the Western District against foreign invasion? Simply this, British diplomatic pressure was being brought to bear on Washington by Fox for the United States apprehension of those Patriot citizens plotting foreign aggression. In addition a system of intelligence within the United States was supposedly supplying Head with reliable information as to where and when to expect trouble along the frontier. The reliability of this system is a matter of doubt at this point, but the realization of its almost complete incompetency will shortly be revealed. As for the action of the American authorities, we will examine the nature of their contribution in arresting the Patriot movement in detail.

While the tempo and scope of the Patriot activities appeared to some officials as increasing and to others as abating, Lord Glenelg in England wrote Colborne on January 6, 1838,¹¹ about some disturbing information he had just received. His Lordship confided in Sir John, that the

¹¹ P.A.C., RG 7, SG 5, Vol. 17, p. 21-22, Letter No. 7 from Lord Glenelg, Colonial Secretary, to Sir John Colborne, Lieutenant-General Commanding the Canadas, London, England, January 6, 1838.

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British Consul in Mobile had reported the shipment of a large number of arms from England to New York for the purpose of being sent to the Canadas. As a consequence of this information Glenelg stated, he had instituted an investigation by which he had discovered that many muskets had recently been manufactured in Birmingham. He went on to explain that another investigation was under way to determine whether or not any large shipments of arms were in the process of being exported from Liverpool or London. The British Customs Service was also assisting by checking the destination, and the amounts of all arms leaving the British Isles. As to what Colborne should do about the matter the Colonial Secretary made no reference. His Lordship did point out, however, that the British Minister in Washington was being informed of the venture and instructed to contact Colborne immediately any such activity was observed. If such an occasion arose, Fox was being further advised to make representations to the United States Government in order that they might act to prevent the flow of arms through America into the Canadas.

With an increased vigilance on the smuggling of arms into Upper Canada from the United States about to be instituted, the Lieutenant-Governor of the Upper Province proceeded on a build-up of the forces at Chippewa. Having

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just returned from the front on January 7, 1838,¹² aboard the vessel Traveller, Sir Francis contacted Foster to give his hearty approval to the proposed reinforcements. The Regulars being sent from Kingston to the Niagara boundary were a detachment of the 24th Regiment and an Artillery unit. The Lieutenant-Governor interjected the thought that after service on the frontier, they might be stationed in Toronto, but regardless, he ordered their prompt transfer aboard the steamship Traveller from Toronto to Chippewa.

Regarding the situation along the Niagara River, by January 8, 1838,¹³ Head reported to Colborne, that Colonel McNab now had a force there of two thousand men. The majority of these troops were from the County of Gore in Upper Canada. In this communication the Lieutenant-Governor was obviously concerned about McNab, a Militia Colonel, continuing to hold command of the Chippewa forces. By way of indicating to Sir John the position held by McNab, Head explained that the force of Militia at the Niagara frontier had suffered a great deal of privation, thus far, from the inadequacies of the service in food, clothing and shelter.

12 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 105 from Sir Francis Head, Lieutenant-Governor of Upper Canada, to Colonel Foster, Commanding Upper Canada, Toronto, January 7, 1838.

13 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 107 from Head to Colborne, Toronto, January 8, 1838.

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During the not infrequent threats by many of the Militiamen to return home to their farms and families, it had only been the personal popularity and trust held by the men for McNab, that had prevented the complete disintegration of the force. Then too, these men had all participated in the defeat of Mackenzie at Gallows Hill near Toronto in early December 1837. A potent political factor in morale was also present in having the Speaker of the House of Assembly leading the Provincial force.

Concerning Colonel McNab's military abilities, Sir Francis was quick to point out that this officer had master-minded the capture and destruction of the steamship Caroline. At the present time he was engrossed in making preparations for an attack against the Patriots on Navy Island. Towards this end, fourteen pieces of ordinance had already been placed in fixed positions and had commenced bombarding the Island. Assisted by Captain Drew (Royal Navy), Colonel Cameron (formerly of the 79th Regiment) and Captain McAulay (Royal Engineers), it was McNab's intention to utilize two naval gun-boats, which had already been outfitted, for a landing on the Island. As far as the Regulars and Artillery were concerned, they formed a separate division, which, upon the suggestion of Foster, was commanded by Colonel Hughes. Considering all these circumstances, the Lieutenant-Governor recommended that McNab be allowed to

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continue in his present position.¹⁴

On the assumption that the Militia Colonel was to be left in charge at Chippewa, Sir Francis then analyzed the possibility of invading Navy Island. Referring to his recent week's visit there, Head remarked that his observations had raised the question in his mind as to how much longer the Militia force could be held together. Since they might be expected to leave for their homes at any moment, an invasion had to be launched soon. On the other hand, if the Militiamen left, they would be deserting the Artillery positions, and this would be considered by the Patriots as a victory for them. The Lieutenant-Governor also made it clear to Colborne that an attack could not be avoided by a bombardment of the Island. This manoeuvre had already been tried with a complete lack of success, due to the poor gunnery. Then too, the thick woods on the Island provided excellent cover for the Rebels while simultaneously offering the gunners little visibility. All things considered therefore, Head told Colborne that he had left McNab with discretionary power as to when the attack should be launched.¹⁵

14 Ibid.

15 Ibid.

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While Colonel McNab awaited his Regular reinforcements and the right moment to move against Navy Island, the situation along the Detroit boundary rapidly deteriorated. The Detroit area Patriots had been busy until now procuring arms, provisions and men. Thus far, they had hesitated to effect a landing on the territory of Upper Canada, because the ice had not yet formed on the Detroit River. The winter of 1837-1838 was a remarkably open one up to January 1838.

In Michigan the matter of American citizens making preparations to assist the Rebellion in the Canadas had been examined as early as December 7, 1837.¹⁶ On that date American Secretary of State John Forsyth informed Governor Stephens T. Mason of Michigan of President Martin Van Buren's wishes on the subject. Forsyth stated that Van Buren wanted Mason to preserve United States laws and prevent any hostile preparations by American citizens for the purpose of aiding the Canadian Uprisings. Mason in his reply to this directive on December 21, 1837,¹⁷ did not feel that any residents of Michigan would interfere in the Rebellion.

16 P.A.C., Pamphlet 1-1634, Document 74, p. 37-38, Letter from John Forsyth, American Secretary of State, to Stephens T. Mason, Governor of Michigan, Washington, December 7, 1837.

17 P.A.C., Pamphlet 1-1634, Document 74, p. 50, Letter from Mason to Forsyth, Detroit, December 21, 1837.

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However, he assured Forsyth, that he would use every means in his power to maintain the peace.

At this time the Michigan Governor apparently became most apprehensive at the prospects of his being able to continue maintaining public order. His uneasiness was occasioned by the great influx of Canadian refugees into the Detroit area from the abortive uprisings at Toronto, London and in Lower Canada. Once the stories of alleged tyranny were voiced to the seasonally unemployed, and those persons without work due to the depressed economy of that day, the area became a tinder-box ready to explode at the slightest provocation. To avoid just such a possibility, Governor Mason called out several units of the Michigan Militia.¹⁸

Militia Private Levi Bishop¹⁹ later wrote of this mobilization, that he was one of those detailed to issue the new Militiamen with their equipment, as they filed past the doorway of the Detroit City Hall. Their equipment, which was brought up from the State Arsenal at Dearborn just outside Detroit, consisted of a complete set of arms and accoutrements with eight pounds of ball and buckshot cartridges

¹⁸ Levi Bishop, "Recollections of the Patriot War of 1838-39 On this Frontier", Michigan Historical Collection, 1888, XII, p. 414-417.

¹⁹ Ibid., p. 417.

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for each man. The remainder of the military stores including 450 stand of arms was stored at the Detroit Jail for safety and accessibility.²⁰

As for the Michigan Patriots, their headquarters in Detroit was the Eagle Tavern, a hotel owned by Mr. Heath and located on Woodridge Street.²¹ Heath, during the winter of 1837-1838, dispensed so much hospitality to the Patriots that he eventually was reduced to poverty. It was from the Eagle Tavern, that Henry S. Handy as General of the Northwest Patriot Army and leader of the Council of the Friends of Canadian Liberty set about on his mission. Imbued with the idea that it was possible to organize and execute a successful rebellion in Upper Canada, he proceeded to mold together a plan of action. Above all he required men and war supplies. The unemployed and the Canadian refugees settled the question of manpower. The problem of acquiring arms, however, presented greater difficulties.

Since the Detroit Patriot movement did not possess sufficient funds for purchasing the arms they needed, the only alternative was to steal them. The best selection of war materials in quality and quantity was owned by the

²⁰ Silas Farmer, The History Of Detroit And Michigan Or The Metropolis Illustrated, Detroit, Silas Farmer & Co., 1884, p. 301.

²¹ Bishop, op. cit., p. 415.

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United States Government and stored at the Dearborn Arsenal. But, these arms had just been distributed to the activated Michigan Militia. There was nevertheless a large stand of arms at the Detroit Jail. On January 5, 1838, between 2 and 3 a.m., a group of from twenty to thirty men from Handy's Patriot Army descended upon the Jail, and after rousing Mr. Thompson the Jailor rushed the front door, seized the weapons and departed.²²

Prior to this incident Governor Mason, perturbed by the activities of the Patriot movement in Detroit, forbade them from holding any public meetings in that city.²³ While Mason, a Patriot, was forced into this decision by the nature of his position and as a result of Canadian representations, he none the less suggested to Handy that he collect his forces elsewhere. The Patriot General for his part observed Mason's order. Consequently, the Headquarters for the Patriot Northwest Army had been established at Gibraltar. This was a village on the American side of the Detroit River almost opposite Amherstburg. Here, Handy was proceeding to amass his forces concentrating recruits, weapons and a small flotilla of ships and scows. The reason

²² Farmer, op. cit., p. 301.

²³ William Kingsford, The History of Canada, 1836-1841, Toronto, Rowsell & Hutchison, 1898, X, p. 450.

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for these preparations was the necessity of gathering a sufficiently strong force to make a descent upon the Canadian shore by means of a water born assault. This course of action was the only one possible because the remarkably open winter had thus far left the Detroit River free of ice.

On January 6, 1838, 132 of Handy's Patriots quietly seized the Schooner Anne in Detroit and loaded on their stolen weapons.²⁴ This vessel was known not to have any sails on board, hence it was not being guarded by the Militia. The Patriots, aware of this situation, had acquired the use of the steamer Macomb for the purpose of towing their ship. Unfortunately, though, a detachment of United States troops, presumably those of Brigadier-General Hugh Brady a staunch defender of American laws, impounded the vessel. A second ship the Brady, chartered by the Patriots for the same purpose, was also held in custody.

Accordingly, therefore, Handy's men resorted to towing the Anne by row-boats down from Detroit a few miles to River Rouge, where her sails were picked up from another vessel. The Anne then proceeded on her own, bound for Gibraltar.²⁵ By this time the word of the deed had spread, and at Ecorse a United States Marshal complete with posse hailed

24 Farmer, op. cit., p. 301.

25 Kingsford, op. cit., p. 450.

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the ship.²⁶ Continuing on her way the United States, a Government steamer, proceeding up River passed the Anne without halting her.²⁷ The Patriots landed at Gibraltar, and were soon joined by some three hundred Canadian refugees, who had been ordered to congregate there. Back in Detroit, Mason called a public meeting at the City Hall to decide what measures should be taken for the preservation of neutrality.²⁸

The evening of January 6-7, 1838, saw the arrival of Sutherland and his men at Gibraltar from Cleveland aboard the steamer Little Erie, also known as the Erie.²⁹ This meeting does not appear to have been planned, for General Handy was not present when Sutherland arrived. Handy as the organizer of his own Patriot Army was not within the jurisdiction of Van Rensselaer's Army. The invasion being prepared at Gibraltar was in no way under the direction of Mackenzie's Provisional Government except in the matter of a common cause and purpose. Thus the appearance of Sutherland was a coincidence that promptly produced a dispute over who was to be the supreme Patriot leader in the area.

26 Farmer, op. cit., p. 301.

27 Kingsford, op. cit., p. 450.

28 Farmer, op. cit., p. 301.

29 Ibid., p. 301.

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When Sutherland landed he was definitely impressed by the array of men, arms and ships gathered at Gibraltar. Despite the absence of Handy, he immediately produced the authorization from Van Rensselaer for him to assume command of all Patriot activities on the Detroit frontier. The officers present of the Michigan Patriots refused to acknowledge Van Rensselaer's orders and Sutherland refused to be placed under Handy. While this dispute raged, the General of the Northwest Patriot Army was informed of Sutherland's arrival. This was on January 7, 1838. Handy promptly set out for Gibraltar, where he met with the Navy Island Patriot General in a general council of war. As a result of this meeting, it was decided that Sutherland should become the supreme Patriot commander of the district and personally lead his men into battle.³⁰

Before the arrival of Sutherland, the apparent reason for the accelerated pace of Patriot activities in the Detroit area at the beginning of January 1838 had been the receipt of intelligence by Handy that Governor Mason, accompanied by the Brady Guards (a Militia unit), would raid Gibraltar. The date fixed for the operation was January 18, 1838. This meant that Handy would either have to disperse his forces or attack as soon as possible. He chose the

30 Kingsford, op. cit., p. 451.

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latter course of action.³¹

His plan for the attack had been briefly as follows. Patriot Brigadier-General Roberts was to take command of a small landing force at Gibraltar. This group with the assistance of the Schooner Anne and several yawls was to occupy and fortify Bois Blanc Island directly opposite Fort Malden. Thirty Patriots were to be left on board the Schooner as a crew and gunners for the three field cannons mounted on the decks. Roberts was then to order the surrender of Fort Malden by the Canadian Militiamen encamped about it. If they refused his ultimatum, the Schooner Anne was to proceed with a bombardment of the fortifications. After this manoeuvre, Handy and another Patriot force under Colonel Davis were to use the small flotilla of boats for effecting a landing at Windsor.³² There, they were to seize what Government weapons and supplies they could find, and march on to Sandwich, a town four miles down the Detroit River containing 140 to 150 houses, a court-house, jail and the Huron Mission Church.³³ From there the Patriots were to continue on for another fourteen miles to Amherstburg a

31 Ibid., p. 450.

32 Ibid., p. 451.

33 Joseph Bouchette, The British Dominions In North America, London, Longman, Rees, Orme, Brown, Green And Longman, 1832, I, p. 107.

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town of nearly two hundred houses, a court-house, jail and church with a population exceeding twelve hundred people.³⁴ Handy was in the midst of completing these arrangements when Sutherland made his appearance and assumed command of all the Michigan Patriot force.

The new leader of the Patriot Northwest Army for his part had no plan to attack the Canadian territory. When he had left Navy Island under the orders of Van Rensselaer, there had only been a general understanding between the two leaders that a Patriot invasion would be made along the Detroit River but, there were no specific plans. It seemed only natural, therefore, that Sutherland should adopt aspects of Handy's proposed plan of attack for his own purposes. Accordingly, the supreme commander of the Northwest Patriots decided to utilize some of the flotilla at Gibraltar to land his troops on Bois Blanc Island.

The particular strategy being employed by Sutherland is not immediately discernible. However, when one realizes that this manoeuvre formed part of a series of advances, it becomes imminently clear what the Patriot originally had on his mind. Specifically, the end of the route used by the famous American Underground Railway to transport escaping negro slaves out of the United States

³⁴ Ibid., p. 105.

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into Upper Canada ran through this area. Moving from the American to the Canadian mainland, the slave route went from Gibraltar to Grosse Isle, Hickory Island, Sugar Island, Bois Blanc Island and then finished at Elliott's Point, down the River from Amherstburg.³⁵ Each of these territories was only a few hundred yards apart, and therefore ideal for the undetected movement of small fast boats.

The purpose of the Island-hopping campaign to be conducted by Sutherland was to seize the British Bois Blanc Island (the other Islands mentioned above were all American possessions). Under cover of the magnificent stand of trees on Bois Blanc, which gave the Island its name, it was Sutherland's intention to prepare for an attack against Amherstburg. Not that this small town was extremely important, but adjoining it was the old Fort Malden. Although there were no troops stationed in the Fort at that time, Canadian Militiamen were encamped about it and the town.

³⁵ Thomas Nattress, "Fort Malden And Old Fort Days", Essex Historical Society, Papers and Addresses, 1913, I, p. 75.

See Appendix 5: Photostat Reproduction Of A Navigation Chart For The Detroit River From Lake St. Clair To Lake Erie, Dated June 16, 1834. Figure 1: Illustrates The Detroit River Boundary And Settlements From Lake St. Clair To Amherstburg. By reading Gibraltar for Brown's Town and inserting the Windsor Settlement directly opposite Detroit, it is possible to reconstruct the proximity of the various towns and Islands one with another so as to provide an accurate geographical setting for the events of this frontier.

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As far as the Fort was concerned, it was still in a remarkably good condition. There were earthenworks surrounding excellent barracks, and the entire fortification was only a matter of some 200 yards, approximately, from the Detroit River.³⁶ Another few hundred yards directly in front of the Fort across the River was the southern tip of Bois Blanc. On the Island there still remained intact the two Blockhouses and remains of a third built during the War of 1812, which were included within the Malden fortifications.³⁷ Hence, in planning an action against Bois Blanc, Sutherland was provided with the excellent shelter and fortifications already on the Island. Then too, should he seize Malden, he would have a Fort in a fairly good state of repair. In it, the Patriots could hold out against considerable odds, while they were supplied from the American side of the River.

³⁶ See Appendix 3: Photostat Reproduction Of Royal Engineers Map Of Plan Of The Fort At Amherstburg, Dated September 24, 1823. Figure 1: Illustrates The Double Set Of Entrenchments And The Nature Of The Buildings And Fortifications Still Standing. Figure 2: Illustrates A Cross-Section Of The Entrenchments And Fortifications.

³⁷ See Appendix 4: Photostat Reproduction Of A Sketch Of The Island Of Bois Blanc Showing The Position Of The Blockhouse To Be Erected By The Royal Engineers, Dated December 6, 1838. Figure 1: Illustrates The North End Of The Island Of Bois Blanc Including The Remains Of A Blockhouse, And The Position Of Fort Malden And Amherstburg. Figure 2 : Illustrates The South End Of The Island Of Bois Blanc Including Two Blockhouses And The Canadian Mainland.

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The capture of Fort Malden by the Patriots was intended to serve as the signal for all the disaffected Canadians within the area to rally around the flag of liberty. This ensign of Mackenzie's Provisional Government consisted of two gold stars mounted on a blue background.³⁸ The seizure of Malden would force the Anglo-Canadian forces concentrated on the Niagara frontier to disperse in order to deal with the situation at Amherstburg. This in turn would relieve the pressure being exerted against the Navy Island Patriots. In this combination of circumstances, the enacting of a second Bois Blanc-Malden type venture in the vicinity of Port Sarnia, within a reasonably short period, could conceivably bring the Patriot cause close to complete success.³⁹

The formulation of a plan for military operations and the execution of such a plan, however, can be two

38 The original flag used by the Michigan Patriots is deposited at the Fort Malden Museum.

39 See Appendix 2: Photostat Reproduction Of A Royal Engineers Skeleton Map Depicting The Relative Position Of Military Properties In Canada West, Dated October 26, 1850. Figure 1: Illustrates The Area Of Canada West From Lake Huron To Lake Erie. Figure 2: Illustrates The Area Of Canada West From Lake Ontario Down The St. Lawrence To Montreal. Through the use of these maps, it is possible to visualize the strategic concepts just discussed relative to a dispersal of the forces in Upper Canada at Niagara. The roads indicated on the maps were in existence in 1837-38, and were used by those troops moving to the the Detroit frontier.

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distinctly different matters, and in this instance they were. The first difficulties arose from the action of the Western District Magistrates. They brought together a military force of Kent Volunteers, Essex Volunteers, and Indian warriors from as far away as the Delaware Indian Settlement, and placed them on the Detroit River boundary. Despite the fact that the majority of these were unarmed, their mere appearance changed the delicate balance of power in favour of the loyal Upper Canadian forces while at the same time reducing the possibility of a Patriot success. There was, however, the opportunity of rectifying the situation in favour of the Patriots. This power lay in the hands of Governor Mason.

During the first few days of January 1838, there were indeed many decisions made by the American authorities concerning the activities of the Patriots. In Washington on January 4, 1838, British Minister Fox informed Secretary of State Forsyth that an invasion of Canadian territory had taken place in the form of American based Patriots seizing Navy Island. Fox requested, that the President take some action to halt American support of the Patriots.⁴⁰ The next day President Van Buren complied by asking

40 P.A.C., Pamphlet 1-1634, Document 74, p. 33-34, Letter from Henry S. Fox, British Minister to Washington, to John Forsyth, American Secretary Of State January 4, 1838.

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Congress for Executive powers to prevent American citizens from violating the neutrality existing between the United States and Britain.⁴¹

Besides requesting additional powers from the legislative body, Van Buren ordered "a sufficient force on the frontier"⁴² between Canada and the United States to be assembled under the direction of Major-General Winfield Scott.⁴³ United States General J. E. Wool was also appointed to investigate matters along the eastern frontier. The President was particularly motivated in taking this action by receipt of information on January 5, 1838, that the Patriot Steamer Caroline had been destroyed in American waters by a force of Upper Canadians.⁴⁴

Against this background of increased American Governmental activity respecting the Patriot movement, it was

41 P.A.C., Pamphlet 1-1634, Document 64, p. 1-2, Address of President Martin Van Buren to the United States Congress, Washington, January 5, 1838.

42 Letter No. 1204 from Forsyth to Fox, Washington, January 5, 1838, in William R. Manning, Diplomatic Correspondence Of The United States, Canadian Relations 1784-1860, Documents 1193-1853, 1836-1848, Washington, Carnegie Endowment For International Peace, 1943, III, p. 32-33.

43 P.A.C., Pamphlet 1-1634, Document 73, p. 6-7, Letter from Joel R. Poinsett, American Secretary of War, to Brevet Major-General Winfield Scott, Washington, January 5, 1838.

44 P.A.C., Pamphlet 1-1634, Document 73, p. 7-8, Letter from Forsyth to Fox, Washington, January 5, 1838.

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only natural that the Governor of Michigan should decided to act. On January 8, 1838, at 2 a.m. the Michigan Militia-with Mason as Commander - embarked on board the steamers (Little) Erie and General Brady with 220 men. They set out for Gibraltar with all their arms and additional weapons stored below. The troops were fed on bread and salted pork from the food supplies on board. Ostensibly the purpose of the expedition was to recover the arms seized by the Patriots from the Detroit Jail a few days earlier. They also intended to arrest the Schooner Anne which had evaded apprehension the day following the seizure of the arms.⁴⁵

As the Brady and Erie hove into sight, the Anne eluded capture by moving over into Canadian waters and hiding among the Islands opposite Gibraltar. Mason and his Militia Staff upon their arrival at the Patriot stronghold were the only American troops to land. They remained ashore for about an hour during which time all the arms and ammunition on board the Brady and Erie were unloaded along with the food provisions and taken ashore. These, however, did not remain at Gibraltar, but were quickly shipped over to Hickory Island where some of the Patriots were encamped.⁴⁶ Mason and his Staff then returned to the ships whereupon

45 Farmer, op. cit., p. 301.

46 Bishop, op. cit., p. 417-418.

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the force returned to Detroit by 11 p.m. without ever having fired a shot in anger at the Rebels.

The following morning an article appeared in the Morning Post, a paper published by Ben Kinsbury and sympathetic to the Patriot cause, relating the events of the Gibraltar Expedition. It was reported that an encounter had taken place the following day between the Michigan Militia and the Patriots as a result of which the following losses had been sustained by the Government forces. One Militiaman had been shot through the cheek from handling his musket carelessly, 400 stand of arms with ammunition and 400 sets of eight rounds of ball and buckshot cartridges had been lost along with several barrels of bread and pork.⁴⁷ The losses suffered by the enemy were not immediately available, but it was presumed that they were heavy. This was the Gibraltar Expedition.

Levi Bishop who participated in the venture and was an eye-witness to what happened, later wrote, that after the Gibraltar excursion a squad of the Michigan Militia was sent to guard the Dearborn Arsenal. They only remained there a few days after which like Bishop they were disbanded and sent home, none of them having served a month in uniform. However, according to the pay roll roster of the

47 Ibid., p, 418.

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Militia, Bishop was listed as having served a month. Several years afterwards, the United States Government sent him a check for eighteen dollars which represented a private's pay plus rations for one month's service. In addition he received one hundred and forty acres of bounty land.⁴⁸

The Gibraltar Expedition was the prelude to the second invasion of Upper Canada by American based Patriots. Through the acquisition of the extra weapons and munitions, Sutherland's force, provided they took Malden quickly, stood a chance of gaining a stronghold on the Canadian mainland by arming the disaffected. Unfortunately for the Patriots, the opposing forces turned out to be formidable. This opposition produced the Schooner Anne Affair, which was the first major encounter between the Michigan Patriots and the Western District forces of Upper Canada unaided by any experienced British Regulars.

48 Ibid., p. 418.

CHAPTER VI

LEADING TO THE SCHOONER ANNE AFFAIR

With the completion of the Gibraltar Expedition, the Patriots were now ready to proceed with their invasion of Canada. Sutherland, in counsel with the other leaders of the Northwest Army, considered that through the additional munitions and supplies, his men might effect a successful landing on the Canadian mainland. Once ashore the extra weapons could be used to arm the disaffected Upper Canadians. Then the entire Canadian-American Patriot force would advance against the Canadian Militia and seize Fort Malden. It was in the execution of this design that the Schooner Anne Affair occurred. The effect of this incident on the Upper Canada Government and military authorities was such as to occasion the first serious efforts by them to try and defend the Detroit River frontier from Patriot invasion.

On January 8, 1838, the sequence of events leading up to the Schooner Anne Affair began. Sutherland called his Cleveland Volunteers together and approximately sixty Patriots responded. This force embarked on board the Schooner Anne and smaller craft from Gibraltar for Sugar Island, the staging area for the Patriot invasion.¹

¹ William Kingsford, The History Of Canada, 1836-1841, Toronto, Rowsell & Hutchison, 1898, X, p. 451.

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Brigadier-General Theller was placed in charge of the Anne, apparently as a reward for his having backed the appointment of Sutherland as the Patriot Commander in the Northwest.²

The Canadian Militia with their Headquarters at Sandwich having learned of the Patriot concentration at Gibraltar and Hickory Island through intelligence provided by friends and relatives had already placed a group of Volunteers around Fort Malden.³ The Fort in January 1838 consisted of a moat partially enclosing a decayed picket fence which stood on top of the earthenworks. There were three bastions with the fourth or southeast corner not having been completed as a bastion.⁴ All the artillery had been removed but the gun emplacements remained with a mortarbed located in the trench on the north side of the entrenchments. Another mortar battery position was situated directly behind the old flagstaff to the rear of the southwest bastion. On the east side of the Fort there was a double defense formed by two rows of pointed pickets, one on the moat outside of the trench, and the second on the inner side of the trench.⁵

2 Ibid., p. 451.

3 Levi Bishop, "Recollections Of The Patriot War Of 1838-9, On This Frontier," Michigan Historical Collections, 1888, XII, p. 418.

4 Thomas Nattress, "Fort Malden And Old Fort Days," Essex Historical Society, Papers and Addresses, 1913, I, p. 83.

5 See Appendix: 3 Photostat Reproduction of Royal

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A sally-port crossed the eastern trench alongside the southeastern location, and this emplacement gave the bastion its irregular form.

A series of buildings and other works connected with the Fort along the River front. From the south running northward these were the government woodyard, commissary building, dock-yards, government storehouse, hospital, officers' quarters and the officers' root house. Between the officers' quarters and the southwestern bastion of the Fort was a defensive row of pointed pickets. A similar row of pickets connected the two front bastions, that is those facing the River, where there was no trench or moat. All these buildings and works were situated on an area called the Military Reserve or Garrison Common now located within the Town of Amherstburg, but then a separate area along the northern side of the Town.⁶

The Garrison Common embraced all the land from Richmond Street on the south, which was then the northern

Engineers Map of Plan of the Fort at Amherstburg, Dated September 24, 1823. Figure : 1 Illustrates Double Set Of Entrenchments and Nature Of Buildings And Fortifications Standing. This double row of defensive pickets was not the result of such a planned fortification, rather, it was the end product of two designs for the fortifications of Fort Malden. The outside row of pickets were part of a larger plan which was found to be impractical and abandoned in favour of the smaller picket structure which was completed to form the second or inner fortification.

6 Nattress, op. cit., p. 83.

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boundary of Amherstburg, to the Gordon Farm on the north, the Bell Farm on the east and the Detroit River on the west. The Fort Garrison which had formerly been stationed there used the area bounded today by Sandwich Road (this route cut the territory between the Bell Farm and the River in half) and the land south of the Fort to Richmond Street. The remainder of the defensive works associated with Malden but not directly connected with it were the fortifications on Bois Blanc Island. In the northeastern corner of the Island was a barracks, with blockhouses on the western side and southern tip.⁷ All of these buildings were still in a remarkably good condition, a factor of which Sutherland was obviously aware in choosing Bois Blanc as his immediate objective for his invasion of Upper Canada.

One cannot help observe however, that the Bois Blanc fortifications along with the Fort itself still suffered from the same weaknesses which had been noted by military experts at the time of their construction between 1796-98.⁸

7 See Appendix: 4 Sketch of the Island Of Bois Blanc showing the position of the Blockhouse to be erected by the order of Commander of the Royal Engineers, dated December 6, 1838. Figure : 1 Illustrates North End of Bois Blanc Island Including Remains of Blockhouse, Fort Malden and Amherstburg. Figure : 2 Illustrates South End of Bois Blanc Island Including Two Blockhouses and the Canadian Mainland.

8 Hamish A. Leach, The Transfer Of British Military Authority On The Detroit River 1796-1798, unpublished Master's Thesis presented to the Faculty of Graduate Studies of The University of Western Ontario, 1958, p. 26-77.

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Specifically, it had been pointed out that any defensive works on Bois Blanc would be of doubtful effectiveness due to the thick woods on the Island, which would provide ideal cover for an enemy. Any force could in fact land in strength on the Island without hindrance, and then proceed to reduce the blockhouses to ashes without experiencing any appreciable losses themselves.

A similar type of tactical disadvantage also plagued Fort Malden, which upon close examination can be seen to stand on the high ground overlooking the shoreline of the Detroit River. Yet, directly behind it was a long low ravine wherein columns of men could approach the Fort from the east without being detected until they were directly before the northeastern bastion. This surface undulation approached the Fort from the east but extended in a northerly direction over farmland. Unfortunately today, the development of the area into a residential district prevents a full appreciation of this geographical feature as a significant factor in the defensive arrangements of the Fort.

Here then we have the real situation in the Malden-Bois Blanc region of the frontier on the eve of the Patriot advance. On January 8, 1838, Sutherland and his men had

A full appreciation of the tactical and strategic military considerations that resulted in the choice of the site for Fort Malden (originally called Fort Amherstburg) are discussed in this work.

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taken possession of Sugar Island, an uninhabited American possession directly opposite the northwest side of Bois Blanc Island. The Schooner Anne, which had been the primary vessel employed in transporting the Patriots to Sugar Island, next proceeded from the Island into Lake Erie.⁹ Apparently, Sutherland, from the activity of numerous small boats in the vicinity, was aware that the Canadian Militia knew of his whereabouts. He therefore concluded, that Bois Blanc must have some Canadian troops on it. Intent upon securing a firm hold on the Island, he promptly despatched Theller with the Anne into Lake Erie for the purpose of creating a diversion.

In point of fact, there was a small detachment of Militiamen on Bois Blanc, but as soon as they saw Theller's ship approaching from the Lake, they hurried back to the mainland, uncertain of what the Patriots might attempt.¹⁰ Theller for his part sailed up the River between the Island and Amherstburg. On passing the town, some of the Militiamen opened fire, whereupon the Anne discharged its cannons much to the annoyance of the Canadians who had no artillery with which to reply.¹¹

9 Kingsford, op. cit., p. 451.

10 Nattress, op. cit., p. 75.

11 John Charles Dent. The Story Of The Upper Canadian Rebellion, Toronto, C. Blackett Robinson, 1885, II, p. 230.

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It was during this ruse, that Sutherland's Patriots made their landing on Bois Blanc Island unopposed by any Militiamen.¹² No sooner had they done so than two paramount problems arose. First, since the Canadian Militia knew of their presence, they would undoubtedly be engaged in bringing more troops to the frontier. This meant, that an attack against Amherstburg would have to be launched immediately. Second, the Schooner Anne would have to bombard the Militia in Amherstburg, in order that the Patriots might cross the Detroit River to the Canadian mainland without suffering too many casualties.

Accordingly, on January 9, 1838, as part of Sutherland's plans for the second Patriot invasion of Upper Canada, the Brigadier-General, Commanding the 2nd Division Patriot Army with Headquarters on Bois Blanc Island, issued the following Proclamation:

To the Patriot Army of Upper Canada Companies in Arms!

True courage is always accompanied with high honour, 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 the wrongs we are assembled in arms. Let us behave like Men who love justice, and scorn

12 Ibid., p. 229.

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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 Officers having command.

Every person not in arms 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 idler 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.¹³

On the same day that Sutherland issued this pronouncement to his troops directing their behaviour and future objectives, he had a second Proclamation distributed, addressed:

To the Patriotic Citizens of Upper Canada.

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.

13 P.A.C., RG 7, SG 1, Vol. 88, p. 65-67, Proclamation of Thomas J. Sutherland, Brigadier-General Commanding 2nd Patriot Army, Upper Canada, Bois Blanc Island, January 9, 1838.

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Rally then around the Standard of Liberty, and Victory and a glorious future, of independence and prosperity will be yours.¹⁴

The purpose of this Proclamation was to arouse sympathy among the disenchanted Upper Canadian such that he would join the Patriots the moment they landed. While only a few copies of this pronouncement reached the mainland, the importance of the document lies in the fact that it made reference to a situation which did not exist. There were no British troops this side of Chippewa, and even then, the first regiment of Regulars could only be found at Kingston.

Considering the circumstances involved, it must be assumed that Sutherland's Proclamation proved absolutely unsuccessful, because it lacked that essential element for maximum effect - exaggerated realism. The idea that the Patriot General attempted to present a big lie must also be discounted on the grounds that the Canadians were keenly aware of their own shortcomings respecting any Regulars. Yet, the entire success of the Patriot invasion was dependent upon them receiving prompt and adequate local assistance. This being the case, to have allowed an appeal for support to flounder through a want of accuracy was indicative of negligence amounting to incompetency on the part of Sutherland.

14 P.A.C., RG 7, SG 1, Vol. 88, p. 68, Proclamation by Sutherland, Bois Blanc Island, January 9, 1838.

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Again on January 9, 1838, the Schooner Anne having loaded arms, munitions and provisions at Hickory Island for the invasion of the Canadian mainland, set sail under Brigadier-General Theller.¹⁵ Aboard the vessel which had a scow in tow were twenty-five Patriots¹⁶ besides the following officers: Brigadier-General Dodge (a Toledo attorney), plus Colonels Brophy, Davis and Anderson.¹⁷ Sutherland had directed that Theller sail the Schooner around Bois Blanc and down in front of Amherstburg.¹⁸

It was presumed by the Upper Canada Militia that the Patriots would once again cannonade the Town undoubtedly with the intention of creating panic therein. Should they perceive their purpose to have been effected, they would then land below Amherstburg. Here the supplies on the scow might be unloaded while the Anne returned to Bois Blanc, there to pick up Sutherland and his men. Conceivably this procedure might result in success provided the Schooner was in no way damaged.

15 Bishop, op. cit., p. 418.

16 Nattress, op. cit., p. 81.

17 John McCrae, "Battle of Fighting Island, February. 1838," Essex Historical Society, Papers and Addresses 1913, I, p. 29. Robert M'Farlan, "The Patriot War, The Battle of Fighting Island," Michigan Historical Collections, 1886, VII, p. 89. Dodge and Brophy were both from Monroe, Michigan.

18 Bishop, op. cit., p. 418.

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Having an indication of what might be expected from the Patriots through their previous bombardment of Amherstburg on January 8, 1838, the Militia were ready the following day. The Volunteers prepared to receive the attack by lining the shore before the Fort and Town. They were armed with pistols, rifles, muskets and fowling pieces.¹⁹ Some Militiamen had even improvised a cannon out of wood supported by iron hoops as bands. Their enthusiasm in this instance exceeded their engineering skill with the end result that the first shot fired ruined the cannon but fortunately caused no further damage to friend or foe.²⁰

As the Schooner Anne descended the River, her cannons roared while her crew manned the rails and fired on the Militia, who returned the fire. The distance separating both sides and the unfamiliarity of most participants with fire-arms combined to produce a situation in which few casualties were suffered. But, the concentration of the Canadian fire on a single target as opposed to the Rebel fire against the entire shore, produced its effect. The Schooner's helmsman was downed, the halliards were shot away causing the sails to flounder and fall to the deck, with the result that the vessel became unmanageable and started

19 Nattress, op. cit., p. 76.

20 McCrae, op. cit., p. 29.

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to drift down stream towards shore.²¹

Certainly the ship could have become operable had the Militia not continued to sweep the decks with fire. This tactic forced the Patriots to remain below decks for shelter. Consequently, the vessel drifted down River until it ran aground at Elliott's Point below Amherstburg.²²

A group of Canadian Volunteers having followed the course of the Schooner down stream were able to board the ship by the time the Patriot leaders climbed on deck. On board, the Militia found all the Patriot Officers previously mentioned. Both Davis and Anderson were wounded and the latter died from his injuries the following morning.²³ By far the most welcomed capture was that of the two hundred stand of arms. In addition, ammunition, provisions and three cannons were seized by the Upper Canadians.²⁴

The Patriot prisoners were first removed to Amherstburg, then later taken under guard to London and from thence to Toronto. Some were subsequently sent to the Citadel at Quebec City, among them were Theller, Brophy and Dodge.

21 Nattress, op. cit., p. 76.

22 James Dougall, "That Windsor Battle, An Account of it from a Canadian Standpoint," Michigan Historical Collections, 1886, VII; p. 83.

23 McCrae, op. cit., p. 29.

24 Nattress, op. cit., p. 76.

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Both Theller and Dodge succeeded in a mysterious escape from the Citadel. They eventually made their way back to the United States and received sanctuary.²⁵ As for the fate of the other prisoners, these Rebels suffered the same privations as their fellow Patriots captured along other parts of the Canadian-American boundary of which much has already been written.

The Schooner Anne being disabled was towed back to Amherstburg and used as a guardhouse during the remainder of the emergency.²⁶ The flat scow was also taken back to Amherstburg where the provisions on board were distributed for use by the Volunteer Militia. Concerning the fate of the two hundred stand of arms on board the Anne, these along with the ammunition were issued by the Magistrates Committee to those Militiamen without arms. John McCrae who was a member of the one hundred strong Kent Volunteers later recorded this incident, his group having been among those receiving the new arms. Through this measure the Upper Canada Militia force along the Detroit frontier became suitably equipped.²⁷

25 Ibid., p. 81.

26 Ibid., p. 81.

27 McCrae, op. cit., p. 29.

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Meanwhile, Sutherland from his Headquarters on Bois Blanc Island issued yet another Proclamation, dated January 10, 1838. It read as follows:

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 honourable 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.²⁸

It is obvious from this pronouncement, that Sutherland still did not understand the nature of the resistance to his Patriots. He did not realize that even Upper Canadian Rebels were opposed to him and were taking part in repelling his encroachments. The reason behind this apparent conflict of interests was historical. The majority of the Upper Canadians saw in the Patriot attacks a continuation by the Americans of the War of 1812. Here was a method of conquering Canada unofficially where the official

²⁸ P.A.C., RG 7, SG 1, Vol. 88, p. 69-70, Proclamation by Sutherland, Bois Blanc Island, January 10, 1838.

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way had proved unsuccessful. The fact that this was not the case, but that the Patriot desires were for the establishment of an independent republic of the north, had no effect upon the situation.

The leaders of the Canadas realized as Sutherland did not that the War of 1812 had produced the element of Canadian nationalism, a factor unknown among the English speaking portion of the population prior to that time. This nationalism had been the by-product of an Anglo-American struggle involving the Canadas. So what better place to make use of it than against that nation which gave it birth, especially when the real purpose was to quell Canadian internal strife that was receiving American support.

The successful application of this factor required a clever and well directed propaganda campaign on the part of the Government of the Canadas, in addition to a lack of understanding on the part of the Patriots as to what emotional pressures were involved. It was apparent toward the close of 1837 that the leaders of the Canadas were performing their propaganda task well. Through this last Proclamation of Sutherland, it is equally evident, that the Patriot leadership was unaware of the errors in their propaganda approach to the Rebellion.

Having launched an unsuccessful attack, and issued the Proclamation of January 10, 1838, as a warning against

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future opposition to the Patriot designs, Sutherland reassessed his own position. At the outset, it was obvious that without a large supply ship, the Patriot position on Bois Blanc Island was untenable. Then too, his small force of sixty men was no match against the superior number of Canadian Volunteers and Indians directly opposite him, should the Island itself be invaded by the loyal troops from Amherstburg. There was but one course of action open to Sutherland and he took it by withdrawing to Sugar Island, an American possession. In accomplishing this feat, he made use of the small Patriot flotilla.²⁹

The fiasco of the Schooner Anne expedition brought an immediate reaction to the continuing leadership of Sutherland. The Officers of the Michigan Patriots felt that the Major-General from Navy Island (Sutherland having been promoted in Michigan) was incompetent respecting the handling of military affairs. Consequently, they decided on the spot that General Henry S. Handy should once again assume command over all Patriot activities in the northwest. This decision was made on Sugar Island where Handy and his staff were awaiting the outcome of Sutherland's attack before committing any more of their troops to the fray.³⁰

29 Kingsford, op. cit., p. 452.

30 D. B. Read, The Canadian Rebellion of 1837, Toronto, C. Blackett Robinson, 1896, p. 347.

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It was obvious to Handy as soon as Sutherland had withdrawn to the Island that they could not remain there for long because of their lack of supplies. Neither could they afford to execute a piecemeal withdrawal by use of the small Patriot flotilla, for the Upper Canadians might commandeer a large vessel and proceed to wreck havoc among a number of small craft. Handy was left with but one decision, that of calling upon Governor Mason to evacuate the Patriots from Sugar Island which he did accordingly.³¹ The Michigan Governor aboard the steamship Brady sailed down to the Island, and proceeded to extricate the Patriots from their precarious position.³²

Thus ended the Schooner Anne Affair but for one item. James Dougall, whose money had been expended on the purchasing of arms, ammunition and provisions, to be used by the Canadian Volunteers, was denied any reimbursement on his claim to recover such funds from the Government of Upper Canada. This situation continued for more than a year after the venture had come to a close. The Government argued that the Western Magistrates had had no right to appoint a commissary and to vote the expenditures of monies for defense purposes without their approval. Finally, due to the

31 Nattress, op. cit., p. 77.

32 Read, op. cit., p. 347.

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personal intervention of Sir Francis Head, Dougall had his voucher for expenditures honoured.³³

The fact remains however, that without the sacrifices of Dougall, the Canadian side of the Detroit frontier would most certainly have been seized by the Patriots. The Rebels were undoubtedly aware of the arms shortage in the Western District, and they had realized as well as the Magistrates that there were insufficient well-armed Indian warriors to make any appreciable opposition to a concentrated Patriot attack. The secretive activities of Dougall and the Magistrates thus saved the Upper Province.

It must not be construed that the Schooner Anne Affair in any way brought to an end anything except that particular venture. On the contrary, it will soon be seen that this escapade finally set the official wheels of Upper Canada's defense arrangements in motion, and brought to the Detroit frontier British Regulars. At the same time, the Patriots with their passion for action whetted, redoubled their efforts to make a more determined push into Upper Canada. Again, they would attempt to occupy another off-shore British Island in the Detroit River from which to launch an invasion of the Province.

³³ Dougall, op. cit., p. 83.

CHAPTER VII

THE NATURE OF GREATER INVOLVEMENT

With the conclusion of the Schooner Anne Affair the defensive measures of Upper Canada took on a new tempo and direction. The Lieutenant-Governor of the Province and the Commander of the Forces in the Canadas assumed a different attitude toward the situation on the Detroit frontier. Shaken out of their complacency by the course of events at Amherstburg, they proceeded to despatch British Regulars to the Detroit border. The professional soldiers were now to assist and direct the Militia operations in defending the Upper Province. Yet with increasing military activity, the continuing diplomatic pressures were in no way to be diminished.

On January 8, 1838,¹ although Sir Francis was not fully aware of the latest happenings along the Detroit River, he wrote Minister Fox in Washington about the present state of the Rebellion in Upper Canada. Head mentioned that Governor Marcy of New York had just sent him a special message the day before from the New York Legislature complaining

1 P.A.C., RG 7, SG 16A, Vol. 4, p. 36-48, Letter from Sir Francis Head, Lieutenant-Governor of Upper Canada, to Henry S. Fox, British Minister at Washington, Toronto, January 8, 1838.

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about the loss of the steamship Caroline. In order that Fox might have the most authentic information available respecting the incident, the Lieutenant-Governor was sending this despatch to explain the circumstances surrounding the affair.

At the outset Head recounted the events surrounding the Rebellion in Upper Canada, and the Patriot landing on Navy Island followed by the destruction of the Caroline. He enclosed correspondence relating to the state of the Niagara frontier, and the exchanges which had taken place between Colonel McNab, Commanding at Chippewa, and the New York Commissary General. The letters between Marcy and himself were also forwarded.²

Having established the background against which the attack on the Caroline was executed, Head then made a point of emphasizing the activities of the Commissary-General for the State of New York. While on the Niagara frontier Sir Francis noted, that Commissary-General Arcularius had attempted to repossess the artillery stolen from the State Arsenals by the Patriots. In trying to effect this purpose the Canadian Officials under McNab had given their full co-operation. The Patriots for their part had defied American authority by refusing to return any of the weapons at the

2 Ibid.

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present time. But the curious item of the entire episode, recorded Head, was that Van Rensselaer placed himself and the Patriots under American jurisdiction. Still further, he was allowed to return to Navy Island after direct personal conversations with Arcularius, even though he was guilty of contravening New York State Laws. In closing the Lieutenant-Governor remarked that:

The Government of the United States has failed to enforce its authority by any means civil or military; and the single question, if it be a question is whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own Government either could not or would not control.³

Despite the allegations, it is clear that Head's purpose in writing the letter was two-fold. First, he sought to explain the Niagara frontier situation and the Caroline Affair in such a manner as to provide official Canadian consent for the incident. In point of fact, as we have already witnessed, there was only local military authorization. No Government in its right mind would have advised such a manoeuvre for the official reason which was afterward presented. Second, the Lieutenant-Governor again acknowledged the lack of official restraint by both the American States and Federal Governments in trying to

3 Ibid.

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discourage the Patriot movement. By so doing, Fox was encouraged to keep up the diplomatic pressure on Washington, which Head realized was the only real means of achieving a successful solution to the problem. Should the British Minister's remonstrances prove unsuccessful there would remain but one recourse, that of war, a frightening alternative for all parties concerned.

Apart from the correspondence of Sir Francis with Fox, the activities on the diplomatic stage provided few developments at the beginning of 1838 in countering the Patriot movement. Rather, it will be seen that the most striking efforts to crush the Patriots appeared in the new military arrangements then being set in motion. On January 9, 1838,⁴ in a letter to Foote, Foster at Toronto acknowledged his new appointment, effective immediately, as Commander of the Militia and Volunteer Forces in Upper Canada. This new authority was in addition to his retaining command over the British Regulars in the Upper Province. The laws governing British Colonial Administration provided the reason for the promotion, in that once a colony had been invaded, all military authority became vested in the senior military officer and not the senior civil servant. The

4 P.A.C., RG 8, SG C, Vol. 642, p. 59, Letter from Lieutenant-Colonel Foster, Commanding Upper Canada, to Assistant-Commissary-General Foote, Toronto, January 9, 1838.

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delay in implementing this measure arose from a lack of knowledge on the part of Head as to the existence of such an ordinance. Here then is another example of the confused state of affairs regarding defense in Upper Canada.

Be that as it may, Foster's new responsibility necessitated that the military expenditures suffered in countering the Patriot invasion along the Niagara frontier be settled promptly. As a consequence, he requested that Foote provide him with printed warrants for the purpose of authorizing the payments. Foster commented, that he realized only the Commander of the Forces should issue such warrants, but that the exigencies of the time demanded he act.⁵ In the matter of the rations for provisions to be issued by the Commissariat for the activated Upper Canada Militia, Foster ordered that their rations be the same as the Regulars.⁶ This was to apply to all the allowances for lodging, money, fuel and light to which the Regulars were entitled.⁷

But, the problem of paying the Militia expenses was not solved so easily as indicated by a letter from Head to

5 Ibid.

6 P.A.C., RG 8, SG C, Vol. 642, p. 60, Letter from Foster to Foote, Toronto, January 9, 1838.

7 P.A.C., RG 8, SG C, Vol. 642, p. 60, Letter from Foster to Foote, Toronto, January 9, 1838.

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Foster dated January 9, 1838.⁸ In this communication the Lieutenant-Governor requested that Foster authorize the past expenditures as well as those of the present and future for the Upper Canada Militia. Here lay the root of the problem, that is whether or not the Militia expenditures previously authorized by Head would be settled now by Foster.⁹ As an added inducement to get Foster to sanction the earlier expenses, Sir Francis reminded the Commissary-General that the signature of the Lieutenant-Governor was still required before any warrants could be issued for the payment of Militia debts.

The Commissariat jurisdictional dispute which we saw originate just prior to the appointment of Foster as Military Commander for Upper Canada did not terminate with this exchange of correspondence. On the contrary, it continued for some time, causing more and more damage to the efficient and effective operation of the military in the public service.

8 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 108 from Head to Foster, Toronto, January 9, 1838.

9 P.A.C., RG 7, 16A, Vol. 3, Letter No. 116 from Head to Foster, Toronto, January 11, 1838. This later correspondence made a second request for the approval of payments already made from the Military Chest for the Upper Canada Militia operations.

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It is difficult to realize at this time, how such a deliberate hampering of the Provincial security could have been tolerated. But this squabble involved the two highest echelons of the Upper Canada Military administration which meant that only Lord Glenelg could correct the situation. This being the case, we can only lament that here was another instance in which the distance of the mother country lent tolerance to colonial incompetency.

On January 10, 1838, while the Commissariat question still raged in Toronto, a report¹⁰ was sent there to Mahlon Burwell, M.P.P., from John Carey of Carrador near the Munsee Village. Burwell as the Legislative representative for the area was contacted by Carey respecting the conditions existing among the local Indians. Carey explained that the situation was becoming desperate due to the fact every able-bodied Indian male had left for the Western frontier. Under the leadership of Superintendent I. B. Clench, the Indian warriors had all departed for the Detroit boundary within twenty-four hours of receiving news that a Patriot attack was pending. While such alacrity was militarily commendable, Carey noted that the measure had left many Indian families without means for support or sustenance, since they

10 P.A.C., RG 10, SG A7. Vol. 68, Letter from John Carey of Carrador, Munsee Village, to Mahlon Burwell M.P.P., in Toronto, January 10, 1838.

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were particularly dependent upon the rewards of hunting for their continuing existence.

In their destitute condition and under the directions of Clench, these Indians applied to Carey for food provisions. Up to the writing of his letter, Carey stated that he had supplied the Indians with provisions to the amount of £80/16/6 in beef, £12/0/0 in pork with a promise of £5/0/0 worth of potatoes. An additional nine barrels of pork were on order. The question bothering Carey was could he expect restitution for these goods which had been purchased on credit.¹¹

Specifically, the situation was that Colonel Clench had left the Munsee Village with his warrior band at the request of the Western Magistrates. This manoeuvre the Indian Superintendent had undertaken without the express permission of Chief Superintendent Jarvis. As a direct result of this action, the general welfare of the Indian families had been jeopardized. Consequently, the problem arose as to whether or not Jarvis would sanction the unauthorized activities of Clench which had been dictated by the pressing need for rushing reinforcements to Sandwich. Since the suppliers from whom he purchased his goods required payment within sixty days, Carey requested that Burwell inquire

11 Ibid.

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from the Chief Superintendent his decision on the matter. An affirmative reply would of course indicate that Carey might expect reimbursement for those items supplied to the Indians.¹²

From this document and those previously discussed with respect to the despatching of Indian warriors to the Detroit frontier, it is possible to reconstruct the method by which these men were called into military service. In assessing this answer however, it must be remembered that all of the Indians in Upper Canada were settled according to tribes and nations throughout the Province.

Apparently, there were two methods by which the various groups of Indian warriors could be summoned for active military duty. First, the Lieutenant-Governor, as Commander-in-Chief of the Militia and Indians in Upper Canada, could, through the Chief Superintendent of Indian Affairs, Jarvis, call out all the Indian warriors able to do military service within the Province. This procedure of assigning Indian warrior bands to military duties was employed, as we have seen, on the Niagara frontier. The second method was that utilized by the Magistrates when they asked Clench to call out his group of Indian warriors. It consisted of a request for assistance from the Indian

12 Ibid.

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Superintendent at Amherstburg, who in turn had been advised to do so by the Western Magistrates. The Amherstburg Superintendent provided intelligence of extenuating circumstances in that quarter and requested assistance.

While the response to the above requests was noteworthy, the fact remains that the Indian warriors could be called out for military duty either by the Chief Superintendent or a local superintendent. This arrangement of activating the warriors from the lowest level of authority in the Indian Department was obviously designed to provide immediate military support for the defense of the Upper Province. It would not be handicapped by the necessity of seeking official permission from the Chief Superintendent in Toronto before proceeding. It should also be noted that the Militia Laws provided for a similar type of activation for the local Militia units on the regimental (or battalion) level for precisely the same purpose.¹³

The method of calling out the Indian warriors in Upper Canada promptly brings to mind the question of who in fact commanded these Indians in action. Here again we see another curious combination of the practical application

¹³ See Appendix 1: Photostat Reproduction of The Statutes Of Upper Canada, 1st Victoria, 1837-8, Chapter VIII entitled An Act to amend and reduce into one Act, the Militia Laws on this Province, p. 14-29.

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of the possible as opposed to the logical, which seems to be the rule rather than the law in most colonial matters respecting military affairs in Upper Canada.

The Indians called out for military service by either of the two methods discussed above were required to serve under the orders of their own particular superintendents. These men were ideally suited for leading the Indians in battle because of the respect the Indians held for them. Military ranks were provided for these superintendents, e.g. Colonel Clench, but they were applicable only within the Indian Department, and not over Militia or Regular army personnel.

At all times regardless of military rank, the Indian officers and their warriors operated as a part of other military units. There is absolutely no evidence that the Indian Department at any time during this emergency employed its own military chain of command or staff to operate as a district military entity, e.g. such as the Upper Canada Militia Command or the British Regulars in Upper Canada. As far as receiving orders, they were directly under the Upper Canada Militia Command when on active duty. If the Militia were placed under the Command of British Regulars then the Indian warriors followed suit. Thus, while their activation or retirement was in the hands of the Indian Department, their military command was in the hands of the local senior

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Militia officer.

Respecting rations for dependents, equipment and pay for the Indian warriors, all these matters came under the authority of the Indian Department. The Upper Canada Militia for their part had all their provisions and pay dealt with as a distinct entity from the Regulars. Yet both Militia and Regulars drew their money from the common Military Chest or budget.

Returning to Carey's letter,¹⁴ we note that his concern over providing necessities for the welfare of the Indians stemmed from the unauthorized actions of Clench. This situation reflected the fact that if the Indian warriors were activated by the lowest level of command, namely the local superintendent, then local purveyors could not be expected to supply the Indian dependents with food. Such a procedure would have to wait until the rush to military service had been sanctioned from above, i.e. by Chief Superintendent Jarvis.

Carey also stated that all the Militia of the area were on the road to Sandwich and that:

the Adelaide Captains and subordinates are exercising the press warrant in a manner you would not approve calculated to promote anything but goodwill

14 P.A.C., RG 10, SG A7, Vol. 68, Letter from Carey to Burwell, Munsee Village, January 10, 1838.

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toward the authorities. Provisions teams etc. for themselves and women, in a most wanton manner.¹⁵

Here then we have the first indications of the deliberate abuse of power by the newly created Militia officers. These men had been granted military appointments of great responsibility because of their high civilian and political positions, and this had been done despite their lack - on the whole - of formal military training. The exercising of such authority against known loyalists Carey found to be most disturbing. It appears that he informed Burwell of these incidents in the hope that he might complain directly to the Lieutenant-Governor. This would allow for the immediate correction of the abuses before they produced any further trouble.

While the events surrounding the Detroit River operation were being enacted, Head apparently remained uninformed of these activities as evidenced by his letter of January 10, 1838,¹⁶ to Lord Glenelg. In this communication he explained the nature of the Caroline Affair to the Colonial Secretary, recounting the use of the vessel by the Patriots for transporting war materials and its destruction by the Upper Canada Militia. Sir Francis also noted that he

15 Ibid.

16 P.A.C., RG 7, SG 12, Vol. 28, Letter No. 3 from Head to Lord Glenelg, Colonial Secretary, Toronto, January 10, 1838.

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had sent a note about the episode to Fox, all of which no doubt was calculated to impress the Secretary with the thoroughness of Head's administration.

In order to depict what the Lieutenant-Governor interpreted as the shortcomings of the American authorities, the correspondence between Arcularius and McNab was enclosed. Sir Francis then proceeded to boast that not one armed Rebel could now be found within the Province.¹⁷ This statement must certainly be considered as conditioned by the exceptions of Navy Island and Bois Blanc Island, even though as yet the Lieutenant-Governor was unaware of this latter invasion.

In closing, Head seemed to impart his real opinion on the defense of Upper Canada when he commented that:

If the mob succeed in gaining a footing in this Province, they will of course be immediately joined by the disaffected portion of our own population.¹⁸

Such an expression of apprehension in a letter containing so many statements relating to the suppression of rebellion and the excellent state of political affairs in the Province would appear to be a contradiction of terms. But, a more careful analysis reveals that this apparent duplicity is in fact complicity. The majority of the people in

17 Ibid.

18 Ibid.

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Upper Canada were against rebellion and were willing to fight to crush it. However, if the American Patriots managed to carry off a successful landing on the mainland of the Province, then the unarmed Rebels within could be expected to rally round their cause. This was the crux of the whole matter.

While the Colonial Secretary was being kept informed of events in Upper Canada by Head, it became apparent that Colborne was slowly beginning to realize the exigencies of the situation in that Province. His new interest was reflected in the release of more Regular troops and officers for duty in the Upper Province.¹⁹ Since these changes were instituted even though the Lieutenant-General Commanding appeared preoccupied with the conflict in Lower Canada, and was in receipt of improperly analyzed intelligence from Upper Canada, it is clear that other matters were intervening. Specifically, the political climate in the Lower Province following the violence of previous months had now abated such that some Regulars might be transferred to the Upper Province. In other words we may interpret from Colborne's action his opinion that the suppression of Rebellion

¹⁹ P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 110 from Head to Sir John Colborne, Lieutenant-General Commanding the Canadas, from Montreal, Toronto, January 12, 1838.

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in Lower Canada had a greater priority than that in Upper Canada. The reason for such thinking must have been the Lieutenant-General's fear of the political disturbances in the Lower Province becoming so identified with the French-Canadian as to make the two entities appear indistinguishable.

The realization of Colborne's change of heart respecting the defense of Lower Canada can be seen in a letter to him from Head on January 12, 1838.²⁰ In this despatch Sir Francis remarked that he was glad the Commander of the Canadas had decided to send more Regulars than the present two Companies of the 24th Regiment whose numbers totalled 380 men. As far as the intelligence extracts forwarded by Sir John were concerned, the Lieutenant-Governor stressed that they in no way described the true dangers confronting the Upper Province.

Sir Francis attempted to impart the real gravity of the situation by pointing out that the State Arsenals at Buffalo and Batavia, New York, in addition to the one at Detroit, Michigan, had all been recently robbed of muskets and artillery by the Patriots. Undoubtedly, these weapons were to be employed in further violations of British territory in Upper Canada. As verification of his

20 Ibid.

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suspensions, Head noted that the Navy Island Patriots were in possession of a twenty gun arsenal, all of which had been stolen from United States Arsenals. In fact, these were the very articles of war which the New York Commissary-General had tried to retrieve from the Patriots without success.²¹

To further illustrate the actual dimensions of the defense problem in the Upper Province, Head notified Sir John that the Patriots had just perpetrated a landing on Bois Blanc Island. By this statement it is clear, that the Lieutenant-Governor has now been informed of Sutherland's presence on the Island. The unusual point here, however, is that Head referred to Bois Blanc as being in the St. Clair River.²²

It is difficult to account for such a discrepancy apart from the possibility that he had been reading the reports from Sarnia about matters there being far from peaceful. If such was the case he could have easily made the error of associating this trouble spot on the St. Clair River with that along the Detroit River. Regardless, the important item was that Sir Francis ascertained the correct nature of the Bois Blanc venture, i.e. a re-creation of the Navy Island escapade.

21 Ibid.

22 Ibid.

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Against this background, the Lieutenant-Governor of Upper Canada reached the conclusion that the majority of the American people were in favour of the Patriot movement.²³ This assessment was a product of the confusion which surrounded the Rebellion in its embryo stage. Concerning American support for the Canadian Insurrection, it was difficult to gauge the dimensions of the struggle until all the factors became known.

In the first place the majority of the Patriot recruits came from the thousands of unemployed workers in the American North-west - the victims of the 1837 depression. Although these men had been definitely aroused emotionally by the Patriot speakers calling for the liberation of the oppressed Canadians, nothing proved so great an incentive to their joining the cause than the promise of one hundred dollars cash and three hundred acres of Canadian Crown Lands. The offer of land was particularly attractive because these lands were known to be rich in comparison to the poor American land that remained to be taken up at high prices in the mid-west. Nor need the Patriots take the word of their leaders on the matter, for letters from recent American immigrants to Upper Canada as well as remarks from the Canadian Rebels could attest to the thousands of

23 Ibid.

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valuable acres in the Province still unsettled.

While the motives of material rewards served sufficient inducement to fill the major portion of the Patriot Army ranks with recruits, these incentives were given a secondary place to the ideological reasons by the leaders of the movement. It required an appeal on the ideological grounds of liberating an oppressed people to influence American benefactors into donating money, arms, ammunition and provisions in support of the Patriot cause. This too was the primary incentive of the Canadian Rebels who participated in the American based movement.

Having depicted the nature of the aggressor in his correspondence to Colborne of January 12, 1838, Sir Francis went on to describe the state of the forces in Upper Canada assembled against the Rebels. He pointed out that in the main there was the fine body of Provincial Militia, but that they were on the whole unarmed since the six thousand muskets on hand had been insufficient to fully equip them. Besides, some of these weapons had fallen into the hands of the Patriots.²⁴ As Head did not elaborate on this matter nor is there any other corroborating evidence, it must be assumed that these losses were the result of the many arms thefts occurring throughout the Province during this period.

24 Ibid.

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Although the Upper Canada Militia were nominally under the command of the Lieutenant-Governor, according to the Colonial regulations previously discussed, these troops were presently being directed by Colborne and his appointee Foster. Respecting the ability of this command, Sir Francis remarked that Sir John's military decisions would yet "be productive to U. C. of the most fatal results."²⁵

Head based his harsh pronouncement on Colborne's action of arbitrarily withdrawing nearly all the Regulars from the Upper Province at the outset of the Rebellion in Lower Canada without consulting him. While admittedly, Sir John had left a small guard for the Lieutenant-Governor and Commissariat at Toronto, this nominal detachment of Regulars was so woefully inadequate to the task that Head had requested their withdrawal to the Lower Province. One company however, was to remain at Bytown because the area was without any magistrates. The response to these requests from the Lieutenant-General was the removal of all the remaining Regulars to Lower Canada, again without notification. Such inconsiderate treatment, Head noted, did not go unheeded, but none the less in complaining of the difficulties to Lord Gosford, he had merely received the consolation that His Lordship had been treated in a similar manner.²⁶

25 Ibid.

26 Ibid.

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Under these circumstances the burden of defending Upper Canada had fallen directly upon the Provincial Militia. Even so, Sir Francis emphasized that he had placed the Militia from the loyal Eastern, Ottawa, Johnstown and Bathurst Districts at the disposal of the Lieutenant-General.²⁷

It was in the light of these military arrangements, that the Upper Province had suppressed open Rebellion and faced an invasion of Navy Island by American Patriot sympathizers directed by a so-called Provisional Government. Under the command of Colonel McNab, Speaker of the House of over four thousand men. Assigned to duty on the Niagara frontier, these Militiamen had served over a month, remaining reluctantly on the border at the Personal request of McNab. These were the men who had been preparing for an assault on Navy Island with gunboats commanded by Naval Officers,²⁸ when Sir John had cancelled all the supplies bound for the Niagara front, on the grounds that Foster had not ordered the attack.

When one realizes that the Navy Island invasion had been planned prior to the transfer of Provincial Militia authority to Foster, and that there were only 380 Regulars

27 Ibid.

28 Ibid.

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in comparison to over four thousand Militiamen,²⁹ one decidedly agrees with Head's contention that more tact might have been employed by the Lieutenant-General. Indeed, the remarkable part is that Colborne did not wreck more havoc with his too heavy hand. As it was, Head although remonstrating did acquiesce in the matter and gave his complete co-operation.

Here then was the military picture in Upper Canada. Lieutenant-Colonel Foster was the senior military officer in the Province directly responsible to Sir John Colborne. Under him was Colonel McNab, in charge of the Niagara frontier with four thousand Militiamen, two Companies of the 24th Regiment, gunners from the Royal Artillery, and naval gun-boats, not to mention Provincial Indian warriors. This entire force had been on the verge of invading Navy Island when Colborne without warning had suddenly decided to cancel the operation. The Lieutenant-General had then proceeded to appoint his former aide-de-camp, Captain Phillpott, from the position of overseer at the Cornwall Canal to that of senior Militia officer. This appointment had been carried out even though Phillpott had never seen action on the field of battle, and the majority of the Militia Colonels had seen service in the War of 1812.³⁰

29 Ibid.

30 Ibid.

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Apart from the discontent arising from the promotion among the senior Militia officers, Sir Francis explained that Phillpott's appointment in fact contravened the Militia Laws of Upper Canada.³¹ In addition, the performance by Phillpott of duties requiring the organization of new Militia units and the designation of their officers, without consulting either Head or the Adjutant-General of Militia, amounted to a subversion of the Lieutenant-Governor's exclusive authority. Under such circumstances, Colborne was posed with the question of whether he thought Head could "maintain any authority and influence in the Province if both.... (were) to be superceded."³²

So as not to appear arbitrarily against all of the Lieutenant-General's appointees, but rather against the manner in which they exercised their authority, the Lieutenant-Governor reminded Sir John of Colonel Hughes appointment to the Niagara frontier. On this occasion, had not Hughes agreed to act under the command of McNab, then the entire Militia force would have disintegrated on the spot leaving only 380 men of the 24th Regiment to defend the

31 See Appendix 1: Photostat Reproduction of The Statutes of Upper Canada, 1st Victoria, 1837-8, Chapter VIII entitled An Act to amend and reduce into one Act the Militia Laws of this Province, p. 14-29.

32 P.A.C., RG-7, SG 16A, Vol. 3, Letter No. 110 from Head to Colborne, Toronto, January 12, 1838.

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Province. Similarly, Sir Francis also questioned the assignment of Major Townshend to Upper Canada.³³

With his case against the Lieutenant-General's past military policies regarding Upper Canada clearly presented, Head sounded his apprehensions respecting future military arrangements in the Province by stating:

I can assure you that I do not in any way wish to dispute your powers on the contrary I have long determined in no way to oppose them at the same time I think that the authority you exercise over me will be productive of fatal consequences, and before they happen I feel it my duty to warn you of the result - Believe me if you attempt from Montreal to arrange the details for the defence of this Province it will be lost.³⁴

In this last quotation as throughout the entire Head letter we have been provided with the undisputable proof, that Sir John Colborne persisted in conducting military matters in an off-hand manner. Ignoring the existing customs and laws of Upper Canada, the Lieutenant-General had exercised his authority for the sake of obedience rather than for the sake of encouraging Provincial co-operation to the end of a common purpose. By so doing Colborne unmistakeably prejudiced the operation of the public service and consequently the defensive effort of the Upper Province.

33 Ibid.

34 Ibid.

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Yet, the amazing revelation here is that having been informed of his tactlessness respecting the administration and laws of Upper Canada, he should callously persist to act in the same manner. It seems as if Sir John was unconcerned about the political consequences of his actions. Lord Gosford as well as Sir Francis knew of Colborne's shortcomings, but unfortunately Glenelg did not, and he held the power to request his removal.

For all of Sir John's apparent disconcert, it must be said in his favour that he did manage to muddle through to success. This was due primarily to the quality of men he raised to position of responsibility in the armed forces of the Canadas. One of these appointees, Townshend, while lampooned as an unfortunate choice by Head, will soon be found on the Detroit frontier as an admirable leader and shrewd tactician. Indeed, this is the same Townshend who had proven himself so successful in suppressing the Rebellion in Lower Canada.

We have seen in this chapter, that the incident at Bois Blanc Island appeared to herald a greater involvement of the Upper Canada Militia, the Upper Canada Indian Warriors and the British Regulars, in the defense of the Province. The suddenness and magnitude of this enlarged participation were such as to temporarily confound the administrative arrangements in Upper Canada. So too, we have seen

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that the chain of command was so drastically altered as to produce temporary confusion as well as stagnation. Yet of paramount importance is the realization that the forces available in the Canadas were now about to be wholly committed to the struggle in the Upper Province. Once this process is effected along the Detroit River boundary, the conflict reduces itself to an engrossing war of nerves in which the victor is not necessarily right nor the vanquished arbitrarily wrong.

CHAPTER VIII

THE CONFUSION OF THE COMMISSARIAT

The introduction of Indian warriors into active military service, the organizing of new Upper Canada Militia units and the transfer of Upper Canadian military authority to British Regular Officers appointed by Colborne produced many vexing problems. Undoubtedly the most injurious to the general defense effort of the colony were those surrounding the functioning of the Commissariat. The facilities of this Department were placed under great strain by the internal unrest and the demands of the military service. Operating under such conditions it was inevitable that any maladministration would create extreme hardships for all those involved.

Thus far we have concerned ourselves with only a few of the difficulties arising from the shortages in the Commissariat. What remains however, is to fathom whether or not there was a causal relationship between the shortages suffered and the operation of the Commissariat. In the solution of this problem lies the clue to the real nature of the obvious Departmental malfunctioning.

To begin with, we find that on January 14, 1838,¹ Head again wrote Colborne. This time the

¹ P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 111 from

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Lieutenant-Governor requested that large quantities of arms and accoutrements be forwarded as quickly as possible from Quebec and / or Montreal to Upper Canada. The reason for such urgency, confided Sir Francis, was the increasingly critical position of the Upper Province. His most recent intelligence from the Detroit frontier had brought news of Patriots armed with muskets and cannons seizing control of Bois Blanc Island.

Since Head was requesting articles of war from Colborne in this correspondence, it would appear that the weapon shortage in Upper Canada could be attributed to the stockpiling of such items at Quebec and Montreal. Yet, it would be unwise to base such an assumption entirely upon the evidence of one document, especially when other communications record the storage of military weapons in several Upper Canada forts. By a comparison of this information with the listings of weapons to be sent from Britain to the Canadas, we will shortly see, that a reasonably accurate appraisal can be made of the extent to which the reported shortages were in fact the result of hoarding by over cautious Provincial officials.

But, it was not so much the lack of weapons which held the attention of Sir Francis at this time, as it was

Sir Francis Head, Lieutenant-Governor of Upper Canada, to Sir John Colborne, Lieutenant-General Commanding the Canadas, Toronto, January 14, 1838.

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the invasion of Bois Blanc. He was particularly anxious that Fox in Washington should know of this new development, for it would undoubtedly affect future Anglo-American relations. Consequently, Head sent a letter to the British Minister on January 14, 1838.²

The Lieutenant-Governor was most anxious that Fox proceed to exert immediate diplomatic pressure on Van Buren's Government in order to try and prevent the two front invasion of Upper Canada from enlarging in any way. Seeing that Judge McLean had just returned from Washington bearing letters from Fox dated the 4th and 5th of January, Sir Francis took the opportunity to thank Sir Henry for all his remonstrances to the President regarding the American Patriot attacks on Upper Canada. Head was especially elated to learn that Van Buren had directed General Hull and Governor Marcy to proceed to the Niagara frontier and investigate the situation there.

Respecting the recent events along the Detroit-River boundary, Sir Francis stressed that the same political fervor which had gripped Buffalo and resulted in the Patriot seizure of Navy Island was now present in Michigan. There the Patriots had robbed the State Arsenal and used

2 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 112 from Head to Henry S. Fox, British Minister at Washington, Toronto, January 14, 1838.

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the weapons for an attempted invasion of Upper Canada along the Detroit River. In the course of the ensuing engagement, the Lieutenant-Governor reported that the Patriot Schooner *Anne* had been captured with two hundred stand of arms, three cannons and several prisoners. At the same time Bois Blanc Island had been invaded then abandoned. The American authorities for their part had seized a second vessel to prevent it being employed by the Patriots.³ This was the vessel which Governor Stephens had used to extricate the escaping Patriots from Sugar Island.

Another letter to Fox two days⁴ later confirmed the evacuation of Navy Island on the night of January 14, 1838. The Patriots first retired to Grand Island, an American possession, where they deposited the pieces of ordinance they had previously stolen from the New York State *Arsenals*, so that the weapons might be reclaimed by their rightful owners. Then the *Army* dispersed. Some withdrew completely from all further Patriot activity. The majority however, split up into small groups and began making their way toward Buffalo, Cleveland, Detroit and Port Huron.

The influx of so many soldiers into the local Patriot ranks along the frontier had the effect of generating

3 Ibid.

4 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 114 from Head to Fox, Niagara, January 16, 1838.

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a new excitement and impatience for military action. With their appetites already whetted through the Navy Island Affair, it only remained a matter of time before this new restless element would goad their fellow Patriots into executing even greater feats. In particular did this apply to the Detroit River area, where only a few Patriots had been lost during the recent abortive invasion, but the morale had been badly shaken. A psychological lift was needed here, and this was definitely forthcoming from the Navy Island veterans who arrived in Detroit a few days after the Patriot withdrawal.

While Van Rensselaer's former associates were proceeding along the various roads leading to their new objectives, Lieutenant-Colonel Foster attempted to strengthen his own position in the Upper Province. On January 15, 1838,⁵ he wrote Colborne, informing him that the order had been given to supply the Upper Canada Militia with all their back pay. The necessity for this measure had been brought home to Foster by Head, who had explained to him that the senior military officer in the Upper Province held the only authority to issue such funds. Should the Lieutenant-Colonel have hesitated to act on this matter, Sir Francis had

5 P.A.C., RG 8, SG C, Vol. 642, p. 57-8, Letter from Colonel Foster, Commanding Upper Canada, to Colborne, Toronto, January 15, 1838.

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assured him that:

(an) excess of misery and distress would....result, the dispersion of the loyal portion of the Militia to their homes would necessarily follow, and the ultimate loss of this reliable Province would, in all probability be the unavoidable consequence.⁶

Having ordered the Commissariat to settle all the Upper Canada Militia expenses, Foster noted that he had done so on the understanding that despite the irregularities involved, Head would sanction the re-examination of all the claims at a later date. In view of the extenuating circumstances in which the Upper Province found itself. Foster requested that Colborne officially approve his decisions on this matter.⁷

With receipt of the news that the Patriots had in fact departed from Navy Island, the Island then being occupied by the Canadian Militia, Head sent off a despatch to Glenelg informing him of the important development. Dated January 16, 1838,⁸ this same document also contained a reference to the successful conclusion of the Schooner Anne-Bois Blanc Affair.⁹ Considering that both Patriot

6 Ibid.

7 Ibid.

8 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 113 from Head to Lord Glenelg, Colonial Secretary, Niagara, January 16, 1838.

9 Ibid. It is obvious in this document that Head

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beach-heads had been lost, Sir Francis hopefully declared that the Patriots might now abandon all such future adventures in Upper Canada.

Apart from announcing the encouraging news of two Patriot setbacks, it would seem that the real purpose of this letter was to caution Glenelg against proceeding too rapidly with preparations for a military build up in Upper Canada. Sir Francis reasoned that the present trend of Patriot endeavours could mean the movement was beginning to decline. If such was the case, then the Regular Regiments, under orders from different parts of the Empire to congregate in British North America at the opening of spring navigation, need not be despatched. Such a decision would undoubtedly result in a considerable savings for the British Government. But, the Patriot withdrawals belied the fact that they might desist from all further escapades. On the contrary, they were presently engaged in diversifying their efforts in order to create even more trouble.

The question arises here as to why Sir Francis should deliberately send this communication knowing, that

was still confused about the exact position of Bois Blanc Island and continued to believe that the Detroit River was the St. Clair River. Sir Francis was also uncertain as to where the Schooner Anne was taken. He explained to Glenelg that the capture of this vessel had taken place "off (Fort) Malden which is on the St. Clair River about 16 miles below Amherstburg."

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he was creating an impression of the Patriot efforts generally subsiding. In point of fact, the continuing intelligence from the Western frontier gave absolute proof of more mischief to come. The Patriots there were only awaiting favourable weather conditions namely the freezing of the Detroit River, before commencing their next venture.

Since Head was aware of the situation, the only explanation for his ignoring it must be that he was again judging all information emanating from the Western District as over-stating the case. This aversion of the Lieutenant-Governor to over emphasize every situation in his favour is seen again in a similar type communication sent to Fox that same day.¹⁰ In this despatch Head expressed the hope that the Schooner Anne and Bois Blanc successes would "avert the very unprecedented disposition which has been exercised among some of the citizens of the United States."¹¹

Respecting the Navy Island episode, the last military chapter in this Patriot escapade was written on January 18, 1838,¹² when Sir Francis contacted Colonel Hughes

10 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 114 from Head to Fox, Niagara, January 16, 1838.

11 Ibid.

12 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 118 from Head to Colonel Hughes, Commanding Regulars Chippewa, Toronto, January 18, 1838.

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at the Niagara front regarding the future status of the Island. In this letter, Head directed that the batteries built by the Patriots on the Island be demolished. The Lieutenant-Governor further ordered that no attempt be made to maintain any Canadian guard on the Island. Thus ended the Navy Island Affair, as a result of which the Upper Canada border became alive with numerous Patriot bands, all desirous of re-enacting the Niagara River venture. Not the least among these was the group of Patriots gathering at Detroit.

As war clouds once more made their appearance along the Detroit frontier, Sir Francis gave his farewell address to the Provincial Parliament and Council announcing that he was about to be replaced by Colonel Sir George Arthur, whose arrival was expected momentarily. Pursuant to a smooth transfer of authority, Head proclaimed in a letter to Foster dated January 18, 1838,¹³ that he was remaining until Sir George had become familiar with the situation and operation of the Provincial Government. Relative to this decision, Sir Francis also remarked that as a consequence, there was no necessity for making any arrangements about the senior military official in the Province assuming temporary control during the process of changing Lieutenant-Governors.

13 P.A.C., RG 7, SG 16A, Vol. 4, p. 49, Letter from Head to Foster, Toronto, January 18, 1838.

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This unusual pronouncement would seem to have been the direct result of Colborne attempting through Foster to gain complete control of the civil and military matters in Upper and Lower Canada. Such a possibility was feasible for Colborne already directed all military operations in both Provinces as well as temporarily the civil administration in Lower Canada. All that remained to complete the plan was control over the civil administration of Upper Canada. But, Head, who was acutely aware of Colborne's love of power, dashed any hopes of success, which the Lieutenant-General might have had, by refusing to relinquish any of his authority and deciding to remain until Arthur had assumed his new responsibilities.

Colborne's plans for assuming complete authority over the Canadas were further dissipated by the action of Glenelg. On January 19, 1838,¹⁴ the Colonial Secretary sent Sir John a communication informing him that the Earl of Durham had just been appointed by the Queen as Governor-General of all the British Colonies in North America. With the opening of navigation in the spring, Durham was to proceed to Quebec, there to assume control over the civil duties in Lower Canada, thus relieving the Lieutenant-General of this burden. In addition, Glenelg noted that the

14 P.A.C., RG 7, SG 5, Vol. 17, p. 25-27, Letter No. 13 from Glenelg to Colborne, London, January 19, 1838.

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Earl was to act as the Queen's High Commissioner in adjusting matters involving the interests of both the Canadas.

During the interim between then and the arrival of His Lordship, Sir John was to continue to discharge both the senior civil and military offices of the Lower Province. However, considering the number of troops which would shortly be placed under his command, Her Majesty as of April 1, 1838, was officially commissioning Colborne the Lieutenant-General Commanding all British Forces in the Canadas. This position had been occupied by Sir John thus far only unofficially by virtue of the Patriots invading Upper Canada.¹⁵

The Colonial Secretary further noted in his despatch, that resolutions had been presented by the House of Commons and House of Lords on January 16, 1838, to the effect that all Parliamentary efforts should be directed toward the restoration of peace and order in the Canadas. As a consequence of the discussions emanating from these proposals, Parliament had moved on January 17, 1838, that a bill be considered for the establishment of a temporary Government in Lower Canada during the remainder of the emergency.¹⁶

15 Ibid.

16 Ibid.

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In a subsequent correspondence from Glenelg dated January 20, 1838,¹⁷ and addressed to Sir George Arthur, we learn that the nature of the temporary Government in the Lower Province involved a suspension of its Legislature allowed under the Constitutional Act of 1791. Apart from this information, the Colonial Secretary merely repeated what he had already explained to Colborne of Lord Durham's appointment and the British Parliament's decisions regarding the future of the Canadas. By this means the Lieutenant-Governor of Upper Canada designate was kept informed of the latest developments concerning the British North American Colonies.

From these and previous documents, it becomes apparent that the Imperial Government had decided to initiate a two-fold policy for settling the Rebellion in the Canadas. First, as we have already witnessed, all possible military aid necessary for crushing the violence was to be sent to North America with the opening of spring navigation. The second part of the scheme involved the appointment of Lord Durham by the British Government for the purpose of suggesting those political reforms which would remove the causes for Rebellion.

17 P.A.C., RG 7, SG 1, Vol. 84, p. 1-5, Letter No. 12 from Glenelg to Sir George Arthur, Lieutenant-Governor designate of Upper Canada, London, January 20, 1838.

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While these new measures were in the process of fruition, many old problems concerning Canadian defensive arrangements still remained to be solved. In relation to the Detroit frontier, the Schooner Anne prisoners presented a most pressing issue - one requiring an immediate solution. The reason for such urgency in the matter was the constant fear that the Patriots might attempt a surprise attack on Amherstburg to release their comrades. To alleviate these fears, a strong Militia guard quietly transferred all the state prisoners to the London District Jail,¹⁸ on or before January 15, 1838.

It was felt by the Provincial officials concerned, that the distance of London from the border, as well as the more formidable jail structure might momentarily deter any Patriot thoughts of a rescue.¹⁹ Yet the continuing apprehension over the question prompted Colonel Askin, Commanding the London District Militia, to notify Sir Francis of

18 P.A.C., RG 7, SG 16C, Vol. 43, p. 144-5, Letter from J. Joseph, Provincial Secretary to The Lieutenant-Governor of Upper Canada, to Colonel Askin, Commanding London District, Toronto, January 19, 1838.

19 See Appendix 1: Photostat Reproduction of The Statutes Of Upper Canada, 1st Victoria, 1837-8, Chapter I entitled An Act to authorise the apprehending and detention of Persons suspected of High Treason, Misprision of Treason, and Treasonable Practices, p. 3-5. This is the Act under which the Patriot prisoners were detained.

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the situation and request instructions. By January 19, 1838,²⁰ his reply was forthcoming from the Lieutenant-Governor's Provincial Secretary, J. Joseph. He informed Askin, that James Hamilton, Sheriff of the London District, was to conduct the state prisoners under heavy guard to Toronto.²¹ In passing, Head also complimented Askin for the efficient manner in which he had been conducting the affairs of his District during this troubled period.²²

But, the removal of the Schooner Anne prisoners was not the most note-worthy event recorded in the Western District at this time, rather it was the long awaited arrival of the British Regulars. Having marched from Lower Canada under the command of Major H. D. Townshend, these men represented the first professional experienced soldiers to make their appearance on the Detroit frontier.

Townshend had previously seen action as a leader of Militia Volunteers at Carrillon engaged in suppressing Rebellion in Lower Canada.²³ With the restoration of peace

20 P.A.C., RG 7, SG 16C, Vol. 43, p. 144-5, Letter from Joseph to Askin, Toronto, January 19, 1838.

21 P.A.C., RG 7, SG 16C, Vol. 43, p. 151, Letter from Joseph to James Hamilton, Sheriff London District, Toronto, January 19, 1838.

22 P.A.C., RG 7, SG 16C, Vol. 43, p. 145, Letter from Joseph to Askin, Toronto, January 19, 1838.

23 P.A.C., RG 8, SG C, Vol. 800, Pt. 1, p. 43-45, Letter from Major H. D. Townshend to Captain Goldie,

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in the Lower Province, Colborne, under his new policy of assigning experienced officers to military duties in the Upper Province, despatched Townshend to Toronto.²⁴ Upon reaching the capital of Upper Canada, the Major was ordered on to the Western District with one Company of the 24th Regiment plus five Companies of the 32nd Regiment. Leaving two Companies of the 32nd at London with Major Reid, he then proceeded with the remainder of his force to Fort Malden at Amherstburg.²⁵

On the line of march from Toronto to London, Townshend's force stopped at Brantford by January 18, 1838.²⁶ From here he sent off a communication to Captain Goldie at Quebec, explaining for Colborne's information, that due to the unfavourable weather conditions making the roads almost impassable, he was taking more time than expected to reach London.²⁷ Besides the forces of nature, Townshend remarked

Aide-de-Camp to the Governor-General, Brantford, January 18, 1838.

24 P.A.C., RG 7, SG 16A, Vol. 3, Letter No. 110 from Head to Colborne, Toronto, January 12, 1838.

25 P.A.C., RG 8, SG C, Vol. 800, Pt. 1, p. 43-45, Letter from Townshend to Goldie, Brantford, January 18, 1838,

26 Ibid.

27 See Appendix: 2 Photostat Reproduction Of A Royal Engineers Skeleton Map Depicting The Relative Position Of Military Properties In Canada West, dated October 26, 1850. Figure 1: Illustrates The Area Of Canada West From Lake Huron To Lake Erie. Figure 2: Illustrates The Area Of

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that he was particularly handicapped by the lack of any Commissariat Officer to arrange for transportation and supplies, to say nothing of the time consumed in hauling two field cannons. All things considered he estimated that it would take his men another ten days before they arrived at Amherstburg. These calculations proved inaccurate, however, for upon reaching London, those Companies bound for Fort Malden were marched down to Lake Erie where they embarked on board ship for Amherstburg.

According to Townshend's application for Command Pay at Amherstburg, it being the custom of the service to provide additional pay for area commanders, the Major disembarked at his destination by January 20, 1838 where he remained in charge until April 17, 1838.²⁸ Upon his arrival, Townshend established his Headquarters at Fort Malden, and assumed command of the Militia Volunteers at Sandwich and Windsor, plus the Indian warriors. In recognition of the new state of affairs, the Board of Western Magistrates, who had exercised military authority over the Detroit frontier since the beginning of the emergency, voluntarily chose to

Canada West from Lake Ontario Down The St. Lawrence To Montreal. Through the aid of these maps it is possible to trace the military roads being used by Townshend and his Regulars to reach Toronto and then to London.

28 P.A.C., RG 8, SG C, Vol. 877, Command Pay Requisition from Townshend, to Foster, Amherstburg, April 17, 1838.

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disband on January 30, 1838.²⁹ Thus came to an end the first Canadian military command of the Western District. Significantly enough, the Board was only replaced by professional Regular Officers.

Returning to Townshend's letter to Goldie of January 18, 1838,³⁰ we find that the Major also made reference to his having experienced considerable personal expense, especially for military stationery, while maintaining the public service in Lower Canada. This had all been accomplished without the receipt of any command pay by the Major. Considering that peace had returned to the Lower Province, Townshend felt that the Commissariat might now settle his claims, for the confusion in that Department caused by the multiplicity of demands on it during the Rebellion would have diminished.

The Major's reference to the operation of the Commissariat Headquarters in Quebec helps explain one reason for the malfunctioning of this Department. The overloading of the system by an excessive amount of claims could produce momentary confusion from the staggering load. Since, Townshend was present in the Lower Province during the Re-

29 P.A.C., RG 8, SG C. Vol. 642, Report of Western Magistrates, Amherstburg, February 11, 1838.

30 P.A.C., RG 8, SG C, Vol. 800, Pt. 1, p. 43-45, Letter from Townshend to Goldie, Brantford, January 18, 1838.

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Rebellion, his observations on the mal-administration in the Department must be accepted.

From this explanation we are provided with but one of several reasons for the confusion in the Commissariat. As for the remaining reasons certainly a lack of qualified personnel cannot be included, for Quebec as the Headquarters of the Regulars in the Canadas had the most technical staff. So too, a lack of proper authority provides no excuse since Colborne himself was resident there. We are left then with but two possible answers, that of a lack of sufficient supplies or gross inefficiency by the Commissariat Officials.

It will shortly be ascertained whether one or both of these criticisms may be accurately applied to the Commissariat in Lower Canada as well as in Upper Canada. Through the careful analysis of the circumstances lies the explanation as to why the Western District frontier should experience Commissariat shortages during the 1838 emergency.

Another matter raising questions of doubt as to the efficiency of the military in the Canadas involves examining the composition of the force Townshend brought to the Western District. Specifically, his group of Regulars included elements from the 24th and 32nd Regiments of Foot in addition to the Royal Artillery.

At first glance, it would appear as if this composite force was the end result of a sudden call to arms

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in which the above units taken at random were sent off with all possible speed for the Detroit frontier. However, a close analysis of British military policies during the Canadian Rebellion will reveal that Regular Regiments were divided up along company lines and assigned particular locations throughout the Province. By this method, token protection against insurrection and / or invasion was provided for large areas.

Under such an arrangement, when Colborne ordered a concentration of troops in any one portion of Lower or Upper Canada, the companies closest to the area would respond regardless of the regimental affiliation. So it was in Townshend's case, that Companies from the 24th and 32nd Regiments plus a Royal Artillery detachment responded to be sent off to the Western District followed later by their Headquarters Companies. Concerning the choice of a commander for such a force, he was either designated by Colborne as in the case of the Major, or he was merely the senior officer present. Thus we have the explanation of how the Detroit River area Regulars came to be there, as the end product of an efficient defense mobilization.

With the arrival of Townshend's force in the Western District, a new era of loyalist activities against the Patriot designs became a certainty, Militia, Indian warriors and now Regulars were providing a greater

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involvement despite the plaguing handicaps of the Commissariat disorders. Then too, news that Upper Canada would soon receive a new Lieutenant-Governor and further reinforcements from the Empire gave notice that the general state of excitement in the Upper Province was not without hope as well as anxiety.