

APPENDICES.

APPENDIX I.

WHEN the policy of the French Directory, 1798, turned their ambition to still further conquest and aggression, Holland was the first victim of the Republican ambition. They had revolutionized that ancient commonwealth, expelled the Stadtholder, and compelled its rulers to enter into a costly and ruinous war to support the interests of France, and though their engagements had been performed with fidelity, they determined to subject them to a convulsion of the same nature as that which had been terminated in France by the 18th Fructidor.

The Dutch, having had an opportunity of contrasting the old regime with the new, were now ripe for a return to the former. The French Directory saw this leaning to old institutions with disquietude. They recalled their minister from the Hague, and replaced him by a man of known democratic principles, with instructions to overthrow the ancient Federal Constitution, overturn the aristocracy and vest the Government in a directory of democratic principles entirely devoted to the interests of France.

Obedience to these instructions soon robbed the inhabitants of Holland of all their ancient liberties. Antagonism to the directors became so pronounced as to rouse the fears of France lest it should undermine their influence in Holland. To prevent this, General Daendels was ordered to take military possession of the government.

- While Napoleon's operations and desperate conflicts had been going on in the south of Europe, England had roused herself from the state of inactivity in which she had been held through her own want of confidence in her military powers, and an expedition was

prepared more in proportion to her station in the war as one of the allied powers than any she had hitherto projected.

Holland was selected both as being the country nearest British shores in the hand of the enemy, and as the one where the most vigorous opposition might be expected from the inhabitants.

The treaty between Russia and England of June 22nd, 1798, stipulated that the latter should provide 25,000 men for the descent on Holland. To re-establish the Stadtholder, and terminate the revolutionary tyranny under which that opulent country groaned ; **to** form the nucleus of an army which might threaten the northern provinces of France, and restore the barrier which had been so insanely destroyed by the Emperor Joseph ; to effect a diversion in favor of the great armies then fighting on the Rhine, and destroy the ascendancy of the Republicans in the Maritime Provinces and naval arsenals of the Dutch, were the objects proposed in this expedition. The preparations were such as to extort the admiration of French historians. The harbors of England resounded with the noise and excitement of the embarkation. The first division sailed on the 13th of August, but, delayed by contrary winds, only anchored off the Helder, North Holland, on the 27th ; disembarked under Sir Ralph Abercrombie, and were met by General Daendels at the head of 12,000 men, opposed to 2,500. A well-directed fire from the ships carried disorder into the ranks of the Republicans, and drove them back to the sand-hills, from which they were expelled by the British by six in the evening. The Dutch evacuated the Fort at the Helder during the night, and the British occupied it the following day.

The Russian troops not arriving, the English commander was obliged to remain on the defensive, which gave the Republicans time to collect their forces, 25,000 in all, of which 7,000 were French, under General Brune, who had assumed the command-in-chief. He determined to attack the British, and on September 10th, all the columns were in motion.

Vandamme, who commanded the right, was directed to move along the Langdyke, and make himself master of Ernnsinberg ; Damonceau, with the centre, was to march by Schorlдам upon Krabbenham, and there force the key of the position ; while the left was charged with the difficult task of chasing the British from the Sand-dyke, and penetrating by Kampto Petten. Restricted to the

dykes and causeways intersecting in different directions a low, swampy ground, the engagement consisted of detached conflicts at isolated points, rather than any general movement ; and, like the struggle between Napoleon and the Austrians in the marshes of Arcola, was to be determined chiefly by the intrepidity of the heads of columns. Repulsed at all points, the French resumed their position at Alkmaar. On September the 12th and 13th, the Russians, 17,000 strong, and 700 British arrived, and the Duke of York assumed the command. On the 19th, the Russian advance was defeated, and though the Duke of York advanced to their support, the Allies were obliged to retire to their fortified line and evacuate Schorl. In this battle the Republicans lost 3,000 in killed, wounded and prisoners ; the British, 500 killed and wounded, and as many prisoners ; the Russians, 3,500, besides twenty-six pieces of cannon and seven standards.

The Duke of York, being reinforced by a fresh brigade of Russians and some English detachments, again assumed the offensive, but the heavy rains prevented an attack until October 2nd. Alkmaar was abandoned by the Republicans.

Despite this success, the prospect was not encouraging to the British commander. The enemy's force was daily increasing, while no reinforcements were coming to him. The heavy rains which set in with unusual violence made the roads impassable for artillery. The expected movements of the Batavian troops in favor of the House of Orange had not taken place, the climate was affecting the health of the British troops, and it was evident that, unless some important place could be captured, it would be impossible to remain in North Holland.

Haarlem was decided upon as the most likely to furnish the necessary supplies. To this end an attack was made on the French on the narrow isthmus between Beverick and the Zuyder Zee. The battle was well contested, the loss being nearly equal on both sides, and though the honors remained with the Allies, they were obliged **to** retreat and fall back upon the intrenchments at Zype. On the 7th, they retired to the position they had occupied before Bergen, and the Republicans, on the 8th, resumed their position in front of Alkmaar.

An armistice was signed on October 17th, the principal terms

being that the Allies should evacuate Holland by the end of November ; that 8,000 prisoners, whether French or Dutch, should be restored, and that the works of the Helder should be given up entire, with all their artillery.

Before December 1st, all three conditions were fulfilled, the British troops had regained the shores of England, and the Russians were quartered in Jersey and Guernsey. (Condensed from " Alison's Europe.")

APPENDIX II.

EXTRACT from the Returns of the 49th, during the six months from the 13th November to 31st May, 1811 :

Private Patrick Lallagan. 26th Jan., 1811.	Deficient of frill, part of his regimental necessaries. Sented 100 ; inflicted —
13th Feby.	Deficient of a razor, part of his regimental necessaries, and for producing at an inspection of his necessaries a razor belonging to Private James Rooney, thereby attempting to deceive the inspecting officer. Sented 200 ; inflicted 100. Also to be put under stoppages of 1/ per week until the razor is replaced.
Edward Marraly. 15th Nov., 1810.	For being deficient of a shirt, part of regimental necessaries. Sented 200 ; inflicted 75.
John Turner. 4th April.	For having in his possession some pease for which he cannot honestly account, and for making an improper use of the barrack bedding. Sented 400 ; inflicted 250.

Corporal Francis Doran.
28th March.

An accusation made by some married men of his having defrauded their wives of part of the bread issued for them, between the 25th of Feb. and 24th March, is sentenced to 100 lashes, which, however, appear not to have been inflicted, but a weekly stoppage of 1/6 until the quantity of bread, valued at 2/7 currency, was recovered, was deemed sufficient.

There are numerous entries of "Drunk before dinner although confined to barracks."

Sented 150; 100 inflicted.

"Drunk before morning parade although confined to barracks." Sented 200; 150 inflicted.

"Quitting the barracks without leave after tattoo." Sented 300 ; 295 inflicted.

[Is it anything to be wondered at that the men deserted ?]

APPENDIX III.

THE lot of land referred to on page 59 was situated in the Township of Tecumseh, in the Home District, and Province of Upper Canada.

APPENDIX IV.

IN September, 1812, the Americans learned that a number of bateaux were coming up the river, laden with supplies, the party being under the command of Adjutant FitzGibbon. A gunboat and also a Durham boat were fitted out at Ogdensburg, and despatched to intercept and capture the British expedition and stores,

Leaving Ogdensburg late at night, the enemy landed on Tous-saint Island, near where the bateaux lay. The only family on the island was seized, with the exception of a man, who, being a staunch defender of the British flag, made his escape, and by swimming reached the Canadian shore. The alarm given, the militia rallied, and when the Yankees made the attack they met with such a hot reception that they abandoned the Durham boat, which drifted down the river and fell into the hands of the Canadians. About sunrise the gunboat came to anchor, and was immediately fired upon. At the second discharge five of the eighteen on board were wounded, but before a third volley could be delivered, the remainder brought a cannon to bear on the Canadian boats, which were compelled to move out of range, being provided only with small arms. The Americans then beat a hasty retreat for Ogdensburg. ("History of Leeds and Grenville," p. 34.)

APPENDIX V.

MONTREAL *Gazette*, Tuesday, July 6th, 1813: "Intelligence of the last week from the seat of war in Canada is not of a sanguinary nature ; but, however, it is not the less interesting, and we have much pleasure in communicating to the public the particulars of a campaign, not of a general with his thousands or his hundreds, but of a lieutenant with his tens only. The manner in which a bloodless victory was obtained by a force so comparatively and almost incredibly small, with that of the enemy, the cool determination and the happy presence of mind evinced by this highly meritorious officer, in conducting the operations incident to the critical situation in which he was placed, with his little band of heroes, and the brilliant result which crowned these exertions, will, while they make known to the world the name of Captain FitzGibbon, reflect new lustre, if possible, on the well-earned reputation of the gallant 49th Regiment, and class this event with the most extraordinary occurrences of the present accursed war.

"We shall at present make no further comment, but refer our readers to the following details of Mr. FitzGibbon's operations, as

communicated to us by a friend who had the particulars from the best authority :

"Immediately after the gallant affair of our advance on the 6th ultimo, Lieut. FitzGibbon made application to General Vincent to be employed separately with a small party of the 49th Regiment, and in such a manner as he might think most expedient. The offer was accepted, and this little band has since been constantly ranging between the two armies. Many events would naturally occur on such a service which would be interesting, but are necessarily prescribed in our limits of details, and we will confine ourselves to two very extraordinary occurrences. About the 20th ultimo, Lieut. FitzGibbon went in pursuit of forty-six vagabonds, volunteer cavalry, brought over by a Dr. Chapin from Buffalo, and who had been for some time plundering the inhabitants round Fort Erie and Chippewa ; he came near to them at Lundy's Lane, about a mile below the Falls, but discovered that they had been joined by 150 infantry. As his force was but forty-four muskets, he did not think it advisable to attack, and therefore his party was kept concealed. He, however, rode into the village at the ending of the Lane, dressed in grey, to reconnoitre, but could not perceive the enemy. Mrs. Kirby, who knew him, ran out, and begged him to ride off, for that some of the enemy's troops were in a house at a short distance. He saw a horse at a door, and supposing that there were none but his rider in the house, he dismounted and approached it, when an infantry soldier advanced and presented his piece at him. He made a spring at him, seized his musket, and desired him to surrender, but the American resisted and held fast. At this instant a rifleman jumped from the door with his rifle presented at FitzGibbon's shoulder, who was so near to him that he seized the rifle below the muzzle and pulled it under his arm, keeping its muzzle before him and that of the other musket behind him. In this situation, Lieut. FitzGibbon called upon two men who were looking on, to assist him in disarming the two Americans, but they would not interfere. Poor Mrs. Kirby, apparently distracted, used all her influence, but in vain. The rifleman, finding he could not disengage his piece, drew FitzGibbon's own sword out of its scabbard with his left hand, with the intention of striking at him, when another woman, a Mrs. Défield, seized the uplifted arm, and

wrested the sword from his grasp. At this moment an elderly man named Johnston came up and forced the American from his hold of the rifle, and Lieut. FitzGibbon immediately laid the other soldier prostrate. A young boy of thirteen years, a son of Dr. Fleming, was very useful in the struggle, which lasted some minutes. Lieut. FitzGibbon, thus relieved, lost not a moment in carrying off his two prisoners and the horse, as the enemy's force were within two hundred yards of him, searching a house round a turn in the road.

" At seven o'clock on the morning of the 24th ult., Lieut. F. received a report that the enemy was advancing from St. David's, with about a thousand men and four pieces of cannon, to attack the stone house in which he was quartered at Beaver Dam. About an hour afterwards he heard the report of cannon and musketry. He rode off to reconnoitre, and found the enemy engaged with a party of Indians, who hung upon his flanks and rear, and galled him severely.

" Lieut. F. despatched an officer for his men, and by the time of their arrival the enemy had taken up a position on an eminence at some distance from the woods in front. He estimated the enemy's strength at 600 men and two field-pieces—a 12 and a 6-pounder. To make the appearance of cutting off his retreat, Lieut. F. passed at the charge-step across the front to gain the other flank under a quick fire from his guns, which however did not the slightest injury. He took post behind some woods, and saw the Indians were making very little of the enemy, and it would have been madness in him, with forty-four muskets, to dash at them across open fields, where every man he had could be 'so easily perceived.

" Many of the Indians were at this time taking themselves off, and he began to think of his own retreat. He had a hope, however, that Colonel De Haren would soon join him ; but fearing the enemy would drive him off, or make good his retreat, he determined to play the old soldier, and summon the enemy to surrender. He tied up his handkerchief and advanced, with his bugles sounding "Cease firing." A flag was sent to him by a Captain McDonald of the Artillery. Lieut. F. stated that he was sent by Colonel De Haren to demand their surrender, and to offer them protection from the Indians, adding that a number had just joined from the North-West who could not be controlled, and he wished to prevent the effusion

of blood. The captain went back to his commanding officer, Lieut.-Col. Beerstler, and soon after returned saying that Colonel B. did not consider himself defeated, and could not surrender. Lieut. F. proposed that Colonel Beerstler should send an officer to see Colonel De Haren's force, when he would be better able to judge of the necessity. He soon returned with a proposal that Colonel B. should himself be shown the British, and if he found the force such as to justify his surrender, he would do so. To this, Lieut. F. said he would return to Colonel De Haren with Colonel B.'s proposal.

The real intention of showing the enemy our small force never existed, but appearances must be kept up. Upon his return Lieut. F. found that a Captain Hall with twelve Dragoons had just arrived. He told him what had passed, and asked him to assume the rank of Colonel for the occasion. Lieut. F. then returned and stated that Colonel Hall, being now the senior officer on the spot, did not think it regular to let the enemy see his force, but that it was perfectly ample to compel the surrender. From motives of humanity, five minutes would be allowed for acquiescence, and if refused hostilities would recommence at the expiration of this period. Colonel B. agreed to surrender on condition that the officers should retain their horses, arms and baggage, and that the militia and volunteers (among whom were Dr. Chapin and his marauders) should be permitted to return to the States on parole.

" When the extent of our force is considered, it is no wonder that these conditions were immediately acceded to. Lieut. F. at this moment most opportunely met with Colonel Clarke, of Chippewa, who came galloping up, and who proceeded to assist him in disarming the enemy, as Colonel Hall could not appear, and his only officer (an ensign) must remain with his men.

"Colonel De Haren immediately afterwards appeared with the flank companies of the 104th Regiment, and the whole affair was soon settled, thus putting into our possession twenty-six officers, one 12-pounder and one 6-pounder, two caissons and two wagons, and above five hundred prisoners, including about twenty Dragoons. Had not Colonel De Haren arrived at that moment, this large number of the enemy would have yielded to forty-three soldiers of the 49th, for all the arrangements were made previous to the arrival of that officer. The Indians behaved well ; they killed and wounded

during their skirmishing about fifty of the enemy. We are informed that at the moment of the surrender many of the Indians had gone off—the number engaged did not exceed eighty. Thus terminated a bloodless victory on our part. If promotion and reward await the officer selected to be the bearer of despatches announcing an enemy's defeat, we cannot doubt but that the hero of this achievement will receive that favor from his sovereign to which his services have established so just a claim, and who, we believe, has no other patronage but his own distinguished merit.' "

In another column in the same issue of the *Gazette* is the following :

"On Saturday last arrived in this city four officers and one hundred and nineteen non-commissioned officers and privates, forming part of the American prisoners captured on the 24th ult. by the gallant Lieut. FitzGibbon and his small party of the 49th Regiment, in the advance of our army under General Vincent. They embarked yesterday evening on board the steambot for Quebec, under the guard of Capt. Renvoizez, of the 3rd Battalion of the incorporated militia. The remainder arrived this morning in bateaux."

FROM the Report of the Court-martial held to enquire into the cause of Bcerstler's surrender, held at Baltimore, 17th February, 1815 :

" The detachment was ordered to lay at Queenston on the night of the 23rd, and to march early the next morning. It did so, laying upon its arms and in silence without lights, and having taken precautions to avoid surprise and preventing the country people from carrying intelligence to the enemy.

" Before eight- and nine o'clock, morning of 24th, at a place called 'Beaver Dams,' a mile and a half in advance of DeCou's. De Cou's stone house seventeen and a half miles from Fort George *via* Queenston, and sixteen *via* St. Catharines.

" That the surrender was justified by existing circumstances, and that the misfortune of the day is not to be ascribed to Lieut.-Col. Bcerstler or the detachment under his command."

From Major-General Lewis' deposition :

" He had been frequently pressed to send a detachment to the vicinity of the Beaver Dams during the latter days of his command

at Fort George, which he always resisted, because the position and means of the enemy enabled him to reinforce with far greater facility than the American army could."

APPENDIX VI.

HINTS TO A SON ON RECEIVING HIS FIRST COMMISSION IN A REGIMENT SERVING IN THE CANADAS.

BY AN OLD WOODSMAN.

THE troops should be drilled in the woods, most frequently by companies, and occasionally in greater numbers. Without much practice they cannot have much confidence in themselves or in one another, and must, through ignorance, greatly expose themselves to the enemy's fire.

In 1814, the 6th and 82nd Regiments joined Sir George Drummond's division of the army before Fort Erie, and in the first affair with the enemy in the woods they lost many more men than any other corps present, because they knew not how to cover themselves. For several days afterwards the men of these regiments were mixed with the files of the Glengarry Light Infantry, a provincial corps, until they acquired some skill and experience in the woods.

I will state here thus early that I consider the rifle in the woods, as well as in the open ground, a contemptible weapon. I do not hesitate to say, " Let all my enemies be armed with rifles." With the musket and bayonet, British troops have only to advance instantly after the first fire, and they may hunt the enemy through the woods without pause or rest.

The rifle I consider of peculiar value only when used in places inaccessible ; but in the woods, where the men must run, either after their enemy or from him, the blood must circulate freely, the men must become excited, and then there is an end to perfect steadiness in taking aim, and the least inaccuracy reduces the rifle

in this respect to the level of the musket, while it is in all other respects far inferior to it.

The soldier should fire to the right of the tree ; thus a very small section of his head and right arm and shoulder is exposed. I have known an officer to tap his servant on the shoulder, and exclaim, " Fire from the other side of the tree, you blockhead," but the words were hardly spoken before the servant was shot dead.

The soldier, when advancing, should not go straight forward, but at an angle to some tree to the right or left of the one he quits ; because it is much easier for his enemy to hit him coming directly towards him than if he runs at a considerable angle. So also in retreating, he should run to the right or left, having in each case previously fixed his eye upon the tree to which he intends to run ; and if he can fire to advantage before he quits the tree that covers him, so much the better, as the smoke may conceal his retreat, and his enemy will not know where next to find him until he fires again.

An enemy is most readily discovered in the woods by looking for him as low down as possible beneath the branches of the trees. The reverse of this would, however, be the fact where much underwood grew, or in a copse. The moving of a branch or young tree will often show the place of an enemy.

The greatest attention and care are required from every man to preserve his distance from his neighbor, and to keep in the general line as much as circumstances will permit. It is impossible to do so exactly, but much practice will give both experience and confidence, and with the active aid of experienced officers and sergeants the forest may be scoured in fine style by well-practised men with musket and bayonet, acting against riflemen, or against any description of American troops, inexperienced as they all, officers as well as men, must be for many years after the commencement of a war.

A company should be practised to close to the centre or any other point, and to dash through the enemy's line, and then wheel by subdivisions to the right or left, and rush along upon the flanks and rear of his position. Rout and confusion of the enemy may be confidently expected as the result of such an onset, which should be executed with the greatest possible rapidity.

After much practice, rapidity of evolution cannot be too strongly recommended. It gives to the attacking party the highest degree

of animation and confidence, while it creates surprise and panic among inexperienced defenders.

The Indians, when retreating and coming to a ravine, do not at once cross the ravine and defend from the brow of the side or hill looking over the ravine to the pursuing enemy ; they suddenly throw themselves down immediately behind the bank they first come to, and thence fire on their pursuers, who must then be entirely exposed, while the Indian exposes his head only, and when pressed and compelled to abandon his position, he fires and retires, covered by the smoke and the bank, so that his pursuers cannot tell the course of his retreat, whether to the right or the left, or directly to the rear, which last the Indian may now do with comparative safety, being for a short time hid by the bank from the view of his pursuer, until he, the pursuer, arrives at the brow of the bank, by which time the Indian has, most probably, taken post in a new position, where he can only be discovered by his next fire.

If an Indian be pursued from post to post, and obliged at length to fly for his life, and if his pursuers still press upon him until he becomes exhausted, he then looks for some thick cover wherein to hide himself, and there takes shelter. Should the pursuers come near to his place of concealment and be likely to discover him, then, as a last resource, he closes his eyes, not because he will not look at the upraised tomahawk, but because it is possible that the glistening of his eye may betray him, when, but for it, he may remain undiscovered.

I recommend that an intelligent Indian be attached to each regiment for a sufficient time to teach all his lessons—of which these now stated are a few—to the officers and sergeants.

Before the termination of the late American war, which ended in 1815, I had a scheme in contemplation of which the following is an outline :

I intended to have asked for leave to raise a corps of three hundred men, the officers and men to be chosen or approved by me only ; to be clothed in grey, not green (grey, being the nearest to the color of the bark of the forest trees, is least discernible) ; the caps to be of the same cloth as the dress ; the jackets and caps to have loops sewn on them of the same colored tape, and so placed as when filled with small sprigs of foliage or even single leaves,

that the whole body from the waist upwards would have the appearance of a bush. Men so disguised and well trained, and well posted in the woods, could not be discovered until they would fire upon an advancing enemy. This fire must be carefully withheld until an enemy comes so near that almost every shot will tell. Under the cover of the smoke, after firing, the rank in front might rapidly retire any given number of paces behind the rank already posted in the rear, and which rank in rear could not be discovered until the enemy was again fired upon.

Now, I hold that there is a certain quantum of fire against which no troops will stand, and a second discharge so destructive as I suppose this fire must be would certainly drive back an enemy ; but if disorder only, or even mere hesitation, were seen among the enemy, and an instant sound of " advance " were given, and a prompt dash made, the flight of an enemy must inevitably follow.

Under such circumstances, I repeat it, I hold the rifle in great contempt ; and I would most sedulously inculcate and impress this opinion on the minds of my own men. I would make them rejoice in their own musket and bayonet, and laugh in derision at the far-praised American rifleman, and all his boasted skill in shooting squirrels and wild turkeys.

The greatest pains should be taken by officers and sergeants, to acquire a thorough knowledge of their every duty down to the very minutest particular, and every proper opportunity should be seized to let the men see that this knowledge was possessed in a high degree by them. The men rejoice in following such, knowing and feeling how much their own success, and even safety, depends upon a proper exercise of skill, discretion and cool courage by their leaders. The soldier, once convinced of his leader's good qualities, promptly obeys him, because he feels that his own safety is best secured by his doing so. I have sometimes spoken in the following words to the young officers around me : " That officer is not perfectly qualified to command who could not make a soldier run his head into an enemy's great gun, upon being commanded by him to do so." Such an order firmly given by a good and a beloved officer to his well-trained soldiers, would be, I have no doubt, heroically obeyed. Such officers only can make soldiers achieve brilliant actions. One of the most efficient means of winning the highest

degree of the soldier's good-will and confidence is by carefully keeping him out of every unnecessary danger, and often going yourself to reconnoitre, rather than to send another to do so. A partisan officer gains another great advantage by going himself : he sees with his own eyes, and can therefore best decide what should next be done, or he can report far more accurately to his general or other officer commanding, than from any statement made by another to himself.

I applied for and obtained leave to select fifty men from the regiment to which I belonged, and was employed in advance of the centre division of the army on the Niagara frontier in 1813. Having three sergeants, I divided the party into three sections. For the purpose of facilitating our movements in the vicinity of the enemy in the woods at night, and perhaps even to enable me to pass through his line of posts unobserved, I purchased three cow-bells of different sizes and tones, and placed one in charge of each sergeant. By the tinkling of one or more of these bells I proposed to deceive an enemy by leading him to believe that cows only were near him (cows in the forest usually have bells hung round their necks), whereas the bugle, whistle or word of command might expose us. Thus, too, by previously concerted sounds the several sections could be kept together, and enabled to move in any direction in connection with each other at night through the woods. This was not reduced to practice, but I nevertheless hold it to be practicable, and may be useful.

At one time I ascertained that the enemy's cavalry horses were picketed on the Niagara common in front of Fort George. I proposed during the night to take twenty of the most active of my fifty chosen men, and rush through the outer pickets and run directly to the horses and stab as many as possible ; and, lastly, each man to spring upon a horse and gallop out by the road to Queenston. The enemy's picket on that road could not suppose that we were enemies until we had already passed through them, and beyond the range of their fire. Before I could carry this plan into effect, I was suddenly ordered off in another direction, and the opportunity was lost. Desperate, perhaps foolish, as this attempt may appear, yet I had very sanguine hopes of success. The locality was perfectly known to us. We had an inexperienced enemy before us, who could

not readily be brought back into good order from panic and confusion, and especially at night ; and I had men who could appreciate the work they had to do, and who were taught to rejoice in being able to accomplish what other men would not think of even attempting. I was not insensible to the feeling of reluctance which arose out of the consideration of destroying the horses ; and I mention this to avail myself of the opportunity it affords of recommending to you, and through you to your men, the cultivation and exercise of humanity as one of the noblest attributes in the character of a soldier.

One day, while in the vicinity of Fort George, which the enemy occupied with 6,000 men, a thunder-storm came on, with torrents of rain. It fell in sheets, so that neither a gun nor a musket could be fired a second time. Had our division of the army, then ten miles distant, been near, it could have marched in and swept the whole of the American position at the point of the bayonet, for the works were then accessible at almost every point. The enemy would not then have dreamt of being attacked during the storm ; they would have been taken by surprise, while our men, rejoicing in their advantage, would rapidly have carried all before them. For many weeks the division did not approach the enemy nearer than three miles, and at such a distance no prompt advantage could be taken of any error on his part, or of any fortuitous circumstance, and these should always be looked for with most untiring watchfulness.

Therefore, if possible, always keep within striking distance of your enemy, especially if he be inexperienced. If he press too severely upon you, retire ; if he halt, do you halt also ; if he retire, follow him ; if he blunder, smite him. He cannot surround you if you take due precaution.

Knowing that the enemy had extensive barracks and stores at Black Rock, I marched my party by night to where the village of Waterloo now stands, near Fort Erie, and concealed them in barns during daylight. While next day examining the enemy's number and condition with my glass, and carefully concealed, for they did not yet expect us back to the frontier, the officer commanding our advance, with his Staff-Adjutant and a Colonel of Militia, quite unexpected by me, walked up in full view of the Americans, and,

much to my regret, as the success of my intended project must, I thought, mainly depend upon keeping them entirely in ignorance of our having come back to the frontier. This commander then told me that he had proposed to the general officer commanding, General De Rottenburg, to attack Black Rock, and asked for three hundred men, but the General would give only two hundred, and he asked me if I thought the place could be taken, and the barracks and stores destroyed by so small a force. I had already, the evening before, ordered four bateaux to be brought down from their place of concealment up the Chippewa creek, and I expected to have them the following night, and in them I had determined to attack Black Rock with my party, at that time only forty-four rank and file, and I answered his question by telling him so. He laughed, and said, "Oh, then, I need ask you no more questions ; but go and bring the two hundred men." He ordered me not to attack during his absence, but to wait for him, and he came up the following day. He consented that my party should lead the advance, and cover the retreat on coming away, should we be attacked. At two the following morning we moved off. My men, being select and good boatmen, soon gained the opposite shore, but, owing to the strength of the current and the boats being filled with men, further down than we intended. I then saw that the other boats would be carried still further down, and must be at least half an hour later in landing than my men. Yet my orders were to advance immediately on landing. I did so, and in twenty minutes we drove the enemy out, one hundred and fifty militiamen, who fled to Buffalo, and we were in full possession of all before the main body came up. Everything was then burned except eight large boats, which we filled with military stores and provisions and brought away.

After this affair, the American army being still in Fort George and the town of Niagara, I had reason to believe that the American Fort, Niagara, was garrisoned by a few men only, and these chiefly wounded men and convalescents. I had ascertained, too, that the American boats were kept on their own side of the river, and it was said that the American general had them kept there lest his men, on being attacked by us, should fly to them, and make off to their own side. In this state of things it occurred to me that it was possible to surprise that fort, and that the capture of it would

lead to the inevitable surrender of the American army on our side. With this view, I carefully examined the state of the water a short distance below the Falls of Niagara, and felt satisfied that a boat might cross in safety, which, I believe, was never before imagined by anyone. I then sketched a plan to the following effect : I proposed to increase my party to eighty men ; to have Lieutenant Armstrong and twenty men of the artillery attached to me ; to have a boat built quickly, and during the night to transport the men across to the other side with three days' provisions in their haversacks ; to hide them in the woods during the whole of the following day ; after dark to march quickly through Lewiston—then only a few houses—to Fort Niagara, and immediately assault and carry it ; then, by firing a given number of guns, or by some other signal, to have boats start from the Four Mile Creek on Lake Ontario, on our side, with 200 or 300 men already embarked, and pulled speedily across the mouth of the Niagara River, and landed to reinforce my party in the Fort ; at daylight to attack the Americans in front from the woods, and our men from Fort Niagara to cannonade them in rear with their own guns, and thus their destruction or surrender must, as I then thought, and have since been convinced, be inevitable.

Having completed this sketch, I showed it to one of the most experienced captains in the regiment, who, on reading it, among other things, said : " I warn you now, that if you propose this scheme to the general, it will be the ruin of you. It will at once be said that your success already this summer has turned your brain, and you will be no more trusted." Wanting sufficient confidence in myself, and having had little experience, I declined moving further in it, and I have since had the mortification of seeing that the then dreaded part of the river has since become a common ferry ; for upon the supposed impossibility of crossing it by boat was founded my friend's chief objection. In truth, the whole scheme was not only practicable, but of comparatively easy achievement.

An American boarding-pike came into my possession on the Niagara frontier, in 1813. I often carried it with me in the woods, and practised with it in every possible way—in thrusting at trees with it without letting it out of my grasp, in darting it from me at trees at every distance within the range of my strength, in leaping

over trenches and brooks supported by it, and also over fallen trees and other obstacles. After much practice with it, I thought most favorably of it in many points of view. One dark and rainy night an alarm was given, and the troops were marched to their respective alarm posts. It occurred to me to carry this pike with me to help in the darkness, and I did so. Almost every man in my company fell down at least once, some of them many times, while we were marching ; with the aid of the pike I went along with confidence and safety. After much reflection, I considered it a weapon of great value for particular purposes. For example, a small body of men, say fifty, well selected, well trained, well led, with patrols or counter-signs, or other signals carefully chosen, and particularly adapted to the occasion, might rush through an enemy's outposts and into his camp—I do not mean an entrenched or fortified camp, but one taken up for the night only—and traverse it in every direction, killing and routing all before them. The enemy would soon be in utter confusion, especially if composed of inexperienced troops. Their fire would be quite at random, and probably be more destructive to one another, while it lasted, than to the attackers. It should be most strongly impressed upon the minds of your men that fire at night does amazingly little execution. The experience of the night affair at Stony Creek, in June, 1813, planned by, and executed under, the direction of Sir John Harvey, would have been of great value to me had the war continued and opportunities been afforded me of making night attacks. I think fighting at night has never been practised to one-tenth of the extent to which it is possible to carry it. Charging with the bayonet or pike by day, and with the pike only by night, may be carried, as I firmly believe, to an extent which has not yet been imagined, or very rarely imagined. Here is, I think, a splendid field to practise in. Become an adjutant if you can ; drill your own men in your own way ; devise new expedients whereby you may teach men easily and rapidly ; know them well, and let them know you well, and if you arrive at the command of a regiment so trained by yourself, and an opportunity offer for trying your men, you may add a new chapter to the art of war. Remember my opinion, often expressed in your hearing, that no two corps have ever yet crossed bayonets in battle. Rush upon your

enemy and he will surely fly. Let your men never be permitted to doubt this great truth, for such I am confident it is.

Should you obtain the command of a company, I recommend you to set apart a place in the company's arm-chest for two or more pikes, broad swords, small swords (foils, I mean), sticks and baskets, boxing-gloves, cricket-bats, quoits. Obtain leave from your commanding officer to keep your company off duty one day in a week, or even one in a month. March them in fatigue dress to a neighboring field or play-ground. Let them run races, jump, leap, wrestle, use the pike, sword, stick, cricket-bat, quoits, as each may desire or you direct. Swimming should also be practised. Manage by some means to have a stock purse from which to give prizes to the victors in each exercise or play. All this I consider compatible with maintaining the most perfect authority over your men, and, if well conducted and managed, will increase their respectful regard for you. Be kind and condescending, but never, no, not once, be flippant or familiar with them. Suppose a regiment so practised : how quickly could you select the best qualified men for any special service. Imagine the confidence these men would have in themselves and in each other. Surely, in service such men could often be turned to good account.

Much of what I have stated in these sketches may be thought too fanciful, and perhaps frivolous, or even ridiculous ; but from the portion of experience which has fallen to my share, I have formed the opinion that an officer, non-commissioned officer, or even soldier, is valuable in proportion to the amount of and numbe'r of his expedients, his resources and his foresight, and, above all, in his knowledge of the comparative qualities of those whom he commands (if he is a commander) and those to whom he is opposed. I have been in the habit of imagining that there is in the possession of two opposing armies a certain quantum of courage and confidence, usually unequally divided and always liable to fluctuation. It is for a commander to so play his game that he shall from day to day and from one affair to another win from his adversary's scales more or less of these qualities, and transfer the gain to his own scales ; and no expedient, however trifling, which may raise him in his own men's estimation, or may lead them to suppose themselves superior

in skill and tact to their enemies, ought to be considered beneath his notice.

While suggesting so many things to be taught, I would caution you not to tease or fret your men by too much drilling or teaching. Much of what is here mentioned might be taught with little trouble to the soldier by choosing the fittest moment for giving the lesson ; and then, too, it will make the deepest impression.

One item more of my practice I must not withhold from you, namely, that I always carried a prayer-book in my pocket, and on Sundays read to the men the service, or part of it, and the psalms of the day ; and on the day following an affair with the enemy I read part of the service and such thanksgiving and psalms particularly selected for the occasion as I thought most appropriate. And I can assure you the men were the more orderly, the more brave, and in every respect the better for this practice ; and it added more to my authority and influence over them than any other conduct or treatment of mine had ever done.

Be assured that the soldier, before his enemy especially, is by no means insensible to his duty to his God, and to his great need of repentance and pardon through a merciful Redeemer. The devout and earnest offering up of prayer in his presence affects him deeply, and makes him grateful to his officer for thus leading him, as it were, into the presence of his Saviour to sue for salvation, when he knows not what a day or even an hour may bring forth.

APPENDIX VII.

EXTRACT from despatch to Lord Glenelg, Colonial Secretary, taken from Sir Francis Bond Head's " Narrative," etc. :

" *Despatch No. 132.*

" TORONTO; 19th *December*, 1837.

" My LORD, -I have the honour to inform your Lordship that on Monday, 4th inst., this city was, in a moment of profound peace, suddenly invaded by a band of armed rebels, amounting, according to report, to 3,000 men (but in actual fact to about 500), and com-

mantled by Mr. M'Kenzie, the editor of a republican newspaper ; Mr. Van Egmont, an officer who had served under Napoleon ; Mr. Gibson, a land surveyor ; Mr. Lount, a blacksmith ; Mr. Loyd, and some other notorious characters.

" Having, as I informed your Lordship in my despatch, No. 119, dated 3rd ultimo, purposely effected the withdrawal of her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I of course found myself without any defence whatever, excepting that which the loyalty and fidelity of the Province might think proper to afford me. The crisis, important as it was, was one I had long earnestly anticipated, and accordingly I no sooner received the intelligence that the rebels were within four miles of the city than, abandoning the Government House, I at once proceeded to the City Hall, in which about 4,000 stand of arms and accoutrements had been deposited.

" One of the first individuals I met there, with a musket on his shoulder, was the Chief Justice of the Province, and in a few minutes I found myself surrounded by a band of brave men, who were of course unorganized, and, generally speaking, unarmed.

" As the foregoing statement is an unqualified admission on my part that I was completely surprised by the rebels, I think it proper to remind, rather than to explain to your Lordship, the course of policy I have been pursuing.

" In my despatch, No. 124, dated 15th ultimo, I respectfully stated to your Lordship, as my opinion, that a civil war must henceforward everywhere be a moral one, and that in this hemisphere in particular, victory must eventually declare itself in favour of moral and not of physical preponderance.

" Entertaining these sentiments, I observed with satisfaction that Mr. M'Kenzie was pursuing a lawless course of conduct which I felt it would be impolitic for me to arrest.

" For a long time he had endeavoured to force me to buoy him up by a Government prosecution, but he sunk in proportion as I neglected him, until, becoming desperate, he was eventually driven to reckless behaviour, which I felt confident would very soon create its own punishment.

" The traitorous arrangements he made were of that minute

nature that it would have been difficult, even if I had desired it, to have suppressed them. For instance, he began by establishing Union lists (in number not exceeding forty) of persons desirous of political reform, and who, by an appointed secretary, were recommended to communicate regularly with himself, for the purpose of establishing a meeting of delegates.

" As soon as, by most wicked representations, he had succeeded in seducing a number of well-meaning people to join these squads, his next step was to prevail upon a few of them to attend their meetings armed, for the alleged purpose of firing at a mark.

" While these meetings were in continuance, Mr. M'Kenzie, by means of his paper, became more and more seditious, and in proportion as these meetings excited more and more alarm, I was strongly and repeatedly called upon by the peaceable portion of the community forcibly to suppress both the one and the other. I considered it better, however, under all circumstances to await the outbreak, which I was confident would be impotent, inversely as it was previously opposed ; in short, I considered that, if an attack by the rebels was inevitable, the more I encouraged them to consider me defenceless the better.

" Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power, a concentration of his deluded adherents, and an attack upon the city of Toronto, was secretly settled to take place on the night of the 19th instant. However, in consequence of a militia general order which I issued, it was deemed advisable that these arrangements should be hastened, and accordingly, Mr. M'Kenzie's deluded victims, travelling through the forests by cross roads, found themselves assembled, at about four o'clock in the evening of Monday, the 4th instant, as rebels, at Montgomery's Tavern, which is on the Young Street macadamized road, about four miles from the city.

" As soon as they had attained that position, Mr. M'Kenzie and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moody, a distinguished veteran officer, accompanied by three gentlemen on horseback, on passing Montgomery's Tavern, was fired at by the rebels, and I deeply regret to say that the

colonel, wounded in two places, was taken prisoner into the tavern, where in three hours he died, leaving a widow and family unprovided for.

"As soon as this gallant, meritorious officer, who had honourably fought in this province, fell, I am informed that Mr. M'Kenzie exultingly observed to his followers, *That, as blood had now been spilled, they were in for it, and had nothing left but to advance.*'

"Accordingly, at about ten o'clock at night, they did advance, and I was in bed and asleep when Mr. Alderman Powell awakened me to state that, in riding out of the city towards Montgomery's Tavern, he had been arrested by Mr. M'Kenzie and another principal leader; that the former had snapped a pistol at his breast, that his (Mr. Powell's) pistol also snapped, but that he fired, a second, which, causing the death of Mr. M'Kenzie's companion, had enabled him to escape.

"On arriving at the City Hall I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan, and Mr. John Robinson, my aid-de-camps.

"I then ordered the arms to be unpacked, and, manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who, as I have stated, did not consider it advisable to advance. Beside these arrangements, I despatched a message to the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, of the Gore District, and to the Colonels of the Militia regiments in the Midland and Newcastle districts; an advanced piquet of thirty volunteers, commanded by my aid-de-camp, Mr. Justice Jones, was placed within a short distance of the rebels.

"By the following morning (Tuesday) we mustered about 300 men, and in the course of the day the number increased to about 500; in the night, an advanced piquet commanded by Mr. Sheriff Jarvis, was attacked within the precincts of the city by the rebels, who were driven back, one of their party being killed and several wounded.

"On Wednesday morning we were sufficiently strong, to have ventured on an attack, but, being sensible of the strength of our position, being also aware how much depended upon the contest in which we were about to be engaged, and feeling the greatest possible

reluctance at the idea of entering upon a civil war, I despatched two gentlemen to the rebel leaders to tell them that, before any conflict should take place, I parently called upon them, as their Governor, to avoid the effusion of human blood.

"In the meanwhile, however, Mr. M'Kenzie had committed every description of enormity; he had robbed the mail with his own hands, had set fire to Dr. florne's house—had plundered many inoffensive individuals of their money—had stolen several horses, had made a number of respectable people prisoners; and having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention, and he insolently added that he would wait till two o'clock for my answer, which in one word was, "*Never.*"

In the course of Wednesday the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, arrived from the Gore District at the head of about sixty men, whom he had assembled at half an hour's notice, and, other brave men flocking in to me from various directions, I was enabled by strong piquets to prevent Mr. M'Kenzie from carrying into effect his diabolical intention to burn the city of Toronto, in order to plunder the banks; and, having effected this object, I determined that on the following day I would make the attack.

"Accordingly, on Thursday morning I assembled our forces, under the direction of the Adjutant-General of Militia, Colonel FitzGibbon, clerk of the Assembly.

"The principal body was headed by the Speaker, Colonel Allan M'Nab, the right wing being commanded by Colonel Samuel Jarvis, the left by Colonel William Chisholm, assisted by the Honourable Mr. Justice M'Lean, late Speaker of the House of Assembly; the two guns by Major Carfrae of the Militia Artillery.

"The command of the Militia left in the city remained under Mr. Justice Macaulay, and the protection of the city with Mr. Gurnett, the Mayor.

"I might also have most advantageously availed myself in the field of the military services of Colonel Foster, the commander of the forces in Upper Canada, of Captain Baddeley of the corps of

Royal Engineers, and of a detachment of eight artillerymen, who form the only regular force in this province, but, having deliberately determined that the important contest in which I was about to be engaged should be decided solely by the Upper Canada Militia, or, in other words, by the free inhabitants of this noble province, I was resolved that no consideration whatever, should induce me to avail myself of any other assistance than that upon which, as the representative of our Gracious Sovereign, I had firmly and implicitly relied.

"At twelve o'clock the Militia force marched out of the town, with an enthusiasm it would be impossible to describe, and in about an hour we came in sight of the rebels, who occupied an elevated position near Gallows Hill, in front of Montgomery's Tavern, which had been long the rendezvous of M'Kenzie's men. They were principally armed with rifles, and for a short time, favoured by buildings, they endeavoured to maintain their ground ; however, the brave and loyal militia of Upper Canada, steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. M'Kenzie, who, in a state of the greatest agitation ran away, and in a few minutes Montgomery's Tavern, which was first entered by Mr. Justice Jones, was burnt to the ground.

" Being on the spot merely as a Civil Governor, and in no way in command of the troops, I was happy to have an opportunity of demonstrating to the rebels the mildness and beneficence of her Majesty's Government, and well knowing that the laws of the country would have ample opportunity of making examples of the guilty, I deemed it advisable to save the prisoners who were taken, and to extend to most of these misguided men the royal mercy, by ordering their immediate release. These measures having been effected and the rebels having been deprived of their flag (on which was inscribed in large letters,

" 'BIDWELL, AND THE GLORIOUS MINORITY ;
1837, AND A GOOD BEGINNING'),

the Militia advanced in pursuit of the rebels about four miles till they reached the house of one of the principal ringleaders, Mr.

Gibson, which residence it would have been impossible to have saved, and it was consequently burned to the ground." *

" " By my especial order."

In the original despatch as first published and circulated in Canada, there was no foot-note attached to this paragraph. In the second edition, as stated in the account given by FitzGibbon, whose letter to Lord Glenelg had provoked that nobleman to make Sir Francis practically acknowledge the falseness of his first statement, the foot-note is appended.

I have copied the despatch verbatim, spelling, grammar, and punctuation, exactly as I find it in a copy of the " Narrative," second edition, now in the possession of the Rev. Canon Bull, Rector of Lundy's Lane (Drummondville).

I need add but one more extract from this specious production, relative to the actual outbreak of rebellion and Sir Francis Head's devious policy :

" Mr. M'Kenzie and his party, finding that at every point they were defeated in a moral attack which they had made upon the British constitution, next determined to excite their deluded adherents to have recourse to physical strength. Being as ready to meet them on that ground as I had been ready to meet them in a moral struggle, I gave them every possible advantage. I in no way availed myself of the immense resources of the British empire ; on the contrary, I purposely dismissed from this province the whole of our troops. I allowed Mr. M'Kenzie to *write* what he choose, *say* what he chose, and *do* what he chose ; and without taking any notice of his traitorous proceedings I waited, with folded arms, until he had collected his rebel forces, and had actually commenced his attack." [The italics are his.]

" I then, as a solitary individual, called upon the militia of Upper Canada to defend me, and the result has been as I have stated, viz., that the people of Upper Canada, came to me when I called them ; that they completely defeated Mr. M'Kenzie's adherents, and drove him and his rebel ringleaders from the land.

(" When her Majesty's Government published this despatch they omitted the following paragraphs and words printed in italics) :

"These are historical facts which it is impossible to deny ; and the plain inference is, that the inhabitants of Upper Canada, as I have often publicly declared, detest democracy, and revere the noble monarchical institutions of the British Empire."

I need quote no more, the concluding paragraphs of this remarkable despatch being but an attack upon the Under Secretary for the Colonies, and also in italics. It is difficult, however, to refrain from adding an extract from another of the valiant Governor's despatches, dated Toronto, Jan. 26th, 1838, and numbered II., as bearing upon the above :

" Events have since proved that the judgement I had formed of the dangerous effects of conciliation was not incorrect. Treason, which had long slumbered in this province having been fanned by conciliation suddenly burst into a flame. The details of the late rebellion, as contained in my Despatch dated December 19th (No 132) have already explained to your Lordship that on the 7th of December last the brave militia of Upper Canada drove the rebels from their position at Gallows Hill ; that their place of rendezvous, Montgomery's Tavern, immediately fell into their possession, and that, on a small party reaching it, they found, brought out, and unfurled in triumph before their comrades, the traitors' flag, upon which was inscribed in large letters,

" BIDWELL AND THE GLORIOUS MINORITY;
1837, AND A GOOD BEGINNING.'

My Lord, if that flag had, as was expected by its followers, triumphantly entered Toronto, I have no hesitation in saying it would have waved over the corpse of every loyal subject in the city ; indeed, we have received evidence that a general massacre of the Queen's loyal subjects would have been attempted."

Might we not without prejudice endorse the remark attributed to Judge Ridout by Sir Francis, who devotes several pages of the volume to abuse of that gentleman for having " violated all political decency by publicly declaring that I, the Lieutenant-Governor of Upper Canada, deserved to be tarred and feathered," and that he, Judge Ridout, " would lend a hand to do so."

APPENDIX VIII.

Copy of FitzGibbon's letter to Lord Glenelg, written after the publication of Sir Francis Bond Head's despatch :

" TORONTO, UPPER CANADA,

"August 10th, 1838.

" MY LORD, —In the month of April last I received in a Dublin newspaper an extract of a despatch to your Lordship from Sir Francis Head, dated the 19th of December last. Some of the statements in that extract were at variance with facts, and were likely to injure my character with Her Majesty's Government, instead of doing me that justice which was due to me from His Excellency, and which was and is well known here to be undoubtedly my due. I therefore addressed a letter to your Lordship, dated the 17th of April, and having appended to it a statement of the events which occurred in this city under my own observation, previous to the 13th of December last. I placed both in the hands of Sir George Arthur, with a letter to His Excellency, dated 5th of May, requesting that they might be transmitted to your Lordship.

" The reasons which led me to proceed thus far were stated in the letter to your Lordship ; but on the 11th of May, I was induced by representations made to me to apply to His Excellency not to transmit the said documents, but to return them to me, and His Excellency was pleased to comply with this request, and they were returned to me accordingly.

" Now, however, in reading in a newspaper ' An explanatory memorandum, addressed by Sir Francis Head to Lord Glenelg, dated 21st of May last, I feel I cannot, in justice to myself, remain any longer passive while Sir Francis Head reiterates statements, not only to Her Majesty's colonial minister, but subsequently in a document wherein I am particularly named, and which has been transmitted to the House of Commons ; in which statements I cannot concur, and upon which I may hereafter be called upon to give evidence.

" In this letter I will confine myself to three of these statements, namely :

" 1st. The statement made relative to the burning of the rebel Gibson's house, made in the despatch of the 19th of December last, is not correct ; for Sir Francis himself ordered me to have it burned, and when I was about to remonstrate against the order, he said : ' Stop ; hear me—let Gibson's house be burned forthwith, and let the militia be kept here until it be burned ; ' and then, without a moment's delay, he galloped away from me. In obedience to this order, I took a party of men with me to Gibson's house, three miles beyond where we then were, and nine from this city, and had it burned.

" 2nd. The paragraph in the despatch, where it is stated that ' In the course of Tuesday the Speaker of the House of Assembly arrived and,' etc., is only so far correct as that eleven o'clock at night' may be said to be in the course of Tuesday.' For the Speaker did not arrive at the City Hall until about eleven o'clock on Tuesday night.

" Some hours before his arrival, about six p.m., being then dark, seeing me about to send a picket up Yonge Street (the great northern road so called), he positively forbade me to send a man out. I said I could not endure to see the city left open to the ruffians who threatened it ; to which he answered : We cannot defend the city, we have not men enough ; let us defend our posts ; ' and further added : It is my positive order that you do not leave this building yourself.' I replied : I pray of your Excellency not to lay those imperative orders upon me, for I ought to be in many places, and I ought to be allowed to exercise a discretionary power where you are not near to give me orders ; ' to which he replied :

If you go through the city as you have heretofore done, you will be taken prisoner ;' and seizing me by the arm with both his hands, he exclaimed, If we lose you, what shall we do ? ' Nevertheless I soon after left the hall, and took the sheriff, W. B. Jarvis, Esquire, with a picket, up Yonge Street, above a mile distant from the City Hall, and there posted and gave specific instructions for the conduct of his picket, after which I returned to the City Hall, and deeming it most candid to do so, reported to His Excellency what I had done ; and he rebuked me for it, not harshly certainly, but he expressed his disapprobation of what I had done. In about an hour afterwards this very picket repulsed the rebels with some loss, and

saved the town, for they were then coming for the express purpose of setting it on fire. It was probably more than an hour after they (the rebels) were so repulsed that the Speaker arrived at the City Hall with a reinforcement of about sixty men from Hamilton.

" 3rd. In the Explanatory Memorandum,' in his answer to the second question, Sir Francis Head states, in the second paragraph,

However, notwithstanding the attitude which I publicly deemed it politic to assume, I privately made all the arrangements in my power to be ready to move whenever the proper moment should arrive.' Upon this statement I beg leave to observe that for some weeks before the 5th of December I had, occasionally, opportunities of conversing with His Excellency on the state of the Province, and he uniformly resisted (with one exception only, see note at end) every suggestion of mine for defence. So far did he carry his resistance to my advice that he refused to appoint twenty officers to fill vacancies in one of the city regiments which I then commanded, and which was an ordinary duty to be at any time performed, and without which appointments the regiment could not be rendered efficient for any service. Upon that occasion His Excellency said :

I will make no alteration during the winter, having no apprehension whatever of any movement on the part of Mr. Mackenzie or his adherents.'

" The details which I could give on this subject are many and remarkable, even down to so late as Saturday evening previous to the outbreak, which took place on Monday. It was only on Monday morning that I was appointed to act as Adjutant-General of Militia, nor until then did I expect or know that His Excellency intended to appoint me. I had during the preceding summer told him that I would not accept the office, and this I felt constrained to tell His Excellency, because having then been sent for by him, and questioned on the state of the Adjutant-General's department, I gave him a most unfavorable account of it, whereupon His Excellency asked me why I had not before made the state of the department known to him ; to which I replied, Had I done so, your Excellency might have supposed that I desired to have the Adjutant-General dismissed and myself appointed in his stead. But now that I have made this statement to your Excellency, I never will accept the office.'

" On Monday morning, the 4th of December, when Sir Francis Head sent for me, I found His Excellency with a Militia General Order in his hand appointing me Acting Adjutant-General of Militia ; and on my entering the room, he said, ' You have already said you did not desire to be Adjutant-General of Militia, nevertheless I have appointed you, trusting that you will not withhold your services from me in the present state of public affairs,' and I consented.

" And here I will briefly state, by way of recapitulation, that Sir Francis Head uniformly resisted every advice to guard against approaching dangers ; and that had his course been pursued by all others, Toronto would inevitably have been taken by the rebels, with the arms, banks and all else in the city. Thousands of other rebels would soon have joined them, and thousands of base Americans would have overrun the Province, at least so much of it as lies westward of Toronto. The consequences would have been most disastrous, and much of the evils which might have thus been inflicted on the innocent and loyal would have been irreparable, and the cost of recovering the Province would have been immense, the injury to the nation incalculable. —

" On the other hand, I affirm that were it not for the warnings I gave, and the precautions I took, and the personal efforts made by me, this city would have been taken by the rebels on Monday night, that the saving of the city on Tuesday night was owing to my having placed the sheriff's picket on Yonge Street, which I did contrary to the positive orders of Sir Francis Head ; and yet for the sending out of which picket he takes the merit to himself in the despatch of the 19th of December last.. The accuracy of these facts and opinions I have no doubt I can prove before any impartial tribunal.

" Of the facts not hereinbefore stated, I beg leave to offer the following in corroboration : A volunteer corps under my command offered to do duty over the Government House after the departure of the troops, and His Excellency declined the offer. A number of the citizens met in the City Hall in the evenings and mounted guard during the night over the arms lodged therein. The week before the insurrection, His Excellency ordered me to go to the City Hall in the evening of the day on which he spoke to me and dismiss

those guards, leaving only two constables to sleep in the buildings, and I did so dismiss them. His Excellency on that occasion said to me, 'But that I do not like undoing what I have already done, I would have the arms removed from the City Hall and placed in the Government House under the care of my domestics, so confident am I that no danger need be apprehended.' And on Saturday, when I said to His Excellency, ' In short, sir, when I came here this morning I expected you would permit me to go into the city and take every half-pay officer and discharged soldier I could find and place them this very day in the fort,' His Excellency exclaimed, ' What would the people of England think if they saw us thus arm ?' and, in continuation, he added, Besides, the militia in the city would feel themselves insulted if they were thus passed over and the military called upon.' To which I could not help replying, 'Pardon me, sir, if I say that I think they would rejoice to have the military as a nucleus to rally round.' At this time there were present the Chief Justice, Mr. Justice Jones, the Executive Councillors, Messrs. Allan and Sullivan, the Attorney and Solicitor-General and the Speaker of the House of Assembly.

" More might be here stated in support and elucidation of the foregoing, but I purposely make this statement as brief as I can consistently with showing your Lordship that it is incumbent on me to express my dissent from much that has been stated by Sir Francis Head in the document above quoted from, inasmuch as it is there made to appear that I had concurred in His Excellency's proceedings.

"Although I feel myself deeply, perhaps irreparably, wronged and injured by Sir Francis Head, yet I disavow any desire or wish to bring reproach or blame upon him ; and I declare that I would not write this letter to your Lordship did I think I could, under such extraordinary circumstances, without dishonor to myself and perhaps injury to Her Majesty's Government, withhold the knowledge I possess of those transactions, and the more especially as Sir Francis has introduced my name as if I had concurred in his opinions and approved of his proceedings.

" To the paragraph in this Memorandum' in which my name appears, and to the two preceding paragraphs, I beg leave most respectfully to refer your Lordship.

"On perusing carefully what I have written, it gives me pain to see to what an extent this brief recital disagrees with the statement of Sir Francis Head, yet in no instance can I in justice to myself, with due regard to truth, abate or mitigate the force of any one of the statements herein made by me.

"I have the honor to be, etc., etc., etc.,

" JAMES FITZGIBBON."

[The note referred to on page 339 I have not thought it necessary to repeat, as it has already been given in substance in Chapter IX.]

APPENDIX IX.

AFTER the meeting of the last session of the last Parliament of Upper Canada, the following address was voted by the Assembly to the Governor-General, the Right Honorable Charles Poulett Thomson :

" MAY IT PLEASE YOUR EXCELLENCY,—We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that your Excellency will be pleased to inform this House if the royal assent has been given to the bill passed last session, entitled ' An Act to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire'?"

" (Signed) ALLAN N. MACNAB, *Speaker*.

"Commons House of Assembly,
"Eighth day of January, 1840."

"CHARLES POULETT THOMSON—In answer to the address from the House of Assembly, of the 8th instant, the Governor-General desires to inform them that, after a full consideration of the subject, Her Majesty's Government have come to the conclusion that they could not advise Her Majesty to confirm the bill passed by the Provincial Legislature during the last session, but reserved for Her Majesty's confirmation, to enable Her Majesty to make a grant of land to James FitzGibbon, Esquire,

" Her Majesty's Government, sensible of the long and valuable services of Mr. FitzGibbon, came to this decision with much reluctance ; but they felt that the confirmation of such an act would be inconsistent with the principles laid down for the disposal of the waste lands of the Crown in the British colonies, and confirmed in that province by an Act of the Legislature, and that it would establish a very inconvenient precedent.

" If, however, the Legislature of Upper Canada should desire to mark their sense of Mr. FitzGibbon's service by a pecuniary grant, the Governor-General would have much satisfaction in recommending such a grant for Her Majesty's approval."

APPENDIX X.

EXTRACT. —" The Committee have taken the Memorial of Colonel FitzGibbon into their anxious consideration. They feel sensibly the difficulties and embarrassments under which Colonel FitzGibbon has labored in consequence of the delays which have arisen in satisfying his acknowledged claims on the public ; and have carefully examined into the history of his case, in order to place their view of it fully before your Excellency.

" There can be no doubt that had the intention of the Legislature of Upper Canada been carried into effect at the time it was first expressed, Colonel FitzGibbon would, while obtaining no more than what the gratitude of that province felt due to him, have also gained the means of preventing those embarrassments which have since so cruelly pressed upon him. Her Majesty's Government, however, felt objections which the provincial authorities were unable to remove, to the remuneration of Colonel FitzGibbon by a grant of land, though they expressed their readiness to concur in a pecuniary grant for the same purpose.

" This, however, the then state of the finances of Upper Canada does not appear to have permitted, and the consequence was a part of that delay by which Colonel FitzGibbon appears to have so deeply suffered.

" The claims of the Memorialist have not, however, in the opinion

of the Committee, been at all weakened by the postponed satisfaction of them. Repeatedly recognized, and never (so far as the Council are aware), doubted or questioned by any one, the very circumstances that they have hitherto been ineffectually urged, tends to give them increased weight, and will in the opinion of the Committee justify the most favorable recommendation and support which their duty will permit them to offer and afford.

" It is on this account that the Committee have arrived at this opinion, that an amount of land scrip, corresponding in nominal value with the five thousand acres of land which the Legislature of Upper Canada, in 1838, thought Colonel FitzGibbon entitled to, would not be an equal compensation to that which it was at first proposed to grant. On the contrary, besides the injurious consequences of delay, the course would, in effect, deprive Colonel FitzGibbon of nearly one-half in point of value of the remuneration originally proposed.

" The Committee, therefore, respectfully advise your Excellency to recommend Colonel FitzGibbon's case to favorable consideration at the next session of the Legislature, for a grant of such sum of money as shall be considered a fair equivalent for the land originally proposed to be given to him.

" With regard to the application for an advance, the Committee have felt deep regret that they have not found it proper for them to advise that it should be complied with. However strong their opinion of the justice of Colonel FitzGibbon's claim, or the probability of its being favorably entertained by the Legislature, they are not prepared to advise your Excellency to make an advance of public moneys in anticipation of the decision of the Parliament on the subject."

APPENDIX XI.

" LOWER WARD, WINDSOR CASTLE.

" *March*, 1859.

" We, the undersigned Military Knights of the Chapel of St. George within the Castle of Windsor, beg leave to call your attention to our case,

" As you may have heard, in the year 1855 our case was brought before Parliament, which resulted in directions being given by Lord Palmerston to the Attorney-General to file an information on our behalf. Our case is, shortly, this ; The Charity was founded by King Edward III., who declared that the Knights would be 'for-ever comfortably maintained' out of the funds of St. George's Chapel. In the reign of King Edward IV., the Dean and Canons procured an Act of Parliament, without the knowledge of the Knights, and upon representations which were untrue, whereby the Chapel was freed from the maintenance of the Knights ; but it was stated in the Act that the Knights had been otherwise provided for. This statement was also untrue, and no provision was made directly for the Knights until the reign of King Henry VIII.

" King Henry VIII., in a letter which he addressed to the Dean and Canons, informed them that he would settle lands on the college for our maintenance ; and by his last will he directed lands to be made over by the Crown to the college of the value of £600 per annum for our maintenance ; and his successor, King Edward VI., accordingly made over lands of that value, and the Dean and Canons, on their part, covenanted to apply the same as the Crown should direct.

" These documents form the foundation of the present Charity, the rights of which we are seeking to establish.

" The account of the rents arising from the lands so settled on the college was kept quite distinct by the Dean and Canons during the reigns of Edward VI., Queen Mary, and part of the reign of Elizabeth, and the same were wholly applied for the benefit of the Knights, excepting thereout the necessary repairs of the land, and a small sum to the Dean and Canons for preaching sermons in the chapel.

" The whole of the documents show that the lands were settled upon the college for us and for our benefit, and that no such lands would ever have been settled except to make a provision and to provide a retreat for military men. When we first employed our present solicitors, Messrs. Turnley & Luscombe, they enquired if any declaration of the trust subsequent to the deeds of Edward VI. had been executed, and we informed them of a book deposited in the Chapter House at Westminster, said to have been executed by

Queen Elizabeth ; but upon those gentlemen attending at the Chapter House to inspect this document, which throughout had been set up as an original, they ascertained that it was not an original. They discovered that this document was not signed, sealed, nor authenticated in any way, but merely consisted of several leaves of parchment folded together and fastened within covers, and that several of the most important parts appeared altered and new leaves interpolated after the book had been originally made up. Our solicitors instituted most rigid enquiries, in which they were assisted by an eminent antiquary, in order to ascertain whether any document similar to the one in the Chapter House at Westminster had ever been executed, but the result of the enquiry clearly proved that such document had never been executed by Queen Elizabeth, or any other sovereign.

" If Queen Elizabeth had executed a Declaration of Trust, the original ought to have been in the possession of the Dean and Canons, but they, by their answer, entirely repudiated the existence of any such document, as also the authenticity of the document in the Chapter House at Westminster.

" If this document had been genuine and free from interpolations, our solicitors informed us that they believed, as the law then stood, we should have no chance of success, but feeling thoroughly satisfied that the same was not genuine, and that in the absence of it we had a perfect case, they begged the solicitors of the Attorney-General to cause it to be struck out of the Information ; but, after a long correspondence, our solicitors' requests were disregarded, and the book was continued in the information as a genuine document, against our wish and in opposition to the repudiation of the Dean and Canons themselves.

" Prior to the case going into court, a consultation took place between the Attorney-General and our counsel, and the result of such consultation led us to believe that the Attorney-General would frame his case as though the book was not genuine ; but, on the hearing, to our surprise, the book was put forth as a genuine document, and it was upon the interpolated parts of it, before referred to, that the learned judge gave a decision unfavorable to us. Upon all the documents in the case, with the exception of this book, the Master of the Rolls was entirely in our favor, as his judgment



shows, but he assumed, the Attorney-General having adopted the book, that it had been duly executed by Queen Elizabeth, and upon the footing of it decided against us.

" After the decision of the Master of the Rolls, we had notice that the Crown would not appeal, but upon representing the facts above referred to, to Mr. Reynolds, of the Treasury, and begging that an appeal might be presented, leaving out the book, the Crown finally decided to appeal. We were, however, astonished to observe that on the appeal this very book was again set up, and our efforts to get it struck out have proved of no avail. We are therefore anxious that a case should be prepared, and the most eminent counsel appear on the appeal on our behalf to urge the rights of this important and, we may say, national institution, on behalf of the army, as in the event of the appeal being decided against us, the benevolent object of this institution will be forever lost.

" We should state that the present income of the Charity is now upwards of £15,000 per annum, yet we are only paid Is. per day, the same as in the time of Queen Elizabeth, when the income was but £600 per annum. You will therefore at once perceive that it is impossible for us to furnish the necessary funds for the preparation of our case, counsel's fees, and other expenses on the appeal, which will be very considerable. We therefore take the liberty of troubling you with the above statement, and if you will kindly assist us in our efforts to assert the rights of this ancient national institution, we shall feel extremely obliged.

" We have the honor to be

NOTES..

IT has been suggested to me that the question of what became of the five acres of land mentioned in Chapter X. as still retained by FitzGibbon, may be asked, as I have not referred in any way to its being sold or otherwise disposed of.

FitzGibbon's many friends, both in Canada and in England, having faith in his integrity and confidence' in the ultimate sanction of the Government being obtained to the grant of land or its equivalent, lent him money, either personally or by endorsing notes for him, in order to relieve him from the annoyance of small debts, duns from the actual butcher and baker of daily life. Upon the failure of the grant, the remnant of his property, with the exception of a small lot, was sold to help to repay these generous loans. This lot was claimed by his heirs, and sold to the city corporation. Part of it extended across the roadway of Brock Street, south-east of Queen Street.

From an autograph letter of FitzGibbon's, now in the possession of Dr. Coleman, of Belleville, Ontario, I learn that some of the dragoons who appeared so opportunely under Captain Hall at Beaver Dam, were men from a corps raised by Colonel Coleman soon after the outbreak of the war. The letter is an instance of FitzGibbon recommending one who had just claims upon the Government, for a position which might serve as a reward for services rendered to his country.

ERRATA.

Page 95, line 23, for " Township of South," read " Louth."

Page 147, line 10, for " April 23rd, 1823," read " 1822."

Page 202, 203 and 220, for "Allen," read " Allan."