

'CHAPTER IX.

HE year 1837 was an eventful one, not Only in the history of Upper Canada, but in the life and fortune of our hero.

" It was at once," he writes, in a letter to Sir Augustus d'Este in 1844, " the most successful as well as the most disastrous of my life. What occurred then enabled me to accomplish something towards the saving of the city of Toronto and the overthrow of the rebels—having no thought of reward, other than the saving of bloodshed—and the spontaneous and unanimous vote of my fellow-citizens to reward me for what I had done, roused such hopes of freedom from my pecuniary difficulties that their defeat well-nigh imperilled my reason."

It is difficult for the present generation, brought up under a *regime* of self-government, to understand the system of colonial management as carried on from Downing Street.

To men who had, in the end of the previous century, given up home, friends and property for the sake of loyalty to the Crown, the defence and maintenance of rights asserted on behalf of their sovereign was the highest of political duties, and they had brought up their children in that faith. In many it fell little short of the loyalty of the Cavaliers to the

Stuarts. Self-government by the people was Round-head, Puritan, Yankee—things they had fought against and fled from.

They sought for property, and influence at the hands of the monarch and his ministers, as a reward for their sufferings in his cause and the defence of his American dominions, just as the Cavaliers sought redress of their wrongs and reinstalment in their old rights by Charles II.

To these Loyalists came active British Radicals, such as Gourlay and Mackenzie, while reform was working its way through the times of difficulty and distress which followed the close of the great war, bringing Catholic emancipation, municipal and parliamentary reform in England, and revolution in France.

Many others followed Mackenzie and Gourlay to Canada filled with the same ideas and proud of their success in the old country.

They could boast of no services for the Crown such as those of the U. E. Loyalists. Their sufferings and aspirations had all been for popular rights.

The necessity of opening up and cultivating the wild lands throughout the country, and the encouragement offered to emigrants, had brought many settlers from the United States, whose notions of government had been formed in the Republic.

An alliance between these two bodies against the Loyalists and their leaders in the Family Compact was as inevitable as was the strife which grew up between these opposite forces. Downing Street rule

was, for the most part, in conformity with the views and wishes of the U. E. Loyalists in Upper Canada and with the great body of the English-speaking minority in the Lower Province.

Unfortunately Sir Francis Bond Head was not capable of coping with these rival constituents. He was not a military man of any standing or experience, and recognized none of the signs of rebellion patent to those who were, or who were more in touch with the inevitable advance of reform ; and when the rebellion, in the imminence of which that " paragon of eccentricity and blundering" (*vide* Bryce) so repeatedly asserted his _disbelief, actually broke out, he only added inaccurate statements and boastful accounts of his own over-weening confidence and prowess to the blunders already committed.

FitzGibbon wrote several accounts of the outbreak of the rebellion in Upper Canada, and of Mackenzie's intended (attempted) attack on Toronto in December, 1837. " An Appeal to the People of Upper Canada," published in 1847, is perhaps the most exhaustive as regards his own share in the defence of the city. The " Appeal " was written after successive events had robbed him of the reward voted to him by the unanimous voice of the House of Assembly, and the publication of Sir Francis Head's garbled account in his despatches to the Colonial Office had thrown discredit upon his services and bade fair to " make the colony over which he (Sir Francis) held so brief a rule, little more than a nation of liars,"

Stung to the quick by Sir Francis Head's assertions, his entire silence on some points, half-truths on others ; impetuous, harassed by the difficulties which his pecuniary circumstances rendered unavoidable, sick at heart from hopes long deferred, and embittered by disappointment, FitzGibbon rushed into print before time had enabled him either to look at the facts calmly and state them with such diplomatic tact as might ensure success, or to learn with what credence the Lieut.-Governor's account would be received.

Had FitzGibbon allowed Sir Francis to fall into the pit he was so persistently determined to dig for himself, and had taken no precautions against the danger he knew was imminent ; had he merely shrugged his shoulders and allowed the Lieut.-Governor to take the responsibility of leaving the city unprepared, and, when the principal buildings were in flames, and the rebels armed with the muskets Sir Francis refused to place at the service of the loyal defenders, had he then stepped in, and at the cost of valuable lives and property won a pitched battle, and driven out a greater number of rebels, he would probably have been knighted, or had other honors paid him.

To do this, however, was not FitzGibbon's nature. He had seen too much of the sad scenes of war, knew too much of its realities, was too generous and noble-minded to profit by another's folly, to run the risk of such bloodshed and devastation. He saw on all sides

evidences of the imminence of an outbreak of rebellion against the authorities.

From the year 1815, when Sir. Francis Gore, by his policy as Lieut.-Governor of Upper Canada, had sown the seeds of future trouble, FitzGibbon had watched the course of events with interest, and from 1824 with ever-increasing anxiety. He communicated this anxiety to Sir John Colborne in 1834, and was requested by him to carry out one of the suggestions he offered, as a precautionary measure—the formation of a corps of young men in Toronto, ostensibly for the purpose of instruction in 'drill, that they might be better fitted for commissions in the militia when required. The corps was limited to seventy, that being the number of rifles available from the military stores. During the summer months of the three successive years, FitzGibbon drilled these lads twice a week, and in order to encourage them to equip themselves in, correct military style, went to the expense of procuring rifle uniforms for himself and eldest son. This might well be called the first military school in Canada.

Perhaps the happiest hours of those years were spent in this labor of love. He was a soldier before everything. He loved the very rattle of accoutrements, and took a genuine pride in the improvement and smartness of his company. He valued drill not only as a means of making a man upright in his carriage, prompt and vigorous in his movements, but as calculated to regulate his mind, strengthen his

character for uprightness, honesty, obedience and straightforward simplicity, and draw out latent resource and talent. Add to this the confident expectation that his efforts would not be thrown away, but in the hour of need the time spent in drilling would bear fruit, and we may understand the pride of the soldier in his "boys."

"It may not be irrelevant to observe in conclusion," writes one of the corps, the late Walter Mackenzie, "that your previous instructions assuredly enabled many members of the rifle corps to render efficient service at the critical period in question (the outbreak). For myself, I may assert that my appointment to the command of one of the four principal divisions organized in the Market Square of this place, on Tuesday morning, the 5th of December, 1837, must have arisen from my connection with that body, and that my confidence in assuming the charge was materially increased by finding myself under the guidance of an officer of your ardent zeal and distinguished services." (Letter from the late Walter Mackenzie to Colonel FitzGibbon.)

The tidings of the rising of the French-Canadians in Lower Canada in 1837 added certainty to FitzGibbon's forebodings, and induced him to redouble his efforts to persuade his friends and fellow-citizens to join him in preparing for the like contingency.

That the members of the Government at that date were not only swayed by the opinions and will of the Governor then in office, but were practically governed

by him, the light of the present day, thrown upon the events of the past, shows plainly. Where, as in 1837, the Governor was a narrow-minded, self-opinionated and obstinate man, it mattered little of what constituents his council was composed. Good and true men as many were, they were either overruled by the Governor's authority and determination, or silenced by doubt, or fearful of incurring the responsibility of dissension or acting without his authority. In such a man the rebels recognized their most useful ally, and in his obstinate, contradictory nature and his persistent disregard of the advice of the few who saw the probable result of such culpable blindness, able assistants.*

*That FitzGibbon was not the only one who endeavored to warn Sir Francis of the threatened danger and urge the need of precautions being taken, is shown by the following extract from a letter written from Cobourg by the Rev. Egerton Ryerson to a friend in Kingston : " You will recollect my mentioning that I pressed upon Sir Francis Head the propriety and importance of making some prudent provision for the defence of the city, in case any party should be urged on in the madness of rebellion so far as to attack it. He is much blamed here on account of his over-weening confidence, and foolish and culpable negligence in this respect."

Again, when telling his brother William of the efforts to induce Sir George Arthur (Sir Francis' successor) to commute the sentence of Lount and Matthews, two of the rebels condemned to death, he repeats : " I also mentioned to the Governor that you and the Rev. J. Stinson had waited on Sir Francis about four weeks previous to the insurrection ; that you informed him of insurrectionary movements about Lloydtown and other places, which you had learned from me ; that you had strongly urged Sir Francis to raise volunteers and put the city and other places in a state of defence ; that

FitzGibbon's way to his office in the Parliament buildings lay, as has been said, along the Bay shore on the stretch of land below Front Street. Here he frequently met Sir Francis Head on his way to walk for exercise on the long wharf near the garrison.

These meetings led to long and animated conversations on many subjects, but chiefly upon the state of the Province and political parties. The Governor's opinions differed greatly from FitzGibbon's on many

you and I had waited' on the Attorney-General next day, and that we had urged these things on him in a similar manner, but that these statements and advice had been disregarded, if not disbelieved."

Again, after expressing his decided opinion that " punishments for political offences can never be beneficial when they are inflicted in opposition to public sentiment and sympathy," Dr. Ryerson adds : " The fact is, however, that Sir Francis Head deserves impeachment just as much as Samuel Lount deserves execution. Morally speaking, I cannot but regard Sir Francis as the more guilty culprit of the two." (Extract from " The Story of my Life." Ryerson.)

Again, after speaking of the evil effects of Sir F. B. Head's arbitrary conduct upon the country, and the state of dissatisfaction everywhere evident, William Ryerson says : " After all we know but little of the calamities and miseries with which our once happy land is now afflicted, and yet Sir Francis, the most guilty author of this misery, escapes without punishment ; yes, with honor and praise. How mysterious are the ways of Providence ; how dark, - crooked and perverse the ways of men."

Colonel Foster, the Assistant Adjutant-General, also repeatedly urged Sir Francis Head to retain a small regular force in the Upper Province, and he also wrote to Sir John Colborne, representing the mischief that was likely to be the result of the withdrawal of all the military quartered in Upper Canada, particularly Toronto and its vicinity.

important points. Fearful that Sir Francis might think he threw himself in his way, or finding the arguments their conversation often ended in irksome, FitzGibbon, upon seeing him approaching, would sometimes turn aside in another direction, that he might avoid meeting him. Sir Francis, however, frequently called to him, or, if out of reach of his voice, beckoned him with his stick to wait for him.

FitzGibbon has left no details of these morning chats, only the general idea that he, too, took the opportunity of urging upon Sir Francis the great need of making some preparation, or taking some measures to ensure the safety of the city and the prevention of loss of property ; and by being in readiness to put down any rising, practically prevent it. FitzGibbon, confident that his fears were not groundless, saw it coming ; the Governor, determinedly shutting his eyes, refused to believe it either probable or possible.

When Sir John Colborne asked Sir Francis Head how many of the troops then in Upper Canada he could spare for service in Lower Canada, he answered " All."

When the last detachment, consisting of a subaltern and thirty men, were on their way from Penetanguishene through Toronto, FitzGibbon begged the Lieut.-Governor to keep them in the city, " if only as a nucleus for the militia to rally round."

This he also refused, saying, " No*, not a man. The doing so would destroy the whole morale of my

policy ; if the militia cannot defend the Province, the sooner it is lost the better."

" Then, •?" exclaimed FitzGibbon, " let us be armed and ready to defend ourselves."

" No," replied Sir Francis, " I will do nothing. I do not apprehend a rebellion in Upper Canada."

Six thousand stand of small arms with ammunition had been sent a short time before to Toronto from Kingston, and deposited by the Lieut.-Governor's orders in the market buildings, under the keeping of the civic authorities, the two constables being on guard over them at night. FitzGibbon considered this protection, under the circumstances, insufficient. He called upon and urged Sir Francis to allow him to organize a guard from his rifle corps to prevent any attempt on the part of the rebels to obtain forcible possession.

This offer was also declined, the Lieut.-Governor emphasizing his refusal by the assertion " that were it not that he disliked to undo what he had already done, he would have the arms brought to Government House and entrusted to the keeping of his own domestic servants."

In despair of being able to induce Sir Francis to realize the need of action, FitzGibbon desisted and withdrew. Before reaching the passage he was recalled by His Excellency in person, and requested to " make the offer in writing."

This FitzGibbon was very willing to do, the manner of the request leading him to hope that his offer

would then be accepted. His surprise, therefore, may be understood, when the following day's issue of the *Toronto Patriot*, the Tory organ, contained a printed copy of the offer made to His Excellency.

Had Fitz Gibbon been self-seeking, or anxious only for self-aggrandizement, he might have turned this to his own advantage, but he saw only that Sir Francis used the offer of a guard, for which he had asked in writing, to publish to the Province that he had no fear of rebellion, and to throw odium on the man who urged preventive measures being taken. Although such blindness seems incredible, Sir Francis doubtless calculated to be able in the event of there being no rising, to boast of how much more correctly' he had estimated the political situation than the more anxious of his advisers.

But this was not all. Sir Francis not only made an ungentlemanly use of this offer, but, knowing how unlikely it was that a copy of the *Patriot* would ever reach the eyes of the officials at home, he entirely ignored the offer in his despatches to the Colonial Office.

Some little time previous to this, FitzGibbon had been transferred from the command of the 4th Regiment of York Militia to that of the 1st Regiment of the city of Toronto. In this regiment FitzGibbon found many vacancies. True to his nature to do at once work that lay close to his hand, and which he considered from the circumstances required attention, he made out a list of candidates for the vacant corn-

missions and submitted it to His Excellency. Believing it would ensure more speedy consideration being paid to it, he carried the list to Sir Francis personally. The Lieut.-Governor took the paper, read the list it contained and handed 't back to FitzGibbon, declining positively to do anyth until the following summer. Exasperated by what thought extraordinary folly, yet unable to act in this manner without authority, Fitz Gibbon racked his excitable brain to devise means by which to make some preparation, however small, to meet and hold the rebels in check until, when the Governor's eyes were opened by finding them at his door, proper and more effective measures would be taken to defeat them.

It must be remembered that FitzGibbon's popularity, the devotion to him personally he had won from many he had at various times befriended, sympathized with, or saved from getting into trouble or sorrow ; the friendly word and kindly smile he had always ready for the most insignificant, his intense individuality, his ready interest in others and the sort of hero worship his daring deeds and reputation had won for him in the minds of the lads of the next generation, put him in possession of means of information which he might act upon but could not betray.

He had also been the first provincial acting Grand Master of the Freemasons in Upper Canada, and though he had resigned that office in 1826, he was still a prominent member of the fraternity. He had lived in neighborly contact with his fellow-citizens

for over twenty years. He had been valued and honored by his commanders and superior officers through the war of 1812-14.

He had known York in the days when it was little more than a garrison, and, in consequence of the civil appointments he had held in the intervening years, had not only had the opportunity but the will to know every additional member of the increasing population.

Sir Francis, on the other hand, knew little or nothing of the colony he had been taken from comparative obscurity to govern—knew little in fact of men or politics—had no tact, but was amply provided with insular prejudice, without the knowledge which enables it or robs it of an obstinacy of which the only designatory adjective is *pig-headed*. Nor, it may be said, did Sir Francis know anything of FitzGibbon beyond what a man of his limited penetration could learn in the short period of his residence in the Province. The obstinate contradictoriness of his nature resented being argued out of preconceived opinions by a man of FitzGibbon's excitable temperament, and one who made no secret of having risen from the ranks of a line regiment.*

* The impression made by FitzGibbon's repeated assertion of this fact has led to many blunders on the part of his biographers, who state that he was "the son of a poor cottar on the Knight of Glin's estate," "of humble origin," etc.—blunders which only careful search among family papers, a visit to the ruins of the old house on the hill above the towers of Glin, and the Knight's corroborative testimony, gleaned from his title deeds and family records, has effectually corrected.

His anxious desire to take some precautionary measures receiving no encouragement, but distinctly the reverse, from Sir Francis Head, FitzGibbon determined upon acting on his own responsibility.

Enumerating the men in Toronto upon whose loyalty he knew he could rely, to the number of 126, and taking the list to Government House, this irrepressible defender of his home owed it to Sir Francis, with the intimation that he intended to warn each of the men on the list to be ready to come armed to the Parliament House, at any hour of the day or night, upon hearing the college bell ring the alarm," and "that he also meant to ask the Mayor of the city to rally to his aid at the City Hall upon the ringing of the cathedral bells."

Pausing for a moment, but not long enough to allow His Excellency to utter the refusal he feared was on his lips, FitzGibbon added: "For the doing of this I desire to have your Excellency's sanction, but permit me to tell your Excellency that, whether you give me leave or not, I mean to do it."

Sir Francis looked at him with indignant surprise as FitzGibbon continued: "I say so with all due respect to your Excellency, as the representative of my sovereign, but you are so convinced that we are in no danger that you will take no precautions; but I, being fully convinced that the danger is most imminent, am determined to take every measure in my

power to devise for the protection of my family and friends."

Sir Francis did not reply immediately, but, after a pause of doubt and uncertainty, he at last gave a reluctant consent, much as if it was forced from him by the soldier's determined words.

Whether willingly or unwillingly given, it was still consent. Thanking His Excellency, FitzGibbon withdrew. He went at once to the City Hall, where, in the presence of Alderman Dickson (Dixon ?) he communicated the result of his interview with Sir Francis, and asked the Mayor to co-operate with him and undertake that someone should be at hand to ring the bells of the cathedral when warned by the ringing of the college bells.

Sir Francis was not the only one who thought FitzGibbon over-anxious and over-zealous in thus taking timely precautions against surprise by the rebels, who, he knew, were arming and being drilled in the outlying districts about Toronto. When he called upon the Chief Justice he met with something of the same opposition he had received at the hands of the Lieut.-Governor. 'Upon stating his object and expressing his fears, the Chief said : " Colonel FitzGibbon, I cannot partake of your apprehensions, and I am sorry you are alarming the people in this way."

FitzGibbon repeated what he had said to Sir Francis, and again reiterated his determination not to be persuaded by anyone to desist from taking what precaution he could against being surprised by an

undisciplined rabble such as he expected the rebel force would be. He, however, yielded so far to the Chief Justice as to agree to warn the heads of families only.

The insurgent forces were gathered, the rebellion broke out, and the college bells rang the alarm before FitzGibbon had time to warn fifty of the one hundred and twenty-six men whose names were on his list.

Although the following letter was written some two years later, I think I cannot do better than insert it here. FitzGibbon never blamed the men who at this time were so incredulous. They had as deep interests at stake as any could have, and would have been as prompt to defend them had they not been blinded by the false security in which Sir Francis had wrapped himself, and apprehended no danger of any actual rebellion. The conduct of the Chief Justice after the event was, however, that of a generous man. It contrasted very favorably with that of the Governor.

(Extract from the letter of Chief Justice Robinson.)

" MY DEAR BISHOP,—I think Colonel FitzGibbon may feel assured that the Government has a just sense of his faithful and valuable services. If I had any doubt of this, I would most readily repeat in writing what I have taken occasion to say to the Secretary of State on that subject.

" During the many years that Colonel FitzGibbon has resided in Upper Canada, his resolute character, his ardent loyalty, and his active and intelligent

mind, have led him and have enabled him to render important services to the Government and to the Province, and on several occasions when I think it would have been difficult to find anyone else who could have discharged the same duty so efficiently.

" With regard to his services in 1837, I have no doubt (and I should be happy to state this on every occasion where it could be useful to him) that his earnest conviction before the outbreak that violence would be attempted, and the measures of precaution which he spontaneously took in consequence of that impression, were the means of saving the Government and the loyal inhabitants of Toronto from being for a time at least at the mercy of the rebels ; and I believe that the most disastrous consequences would have followed the 'surprise which Colonel FitzGibbon's vigilance prevented. His conduct also, when the crisis did occur, was most meritorious.

" The Legislature has shown a strong sense of this service, and a great desire to reward it ; and I am persuaded that no one would receive more pleasure than the present Lieut.-Governor of Upper Canada and his predecessor, from any measure of Her Majesty's which should have the effect I of recompensing Colonel FitzGibbon in such manner as may be most agreeable and useful to himself.

" (Signed) JOHN B. ROBINSON."

[Enclosed in a note from the Lord Bishop of Toronto, dated London, 83 Sackville Street, 16th August, 1839.]

On Saturday, December 2nd, a man whose name is not given in any of the papers, either printed or in manuscript to which I have had access, came to

the Adjutant-General's office and asked to speak with FitzGibbon in private.

At this interview FitzGibbon obtained further information concerning the movements of the disaffected, and of arms being sent from all points to the north of Toronto. He endeavored to persuade his informant to repeat it to the Governor and his Council, but without success. The man declined positively. He had revealed what he had seen and heard to FitzGibbon as to a fellow-mason, and refused to run the risk of losing life or property at the hands of the rebels by permitting his name to transpire. They (the rebels) knew that he had come into town upon urgent private business, and believed it was for that alone he was there. He could not depend upon anyone else keeping his name secret, and if it was betrayed, assassination upon his return, or destruction to his property if he remained in town, would be the inevitable result.

Knowing how much more satisfactory this information would be if delivered first-hand to the Lieut.-Governor, instead of through him, FitzGibbon urged it by every argument he could advance, but only succeeded so far as to induce the man to say where he might be found, if Sir Francis should demand his presence.

The tidings warranted the belief that the outbreak was as imminent as FitzGibbon feared, yet such was the opposition he met with both from the Governor and his assembled Council, to whom he lost no time

in communicating it, that the man was summoned and interviewed by Sir Francis and the Attorney-General, and the intelligence discussed for nearly six hours without any definite conclusion being arrived at or any orders issued to meet even a possible emergency.

In vain FitzGibbon urged the necessity of some precautions being taken, some preparation being made to guard against surprise. Neither the Lieut.-Governor nor his Council would consent, the Hon. Wm. Allen alone advocating FitzGibbon's advice being taken.

In reply to Sir Francis' weak objection, that the man's report had not made the same impression on his mind as it had apparently upon Colonel FitzGibbon's, the information he brought being at third and fourth-hand, Fitz Gibbon reiterated the question :

" What impression does it make on the man's own mind ? Has he not seen in a blacksmith's forge bags filled with what he has no doubt are pike-heads ? Has he not seen the handles already made, and the timber prepared for more, which, he was told, were intended for hayrakes or pitchforks ? And has he any doubt at all of the object of all the preparatirs which he, from day to day, has seen making in file neighborhood ? "

" Whereupon the Hon. Wm. Allen said : 'What would you have, gentlemen ? Do you expect the rebels will come and give you information at first-hand ? How can you expect such information but at second, third

or fourth hand ? I am as long in this country as most of you, gentlemen. I know the people of this country as well as most of you, and I agree every work spoken here to-day by Colonel FitzGibbon, and think that an hour should not be lost without preparing ourselves for defence.'

"After Mr. Allen had done speaking, I turned to His Excellency and said : 'In short, sir, when I came here this morning, I expected that your Excellency would give meleave to go into the streets and take up every half-pay officer and discharged soldier I could find in the city, and place them this very day in the garrison to defend it.'

" To this His Excellency answered : What would the people of England say were we thus to arm ? And besides, were we to pass the militia by, they would feel themselves insulted.'

" To which I replied : Pardon me, your Excellency ; they would rejoice to see me organize the military to be a nucleus for them to rally round.'

" When I withdrew from this meeting or council, and reflected on all that had passed, I did fear that I should be looked upon by those present as a presumptuous and arrogant man, for I spoke with great earnestness and fervor." ("An Appeal to the People of Upper Canada.")

This meeting was held on Saturday. Nothing was done until Monday morning, when FitzGibbon being sent for, Sir Francis read a militia general order, appointing him Adjutant-General, and ordered him

to sign all general orders and documents issuing from the Department as Adjutant-General.

After a moment's hesitation, FitzGibbon declined putting himself into what would be a false position. The law allowed only one adjutant-general, and as Colonel Coffin still held that post, another could not legally be appointed. Reflecting, however, that even the nominal holding of such a position would enable him to do much upon the authority of his office that would otherwise be impossible, FitzGibbon consented, provided the words_ " Acting Adjutant-General " were allowed to follow his signature. There was another reason for his reluctance to accept this appointment, in the fact that some time previously Sir Francis had questioned him upon the condition of the working of the Adjutant-General's department, and the state of things was such that he had been obliged to report neglect and inefficiency on the part of the official holding that position ; and his being a personal friend' made it a sin against the *noblesse oblige* of his race to appear to supplant him. Now, however, he saw no alternative but to do so to some extent, or lose the one chance that offered by which he might obtain tilt power to do what he was so confident the safety of the country required. It was a sacrifice of personal feeling for the benefit of others, the loss of one for the gain of the many. That the friendship between the two men was unbroken by it is but one more proof of the estimation for integrity of purpose and

loyalty to the truth in which FitzGibbon was held by friend and foe alike.

Sir Francis consented to the proviso, and immediately prepared a militia general order, appealing to the officers commanding regiments and corps in the Province, and conveying instructions for their guidance in the event of that which FitzGibbon now believed was inevitable—the possible outbreak of rebellion.

FitzGibbon carried a copy of this order to the Queen's printer the same day, but it was not ready for circulation in time to be of much use as a precautionary measure. The outbreak occurred on the night of the same day in which it was placed in the printer's hands.

Though FitzGibbon, in writing of this memorable day, December 4th, has given no positive detail of information obtained which served to increase Otis apprehensions of the imminence of the outbreak, his actions go to prove that he believed it but a question of hours. Mackenzie had attacked him personally in the columns of his paper, and was probably kept informed by his friends of FitzGibbon's appeals to Sir Francis, as well as of the Lieut.-Governor's refusals to provide against surprise.

On the afternoon of the 4th, the discovery that suspicious-looking characters had been seen hirking about the neighborhood of his house, led FitzGibbon to believe that he might be especially marked for the rebel vengeance.

There is a dim recollection in my mind of a story told me when a very small child—so dim, however, it is, that I do not wish to advance it here as authentic in the remotest degree. If, however, there is even the least foundation of truth in it, FitzGibbon's certainty of the advance of the rebels and their singling him out for especial attention would be explained.

The story was told us in the nursery, and belongs to the treasured traditions of my childhood. One of the young men, returning from an outlying district in the early dusk of the winter twilight, happened to pass by a low house in the northern outskirts of the city. A light in an upper window and the mention of Fitz Gibbon's name heard through a narrow opening, the sash being raised on a reel of cotton, attracted his attention. He stayed to hear more. His horse's feet making no sound upon the soft, wet grass, the gentle creature, obeying his hand, drew close to the window in silence. Half a dozen men were in close converse in the room, discussing the intended march on Toronto that night, and their confidence of success.

Waiting to hear no more, the lad walked his horse until out of hearing from the house, then hastened into the city to report what he had heard to FitzGibbon. Whether in confidence, or whether the informant was one of his own sons, and he feared the lad's interest and excitement had exaggerated the importance of what he had overheard, and did not wish his name mentioned, my memory fails to recall; the chief item impressed on my childish mind being

that some important intelligence was obtained through a window sash propped open with a reel of cotton, and that the rider had such loving control over his horse that he was enabled to ride away undiscovered, and convey the tidings to the colonel.

FitzGibbon merely says that as night approached he became more apprehensive of impending danger, and consequently determined to sleep at his office in the Parliament House until he considered the crisis over. Late in the day he invited several of his friends to spend the evening with him, an invitation readily accepted. Although they might not share his apprehensions, many were willing to share his vigils. Fitz Gibbon was an excellent *raconteur*, and is frequently spoken of as "one of the most entertaining and amusing men of his day." Few of the men of his acquaintance would refuse to spend the night with him.

About ten o'clock, some other incident occurring, the detail of which he does not give, FitzGibbon deemed it as well to inform His Excellency of his fears for the night, and his intention of remaining at the buildings. He found upon reaching Government House that Sir Francis had retired for the night. Looking back now upon the insistence of the man, one cannot but acknowledge that he must have been regarded as an intolerable nuisance by those who did not share his apprehensions, and this disturbing of vice-regal slumbers a great annoyance.

In vain Mrs. Dalrymple protested that her brother

was fatigued, and that it was hard that he should be disturbed. FitzGibbon insisted, and the Governor came down in his dressing-gown to hear what he had to say, and no doubt returned to his rest in nowise more convinced than hitherto, and possibly in no very amiable mood. An hour later, information was brought to FitzGibbon that the rebels were actually approaching the city in force from the north.

Sending Mr. Cameron, one of his rifle corps, to ring the college bell, FitzGibbon mounted a horse belonging to the House messenger and kept in a stable close at hand, and galloped from house to house in the west end of the city, warning the occupants and bidding them hasten to the Parliament buildings, armed, as the rebels were then approaching the city. The college bells were rung, but the city bells were still silent. Annoyed and anxious lest nothing but a confused, unarmed body of citizens should assemble, to fall an easy prey to the rebels, and knowing that even momentary success would swell the rebel ranks, FitzGibbon rode to the cathedral. Finding the doors still locked, he shouted for someone to run for the keys ; then, when to his impatience the messenger seemed long in returning, he called for axes to break open the doors. The keys, however, arrived in time to prevent other means being resorted to ; the doors opened and the bells rung, but not until half an hour of what might have been valuable time was lost. FitzGibbon had relied on the promise given him by, the Mayor, that the city bells should be rung

as soon as the ringing of the college bells gave the alarm.

Giving directions that the cases containing the arms in the City Hall should be opened, and their contents distributed to the men as they came in, FitzGibbon, accompanied by two students, who were also mounted, rode up Yonge Street to ascertain what progress the rebels were making toward the city. Reaching the ravine opposite Rosedale without encountering any rebel force, FitzGibbon began to fear that his alarm was premature, and that he had laid himself open to ridicule by his extraordinary proceedings and excitement. He determined, however, to guard against possible contingencies and carry out his plans. He saw there would be time to place a picket on Yonge Street, to check the expected advance of the rebels, but before turning to retrace his steps, he expressed a regret that he had not a few more mounted and armed men with him, as he might then have ridden on to Montgomery's, the reported headquarters or rendezvous of the enemy, and reconnoitred his position more satisfactorily. The two lads eagerly volunteered to do so, but FitzGibbon was very reluctant to allow them to undertake such a service. One of them, Mr. Brock, had been sent out to Canada and placed under his especial care by his father, Major Brock, who had served with FitzGibbon in the 49th, and had since proved himself a most generous and kind friend.

Not wishing to expose his friend's son to unneces-

sary danger, FitzGibbon at first refused, but the lads were so anxious and so confident no harm would happen them, that he at length consented and returned to the city without them. He had not ridden many yards before he met Mr. Powell, one of the city aldermen, and Mr. McDonald, the wharfinger, also riding out to learn what truth there was in the rumors of rebels mustering at Montgomery's. FitzGibbon hailed them with satisfaction, begged them to ride on quickly and overtake Mr. Brock and Mr. Bellingham, and continued his way, relieved of some of his anxiety concerning the lads. FitzGibbon's surprise was therefore great upon arriving at Government House a short time after to find Mr. Powell there before him. Mr. Brock and his friend had been met and taken prisoners by the rebels within a few minutes of their parting with FitzGibbon and Mr Powell, encountering them directly after, had been summoned to surrender himself also. Instead of complying, he had fired at and shot their leader, then turning his horse had galloped back to town. Finding the toll-bar shut, and no one replying to his shout, fearing pursuit, he had left his horse and made his way across the fields to Government House, where he found the Governor still in bed, the clamor of the bells not having disturbed him. Mr. Powell's report roused him to the reality of the impending danger, and for the first time he was ready to take Fitz Gibbon's advice, though it was only to dress himself and come with him to the market-place.

While FitzGibbon was thus escorting the Lieut.-

Governor to the centre of defensive operations, the City Hall, Judge Jones, who had grumbled at the over-zeal of FitzGibbon when wakened by his messenger an hour before, had also realized the necessity for action. He had formed a picket, and marched it out to the toll-bar on Yonge Street. Riding thither, Fitz Gibbon learned that the rebels, alarmed by the fall of their leader and the ringing of the city bells, had returned to Montgomery's. Sentries were then carefully posted. The remainder of the night was spent in arming and organizing the citizens.

One of the first men FitzGibbon had roused when warned of the approach of the rebels was the Assistant Adjutant-General, Colonel Foster. To him, more than perhaps to any other member of the Government, was due the rapid and effective organization of the mass of excited citizens—who had rushed unarmed, and in many cases panic-stricken, to the market-place—into an orderly defensive force.

FitzGibbon speaks in one of his letters of this night as one of the most anxious he ever spent. If we consider the nature of the service required of him, we may realize his anxiety. He had to deal with an excited mob, hastily aroused from their beds, many of them sympathizers with or themselves -unavowedly rebels, crowding to thi(City j1 11 unarmed, but ready to seize the weapons served out (without any possibility of distinguishing friend from foe), and use them either in attack or defence, whichever side scored the first success and turned the scale ; but recently,

almost at the eleventh hour, appointed to the command, having no regular soldiers, men who fall into the ranks mechanically at a word and obey orders in silence ; with militia regiments insufficiently officered amid the darkness, the clamor of the bells mingled with the excited exclamations of the mob ; the panic caused by the flying rumors and exaggerated reports of the extent of the outbreak (rumors circulated by Mackenzie's friends and sympathizers), and the feeling of certainty that if the rebel force struck the first blow with even partial success, hundreds who now appeared loyal would join the standard of revolt. Under such circumstances, we can not only realize FitzGibbon's anxiety, but can understand the value of the few old military officers and men upon whose technical and practical knowledge, as well as loyalty, he could rely.

The militia certainly deserved the chief credit and great praise for service rendered under most trying circumstances, but the assistance of men like Colonel Foster was a large factor in the organization of the people into a force capable of guarding the city. FitzGibbon speaks later of Sir Francis Head's desire to act through the militia rather than through those who had any pretensions to military experience, as if regardless of the injury he must do by neglecting to avail himself of the professional services at his disposal, giving as an instance in point Sir Francis' refusal to accept an officer formerly belonging to the 68th Light Infantry as his aide-de-camp, requesting

that FitzGibbon should send him a militia officer to act in that capacity on Thursday, December 7th.

This policy of the Lieut.-Governor may in a measure account for the absence of many names in the various accounts of that period and the prominence given to the militiamen in the excitement in Toronto during the first few days of the rebellion in Upper Canada.

By sunrise on Tuesday, the men were formed in platoons in the Market Square, the one gun, a 6-pounder, mounted and loaded in front of the City Hall.*

Rumors reaching FitzGibbon that the rebels, having retired to Montgomery's, were felling trees and fortifying their position, 116 rode out to ascertain what truth there might be in the report. He was accompanied by Captain Halkett of the Guards, Sir Francis'

*Extract from William Ryerson's letter to Dr. Ryerson, December 5th, 1837 :

" Last night about twelve or one o'clock the bells rang with great violence ; we all thought it was the alarm of fire, but being unable to see any light we thought it was a false alarm, and we remained quiet until this morning, when on visiting the market-place I found a large number of persons serving out arms to others as fast as they possibly could. Among others, we saw the Lieut.-Governor, in his every-day suit, **411111** one double-barrelled gun in his hand, another leaning against his breast, and a brace of pistols in his leathern belt. Also Chief Justice Robinson, Judges Macaulay, Jones and McLean, the Attorney-General and Solicitor-General, with their muskets, cartridge boxes and bayonets, all standing in ranks as private soldiers, under the command of Colonel FitzGibbon." (" Story of my Life," P. 177.)

aide-de-camp and four others. The rumor was without foundation, the road was open and the position of the rebels such that FitzGibbon felt confident a prompt attack would certainly disperse them without much, if any, loss. Full of this opinion he returned, and going at once to Sir Francis, begged to be allowed to march three hundred of the five hundred men then in the Market Square, with the 6-pounder, to attack the enemy at once. To his surprise and indignation Sir Francis replied : " No, sir, I will not fight them on their ground ; they must fight me on mine."

In vain FitzGibbon urged the advisability of making an attack upon the rebels before their number increased. In vain he represented how much less the loss of life and property would be if the rebels were defeated or dispersed before they entered or attacked the city—how much less difficult to surround and defeat them on their own ground, or to defend one entrance to the city, if they should be even partially successful in resisting the attack, than to guard and watch the many approaches by which their most powerful weapon, incendiarism, might enter it.

Sir Francis would listen to none of his arguments or entreaties. Finding that persistence only aroused irritation, FitzGibbon reluctantly desisted.

Tuesday was spent in further preparation. The picket posted by Judge Jones on Yonge Street had been withdrawn in the morning, and as the evening approached FitzGibbon undertook to form another to mount guard during the night.

While selecting and drawing up the men, Sir Francis saw him from a neighboring window, and sending for him demanded, " What are you doing ? " Upon FitzGibbon replying that he was forming a picket to place on Yonge Street, he ordered him peremptorily not to send out a man. FitzGibbon urged not only the importance but the absolute necessity of not leaving the road open and unguarded. Sir Francis only reiterated his command.

" We have not men enough to defend the city. Let us defend our posts, and it is my positive order that you do not leave this building yourself."

FitzGibbon protested against such an arbitrary command, but Sir Francis only repeated it. Disgusted at such ignorance, and annoyed that he should be the victim ; feeling that he was being treated like a child who had been given a task to do, and then told he was incapable of attempting it, FitzGibbon left the room—not, however, to obey. He was not a man to give up what his knowledge of military tactics and night fighting, as well as the possible designs of the rebel force, such as had flocked to Mackenzie's standard, told him was the right and best course to pursue. The picket posted on Yonge Street was a necessary precaution, and, Sir Francis' commands to the contrary; he meant to so post it. He only did out of His Excellency's sight what he would otherwise have done under his eyes. He formed the picket, placed it under the command of Sheriff Jarvis, marched it out, and posted it himself.

Upon his return, he went directly to Sir Francis, reported himself and told what he had done. Sir Francis rebuked him angrily, but in milder terms than he had expected.

An hour afterwards, when tidings were brought to Sir Francis that the sheriff and his picket had been taken prisoners by the rebels, he turned to FitzGibbon and reproached him bitterly for his disobedience. But the soldier scoffed at the report. The sheriff was no fool ; the pickets had been well posted, and directions for their guidance too carefully given for such a result ; and though Sir Francis' wrath was somewhat appeased by the arrival of a second rumor that the picket had escaped, FitzGibbon was as incredulous of it as of the first. When, a short time after, Mr. Cameron came from the sheriff to report to the Governor that the enemy had approached the picket, been fired upon and fled, leaving several of their men dead upon the road, Sir Francis acknowledged, by desisting from his reproaches, that FitzGibbon had acted advisedly.

A few minutes later, an anonymous letter was handed to Sir Francis, warning him that the rebels intended to come in before day and set fire to the city in several places simultaneously, in the hope of distracting its defenders or driving them from their positions, especially their stand at the City Hall, where the arms and ammunition were stored.

It was ascertained the following day that the party

driven back by Sheriff Jarvis' picket had been despatched by the rebel leader for this purpose.

Alarmed by this letter for the safety of the spare arms, Sir Francis gave orders that they should be removed to the Parliament Buildings, which, being isolated, were less accessible to an incendiary. There were no wagons or other means of transport available. It was midnight, cold and dark, the roads were bad, and the men weary from watching and excitement.

FitzGibbon knew that if Sir Francis Head's plan of ordering the men to leave their loaded weapons at their posts, shoulder half-a-dozen of the spare unloaded arms and convey them to the Parliament House, was carried out, nothing but confusion and probable disaster would be the result. Uncertain of the loyalty of many of the men armed to defend the city, if opportunity arose of helping the rebels ; certain that they were surrounded by spies and sympathizers who would advise their friends of any such proceedings, FitzGibbon opposed the Lieut.-Governor by every argument and persuasion he could think of or advance.

Sir Francis pelipted, and remembering how recently his orders ha'd been openly disobeyed, he appeared the more obstinately determined that this one should be executed. FitzGibbon was in despair. He continued to remonstrate, assuring Sir Francis that if he would allow the arms to remain where they were till daylight, he would himself undertake

to place reliable men in positions that would enable them to keep the rebels at such a distance as would ensure their safety, for he apprehended the very worst results from such a movement as Sir Francis ordered being made in the dark.

Fortunately at this moment a shout from the street announced the arrival of Col. Macnab, with upwards of sixty men, from Hamilton. Turning to the Lieut.-Governor, FitzGibbon said : " Now, sir, we are safe till morning, for with this reinforcement you can guard every approach to any distance from which we can be injured." Sir Francis yielded, although' FitzGibbon had seized upon the arrival more as an argument by which he might gain his point, than because he thought the additional number made any appreciable difference in their security from the fire-brands of the rebels.

The remainder of the night passed without disturbance, and on the following day the arms were transferred to the Parliament Buildings.

During the day (Wednesday) volunteers and militia came in from Hamilton and Niagara by water, and from the country by the eastern and western roads. The city was soon crowded. There was not a sufficient commissariat for the moment, supplies were not conveniently available, the householders had to hide away their provisions to ensure a bare subsistence for themselves, and the danger of a famine was more to be dreaded than any attack from the rebels. It became an imperative necessity to attack them, to defeat

their enemies and disperse their friends with the least possible delay.

During the day the Attorney-General met FitzGibbon in the corridor of the Parliament House, and showed him a militia general order appointing Colonel Macnab to the command of the militia in the Home District, to which his (FitzGibbon's) name was affixed. Indignant at finding his name appended to a document he had never before seen, FitzGibbon was about to demand, in no measured terms, who had dared to act for him ; but reflecting how important it was that he should not add to the already great difficulties which must arise where such a number of men and officers from all parts of the country had come together, and, without any regular organization, were to march against the common foe, he said nothing.

Night came on and no orders were given by Sir Francis for the attack.

FitzGibbon waited until eight o'clock ; then, too anxious and impatient to delay longer, he went to Government House in search of Sir Francis Head, and was told the Lieut.-Governor was at the Archdeacon's.

On returning to his office he met the Hon. William Allen and Mr. Draper. He asked them to go with him to Sir Francis and urge an attack being made on the following morning.

After discussing the matter for nearly two hours without arriving at any conclusion more definite than a promise from Sir Francis that he would give orders to attack the rebels on the, following day,

FitzGibbon rose to leave. Sir Francis had, unknown to FitzGibbon, promised Colonel Macnab the command. FitzGibbon, naturally concluding that, as Adjutant-General and the man upon whom so much had devolved, he was in command, could not understand His Excellency's hesitation in giving him the necessary ordes,

Now, although his attention was drawn to it by Mr. Allen, the question was still undecided when he left to attend to other pressing duties.

After visiting the pickets and guards FitzGibbon went home. He had had no rest since Sunday night. Learning that some suspicious-looking people had been fired at in the neighborhood of his house, he deemed it wiser to return to his office, where he slept until four o'clock on Thursday morning.

Believing that he should eventually be given the command, he spent the first half-hour on awaking in drawing a rough memorandum for the attack. As it may be interesting to those curious about such details to give this roughly-sketched memorandum here, I copy it from the original draft. It is written on coarse foolscap and docketed

December 7th, 1837.

ROUGH SKETCH OF DISTRIBUTION FOR THE ATTACK THIS MORNING:

- Colonel Macnab.
- Lieutenant Nash 1st Company Advance Guard.
- " Coppinge ..2nd "
- " Garrett....3rd "
- Major Draper.
- Henry Sherwood.

b1SPOSITION OF THE FORCES.

- Two Guns.
- Captain Wm. Jarvis 1st Company Battalion.
- " Campbell 2nd "
- Nation 3rd
- Taylor 4th cc
- Jno. Powell 5th cc
- Henry Sherwood 6th
- Henry Draper **7th**
- Donald Bethune 8th cc
- Colonel Samuel McLean . Lieutenant Cox to aid.
- Lieut.-Colonel Geo. Duggan.
- Major Jno. Gamble.
- Judge Macaulay.
- Colonel McLean.
- " Jones ~~.....~~ the left Battalion.
- Jno. Macaulay.
- Captain Macaulay.
- " Durnford.
- Artillery.
- Captain **Mathias**.
- Major Carfrae.
- Captain Leckie.
- Dragoons.
- Three Companies in front.
- One Gun, Major Carfrae.
- Four Companies :
- The men of Gore, under Colonel Macnab.
- One Gun.
- Four Companies :
- Right flank under Colonel S. Jarvis.
- One Company Men of Scarboro' in the woods with
Colonel McLean (Allen).
- Left flank under Colonel McLean (Archibald).
- Two Companies under Colonel Jones.

Whether or not this disposilon of the force was afterwards adhered to, there ^{is} no record among FitzGibbon's papers. It may have been altered.

We find when Sir Francis declined to accept the services of Captain Strachan as his aide-de-camp for the day, that FitzGibbon sent Henry Sherwood in his stead, and asked Captain Strachan to remain near him during the attack upon the rebels.

Trifling as these details appear to us now, they are indicative of the antagonism and irritating friction between the two men, as well as finger-posts pointing out the cause of much misunderstanding. They also show the influences under which each acted according to his knowledge or characteristics, or was swayed by the impulses of the moment.

The question of who should be given the command was still unanswered. FitzGibbon would not ask it himself, yet no one else seemed to be moving in the matter. While in this uncertainty, Judge Macaulay and the Hon. John Macaulay came into his room, anxious to learn what were the plans for the day.. FitzGibbon told them what had passed at the Arch-deacon's the previous evening, and asked if they would go to Sir Francis, who was sleeping in a room near by, and ascertain his wishes. A few minutes later, FitzGibbon was sent for. He found Colonel Macnab also by Sir Francis' bedside.

The scene must have been a curious one : the dishevelled, half-roused Lieut.-Governor resting on his elbow in the camp-bed, the rival commanders on either side of him ; the two Macaulays, one of them an old comrade and friend of FitzGibbon's early days in the country, one who had fought beside him in

the campaign of 1814, and knew his military abilities and reputation, standing by, interested spectators of the scene. Here, too, was an opportunity for the exercise of the Lieut.-Governor's fondness for " rounded periods " and " love of epigram."* He did not lose it. FitzGibbon says : " He raised himself up and said that he ' found himself in a painful position, having as rivals before him two officers of equal zeal, of equal bravery, and of equal talent, competing for the command.' "

The last comparison roused our hero's indignation. Colonel Macnab's pretensions to military knowledge or talent were drawn from a cadetship of one year, an ensign's commission for less, and no rank at all in the militia until after FitzGibbon had held that of full colonel. No wonder he stepped back and looked at Sir Francis. The situation was dramatic. One regrets that some sketch or cartoon of it has not come down to us from the pen of one or other of the two witnesses. The result of the interview was a request from the Lieut.-Governor that FitzGibbon and the Macaulays would leave him to settle the question with Colonel Macnab. After waiting half an hour in the corridor, they were recalled, and told that Colonel Macnab had released him from his promise, and the command was given to Colonel FitzGibbon.

Without a single thought or reflection on what

* Lord Melbourne's speech in the British House of Commons, on Sir Francis and the Rebellion.

might be the terms of such a surrender, FitzGibbon shook hands with Colonel Macnab, and hurried away to do what he thought had been already delayed too long—to organize the force for the attack.

FitzGibbon never blamed Colonel Macnab in any way for this rivalry, if so it can be called—he but did as he was told. The two men were always great friends; Sir Francis' extraordinary behavior roused no jealousy nor caused misunderstanding between them. Although Colonel Macnab received the honor of knighthood at the hands of Her Majesty and a sword from the colonists for his share in quelling the rebellion, FitzGibbon was at the time about to be rewarded in a manner more adequate to his needs, and the fact that he never received it caused no more than a passing comparison with Colonel Macnab's better fortune. That Macnab was equally generous will be seen later.

Few whose knowledge of Canadian militia is limited to the fine body of well-drilled men forming any of our city regiments of to-day, can realize the difficulty of forming the militia of 1837—many of them but raw levies from the scattered settlements throughout the country—into an effective attacking army. The moment the column marched, FitzGibbon's spirits rose. He was confident of success—success, too, without much, if any, attendant bloodshed. He had no doubt but the rebels would fly after a brief resistance, if they stood their ground at all. These expectations were, as we know, realized. The rebels fled in haste;

the attacking force broke their ranks and pursued in such disorder that it was little more than one crowd running after another.

Fearing lest the rebels might take advantage of the disorder in the ranks of their pursuers and rally, FitzGibbon kept well in the advance, that in the event of his fear being realized, he might make an effort to re-form at least a portion of his men. It was not required; the enemy fled in all directions. The leader, Mackenzie, being very closely pressed, left his horse and took to the woods on foot.

Giving up the pursuit and returning, FitzGibbon met a party of about forty men. Asking the officer in command where he was bound for, he received the reply that they had been ordered to burn Gibson's house. Montgomery's was already in flames, having, much to FitzGibbon's regret, been set fire to by some of the more excited of the loyalists, but Gibson's house, being out of the way some two miles, had hitherto escaped.

Believing there must be some mistake, as nothing could be gained by such action, the officer repeating that he had positive orders, FitzGibbon rode rapidly after the now returning main body, in order to ascertain from Sir Francis if he had given the command. Before reaching him he was met by Mr. Sherwood, Sir Francis' aide-de-camp, with the intimation that "the Lieut.-Governor wished the men recalled who were going to burn Gibson's house, as he did not wish it burned." Sending Capt. Strachan to over-

take the detachment and countermand the obnoxious order, FitzGibbon rode on himself to the main body.

A few minutes later he was called and told that His Excellency wished to see him immediately at the head of the column FitzGibbon obeyed the summons, and to his surprise the order to save Gibson's house was countermanded. He endeavored to remonstrate, but Sir Francis was obstinate. He laid his hand on FitzGibbon's arm as he rode along beside him, and repeated, authoritatively :

"Hear me ; let Gibson's house be burned immediately, and let the militia be kept here until it is done." Then setting spurs to his horse, he rode on rapidly towards town.

It was late. The men had had a fatiguing day ; they were cold, weary and hungry. There was no necessity to keep the entire force waiting while the order he so utterly disapproved of was carried out. FitzGibbon reined back his horse until the main body had passed, wheeled out the last division, and sent them northward. Turning to the field officer, whose name he does not give, he bade him take the command and see the order executed.

" For God's sake, Colonel FitzGibbon," the officer replied, " do not send me to carry out this order."

" If you are not willing to obey orders," said the colonel, " you had better go home and retire from the militia."

" I am very willing to obey orders, but if I burn that house, I shall be shot from behind one of these

fences, for I have to come over this road almost every day in the week."

In the meantime the two men were left alone, the main body returning to town, the detachment wheeled out for the special service on the way north. There being no other officer at hand to whom to entrust the command of the latter, FitzGibbon determined to undertake it himself.

Sir Francis Head's despatch to the Colonial Office, December 19th,* so misrepresented his action with regard to the burning of Gibson's house, that upon perusing it in the following April, FitzGibbon wrote a clear statement of the truth to Lord Glenelg,t with the result that Sir Francis was obliged to append a footnote to the page in his " Narrative," acknowledging the falsehood contained in his despatch. Curt as are the words, " By my especial order," they suffice to show how reluctant the writer was to proclaim his former statement to be false—to prove that, had there been a loop-hole of escape, he would have seized it.

* " The militia advanced in pursuit of the rebels about four miles until they reached the house of one of the principal ringleaders, Mr. Gibson, whose residence it would have been impossible to have saved, and it was consequently burned to the ground." (Sir Francis' Despatch, December 19th, 1837. See Appendix VII.)

t Although this statement was written on April 17th, and placed in Sir George Arthur's hands to be transmitted to Lord Glenelg, FitzGibbon was persuaded by his friends to withdraw it ; but upon reading a further production of Sir Francis' pen published in May, FitzGibbon could no longer withhold his letter. A copy of the original will be found in Appendix VIII.

FitzGibbon always deplored this act. It was not only unnecessary, but impolitic and petty. Had the order been given him in private, or before a limited number, as other of Sir Francis' commands had been, FitzGibbon would have taken the responsibility of disobeying it, as he had done before. But an order given by a commander-in-chief to his second in command, in the hearing of a number of subordinate officers, and in the presence of the men, has no alternative : it must be obeyed, however reluctantly.

The deed was done, the rebel Gibson's house razed to the ground, and FitzGibbon returned with the detachment to town. Dismissing the men, and ascertaining that the guard at the Buildings had been relieved, he turned his steps to his own house. He was weary, mentally as well as physically. The restless excitement and anxiety of the past few days, the want of sleep, the irritation and annoyance caused by the Lieut.-Governor's behavior, the heart-sick disgust he felt at having been forced to do a deed his very soul abhorred—one that seemed to him unchristian and beneath the dignity of a true British soldier—and the long hours in the saddle unheeded during the excitement, told upon him now that the need for action was past. By the time he reached his own door, late on that winter evening, he was unable to dismount without assistance.

So bitterly did he feel the treatment he had received at the hands of the Lieut.-Governor, that on the following morning, finding himself unable to rise

from his bed, he sent a verbal message to Sir Francis, resigning the recently bestowed appointment as Adjutant-General. The blow had fallen, the rebellion he had so persistently and in the face of opposition and ridicule prophesied, had broken out, but, owing to his foreknowledge, energy and determination, had not succeeded. The country was now thoroughly roused to a sense of the reality of the rebellion, there were men willing and anxious to defend their homes and prove their loyalty to the British Crown, and his services were no longer indispensable or necessary.

"I could not," he writes, "serve the Province advantageously to its interests under the immediate command of such a man as His Excellency, and I felt constrained to resign an office in the Provincial service which, above all others, I desired to hold. Its duties were familiar to me, and to their efficient performance I could cheerfully have devoted my best energies."

Sir Francis, without one word of regret or enquiry of the cause, accepted the resignation, and appointed Colonel Macnab to succeed him.

Ill enough to be confined to the house for several days, his youngest child dying, his wife ailing, the long coveted position given up, and entirely neglected by the Lieut.-Governor, who did not pay him the ordinary courtesy of conventional enquiry, we may understand something of the soreness and disappointment felt by the generous, loyal, enthusiastic heart.