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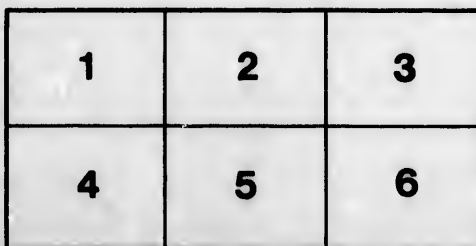
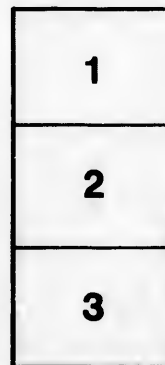
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I

AN APPEAL

TO

THE PEOPLE

OF THE LATE PROVINCE OF

UPPER CANADA

BY

COLONEL FITZ GIBBON.

MONTREAL:

LOVELL AND GIBSON, PRINTERS, ST. NICHOLAS STREET.

1847.

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NOTE TO BE PREFIXED TO THE FOLLOWING

NARRATIVE.

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AFTER serving two years in the Knight of Glin's Yeomanry Corps, which I entered at the age of fifteen, I enlisted in a Fencible Regiment on the 25th of October, 1798, as a Private Soldier, and on the same day was appointed Sergeant. On the 9th of June following, I volunteered into the 49th Regiment, then commanded by the late Sir Isaac Brock, and accompanied the Army under Sir Ralph Abercromby to the Helder, where we landed on the 27th of August. On the 2d of October, I was taken prisoner at Egmont op Zee, and carried into France. On the 24th of January following, I was landed in England, having, with the other prisoners taken in Holland, been exchanged. In March, 1801, the 49th Regiment, having been embarked on board the *Fleet*, to do duty as marines, were present at the Naval Action before Copenhagen, on the 2d of April. I served on board the *Monarch* during the action, and that ship having been greatly shattered by the great Trekoner Battery, had to be sent home, and the survivors of the Grenadier Company, to which I belonged, were sent on board the *Elephant*, then Lord Nelson's Flag Ship, in which I served until the return of the *Fleet* to England in August.

At the close of the War, the 49th Regiment was sent to Canada, and after landing at Quebec on the 21st of August, 1802, Lieutenant Colonel Brock appointed me Serjeant Major, although yet in my 22d year only. In September, 1803, Colonel Brock recommended me for the Adjutantcy, but as the resignation of the Adjutant could not then be accepted at the Horse Guards, there being no vacancy in the Regiment for him as a Lieutenant, he was permitted to do the duty of a Subaltern and I was appointed to act as Adjutant, and acted as such until 1806, when Colonel Brock obtained an Ensigny for me, in order,

as he said, that I should obtain rank as an officer without any further loss of time. I was gazetted to an Ensigncy on the 6th of February in that year. On the 18th of December following I succeeded to the Adjutantcy, and on the 9th of June, 1809, I was promoted to a Lieutenantcy. On the declaration of War by the United States in 1812, I resigned the Adjutantcy that I might be eligible to be employed on detached service, and was immediately placed in command of a company whose captain was absent. On the 12th of June in the following year, 1813, I applied for and obtained leave to select 50 men from the 49th Regiment, to be employed in advance of the Army on the Niagara Frontier. On the 24th of the same month my success in capturing a detachment of 500 men of the American Regular Army, 50 of whom were cavalry, and two field pieces, obtained for me a Company, and on the 14th of October following I was gazetted Captain in a Provincial Corps, the Glengarry Light Infantry Fencibles. On the 24th of June, 1816, that Regiment was disbanded, and I was placed on half pay; and took up my residence at York, in Upper Canada, now Toronto, and thus made Upper Canada the land of my adoption.

This rapid statement I have written by way of Introduction to the following Narrative, which Narrative was already written and about to be placed in the hands of the Printer before it occurred to me that such a brief prefatory statement as this would not be inappropriate, and under this sudden impression I have written it.

JAMES FITZ GIBBON,

Montreal, 24th May, 1847.



# A N A P P E A L

## TO THE PEOPLE

OF

### THE LATE PROVINCE OF UPPER CANADA.

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On the 23rd day of January, 1838, your Representatives in Parliament assembled adopted two Resolutions, and a motion to amend them, of which the following extract from the Journals of their House is a copy:

*Resolved*,—That James Fitz Gibbon, Esquire, having rendered “signal services to this Province in a Military capacity, on various occasions, when he was an officer of the Regular Forces of the Empire, during the late War with the United States of America, and subsequently in several Civil capacities, and also very recently, as Colonel of Militia, on the breaking out of the Rebellion in the Home District, it is a duty incumbent on this House to recognise, by some public expression, his brave and faithful conduct, and to use such means as may be in its power to procure to be granted to him by his Sovereign some lasting Token of the Royal Bounty, as an acknowledgment of the estimation in which those services are held by the People whom it represents.

*Resolved*,—That this House do humbly address Her Majesty, praying Her Majesty will be graciously pleased to grant to the said James Fitz Gibbon five thousand acres of the waste lands of the Crown in this Province, as a mark of Her Majesty’s Royal Favour, for the honorable, efficient, and faithful services of that gentleman during a period of twenty-six years.

“Mr. Merritt seconded by Mr. Burwell, moves that the foregoing Resolutions be amended by inserting the word ‘unanimously,’ after the word Resolved.

“Which was carried.”

Upon these Resolutions an Address to the Queen was passed by the House, and sent to the Legislative Council, which House also passed it with only one dissenting vote; and the Lieutenant Governor transmitted it to the Secretary of State for the Colonies, Lord Glenelg, strongly recommending it to the favorable consideration of Her Majesty.

Here I beg leave to call your attention, particularly, to the fact that these proceedings were entirely spontaneous on the part of that House; no application or reference being made to it, either by the Lieutenant Governor, or by me. But some of the many facts which I will state

hereafter, were known to many of the Members, and especially so were many of the wrongs and injuries then recently done me by Sir Francis Head.

And here, too, I beg leave to state that some expressions injurious to me were made by certain Members of the present Legislative Assembly in 1845, in Montreal, on the passing of the Resolution granting to me one thousand pounds in lieu of the five thousand acres of land; and that other injurious language was expressed by some unjust and ungenerous men, elsewhere, who declared that I did only my duty, and therefore was not entitled to any reward.

Because of these expressions I do now declare to you the people of Upper Canada that had I been out of debt, when the Address to Her Majesty was passed by the two Houses I would have promptly but gratefully declined to accept any reward for the services it had been my lot to render:—and I would have considered the day of such refusal as the proudest of my life. But I was plunged deeply into debt, first by having accepted an Ensigny in the 49th Regiment, obtained for me in the year 1806, by my first and best patron, the late Major General, Sir Isaac Brock, when I had not one shilling; for as a Serjeant Major I could not have saved one shilling out of the then inadequate pay of two shillings per day, whereas now the same non-commissioned officer receives three shillings and sixpence per day. Neither was any allowance then made by the Government to non-commissioned officers when promoted, whereas now every mounted officer promoted from the ranks receives from the Government £150 sterling, to provide him a sufficient equipment; and I was then a mounted officer, an acting Adjutant. The debt then incurred painfully pressed upon me until I was placed on half-pay, in 1816, when I was solicited to accept a very humble office under the Provincial Government, and which my pecuniary embarrassments constrained me to accept. How these embarrassments were increased and aggravated, afterwards, by acts of that Government, I will state hereafter, and prove the facts by Acts of the Legislature and Orders in Council. As to my having only done my duty before and during the Rebellion, the same may with equal justness be said of every public servant who has ever been rewarded by the Imperial Parliament for public services. I will hereafter show the risks I ran of bringing ruin upon myself and family, by the language uttered by me from time to time to Sir Francis Head, but which the pressing exigencies of the crisis I then saw impending extorted from me.

Feeling how unjust those reproaches were, and that my mind has long been painfully affected by them, it at length occurred to me to write to a Member of the last Upper Canada Assembly, and request of him to vouch for one fact which, to some extent, would show that I did not avariciously desire to grasp at all I could from the public revenue of the Province. I therefore, in January last, addressed a letter to that Member, and received from him an answer of which the following is a copy:

MATILDA, *February 1st, 1847.*

MY DEAR SIR,

My absence from home is a sufficient apology for not answering your letter sooner.

I now inform you that I well remember the time when I called on you in your room in the Parliament House, to obtain some information from you respecting your circumstances, and I told you that it was the intention of the Members to fill up the blank in the Resolution just adopted with six thousand acres. On which you paused a few minutes and then told me you did not desire an acre more than would relieve you from your present embarrassments, and that five thousand acres would give you that relief, and for which you would feel thankful. The blank was then filled up with five thousand acres, and the Resolutions were passed unanimously.

Believe me to remain yours truly,

James Fitz Gibbon, Esquire.

PETER SHAVER.

Besides this Member there are, I venture to affirm, many in Upper Canada, of undoubted honor and veracity who believe me to be one of the last among men who would desire to receive from the public funds one shilling to which I was not fully and honorably entitled. But I now publicly declare that according to the most moderate scale of remuneration for public services, and according to the salaries now paid, I have never yet been adequately paid for the ordinary routine service rendered by me to the late Province of Upper Canada: from 1816 to 1841, the remuneration should have been at least one hundred pounds per annum more than I received during those twenty five years: and the correctness of this declaration I hope to prove by statements hereafter to be made in this address to you. And thus the sum of £2,500, the upset price of the land prayed for, was justly due to me in 1841, even without any reference to the services intended to be rewarded by that grant.

In the month of April, 1816, it was announced to the Regiment in which I then was a Captain, that it would be disbanded on the 24th of June following. The Adjutant General of Militia of Upper Canada soon afterwards called on me, and after apologising for offering me so inferior an appointment as a clerkship in his department, at 7s. 6d., currency, per day, he requested me to accept it, adding that I would be subject to his own control only; and he having been my friend for many years I would not find the duty disagreeable. After much consideration I accepted it, hoping and believing that in some time I should make myself so useful to the Government that it would find it to be its interest as well as its duty to promote me.

For three years I continued in this office, but finding my family increasing rapidly, and my debts accumulating upon me, I turned my thoughts to the Land Agency business, and decided on giving up the employment in the Adjutant General's Department, and taking up the business of Land Agent. During two years it produced for me upwards of five hundred pounds, and was increasing; when the Adjutant General again asked me, and urged me to return to his office. And here I will state that the gratitude I felt for the promotion I had obtained in the Army, inclined me strongly to serve the Government and the Nation whose servant I had so long been: for at that time I had not learned to draw any distinction between the Provincial and Imperial Governments. I therefore consented to return to his office if he would

procure for me the same wages as were paid to the senior clerks in the other Departments of the Government, namely, ten shillings, sterling, per day. He said the Executive Government had not the power to increase the wages of the Clerk, but I expressed a different opinion, having carefully considered the law. I told him that I could not, with any justice to my family, give up my present business for a less sum. He then petitioned the Lieutenant Governor, and upon his Petition an Order in Council was passed, granting ten shillings, sterling, per day, for the said Clerk.

Let me here ask what any reasonable man would say, or think, did I tell the Adjutant General that I had no faith in the Governor and Council who made that Order? Yet in a few months was this Order set aside to my great wrong and injury! The Adjutant General when urging me to return, assured me that I should be permitted to administer the oath of allegiance while in his office; I having been recently appointed a Commissioner for that purpose. This offer was made by him spontaneously; to which I answered, "Without such permission I would on no account return." Let me again ask what would be thought of me, if I had told the Adjutant General that I had no faith in his pledge or promise, although professedly my friend? Yet before many months after my return to his office I saw, one morning, in the Government Gazette, a list of newly appointed Commissioners, in which my name was not. Whereupon I went immediately to the Secretary's Office, and asked why my name was not inserted in the new Commission? He answered me evasively and with evident embarrassment. I said, "Then I will go across to the Government House, and appeal to Sir Peregrine Maitland, personally." Upon which he said "Stop for a moment: what has been done, His Excellency will not undo, and if you bear this patiently, something better may hereafter be done for you. Your agitating upon this occasion will only irritate, and may mar your future prospects. If you will pledge yourself to me that you will move no further in the matter, I will tell you how the omission has been brought about." After much consideration, and painful alarm for my unhappy circumstances, I gave the pledge; when the Secretary told me that the Adjutant General had been informed that some of the Members of the Assembly had said "They would not vote for restoring the salary of the Adjutant General to £365 per annum," (to which from £200 it had been raised, in 1816 for four years by a temporary Act, and which Act had expired some two years before, and was now sought to be renewed) "for that there could be little to do in his office, inasmuch as the Clerk was much employed in administering the oath of allegiance." In fact, the few oaths which were usually administered by me, never occupied altogether, any one day, more than half an hour; and in lieu of this, to prevent any fault finding on my account, I attended the office every morning at nine o'clock instead of ten, and continued in it until four P. M. instead of three; so that the public service gained much instead of losing any thing by me. The Adjutant General on hearing what had been said, went to His Excellency and prevailed upon him to put me out of the Commission; and thus was a great injury done to me in my pecuniary circumstances; for the gentleman

who was appointed in my place told me that the office brought to him the following year, £75. But a deeper injury was done to my mind by the sense of such cruel treachery and injustice, committed by those whose solemn duty it was to protect and sustain me. An influential Member of the Assembly said to me, a few days after, and he said it with an oath, "Let Sir Peregrine Maitland appoint a competent man to the office, and I will vote to give him £500 per annum; but the present incumbent is wholly inefficient, and I will not vote for a shilling of increase while he holds the office." And this was literally true, and the injury thus, by his mismanagement and inefficiency, done to men's minds in Upper Canada, from 1815 to 1837, had a large share in bringing about the Rebellion.

Extraordinary efforts were now made to procure for the Adjutant General his late salary of £365. A conference took place between the late Mr. Peter Robinson, then a Member of the Assembly, and Mr. Jonas Jones, another Member, when the latter stated that the expenses of the Adjutant General's Department cost the Province, the year just ended, £630. He then said he would vote for a Bill which would repeal the Law under which the contingencies of the Department were hitherto regulated by Orders in Council, and which would grant, annually, for the Department, a fixed sum of £600; which sum the Executive might appropriate as it pleased. To this, Mr. Robinson agreed, and such Bill was brought in and passed. It contained the following provisions:—It authorised the appointment of an Assistant Adjutant General: it gave to the Adjutant General £365; to the Assistant Adjutant General £150; and for postage of letters, stationery, office rent, and fuel, £85 per annum; the last mentioned being, in fact, a very inadequate sum. Thus did the Government sanction an Act, by which I was deprived of £52 15s. 6d. per annum, while at the same time I was taken from my obscurity and raised to the rank of Assistant Adjutant General, and put to an expense for equipment of upwards of £60. Thus did the Government and the Adjutant General effectually, deprive me of £127 15s. 6d. per annum, in breach of most distinct and formal agreements previously entered into, by them with me.

Of this adjustment, by those Members, I was immediately made acquainted, and I might have marred the measure in the House, by appealing to some friends I had among the Members; but I ever studiously refrained from exercising any influence I might have in this way. Besides, I could not doubt but that out of the Crown revenue the Lieutenant Governor and Council would surely make good to me the amount thus taken from me, and which they had guaranteed by a formal Order in Council. But it was made good for a part, only, of the interval. For about two years I made painful and humiliating efforts to obtain redress, and at length the Assembly passed another Bill adding £50 to my salary, but making no provision for the expense of my equipment, or to meet the increased expenses to which, in other respects, my new rank so painfully exposed me.

No man who has not himself suffered under the most painful pecuniary embarrassments for a long series of years can form an adequate idea of the depression and irritation, to which my mind was

thus subjected. When I remembered that I had given up a lucrative and an increasing business, (and by which others have since become rich) from a feeling of gratitude for the promotion I received in the Army, and contrasted the treatment I received in that Army with the wrongs and injuries thus done me by the Provincial Authorities, I was nearly driven beyond the control of my reasoning faculties. But I had a wife and five infant children to protect and sustain ; and I had suffering parents in Ireland to whom I had made occasional remittances, but which I could now no longer make ; therefore did I turn myself to every source of relief and consolation to which I could by any means find access, that I might not sink beneath the pressure of the wrongs and injuries thus heaped upon me.

In addition to these evils I had to endure others, of which an extensive correspondence by Post was a serious one. Having been much known to the Military and the Militia in Upper Canada, during the war of 1812, great numbers of them applied to me from time to time, after the war, about various affairs in which they desired that I should aid them. Few of those paid the postage of their letters, and from 1816 to 1827, when I was appointed Clerk of the House of Assembly, I am confident I paid upwards of £200 for postage. Often did I think of appealing through the newspapers for protection against this tax ; but considering that comparatively few of those who usually wrote to me, would see the paper in which I would give the caution, I declined making such appeal. There are yet many hundreds of persons in Upper Canada who will, I am confident, even now remember gratuitous acts of mine in their behalf.

Thus did I struggle onwards until the year 1837. I will not here state any of the particulars of the part I took in the riots in Toronto, and during the two summers of the Cholera in 1832 and 1834 ; nor in dealing with the events which occurred with the Irish settlers, near Perth, in 1823, near Peterboro' in the following year, and in Cornwall during the elections in 1836. But on the departure of Sir John Colborne, in the last mentioned year, I addressed a letter to his Secretary, requesting that some testimonial in my favor may be left with his successor, Sir Francis Head ; for I knew that Sir John Colborne had intended to reward me on the occurrence of the first opportunity which might enable His Excellency to do so. The following is a copy of the Secretary's letter in answer :—

GOVERNMENT HOUSE, 20th January, 1836.

SIR,

With reference to your communication of the 12th instant, I am directed by the Lieutenant Governor to assure you that His Excellency is so fully persuaded of your zeal and active services while he has been in the Province, that he has long been desirous of having an opportunity of conferring on you an appointment which might, in some respects, be more in accordance with your views and wishes.

His Excellency thinks it but due to you, to express his thanks for your exertions on many occasions in the Public Service, and to notice the sacrifices which you have made of your time and health in carrying on the various duties which you have been entrusted to discharge.

I am also to add, that His Excellency will leave a copy of this letter with his successor, in order that your character and services may be made known to him.

I have the honor to be,

Sir,

Your obedient servant,

WM. ROWAN.

James Fitz Gibbon, Esquire,  
&c. &c. &c.

It was by order of Sir Francis Head that I was sent to Cornwall that year, with fifty stand of arms and ammunition, to be issued there to the Militia, should I deem such issue necessary for the preservation of the peace, which was then threatened by the turbulent conduct of the great numbers then employed on the Saint Lawrence Canal. The peace was preserved without the issue of the arms, and I returned to Toronto, after the elections were over.

Yet, notwithstanding that I have just stated that I would not give any of the particulars of what occurred near Perth, I will do so, because some of them recur at this moment to my memory, so forcibly, and upon reflection I think them so important, that I will state some of them hurriedly. On the occurrence of those riots in the Township of Ramsay, the Magistrates applied to Sir Peregrine Maitland for a detachment of troops to be sent to their aid, for the preservation of the peace in the Bathurst District; and in confident expectation that a detachment would be sent from Kingston, two Companies were there held in readiness, and provisions were prepared by the Commissariat to be sent also. His Excellency, who then resided in his cottage in Stamford, decided otherwise, and sent me to inquire into the representations made, and to report the result to him.

The circumstances under which I had to obey this order were, to me, of a distressing character; for I had to go from the grave in which I saw one of my children just interred, to the steamboat, leaving my wife in a most feeble state of health. After making such inquiries as I deemed necessary, and which occupied me many days, both in the Township of Ramsay, and before the Bench of Magistrates at Perth, I returned and made my Report. As an evidence of the effect produced by my proceedings on that service, I will state that Mr. Attorney General Robinson, after his return to Toronto from attending an Assizes at Perth, some year or two after, was pleased to send me a list of the very few cases tried before that Court, and to congratulate me on the good results which appeared to have grown out of my dealings with the two hostile parties of my countrymen, in the district of Bathurst. And Doctor Hubbell, a resident Magistrate in a neighbouring district, told me some fifteen years afterwards in Toronto, that he had been surprised and gratified at the peaceable conduct of my countrymen in the Bathurst District ever since I had visited them in 1823.

In the year 1835, Sir John Colborne requested of me to form into a corps for drill, such young men of the City of Toronto as desired military instruction, and he would issue rifles from the military stores



for their use. His Excellency wished them to be instructed, that they might be qualified to hold Commissions in the Militia. I did so, to the number of seventy, being the number of rifles then in store. To encourage these young men to put themselves into uniform I ordered Rifle Dresses for myself and my eldest son, and all followed our example; thus, still adding to my pecuniary embarrassments. For three summers, those of 1835, 1836, and 1837, I drilled those young men twice a week, and for which service I never have received any remuneration, nor did I expect or desire any.

Before I begin to relate such of the events of 1837, as I now desire to make public, I will here state that having since 1815 closely observed the passing political and religious controversies in Upper Canada, I had long apprehended that they would at length grow into Rebellion. For some years I entertained this apprehension. I was, consequently, the more watchful of every circumstance or event which, from day to day, occurred in the Province. Therefore when some of the people of Lower Canada took up arms, in 1837, to resist the Government, I had no longer any doubt.

Between eight and nine o'clock every morning I usually went to my office in the Parliament House, in Toronto, and I frequently met Sir Francis Head on his way to walk for exercise on the long wharf near the Garrison. On these occasions he would address himself to me on the state of the Province; and he soon found that my opinions upon some important points differed greatly from his own. I cannot give a consecutive detail of the many conversations I had with His Excellency. A brief statement of a few of them will shew some of the most important differences. But first I will state that those meetings were so frequent, that I feared His Excellency would think that I threw myself in his way, and therefore on seeing him at a distance I would sometimes turn into another direction, so that I might not meet him; but on seeing me do so he would either call aloud to me, or hold up his walking stick, and beckon me to him.

When Sir John Colborne asked him how many of the Troops, then in Upper Canada, he could spare for service in Lower Canada, he answered, ALL. This word "ALL" he had some time afterwards printed in large capitals; and accordingly all were sent. The last detachment sent down was that from Penetanguishene, consisting of a Subaltern and thirty men. As this detachment approached Toronto from the North, I urged His Excellency to keep it in the City, to be a nucleus for the Militia to rally round. He answered "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, Sir," I replied, let us be armed and ready to defend ourselves." "No," he continued "I will do nothing; I do not apprehend a rebellion in Upper Canada:" and the detachment proceeded to Lower Canada.

Six thousand stand of small arms had recently been sent to Toronto from Kingston, with ammunition, and his Excellency ordered that they should be deposited in the Market buildings, in the charge and keeping of the city authorities, and two constables were ordered to keep watch over them at night. This amount of protection I considered



altogether insufficient for their safe keeping. I constantly apprehended that the rebels would come into the city, individually, and conceal themselves in the houses of their friends until a sufficient number were at hand, when a rush to the City Hall at any hour during the night, would give them easy and prompt possession of the extensive Market buildings, and their contents; and thus they would have not only arms and ammunition, but a very strong place of defence in the heart of the city. To guard against this dreaded danger, I assembled on parade the young riflemen under my tuition, and asked them if they would volunteer to furnish a guard of fifteen or twenty men every night, to take charge of the Market buildings, and to furnish two sentries for the Government House, when they promptly and cheerfully answered in the affirmative. Whereupon I called on His Excellency, and made the offer of our services, but he quickly, and even pettishly refused. I urged the danger to which I considered we were exposed, and stated how I thought the rebels might, individually and secretly, come in and surprise us: in answer to which, among other expressions, he used the following words:—"In short, Colonel Fitz Gibbon, but that I do not like to undo what I have already done, I would have those arms brought from the City Hall, and placed here in the Government House, under the care and keeping of my own domestics." Further argument I saw must be useless, if not irritating to His Excellency, and I withdrew. Before, however, I had passed through the outer apartment, His Excellency opened the inner door and called me back, and said, "Make your offer to me in writing," and he closed the door between us. I then began to hope that he would accept the guard. On returning to my office, I wrote, and sent the offer, accordingly; when to my surprise, on the following day, I saw it published in the *Toronto Patriot*. It was now plain to me, that His Excellency desired to be urged to take measures of defence, that he might show forth to the Province that he had no fear of rebellion, and that thus he might, ultimately, show how much more correctly he estimated the future, than those did who thus urged him to arm the loyal part of our people, so that they might be able successfully to defend themselves. I am convinced that His Excellency was confident he could keep all in peace and safety, with his own Goose Quill.

Soon after this I had another, and what appeared to me a still more convincing proof of my opinion of His Excellency's mind. I had recently been transferred from the command of the 4th Regiment of York Militia, to the command of the 1st Regiment of the City of Toronto, in which I found some four or five Captains, and only two Subalterns. To complete the officers I prepared a list of more than twenty candidates for promotion and appointments, and took it to His Excellency myself, for the Adjutant General was manifestly so inefficient that I could not hope for prompt attention to be paid to my recommendations, did I send the list through his office. His Excellency looked at the list, and said he would do nothing until the following summer. This decision convinced me that I could not hope to move His Excellency to take one step for our defence, seeing that he would not even permit the performance of the ordinary, the every day duties which

the law required. The passing occurrences of every day, now almost of every hour, impressed me more and more with the necessity of preparing for our defence; and at length I began to think that I might, of my own mere motion, do something efficient for the protection of the City at least, if not of the Province. Under this impression I immediately acted as follows:

I took my pen and wrote down the names of all those men living west of Yonge Street, within the city, upon whose loyalty I thought I could depend. On counting them I found the number amounted to 126. With this list I went to the Government House, and was admitted to His Excellency. I showed him the list, and stated to him that I intended to warn each of those men to go to bed every night having arms loaded near his bedside; and on hearing the College bell ring he should run to me to the Parliament House with his arms: that I intended to call on the Mayor of the City, and advise him to warn, in the same way, all the loyal men living east of Yonge Street; and on the ringing of the College bell, which I would take care should be rung if needed, that he would cause the City bells to ring, and let those east of Yonge Street run to him to the City Hall. I said to His Excellency that I considered two places of rendezvous four times better than one place. After a short pause, and while His Excellency was looking over the list, I said, "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 am determined to do it.'" He took the paper from before his face and looked at me with an expression of surprise, or anger, in his face; when I added, "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 measure of precaution; 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.'" After a pause and apparent further consideration, he said, "Well I think this is a good measure, and you have my sanction 'for carrying it out." I then thanked His Excellency, and withdrew.

Immediately I proceeded to the City Hall, and made my communication to the Mayor, in the presence of Alderman Dixon. I beg that this fact may be remembered; because when I was assured of the approach of the rebels towards the City on the night of the 4th of December, and therefore caused the College bell to be rung, the City bells were not rung, as agreed upon, until I lost nearly half an hour of my most valuable time in causing them to be rung, and was proceeding to break the Church door open, when the key was at length brought.

After leaving the City Hall I proceeded to warn the loyal men and commenced with Captain Macaulay of the Royal Engineers, then retired from the service, and living in Toronto, in the West end of the City. I continued onwards from house to house, until I came to that of the Chief Justice. I found him alone in his Library. I showed him my list, and stated my object. After some pause he said, "Colonel Fitz Gibbon, I cannot partake of your apprehensions, and I am

"sorry to see you alarming the people in this way." I then repeated to him what I had said to Sir Francis Head, and added that no human power should prevent me from taking every possible measure to guard against surprise. But I had so great a respect for the Chief Justice that, to meet his wishes as far as I could, I agreed to warn the heads of families only, and not the young men.

And here I beg leave to state that I did not then, nor have I ever, blamed the gentlemen of Toronto who were then so incredulous. They had as deep interests to protect as any could have, and would be as prompt to defend them did they in reality apprehend danger. But I state this expression of the Chief Justice that the value of his testimony in my favor, which I will hereafter give, may be duly appreciated; for I will show that his conduct in my behalf thereafter was most generous, I may truly say magnanimous: contrasted with that of Sir Francis Head it was really so.

As I warned each individual I marked his name on the list, but the Rebellion broke out before I had warned quite fifty out of the one hundred and twenty-six.

[And here I request that reference may be had at once to the Chief Justice's letter to the Bishop of Toronto; and also his letter to me, hereinafter inserted.]

On the morning of Saturday, the 2nd of December, I was in my office taking down the information of a man from the Township of Markham, previous to my swearing him to it, I being then a Justice of the Peace. Before I had gone through with the case, a gentleman from another, and more distant part of the country, north of Toronto, came in, and desired to speak with me alone. I took him into the Speaker's Room, and hearing his statement, which I considered as most important, I determined to take him with me at once to the Government House; but he positively refused to accompany me. He said the rebels knew that he had urgent business to transact in town, and they believed that for that only had he come in; but that if they suspected he came to give information, he had no doubt they would assassinate him. I still urged him, but in vain. He said he could not depend for secrecy upon any one else in town, and he would not.\* On going from the Parliament House, I said to him that His Excellency would no doubt desire to hear his statement from his own lips, and again urged him to let me know where in Town I could send for him, should His Excellency insist upon seeing him; and at last he consented, and did tell me.

On arriving at the Government House, and sending in my name, I was shown in to His Excellency's presence, and found assembled with him the Members of his Council, some of the Judges, the Attorney General, and the Speaker of the Assembly. I communicated the information I had just received, and stated the objection made by my informant to his appearing personally before any other person. After some conversation it was decided that I should summon him before His Excellency, and I did so. Before he came, much discussion took

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\*To account for this confidence in me, especially, I must state that I had been, for some years before, Deputy Provincial Grand Master of the Free Masons in Upper Canada.

place on the state of the Province, in which I was invited or permitted to take a part. No one present appeared to have any apprehension of approaching danger. I expressed mine very strongly, and from time to time urged upon His Excellency the necessity of arming in our defence. Upon one occasion, Judge Jones, who sat next to me on my right hand, turned towards me and said, "You do not mean to say that these people are going to rebel?" To which I answered "Most distinctly I do, sir." Whereupon he turned from me towards his Excellency and exclaimed, most contemptuously, "Pugh! Pugh!" I instantly threw out my hand, and looked around the circle until I saw all silent, and then said, "Which of you, gentlemen, would have prophesied one month ago that the Lower Canadians would now be in open rebellion as they are?—and have not these people been repeatedly drilled and practised with ball cartridge in the neighbourhood of this City, and will they not go further?" And on my pausing, Mr. Jones said "there is some truth in that." I then thought I had made a convert of him. But no; for on Monday night, only two days after, when I galloped from house to house, calling upon one man to go and call his neighbour, that I might multiply the means of arousing the people from their beds, I sent a gentleman to call Judge Jones, whose residence was opposite; and when the Judge came forth into the street, he roughly asked, "What is all this noise about? who desired you to call me?" he was answered "Colonel Fitz Gibbon," when he exclaimed, "Oh, the over-zeal of that man is giving us a great deal of trouble." And yet had it not been for this over-zeal it is possible that he would have been one of the victims which would in all human probability have been sacrificed by the Rebels, on that night, had they proved successful.

But to return to the meeting on Saturday:—On the arrival of the gentleman who had been sent for, His Excellency and the Attorney General examined him in an adjacent room; and on their return the Attorney General said "The statement made to us by Mr.—, does not make half the impression upon one's mind as was made by Col. Fitz Gibbon's statement: the information he brings is at third or fourth hand." Upon which I said, "The information he brings is at second and third hand, not at fourth hand:—but 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 hay-rakes or pitch-forks? And has he any doubt at all of the object of the preparations which he, from day to day, has seen making in his neighbourhood?" Whereupon the Hon. Wm. Allan 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 in every word spoken here to-day by Col. Fitz Gibbon, and think that an hour should not be lost without preparing ourselves for defence."

Up to this period not a word was spoken by any one present in,

my support ; and these expressions greatly relieved and encouraged me. After Mr. Allan had done speaking, I turned towards His Excellency and said, "In short, Sir, when I came here this morning, I expected that Your Excellency would give me leave 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 you 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."

This meeting, or Council, sat for five or six hours, and when I withdrew from it and reflected upon all that had passed, of which I here state but a few particulars, 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.

On Monday morning, between eight and nine o'clock, His Excellency sent his Secretary for me, and on coming into his presence, he had in his hand, a Militia General Order, appointing me to act as Adjutant General of Militia ; and having read it to me, he told me I may sign the general orders and other documents issuing from the Department, as Adjutant General. After a moment's pause I observed that if I did so, it would expose me to a charge of assuming to be what I was not : that the law allowed but one Adjutant General, and that Colonel Coffin still held the office. I therefore ventured to suggest that I should add to my signature "Acting Adjutant General," to which His Excellency assented. I state this fact here, because it will corroborate other facts which I shall have to state hereafter, and which will show how easily His Excellency departed from a due regard to veracity when his interests or his feelings prompted him to do so.

On this day, Monday, His Excellency prepared a Militia General Order, appealing to the Officers commanding Regiments and Corps in the Province, and conveying instructions for their guidance under the circumstances mentioned therein. A copy of this I took to the Queen's Printer ; but it could not be circulated before the out-break, which occurred the night of that same day.

As that night approached I became more and more apprehensive of approaching danger. I determined not to sleep again in my own house, which, being some distance from any other house, might be readily surrounded, and my capture or destruction easily accomplished ; and McKenzie had recently in his newspaper made especial mention of me, by name, as the Teacher of the young men of the Volunteer Corps. I had no doubt, therefore, of being a marked man. I consequently determined to sleep in my office in the Parliament House, until I should consider all danger over. Late in the day I invited several gentlemen to come to the Parliament House and watch with me during the night, and many came in consequence.

About ten o'clock, because of some occurrence, which I now forget, I went over to the Government House, where I found Mrs. Dalrymple, His Excellency's sister, and his daughter, Miss Head, at work with

their needles. I told Mrs. Dalrymple that I desired to see His Excellency. She said he was in bed. "Nevertheless, Madam, I desire to see him." "He retired early, being fatigued, and it is hard that he should be disturbed." "Still, Madam, I think it most important that I should see him; but if he will not come down, I must go to his bedside." He was sent for, and soon came in his dressing gown. I told him that I apprehended some outbreak would take place that very night, which fear I deemed it my duty to communicate to him, leaving His Excellency to give it what attention he pleased: that if he retired again, I would take care that he should not be surprised. He did retire and I withdrew. Before another hour elapsed I was informed that a body of the Rebels was approaching the city from the north. Whereupon I instantly sent Mr. Cameron, then a student at law, and now the Solicitor General for Canada West, to ring the College bell, which he immediately did. At the same time I mounted a horse belonging to the House Messenger, and in a stable at hand, and galloped from house to house in the west end of the town, calling the people out of their beds, and directing them to run to the Parliament House with their loaded arms, for that the Rebels were approaching the city. I called Mr. Stanton, and made him call Judge McLean, whose house was next to his. I called another gentleman and bade him call Judge Jones; and this I did in order to multiply the means of arousing the people. When Mr. Jones came into the street he asked, angrily, "What is all this noise about? who desired you to call me?" and was answered, "Colonel Fitz Gibbon," when he exclaimed, "Oh! the over zeal of that man is giving us a great deal of trouble." This fact I have already stated, to elucidate more clearly the force of what I then mentioned, as in connexion with it, and to remove all doubt of the incredulity of all the principal Members of the Government, down to the very last moment, with the single exception of the Honorable Wm. Allan.

As I went from house to house, I listened for the ringing of the City bells, but several minutes having elapsed and no bells rung, I galloped to St. James' Church, which I found yet shut. I called aloud for some one to run for the keys, and after waiting for some considerable time, I called aloud for axes to break the door open, when at length the keys were brought and the door was opened. In accomplishing this, I lost nearly half an hour of my most valuable time. I then gave directions in the City Hall to break open the cases in which the arms were deposited and to issue them rapidly to the men as they came in.

Everything being now in motion I desired to ascertain what probable time would elapse before the Rebels would enter the City, and I therefore rode out Yonge Street, accompanied by two young students at law, Messrs. Brock and Bellingham, who were then near me, and also mounted. We proceeded as far as the bridge and Causeway, lately made over the ravine, in front of Rosedale, the Sheriff's residence, about two miles from the market place, and meeting no one, and every thing being perfectly quiet along the road, I began to think the alarm I gave was premature, and that I was exposing myself to ridicule by my extraordinary proceedings. But seeing that I had now time to return and form a strong piquet and place it on Yonge Street,

to meet the Rebels, I determined to gallop back for that purpose. But still desiring to learn where the Rebels were, if indeed at all approaching. I expressed my regret that I had not with me a few more mounted men and with arms, for we were without any, that they might ride as far as Montgomery's, then two miles from us, to reconnoitre. The young men instantly and eagerly offered to do so, but I would not consent, partly because they were unarmed, and partly that Mr. Brock had been sent to Canada, and recommended to my care by his father, Major Brock, of Colchester, who had formerly served in the 49th Regiment with me, and who had, some short time before, generously lent me £1,500 sterling. I shrunk from thus exposing his son to such danger. But the young men pressed me so importunately that I consented. Now, at this moment, the Rebels were within two hundred yards of us, silently marching towards town, and in two minutes after the young men left me, they met them in the dark and were made prisoners. I was then returning rapidly towards town and soon met Mr. Alderman Powell, and Mr. McDonald, the Wharfinger, riding outwards; and on asking them their object in going out, Mr. Powell said he was desirous of ascertaining if the Rebels were, in fact, at Montgomery's, as he had just been told. I expressed my great satisfaction and told him that Messrs. Brock and Bellingham were already proceeding before him for the same purpose, and begged of him to ride on quickly and overtake them, and we parted. In a few minutes after they also met the Rebels, who called upon them to surrender. Mr. Powell, however, being armed, drew a pistol and shot their leader dead as he approached him, and then turning his horse, he galloped back towards town. On arriving at the Toll-Gate he found it shut, and no one answering his call, and supposing he was pursued, he quitted his horse and ran through the woods and fields to the Government House, and went at once to His Excellency's bedside and acquainted him with what was passing. On my arriving in town, but yet ignorant of what had just occurred behind me, I also went to the Governor's House to let His Excellency know all that I had done, where I met Mr. Powell coming down from His Excellency's bed-room, and he told me what had just occurred to him. I passed up to His Excellency and advised him to dress quickly and come with me to the City Hall, and that while he was dressing I would ride down to the end of Yonge Street, and ascertain whether or not the Rebels had yet come so far, as if they had, we must gain the Court House by one of the front streets, not liable, just then, to be traversed by them; and I did so. But on approaching the end of that street I saw some seven or eight men grouped together, and I called aloud, desiring one of them to approach and let me know who they were; but they all quickly ran behind the two corners of that and King Street. Being unarmed, and not doubting but that many concealed Rebels were ready in town to join those coming in, I did not venture to approach them, but galloped rapidly back towards the Government House, from which I saw His Excellency issue with two or three of his servants, all armed, and I led him by a front street to the City Hall.

On proceeding to form a piquet I learned that Judge Jones had already formed one and had marched it to the Toll-Gate on Yonge



Street, whither I immediately rode, and soon learned that the Rebels had returned to Montgomery's. I afterwards learned that they did so because their leader was killed, and because they heard the bells ringing in the City.

Sentries were now carefully posted, and soon two men on horse-back, riding cautiously inwards, were secured by them. These men pretended that they were coming to town on business. They had no arms. They admitted that they passed through the Rebels who did not molest them; and they gave the first information of the shooting of Colonel Moodie, who they saw lying on a bed, dying. I sent them to the City Hall and placed them in custody. The remainder of the night was spent in arming and organizing the citizens.

On the following morning, at sun-rise, accompanied by Captain Halkett, of the Guards, His Excellency's Aide-de-camp, and four others, mounted, I rode out and reconnoitred the Rebels, who it was said, were felling trees and fortifying their position at Montgomery's. I found they had done nothing; that the road was perfectly open and well macadamized, and that in less than two hours they could be attacked by a force from town. I had already formed in platoons, in the Market square, upwards of five hundred men; and one six pounder field-piece, was manned and loaded in front of the City Hall. I therefore galloped into town to pray of His Excellency to let me take three hundred of those men and the six-pounder, and make an instant attack upon the Rebels. I will not attempt to describe the feelings of exultation which filled my mind while galloping into town. I eagerly begged of His Excellency to let me take that number of the men then formed in the square and the six-pounder, and I assured him that there need be no doubt but that in two hours we would disperse the Rebels. But to my surprise he almost angrily exclaimed, "O no, sir! I will not fight them on their ground, they must fight me on mine!" Filled with such unexpected and deep disappointment I mentally exclaimed, "Good God! what an old woman I have here to deal with!" I cannot, even now, refrain from thus declaring these, my thoughts, exactly as they then arose in my mind, unbecoming as, to many, this declaration, perhaps, may appear. And no doubt the expression of my continuance indicated what was then passing within me. In vain did I use every argument I could, to obtain leave to attack the Rebels instantly; for I considered a prompt defeat to be of the utmost importance to our cause in the very outset; but I soon found that my arguments produced upon His Excellency irritation only.

This day, Tuesday, was passed in further preparation. In the evening I was forming a piquet to be placed on Yonge Street during the night; for the one placed there the night before by Judge Jones he withdrew in the morning. His Excellency from a window above saw me, and sent for me and asked what I was doing: I answered, "Forming a piquet to be placed on Yonge Street." He quickly and imperatively said, "Do not send out a man." To which I said, "I cannot endure to leave the City open to the incursions of these ruffians!" He continued: "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." To which I said, "I pray of Your Excellency not to lay such imperative orders upon me: 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." But His Excellency only repeated his orders more imperatively. I retired from the presence of those around me, and reflected intensely on all the circumstances by which we were surrounded. I had no doubt of the importance of having a piquet on Yonge Street to stop the approach of the Rebels from Montgomery's, should they attempt to enter the City. From what I had seen of night-fighting, I knew full well that a handful of men opening a fire upon them as they advanced, would at once make them run back. Whereas if they were not resisted they might come in with the more confidence and set fire to the city; and thus give confidence to their friends in town, and also, in the country at large, and thereby paralyze the spirit of the Loyalists every where. I therefore formed a piquet in a place where His Excellency could not see me, and placed Mr. Sheriff Jarvis at the head of it, and marched it out myself and posted it; giving the Sheriff such instructions as the place and circumstances seemed to me to require. I then returned to the City Hall; and as I approached it I debated with myself whether I should state to His Excellency that I had so posted the piquet; and I deemed it most candid to do so. I therefore reported to him what I had done, and he rebuked me for it: certainly not angrily, but in milder terms than I expected from him. In the course of an hour, however, a report reached him that the Sheriff and piquet were made prisoners by the Rebels, and then he reproached me in angry terms for what I had done.

I will here state that in dealing with the authorities around me I found some of them more ready to dictate to me than to obey my orders, and I was thus forced to speak to such in decided terms, and sometimes in the most imperative tone, even to threatening an officer of rank that I would cut him down, and which I assuredly would have done had he not instantly obeyed my orders. And this was on the morning of the day on which the attack upon the rebels was made. I had sent for the three last kegs of ball cartridges which remained unissued, to be distributed to a portion of the force intended for the attack; but finding some delay in its being brought, I galloped to the wagon wherein it had been placed, and there I found Colonel Chisholm in the wagon, rolling out one of the kegs, when I said, "What are you about, Colonel Chisholm? I have sent for that ammunition to be distributed where it is most wanted," when he answered most bluntly, "But my men want it too, Sir, and I will have it." I then said, "Colonel Chisholm, your detachment is going to the Peacock Tavern, where there is no enemy, and therefore they are not to have ammunition which is so much wanted elsewhere." When again putting his hands to the keg he exclaimed, "I am determined to keep this for my men, let what will happen!" I instantly put my hand upon the hilt of my sabre and cried aloud, "Quit the wagon this instant, Sir, or I'll cut you down!" He looked at me and appeared to hesitate, and I repeated my order still more sternly: "Instantly quit the wagon or you are a dead man!" and instantly I would have cut him down had he not instantly obeyed. Now, Colonel

Chisholm was a particular friend of mine, and a most worthy man, and with whom I had often served during the late war; but the circumstances of the moment imperatively required from me such unflinching exercise of authority.

Excited therefore by His Excellency's rebuke I said, in no mild tone, "I do not believe the report, your Excellency—the Sheriff is not a fool; he has been well posted and well instructed, and I have every confidence in him." Very soon after a second report was brought, that the Sheriff and his piquet were running into town through the fields in twos and threes, which seemed to appease His Excellency a little. In a few minutes more Mr. Cameron, the young student already mentioned, came from the Sheriff to inform His Excellency that the rebels had approached his position when his piquet fired upon them, and they fled, leaving some of their men dead upon the road. It was ascertained the following day that they were coming in to set the town on fire. A Captain Mathias, on the half pay of the Royal Artillery, who lived near the Toll Gate on Yonge Street, was coming into town on horseback, when he fell in with the rebels, who made him a prisoner, and he had to ride in their midst towards town, when he learned, from what he overheard of their conversation, that their object was to set the City on fire.

Thus, in this particular instance, was the City saved from being set on fire by a measure of mine, carried out in direct disobedience of His Excellency's positive command, delivered by himself to me, personally. Yet for this great service Sir Francis Head did not, in his Despatch, give me the least credit; nor for any other service, saving and excepting what is given in the following short paragraph:

"Accordingly, on Thursday morning, I assembled our forces, under the direction of the Adjutant General of Militia, Colonel Fitz Gibbon, Clerk of the House of Assembly."

A man of magnanimous, or even of candid mind, would the more readily have given me credit for it, because it was done contrary to his own order. But had he given me credit for any considerable part of all I did he could not make many of the misstatements which appear in his Despatch, because their ingeniously contrived phraseology, being placed in juxtaposition with a true statement of my proceedings would at once show that they were elaborately devised misrepresentations. Take for example, the two following paragraphs, and with them my statement, hereafter given, of the circumstances relative to the burning of Gibson's house, which His Excellency's own admission, in his published "Narrative," in part confirms, and a sufficiently accurate estimate may be formed of this extraordinary Despatch, scarcely one paragraph of which is free from false colouring, exaggeration, or absolute, and elaborately contrived misrepresentations of facts clearly known and fully understood by Sir Francis Head:

"Mr. Mackenzie 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 adherents to have recourse to "physical strength. Being as ready to meet them on that ground as "I had already been 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 the Province the whole of our troops. I allowed Mr. Mackenzie  
 "to *write* what he chose, *say* what he chose, and *do* what he chose ;  
 "and waited with folded arms until he had collected his rebel forces,  
 "and had actually commenced his attack.

"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. Mackenzie's adherents, and drove  
 "him and his rebel ringleaders from the land."

It is now manifest that if all had remained as inactive as His Excel-  
 lency did, and as he desired all others to remain, no call from him could  
 have ever gone forth to the Militia ; as the City would have been sur-  
 prised by the rebels, and he would have been sacrificed to their rage  
 against him ; for they had determined to put him and the Attorney  
 General to death. Yet these two men, and these chiefly, if not only,  
 were the men to conceal, as far as they could, from the Sovereign and  
 from the Nation, the services so well known to them, which the  
 Almighty enabled me to render, in despite of their own discouragement  
 and opposition. And these wrongs becoming known, in part to the  
 Members of the Legislature, no doubt increased those feelings which  
 prompted them to move in any behalf, as they did, in a few weeks  
 after the Rebellion was suppressed.

And when the Despatch was received in Toronto, the citizens were  
 so indignant at the injustice done me by Sir Francis Head, that they  
 had a public meeting, and passed Resolutions, praying of the Provincial  
 Government, to grant an acre of land in the city to me, and further  
 resolving to subscribe money to build a house thereon for me. Appli-  
 cation was therefore made to Sir George Arthur for the grant, and  
 books of subscription were placed in the Banks ; but active efforts  
 were immediately made by one high in office to quash all further pro-  
 ceedings, and those efforts were successful ; it being speciously urged  
 that the measures already adopted by the Legislature would be unfav-  
 orably affected by those now prosecuted by the citizens.

The proceedings of that meeting were published in the *Toronto  
 Patriot* in the month of May 1838.

Now the official and political conduct of this man, whose agencies  
 quashed those proceedings, did more to urge men to Rebellion in  
 Upper Canada than that of any other public man in the Province ;  
 and next to Sir Francis Head, was he active in discouraging every  
 man from taking any measure of defence, previous to the Rebellion.  
 Yet did Sir Francis Head appropriate two thousand pounds out of the  
 Crown Fund in Upper Canada, to purchase half an acre of land from  
 that official, ostensibly for the use of the Government, but which, to  
 this day, nearly ten years after, has not been applied to any use what-  
 ever. Thus one man whose conduct nearly caused the loss of a Pro-  
 vince, and partly led to the loss of some lives, and of vast treasure, is  
 thus favored, while another whose conduct has produced the most  
 opposite results, and in whose behalf the Legislature of Upper Canada  
 and the citizens of Toronto have repeatedly prayed that he should be  
 rewarded, has been left to suffer as I have been left. The unprofita-

ble servant has been promptly, lavishly, and corruptly *rewarded* for his *disservice*; while instead of the reward so often prayed for, being promptly and graciously given to the other for a *great service*, he has been subjected to mental torture for nine long years. In truth he has been cruelly punished. And these things have occurred under British Authorities, and in the middle of the nineteenth century.

Take as another example of Sir Francis Head's crafty misrepresentation the following paragraph from his Despatch, with my statement which follows:

"Mr. Mackenzie under these favourable circumstances, having been previously 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 hurried; and accordingly, Mr. Mackenzie's deluded victims, travelling through the forests by cross roads, found themselves assembled at four o'clock on the evening of Monday the 4th instant, as Rebels, at Montgomery's Tavern, which is on the Yonge Street macadamized road, about four miles from the City."

Now the order mentioned here was not issued from the Government House, until Monday the 4th of December, the very day of the outbreak, on which day, I carried it to the Queen's Printer to be printed; and it was not circulated until after that day, and I doubt if it has ever been circulated: so that Mr. Mackenzie could have had no knowledge of its existence when he assembled his followers at Montgomery's, for he had left town several days before, for the purpose of assembling them. Yet Sir Francis Head in his Despatch of the 19th of December makes the statement which I have here copied; although he then well knew that it could not then have had any such effect. If Mackenzie was moved to hurry his measures by anything doing in Toronto, it could only have been by the precautions which I had been taking for some weeks before, and which were known to so many, that he most probably had heard of them. In fact this General Order was written by Sir Francis Head, in consequence of my statements before His Excellency, and His Excellency's Council, and the Judges, on Saturday, and only two days before.\*

ADJUTANT GENERAL'S OFFICE,  
Toronto, 4th December, 1837.

#### MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor has pleasure in announcing to the Militia of Upper Canada, that in consequence of the present disturbed state of the Lower Province, several Regiments have gallantly expressed their readiness to co-operate in case of necessity with Her Majesty's Troops, in protecting their fellow subjects in Lower

\*The ninth clause of the Militia Law, to which the Colonels are referred by His Excellency, was pointed out to him at that meeting by the Chief Justice, as that by which the Colonels should be guided. And here I insert the General Order at full length.

Canada, in the maintenance of the revered laws and institutions of the British Empire.

While this spirit, so honorable to Upper Canada, and so fully in accordance with the character of its inhabitants, has been manifested in various portions of the Province, His Excellency has with regret received information from various quarters, that in certain portions of the Home and London Districts, a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by public authority, nor acting under the orders of any Officer appointed by the Crown.

Whatever may be the motive of such assemblies, the Lieutenant Governor is of opinion that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that being contrary to law, they are inconsistent with that duty and allegiance which it is the pride of all faithful subjects to cherish.

The Lieutenant Governor has therefore determined to call upon all persons in public authority, as well as upon all classes of Her Majesty's subjects in Upper Canada, to unite together in maintaining the high character which this Province now holds in the esteem and affection of the Mother Country, by discountenancing such meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant Governor directs that the Colonels of Militia throughout the Province shall, upon receiving this Order, call out their respective Regiments, and acquaint them of the above circumstances; and also that His Excellency's offer to Sir John Colborne, of Her Majesty's Troops who were in this Province, has been accepted—that Her Majesty's stores, arms and ammunitions, have been entrusted by His Excellency to the civil authorities—and that the period has consequently arrived for His Excellency to call upon the Militia of Upper Canada to do justice to the honorable confidence which under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the Militia of Upper Canada, as the Constitutional Force of the Country, the Lieutenant Governor relies with confidence for aiding the civil powers, firmly to maintain the laws, and to protect all classes of the Queen's subjects in the full enjoyment of their rights and liberties; and His Excellency is fully assured, that if necessity should arise, the inhabitants of Upper Canada will not fail to place on record an honorable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their religion, the crown, and the laws.

His Excellency therefore directs the Colonels of Militia throughout the Province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the civil authorities should find occasion to suppress an illegal meeting, His Excellency especially refers to the 9th section of the Militia Act, passed in the 48th year of the Reign of His late Majesty George the Third, relying that the of-

fiereers commanding Regiments will, with alacrity, firmness, and discretion, exercise the powers therein given them, of suppressing with the force of their respective Regiments, any attempts that may be made to oppose the Civil Magistrates, or to disturb the peace of the country.

The Lieutenant Governor is proud to believe that Upper Canada is the only portion of the British Empire divested of Military support, and he feels confident that the Mother Country as well as the continent of America, respect the steady peaceful conduct which at present so peculiarly distinguishes the inhabitants of the Upper Province of the Canadas.

By order of His Excellency,

JAMES FITZ GIBBON,  
*Acting Adjutant General of Militia.*

Let me again return to the proceedings in the City buildings.

In fifteen minutes afterwards, His Excellency came to me with an open letter in his hand, which warned him that the Rebels intended before day, to come in and set fire to the City, in many places at once, and in the hope that the Market buildings might thus be burned, and our armed force therein be driven from their several defences. Down to this moment the idea of the Rebels setting fire to the City had not occurred to us. The letter was anonymous. His Excellency then ordered that I should proceed at once to have the spare arms and ammunition removed to the Parliament buildings, which being isolated were not exposed to danger from any surrounding buildings, as in our present position we were. After a moment's reflection I considered such a movement in the dark as most dangerous, for many reasons. We had no wagons or other carriages ready, nor could we readily procure them at that hour of the night; and this I stated to His Excellency. He then desired that the armed men should lay down their arms, and each man take four or five muskets on his shoulders, and thus send them up, load after load, a distance of about half a mile, until all were removed. Now, at the hour in question, these men had been confined within the buildings, some twenty-four hours, suffering more or less from cold and hunger, and want of rest. I will not now give in detail the thoughts which I entertained as to the consequences of taking these men from their several positions of defence, in which they had been placed with much care and trouble, and where they had been instructed how to act if attacked. They had not, as yet, been formed into squads or companies, having sergeants and corporals to guide them. The utmost confusion, I had no doubt, must follow their dispersion in the dark; and leaving their own arms lying in the City Hall loaded; the Rebels would soon become acquainted with that confusion, and would no doubt, make some movement to avail themselves of its advantages to them; our men would be exposed to every kind of panic; and in any event I had no doubt that many would go to their homes for rest and refreshment; and thus would our present organization at doors and windows, and on the roofs of houses be broken up, and in the middle of a dark night we would be scattered abroad, in circumstances the most critical and dangerous. I represented all this to His Excellency, and prayed of him to delay the

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removal until after daylight; and that in the meantime I would place men in the neighbouring churches and buildings, so as to keep the Rebels at such a distance as would protect us until then. But His Excellency persisted in ordering the movement to be commenced as he had directed. I continued to remonstrate, for I apprehended the worst consequences from the movement, and after some time I turned and walked a short distance from him, endeavouring to devise some argument to dissuade him, or some better means of accomplishing the removal. He quickly followed me, and angrily asked, "Do you mean to disobey my orders?" I answered, "No, Sir, but I desire to consider how I can best obey them, for they fill me with apprehension." At this critical moment a shout from below announced the arrival of Colonel Macnab, with upwards of sixty men from Hamilton. I instantly said, "Now, Sir, we are safe till morning, for with this reinforcement we can guard every approach to any distance from which we can be injured;" and he yielded. The reinforcement added little, in fact, to our security, but I eagerly seized upon the argument it afforded me, to keep all things as they were until daylight.

During the remainder of the night we were not disturbed, and on the following day, Wednesday, we made the necessary transfer to the Parliament buildings.

In the course of that day, the Attorney General met me in one of the passages of the Parliament House, and showed me a Militia General Order, appointing Colonel Macnab to the command of the Militia in the Home District, and to which order my name was affixed. I confess I was on the point of seizing the Attorney General by the breast and demanding "who had dared to put my name to that order?" But reflecting upon the critical circumstances by which we were surrounded, I feared that any discord might produce unforeseen, and perhaps irremediable evils. I therefore let it pass. It will be seen hereafter why this Order was issued without my knowledge; for the mode of carrying out the objects intended was, specially to be concealed from me as long as it was possible.

During this day, Wednesday, reinforcements came in from Hamilton and Niagara by water, and from the country by the eastern and western roads. The city was now becoming crowded. We were without organization, without any sufficient Commissariat for the moment. It became therefore imperatively necessary to attack the Rebels with the least possible delay. Night came on, however, and no order was yet issued to prepare for an attack. Surprised at this, but yet reluctant to urge His Excellency, I waited until eight o'clock, when I went to the Government House, to which he had returned from the Market buildings, and there learned that he was at the Archdeacon's. On returning to the Parliament House, I met the Hon. Mr. Allan and Mr. Draper, and requested of them to accompany me to urge His Excellency to order the attack on the following morning. They readily complied, and we found His Excellency with the Archdeacon, the Attorney General, the Honorable Robert Sullivan, and I believe another person not now remembered by me. After some conversation I stated the object of our calling, but to my surprise I found little corresponding desire to act so promptly. We sat here for about two hours, and



out of all that was said I will state but a few particulars. I used many arguments to show the necessity of making the attack on the following day, and I was surprised that there should be any hesitation upon the question; nor could I then account for such hesitation; for the necessity appeared to me self-evident. At length His Excellency consented to order the attack, and I instantly rose to depart, because I had not rode round the piquets and guards for the last three hours. On my rising, Mr. Allan took hold of my cloak, and bade me sit down again, and I did so, when he said, "I apprehend there is some misunderstanding here. It is plain from what Colonel Fitz Gibbon has said this evening, that he expects to command at the attack!" Whereupon I threw myself back in my chair, and mentally exclaimed, "Why to be sure I do!" and Mr. Allan continued;—"but Colonel Macnab told me this day, that His Excellency promised him the command!" Upon this a pause followed, and the Attorney General rather hesitatingly said, "Why, as His Excellency has appointed Colonel Macnab to command the Militia in the Home District, it is a matter in course that he should command at the attack." To this I said, "It is not at all a matter in course, Sir, His Excellency may appoint you or any one else he may please, to command an expeditionary force like this, intended for a particular service, without any reference to the commander of any district." I soon after withdrew, but no further decision was then made as to who should command. The motives and the object of His Excellency and the Attorney General became now still more obvious to me, but the exposure of them here would greatly add to the length of this appeal, already extending to a greater length than I at first anticipated.

After riding round the line of Piquets I went to my house to take some rest; for I had not slept at all since the night of Sunday. On arriving I learned that some suspicious persons had been fired at near my house just before I arrived. Therefore, to avoid all risk of surprise, I went to my office in the Parliament House and slept on the floor from one till four o'clock. I then rose and sketched a plan of attack, and just as I had completed it Judge Macaulay and the Hon. John Macaulay entered. I related briefly what had passed at the Archdeacon's the evening before, and requested of them to go to Sir Francis Head, who was sleeping in a room in the other end of the House, and ascertain from him who was to command at the attack. They went, and in a few minutes I was sent for, and so also was the Speaker of the Assembly, Colonel Macnab. I found His Excellency in a camp bed in which 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. On his using the words "equal talent" I stepped back and looked at him with an expression of surprise; for I had served in the Army for more than eighteen years, and had obtained by the most arduous efforts in it advancement from the rank of a Private Soldier to that of a Captain; and had obtained my Company for services in the Field; and also the thanks of the Commander of the Forces in an autograph letter from His Excellency, in 1813. Whereas Colonel Macnab had served as a Cadet for about one year, and as an Ensign some



eight or ten months, and held no rank at all in the Militia when I was already a full Colonel. I confess that I was filled with indignation at an assertion which His Excellency must have known he was wholly unjustified in making. And when I did speak I used, among other expressions, the following words, arrogant though they may appear to many: "I little expected to find any Militia-man in the Province "competing a Command with me under such circumstances as these "in which we are now involved:"—and turning to Judge Macaulay, who had served in the same Regiment with me during the late War, I said, "If there be any Militia-man in Upper Canada who has any "pretension to compete with me on this occasion, this is the man." Whereupon Judge Macaulay, who was then, also, a Colonel in the Militia, said: "I have not energy enough to bear me through such a "crisis as this." His Excellency then desired that the two Macaulays and I should leave the room for a short time. We were then detained in the passage for a considerable time until we were shivering with cold, and I was at the same time burning with indignation. For I then more clearly understood the unworthy motives which moved His Excellency and the Attorney General thus to strive to make a tool of me, to organize the heterogeneous mass of men now crowded within the City, to direct their movements during the attack, while Colonel Macnab, having nominally the Command, was to reap the fruit of whatever service might thus be rendered, and even indirectly to rob me of the credit of having saved the City, which had been already saved before he arrived in it.

On being again called in, His Excellency said that Colonel Macnab had released him from his promise, and that I was to command. Whereupon I turned to Colonel Macnab, and holding out my hand, said, "Colonel Macnab has acted like a just man and a patriot," and I shook hands with him and immediately withdrew; for His Excellency by much talking had already robbed us of much of the valuable time which should have been employed in forming the men into Companies and Battalions, so as to be ready to make the attack sufficiently early in the day.

The difficulties I encountered in hurriedly forming such numbers into Companies and Battalions, and selecting Officers for the several Commands and Stations were to me nearly insurmountable. For my physical energies were nearly exhausted, and my mind was irritated almost beyond endurance by the treachery and ingratitude of Sir Francis Head and his Chief Adviser, the Attorney General, whose unworthy motives became, by this time, quite manifest to me. My condition was, altogether, such as I cannot stoop to describe here, further than to declare that it was the most imminent crisis of my life.

A short time before marching out to the attack, His Excellency sent to me for an Officer to act as Aide-de-Camp to him for that day, and I sent Captain Strachan, who had lately retired from the 68th Light Infantry, in which Regiment he had served for seven or eight years. To my surprise His Excellency sent him back and desired especially to have a Militia Officer; and I sent him Mr. Henry Sherwood. I then begged of Captain Strachan to accompany me during the day; and this I did to soothe his wounded feelings, and he most readily and

kindly complied. I mention this among other facts to show how much His Excellency desired to act through the Militia, rather than through those who had any pretensions to Military experience, and as if regardless of the injury he must do by thus misapplying the various machinery by which he was then surrounded.

The moment we marched I considered all our difficulties as surmounted. I had no doubt that the Rebels could not resist us for half an hour; and in point of fact they fled almost immediately on being attacked, as no doubt they would have fled had they been attacked on Tuesday morning. In pursuing them up towards Montgomery's House, those in advance and the head of the column broke into a crowd as if they had never been formed, and became for some time quite unmanageable. Thinking it possible that the Rebels might rally somewhere near in their retreat, I desired to follow them up without delay, but I saw that much time must be lost to re-form any considerable number of our force. I therefore rode forward slowly, causing the bugle to sound the Advance, at short intervals, and in obedience to the call many advanced as it were in a stream. I was then informed that Mackenzie was not far a-head of me, and, followed by Captain Halkett, a son of the Chief Justice, one of my own sons, and three others, all mounted, we pursued in the direction pointed out, and were soon turned from the road towards the woods. A young man named Maitland, one of the pursuers, out-rode us all and came in view of Mackenzie, who, seeing himself thus pressed, abandoned his horse and ran into the forest. We then gave up the pursuit, for we were without muskets or rifles, and were two or three miles in advance of our men, while the rebels were flying through the woods in every direction.

On regaining the main road, on our return to rejoin our men, we met a detachment of about forty men marching outwards. I asked the person who commanded them where they were going? he answered "To burn Gibson's house." Surprised at this, I asked sharply, "Have you orders to burn it?" and was answered, "We have." "Are you sure you have orders?" "We are sure,"—and I let them pass. On overtaking the rear of the column, then returning homewards, Mr. Sherwood rode up to me and said, "His Excellency desires to recall the men who are going to burn Gibson's House: they are not to burn it." I turned to Captain Strachan and requested him to gallop after the detachment and bring it back, and he did so. In a very little more time several voices called aloud for me, saying that His Excellency desired to see me. He was riding homewards in advance of the column, and I had to ride rapidly after him for some time before I could overtake him. On meeting some one he pulled up, and on my riding up alongside of him he turned to me and said, "Let Gibson's house be burned immediately, and let the Militia be kept here until it is done." Already I had seen with displeasure the smoke arising from the burning of Montgomery's house, which had been set on fire after I advanced in pursuit of Mackenzie; and I desired to expostulate with His Excellency, but he quickly placed his right hand on my bridle arm, and said "Hear me! let Gibson's house be burned immediately, and let the Militia be kept here until

"it is done,"—exactly repeating his order, and then he set spurs to his horse and galloped towards town.

It was now late in the day; the weather was cold; the men were much fatigued and hungry; they could be of no manner of use if halted where they then were, so that I decided, at once, on sending a detachment to burn the house, and I did not interrupt the march homewards of the main body. I waited until the column passed and then wheeled the last Division about and sent them northwards. I called on a Field Officer who was near me and ordered him to take command of the detachment and carry His Excellency's orders into effect; when he said "For God's sake, Colonel Fitz Gibbon, do not send me to carry out this order." I said, "If you are not willing to obey orders 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." I then excused him, but on looking around for some other Officer to whom I could entrust the duty I found myself some distance from all parties, they being all the time marching from me; the main body towards town, and the detachment towards Gibson's house. I therefore rode after the detachment and directed the burning of it myself.

From the spot where His Excellency gave me the order, Gibson's house was distant about three miles; and some two miles of the road was at that time almost impassable for horse or man, the macadamized part of the road not coming within two miles of Gibson's house.

I give this minute detail because Sir Francis Head in his despatch of the 19th of December, twelve days after, states that "the Militia advanced in pursuit of the rebels about four miles, until 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." Now, in point of fact, Gibson's house was more than seven miles from town, and the Militia had not come within two miles of it when they were countermarched to return to town, and the house was in no danger. Sir Francis Head well knowing these facts, and having given repeated orders to burn, and not to burn this house, yet does he unscrupulously and craftily pen the above quoted passage.

On reading this despatch, in Toronto, in April following, I saw at once that it exposed me to the charge of being the incendiary who caused the house to be burned, not only without any order, but rather in defiance of authority; for every one there knew that it was burned under my immediate directions, there being about forty men present who acted under my orders.

I immediately addressed a letter to Lord Glenelg, and stated the above facts therein; and Sir Francis Head in a Narrative which he soon after published, admitted that he gave the order to burn it. The admission was made in a note at the foot of one of the pages, in the following words: "By my especial order."

On arriving at the door of my own house late in the evening of the 7th of December, I was so stiff, cold and exhausted, that I could not dismount from my horse, and had to be helped off and supported into

the house and laid down.\* On the following morning I could not leave my bed, and the Chief Justice kindly came to inquire after me; and by him I sent a verbal resignation to His Excellency, of the office of Acting Adjutant General of Militia, to which he had appointed me on

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\* It is now Thursday morning, six o'clock, the 27th of May, 1847, in Montreal: I am examining the proof-sheet of this page, after having perused Sir Francis Head's letter to the Editor of the *London Sun*, dated "Athenæum, April 24th, 1847." From that letter I copy the following paragraphs:

"1. It is stated in the *Edinburgh Review*, page 369: "'For the information of readers at home, it may be as well that we should give a succinct narrative of the circumstances that attended M'Kenzie's attack on Toronto. Our knowledge of such facts as are not taken from the official accounts have been derived from written statements given to us by Colonel F.'"

"2. For about eight pages these 'statements' are quoted at tedious length, in order to blame me in every possible way for not having attacked Mr. M'Kenzie, &c., &c., &c., according to the advice of this officer.

"3. It is, therefore, necessary that I should disabuse the public by reluctantly stating, what is perfectly well known throughout Upper Canada, namely, that the gallant militia Colonel in question, from excessive zeal and loyalty, gradually became so excited that on the day after the defeat of the rebels it was necessary to place him under medical treatment; that during his illness I in vain endeavoured, by every possible act of personal kindness, to remove from him a strange idea that I was his enemy; and that although he eventually recovered, this idea continued to haunt him so incessantly that when, a year afterwards, on his visiting England, I was from feelings of regard about to call upon him, I was earnestly warned by a Canadian now at Toronto not to do so.

"4. Now is it creditable that under such circumstances the "written statements" and opinions of this brave and worthy individual should have been selected as the foundation of an elaborate attack upon me?

"5. It is stated in the *Edinburgh Review*, page 382, "'That having quarrelled with Colonel F. and every independent person who had once acted under him—having disgusted the old officers of the army and navy by ordering them to serve as privates under the lawyers and merchants' clerks of Toronto, Sir F. Head was entirely in the hands of the 'family compact.' Commissions in the militia were given to every relation and hanger-on of the principal members of the Government. One regiment is said to have been entirely officered by persons of the same family name. Profitable contracts enriched others of the favoured connexion.'"

"6. Now, I never for a moment quarrelled with Colonel F. On the contrary, on my arrival in Downing Street from Canada, I respectfully but most earnestly, urged Lord Glenelg to reward him; and, as regards the rest of the charge, I feel confident that if appealed to, the old officers of the army and navy, as well as the Adjutant General of the Militia of Upper Canada, who was officially cognisant of every appointment, will certify that the above assertions in the *Edinburgh Review*, especially that relating to a regiment having been entirely officered by persons of the same family name, are a series of untruths."

To these statements I answer that after the defeat of the rebels it was not necessary to place me under medical treatment, neither was I so placed. I did not even send for Doctor Widmer,† who for more than twenty years had attended my family. But he called to see me of his own accord, so also did the Chief Justice, as is already hereafter written in this Appeal, and in the very next sentence of it, after the inserting of this note. And so, also, did the Honorable Wm. Allan call to see me. Let these honorable men judge between Sir Francis Head's statement and

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† Doctor Widmer attended the Militia in the field on the 7th in his professional capacity, he being a retired Army Surgeon. Few men knew more of the details of passing events during those days than did Doctor Widmer.

Monday morning. For I was convinced that I could not serve the Province advantageously to its interests under His Excellency, after the treacherous and unworthy treatment I had experienced from him, at a time when he well knew that to me he was indebted for his life: for the rebels had resolved to sacrifice him and the Attorney General. Yet these were the men who thus have wronged and injured me. Their objects and their motives, as I have already stated, are well known to me, and the time may come when, with other events of those days, I shall lay them before the public.

In justice to Sir Allan Macnab I will here state that in no one particular did I see cause to be displeased with his conduct towards me in those transactions. I consider him as having acted only in obedience to the orders received by him.

Thus, then, did I feel myself constrained to resign an office in the Provincial Service, which, above all others, I desired to hold; the duties of which were familiar to me, and to the efficient performance of which I could cheerfully devote my best energies. But I could not, without gross hypocrisy, serve under the immediate authority of Sir Francis Head, after the injuries done me, and the indignity offered by him; and therefore returned to my duties of Clerk of the Assembly.

On the 23rd of the following month, January, 1838, two Members of the Assembly, Messrs. Merritt and Burwell, who often acted with me on the Niagara Frontier, during the late war, brought my case before that House; many of the circumstances herein stated were known to those gentlemen, and to the Members of the House, generally, and they desired to procure for me that justice which they saw was not

mine. Neither was any message or messenger from Sir Francis Head received by me or mine after the 7th of December, and the feelings of my wife and children were most indignant because of this ingratitude.

As to his "quarrelling" with me, he may put what interpretation he pleases upon the verbal resignation which I sent to him by the Chief Justice on the morning of the 8th of December, "because I could not, and would not, serve under his immediate control after the treacherous and unworthy treatment I had received at his hands." Already, in 1839, it was bruited in Upper Canada that I was mad. I have no doubt that he would have secretly rejoiced had madness or death been my lot.

Neither did Sir Francis Head show me any mark of kindness, nor even of the slightest attention, until after the two Houses had passed the Address to the Queen. Then he became uneasy because of his injustice and treachery, which, being likely to be thereby exposed, his caution or his fear prompted him to assume a regard for me.

As to the other statements in the *Edinburgh Review*, not one of them has emanated from me, which is not included in this Appeal to you, the people of Upper Canada. And for the truth and accuracy of every statement in this Appeal I hold myself answerable to God and to you.

The paragraphs from Sir Francis Head's letter, and this my short statement in answer, I thus introduce into my Appeal, while examining the proof-sheets as they come from the press. The rest of this Appeal was written in Upper Canada in March and April last, after I had perused Sir Francis Head's book, "The Emigrant."

likely to be sought for me by Sir Francis Head. They, therefore, moved and carried the Resolutions which are given in the first part of this statement.

Now let me ask you, the people of Upper Canada, to imagine what my feelings were on the evening of the 23rd of January, 1838, while returning to my family with the news of what had, that day, been so generously and unexpectedly done for us, by your Representatives. After my long suffering, here was relief preparing for me, in the most gratifying way that ever could have entered into my heart to hope for: being even by the spontaneous proceedings of a whole people in my favour—a people among whom I lived and served for more than thirty years; who for three years stood side by side with me, in our successful, our triumphant defence of the Province, against our neighbouring invaders. Could I then, at all, have imagined that those proceedings would, ultimately, be to me but a delusion and an affliction?

On the Address to Her Majesty being passed by both Houses, Sir Francis Head deemed it prudent to appear to be equally desirous to procure the desired reward for me; and he addressed the following letter to Lord Glenelg, to accompany the Address: and I confess that when I read it, (for he ordered a copy to be sent to me) I felt ashamed of its phraseology, for the recommendation is couched in language such as was to me most distasteful.

UPPER CANADA,  
*Toronto, 8th March, 1838.*

No. 25.

MY LORD,

I have the honor to transmit to Your Lordship, a Joint Address to the Queen, from the Legislative Council and House of Assembly of Upper Canada, praying that Her Majesty would be graciously pleased to grant to James Fitz Gibbon, Esquire, five thousand acres of the waste lands of the Province, as a mark of Her Majesty's Royal Favor, for the honorable, efficient and able services of that gentleman, during a period of twenty-six years.

I beg leave respectfully, but most earnestly, to join in this recommendation, and I can assure Your Lordship that a braver, a more loyal and devoted servant than Colonel Fitz Gibbon cannot exist in Her Majesty's Dominions.

In time of war as well as in peace, he has admirably performed his duties, and I am confident that the boon, which is solicited in his favor by the Legislature of this Province, would be most gratefully acknowledged by Her Majesty's loyal subjects in Upper Canada.

I have the honor to be,

&c., &c., &c.,

(Signed,) FRANCIS BOND HEAD.

To the Lord Glenelg,  
&c., &c., &c.

A true copy,

(Signed,) J. JOSEPH.

When Sir Francis Head wrote this letter, he had time to review his injustice towards me. He had seen the spontaneous proceedings of the two Houses in my behalf, and he must have felt that on the publication of his Despatch in Canada that that injustice must appear more manifest, and he now availed himself of every opportunity to soften my mind towards him by every means in his power. Hence, the overstrained language of this letter, and his sending me a copy of it. He availed himself of an opportunity to tell me that, "He had noticed me in his Despatch." You have already seen the great injustice done me therein. Upon another occasion he desired me to go to the Surveyor General's Office and have my name pencilled upon lots to the amount of 5,000 acres of any vacant land I desired to have in Upper Canada. "Provided I did not ask for town lots." And had the land been then granted, I might have selected land worth £5,000. But in this, as in so many other instances, I have been only tantalized by promises and proceedings which have continually resulted in the most bitter and cruel disappointments and injuries to me, for now nine long years, and from the evil effects of which I can never in this life entirely recover.

About the end of March, news was received in Toronto, that His Excellency's resignation was accepted, and that Sir George Arthur was appointed to succeed him. The day before his departure he invited me to dine with him, and the only other person present at dinner was his Secretary. He assured me that immediately on his return to London, he would use his best efforts in my behalf, with Her Majesty's Government.

I accepted this invitation with much reluctance; but seeing so many instances of a desire to conciliate me, I no longer felt a wish to injure him. And if justice had, at any time hitherto, been done to me, I would gladly have allowed all these events to have passed from my mind, as far as it was possible for me, and to forget them. The one great wish of my life was to be relieved from the grievous burden of debt which so long had depressed, humbled, and, as it were, degraded me. I had little desire for distinction or notoriety: my long suffering had nearly extinguished all such; and if my name has been often before the public, let it be remembered that it was the action of others and the course of events which led to its being so brought before you. But as all the private means I have hitherto employed during nine long and painful years, to obtain due justice, have failed, I am, in the last extremity, driven to make this public appeal. And in making it there is a necessity for stating those facts against Sir Francis Head, so far as I have now done, that I may let you, and the Parliament of the United Province, see plainly the many important facts herein set forth, which have hitherto been withheld from public view.

On the publication of Sir Francis Head's Despatch in Toronto in May, 1838, a Public Meeting of the citizens was held, which expressed by resolutions their strong sense of the injustice done me by Sir Francis Head; and they further resolved to apply to the Provincial Government for the grant of an acre of land within the City, whereon to build a house for me; and that to raise funds for that purpose, books of subscription should be deposited in the Banks in the City. But clan-



destine and sinister influences were promptly and successfully employed to quash these proceedings; for they emanated from one of the most influential persons holding office under the Provincial Government, whose tools urged with specious plausibility that such proceedings would, in all probability, affect the success of the proceedings already had in my behalf by the Provincial Legislature. And this proposed measure added another to the many delusions and disappointments so often encountered by me.

In the month of June following, I received from Mr. Secretary Macaulay, by order of Sir George Arthur, a letter, of which the following is a copy:

GOVERNMENT HOUSE,  
Toronto, 23rd June, 1838.

SIR,

I am directed by the Lieutenant Governor, as it is a matter in which you are particularly interested, to inform you that he has received a Despatch from the Right Honorable the Secretary of State, acknowledging the receipt of the Joint Address to the Queen, from the Legislative Council and Assembly of this Province, praying that a grant may be made to you of five thousand acres of the waste lands of the Crown, and stating that on its being laid at the foot of the Throne, Her Majesty had been pleased to express her gratification at the honorable testimony borne to your services by both Branches of the Provincial Legislature.

His Lordship adds, that if it shall be the pleasure of the two Houses to mark their sense of your services by a pecuniary grant, it will afford Her Majesty much satisfaction to give her assent to any act which may be passed for that purpose; but Her Majesty is advised, that consistently with the terms of the recent Provincial Act, on the subject of the alienation of the waste lands of the Crown, and the principles on which that Act proceeds, Her Majesty could not make you the proposed compensation in the form of a grant of land.

I have the honor to be,

Sir,

Your most obedient humble servant,

JOHN MACAULAY.

Colonel Fitz Gibbon.

&c. &c. &c.

This unexpected disappointment fell heavily upon me; for I had incurred new responsibilities in the confident hope that an order would be received to grant me the land.

During the following Session, the two Houses passed a Bill to authorise the granting me the land by law. The land being now the property of the Province, to be appropriated by law, I hoped that the Lieutenant Governor would, upon my stating my embarrassments to him, give the Royal assent to the Bill at the close of the Session; for I then considered the land as equitably mine, and all but legally so. I therefore urgently prayed of His Excellency to do so. From what he said to me, I hoped he would grant my prayer; but to my deep disappointment he reserved it to be sent home for Her Majesty's considera-



tion; and this he did in the most heartless manner, never offering me one word of sympathy to soothe or sustain my mind, the unhappy state of which was well known to him.

Under the pressure of feelings which I could not control I suddenly set off for England, in the hope of procuring the Royal Assent to the Bill, or a grant in money, in lieu of the land, from the Crown Revenue of the Province, which was then at the disposal of the Crown. The upset price of the land, when first prayed for, was ten shillings the acre, and this was the sum the House of Assembly intended to have granted to me.

I had two interviews with Mr. Labouchere, the Under Secretary for the Colonies, and of what passed on both occasions, I will give a part only of the last conversation.

He said "You cannot have the land: it is determined that land in the Colonies shall be no more given in reward of Public Services." "Then, Sir," I said, "give me the upset price of the land in money." He asked, "Where am I to find the money?" I answered, "In the land fund of Upper Canada." "How am I to ascertain that?" "By asking Mr. Dunn, the Receiver General of the Province, who is now below in waiting, in obedience to a summons from this Office: he will tell you it is there, for I know it is there."

I then withdrew, in the confident hope that this grant would be made to me, out of the Provincial Crown Fund: for my chief object and hope on leaving Canada, were to obtain this alternative.

On the following morning I called on Mr. Dunn, who told me that on being asked the question, he said to Mr. Labouchere, "You have only to issue a warrant in favor of Colonel Fitz Gibbon, and I will pay the money." But no such warrant was ever issued.

I now submit to the candid consideration of any Statesman, if, after the great service I had rendered, not only to the Province, but to the empire also, and having a Joint Address to the Sovereign, and a Bill passed by both Houses of the Legislature of the Province, whose property the wild land now legally was, presented in my favor, it was not an act of callous cruelty and positive injustice to me, to refuse the grant thus prayed for? Any considerate Statesman, having due regard to justice, and the pledges already given, would not hesitate to gratify the loyal and gallant people of Upper Canada, and that, too, at their own expense, after that people had been repeatedly assured that Her Majesty desired to govern them agreeably to their own well understood wishes, as expressed through their Legislature. Thus did that people twice formally pray that a reward might be conferred on a public servant for great services rendered by him. Yet these two prayers were refused, and a third and subsequent one was not even answered. It was upon the faith and trust I placed on those assurances, that I hastened after the first Bill to England, not doubting that by personal efforts and explanations this pledge would, in my humble case, be redeemed.

And here I may reasonably ask, would any Minister of the Crown hesitate to submit for the Sovereign's approval any Bill passed unanimously by the Lords and Commons of England, providing a reward for the public services of any servant of the Crown? And why has

the prayer of the Upper Canada Legislature been thrice denied, although the reward prayed for was to come out of their own funds? But to a controversy between the Imperial and Provincial Authorities I have been cruelly sacrificed. Can I doubt for a moment but that the Queen would at once have graciously assented to the first Bill passed in my behalf had my case been truly laid before Her Majesty? And in answer to the difficulties raised to the granting me the land, let me here give the following extract of a Despatch from Lord Stanley, in answer to my Memorial to the Queen, transmitted and recommended by Lord Metcalfe, which is in the following words:

"Even the difficulties which were formerly opposed to a grant of land have now lost much, if not all, of their original weight. His Lordship is of opinion that you have an indisputable claim on the liberality of the Canadian Parliament, and earnestly trusts that they will recognize that claim, and carry it into full effect."

After this admission I may well ask, why was not the land granted to me then, after six years' delay, if my services were to be substantially rewarded? How palpably does it now appear that the Upper Canada Legislature alone had it at heart to reward me? But surely the Provincial Authorities will now, at the last, let their better feelings plead in my behalf, upon reviewing my whole case as herein set before them; and that they will no longer withhold from me the full amount of the reward originally intended for me. Even the interest for all this time is justly due to me; but the remainder of the £2,500 will suffice to pay off my remaining debts, and I have never desired more.

I will not now attempt publicly to describe the state of mind into which, in London, I was then driven; nor yet confess the course I had determined on pursuing. I returned to my lodgings in despair, but my eye falling on a letter of introduction given to me by an officer of the Guards, on leaving Canada, who had served with me on the Niagara Frontier, in 1814, but which, for some reason, I had not yet delivered during the many weeks I was then in London; a ray of hope flashed upon my agitated mind, that he to whom it was addressed, might stand between me and the peril so imminently at that moment impending over me. I took it up and hurried to his residence, in a distant part of the City, soon after twelve o'clock. But he was not at home, and I left the letter and my card. On returning, I took for granted that he would not call on me or take any notice of me. I knew nothing of the usages or customs of the Nobility, and I gave up all hope of seeing or hearing further of him. In this state of mind, I returned to my lodgings at four o'clock, and on retiring to my room, I was surprised to see a note on my table, which, on opening, I found had been there written by him to whom my letter of introduction was addressed. It stated that he had, at two o'clock, called on me, but not finding me at home, he had written this note, apprising me that he would call again at two the following day.

At two, on the following day, he came, and being seated, he began by reproaching me in friendly terms for having delayed so many weeks to deliver his friend's letter. The letter was a sealed one, and I should have delivered it without delay on my arrival in London, had my mind

not been fearfully disturbed. "For," said he, "how much might I not have done for you during all this time, had you come to me on your arrival?" For two long hours did he peruse and consider my papers, and then said, "Now, I think, I understand your case pretty well; put up your papers and come with me, I will drive you through the Parks till six, and come and dine with me to-morrow at seven."

How he exerted himself in my behalf for years, since then, I may hereafter declare, should I outlive him. He turned me then from a dangerous course to one of comparative safety, and again in two years after did he stand between me and other threatened danger. To him, also, was I indebted for a special introduction to Sir Charles Metcalfe, whose conduct towards me during the short remainder of his most valuable and exemplary life was extraordinary even for that extraordinary man.

The Bishop of Toronto and Chief Justice Robinson, being then in England, I sought their aid in my behalf. I called on the Bishop, who was then in town, and made my request. The Chief Justice was at Brighton, and the Bishop addressed him in my behalf; and in a few days I received from His Lordship the two following letters:

"LONDON, 23, SACKVILLE STREET,  
"16th August, 1839.

"MY DEAR SIR,

"I have received from Chief Justice Robinson a letter, which I enclose, in the hope that it may be useful to you in the present crisis of your affairs.

"I concur most heartily in the statements it contains, and shall have much pleasure in adding my testimony at any time to their correctness, as well as to the great satisfaction with which any measure on the part of Her Majesty's Government to reward your valuable services, would be received in Upper Canada.

"I remain, my dear Sir,

"With great regard, yours sincerely,  
(Signed,) "JOHN TORONTO.

"Colonel Fitz Gibbon."

*Extract from the Letter of Chief Justice Robinson.*

"MY DEAR BISHOP,

"I think Colonel Fitz Gibbon 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 Fitz Gibbon 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 any one else who could have discharged the same duty so efficiently.

" With regard to his service 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 spon-  
 " taneously 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 Fitz Gibbon's vigilance prevented. His conduct,  
 " also, when the crisis did occur was most meritorious. The Legisla-  
 " ture 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 Lieutenant Governor of Upper Canada  
 " and his predecessor, from any measure of Her Majesty's Govern-  
 " ment which should have the effect of recompensing Colonel Fitz  
 " Gibbon in such manner as may be most agreeable and useful to himself.

(Signed,) " JOHN B. ROBINSON.

" The Right Reverend The Bishop of Toronto."

Immediately on receiving these letters I sent copies to the Colonial Office, to be added to the documents there already in support of my claim.

And here I will add a copy of another letter which the Chief Justice addressed to me, on the 5th of June, 1843, four years after; and also copies of certificates given me by the Honorable C. Widmer, and Doctor Winder, which I applied for to aid me in obtaining leave of absence from the Legislative Council during the sitting of the House, each session; being no longer able to discharge my duties in the House, with the required accuracy and despatch:

*Extract from the Letter of the Chief Justice.*

" I have great pleasure in learning Sir Charles Metcalfe's most  
 " considerate and generous conduct towards you. It does him infinite  
 " honour. He did you the justice to believe what I have no doubt  
 " he had heard, and what beyond question is true, that by the vigilance  
 " you exerted, and the steps you took, on the 4th December, 1837,  
 " and a short time before, unprompted by any one, and moved only  
 " by your own ardent zeal for the public good, you prevented calamities,  
 " public and private, which it is fearful even now to think of.  
 " To that conviction I have always adhered, and been always ready  
 " to bear testimony."

*Copy of Doctor Widmer's Certificate.*

" TORONTO, April 3d, 1845."

" It is now thirty years since I became acquainted with Captain  
 " Fitz Gibbon, then in the Glengarry Light Infantry. The War with  
 " America had then just concluded, and the whole community of  
 " Upper Canada, civil and military, was full of applause in regard to  
 " the conduct of Captain Fitz Gibbon, during the course of the preceding  
 " campaigns.

" It was justly pronounced that his services had been of the highest  
 " order, and contributed to stamp his Corps with the character of  
 " vigour, vigilance and valour.

"During a long series of years of peace, the same qualities which had rendered him conspicuous as a military man, were productive of an effective and highly honorable discharge of the duties of the offices he held in civil life. And thus would the useful and faithful course of Captain Fitz Gibbon's career have terminated in civil engagements, but for the occurrence of the unnatural attempt of the Rebels to sever the country from British connexion in 1837.

"At this crisis the foresight and energy of Captain Fitz Gibbon saved the City of Toronto from destruction, and were the means of shortening a struggle that might otherwise have been protracted. For these services, alone, the gratitude of the Government is eminently due to Captain Fitz Gibbon.

"His expectations of a release from pecuniary embarrassments have been raised by a vote of the Legislature for a grant of land grounded on the high value at which it estimated his services during the Rebellion. These expectations having failed in their accomplishment, to my knowledge, has had a powerful effect in destroying the healthy tone of his mind, and has rendered him incapable of performing the active duties of his office, and almost unfitted him for the social intercourse of his friends and acquaintances.

(Signed,) "C. WIDMER."

*Doctor Winder's Certificate.*

"These are to certify that my knowledge of Colonel James Fitz Gibbon, Chief Clerk of the Honorable the Legislative Council, extends over a period of thirty-three years. Gifted with a constitution naturally good, and of abstemious habits, he has nevertheless a temperament highly sanguine and nervous, and this acted upon primarily by an active life spent in the Military and Civil Service of his country; and secondarily, by disappointments and distresses of no ordinary character, has produced such a state of mental irritation, prostration, and despondency, and loss of memory, as, at times, to render him quite incapable of the efficient discharge of the duties of his very important office.

"In addition to the foregoing circumstances I would observe, that Colonel Fitz Gibbon has nearly attained the age of sixty-five years, forty-seven of which have been honorably passed in the Public Service, and advancing age has brought with it an increase of physical infirmities, some of them indeed of long standing, which greatly add to the causes of incapacity above mentioned.

"On the whole, then, it is my deliberate opinion, founded on facts which have come to my knowledge from so many years personal friendship and intimacy with Colonel Fitz Gibbon, that he is, from causes quite beyond his own control, or power of avoidance, physically and mentally incapable of further public duty, and that his perseverance in the attempt to perform the arduous duties of his present official station, will greatly aggravate the constitutional maladies under which he now suffers.

"Given under my hand, at Montreal, this fifth day of May, 1845.

(Signed,)

"WILLIAM WINDER, M. D."

There were many other occurrences connected with my departure from Canada, and relative to Sir George Arthur, which I would willingly state here, but that their insertion would much lengthen this statement, which is already greatly longer than I expected it would be when I began it. And now I fear its great length and the alternate irritation and depression of my continually agitated mind will deter me altogether from publishing it; much as I desire that you should possess a knowledge of so many of the facts herein stated as have hitherto been concealed from you.

I returned from London to Toronto, still in the hope that, after all, an order would be sent out to pay to me the then upset price of the land, namely £2,500, and which, therefore, was the sum the House of Assembly estimated the land at when they resolved to provide for the payment of my debts; but no order was sent.

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:

*"To His Excellency The Right Honorable Charles Poulett Thomson,  
Governor General, &c. &c."*

"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 Fitz Gibbon, Esquire."

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

"Commons House of Assembly, }  
8th day of January, 1840." }

To this Address His Excellency made the following answer:

"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 Fitz Gibbon, Esquire.

"Her Majesty's Government, sensible of the long and valuable services of Mr. Fitz Gibbon, 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. Fitz Gibbon's services by a pecuniary grant, the

" Governor General would have much satisfaction in recommending such a grant for Her Majesty's approval.

" Toronto, 14th January, 1840."

Upon this Answer the House was resolved into a Committee of the whole, on the 25th of January, when, after discussing the subject, the following Resolution was adopted:

" *Resolved*,—That it is expedient to pass a Bill repealing the Act " 7th William the Fourth, chapter 118, entitled, ' An Act to provide " ' for the disposal of the Public Lands in this Province, and for other " ' purposes therein mentioned,' so far as to enable Her Majesty to " make a grant of 5000 acres of Land to James Fitz Gibbon, Esquire."

Upon this Resolution a second Bill was passed by both Houses, which Bill was also reserved for Her Majesty's consideration; but to which no answer was ever returned.

I soon after wrote to Lord Seaton, and requested of him to use his influence in my behalf, and in answer His Lordship addressed the following letter to me:

" LYNEHAM, GREATHAMPTON, DEVON,

" August 30, 1840.

" MY DEAR COLONEL,

" I forward to you the reply of Lord John Russell to my representation of your claims and services. You probably may be able to suggest to the Governor General some mode of complying with the intentions of the Upper Canada Legislature, in passing a Bill with a view of granting a reward for your services.

" I acquainted Lord John Russell that I presumed he had received a report of your conduct at the time of Mackenzie's menaced attack of Toronto; that you had constantly exercised your influence among your countrymen settled in Canada, and with great advantage to the public; and that the Local Authorities had made use of your influence in times of difficulty and danger.

" I regret that my application has not produced a more satisfactory result, but I shall have great pleasure in being able to render you any assistance in my power.

" I remain,

" Very faithfully yours,

(Signed,)

" SEATON.

" Colonel Fitz Gibbon,  
Toronto."

*Copy of Lord John Russell's Letter to Lord Seaton.*

" MY DEAR LORD,

" I have received your letter recommending to me the case of Colonel Fitz Gibbon, of Canada.

" It was impossible that I could do otherwise than decline to sanction the grant of Land which had been made to him by the Legislature of Upper Canada. I should, however, be very happy to give my best consideration to any other mode of indemnification which might be suggested by the Governor General.

" Believe me very truly yours,

(Signed,)

" JOHN RUSSELL.

" The Lord Seaton,  
&c. &c. &c."



During the administration of Lord Sydenham nothing further was done in my behalf. Seeing that all His Lordship's energies were exerted to bring about the Union of the Provinces, I refrained from bringing my case more urgently before him ; and thus two more long and painful years of suffering were added to my unhappy life.

Sir Charles Bagot assumed the Government in January, 1842, and in the month of March I drew up a petition to His Excellency and appended thereto the several vouchers then in my possession, with which I went to the Government House. I placed them in the hands of Captain Jones, the Secretary, with whom I had some former acquaintance in the 43d Regiment, and requested of him to read them, as I desired that he should be acquainted with all the circumstances of my case. At the same time I requested of him not to lay them before His Excellency, but when he should have a leisure day, then to send for me that I might present them myself. Captain Jones on reading them, was so moved by the perusal that he immediately placed them in the hands of Sir Charles Bagot, who also read them, and such was the effect produced upon His Excellency's mind by the perusal, that he immediately ordered his carriage and drove to the Council Chamber in Kingston, and at once laid them before the Council ; at the same time saying that he " considered me an extremely ill-used man."

An Order in Council was forthwith made, of which the following is a copy:

EXECUTIVE COUNCIL CHAMBER,

*Kingston, Monday, 23d March, 1842.*

PRESENT :

" His Excellency The Right Honorable The Governor General.

" Upon the Petition of James Fitz Gibbon, Esquire, praying that means may be taken to carry out the intentions of the Houses of the Provincial Parliament of Upper Canada in his favour, expressed by a Joint Address of the Legislative Council and House of Assembly to Her Majesty, recommending the Petitioner for a grant of five thousand acres of land, and by a Bill\* passed both Houses to enable Her Majesty to make such grant to Colonel Fitz Gibbon, in consideration of his honorable, efficient and able public services during a period of twenty-six years.

" His Excellency in Council, being fully impressed with the value of the meritorious and faithful services of Colonel Fitz Gibbon, and fully concurring in the wishes of the Legislative Council and Assembly of Upper Canada, as expressed in the said Address and Bill, is desirous of taking such means as will procure for that Officer the proposed reward, without again incurring the objections made by Her Majesty's Government to grants of wild land for such a purpose: and is of opinion, that an issue to Colonel Fitz Gibbon of land scrip to the amount of the Government price of the land which he might have procured had the above mentioned Bill received Her Majesty's Assent, would not only be available to Colonel Fitz Gibbon, but would be free from the objections made to the Bill becoming a law.

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\* Two Bills had been then passed.

" His Excellency, by and with the advice of the Executive Council  
 " is pleased to direct, that Colonel Fitz Gibbon be informed, that it is  
 " His Excellency's intention to recommend his claim to the most favour-  
 " able consideration of the Houses of the Provincial Parliament, to the  
 " end that His Excellency may be legally authorised to direct the issue  
 " to Colonel Fitz Gibbon of land scrip to the amount of two thousand  
 " pounds, Provincial currency.

" Certified,

(Signed,)

" WM. LEE."

While my mind was filled with gratitude to Sir Charles Bagot, for having taken up my case so promptly and so feelingly, I was at the same time disappointed at the proposed reduction from £2,500 to £2,000, and greatly irritated that even this reduced sum should be given to me in the shape of land scrip, which was then selling for about half its nominal value ; while in giving it to me it was taking £2,000 out of the public chest as fully as if that sum in money had been taken therefrom. For although I must have sold it for about one thousand pounds, the Province must have redeemed it at its full nominal value. The purchaser would, in fact, be a gainer to the extent of my loss. The order, therefore, appeared to me both unjust and cruel in the highest degree.

I some time after wrote a paper, of which the following is a copy, and enclosed it to His Excellency's Secretary, in the hope that it would produce a more favorable decision in my case :

" Upon the Order in Council of the 23rd March, 1842, I beg leave to make the following remarks :

" When the Address to the Queen passed both Houses, in January, 1838, the upset price of the land was ten shillings an acre. The Order in Council, in fixing the intended remuneration at a subsequent and reduced upset price of eight shillings an acre, reduces the value of the grant from £2,500 to £2,000.

" In granting Land Scrip instead of a Debenture or Money, the value of the grant will be further reduced to £1,000, or thereabouts ; while the Province, in granting the Scrip, as effectually disburses £2,000, as if that sum were granted by Debenture or in cash. Thus it would appear to the people of the Province that a grant of £2,000 was, bonâ fide, made to me, whereas the grant would realize about one thousand pounds only.

" The substitution of the proposed measure for the reward which, upon three different occasions, was prayed for by the Legislature of Upper Canada, will have the effect of diminishing most materially the value of the contemplated boon. The difference to me between the real and nominal value of Land Scrip has been already adverted to. I desire, in addition, permission to urge the injurious consequences of the protracted delay upon my circumstances. Five years and nine months have now elapsed since the action of the Parliament of Upper Canada first incited in my mind the hope of speedy relief from my accumulated embarrassments. By the expectation then created I have continued to be sustained ; and I still encourage the hope that the grant which that Legislature made so many efforts to confer will not,

"at all events, be depreciated in amount, and thus curtailed in usefulness, by the Parliament of the United Province. On the contrary, I sincerely cherish the hope that the severe losses and irreparable injuries which the prolonged anxiety has occasioned me, may be rather viewed as an additional motive for conferring the reward in such form as that its value to me may remain unimpaired, while the generous intentions of the original donors may likewise be fully carried out."

On receiving this Order in Council I had no doubt but that during the following Session I should be relieved. I therefore addressed letters to my several creditors in Toronto and elsewhere assuring them of early payment, founded upon the faith of this Order in Council, a copy of which I sent to each.

After the change in the Executive Council which admitted to it in the first instance Mr. Hincks, and afterwards Messrs Baldwin, LaFontaine and Aylwin, I called successively on each of them, with the exception of Mr. Baldwin who already knew enough of my case, and needed not any further information upon it. Mr. LaFontaine heard my statement, and after a pause, he said, "I hope, Sir, you do not expect any promise from me?" To which I answered, "I only desire to put you in possession of the facts of my case, and then leave you to exercise your own discretion upon it as you shall please," and I withdrew.

I then called on Mr. Aylwin, and when I had done speaking, he held out both his hands, and taking one of mine, he said: "I assure you, Colonel Fitz Gibbon, you have as good friends in Lower Canada as you have in Upper Canada. It is our intention to make good all the pledges of the late Parliament of Upper Canada, and you may depend upon our doing you justice."

Gratified with these assurances, and the cordial manner of Mr. Aylwin, I called on Mr. Hincks, but found that he was not at home. I therefore left for his perusal the papers explanatory of my case. On the following Monday they were returned to me with a note from him, which the following is a copy:

"KINGSTON, *Monday, 8th August, 1842.*

"DEAR SIR,

"I return you the papers you were good enough to leave for my perusal. Sanctioned as your claim is by the Government it will of course be my duty to lend it my best support, but I beg of you to believe that I shall perform that duty with the greatest pleasure, and I do not anticipate that any difficulty will be thrown in the way by the House of Assembly.

"Believe me,

"Yours faithfully,

(Signed,) "

"F. HINCKS.

"Colonel Fitz Gibbon,

&c. &c. &c."

Thus were my hopes of success during the following Session further strengthened, and my mind partially relieved from its long continued suffering. And these hopes I surely thought were well founded.

With Sir Charles Bagot's Order in Council, and the above pledges superadded, how could I doubt of success, if public men had any regard for my hardships, for candour, for common justice, or for their own pledges? Yet, to show, in fact, the nature of the foundation on which I built those hopes, I will state here, that when the question was under consideration in the House of Assembly, in March, 1845, Mr. Aylwin is reported to have said, "That I had monopolized honor" which did not rightfully belong to me: that I received credit for the "affair at the Beaver Dam, in 1813, while in point of fact the party" to whom that credit was due, was Major DeLorimier, a relation of "his own, and a native of Lower Canada;" together with much more in opposition to the grant. And Mr. Hincks, in his paper of the following day, the Pilot, asserted, among other statements which are offensive, and partly untrue, that "*Colonel Fitz Gibbon had not even the shadow of a claim for compensation,*" and these words he printed in Italics.

For some weeks after the meeting of the Parliament, I looked with anxiety for a Message from His Excellency in my behalf, but day by day brought disappointment only. At length I addressed a note to Mr. Sullivan, the President of the Executive Council, requesting of him not to forget the Order in Council in my favor, and urging him to have the Message sent down to the two Houses. Day after day passed, and I received no answer to this note, and I addressed another to him. In this last I requested of him, if he had not time to give me a written answer, to say to my messenger, *Yes*, or *No*, and if he said *yes*, I would immediately apply again to His Excellency; but if he said *no*, I would not move further in the matter, but leave it to him. To this note, my messenger brought for answer, that he would call and speak with me; but he never did. Many more days elapsed, and losing all hope of seeing Mr. Sullivan, I addressed an anxious letter to His Excellency, praying of him to send the promised recommendation to the two Houses. But, no; the Session ended, and I now found myself more painfully compromised with my creditors than ever. I had to repeat apologies and explanations such as I had often given before. I felt mortified, humiliated, irritated, almost beyond endurance. The Bank of Upper Canada, from which I had borrowed £400, and had paid back £150, by money borrowed elsewhere, in the continual hope that each Session must surely relieve me, to my surprise and indignation gave instructions to sue me. This proceeding of the Bank extorted from me the following letter:

"KINGSTON, 6th April, 1843.

"SIRS,

"But yesterday I wrote to Quebec to the Assistant Clerk of the Legislative Council to hold himself in readiness to come to me, at a short notice, to perform duties which I feared I should soon be incapable of performing myself, because of the unhappy state of my mind caused by the injustice, the callous, the cruel injustice, of men in power, whose duty it was to have, long since, afforded me relief. And in such a moment I receive information from one of the generous young men who have become my securities to you, that you will no

"longer extend your indulgence to me. Goaded as I long have been  
 "by indescribable evils, you, in the eleventh hour, and when you know  
 "that a cruel and unjust government must at length do me justice, you,  
 "too, strike a blow at me. You, whose Bank, containing £100,000  
 "in gold and silver, I saved for you, whose books and other evidences  
 "of debt I saved for you, which were worth to you £200,000  
 "more, you drive me, already driven as I am almost to insanity. The  
 "Province of Upper Canada has been saved by me from desolation.  
 "And its people have striven, many times, but always hitherto in vain,  
 "to reward me for it; for unfeeling statesmen have stood between me  
 "and the benevolence of my own people and have laughed me to scorn  
 "in deed, while they have uttered fair, but useless words, to me. And  
 "you, ungrateful men! smite me at the eleventh hour, and use your power  
 "to snap the cord which yet holds me in precarious intercourse with the  
 "world around me. But I will arouse myself against all whose ingra-  
 "titude or injustice would destroy me. I will defy you, and despise  
 "you. I will at length constrain the Government to do me justice, if  
 "the spirit of honest and good men be yet, at all, among our people. My  
 "debt to you shall yet be paid. I cannot doubt it—you cannot doubt it  
 "—and if it never were paid, it is unworthy in you to drive me for it,  
 "circumstanced as you all well know I am. Yes, you know it; for I  
 "have written letters of entreaty to you, such as I now lament I ever  
 "wrote. But now, and here, ter, I will write to you but in scorn and  
 "defiance; for you dare not sue me in the face of the people of Upper  
 "Canada.

"JAMES FITZ GIBBON.

"To the Directors of the Bank of Upper Canada."

They did not sue me; but I have long believed that their forbearance was the result of better motives than the unworthy one I then so angrily alluded to.

I will here introduce the following statement:

In 1818 I was enabled, by mortgaging my half-pay for two years, to purchase eighteen acres of land, adjoining to the City of Toronto, and which acres now form part of the City. By selling it from day to day in small parcels for building ground, I proposed to replace my half-pay, and meet my increasing expenses, until my services under the Government should procure for me enough for my support; and I hoped that I should ultimately be able to retain so much of it as would, from its continually increasing value, be a provision for the helpless individuals of my family, whensoever I should be withdrawn from their protection. But this long cherished hope I could no longer enjoy; for on being offered a sum sufficient to discharge a mortgage held upon my property, and to pay my debt to the Bank, I sold it. This property was sold six years after the Parliament of Upper Canada had prayed of the Sovereign to reward me, out of their own Provincial Property. During these long years I strained every nerve to save it from sale, and every year I had some new reason to hope that the long proposed grant would surely come in time to save it. But no; I was compelled to sell my house, and the seven remaining acres of land, now become very valuable, and which in a few years

will be worth ten thousand pounds. Let any parent but feelingly consider this one result of the long delay, and consequent injustice thus exercised towards me, and then blame me, if he can, for my want of patience with those who, thus long, continued to withhold from me a reward so generously intended, and which at first would have been a blessing to me and mine, but which has thus been made the bane of the last years of my unhappy existence.

It requires my utmost efforts to restrain my words and my actions within the bounds of moderation, or even of safety. Surely wrongs thus done by public men, under the colour or plea of justice or expediency, are more intolerable than direct and actual wrongs by force.

My humble services have, in all human probability saved the lives of thousands of Her Majesty's subjects, and also millions of British and Provincial treasure. For had Toronto been taken by the Rebels, they would have gained possession of six thousand stand of arms, with the ammunition appertaining to those arms; besides the artillery, barracks, and barrack stores, and all other descriptions of Government stores belonging to that Military Post. One hundred thousand pounds in gold and silver then in the Bank of Upper Canada, would have fallen into their hands, and the provisions, and all else in that City would be in their possession. The leading men of the Province would have been put to death or made prisoners. Every disloyal man in the Province would have taken arms, and been joined by numbers who cared only for plunder; even by many who afterwards took arms in our defence. Thousands of the greatest ruffians from the United States would have crowded into the Province in all directions without resistance, before the scattered and unorganized loyalists could recover from the effects of their surprise, and unite to resist them; and Upper Canada would thus have been easily overrun by the two parties so let loose upon it. The consequences to Lower Canada, then in open rebellion, may be easily imagined. It is now well known that many of the Authorities in the neighbouring States, watched eagerly for the moment when they could be assured that the Rebels had a reasonable prospect of success, and with such assurance they intended to afford them openly all the aid in their power. A war with the United States must have followed; and I now call on every reflecting man to look back upon the condition in which Great Britain would then have found herself. She was then nearly at war with France, because of her operations in Syria; her affairs in the North of India were in a disastrous condition, and she was on the eve of war with China. In such circumstances did she then stand; and who can doubt but that war with the United States, at that moment, must have led to the loss of thousands of lives, and of millions of treasure, even though carried on most successfully. To the loyal people of the Canadas it would have been ruinous. Of the vast importance of all this, I was fully convinced at the time; and had no doubt but that the Executive Authorities, as well Imperial as Provincial, would promptly, as well as gratefully, unite in rewarding me. How deep, then, and bitter have been my disappointments? How provoked to exasperation by a sense of the injustice, and of the ingratitude thus manifested towards

me, by those, many of whom knew my sufferings, and whose high and holy duty it was, instantly to protect and relieve me. I did fear that efforts would be made by Sir Francis Head and his Attorney General, to withhold from Her Majesty's Government all knowledge of the services so rendered by me; and which were sometimes rendered in contravention of His Excellency's expressed will, and, in more than one instance, in disregard of his most positive orders: and I was prepared to make those services publicly known, should I find, on seeing His Excellency's Despatch, that he had not reported them truly. But the Provincial Legislature having taken up my case so soon after the rebellion was suppressed, and long before the Despatch could be seen in Canada, after its publication in London, that I rested in patient, but undoubting confidence, that through their proceedings my debts would soon be paid; and that, too, in a way most soothing and gratifying to my long harrassed mind. I became, therefore, comparatively indifferent to any loss of credit or honor which might be withheld from me, through the injustice of those men, who must have been conscious that to my efforts they were both indebted for their lives. And had I been in due time rewarded, I would have allowed those events to pass into oblivion, so far at least as I was concerned. And if any ungenerous men shall reproach me for making this *exposé* now, I beg of you, the people of Upper Canada, to consider that I have refrained, for nine long years, from complaining thus publicly, although enduring all that time a degree of irritation and suffering which few men could have survived. And now a question with me is, whether I shall tamely sink into the grave under this fearful pressure, and leave my name and my character to be misrepresented by unjust men, who, having concealed my services, would malign my character to cover their own unworthiness, and their injustice, before I should thus make known to you so much of the truth as I now state in this Appeal; and which Appeal I desire to leave behind me as a defence against all future calumny, should any appear against me.

And as one evidence of the *animus* of that Attorney General towards me, I here state that he never once voted in favor of the several measures carried through the two Houses, for my relief, but invariably left the chamber of the Assembly, when each question was brought before that House, during the three several Sessions of their discussion. If he entertained any proper objection to the proposed grant, he had not the manly candour to state it in his place in the House. I know not whether he exercised any influence against me while he was in London, afterwards, but I have learned that such influence was there employed against me.

But to return to my narrative.

Some few days after the close of the Session I had to appear before His Excellency, Sir Charles Bagot, in the performance of a public duty. Although an opportunity was thus afforded me to mention to him the subject of the promised Message, I refrained from doing so; for I had no doubt of his own good will, and I felt that the subject must be painful to him. But His Excellency himself mentioned it, and in strong terms expressed his regret that he could not send the Message down; and concluded the several observations he made upon



the conduct of the Executive Council, by the following words:—"In short, I was overruled."

Such was the result of the encouraging Order in Council of the 23rd of March, 1842, upon the faith of which I so confidently relied, and in the utter disregard of which I was again thrown back upon my creditors, some of whom were subjected to suffering of the most painful character, because of their friendly generosity in advancing to me large sums of money; and others were alarmed who had been sureties for me, on the faith of the proposed grant, in 1838.

Thus, with my burdens continually and rapidly increasing, had I to struggle onwards until the arrival of Sir Charles Metcalfe in April of the following year. In a few days I had an interview with His Excellency, and placed in his hand a bundle of papers, the accumulation of the years since 1838, saying that I could hardly hope that His Excellency could read them all. But this truly excellent man said, in a most kind and assuring tone, "I will read them all carefully." Among those papers was a copy of a letter I had addressed to Mr. Secretary Harrison on the 1st of March, just five weeks before, requesting of him to lay it before the Executive Council. Sir Charles Bagot being then on his death-bed, I, therefore, did not make the application to His Excellency. From this letter I give the following extracts:

"On Monday I addressed a note to Mr. Dunn, a copy of which I send you herewith. I have received no answer to it. \* \* \*

"Humiliating as it would be to me, yet I would sell my household furniture by auction if the proceeds would keep me out of Court, save my friends harmless; but the amount would be too small, and the sacrifice and exposure would be made without accomplishing the desired object.

"May I, under these circumstances, request of you, as Secretary for Canada West, to bring my case under the consideration of the Executive Council, in the hope that an advance may be made to me with the least possible delay."

*The note to Mr. Dunn was in the following words:*

"KINGSTON, 27th February, 1843.

"MY DEAR MR. DUNN,

"Mr. Hawke and I are on the eve of being sued for a note of mine for £75, and a second for £75, from another party will be due in a week. Let me entreat of you to advance me £100, which, for the present, will stay proceedings in these two cases.

"If my long disappointed hopes from the justice of the Government are never to be realized, yet it will be possible for me to pay you fifty pounds on the first of October next, and the remaining fifty on the first of January following.

"You have so often relieved me heretofore that it is most painful to me to trespass upon you ever again.—And when I repaid the last money you lent me I did hope that it was the last vexation I should ever cause you. If you cannot let me have this sum, either to-day or to-morrow, do not take the disagreeable trouble of writing

"to me a negative. Your silence will sufficiently, though painfully, show me that this application is fruitless.

JAMES FITZ GIBBON.

To my application to Mr. Harrison not even an acknowledgment was given.

Thus did these letters come into the hands of Sir Charles Metcalfe.

In two days after, I received a note from Mr. Secretary Higginson, saying that His Excellency desired to see me. On presenting myself he told me that he had submitted to the Executive Council my application for an advance, and that they declined to advise him to make it. "But," added His Excellency, "name to me a sum of money sufficient to relieve you from your most pressing emergencies, and I will advance it to you out of my own funds." Surprised at this offer, for His Excellency had arrived but a few days before, and was, as yet, a stranger in the Province, I paused and said, "Your Excellency's offer is so unexpected that, for the moment, I know not what sum to name: but it humbles me to have to tell Your Excellency that last week a baker stopped his issue of bread to my family because I could not make immediate payment;" and I stated another fact which I will not mention here because its publication would wound the too sensitive mind of the person to whom it referred. After another pause I continued, "If Your Excellency will advance me £100, it may be enough to keep me from severe pressure until the next Session." Whereupon he said, "From the view I have taken of your case I do not think that sum enough." Still more surprised I again paused, and said, "Then I will say £200, but I will go no further;" and the following morning I received a cheque for £200.

Thus then I was enabled to struggle on till the following Session.

Soon after the opening of that Session a Member of the Legislative Council, who took a warm interest in my welfare, addressed a note to me, advising me to remind His Excellency of my case, as no Message had yet been sent down, and to pray of him to bring it before the Parliament. But I wrote, in answer, that I could not bring myself to urge His Excellency upon it after what he had already done for me. In a few days afterwards I had business to transact with His Excellency, yet I would not speak to him on my own behalf, thinking it ungenerous to urge him in any degree. But on my rising to withdraw he took my papers from the table, and holding them up, said, "I am just about to send your Memorial to the Executive Council, and to suggest to them the justice of recommending that the grant should be equal to the upset price of the land in 1838, namely £2500, and that it should be made in money instead of land scrip." I thanked His Excellency and withdrew, much pleased that I had refrained from speaking to him on the subject.

Some weeks more passed away, but no Message yet appeared. Again my friend in the Legislative Council wrote to me, (for I was no longer able to attend my duty in that House,) and I stated to him, in answer, what His Excellency had recently said to me; yet as the close of the Session approached my friend still urged me to move in the matter, but I would not. At length it became suddenly known that several of

the Executive Councillors had sent in their resignations. On the following day I received a note from the Secretary, summoning me to the Government House. On presenting myself to His Excellency he informed me that a month ago he had referred my Memorial to the Council, as he told me he would, but that they had not reported upon it, and he had reason to believe that they had determined not to report upon it. But now many of them having sent in their resignations he determined to prorogue the Parliament on a day in the following week, which he named; and that if I desired it he would send a Message to the two Houses on my behalf; but that he thought the time too short; and I said I thought so too. But after some pause, and reflecting how I must again suffer if another year were lost, I prayed of His Excellency to send the Message down at all hazards, and he promised he would. Early on the following morning His Excellency's Secretary called on me and acquainted me that His Excellency had decided on the prorogation one day sooner than that named to me yesterday; and he desired to know if I still wished to send the Message down; but I considered the time now too short to carry a measure through in my behalf, and with great pain and reluctance I said so.

Thus was my unhappy case again most cruelly staved off for another year.

After the close of the Session I sought to obtain immediate relief from Her Majesty's Government in England, and I prayed of His Excellency to transmit a Petition to that effect from me to the Queen. Upon this he was pleased to call on the Executive Council for a Report upon it, and the following is a copy of the Report then made:

SECRETARY'S OFFICE, *Kingston, 16th February, 1844.*

SIR:—I have the honor, by command of the Governor-General, to transmit to you herewith an Extract from a Report of a Committee of the Honorable the Executive Council, approved by His Excellency, on your Memorial of the 20th December last, praying for the confirmation of a Grant of Land voted to you by the Legislature of the late Province of Upper Canada, and to express his extreme regret at the repeated disappointments which have hitherto deprived you of a benefit to which you are fully entitled.

I have also the honor, in compliance with your request, to return to you herewith the enclosures which accompanied your letter to me of the 2d instant.

I have the honour to be, Sir,

Your most obedient, humble servant,

D. DALY; *Secretary.*

Col. Fitz Gibbon, Kingston.

“EXTRACT.”

“The Committee have taken the Memorial of Colonel Fitz Gibbon into their anxious consideration. They feel sensibly the difficulties and embarrassments under which Colonel Fitz Gibbon has laboured 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 Fitz Gibbon 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 Fitz Gibbon 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 Fitz Gibbon 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 recognised, and never (so far as the Council are aware) doubted or questioned by any one, the very circumstance 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 the 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 Fitz Gibbon 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 Fitz Gibbon of nearly one half in point of value of the remuneration originally proposed.

"The Committee, therefore, respectfully advise Your Excellency to recommend Colonel Fitz Gibbon'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 Fitz Gibbon'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."

Here, then, was a candid and honorable statement of my case. Here then was new ground for renewed hope, and especially did I hope, confidently hope, on receiving a note from the Secretary acquainting me that His Excellency had transmitted my Petition to the Colonial Secretary with a favourable recommendation to Her Majesty, with the view of procuring more speedy and certain relief from the Imperial Government than could be looked for from the Provincial Legislature in its then unsettled and discordant condition. But again did

the Imperial Authorities deny me any relief, even though my case was recommended by such a man as Lord Metcalfe.

The following is a copy of the Secretary's note, and also of mine acknowledging the receipt of it.

GOVERNMENT HOUSE, *February 24, 1844.*

MY DEAR SIR,

Your Petition to Her Majesty with a favourable Report from His Excellency, goes home by the packet now in port, and I earnestly trust that the result may be such as will prove satisfactory to you.

I am, my dear Sir,

Yours very truly,

J. M. HIGGINSON.

Colonel Fitz Gibbon.

MONDAY MORNING, *26th February, 1844.*

MY DEAR SIR,

Exceedingly desirous as I am to cease from soliciting His Excellency's time or attention, even to accept the expression of my gratitude for all he has hitherto done for me, yet I cannot but acknowledge the receipt of your note of Saturday, which satisfies me that all that can be done for me by His Excellency has been accomplished.

I will now endeavour to sustain myself by trusting in the good Providence of the Almighty, and in the favorable consideration of Her Majesty's Government, for an early and favorable settlement of this long pending case.

I had no expectation of receiving any information from you of the course taken by His Excellency on the subject of my Petition; your kind consideration, therefore, is the more soothing and gratifying to me and to my children, and cannot fail to strengthen them in their future efforts to be found not undeserving of all that has been done for us.

JAMES FITZ GIBBON.

J. M. Higginson, Esq.

On the removal of the Seat of Government from Kingston to Montreal I applied for, and obtained leave of absence to remain in Kingston. I was mentally incapacitated from performing my duty in the House, and I was wholly without money to defray the heavy expenses of removing my family and household furniture to Montreal.

Another painful year had nearly elapsed when the new Parliament was at length assembled, and in the month of January following, 1845, I drew up an appeal to the Members of both Houses, in order to enable them to understand many circumstances of my case which may have been but little known to them. I will not insert this appeal here because of its length.

In March following the estimates were laid before the Assembly, when to my surprise and dismay the sum of one thousand pounds, only, was inserted and recommended for me. I instantly addressed several letters to gentlemen who, I hoped, could obtain justice for me, but wholly without success.

And here let it be remembered that at the time this grant of one thousand pounds was made to me, in March, 1845, upwards of seven years had elapsed since the reward was first prayed for; and during those seven years I had to pay upwards of £1,200 interest and law costs on my debts. Let this single fact be considered, apart from all my disappointments and mortifications, and it may be easily imagined how great must have been the amount of evil thus inflicted upon me. In truth I have been punished by those whose high and holy duty it was to have cheerfully, graciously and promptly rewarded me. Ought I now to be blamed for declaring these facts? And yet I have my fears that this declaration will excite against me feelings of hostility, rather than of sympathy for my many wrongs and long suffering. Surely these sufferings will not be increased or prolonged because I cannot any longer endure them in silence?

Now, then, I was brought into a new kind of difficulty. Every one of my creditors now expected full and prompt payment of his claim upon me out of this grant. But this was impossible, inasmuch as I yet owed almost £2000. The painful result was that some of those who were dearest to me became incensed at my breach of promises, so often repeated, and covered me with reproaches and insult. To keep friends with those men was one of the most cherished objects of my life. With some of them I had hoped to enjoy a friendly and a happy intercourse during the short time which might yet be granted to me in this life. But this is now impossible. The discharging the residue of my debts, even if I ever can discharge them, will in no degree restore the friendly relations of half a century, which have been thus so cruelly rent asunder.

Still smarting under my remaining embarrassments, and under a never ceasing sense of the wrongs and injustice thus heaped upon me, I determined again to apply to the Colonial Minister to make good to me the difference between the upset price of the land when first prayed for, and the sum given to me in March, 1845. There are two grounds upon which I consider myself entitled to have the original grant made up to me by the Imperial Government. The first, though not, perhaps, the most undeniable one is, that having refused to confirm the Acts of the Upper Canada Legislature, or to grant to me the value of the land out of the Crown Revenue in Upper Canada, in 1839, then at the disposal of the Crown, the Colonial Minister threw me back upon a newly created and discordant Legislature, which, disregarding the pledge so often given by the Legislature of Upper Canada, has granted after a lapse of seven long years only two-fifths of what was intended for me by that Legislature; the Imperial Government ought, therefore, to make good to me the loss thus caused, chiefly by its refusal. But the second, and what appears to me the most undeniable ground, is, that the service rendered by me was as important and beneficial to the Empire at large as it was to Upper Canada. The denial of this undeniable fact I can regard in no other point of view than as an act of the most unwise, as well as of the most unjust and cruel character. For the object of the Legislature of Upper Canada was to have me relieved from my debts; and with that view they intended to insert in their resolution 6000 acres. But fearing that

6000 might not be sufficient to enable me to pay those debts they considerably caused inquiry to be made of me, personally; and to the members who came to me I stated that I considered 5000 acres would suffice, as Mr. Shaver's letter of February last hereinbefore inserted, confirms. Here, then, was a clearly expressed pledge given that I should be rewarded to that amount. It was an honorable bond, spontaneously and unanimously entered into by the people of Upper Canada with me, for a generously acknowledged consideration, for service rendered by me to them, as well as to the British Empire. Surely, surely, if justice be not wholly disregarded, if honor be yet at all esteemed among us, the authorities will now hasten to repair, as far as they can, the cruel injuries thus long heaped upon me, and redeem a pledge, the repudiation of which by any gentleman in private life would for ever dishonor him.

With a mind filled with these impressions I addressed Lord Stanley, and he gave for answer that having received already from the Provincial Government £1000, he considered my claim satisfied. At the same time I addressed a letter to Lord Metcalfe, then in England, praying of His Lordship to use his influence in my behalf with Her Majesty's Government, and on the 2nd of February, 1846, I received a letter from Mr. Secretary Higginson, of which the following is a copy:

METCALFE TERRACE, (near Montreal).  
February 2nd, 1846.

MY DEAR SIR,

I have received a letter from Lord Metcalfe in which he desires me to say in reply to your communication to him relating to your application to Her Majesty's Government for a grant in addition to that made by the Provincial Legislature, that although it was always His Lordship's wish that the grant voted to you should have been larger, and it was a disappointment to him that it was so small, he considers himself as now precluded from any interference in the affairs of Canada, unless he should be called on by Her Majesty's Government for his opinion upon any subject.

I am desired to add that if in your case a reference should be made to him, his reply would certainly be favorable to you—and to assure you of the high respect and regard which Lord Metcalfe entertains for you, and of the estimate in which he holds the important services rendered by you to the Colony.

I am,

My dear Sir,

Yours very faithfully,

J. M. HIGGINSON.

Colonel Fitz Gibbon.

Immediately on the accession of Mr. Gladstone to the office of Colonial Secretary, I appealed to him, but, as I suppose, owing to his retiring from the office very soon after, I received no answer to my application to him.

When, on Earl Grey's accession, I addressed His Lordship, and also Lord John Russell, sending at the same time a copy of Lord Metcalfe's



statement in my favor, Earl Grey was pleased to give the following answer, through His Excellency, Lord Cathcart:

SECRETARY'S OFFICE,  
*Montreal, 30th Nov., 1846.*

SIR,

I have the honor, by command of the Governor General, to inform you that His Excellency has received a Despatch from Her Majesty's Principal Secretary of State for the Colonies, stating that His Lordship had had under his consideration, your letter of the 28th of September last, addressed to the Right Honorable the Lord John Russell, which was referred to His Lordship as the official organ of the Government in Colonial affairs, renewing your claims upon Her Majesty's Government, for services rendered by you during the Rebellion in Upper Canada, in 1837.

The Governor General has been instructed by the Secretary of State to inform you that your representations have received his most attentive consideration, and that it affords His Lordship sincere regret to be under the necessity of stating that he cannot admit your claim to be rewarded for your public services in Canada, by the means of a grant from the British Treasury. As your claim has arisen from your exertions in the defence of Canada, His Lordship considers that it devolves exclusively upon the Province to discharge the same, and he is therefore compelled to refer your application to the decision of the local Legislature.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed,)

D. DALY, *Secretary.*

James Fitz Gibbon, Esquire,

*Belleville.*

On receipt of this letter I again addressed Earl Grey, to declare that I had no hope of a further grant from the Provincial Legislature, and again to press the justice of my claim on the Imperial Government. To which also His Lordship was pleased to give an answer, of which the following is a copy:

CIVIL SECRETARY'S OFFICE,  
*Montreal, 6th March, 1847.*

SIR,

I am directed to inform you, that the Governor General has received a Despatch from the Secretary of State, acknowledging the receipt of a further letter from you dated the 7th of December last, in which you renew your claim to be rewarded by Her Majesty's Government for your public services during the Rebellion in Canada, and that His Excellency has been instructed to convey to you the assurance of Earl Grey's deep regret for the distress under which you describe yourself to be suffering.

That regret is enhanced by the painful conviction that it is totally

out of his Lordship's power to relieve, or mitigate the embarrassments of your situation.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed,)

H. COTTON, *Chief Clerk.*

Colonel Fitz Gibbon,

&c. &c. &c.

Thus, then, is my claim again to be referred to the Legislature of the United Province. But with only the information already before that Legislature, what reasonable hope can I indulge that they will now look upon my case more favorably than they did in March, 1845? I think, therefore, that in justice to them, to the Executive Government, to myself, and to you, the people of Upper Canada, I am in duty bound to publish this statement.

But it is with the utmost reluctance that I make any appeal. I would gladly refrain from thus placing myself before the public. If you give me credit for possessing but an ordinary share of the manly spirit of an independent mind, you will imagine how painful it must be to me, thus to appear before my children, and the Canadian people, as it were, an importunate mendicant, supplicating for that which should have come blessed to me as the free will offering of a generous people; among whom I have lived and served for nearly forty-five years. But painful though it be, it is the only alternative I can choose. Nor while I live, and suffering as I am, can I ever cease from prosecuting this claim, through every available channel, and by every means within my power, from time to time, to employ. I would fain abstain from the use of language which unjust or malignant men might construe as threatening. But nine long years of injustice and deep injury make it appropriate. And I feel that any statement of mine less forcible in its tone and expression, or any affectation of calmness, after all I have suffered, could only be regarded as hypocritical. Let it not be forgotten that I have thus suffered for nine long years before making this public appeal.

JAMES FITZ GIBBON.

*To Messrs. Lovell & Gibson.*

MONTREAL, 29th May, 1847.

GENTLEMEN,

I have just found two papers, the existence of which I had quite forgotten, and which have not hitherto been made any use of by me. Although found too late to be incorporated with the statement you are now printing, I think them of such importance that I desire to have them subjoined to that statement. I therefore request of you to have them printed by way of Postscript or Addendum to it.

Your obedient servant,

JAMES FITZ GIBBON.

*To Colonel Fitz Gibbon.*

DEAR SIR,

We, whose names are hereunder written, beg leave to express to you the high opinion which we entertain of the services rendered by you to the Government and people of this Province, prior to, and during the insurrection of 1837, and 1838. Having each of us had for more than two years previously the benefit of your instruction in Military discipline while we were members of a Volunteer Rifle Corps, which you commanded, we can speak confidently of your untiring efforts, although with much trouble and inconvenience to yourself, to make us perfect in our duties, and we are glad that we are enabled to bear testimony to the fact, that for some time previous to the outbreak we had received directions from you to be prepared for, and how and where to assemble in any emergency that might arise, and that on the evening of the outbreak, the force at the Parliament and Government Houses was composed chiefly, if not altogether, of members of your Rifle Corps, who had been warned by you to meet there that evening, with arms and ammunition, to repel an anticipated attack. We have to add, that we shall be most happy at all times, to offer any expression of opinion, or give any testimony in accordance with the facts above stated, which may tend to further your views in procuring

from Her Majesty's Government the consideration for you, to which we conceive you are by your long service entitled.

(Signed,) GEORGE BROCK,\*  
W. BELLINGHAM,†  
J. HILLYARD CAMERON,‡  
THOMAS GALT,||  
JAMES McDONELL,§  
GEORGE D. WELLS,\*\*  
R. A. KELLY,  
GEORGE SHAW,††  
A. C. HEWARD,‡‡  
A. J. FERGUSON,|||  
WAITER MCKENZIE,§§  
GRANT POWELL,§§  
EDWARD HITCHINGS,\*\*\*

August, 1840.

TORONTO, 10th August, 1840.

DEAR SIR,

It has afforded me great pleasure to embrace the opportunity of adding my signature to the testimony which has been borne by my fellow companions of the Rifle Company, with respect to your valuable services to the Government and people of this Province at the time of the late Rebellion. Concurring, as I do most fully, in the opinions they have expressed on the subject, I consider it my duty to add my circumstantial evidence of the following facts:—

- 1st. That you offered the services of the Rifle Company to His Excellency Sir Francis Head as early as the month of October, 1837, in consequence of the removal of the Regular Troops from the seat of the Government.
- 2nd. That this offer not having been accepted, you intimated a desire that the Company should assemble at the Parliament House, in the event of any disturbance—for which purpose the tolling of the Upper Canada College Bell was fixed upon, as the signal of alarm.
- 3rd. That on Monday the 4th of December, 1837, (on the night of which day the rebels assembled at Montgomery's Tavern) at or

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\* Student at Law, in 1837—now a Barrister.

† Student at Law, in 1837—now, in May, 1847, a Captain in the 32nd Regiment.

‡ Student at Law in 1837—now Solicitor General for Canada West.

|| Student at Law, in 1837—now a Barrister.

§ Now holding an office under the Provincial Government in Toronto.

\*\* Student at Law, in 1837—now a Barrister.

†† Who, with four other brothers, formed a part of this corps. These are sons of the late Captain Shaw, 35th Regiment, and grandsons of the late Major General Shaw.

‡‡ Barrister, &c.

||| Well acquainted with the truth of the above statement from having served under Colonel Fitz Gibbon before, and during the outbreak, though not a member of the Rifle Corps—now a Barrister.

§§ These two gentleman now hold offices under the Provincial Government.

\*\*\* In 1837, a member of the Rifle Company, and Barrister at Law.

before the hour of four o'clock P. M., I received your orders to warn as many of my companions as time would permit, to meet you at the Parliament House, *in arms*, and was engaged accordingly until a late hour, when you employed me on other service.

It may not be irrelevant to observe in conclusion that your previous instructions already enabled many members of the Rifle Company to render efficient service at the critical period in question. 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 December, 1837, must have arisen from my connexion 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.

Believe me to remain, dear Sir,

With great respect,

Very faithfully yours,

WALTER MCKENZIE.

Colonel Fitz Gibbon,  
&c. &c. &c.

Without such testimony as this, those at a distance could hardly be convinced that so many and such extraordinary steps should be taken by one individual, so discouraged and discountenanced, during several weeks, even down to the very hour when the Rebels came within two miles of the City of Toronto; and yet that all the functionaries of the Government, although thus warned and urged, retired to their beds, disregarding every warning, so often, and so forcibly given:—Even to my going to the Government House after ten o'clock at night, only one hour before the alarm was given, and insisting upon seeing Sir Francis Head, and who came to me from his bed, and was then told how, that very night, I apprehended an outbreak: and yet he returned to his bed, from which, he was in one hour after, aroused by Alderman Powell after his having shot the Rebel leader. And at which hour, Judge Jones, also, on being called from his bed, exclaimed, "Oh! the over-zeal of that man is giving us a great deal of trouble." Could any honorable man believe that Sir Francis Head, knowing all, or almost all of these circumstances, should only so report my services, as in the following short paragraph in his Despatch is stated; namely:

"Accordingly, on Thursday morning, I assembled our forces, under the direction of the Adjutant General of Militia, Colonel Fitz Gibbon, Clerk of the House of Assembly."

But in truth he felt so mortified by his errors, and his obstinacy being thus made so manifest, that he had not the candour, the magnanimity, to state the truth to the world, and to exert himself at once, openly and legitimately, to procure for me that justice which his duty, his honor, and even his gratitude, should have impelled him to use his best efforts to obtain for me. For, had he fallen into the hands of the Rebels, his life would, in all human probability, have been sacrificed by them, they having declared that they would put him and his Attorney General to death.

Can any candid man among you, the people of Upper Canada, have any reasonable doubt, after reading this appeal, but that the Rebels would have surprised and taken Toronto, if the measures and precautions thus taken by me, in disregard of so much discouragement, had not been taken, and I had retired to my bed as all those functionaries did to theirs?

JAMES FITZ GIBBON.

I request that the following may be added also:

When the proposed grant to me of one thousand pounds was debated in the Legislative Assembly in March, 1845, Mr. Aylwin, a Member of that House, is reported to have said, "That I had monopolised honor which did not rightly belong to me:—that I had received credit for "the affair at the Beaver Dam in 1813, while in point of fact the "party to whom that credit was due was Major Delorimier, a relative "of his own, and a native of Lower Canada," together with more in opposition to the grant.

In answer to which I submit the following Testimonials:

*Extract of a General Order, issued by His Excellency Lieutenant General Sir George Prevost, dated Kingston, June 28th, 1813.*

"The Commander of the Forces has great satisfaction in announcing to the Army, that a Report has just been received from Brigadier General Vincent, of a most judicious and spirited exploit achieved, "on the 24th instant, by a small detachment of the 49th Regiment, "amounting to forty-six Rank and File, under Lieutenant Fitz Gibbon, "and a band of Indian Warriors, which terminated in the defeat and "entire capture of a considerable detachment of the American Regular "Army, under the command of Lieutenant Colonel Boerstler, of the "14th United States Regiment, after sustaining considerable loss."

*Extract of a Despatch from Brigadier-General Vincent to His Excellency Sir George Prevost, dated June 25th, 1813.*

"I cannot but particularise the conduct of Lieutenant Fitz Gibbon, "49th Regiment, commanding a small party co-operating with the "Indians, through whose address in entering into the capitulation, "Your Excellency will perceive by Lieutenant Colonel Bishopp's "Report, that the surrender of the American Detachment is to be "attributed.

"I beg leave to recommend this Officer to your Excellency's protection."

In November 1840, I received a note from His Excellency Major General Sir John Harvey, of which the following is a copy:

"GOVERNMENT HOUSE,

"Fredericton, N. B., October 29th, 1840.

MY DEAR SIR,

It will always afford me, as it ever has done, very sincere satisfaction to hear of your welfare, and of the high degree of esteem and respect which your public and private worth appear to have obtained for you, on the part not only of the Authorities under which you have acted, but in the community in which you have lived.

I have not forgotten, nor am I capable of forgetting, how admirably you justified my selection of you for a difficult and hazardous service—one from the able and successful accomplishment of which both the country and yourself reaped honor and advantage.

I thank you for the paper which you have sent me, but still more for the warm expression of your friendly good wishes. Accept mine for yourself and all your family, and believe me,

Very faithfully yours,

J. HARVEY.

Colonel Fitz Gibbon, Toronto.

The paper thus mentioned by His Excellency was a copy of Instructions written by me for the guidance of my youngest son, then an Ensign in the 24th Regiment, in Kingston, Upper Canada. The then state of our relations with the neighbouring Republic, made me think it not improbable that war would soon be declared; and such instructions as my former experience in the Forests of America enabled me to give I prepared for that son's guidance. The Frontier of New Brunswick was then, I thought, most threatened; I therefore took the liberty of sending a copy of those Instructions to Sir John Harvey, to be distributed among the young Officers, Regulars, as well as Militia, within the limits of His Excellency's Government, should he approve of such distribution.

JAMES FITZ GIBBON.



MONTREAL, WEDNESDAY MORNING,

*2nd June, 1847.*

Yesterday I examined the last proof sheet of my Appeal to you, the people of Upper Canada. On the evening of yesterday I received a letter from His Excellency's Civil Secretary, in answer to a letter which I addressed to the Secretary on the 21st ultimo. I here give a copy of each:

MONTREAL, *21st May, 1847.*

SIR,

I have this day presented myself to the Governor General for the purpose of making to His Excellency, personally, some observations on my long unsatisfied claim upon the Governments, both Imperial and Provincial. The statements I made were few, partly because of the disturbed state of my mind, which I feared might cause me to fall into incoherency or run into excitement; and partly that I might not encroach, inconveniently, upon His Excellency's time. Even to write coherently costs me much time and repeated efforts.

But there is one feature in my case which I desire to lay before His Excellency, because I have been frequently informed that the force of my claim has been sought to be weakened by an argument founded upon the circumstances which constitute that feature.

It has been said that my three sons have had appointments conferred upon them by the Government. To this I answer that Sir John Colborne, in Montreal, in May, 1839, condescended to inquire after my children, individually; for he knew them individually, His Excellency's sons having attended Upper Canada College at the same time that my sons did. In speaking of my youngest son I stated, with an expression of regret, that I could not prevail upon him to devote himself earnestly to the study of the law, to which profession I had him bound by Articles, because of his great desire to enter the army. I intended to have added that I could not sustain him in that service, and therefore would not make an effort to obtain a Commission for him. But before I could make that addition His Excellency quickly asked me his age, his height, and two or three other questions, at the same time taking up his pen. I saw at once what His Excellency was about to do, and I had some time to reflect while these questions

were being put and answered. His Excellency then began to write. My first impression was that it would be ungracious to decline His Excellency's offer. My next was that it might be best to accept the Commission, and that the young man would soon find that he could not live upon his pay as a subaltern without having to endure humiliations to which he could not long submit; and that then he would retire and return with good will to the profession I had destined him for, and devote himself to it with an undivided mind.

And so, exactly, it has occurred. After serving nearly four years in the 24th Regiment, he wrote to me from Devonport asking for my permission to resign his Commission, which I most willingly gave; and although the Duke of Wellington permitted the Commission to be sold, and most considerably allowed the young man to receive one half of the purchase money, yet I had to borrow £20 to pay for his passage from Glasgow to New York, besides making a remittance to him while he was in England. Altogether he cost me upwards of £200. This appointment did thus but add seriously to my other embarrassments.

In Upper Canada I held a small office of Register of the Court of Probate, in addition to that of Clerk of the Assembly. For thirteen years that I held it, the fees received by me annually, amounted from £21, to £66. At my request Sir Charles Bagot most readily and graciously transferred it to my eldest son, who has since held it; and the fees of the last year have exceeded £100. Out of the proceeds of this office, held in Toronto, it has been impossible for this son to afford me any aid.

Sir Charles Bagot further, most considerably extended his patronage to my sons, by appointing my second son to be Clerk of the Peace in the District of Victoria. This office has hitherto produced to him, annually, from £120, to £150. After the return of my youngest son, some three years ago, he resumed his studies under this brother, who has, until a few months, supported him, and partly by borrowing money. So that from this son it was impossible I could obtain any aid.

Under such circumstances I concealed from my children as much as I could, the whole extent of my embarrassments and my sufferings. For uselessly to afflict their minds and depress their energies could be productive of evil only. Yet under such circumstances have ungenerous men used their arguments and their influence against the confirmation to me, in full, of the intended grant by the late Legislature of Upper Canada.

I therefore request you, Sir, to bring this letter under the Governor General's notice, that His Excellency may be enabled duly to appreciate such arguments or influence, should such be used when my case again comes under consideration.

I have the honor to be,

Sir,

Your most obedient, humble servant,

JAMES FITZ GIBBON.

To Major Campbell,

Civil Secretary to His Excellency the Governor General,  
&c., &c., &c.

CIVIL SECRETARY'S OFFICE,  
*Montreal, 1st June, 1847.*

SIR,

I am directed to inform you that your letter of the 21st instant, has been laid before the Governor General in Council, and that the claims which you consider yourself to have on the Government having been fully considered, His Excellency has not been advised to propose to Parliament any further appropriation of public money for your relief.

I have the honor to be,

Sir,

Your most obedient, humble servant,

T. CAMPBELL, *Major,*  
*Civil Secretary.*

Colonel Fitz Gibbon.

Discouraging and depressing to me as this denial is, yet after a long night's deep and painful thought I still cherish the hope that truth and justice must, before the end, prevail. I still hope that after this Appeal shall be read in Canada, and the whole truth publicly made known, (and which I intended should be published before my case should be again brought under consideration), the minds of all, whether governing or governed, will be convinced that justice has not yet been fully extended to me. Truth, justice, honor, every principle which tends to elevate the mind of man, is involved in this question, however intrinsically unimportant it may be. Enlightened minds in this present day of advancing candour, benevolence and magnanimity, will, when convinced, acknowledge these principles, and act upon them. From hope in this view of my case I will still continue to draw strength for future effort, until success shall be attained, or my last energies be exhausted.

JAMES FITZ GIBBON.

