

## APPENDIX V

three times did this gunner swing his torch with the purpose of firing his gun, but each time he drew back from the fuse and finally threw his torch upon the ground. Birney said it was well he did, as he and many of his men would not have lived to tell the tale, as they were walking directly in the face of the cannon. He also took pride in telling how one Canadian cannon was taken and retaken many times that night, while lying in heaps around it were Canadians and Americans who had fought and died bravely.

When the Rebellion of 1837 broke out Captain Birney was the oldest officer surviving the troubles of 1812-14. Being at that time over age he did not wish to take any part in the fighting, feeling he had served his country well and sufficiently up to that time, and he felt in addition that through favoritism many who had served under him had been promoted over his head. However, through the personal efforts of Sir Allan McNab and Colonel Land he was persuaded to take command of a company of the 3rd Gore Militia, which post he held until about 1841, being actively engaged in military affairs during all that period.

Some of his work at this time was the building of the bridge for the troops to cross the water-gap at Burlington Heights, and he also was engaged in constructing the defence works on Burlington Heights during the battle of Stoney Creek for use in case of retreat. He was afterwards with his company in charge of the 112 prisoners who were held and tried at Hamilton.

When Captain Birney died, in 1873, being in his 96th year, he was the oldest living Mason in Canada, having joined the Craft in 1803.