

UPPER CANADA.

COPY

OF

The MILITIA GENERAL ORDER touching the COURT of INQUIRY held
upon COLONEL PRINCE.

MILITIA GENERAL ORDER.

Adjutant General's Office, Toronto,
20th March 1839.

THE Lieutenant Governor and Major General commanding has noticed with the deepest Anxiety the under-mentioned Statements of Events attending the late Invasion of Brigands into the Western District of this Province :

1st. A Despatch to Colonel Airey commanding the Western District from Colonel Prince in command at Sandwich, in which that Officer reports the following Circumstance :—

“ Of the Brigands and Pirates Twenty-one were killed, besides Four who
“ were brought in just at the Close, and immediately after the Engagement,
“ all of whom I ordered to be shot on the Spot, and which was done accord-
“ ingly.”

2d. An Address, signed by Colonel William Elliott and Twelve other Persons, pledging themselves, individually and collectively, for the Truth of a printed Paper accompanying their Address, purporting to be a “ Narrative of the Action with the Brigands on the 4th of December,” compiled for the Purpose of Publication, and actually printed in the City of Detroit in the State of Michigan.

The Lieutenant Governor, on receiving the first of these Papers, immediately directed, in addition to personal Inquiry on the Spot, that a particular Statement of the Circumstances attending the Execution of the Four Prisoners by Colonel Prince should be laid before him ; and on the Receipt of the Address before alluded to the Necessity for a minute and careful Inquiry into the Allegations contained in the printed Statement became distinctly apparent.

Under the Direction of his Excellency a Court of Inquiry was accordingly instituted, composed of Lieutenant Colonel Airey, commanding Her Majesty's 34th Regiment, President, Major French of the 85th, and Major Deedes of the 34th Regiment, Members ; and those Officers, after a most laborious and rigid Inquiry, have submitted the following Report :—

“ The Court, having gone into the most minute and detailed Investigation of
“ the Particulars contained in the printed Paper headed “ Battle of Windsor,”
“ in so far as relates to Statements of a very painful Nature respecting the
“ Treatment, by Order of Colonel Prince, of certain Brigand Prisoners who
“ were captured at Windsor, Upper Canada, on the 4th December last, and
“ having carefully and patiently examined, individually, the several Gentle-
“ men who signed the Address to his Excellency the Lieutenant Governor
“ transmitting the said Document, in which it is stated, that ‘ as the several
“ Particulars (which joined together form the connected Statement) are known
“ to some one or more of the Subscribers, they pledge themselves indi-
“ vidually for the Truth of the Parts to which they were respectively Eye-
“ witnesses, and collectively to the Accuracy of the whole Narrative in all
“ its essential Points,’ is of opinion, that the invidious Colouring which
“ characterizes the Detail of the Facts alluded to, reflecting so painfully on
“ the Conduct of Colonel Prince, is not in any way substantiated by Evi-
“ dence ;

“ dence ; and that the Court cannot but observe the Existence of a Spirit of
 “ personal Hostility towards Colonel Prince, from which alone, in the Opinion
 “ of the President and Members, has emanated the Narrative in question ;
 “ nor can the Court refrain from expressing deep Regret that at any Period,
 “ but more especially so at a Time like the present, when Unanimity and
 “ good Feeling ought to be conspicuous amongst all Classes of Her Majesty’s
 “ Subjects, that Statements of the Nature of those which form the Basis of
 “ this Investigation (the Circulation of which will not be confined to these
 “ Provinces only) should have been presented to the Public without the fullest,
 “ the clearest, and the most indisputable Knowledge of their Accuracy.”

In this Report the Lieutenant Governor expresses his entire Concurrence ; and while he has most deeply regretted that, under Circumstances of impending Danger and highly excited Feeling, Colonel Prince was induced to anticipate the Result of legal Proceedings in directing the summary Execution of Four of the captured Criminals, his Excellency is gratified to find that Officer completely exonerated, upon the searching Investigation of the Court of Inquiry, from the Imputation of having been guilty of Acts of wanton Cruelty, for which Charge the Court has been able to assign no other Foundation than a Feeling of personal Hostility towards Colonel Prince.

The Lieutenant Governor cannot too strongly express his Disapprobation of the Terms and Spirit in which the printed Statement has been framed, and of the Act, Manner, and Place of its Publication ; nor can he omit particularly to notice the very inconsistent and reprehensible Conduct of Colonel William Elliott, who in the first place presided at a public Meeting at which the Course of summary Execution adopted by Colonel Prince to a limited Extent at Windsor was strongly recommended to be indiscriminately pursued on all Occasions of Invasion, and afterwards pledged himself to the Truth of Statements, highly coloured and exaggerated, implicating that Officer, and having a direct Tendency to lower the Character of the Militia Service in which Colonel Prince and his Accusers were alike engaged, as well as to aggravate the Feelings of Hostility along the Frontier, already, unhappily, too much excited.

These Circumstances impose on the Lieutenant Governor the painful Necessity of dispensing with the future Services of Colonel William Elliott in Her Majesty’s Militia of this Province.

The Lieutenant Governor is most desirous that the Grounds of Colonel Elliott’s Retirement from the Militia should not be misunderstood. His Excellency entertains the same Disapproval which he has already expressed of summary Proceedings towards Prisoners who may fall into the Hands of the Militia ; such can only be justified by an extreme Case of Necessity ; and when an Occurrence of this Nature takes place it is always a proper Subject to be brought under the immediate Consideration of the Government ; but the Course of Proceedings to which Colonel Elliott was a Party appears to the Lieutenant Governor to be altogether inexcusable, and to involve alike the Reputation of the Provincial Militia and the Public Welfare.

By Command,
 RICHARD BULLOCK,
 Adjutant General, Militia.

Colonial Office, Downing Street,
 3d June 1839.

...and that the Court cannot but observe the fairness of a trial in
personal hostility towards Colonel Tinn, from which alone, in the
of the President and Members, he examined the narrative in question;
not can the Court retain this expression, being that in any trial,
but more especially so at a time like the present, when I am sure
good feeling ought to be everywhere around all classes of His Majesty's
subjects, that statements of the nature of those which form the basis of
this investigation (the investigation which will not be confined to them
alone, but will extend to the whole of the British Empire) should
be made, and the most impartial and accurate of their Accounts.

In this report the Lieutenant Governor appears in a fair and
and also he has not only reported that under circumstances of
the report of legal proceedings in which the necessary evidence in
of the reported statement, the Lieutenant is required to find that
completely essential upon the evidence, but also of the Court
from the information of having been guilty of Acts of wanton Cruelty,
for which the Court has been able to assign no other Foundation than
a feeling of personal hostility towards Colonel Tinn.

The Lieutenant Governor cannot too strongly express his Disapprobation
of the facts and facts to which the judicial statement has been made,
and of the manner and style of its Collection; but can he
possibly to make the very inconsistent and reprehensible Conduct of
Colonel Tinn, who in the first place, granted as a public Meeting
at which the Court of Inquiry was to be held, and in which
United States of America was strongly recommended to be
formed on all occasions of Inquiry, and afterwards placed instead of
that of a statement, highly colored and exaggerated, and
and having a strong tendency to lower the Character of the British
which Colonel Tinn and his Associates were distinguished, as well as
the very feeling of hostility towards the British, already, and
most serious.

These circumstances, in regard to the Lieutenant Governor, the
necessity of departing with the future Services of Colonel William
in His Majesty's Militia of this Province.

The Lieutenant Governor is most desirous that the Grounds of
this statement from the Militia should not be misunderstood,
and that the same Disapproval which he has already expressed
of any proceedings towards Prisoners who may fall into the hands
of the Militia, such can only be justified by an extreme case of
which circumstances of this nature take place it is always a proper
to be made under the immediate Consideration of the Government,
and of Proceedings to which Colonel Tinn was a Party appears
Lieutenant Governor to be altogether inadvisable, and to involve an
infringement of the Provincial Militia and the Public Welfare.

By Command
Assistant Secretary

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Colonel Tinn's Report
to the Lieutenant Governor

(100)

1839 Colonel
Prince

COPY

OF

The MILITIA GENERAL ORDER touching the
COURT of INQUIRY held upon Colonel PRINCE.

Ordered to be printed 10th June 1839.

(106.)

Canada
printed
papers