

came a natural and just ground of alarm to those who had charge of the depot.

It was also in evidence that in the building formerly the petty officers prison, but now the guard barracks, which stands in the yard to which the hole in the wall would serve as a communication, a part of the arms of the guard who were on duty, were usually kept in the racks, and though there was no evidence that it was in any respect the motive which induced the prisoners to make the opening in the wall, or the fact, it naturally became at least a further cause of suspicion and alarm, and an additional reason for precaution.

Upon these grounds Capt. Shortland appears to us to have been justified in giving the order, which about this time he seems to have given, to sound the alarm bell, the usual signal for collecting the officers of the depot and passing the military on the alert.

However reasonable and justifiable this was as a measure of precaution, the effects produced thereby in the prisons, but which could not have been intended, were most unfortunate, and deeply to be regretted. A considerable number of the prisoners in the yards where no disturbances existed before, and who were either already within their respective prisons, or quietly retiring, as usual towards them, immediately upon the sound of the bell rushed back from curiosity (as it appears) towards the gates, where by that time the crowd had assembled, and many who were at that time absent from their yards, were also, from the plan of the prison, compelled, in order to reach their own homes, to pass by the same path, and thus that which was merely a measure of precaution, in its operation increased the evil it was intended to prevent.

Almost at the same instant that the alarm bell rang, (but whether before or subsequent is upon the evidence doubtful, though Capt. Shortland states it positively as one of his further reasons for causing it to ring) some one or more of the prisoners broke the iron chain, which was the only fastening of No. 1 gate, leading into the market square, by means of an iron bar; and a very considerable number of the prisoners immediately rushed towards the gate; and many of them began to press forward as fast as the opening would permit into the square.

There was no direct proof before us of previous concert or preparation on the part of the prisoners, and no evidence of their intention or disposition to effect their escape on this occasion, excepting that which arose by inference from the whole of the above detailed circumstances connected together.

The natural and almost irresistible impulse to be drawn, however from the conduct of the prisoners by Capt. Shortland and the military was, that an intention on the part of the prisoners to escape was on the point of being carried into execution, and it was at least certain that they were by force passing beyond the limits prescribed to them, at a time when they ought to have been quietly going in for the night. It was also in evidence that the outer gates of the market square were usually opened about this time to let the bread wagon pass and re-pass to the store, although at that period in question they were in fact closed.

Under these circumstances, and with these impressions necessarily operating upon his mind, and a knowledge that if the prisoners once penetrated through the square, the power of escape was almost to a certainty afforded to them, if they should be so disposed, Capt. Shortland in the first instance proceeded down the square toward the prisoners, having ordered a part of the different guards to the number of about 50 only at first, (though they were increased afterwards) to follow him. For some time both he and Dr. Magrath endeavoured by quiet means and persuasions to induce the prisoners to retire to their own yards, explaining to them the fatal consequence which must ensue if they refused, as the military would, in that case, be necessarily compelled to employ force. The guard was by this time formed in the rear of Capt. Shortland, about two thirds of the way down the square—the latter is about one hundred feet broad and the guard extended nearly all across.—Capt. Shortland, finding that persuasion was all in vain, and that although some were induced by it to make

an effort to retire, others pressed on in considerable numbers, at last ordered about 15 file of the guard, nearly in front of the gate which had been forced, to charge the prisoners back to their own yards.

The prisoners were in some places so near the military, that one of the soldiers states that he could not come fairly down to the charge, and the military were unwilling to act as against an enemy. Some of the prisoners also were unwilling and reluctant to retire, and some pushing and struggling ensued between the parties, arising partly from intention, but mainly from the pressure of those behind preventing those in front from getting back.—After some little time, however, this charge appears to have been so far effective, and that with little or no injury to the prisoners, as to have driven them for the most part quite down out of the square, with the exception of a small number who contained their resistance about No. 1 gate.

A great crowd still remained collected after this in the passage between the square and the prisoners yards, and in the part of these yards in the vicinity of the gates.—This assemblage still refused to withdraw, and according to most of the English witnesses, and some of the American, was making a noise, hallooing, shouting, and provoking, and during the military to fire, and according to the evidence of several of the soldiers, and some others, was pelting the military with large stones, by which some of them were actually struck. This circumstance is however denied by many of the American witnesses; and some of the English upon having the question put to them, stated they saw no stones thrown previously to the firing, although their situation at the time was such as to enable them to see most of the other proceedings in the square.

Under these circumstances the firing commenced. With regard to any order having been given to fire, the evidence is very contradictory. Several of the Americans swear positively that Captain Shortland gave that order; but the manner in which, from the confusion of the moment, they describe this part of the transaction so different in its details, that it is very difficult to reconcile their testimony. Many of the soldiers and other English witnesses, heard the word given by some one, but no one of them can swear it was by Capt. Shortland, or by any one in particular, and some amongst whom is the officer commanding the guard, think, if Capt. Shortland had given such an order they must have heard it which they did not. In addition to this, Capt. Shortland denies the fact; and from the situation in which he appears to have been placed at the time, even according to the American witnesses, in front of the soldiers, it may appear somewhat improbable that he should then have given such an order.

But, however, it may remain a matter of doubt whether the firing first began in the square by order, or was a spontaneous act of the soldiers themselves; it seemed clear that it was continued and renewed both there and elsewhere without orders; and that on the platforms, and in several places about the prison, it was certainly commenced without any authority.

The fact of an order having been given at first, provided the firing was under the existing circumstances, justifiable, does not appear very material in any other point of view than as shewing a want of self-possession, and discipline in the troops, if they should have fired without order.

With regard to the above most important consideration, of whether the firing was justifiable or not, we are of opinion, under all the circumstances of the case, from the apprehension which the soldiers might fairly entertain, owing to the numbers and conduct of the prisoners, that the firing to a certain extent was justifiable in a military point of view, in order to intimidate the prisoners, and compel them thereby to desist from all acts of violence, and retire as they were ordered, from a situation in which the responsibility of the agents, and the military could not permit them with safety to remain.

From the fact of the crowd being so close, and the firing at first being attended with very little injury, it appears probable that a large proportion of muskets were, as stated by one or two of the witnesses, levelled over the heads of the prisoners, a circumstance in some re-

spects to be lamented, as it induced them to cry out blank cartridges, and merely irritated and encouraged them to renew their insults to the soldiery, which produced a repetition of the firing in a manner much more destructive.

The firing in the square having continued for some time, by which several of the prisoners sustained injuries, the greater part of them appear to have been running back with the utmost precipitation and confusion to their respective prisons, and the cause for further firing seems at this period to have ceased. It appears accordingly that Captain Shortland was in the market square exerting himself and giving orders to that effect, and that Lt. Fortye, had succeeded in stopping the fire of his part of the guard.

Under these circumstances it is very difficult to find any justification for the continuance and renewal of the firing which certainly took place both in the prison yards and elsewhere; though we have some evidence of subsequent provocation given to the military, and resistance to the turnkeys in shutting the prisoners, and of stones being thrown out from within the prison doors.

The subsequent firing appears to rather have arisen from the state of individual irritation and exasperation on the part of the soldiers who followed the prisoners into their yards, and from the absence of nearly all the officers who might have restrained it; as well as from the great difficulty of putting an end to a firing when once commenced under such circumstances. Captain Shortland, was from this time busily occupied with the turnkeys in the square, receiving and taking care of the wounded. Ensign White remained with his guard at the breach, and Lts. Anvelyne and Fortye, the only other subalterns known to have been present, continued in the square with the main bodies of their respective guards.

The time of day, which was the officers dinner hour, will in some measure explain this, as it caused the absence of every officer from the prison whose presence was not indispensable there. And this circumstance which has been urged as an argument to prove the intention of the prisoners to take this opportunity to escape, tended to increase the confusion, and to prevent those great exertions being made which might perhaps have obviated a portion at least of the mischief which ensued.

At the same time that the firing was going on in the square, a cross fire was also kept up from several of the platforms on the walls round the prison where the centries stand, by straggling parties of soldiers who ran up there for that purpose. As far as this fire was directed to disperse the men assembled round the beach, for which purpose it was most effectual, it seems to stand upon the same ground as that in the first instance in the square.—But that part which is positively sworn was directed against straggling parties of prisoners running about the yards and endeavoring to enter in the few doors which the turnkeys according to their usual practice, had left open, does seem as stated, to have been wholly without object or excuse, and to have been a wanton attack upon the lives of defenceless, and at that time unoffending individuals.

In the same, or even more severe terms, we must remark upon what was proved as to the firing into the door ways of the prisons, more particularly into that of No. 3 prison, at a time when the men were in crowds at the entrance. From the position of the prison and of the door, and from the marks of the balls which were pointed out to us, as well as from the evidence, it was clear this firing must have proceeded from soldiers a very few feet from the door way, and although it was certainly sworn that the prisoners were at the time of part of the firing at least, continuing to insult and occasionally to throw stones at these soldiers, and that they were standing in the way of, and impeding the turnkey, who was there for the purpose of closing the door, yet still there was nothing stated which could in our view at all justify such excessively rash and severe treatment of helpless and unarmed prisoners when all idea of an escape was at an end.

Under these impressions we used every endeavour to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular out-

rages here alluded to, or of tracing any particular death at that time to the firing of any particular individual, but without success; and all hopes of bringing the offenders to punishment should seem to be at an end.

In conclusion, we, the undersigned, have only to add that whilst we lament, as we do most deeply, the unfortunate transaction which has been the subject of this inquiry, we find ourselves totally unable to suggest any steps to be taken as to those parts of it which seem most to call for regret and punishment.

(Signed)  
CHAS. KING,  
FRAS. SEYMOUR LARPERT.

Plymouth, 26th April, 1815.

SIR—In pursuance of instructions received from Messrs. Clay and Gallatin, I have now the honour to transmit to you the report prepared by Mr. Larpent and myself on behalf of our respective governments, in relation to the unfortunate transactions at Dartmoor prison of W. on the 6th of the present month. Considering it of much importance that the report, whatever it might be, should go forth under our joint signatures, I have forborne to press some of the points which it involves, as far as otherwise I might have done, and it therefore may not be improper in this letter to enter into some little explanation of such parts of the report. Although it does appear that part of the prisoners were on that evening in such a state, and under such circumstances, as to have justified, in the view which the commander of the depot could not but take of it, the intervention of the military force, and even in a strict sense, the first use of fire arms, yet I cannot but express it as my settled opinion, that by conduct a little more tempering, this dread alternative of firing upon unarmed prisoners might have been avoided. Yet as this opinion has been the result of subsequent examination, and after having acquired a knowledge of the comparatively harmless state of the prisoners, it may be but fair to consider, whether in such a moment of confusion and alarm, as that appears to have been, the officer commanding could have fairly estimated his danger, or have measured out with precision the extent and nature of the force necessary to guard against it.

But when the firing became general, as it afterwards appears to have done, and caught with electric rapidity from the square to the platforms, there is no plea nor shadow of excuse for it, except in the personal exasperation of the soldiery, for the more deliberate, and therefore more unjustifiable firing which took place into three of the prisons, No. 1, 3 and 4, but more particularly into No. 3, after the prisoners had retired into them, and there was no longer any pretence of apprehensions as to their escape. Upon this ground, as you sir, will perceive by the report, Mr. Larpent and myself had no difference of opinion, and I am fully persuaded that my own regret was not greater than his, at perceiving how hopeless would be the attempt to trace to any individuals of the military these outrageous proceedings.

As to whether the order to fire came from Captain Shortland, I yet confess myself unable to form any satisfactory opinion, though perhaps the bias of my mind is, that he did give such an order. But his anxiety and exertions to stop it, after it had continued for some little time, are fully proved, and his general conduct previous to this occurrence, as far as we could with propriety enter into such details, appears to have been characterised with great fairness, and even kindness, in the relation in which he stood towards the prisoners.

On the subject of any complaints against their own government existing among the prisoners it was invariably answered to several distinct questions put by me on that head, that none whatsoever existed or had been expressed by them, although they confessed themselves to entertain some animosity against Mr. Beasley, to whom they attributed their detention in this country; with what justice you, sir, will be better able to judge. They made no complaint whatsoever as to their provisions and general mode of living and treatment in the prison.

I have transmitted to Mr. Beasley a list of the killed and wounded on this melancholy occasion, with a request that he would forward it to the U. S. for the information of

their friends at home, and I am pleased to have it in my power to say, that the wounded are for the most part doing well.

I have also enclosed to Mr. Beasley the notes taken by me of the evidence adduced before us, which I request that he would have them fairly copied, as also a copy of the depositions taken before the coroner, and desired him to submit them to you when in order.

I cannot conclude, sir, without expressing my high sense of the impartiality and manly fairness with which this inquiry has been conducted on the part of Mr. Larpent, nor without mentioning that the facility was afforded to us in its execution, as well by the military officers commanding here and at the prison, as by the magistrates in its vicinity.

I have the honour to be, sir, much respected, your most obedient humble servant,

(Signed) CHARLES KING,  
His Excellency J. Q. Adams's Secretary.

London, April 18, 1815.

SIR, At the request of Lord Castlereagh, we have had interviews with him and Mr. Goulburn on the subject of the transportation of American prisoners now in this country, to the U. S. and of the late unfortunate event at the depot at Dartmoor.

On the first subject, we are to advise your acceptance of the proposition of Lord Castlereagh to transport the prisoners at the expense of the two countries, respecting the construction of the article of the treaty, which provides for the mutual restoration of prisoners for future adjustment. It was agreed by us, and was so understood, that the joint expense, thus incurred, is to comprehend the requisite tonnage as the assistance of the prisoners; and moreover that measures of precaution should be adopted relative to the health and comfort of the prisoners similar to those which had been taken in America.

The details of this arrangement if you concur with us as to the expediency of making it, are left to you to settle with the proper British authority.

On the other subject, as a part of the transaction has been received from the American prisoners, differing very materially from that which had resulted from an inquiry instituted between the two admirals, it has been thought advisable that some means should be devised of procuring information to the real state of the case, in order on the one hand, to shew to the other that there had not been any wanton improper sacrifice of the lives of American citizens, or on the other to enable the British government to punish their civil and military officers, if it should appear that they have resorted to measures of extreme severity without necessity, with too much precipitation.

Lord Castlereagh proposed that the enquiry should be a joint one, conducted by a commissioner selected by each government. And we have thought such an enquiry most likely to produce an impartial and satisfactory result.

We presume that you will be too much occupied on the subject and the other incidental duties of your office, to attend to an enquiry in person. On that supposition we have stated to the British government that we should recommend to you the selection of Mr. King, Esq. as a fit person to conduct it in behalf of the American government. Mr. King will undertake the business, he will first make a pleasing countenance, & much conjunction with the British commissioner, who may be appointed on the occasion, will examine the prisoners concerned, and such other evidence as may be thought necessary, and make a joint report upon the facts of the case to John Q. Adams, minister and plenipotentiary of the U. S. at this court and to the British government.

The mode of executing this service will be left to the discretion of Mr. King and his colleagues, they can agree upon a narrative of the facts after having heard the evidence, it will be better than repeating the whole mass of testimony in detail, which they may perhaps find it necessary to do, if they come to such an agreement.

We are, sir, your obedient humble servants,  
(Signed) H. CLAY,  
ALBERT GALLATIN,  
R. G. Brasley, esq. &c. &c.

(Here follows a list of the prisoners killed and wounded, with a description of their wounds.)

London, 30th April 1815.

SIR, In my letter of the 19th inst. I informed you of the measures which had been adopted here in consequence of the late unfortunate event at Dartmoor prison.

I have now the honour to transmit the copy of a letter addressed to me by Mr. Clay and Mr. Gallatin, relative to that occurrence, and to the transportation of the American prisoners in this country to the U. States.

In the absence of Mr. Adams it becomes my duty to communicate to you the information of our government, the result of the investigation at Dartmoor. I enclose a copy of the joint report of the commissioners appointed for that purpose, and a letter from Mr. King to Mr. Adams, and of a list of the killed and wounded on that melancholy occasion.

I shall leave to Mr. Adams any further steps which he may deem it proper to take in this business. I must, however, forbear to notice the erroneous impression of the prisoners, that their detention so long has been owing to me. You are aware, sir, of my constant exertions during the war to effect their liberation. Immediately on the signing of the treaty of peace, at Ghent, I renewed my instances on that subject, proposing a condition, that all the prisoners who might be delivered over to me by the British government, should be considered as prisoners of war, and not at liberty to leave until regularly exchanged, in the event of the treaty not being ratified by the president. This proposition was declined in a peremptory manner.

On the receipt of the intelligence of the ratification from America, I did not at a moment in requesting the release of the prisoners, according to the terms of the treaty, and the number of vessels which I had hired, as mentioned in my letter of the 13th, and which are now on their voyage to the U. S. will shew that the necessary steps were taken to provide for their immediate transportation to their country. The prisoners, also, were informed of these measures, and of the exertions which had been made from the commencement to return them to their homes with the least possible delay. Therefore, whatever may have been their uneasiness under confinement, and whatever hostile feelings they may have had towards me, as noticed in the report, and in Mr. King's letter, that I could not prevent the one nor have I deserved the other.

I have the honour to be, sir, your most obedient humble servant,  
R. G. BEASLEY,  
The Hon. John Masson, &c. &c.

LOST  
On Tuesday morning last, on the road from my dwelling to Annapolis, and the head of South River, a Bundle of Accounts, wrapped in a piece of paper, and tied with a black ribbon. They can be of use to any person but the owner. The finder, by clearing them with the subscriber, or by any place where he can procure them, shall be liberally rewarded.  
Stephen Beard, of Stephen.  
July 27.

15 Dollars Reward.  
Broke goal on Sunday night the 3d July inst. a yellow man by the name Harry, who was committed for making the meat-house of Joseph Brown, 5 feet 4 or 5 inches high, well made, a pleasing countenance, & much seconded, his clothing not recollected; he is the slave of Richard Goulton on the head of South River, and is well known in that neighbourhood; his mother lives with William Goulton, and I am told he is harboured by her; he broke goal with his grown axe. The above reward will be paid to any person who will apprehend the said villain and deliver him into the gaoler of A. A. county.  
Solomon Groves, Shff.  
A. A. County.  
July 26, 1815.

NOTICE.  
THE subscriber having obtained from the orphan's court of Anne Arundel county, letters of administration on the personal estate of Nicholas Norman, late of said county, deceased, requests all persons having claims against said estate, to present them, fully authenticated, and those indebted to make payment.  
Robert Franklin.  
July 27.