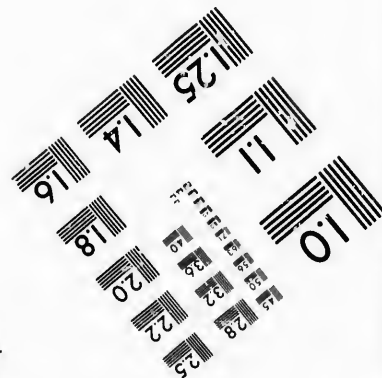
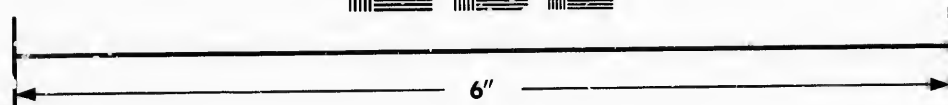
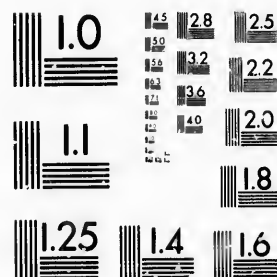


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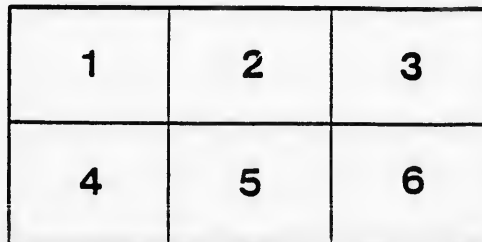
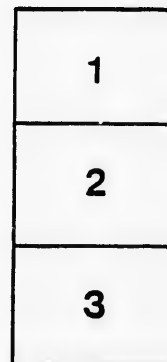
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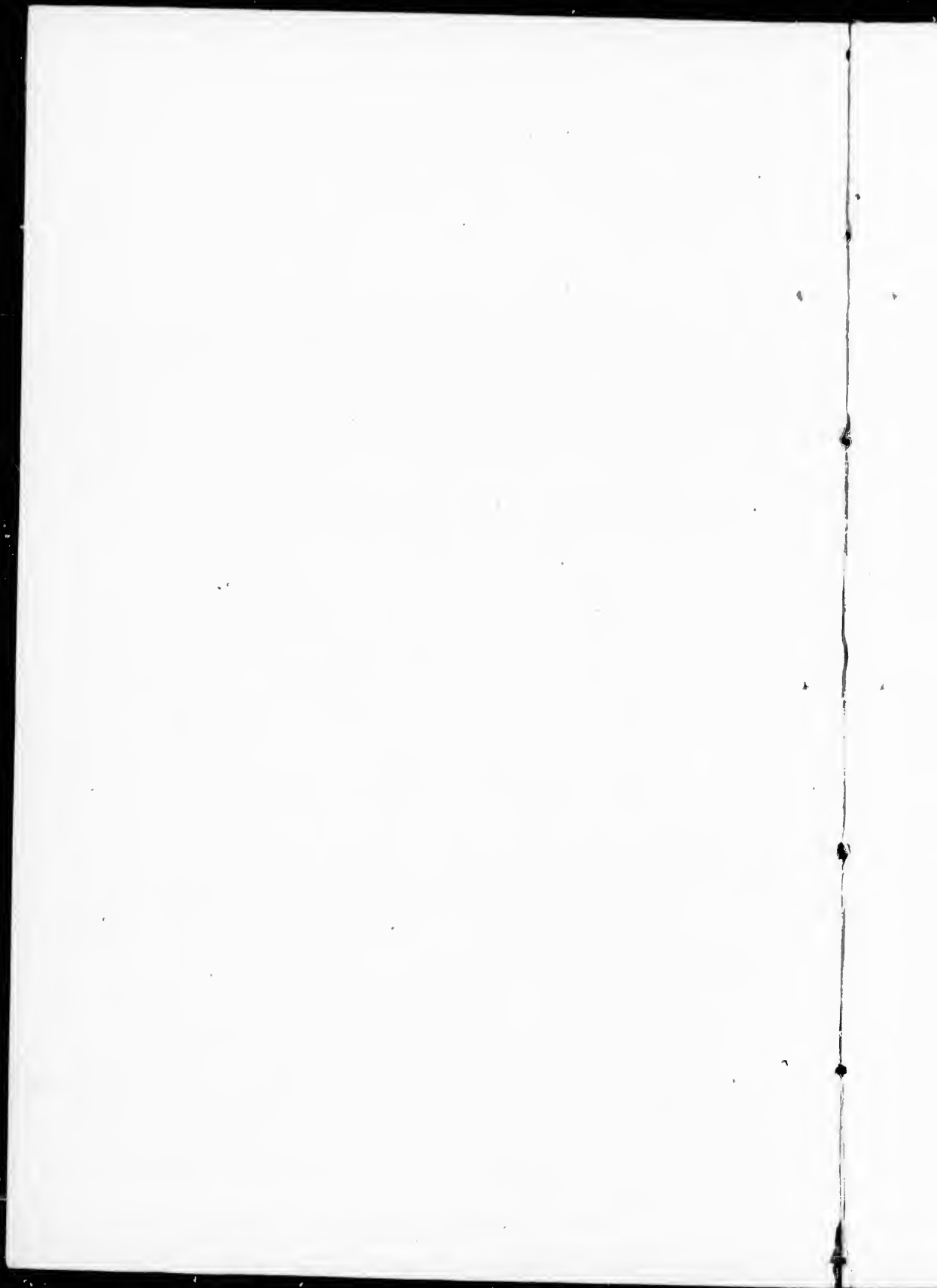
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1829.



STATEMENT OF FACTS.

MONKLAND, TUESDAY, NOV. 3, 1829.

It having been mentioned to me yesterday that a statement was in circulation at Montreal, differing, in some material points, from one that I had previously drawn out in reference to a late transaction, and which I thought proper to shew to some of my friends, I conceived it to be a duty that I owed both to myself and to the friend who had been guided by my advice, to ascertain how far his honour and my judgment might be compromised by the colouring given to that transaction in the said statement. I accordingly sought an interview with Mr. Kelly, from whom, I understood, it had emanated; and meeting him in the street, told him what I had heard; to which he answered, "that he believed Major Coffin had circulated, among his friends, a statement drawn up by him, Mr. K., but that it did

not differ from mine." I asked him if I could see it—to which he replied, that he had it not about him, but that he would read it to me, if I would accompany him to his quarters, where we accordingly proceeded a short time afterwards. On our arrival, he did read it to me, when I observed, that there were two passages which differed from my statement, which I then read to him, and a copy of which I herewith subjoin.

MONTREAL, MONDAY, OCT. 19, 1829.

As conversations are frequently liable to be forgotten or misconstrued, I have thought proper to commit to paper what I trust you will allow to be the substance of what passed between us this morning.—I waited upon you, on the behalf of Capt. Piper, to know the nature of any communication you might have to make on the part of Major Coffin, when you informed me that a conversation had taken place on the night of last Wednesday at Captain Piper's house respecting some apples, in which it was alleged that Captain Piper had joined, and had thereby aggrieved Major Coffin. To my repeated inquiries of how a conversation about apples could in any way justify Major Coffin in thinking himself aggrieved by Captain Piper, you professed yourself

unable to give any satisfactory answer; and you accordingly went to consult Major C. on the subject. It is not necessary to state all that passed before you went away; but I feel confident that you will recollect that we agreed as to the propriety of there being some precise, and definite cause of offence, before one Gentleman could call upon another to give him the satisfaction usually required in such cases. There was also mention made by you of Major Coffin's having adverted to Capt. Piper having on some former occasion displeased him; and on this point we joined in thinking that it should be discarded from our consideration. Upon your return from Major Coffin you told me, that he would be perfectly satisfied if Captain Piper would declare upon his honor that on the night in question he had made use of no disrespectful expressions regarding Major Coffin's conduct. My answer was, "that Captain Piper had placed his cause in my hands, and that I would not allow him to make any such acknowledgment, as I did not conceive that Major Coffin was authorized to make such a demand upon a bare surmise of his own, because Captain Piper had joined in a conversation respecting certain apples." You then returned to Major Coffin, and when we again met, you said, that as Capt. Piper would not comply with Major C.'s request he would be expect-

ed to meet him." I *then* related to you what I had partly touched upon before, "That I had understood the same morning from Mr. Forbes, that he had been called upon by Major Coffin to account for certain opprobrious expressions he had uttered respecting Major C. and which had been communicated to Major C. by Lt. Matson; that he had answered by stating that he was sure that Lt. Matson was too much of a gentleman to assert that he had made use of any expressions without having good reason for so doing; that he recollected nothing about it himself, but that he was willing to take them for granted, and to be responsible for them; that Major Coffin then said to him, that he supposed that he would give him the satisfaction of a gentleman, to which Mr. Forbes replied, "most willingly;" that during this discussion Major Coffin said that Mr. Forbes had called him a liar in respect to a certain transaction; that Mr. Forbes answered, "he did not exactly know what he said when he had taken a little too much wine, but that if he had said so, he could only state that Major Coffin knew it to be the case." I will not go into all the details of this business at present; it appears, however, that Major Coffin has been satisfied with Mr. Forbes's saying, either himself, or through Mr. Green, "that it was subject of regret to him that he had taken too much wine on the night in ques-

tion, and that if that had not been the case he should not have made use of such gross expressions regarding Major Coffin." So far, all may be well, but Mr. Forbes has declared to me several times that his reiteration of the charge of falsehood against Major Coffin was made when he had not taken any wine, for which nothing like an apology had been *demande*d or *given*, which last circumstance Mr. Green, Mr. Forbes's friend, fully corroborates." To all this you answered, "That Major Coffin had denied Mr. Forbes's charge of falsehood, intimating thereby, as I understood you, that Major Coffin conceived that Mr. Forbes and himself were upon equal terms in that respect. To this I answered, "That if any person had accused you or myself of having asserted that we had given 50 guineas for a horse, and having sold the said horse to another, impressing at the same time upon his mind for the purpose of making a good sale that we had paid the said sum of 50 guineas, whereas in truth we had only paid 25, I answered, I say, that in such a case the probability would be that neither of us would rest satisfied with having simply denied a charge of so disgraceful a nature." You assented to my proposition, and said, "That you would never thus compromise yourself, that you did not stand there to vindicate Major Coffin's character, but mere-

ly to communicate his wishes." I *then* gave you my final answer, "That under the circumstances above related, wherein it appeared that Major Coffin had been grossly insulted by Mr. Forbes without taking the proper notice of such insult, I did not think that Major Coffin (independent of not having stated any tangible cause of complaint) was worthy of receiving the satisfaction of a Gentleman from a Gentleman." I shall be obliged by your signifying to me whether you conceive the above to be a correct representation of what took place between us this morning.

TUESDAY MORNING, OCTOBER 20.

In consequence of some transactions that took place after the above was written, I think it right to state one or two circumstances of which I was aware yesterday, but which I did not think it worth while to include in the above statement.* One of these circumstances is, that when Mr. Forbes reiterated his charge of falsehood against Major Coffin, he informed me that his words on that occasion were accompanied by an action, which he designated as shaking his fist at Major Coffin, and which from his repeating it,

* Or, to speak more correctly, to make known to Mr. Kelly.

was I think justly designated. Another is, that after Mr. Forbes had stated all he had to say on the subject, he distinctly and more than once said, that he did not think that Captain Piper was bound to meet Major Coffin, as in his conduct to him he had proved himself a coward, or words to that effect, or even to a stronger effect.

TUESDAY MORNING, OCTOBER 20.

I called this morning upon Mr. Kelly, and read to him the foregoing statements,* which he allows to be a correct representation of what passed between us.

GEORGE WILLIAM AUBREY.

TUESDAY MORNING, OCTOBER 20.

Mr. Kelly has this morning informed me that both yesterday and to-day, he stated to Major Coffin that he did not think there was sufficient matter to authorize him to call Captain Piper to an account.

GEORGE WILLIAM AUBREY.

* The first statement is here only alluded to as having been sanctioned by Mr. Kelly; the second was read to him, but had no reference to our conversation on Monday.

Now to place the whole of these proceedings in as clear a point of view as I am able, I shall begin by stating that on Tuesday the 20th Inst., I went to Mr. Kelly's for the *sole* purpose of endeavouring to obtain his sanction to the statement I had drawn up, which was at first intended to have been conveyed in the form of a letter, and which, notwithstanding I offered to give him a copy with my signature, he declined signing, adding that he would first wish to consult Major Coffin, to which I objected, thinking the matter rested entirely between ourselves—he however did in the *most unqualified manner* by look, and tone of voice, signify his assent to, and approbation of what I had submitted to him, which acknowledgment *I wrote down in his presence*, and *shewed*, and *read* to him. Under these circumstances I pointed out this morning to Mr. Kelly with some little surprise the first variation in his account, which not having a copy of his statement, I am unable to give in his own words, but the substance of it is, that passing over all the conversation which took place between us respecting the absence of any provocation on the part of Captain Piper, and which from the nature of the circumstance must *necessarily* have been the first topic of discussion between us, he *solely* asserts, that the ground of objection to the acceding to Major Coffin's demand was founded

upon his not having received a proper apology, or any apology, from Mr. Forbes. The difference on this point between the two statements, is certainly, as I told Mr. Kelly, very trifling, being merely a difference of omission not affecting in any degree the merits of the principal question—but should there be any importance in it, which I cannot see, I can furnish *collateral* evidence of the correctness of my representation, which was committed to paper five minutes after our conversation on the Monday, and it is this, “That on the same day after endeavouring in vain for some time to find out the positive grievance of which Major Coffin complained, I told Mr. Kelly that there was other matter of great importance which I should have to communicate to him provided we could not settle the business upon the grounds of the insufficiency of the provocation: that if *the other matter* could be properly explained, I might perhaps be induced to wave all objections on the score of there having been no offence, at least none communicated to me, *more especially as I knew that in such cases it was very easy for the other party to bring matters to an extremity by means of some subsequent insult*—besides, Mr. Kelly left me twice that morning, once to ask Major Coffin what his grievance was, and a second time to say that Captain Piper would make no ac-

knowledgment, all of which trouble would have been perfectly useless had my flat refusal to allow Capt. Piper to meet Major Coffin been given previous to his so going away. To repeat, however, what I have said before, the difference on this point is so trifling that I should not have deemed it necessary to give publicity to these proceedings, had it not been for the second variation, which, having already received some, will naturally receive farther circulation, and which, in whatever light I view it as affecting Capt. Piper or myself seems to be of that importance as imperiously to require my notice. For the reason before adduced I can only give the substance of this second variation, not indeed a variation from the statement of Monday, but a variation from what actually took place on the Tuesday morning, which in Mr. Kelly's statement amounts to this, "That in our conversation on the Tuesday morning when he declined sanctioning by his signature, the statement I had drawn up, *I did not seem to think of, or gave up* the point of there having been no apology from Mr. Forbes, but rested my objections to Major Coffin's demand upon the absence of provocation on the part of Capt. Piper. In respect to such imputed inconsistency on my part, (to call it by no worse name,) I told Mr. Kelly, "that he must have completely misunderstood me; that

if there could have been any possible motive for my shifting my ground in such a way, the manifest absurdity of such a procedure ought to have convinced him, and would convince any one. — That he had only to look at my statement, submitted to him that very morning of Tuesday, where, in no qualified terms I had stated my *sole* ground of objecting to Major Coffin's demand, and where he would see that the mention of there being no tangible cause of complaint was in the form of a parenthesis, in no way connected with, or necessary to the understanding of the main sentence: that if any thing farther indicative of there having been no change in my sentiments could be required, it would be found in my original statement, *first* brought before him on that very day, and in which more irresistible proof was to be found, than in any thing I had before advanced, of a gross insult not having been atoned for." To this Mr. Kelly replied that his "*only* reason for supposing that I had abandoned the ground of the *no apology* was that I *had said nothing about it.*" To which I answered, "that I had called upon him on the Tuesday for the *sole* purpose of agreeing upon something that was to stand as a record of what had passed between us on the Monday, that the *main point*, viz. the impossibility of Capt. P. meeting Major C. for the reasons already assigned, had been *definitively* settled the day be-

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fore, and that the result I supposed had been communicated to his principal, and that if I had not said any thing upon the subject it must have arisen from my not thinking it necessary to repeat what had been so *recently*, so *unequivocally*, and so *formally* communicated, especially as its nature was unpleasant, and that even at our first interview I had not introduced it into our discussion until it became necessary—I added that what he had just said materially altered the case, but that others would, I was sure, construe the passage in a different way, as they would have no opportunity of hearing his interpretation of it. I then asked him if he would give me that interpretation in writing, which he declined, saying, that he wished to have nothing to do with any writing. I told him that I would not have made the request, had I not felt myself, at all times, as well as at that moment, disposed to give *him*, in writing, any thing he might choose to demand of what had passed between us—I have only to add, upon this subject, that had Mr. Kelly thought proper to furnish me, in writing, with his interpretation of the above passage, I should not have felt myself obliged to have recourse to the present mode of making it known to all those, into whose hands our respective statements have or may come, but should have allowed it to find its own way to those who might be anxious to see it.

Having now entered so far into this subject, I cannot forbear making a few observations, in reference to its general merits; and it appears to me that, although I availed myself of only *one*, there were *three* sufficiently strong and adequate reasons for Captain Piper not meeting Major Coffin, as required. The first is, "the non-assignment of any precise and definite cause of grievance,"—the second, "The insufficiency of the apology from Mr. Forbes, for what took place at Captain Piper's"—and the third, "There having been *no* apology *demande*d or *given* for the subsequent tenfold aggravated insult offered to Major Coffin by Mr. Forbes."—With respect to the first, I believe there is no instance where the Principal, in such cases, has persisted in pushing things to an extremity, contrary to the *declared* opinion of the two mediators, or friends, "that there was not sufficient matter to found a complaint upon." This has been done in the present case, by Major Coffin, who has, thereby, precluded what is always most essential and desirable in such cases, "the possibility of an atonement in the way of apology, (unless, indeed, such an apology as was dictated by him, upon his own terms, and which would have involved an utter loss of character,) and has also deprived the mediators of what has, for a long time, been considered their first duty," that of endeavouring to effect a reconciliation.

In respect to the second reason, from all that I have heard from the whole of the parties concerned, I can only draw this conclusion, "that Mr. Forbes regretted having taken too much wine, and that if he had not done so he would not have made use of such *gross expressions*; but afterwards, when he had not taken any wine, though he does not, it is true, make use of *gross expressions*, yet he directly charges Major Coffin with certain *gross conduct*, upon which those expressions were founded, omitting the *epithets*, but asserting the *facts*, and, as Mr. Kelly has recorded in *his statement*, saying, "that he would be upon his *oath* that it was the case," (namely, that Major Coffin had asserted an untruth.)

In respect to the third reason, I have never heard from any one, not *even* from Mr. Kelly himself, one syllable respecting an apology having been demanded or given for the reiterated insult offered by Mr. Forbes to Major Coffin, as related to me by Mr. Forbes, who knew, for I told him, that my conduct would be guided by what he had thus related, and who *saw, corrected* in one or two trifling instances, and *sanctioned*, as far as he was concerned, my original statement, the correctness of which, in relation to what had passed between us on Monday the 19th, Mr. Kelly confirmed *again*, this day, in the last words he uttered as I left the Island.

NOVEMBER 6, 1829.

Since the above was written, I have been informed that Major Coffin's conduct in reference to the late transactions has been approved of in Montreal and elsewhere, consequently we are now completely at an issue, for if *his* conduct has been correct, my judgment must have been erroneous, and my friend Capt. Piper will always have to lament that he entrusted his cause to my hands; it has therefore become still more imperative on me than ever to put forth this statement of facts, for which I court the *strictest* scrutiny, with a full confidence that when ~~they~~ shall have been thoroughly sifted, they will be found to bear me out in the deductions that I have made from them.

It may be necessary to add that the foregoing statement was at first intended to have been published in the newspaper, but at the suggestion of a friend I have presented it in the form it now bears.

G. W. AUBREY.

