



DARTMOOR AFFAIR.

London, 18th April, 1815.

Sir—At the request of Lord Castlereagh, we have had interviews with him and Mr. Goulborn on the subject of the transportation of the American prisoners now in this country, to the United States, and of the late unfortunate event at the depot at Dartmoor.

On the first subject we agreed to advise your acceptance of the proposition of Lord Castlereagh to transport the prisoners at the joint expense of the two countries, reserving the construction of the articles of the treaty, which provides for the mutual restoration of prisoners, for future adjustment. It was stated by us and was so understood, that the joint expense, thus to be incurred, is to comprehend as well the requisite tonnage as the subsistence 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 taken place 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 statement of the transaction has been received from the American prisoners, differing very materially in fact from that which resulted from an inquiry instituted by the post-admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the case, in order on the one hand, to shew that there had not been any wanton or 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, or 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 have too much occupation on the first subject and the other incidental duties of your office, to attend to this enquiry in person. On that supposition we have stated to the British government that we should recommend to you the selection of Charles King, Esq. as a fit person to conduct it in behalf of the American government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and in conjunction with the British commissioner, who may be appointed on the occasion, will examine the persons 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, Esq. Minister Plenipotentiary of the United States at this court and to the British government.

The mode of executing this service must be left to the discretion of Mr. King and his colleague. If they can agree upon a narrative of the facts after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may perhaps find it necessary to do, if they cannot come to such agreement.

We are, sir, your obedient humble servants,
(Signed) H. CLAY,
ALBERT GALLATIN.

Plymouth, April 26, 1815.

We, the undersigned commissioners, appointed on behalf of our respective governments, to inquire into and report upon, the unfortunate occurrence of the 6th of April inst. at Dartmoor prison: having carefully perused the proceedings of the several courts of inquiry instituted immediately after that event, by the orders of Admiral Sir John T. Duckworth and Maj. Gen. Brown, respectively, as well as the depositions taken at the coroner's inquest upon the bodies of the prisoners who lost their lives upon that melancholy occasion; upon which inquest the jury found a verdict of justifiable homicide; and proceeded immediately to the examination, upon oath, in the presence of one or more of the magistrates of the vicinity, of all the witnesses, both American and English, who offered themselves for that purpose; or who could be discovered as likely to afford any

material information on the subject, as well as those who have been previously examined before the coroner, as otherwise, to the number in the whole of about eighty. We further proceeded to a minute examination of the prisoners, for the purpose of clearing up some points which upon the evidence alone were scarcely intelligible; obtaining from the prisoners, and from the officers of the depot, all the necessary assistance and explanation; and premising, that we have been from necessity compelled to draw many of our conclusions from statements and evidence highly contradictory, we do now make upon the whole proceedings the following report:—

During the period which has elapsed since the arrival in this country of the account of the ratification of the treaty of Ghent, an increased degree of restlessness and impatience of confinement appears to have prevailed amongst the American prisoners at Dartmoor, which, though not exhibited in the shape of any violent excesses, has been principally indicated by threats of breaking out if not soon released.

On the 4th of this month in particular, only two days previous to the events the subject of this enquiry, a large body of the prisoners rushed into the market square, from whence, by the regulations of the prison, they are excluded, demanding bread, instead of biscuit, which had on that day been issued by the officers of the depot; their demands, however, having been then almost immediately complied with, they returned to their own yards, and the employment of force on that occasion became unnecessary.

On the evening of the 6th, about six o'clock, it was clearly proved to us, that a breach or hole had been made in one of the prison walls, sufficient for a full sized man to pass, and that others had been commenced in the course of the day near the same spot, though never completed.

That a number of the prisoners were over the railing erected to prevent them from communicating with the sentinels on the walls, which was of course forbidden by the regulations of the prison, and that in the space between the railing and those walls they were tearing up pieces of turf, & wantonly pelting each other in a noisy and disorderly manner.

That a much more considerable number of the prisoners was collected together at that time in one of the yards near the place where the breach was effected, and that although such collection of prisoners was not unusual at other times (the Gambling Tables being commonly kept in that part of the yard) yet, when connected with the circumstances of the breach, and the time of day, which was after the hour of the signal for the prisoners to retire to their respective prisons had ceased to sound, it became 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 barrack, 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 off duty, were usually kept in the racks, and though there was no evidence that this was in any respect the motive which induced the prisoners to make the opening in the wall, or even that they were even acquainted with 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 putting 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 returning 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, & many who were at the 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 spot & 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 forwards 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 rose by inference from the whole of the above detailed circumstances connected together.

The natural and almost irresistible inference 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 waggon pass and repass to the store, altho' at the 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 thro' the square, the power of escape was almost to a certainty afforded them, if they should be so disposed, Capt. Shortland in the first instance proceeded down the square, towards the prisoners, having ordered a part of the different guards, to the number of about 50 only at first, (tho' they were increased afterwards) to follow him. For some time both he and Dr. Magrath endeavored by quiet means and persuasion, to induce the prisoners to retire to their own yards, explaining to them the fatal consequences 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 100 feet broad, and the guard extended nearly all across. Capt. Shortland finding that persuasion was all in vain, and that altho' 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 & 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 continued their resistance about No. 1 gate.

A great crowd still remained collected after this in the passage between the square and the prisoners' yards, & in the part of these yards in the vicinity of the gates. This assemblage still refused to withdraw, & according to most of the English witnesses, and some of the American, was making a noise, hallooing, insulting, and provoking, and daring 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 Capt. Shortland gave that order; but the manner in which, from the confusion of the moment, they describe this part of the transaction, is so different in its details, that it is very difficult to reconcile their testimony. Many of the soldiers & 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 that 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 this 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 to 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 the muskets were, as stated by one or two of the witnesses, levelled over the heads of the prisoners; a circumstance in some respects to be lamented, as it induced them to cry out "blank cartridges," and merely irritated and encouraged them to renew their insults to the soldiers, 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 Capt. Shortland was in the market square exerting himself and giving orders to that effect, and that Lieutenant 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 further 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 prisons, and of stones being thrown out from within the prison doors.

The subsequent firing rather appears to 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. Capt. 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. Avelyne 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 the 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 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 sentinels 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 breach, 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 it 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. 2 prison, at the 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 the 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 harsh and severe treatment of helpless and unarmed prisoners, when all idea of escape was at an end.

Under these impressions we used every endeavor to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular outrages 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 redress and punishment.

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

Plymouth, 26th April, 1815.

Sir—In pursuance of instructions received from Messrs. Clay and Gallatin, I have now the honor to transmit to you the report prepared by Mr. Larpent and myself on behalf of our respective governments, in relation to the unfortunate transaction at Dartmoor Prison of War, 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 a 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,